

STATE OF MINNESOTA

EIGHTY-SIXTH SESSION — 2009

 FORTY-FIRST DAY

SAINT PAUL, MINNESOTA, SATURDAY, APRIL 25, 2009

The House of Representatives convened at 11:00 a.m. and was called to order by Melissa Hortman, Speaker pro tempore.

Prayer was offered by the Reverend Paul Rogers, Minneapolis, Minnesota.

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

The roll was called and the following members were present:

Abeler	Dettmer	Haws	Lanning	Nornes	Shimanski
Anderson, B.	Dill	Hilstrom	Lenczewski	Norton	Simon
Anderson, P.	Dittrich	Hilty	Lieder	Obermueller	Slawik
Anderson, S.	Doepke	Holberg	Lillie	Olin	Slocum
Anzelc	Doty	Hoppe	Loeffler	Otremba	Smith
Beard	Downey	Hornstein	Loon	Paymar	Solberg
Benson	Drazkowski	Hortman	Mack	Pelowski	Sterner
Bigham	Eastlund	Hosch	Magnus	Peppin	Swails
Bly	Eken	Howes	Mahoney	Persell	Thao
Brod	Emmer	Huntley	Mariani	Peterson	Thissen
Brown	Falk	Jackson	Marquart	Poppe	Tillberry
Brynaert	Faust	Johnson	Masin	Reinert	Torkelson
Buesgens	Fritz	Juhnke	McFarlane	Rosenthal	Urdahl
Bunn	Gardner	Kahn	McNamara	Rukavina	Ward
Carlson	Garofalo	Kalin	Morgan	Ruud	Welti
Champion	Gottwalt	Kath	Morrow	Sailer	Westrom
Clark	Greiling	Kelly	Mullery	Sanders	Winkler
Cornish	Gunther	Kiffmeyer	Murdock	Scalze	Zellers
Davids	Hackbarth	Knuth	Murphy, E.	Scott	Spk. Kelliher
Davnie	Hamilton	Koenen	Murphy, M.	Seifert	
Dean	Hansen	Kohls	Nelson	Sertich	
Demmer	Hausman	Laine	Newton	Severson	

A quorum was present.

Lesch was excused.

Liebling was excused until 1:45 p.m. Hayden was excused until 1:55 p.m. Atkins was excused until 4:35 p.m. Wagenius was excused until 4:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Morrow moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 680, A bill for an act relating to energy; providing direction for use of federal stimulus funds for energy programs.

Reported the same back with the following amendments:

Page 2, line 9, delete "and"

Page 2, line 11, delete the period and insert "; and"

Page 2, after line 11, insert:

"(8) ensuring that projects are cost-effective and maximize energy savings per dollar of stimulus funding expended."

Page 3, after line 4, insert:

"Subd. 3. **Background check.** Any person offering employment to an individual to conduct weatherization activities under this section shall request a criminal history background check from the superintendent of the Bureau of Criminal Apprehension on that individual. In order for an individual to be eligible for employment, the individual must provide an executed criminal history consent form and a money order or check payable to the Bureau of Criminal Apprehension in an amount equal to the actual cost to the Bureau of Criminal Apprehension of conducting the background check. The superintendent of the Bureau of Criminal Apprehension shall conduct the background check by retrieving criminal history data maintained in the criminal justice information system computers."

Subd. 4. **Employment prohibited.** An individual convicted of a violent crime, as defined in Minnesota Statutes, section 611A.08, subdivision 6, or a crime against property may not be hired to conduct weatherization activities under this section."

With the recommendation that when so amended the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 1362, A bill for an act relating to state government; establishing the health and human services budget; making changes to licensing; Minnesota family investment program, children, and adult supports; child support; the Department of Health and health care; health care programs; making technical changes; chemical and mental health; continuing care programs; establishing the State-County Results, Accountability, and Service Delivery Redesign; public health; health-related fees; making forecast adjustments; creating work groups and pilot projects; requiring reports; increasing fees; appropriating money for health and human services; amending Minnesota Statutes 2008, sections 13.465, subdivision 8; 62J.495; 62J.496; 62J.497, subdivisions 1, 2, by adding subdivisions; 62J.692, subdivision 7; 103I.208, subdivision 2; 125A.744, subdivision 3; 144.0724, subdivisions 2, 4, 8, by adding subdivisions; 144.121, subdivisions 1a, 1b; 144.122; 144.1222, subdivision 1a; 144.125, subdivision 1; 144.218,

subdivision 1; 144.225, subdivision 2; 144.2252; 144.226, subdivisions 1, 4; 144.72, subdivisions 1, 3; 144.9501, subdivisions 22b, 26a, by adding subdivisions; 144.9505, subdivisions 1g, 4; 144.9508, subdivisions 2, 3, 4; 144.9512, subdivision 2; 144.966, by adding a subdivision; 144.97, subdivisions 2, 4, 6, by adding subdivisions; 144.98, subdivisions 1, 2, 3, by adding subdivisions; 144.99, subdivision 1; 144A.073, by adding a subdivision; 144A.44, subdivision 2; 144A.46, subdivision 1; 148.108; 148.6445, by adding a subdivision; 148D.180, subdivisions 1, 2, 3, 5; 148E.180, subdivisions 1, 2, 3, 5; 153A.17; 156.015; 157.15, by adding a subdivision; 157.16; 157.22; 176.011, subdivision 9; 245.4885, subdivision 1; 245A.03, by adding a subdivision; 245A.10, subdivisions 2, 3, 4, 5, by adding subdivisions; 245A.11, subdivision 2a, by adding a subdivision; 245A.16, subdivisions 1, 3; 245C.03, subdivision 2; 245C.04, subdivisions 1, 3; 245C.05, subdivision 4; 245C.08, subdivision 2; 245C.10, subdivision 3, by adding subdivisions; 245C.17, by adding a subdivision; 245C.20; 245C.21, subdivision 1a; 245C.23, subdivision 2; 246.50, subdivision 5, by adding subdivisions; 246.51, by adding subdivisions; 246.511; 246.52; 246B.01, by adding subdivisions; 252.46, by adding a subdivision; 252.50, subdivision 1; 254A.02, by adding a subdivision; 254A.16, by adding a subdivision; 254B.03, subdivisions 1, 3, by adding a subdivision; 254B.05, subdivision 1; 254B.09, subdivision 2; 256.01, subdivision 2b, by adding subdivisions; 256.476, subdivisions 5, 11; 256.962, subdivisions 2, 6; 256.963, by adding a subdivision; 256.969, subdivision 3a; 256.975, subdivision 7; 256B.04, subdivision 16; 256B.055, subdivisions 7, 12; 256B.056, subdivisions 3, 3b, 3c, by adding a subdivision; 256B.057, subdivisions 3, 9, by adding a subdivision; 256B.0575; 256B.0595, subdivisions 1, 2; 256B.06, subdivisions 4, 5; 256B.0621, subdivision 2; 256B.0625, subdivisions 3c, 7, 8, 8a, 9, 13e, 17, 19a, 19c, 26, 41, 47; 256B.0631, subdivision 1; 256B.0651; 256B.0652; 256B.0653; 256B.0654; 256B.0655, subdivisions 1b, 4; 256B.0657, subdivisions 2, 6, 8, by adding a subdivision; 256B.08, by adding a subdivision; 256B.0911, subdivisions 1, 1a, 3, 3a, 4a, 5, 6, 7, by adding subdivisions; 256B.0913, subdivision 4; 256B.0915, subdivisions 3e, 3h, 5, by adding a subdivision; 256B.0916, subdivision 2; 256B.0917, by adding a subdivision; 256B.092, subdivision 8a, by adding subdivisions; 256B.0944, by adding a subdivision; 256B.0945, subdivision 4; 256B.0947, subdivision 1; 256B.15, subdivisions 1, 1a, 1h, 2, by adding subdivisions; 256B.37, subdivisions 1, 5; 256B.437, subdivision 6; 256B.441, subdivisions 48, 55, by adding subdivisions; 256B.49, subdivisions 12, 13, 14, 17, by adding subdivisions; 256B.501, subdivision 4a; 256B.5011, subdivision 2; 256B.5012, by adding a subdivision; 256B.5013, subdivision 1; 256B.69, subdivisions 5a, 5c, 5f; 256B.76, subdivisions 1, 4, by adding a subdivision; 256B.761; 256D.03, subdivision 4; 256D.051, subdivision 2a; 256D.0515; 256D.06, subdivision 2; 256D.09, subdivision 6; 256D.44, subdivision 5; 256D.49, subdivision 3; 256G.02, subdivision 6; 256I.03, subdivision 7; 256I.05, subdivisions 1a, 7c; 256J.20, subdivision 3; 256J.24, subdivisions 5a, 10; 256J.37, subdivision 3a, by adding a subdivision; 256J.38, subdivision 1; 256J.45, subdivision 3; 256J.575, subdivisions 3, 6, 7; 256J.621; 256J.626, subdivision 6; 256J.751, by adding a subdivision; 256J.95, subdivision 12; 256L.04, subdivision 10a, by adding a subdivision; 256L.05, subdivision 1, by adding subdivisions; 256L.11, subdivisions 1, 7; 256L.12, subdivision 9; 256L.17, subdivision 3; 259.89, subdivision 1; 260C.317, subdivision 4; 327.14, by adding a subdivision; 327.15; 327.16; 327.20, subdivision 1, by adding a subdivision; 393.07, subdivision 10; 501B.89, by adding a subdivision; 518A.53, subdivisions 1, 4, 10; 519.05; 604A.33, subdivision 1; 609.232, subdivision 11; 626.556, subdivision 3c; 626.5572, subdivisions 6, 13, 21; Laws 2003, First Special Session chapter 14, article 13C, section 2, subdivision 1, as amended; Laws 2007, chapter 147, article 19, section 3, subdivision 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 62Q; 144; 156; 246B; 254B; 256; 256B; proposing coding for new law as Minnesota Statutes, chapter 402A; repealing Minnesota Statutes 2008, sections 62U.08; 103I.112; 144.9501, subdivision 17b; 148D.180, subdivision 8; 246.51, subdivision 1; 246.53, subdivision 3; 256.962, subdivision 7; 256B.0655, subdivisions 1, 1a, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13; 256B.071, subdivisions 1, 2, 3, 4; 256B.092, subdivision 5a; 256B.19, subdivision 1d; 256B.431, subdivision 23; 256D.46; 256I.06, subdivision 9; 256J.626, subdivision 7; 259.83, subdivision 3; 259.89, subdivisions 2, 3, 4; 327.14, subdivisions 5, 6; Laws 1988, chapter 689, section 251; Minnesota Rules, parts 4626.2015, subpart 9; 9100.0400, subparts 1, 3; 9100.0500; 9100.0600; 9500.1243, subpart 3; 9500.1261, subparts 3, 4, 5, 6; 9555.6125, subpart 4, item B.

Reported the same back with the following amendments:

Page 21, after line 5, insert:

"Sec. 32. Minnesota Statutes 2008, section 256B.0945, subdivision 4, is amended to read:

Subd. 4. **Payment rates.** (a) Notwithstanding sections 256B.19 and 256B.041, payments to counties for residential services provided by a residential facility shall only be made of federal earnings for services provided under this section, and the nonfederal share of costs for services provided under this section shall be paid by the county from sources other than federal funds or funds used to match other federal funds. Payment to counties for services provided according to this section shall be a proportion of the per day contract rate that relates to rehabilitative mental health services and shall not include payment for costs or services that are billed to the IV-E program as room and board.

(b) Per diem rates paid to providers under this section by prepaid plans shall be the proportion of the per-day contract rate that relates to rehabilitative mental health services and shall not include payment for group foster care costs or services that are billed to the county of financial responsibility.

(c) The commissioner shall ~~set aside a portion not to exceed~~ retain five percent of the federal funds earned for county expenditures under this section to cover the state costs of administering this section, and to reduce licensing fees charged to facilities providing services under this section. ~~Any unexpended funds from the set-aside shall be distributed to the counties in proportion to their earnings under this section."~~

Page 29, line 35, delete "\$125" and insert "\$70"

Page 30, line 5, delete "\$125" and insert "\$70"

Page 65, line 28, delete "retroactively from August 1, 2008" and insert "August 1, 2010"

Page 74, delete lines 23 to 36 and insert:

"(d) A beneficiary's interest in a pooled trust is considered an available asset unless the trust provides that upon the death of the beneficiary or termination of the trust during the beneficiary's lifetime, whichever is sooner, the department receives any amount, up to the amount of medical assistance benefits paid on behalf of the beneficiary, remaining in the beneficiary's trust account after a deduction for reasonable administrative fees and expenses, and an additional remainder amount. The retained remainder amount of the subaccount must not exceed ten percent of the account value at the time of the beneficiary's death or termination of the trust, and must only be used for the benefit of disabled individuals who have a beneficiary interest in the pooled trust."

Page 76, line 12, delete "January 1, 2010" and insert "July 1, 2011"

Page 91, line 9, delete everything after the second "and " and insert "a designee of the commissioner of health"

Page 91, line 10, delete everything before the period

Page 91, after line 25, insert:

"(d) The Health Services Policy Committee shall monitor and track the practice patterns of physicians providing services to medical assistance, MinnesotaCare, and general assistance medical care enrollees under fee-for-service, managed care, and county-based purchasing. The committee shall focus on services or specialties for which there is a high variation in utilization across physicians, or which are associated with high medical costs. The commissioner, based upon the findings of the committee, shall regularly notify physicians whose practice patterns indicate higher than average utilization or costs. Managed care and county-based purchasing plans shall provide the committee with utilization and cost data necessary to implement this paragraph."

Page 120, line 9, delete "January 1, 2010" and insert "July 1, 2011"

Page 122, after line 19, insert:

"EFFECTIVE DATE. This section is effective July 1, 2011, or upon federal approval, whichever is later."

Page 136, delete section 57

Page 172, line 5, delete "June 1, 2009" and insert "July 1, 2011"

Page 172, line 15, delete "2009" and insert "2011"

Page 172, line 29, delete "2009" and insert "2011"

Page 172, line 32, delete "2011" and insert "2013"

Page 178, lines 20 to 22, reinstate the stricken language

Page 178, lines 22 to 26, delete the new language

Page 179, delete lines 25 and 26

Page 182, delete lines 1 and 2

Page 184, after line 33, insert:

"Sec. 23. Minnesota Statutes 2008, section 256B.0641, subdivision 3, is amended to read:

Subd. 3. **Facility in receivership.** Subdivision 2 does not apply to the change of ownership of a facility to a nonrelated organization while the facility to be sold, transferred or reorganized is in receivership under section 144A.14, 144A.15, 245A.12, or 245A.13, and the commissioner during the receivership has not determined the need to place residents of the facility into a newly constructed or newly established facility. Nothing in this subdivision limits the liability of a former owner."

Page 209, line 20, strike "or" and insert "and"

Page 231, line 17, delete "and"

Page 231, line 20, delete the period and insert "; and"

Page 231, after line 20, insert:

"(14) request reassessments at least 60 days prior to the end of the current authorization for personal care assistant services on forms provided by the commissioner."

Page 237, line 6, delete "15 calendar" and insert "20 working"

Page 259, line 5, delete everything after the period

Page 259, delete line 6

Page 270, line 11, after "21" insert a period

Page 270, after line 11, insert:

"Sec. 81. **REVIEW OF ELIGIBILITY.**

A county may utilize an eligibility review panel comprised of the county social services director or designee, a county commissioner, and a social worker to review the eligibility of each person currently receiving services under Minnesota Statutes, sections 256B.0659, 256B.092, and 256B.49. If a person currently receiving services is found to be ineligible, the county must discontinue the inappropriately received services to that person. The commissioner of human services may provide technical assistance to the counties in redetermining eligibility for these programs.

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

Page 272, line 10, after "for" insert "all" and after "programs" insert "based on the current level of resources available"

Page 272, line 12, delete "outcome" and insert "performance"

Page 272, line 13, delete "goals" and insert "measures"

Page 272, line 19, delete "outcome goals" and insert "performance measures"

Page 272, line 21, delete "three-year schedule of ongoing program" and insert "schedule to complete program reviews of all essential services within three years,"

Page 272, line 22, delete "reviews to" and delete "outcome goals" and insert "performance measures and goals based on those measures"

Page 272, line 23, delete the comma and insert a period and delete "taking" and insert "The funding recommendations shall take"

Page 272, lines 29 and 30, delete "outcome goals" and insert "performance measures"

Page 272, line 31, delete "achievement of these goals" and insert "data will be collected and performance"

Page 272, line 33, delete "included" and insert "addressed" and delete "outcome goals" and insert "performance measures"

Page 273, line 12, after "the" insert "governor and"

Page 273, line 13, delete "outcome goals" and insert "performance measures"

Page 273, line 14, delete "identify" and insert "recommend" and delete "administrative"

Page 273, delete lines 18 to 21

Page 286, line 9, delete "commissioners" and insert "commissioner"

Page 294, line 11, delete "144.97;" and insert "144.97 to"

Page 294, after line 17, insert:

"Sec. 35. Minnesota Statutes 2008, section 153A.17, is amended to read:

153A.17 EXPENSES; FEES.

(a) The expenses for administering the certification requirements including the complaint handling system for certified hearing aid dispensers in sections 153A.14 and 153A.15 and the Consumer Information Center under section 153A.18 must be paid from initial application and examination fees, renewal fees, penalties, and fines. ~~All fees are nonrefundable.~~

(b) The certificate application fee is \$350, the examination fee is \$250 for the written portion and \$250 for the practical portion each time one or the other is taken, and the trainee application fee is \$200. The penalty fee for late submission of a renewal application is \$200. The fee for verification of certification to other jurisdictions or entities is \$25. All fees are nonrefundable.

(c) All fees, penalties, and fines received must be deposited in the state government special revenue fund. The commissioner may prorate the certification fee for new applicants based on the number of quarters remaining in the annual certification period.

(d) The fees charged by the commissioner must reflect the actual costs of administering the program under paragraph (a). Fees must not be increased to cover the costs associated with investigating allegations against uncertified hearing aid dispensers."

Page 310, line 11, delete everything after the period

Page 310, delete lines 12 to 14

Page 314, delete section 10

Page 318, delete article 13 and insert:

"ARTICLE 13

MISCELLANEOUS

Section 1. Minnesota Statutes 2008, section 256.045, subdivision 3, is amended to read:

Subd. 3. **State agency hearings.** (a) State agency hearings are available for the following:

(1) any person applying for, receiving or having received public assistance, medical care, or a program of social services granted by the state agency or a county agency or the federal Food Stamp Act whose application for assistance is denied, not acted upon with reasonable promptness, or whose assistance is suspended, reduced, terminated, or claimed to have been incorrectly paid;

(2) any patient or relative aggrieved by an order of the commissioner under section 252.27;

(3) a party aggrieved by a ruling of a prepaid health plan;

(4) except as provided under chapter 245C, any individual or facility determined by a lead agency to have maltreated a vulnerable adult under section 626.557 after they have exercised their right to administrative reconsideration under section 626.557;

(5) any person whose claim for foster care payment according to a placement of the child resulting from a child protection assessment under section 626.556 is denied or not acted upon with reasonable promptness, regardless of funding source;

(6) any person to whom a right of appeal according to this section is given by other provision of law;

(7) an applicant aggrieved by an adverse decision to an application for a hardship waiver under section 256B.15;

(8) an applicant aggrieved by an adverse decision to an application or redetermination for a Medicare Part D prescription drug subsidy under section 256B.04, subdivision 4a;

(9) except as provided under chapter 245A, an individual or facility determined to have maltreated a minor under section 626.556, after the individual or facility has exercised the right to administrative reconsideration under section 626.556; ~~or~~

(10) except as provided under chapter 245C, an individual disqualified under sections 245C.14 and 245C.15, on the basis of serious or recurring maltreatment; a preponderance of the evidence that the individual has committed an act or acts that meet the definition of any of the crimes listed in section 245C.15, subdivisions 1 to 4; or for failing to make reports required under section 626.556, subdivision 3, or 626.557, subdivision 3. Hearings regarding a maltreatment determination under clause (4) or (9) and a disqualification under this clause in which the basis for a disqualification is serious or recurring maltreatment, which has not been set aside under sections 245C.22 and 245C.23, shall be consolidated into a single fair hearing. In such cases, the scope of review by the human services referee shall include both the maltreatment determination and the disqualification. The failure to exercise the right to an administrative reconsideration shall not be a bar to a hearing under this section if federal law provides an individual the right to a hearing to dispute a finding of maltreatment. Individuals and organizations specified in this section may contest the specified action, decision, or final disposition before the state agency by submitting a written request for a hearing to the state agency within 30 days after receiving written notice of the action, decision, or final disposition, or within 90 days of such written notice if the applicant, recipient, patient, or relative shows good cause why the request was not submitted within the 30-day time limit; or

(11) any person with an outstanding debt resulting from receipt of public assistance, medical care, or the federal Food Stamp Act who is contesting a setoff claim by the Department of Human Services or a county agency. The scope of the appeal is the validity of the claimant agency's intention to request a setoff of a refund under chapter 270A against the debt.

(b) The hearing for an individual or facility under paragraph (a), clause (4), (9), or (10), is the only administrative appeal to the final agency determination specifically, including a challenge to the accuracy and completeness of data under section 13.04. Hearings requested under paragraph (a), clause (4), apply only to incidents of maltreatment that occur on or after October 1, 1995. Hearings requested by nursing assistants in nursing homes alleged to have maltreated a resident prior to October 1, 1995, shall be held as a contested case proceeding under the provisions of chapter 14. Hearings requested under paragraph (a), clause (9), apply only to incidents of maltreatment that occur on or after July 1, 1997. A hearing for an individual or facility under paragraph (a), clause (9), is only available when there is no juvenile court or adult criminal action pending. If such action is filed in either court while an administrative review is pending, the administrative review must be suspended until the judicial actions are completed. If the juvenile court action or criminal charge is dismissed or the criminal action overturned, the matter may be considered in an administrative hearing.

(c) For purposes of this section, bargaining unit grievance procedures are not an administrative appeal.

(d) The scope of hearings involving claims to foster care payments under paragraph (a), clause (5), shall be limited to the issue of whether the county is legally responsible for a child's placement under court order or voluntary placement agreement and, if so, the correct amount of foster care payment to be made on the child's behalf and shall not include review of the propriety of the county's child protection determination or child placement decision.

(e) A vendor of medical care as defined in section 256B.02, subdivision 7, or a vendor under contract with a county agency to provide social services is not a party and may not request a hearing under this section, except if assisting a recipient as provided in subdivision 4.

(f) An applicant or recipient is not entitled to receive social services beyond the services prescribed under chapter 256M or other social services the person is eligible for under state law.

(g) The commissioner may summarily affirm the county or state agency's proposed action without a hearing when the sole issue is an automatic change due to a change in state or federal law.

Sec. 2. Minnesota Statutes 2008, section 256.983, subdivision 1, is amended to read:

Subdivision 1. **Programs established.** Within the limits of available appropriations, the commissioner of human services shall require the maintenance of budget neutral fraud prevention investigation programs in the counties participating in the fraud prevention investigation project established under this section. If funds are sufficient, the commissioner may also extend fraud prevention investigation programs to other counties provided the expansion is budget neutral to the state. Under any expansion, the commissioner has the final authority in decisions regarding the creation and realignment of individual count or regional operations.

Sec. 3. Minnesota Statutes 2008, section 259.67, is amended by adding a subdivision to read:

Subd. 3b. **Extension; adoption finalized after age 16.** A child who has attained the age of 16 prior to finalization of their adoption is eligible for extension of the adoption assistance agreement to the date the child attains age 21 if the child is:

(1) completing a secondary education program or a program leading to an equivalent credential;

(2) enrolled in an institution which provides postsecondary or vocational education;

(3) participating in a program or activity designed to promote or remove barriers to employment;

(4) employed for at least 80 hours per month; or

(5) incapable of doing any of the activities described in clauses (1) to (4) due to a medical condition which incapability is supported by regularly updated information in the case plan of the child.

EFFECTIVE DATE. This section is effective October 1, 2010.

Sec. 4. Minnesota Statutes 2008, section 270A.09, is amended by adding a subdivision to read:

Subd. 1b. **Department of Human Services claims.** Notwithstanding subdivision 1, any debtor contesting a setoff claim by the Department of Human Services or a county agency whose claim relates to a debt resulting from receipt of public assistance, medical care, or the federal Food Stamp Act shall have a hearing conducted in the same manner as an appeal under sections 256.045 and 256.0451."

Page 328, delete article 14

Page 330, line 6, delete "15" and insert "14"

Page 331, delete article 16 and insert:

"ARTICLE 15

APPROPRIATIONS

Section 1. SUMMARY OF APPROPRIATIONS.

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

	<u>2010</u>	<u>2011</u>	<u>Total</u>
<u>General</u>	\$4,362,970,000	\$5,223,144,000	\$9,586,114,000
<u>State Government Special Revenue</u>	63,219,000	63,139,000	126,358,000
<u>Health Care Access</u>	484,881,000	575,920,000	1,060,801,000
<u>Federal TANF</u>	288,605,000	256,149,000	544,754,000
<u>Lottery Prize</u>	1,665,000	1,665,000	3,330,000
<u>Federal Fund</u>	104,300,000	0	104,300,000
<u>Total</u>	<u>\$5,305,640,000</u>	<u>\$6,120,010,000</u>	<u>\$11,425,657,000</u>

Sec. 2. HEALTH AND HUMAN SERVICES APPROPRIATION.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations from the federal fund are from money received under the American Reinvestment and Recovery Act of 2009, Public Law 111-5, unless otherwise specified. Appropriations for the fiscal year ending June 30, 2009, are effective the day following final enactment.

APPROPRIATIONS
Available for the Year
Ending June 30

2010 **2011**

Sec. 3. HUMAN SERVICESSubdivision 1. Total Appropriation**\$5,157,375,000****\$5,954,708,000**Appropriations by Fund

	<u>2010</u>	<u>2011</u>
<u>General</u>	4,282,964,000	5,153,316,000
<u>State Government Special Revenue</u>	1,315,000	565,000

<u>Health Care Access</u>	<u>478,526,000</u>	<u>569,113,000</u>
<u>Federal TANF</u>	<u>288,605,000</u>	<u>230,049,000</u>
<u>Lottery Prize</u>	<u>1,665,000</u>	<u>1,665,000</u>
<u>Federal Fund</u>	<u>104,300,000</u>	<u>0</u>

Receipts for Systems Projects. Appropriations and federal receipts for information systems projects for MAXIS, PRISM, MMIS, and SSIS must be deposited in the state system account authorized in Minnesota Statutes, section 256.014. Money appropriated for computer projects approved by the Minnesota Office of Enterprise Technology, funded by the legislature, and approved by the commissioner of finance, may be transferred from one project to another and from development to operations as the commissioner of human services considers necessary. Any unexpended balance in the appropriation for these projects does not cancel but is available for ongoing development and operations.

Nonfederal Share Transfers. The nonfederal share of activities for which federal administrative reimbursement is appropriated to the commissioner may be transferred to the special revenue fund.

TANF Maintenance of Effort.

(a) In order to meet the basic maintenance of effort (MOE) requirements of the TANF block grant specified under Code of Federal Regulations, title 45, section 263.1, the commissioner may only report nonfederal money expended for allowable activities listed in the following clauses as TANF/MOE expenditures:

(1) MFIP cash, diversionary work program, and food assistance benefits under Minnesota Statutes, chapter 256J;

(2) the child care assistance programs under Minnesota Statutes, sections 119B.03 and 119B.05, and county child care administrative costs under Minnesota Statutes, section 119B.15;

(3) state and county MFIP administrative costs under Minnesota Statutes, chapters 256J and 256K;

(4) state, county, and tribal MFIP employment services under Minnesota Statutes, chapters 256J and 256K;

(5) expenditures made on behalf of noncitizen MFIP recipients who qualify for the medical assistance without federal financial participation program under Minnesota Statutes, section 256B.06, subdivision 4, paragraphs (d), (e), and (j); and

(6) qualifying working family credit expenditures under Minnesota Statutes, section 290.0671.

(b) The commissioner shall ensure that sufficient qualified nonfederal expenditures are made each year to meet the state's TANF/MOE requirements. For the activities listed in paragraph (a), clauses (2) to (6), the commissioner may only report expenditures that are excluded from the definition of assistance under Code of Federal Regulations, title 45, section 260.31.

(c) For fiscal years beginning with state fiscal year 2003, the commissioner shall ensure that the maintenance of effort used by the commissioner of finance for the February and November forecasts required under Minnesota Statutes, section 16A.103, contains expenditures under paragraph (a), clause (1), equal to at least 16 percent of the total required under Code of Federal Regulations, title 45, section 263.1.

(d) For the federal fiscal years beginning on or after October 1, 2007, the commissioner may not claim an amount of TANF/MOE in excess of the 75 percent standard in Code of Federal Regulations, title 45, section 263.1(a)(2), except:

(1) to the extent necessary to meet the 80 percent standard under Code of Federal Regulations, title 45, section 263.1(a)(1), if it is determined by the commissioner that the state will not meet the TANF work participation target rate for the current year;

(2) to provide any additional amounts under Code of Federal Regulations, title 45, section 264.5, that relate to replacement of TANF funds due to the operation of TANF penalties; and

(3) to provide any additional amounts that may contribute to avoiding or reducing TANF work participation penalties through the operation of the excess MOE provisions of Code of Federal Regulations, title 45, section 261.43(a)(2).

For the purposes of clauses (1) to (3), the commissioner may supplement the MOE claim with working family credit expenditures to the extent such expenditures or other qualified expenditures are otherwise available after considering the expenditures allowed in this section.

(e) Minnesota Statutes, section 256.011, subdivision 3, which requires that federal grants or aids secured or obtained under that subdivision be used to reduce any direct appropriations provided by law, do not apply if the grants or aids are federal TANF funds.

(f) Notwithstanding any contrary provision in this article, this provision expires June 30, 2013.

Working Family Credit Expenditures as TANF/MOE. The commissioner may claim as TANF/MOE up to \$6,707,000 per year for fiscal year 2010 through fiscal year 2011.

Working Family Credit Expenditures to be Claimed for TANF/MOE. The commissioner may count the following amounts of working family credit expenditure as TANF/MOE:

(1) fiscal year 2010, \$23,688,000;

(2) fiscal year 2011, \$42,002,000;

(3) fiscal year 2012, \$48,701,000; and

(4) fiscal year 2013, \$49,359,000.

Notwithstanding any contrary provision in this article, this rider expires June 30, 2013.

TANF Transfer to Federal Child Care and Development Fund. The following TANF fund amounts are appropriated to the commissioner for the purposes of MFIP and transition year child care under Minnesota Statutes, section 119B.05:

(1) fiscal year 2010, \$0;

(2) fiscal year 2011, \$8,959,000;

(3) fiscal year 2012, \$35,129,000; and

(4) fiscal year 2013, \$35,848,000.

The commissioner shall authorize the transfer of sufficient TANF funds to the federal child care and development fund to meet this appropriation and shall ensure that all transferred funds are expended according to federal child care and development fund regulations. The transferred funds shall be used to offset any general fund reductions to MFIP child care in this article.

Emergency Fund for the TANF Program. TANF Emergency Contingency funds available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) are appropriated to the commissioner. The commissioner must request TANF Emergency Contingency funds from the Secretary of the Department of Health and Human Services to the extent the commissioner meets or expects to meet the requirements of section 403(c) of the Social Security Act. The commissioner must seek to maximize such grants. The funds received must be used as appropriated.

Subd. 2. Agency Management

The amounts that may be spent from the appropriation for each purpose are as follows:

(a) Financial Operations

<u>Appropriations by Fund</u>		
<u>General</u>	<u>3,380,000</u>	<u>3,908,000</u>
<u>Health Care Access</u>	<u>1,241,000</u>	<u>1,016,000</u>
<u>Federal TANF</u>	<u>122,000</u>	<u>122,000</u>

(b) Legal and Regulatory Operations

<u>Appropriations by Fund</u>		
<u>General</u>	<u>13,710,000</u>	<u>13,495,000</u>
<u>State Government Special Revenue</u>	<u>440,000</u>	<u>440,000</u>
<u>Health Care Access</u>	<u>943,000</u>	<u>943,000</u>
<u>Federal TANF</u>	<u>100,000</u>	<u>100,000</u>

Base Adjustment. The general fund base is decreased \$4,550,000 in fiscal year 2012 and \$4,550,000 in fiscal year 2013. The state government special revenue fund base is increased \$4,500,000 in fiscal year 2012 and \$4,500,000 in fiscal year 2013.

(c) Management Operations

<u>Appropriations by Fund</u>		
<u>General</u>	<u>4,715,000</u>	<u>4,715,000</u>
<u>Health Care Access</u>	<u>242,000</u>	<u>242,000</u>

(d) Information Technology Operations

<u>Appropriations by Fund</u>		
<u>General</u>	<u>28,077,000</u>	<u>28,077,000</u>
<u>Health Care Access</u>	<u>4,856,000</u>	<u>4,868,000</u>

<u>Subd. 3. Revenue and Pass-Through Revenue Expenditures</u>	<u>65,746,000</u>	<u>76,027,000</u>
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This appropriation is from the federal TANF fund.

Subd. 4. Children and Economic Assistance Grants

The amounts that may be spent from this appropriation for each purpose are as follows:

(a) MFIP/DWP GrantsAppropriations by Fund

<u>General</u>	<u>68,634,000</u>	<u>98,587,000</u>
<u>Federal TANF</u>	<u>96,357,000</u>	<u>68,320,000</u>

(b) Support Services GrantsAppropriations by Fund

<u>General</u>	<u>8,715,000</u>	<u>8,715,000</u>
<u>Federal TANF</u>	<u>113,711,000</u>	<u>99,111,000</u>

MFIP Consolidated Fund. The MFIP consolidated fund TANF appropriation is reduced by \$5,500,000 in fiscal year 2011.

Integrated Services Program Funding. The TANF appropriation for integrated services program funding is \$1,250,000 in fiscal year 2010 and \$0 in fiscal year 2011.

TANF Emergency Fund; Nonrecurrent Short-Term Benefits. TANF Emergency Contingency fund grants received due to increases in expenditures for nonrecurrent short-term benefits must be used to offset the increase in these expenditures for counties under the MFIP consolidated fund under Minnesota Statutes, section 256J.626, and the diversionary work program. The commissioner shall develop procedures to maximize reimbursement of these expenditures over the TANF emergency fund base year quarters.

(c) <u>MFIP Child Care Assistance Grants</u>	<u>(18,000)</u>	<u>(9,254,000)</u>
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(d) <u>Child Care Development Grants</u>	<u>4,000</u>	<u>4,000</u>
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(e) <u>Child Support Enforcement Grants</u>	<u>3,705,000</u>	<u>3,705,000</u>
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(f) Children's Services GrantsAppropriations by Fund

<u>General</u>	<u>47,533,000</u>	<u>50,498,000</u>
<u>Federal TANF</u>	<u>340,000</u>	<u>240,000</u>

Base Adjustment. The general fund base is increased by \$3,094,000 in fiscal year 2012 and \$18,907,000 in fiscal year 2013.

Privatized Adoption Grants. Federal reimbursement for privatized adoption grant and foster care recruitment grant expenditures is appropriated to the commissioner for adoption grants and foster care and adoption administrative purposes.

Adoption Assistance Incentive Grants. Federal funds available during fiscal year 2010 and fiscal year 2011 for the adoption incentive grants are appropriated to the commissioner for these purposes.

Adoption Assistance and Relative Custody Assistance. The commissioner may transfer unencumbered appropriation balances for adoption assistance and relative custody assistance between fiscal years and between programs.

(g) Children and Community Services Grants

67,604,000

67,463,000

Targeted Case Management Temporary Funding Adjustment. The commissioner shall recover from each county and tribe receiving a targeted case management temporary funding payment in fiscal year 2008 an amount equal to that payment. The commissioner shall recover one-half of the funds by February 1, 2010, and the remainder by February 1, 2011. At the commissioner's discretion and at the request of a county or tribe, the commissioner may revise the payment schedule, but full payment must not be delayed beyond May 1, 2011. The commissioner may use the recovery procedure under Minnesota Statutes, section 256.017, to recover the funds. Recovered funds must be deposited into the general fund.

(h) General Assistance Grants

49,315,000

49,708,000

General Assistance Standard. The commissioner shall set the monthly standard of assistance for general assistance units consisting of an adult recipient who is childless and unmarried or living apart from parents or a legal guardian at \$203. The commissioner may reduce this amount according to Laws 1997, chapter 85, article 3, section 54.

Combining Emergency Assistance for MSA and GA. The amount appropriated for emergency general assistance funds is limited to no more than \$8,989,812 in fiscal year 2010 and \$8,989,812 in fiscal year 2011. Funds to counties must be allocated by the commissioner using the allocation method specified in Minnesota Statutes, section 256D.06.

(i) Minnesota Supplemental Aid Grants

32,850,000

34,166,000

(j) Group Residential Housing Grants 111,689,000 113,937,000

(k) Other Children and Economic Assistance Grants 16,342,000 15,339,000

Homeless and Runaway Youth. \$238,000 in fiscal year 2010 is for the Runaway and Homeless Youth Act under Minnesota Statutes, section 256K.45. Funds shall be spent in each area of the continuum of care to ensure that programs are meeting the greatest need. Any unexpended balance in the first year is available in the second year. Beginning July 1, 2011, the base is increased by \$119,000 each year.

Foodshelf Programs. \$275,000 in fiscal year 2010 is for foodshelf programs under Minnesota Statutes, section 256E.34. This is a onetime appropriation and is available until expended. This appropriation is to complement the federal funding under the American Recovery and Reinvestment Act.

Supportive Housing Services. \$1,500,000 each year is for supportive services under Minnesota Statutes, section 256K.26. This is a onetime appropriation. Beginning in fiscal year 2012, the base is increased by \$68,000 per year.

Community Action Grants. Community action grants are reduced one time by \$1,764,000 each year. This reduction is due to the availability of federal funds under the American Recovery and Reinvestment Act.

(l) Children's Mental Health Grants 16,885,000 16,882,000

Funding Usage. Up to 75 percent of a fiscal year's appropriation for children's mental health grants may be used to fund allocations in that portion of the fiscal year ending December 31.

Subd. 5. Children and Economic Assistance Management

The amounts that may be spent from the appropriation for each purpose are as follows:

(a) Children and Economic Assistance Administration

Appropriations by Fund

General	<u>10,218,000</u>	<u>10,208,000</u>
Federal TANF	<u>496,000</u>	<u>496,000</u>

(b) Children and Economic Assistance Operations

Appropriations by Fund

<u>General</u>	<u>33,773,000</u>	<u>33,423,000</u>
<u>Health Care Access</u>	<u>361,000</u>	<u>361,000</u>

Financial Institution Data Match and Payment of Fees. The commissioner is authorized to allocate up to \$310,000 each year in fiscal years 2010 and 2011 from the PRISM special revenue account to make payments to financial institutions in exchange for performing data matches between account information held by financial institutions and the public authority's database of child support obligors as authorized by Minnesota Statutes, section 13B.06, subdivision 7.

Subd. 6. Basic Health Care Grants

ARRA Food Support Administration. The funds available for food support administration under American Recovery and Reinvestment Act of 2009 must be appropriated to the commissioner for implementing the food support benefit increases, increased eligibility determinations and outreach. Of these funds, 20 percent shall be allocated to the commissioner and 80 percent must be allocated to counties. The commissioner shall reimburse counties proportionate to their food support caseload based on data for the most recent quarter available. Tribal reimbursement must be made from the state portion based on a caseload factor equivalent to that of a county.

Expenditure Limit; Critical Access Dental. For calendar years beginning on or after January 1, 2010, the commissioner shall limit annual expenditures for the critical access dental provider program under Minnesota Statutes, sections 256B.76, subdivisions 4 and 4a, and 256L.11, subdivision 7, to 75 percent of the expenditure level for the calendar year ending December 31, 2008.

The amounts that may be spent from this appropriation for each purpose are as follows:

<u>(a) MinnesotaCare Grants</u>	<u>414,258,000</u>	<u>500,972,000</u>
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This appropriation is from the health care access fund.

<u>(b) MA Basic Health Care Grants - Families and Children</u>	<u>755,232,000</u>	<u>983,066,000</u>
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Medical Education Research Costs (MERC). Of these funds, the commissioner of human services shall transfer \$38,000,000 in fiscal year 2010 to the medical education research fund. These funds must restore the fiscal year 2009 unallotment of the transfers under Minnesota Statutes, section 256B.69, subdivision 5c, paragraph (a), for the July 1, 2008, through June 30, 2009, period.

Local Share Payment Modification Required for ARRA Compliance. Effective retroactively from October 1, 2008, to June 30, 2009, the state shall reduce Hennepin County's monthly contribution to the nonfederal share of medical assistance costs to the percentage required on September 1, 2008, to meet federal requirements for enhanced federal match under the American Reinvestment and Recovery Act of 2009. Notwithstanding the requirements of Minnesota Statutes 2008, section 256B.19, subdivision 1c, paragraph (d), for the period beginning October 1, 2008, to June 30, 2009, Hennepin County's monthly payment under that provision is reduced to \$434,688.

Capitation Payments. Effective retroactively from October 1, 2008, to December 31, 2010, and notwithstanding the requirements of Minnesota Statutes 2008, section 256B.19, subdivision 1c, paragraph (c), the commissioner of human services shall increase capitation payments made to the Metropolitan Health Plan under Minnesota Statutes 2008, section 256B.69, by \$6,800,000 to recognize higher than average medical education costs. The increased amount includes federal matching money.

(c) MA Basic Health Care Grants - Elderly and Disabled 969,033,000 1,177,128,000

(d) General Assistance Medical Care Grants

Appropriations by Fund

<u>General</u>	<u>237,043,000</u>	<u>380,536,000</u>
<u>Federal</u>	<u>104,300,000</u>	<u>0</u>

Use of Federal Funds. \$99,300,000 in fiscal year 2010 is appropriated from the fiscal stabilization funds in the federal fund. This is a onetime appropriation.

(e) Other Health Care Grants

Appropriations by Fund

<u>General</u>	<u>295,000</u>	<u>295,000</u>
<u>Health Care Access</u>	<u>940,000</u>	<u>190,000</u>

Subd. 7. **Health Care Management**

The amounts that may be spent from the appropriation for each purpose are as follows:

(a) Health Care Administration

Appropriations by Fund

<u>General</u>	<u>7,779,000</u>	<u>7,535,000</u>
<u>Health Care Access</u>	<u>1,812,000</u>	<u>906,000</u>

(b) Health Care OperationsAppropriations by Fund

<u>General</u>	<u>19,902,000</u>	<u>18,869,000</u>
<u>Health Care Access</u>	<u>24,753,000</u>	<u>25,578,000</u>

Base Adjustment. The health care access fund base is decreased by \$62,000 in fiscal year 2012 and \$149,000 in fiscal year 2013. The general fund base is decreased by \$157,000 in fiscal year 2012 and \$157,000 in fiscal year 2013.

Subd. 8. Continuing Care Grants

The amounts that may be spent from the appropriation for each purpose are as follows:

(a) Aging and Adult Services GrantsAppropriations by Fund

<u>General</u>	<u>13,186,000</u>	<u>13,702,000</u>
<u>Federal</u>	<u>500,000</u>	<u>0</u>

Base Adjustment. The general fund base is increased by \$6,643,000 in fiscal year 2012 and \$7,511,000 in fiscal year 2013.

Information and Assistance Reimbursement. Federal administrative reimbursement obtained from information and assistance services provided by the Senior LinkAge or Disability Linkage lines to people who are identified as eligible for medical assistance shall be appropriated to the commissioner for this activity.

Community Service Development Grant Reduction. Funding for community service development grants must be reduced by \$240,000 per year for fiscal years 2010 and 2011. This reduction shall not adjust the base appropriation.

Senior Nutrition Use of Federal Funds. For fiscal year 2010, general fund grants for home-delivered meals and congregate dining shall be reduced by \$500,000. The commissioner must replace these general fund reductions with equal amounts from federal funding for senior nutrition from the American Recovery and Reinvestment Act of 2009.

<u>(b) Alternative Care Grants</u>	<u>51,165,000</u>	<u>50,976,000</u>
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Base Adjustment. The general fund base is decreased by \$6,068,000 in fiscal year 2012 and \$6,449,000 in fiscal year 2013.

Alternative Care Transfer. Any money allocated to the alternative care program that is not spent for the purposes indicated does not cancel but must be transferred to the medical assistance account.

<u>(c) Medical Assistance Grants; Long-Term Care Facilities.</u>	<u>366,999,000</u>	<u>427,491,000</u>
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<u>(d) Medical Assistance Long-Term Care Waivers and Home Care Grants</u>	<u>853,824,000</u>	<u>1,044,549,000</u>
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Manage Growth in TBI and CADI Waivers. During the fiscal years beginning on July 1, 2011, and July 1, 2012, the commissioner shall allocate money for home and community-based waiver programs under Minnesota Statutes, section 256B.49, to ensure a reduction in state spending that is equivalent to limiting the caseload growth of the TBI waiver to 12.5 allocations per month each year of the biennium and the CADI waiver to 95 allocations per month each year of the biennium. Limits do not apply: (1) when there is an approved plan for nursing facility bed closures for individuals under age 65 who require relocation due to the bed closure; (2) to fiscal year 2009 waiver allocations delayed due to unallotment; or (3) to transfers authorized by the commissioner from the personal care assistance program of individuals having a home care rating of "CS," "MT," or "HL." Priorities for the allocation of funds must be for individuals anticipated to be discharged from institutional settings or who are at imminent risk of a placement in an institutional setting.

Manage Growth in DD Waiver. The commissioner shall manage the growth in the DD waiver by limiting the allocations included in the February 2009 forecast to 15 additional diversion allocations each month for the calendar years that begin on January 1, 2012, and January 1, 2013. Additional allocations must be made available for transfers authorized by the commissioner from the personal care program of individuals having a home care rating of "CS," "MT," or "HL."

Adjustment to Lead Agency Waiver allocations. Prior to the availability of the alternative license defined in Minnesota Statutes, section 245A.11, subdivision 8, the commissioner shall reduce lead agency waiver allocations for the purposes of implementing a moratorium on corporate foster care.

(e) Mental Health Grants

Appropriations by Fund

<u>General</u>	<u>75,089,000</u>	<u>77,539,000</u>
<u>Health Care Access</u>	<u>750,000</u>	<u>750,000</u>
<u>Lottery Prize</u>	<u>1,508,000</u>	<u>1,508,000</u>

Funding Usage. Up to 75 percent of a fiscal year's appropriation for adult mental health grants may be used to fund allocations in that portion of the fiscal year ending December 31.

Base Adjustment. The general fund base is reduced by \$525,000 in fiscal year 2012 and \$525,000 in fiscal year 2013.

<u>(f) Deaf and Hard-of-Hearing Grants</u>	<u>1,924,000</u>	<u>1,909,000</u>
<u>(g) Chemical Dependency Entitlement Grants</u>	<u>110,660,000</u>	<u>120,509,000</u>

Payments for Substance Abuse Treatment. For services provided in fiscal years 2010 and 2011, county-negotiated rates and provider claims to the consolidated chemical dependency fund must not exceed rates charged for services in excess of those in effect on January 1, 2009. If statutes authorize a cost-of-living adjustment during fiscal years 2010 and 2011, then notwithstanding any law to the contrary, fiscal years 2010 and 2011 rates must not exceed those in effect on January 2, 2009, plus any authorized cost-of-living adjustments.

Chemical Dependency Special Revenue Account. For fiscal year 2010, \$750,000 must be transferred from the consolidated chemical dependency treatment fund administrative account and deposited into the general fund.

County CD Share of MA Costs for ARRA Compliance. Notwithstanding the provisions of Minnesota Statutes, chapter 254B, for chemical dependency services provided during the period July 1, 2009, to December 31, 2010, and reimbursed by medical assistance at the enhanced federal matching rate provided under the American Recovery and Reinvestment Act of 2009, the county share is 30 percent of the nonfederal share.

<u>(h) Chemical Dependency Nonentitlement Grants</u>	<u>1,729,000</u>	<u>1,729,000</u>
<u>(i) Other Continuing Care Grants</u>	<u>18,608,000</u>	<u>13,441,000</u>

Base Adjustment. The general fund base is decreased \$1,076,000 in fiscal year 2012 and decreased \$2,005,000 in fiscal year 2013.

Other Continuing Care Grants; HIV Grants. Money appropriated for the HIV drug and insurance grant program in fiscal year 2010 may be used in either year of the biennium.

Subd. 9. Continuing Care ManagementAppropriations by Fund

<u>General</u>	<u>24,571,000</u>	<u>24,275,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>875,000</u>	<u>125,000</u>
<u>Lottery Prize</u>	<u>157,000</u>	<u>157,000</u>

County Maintenance of Effort. \$350,000 in fiscal year 2010 is from the general fund for the State-County Results Accountability and Service Delivery Reform under Minnesota Statutes, chapter 402A.

The general fund base is decreased \$2,211,000 in fiscal year 2012 and \$2,156,000 in fiscal year 2013.

Subd. 10. State-Operated Services258,794,000266,191,000

The amounts that may be spent from the appropriation for each purpose are as follows:

Transfer Authority Related to State-Operated Services. Money appropriated to finance state-operated services may be transferred between the fiscal years of the biennium with the approval of the commissioner of finance.

County Past Due Receivables. The commissioner is authorized to withhold county federal administrative reimbursement when the county of financial responsibility for cost-of-care payments due the state under Minnesota Statutes, section 246.54 or 253B.045, is 90 days past due. The commissioner shall deposit the withheld federal administrative earnings for the county into the general fund to settle the claims with the county of financial responsibility. The process for withholding funds is governed by Minnesota Statutes, section 256.017.

(a) Adult Mental Health Services110,216,000114,953,000

Appropriation Limitation. No part of the appropriation in this article to the commissioner for mental health treatment services provided by state-operated services shall be used for the Minnesota sex offender program.

Community Behavioral Health Hospitals. Under Minnesota Statutes, section 246.51, subdivision 1, a determination order for the clients served in a community behavioral health hospital operated by the commissioner of human services is only required when a client's third-party coverage has been exhausted.

(b) Minnesota Sex Offender Services 64,843,000 67,503,000

(c) Minnesota Security Hospital and METO Services 83,735,000 83,735,000

Minnesota Security Hospital. For the purposes of enhancing the safety of the public, improving supervision, and enhancing community-based mental health treatment, state-operated services may establish additional community capacity for providing treatment and supervision of clients who have been ordered into a less restrictive alternative of care from the state-operated services transitional services program consistent with Minnesota Statutes, section 246.014.

Sec. 4. **COMMISSIONER OF HEALTH**

Subdivision 1. **Total Appropriation** **\$165,590,000** **\$161,787,000**

Appropriations by Fund

	<u>2010</u>	<u>2011</u>
<u>General</u>	<u>73,699,000</u>	<u>64,171,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>45,433,000</u>	<u>45,789,000</u>
<u>Health Care Access</u>	<u>34,725,000</u>	<u>40,094,000</u>
<u>Federal TANF</u>	<u>11,733,000</u>	<u>11,733,000</u>

Subd. 2. **Community and Family Health Promotion**

Appropriations by Fund

<u>General</u>	<u>43,761,000</u>	<u>38,501,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>1,033,000</u>	<u>1,304,000</u>
<u>Federal TANF</u>	<u>11,733,000</u>	<u>11,733,000</u>
<u>Health Care Access</u>	<u>21,642,000</u>	<u>28,719,000</u>

Support Services for Families With Children Who are Deaf or Have Hearing Loss. Of the state government special revenue fund amount, \$18,000 in fiscal year 2010 and \$271,000 in fiscal year 2011 is for support services to families with children who are deaf or have hearing loss. Of this amount, in fiscal year 2011, \$198,000 is for grants and the balance is for administrative costs. Base funding in fiscal years 2012 and 2013 is \$288,000 each year. Of this amount, \$215,000 each year is for grants and the balance is for administrative costs.

Funding Usage. Up to 75 percent of the fiscal year 2012 appropriation for local public health grants may be used to fund calendar year 2011 allocations for this program. The general fund reduction of \$5,060,000 in fiscal year 2011 for local public health grants is onetime and the base funding for local public health grants for fiscal year 2012 is increased by \$5,060,000.

Grants Reduction. Effective July 1, 2009, base-level funding for general fund community and family health grants issued under this paragraph shall be reduced by 2.55 percent at the allotment level. Effective July 1, 2011, base-level funding for general fund community and family health grants issued under this paragraph shall be reduced by 5.5 percent at the allotment level. The positive alternatives grant is exempt from this reduction. The base for the positive alternatives grant is \$2,357,000 per year.

Colorectal Screening. \$100,000 in fiscal year 2010 is for grants to the Hennepin County Medical Center and MeritCare Bemidji for colorectal screening demonstration projects.

Women's Heart Health Pilot Project. \$100,000 in fiscal year 2010 is for the women's heart health pilot project. This is a onetime appropriation and is available until expended.

Feasibility Pilot Project for Cancer Surveillance. Of this appropriation for fiscal year 2010, the commissioner of health must provide grant funding from the Department of Health's current resources for the Chronic Disease and Environmental Epidemiology section. The grant must cover the cost of one full-time equivalent position at the Hennepin County Medical Center. The grant must be sufficient to cover the responsibilities associated with carrying out the feasibility pilot project but shall not exceed \$100,000.

TANF Appropriations. (1) \$1,156,000 of the TANF funds are appropriated each year to the commissioner for family planning grants under Minnesota Statutes, section 145.925.

(2) \$3,579,000 of the TANF funds are appropriated each year to the commissioner for home visiting and nutritional services listed under Minnesota Statutes, section 145.882, subdivision 7, clauses (6) and (7). Funds must be distributed to community health boards according to Minnesota Statutes, section 145A.131, subdivision 1.

(3) \$2,000,000 of the TANF funds are appropriated each year to the commissioner for decreasing racial and ethnic disparities in infant mortality rates under Minnesota Statutes, section 145.928, subdivision 7.

(4) \$4,998,000 of the TANF funds are appropriated each year to the commissioner for the family home visiting grant program according to Minnesota Statutes, section 145A.17. \$4,000,000 of the funding must be distributed to community health boards according to Minnesota Statutes, section 145A.131, subdivision 1. \$998,000 of the funding must be distributed to tribal governments according to Minnesota Statutes, section 145A.14, subdivision 2a. The commissioner may use five percent of the funds appropriated each fiscal year to conduct the ongoing evaluations required under Minnesota Statutes, section 145A.17, subdivision 7, and may use ten percent of the funds appropriated each fiscal year to provide training and technical assistance as required under Minnesota Statutes, section 145A.17, subdivisions 4 and 5.

TANF Carryforward. Any unexpended balance of the TANF appropriation in the first year of the biennium does not cancel but is available for the second year.

Subd. 3. Policy Quality and Compliance

	<u>Appropriations by Fund</u>	
<u>General</u>	<u>13,069,000</u>	<u>8,801,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>14,173,000</u>	<u>14,276,000</u>
<u>Health Care Access</u>	<u>13,083,000</u>	<u>11,375,000</u>

Rural Pharmacy Planning. \$100,000 in fiscal year 2010 is for the rural pharmacy planning and transition grant program under Minnesota Statutes, section 144.1476. The appropriation is available until expended.

Value-Based Insurance Designs. The commissioner of health, in consultation with the commissioner of human services, commerce, and Minnesota management and budget, shall study and report to the legislature on value-based insurance designs that vary enrollee cost-sharing based on clinical or cost-effectiveness of services. In performing this study, the commissioner shall consult with and seek input from health plans, health care providers, and employers. The commissioner shall report to the legislature by January 15, 2010.

Health Information Technology. Of the general fund appropriation, \$4,000,000 is to fund the revolving loan account under Minnesota Statutes, section 62J.496. This appropriation must not be expended unless it is matched with federal funding under the federal Health Information Technology for Economic and Clinical Health (HITECH) Act. This appropriation must not be included in the agency's base budget for the fiscal year beginning July 1, 2012.

Base Adjustment. The general fund base is \$8,801,000 in fiscal year 2012 and \$8,593,000 in fiscal year 2013. The health care access fund base is \$10,775,000 in fiscal year 2012 and \$6,641,000 in fiscal year 2013. The state government special revenue fund base is \$14,234,000 for each of fiscal years 2012 and 2013.

Subd. 4. Health Protection

Appropriations by Fund

<u>General</u>	<u>9,679,000</u>	<u>9,679,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>30,227,000</u>	<u>30,209,000</u>

Grants Reduction. Effective July 1, 2009, base-level funding for general fund health protection grants issued under this paragraph shall be reduced by 2.55 percent at the allotment level. Effective July 1, 2011, base-level funding for general fund health protection grants issued under this paragraph shall be reduced by 5.5 percent at the allotment level.

Session Laws Adjustment. (a) \$163,000 each year is for the lead abatement grant program. This adjustment is onetime.

(b) \$100,000 each year is for emergency preparedness and response activities. This adjustment is onetime. Of this amount, \$50,000 each year is for tuberculosis prevention and control.

<u>Subd. 5. Administrative Support Services</u>	<u>7,190,000</u>	<u>7,190,000</u>
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Sec. 5. HEALTH-RELATED BOARDS

<u>Subdivision 1. Total Appropriation</u>	<u>\$14,753,000</u>	<u>\$15,036,000</u>
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This appropriation is from the state government special revenue fund.

Transfer From Special Revenue Fund. During the fiscal year beginning July 1, 2011, the commissioner of finance shall transfer \$10,000,000 from the state government special revenue fund to the general fund. The boards must allocate this reduction to boards carrying a positive balance as of July 1, 2011.

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

<u>Subd. 2. Board of Chiropractic Examiners</u>	<u>492,000</u>	<u>509,000</u>
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<u>Subd. 3. Board of Dentistry</u>	<u>1,100,000</u>	<u>1,136,000</u>
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Subd. 4. <u>Board of Dietetic and Nutrition Practice</u>	<u>105,000</u>	<u>105,000</u>
Subd. 5. <u>Board of Marriage and Family Therapy</u>	<u>159,000</u>	<u>167,000</u>
Subd. 6. <u>Board of Medical Practice</u>	<u>3,682,000</u>	<u>3,682,000</u>
Subd. 7. <u>Board of Nursing</u>	<u>3,368,000</u>	<u>3,521,000</u>
Subd. 8. <u>Board of Nursing Home Administrators</u>	<u>1,358,000</u>	<u>1,262,000</u>

Administrative Services Unit - Operating Costs. Of this appropriation, \$524,000 in fiscal year 2010 and \$526,000 in fiscal year 2011 are for operating costs of the administrative services unit. The administrative services unit may receive and expend reimbursements for services performed by other agencies.

Administrative Services Unit - Retirement Costs. Of this appropriation in fiscal year 2010, \$201,000 is for onetime retirement costs in the health-related boards. This funding may be transferred to the health boards incurring those costs for their payment. These funds are available either year of the biennium.

Administrative Services Unit - Volunteer Health Care Provider Program. Of this appropriation, \$79,000 in fiscal year 2010 and \$89,000 in fiscal year 2011 are to pay for medical professional liability coverage required under Minnesota Statutes, section 214.40.

Administrative Services Unit - Contested Cases and Other Legal Proceedings. Of this appropriation, \$200,000 in fiscal year 2010 and \$200,000 in fiscal year 2011 are for costs of contested case hearings and other unanticipated costs of legal proceedings involving health-related boards funded under this section. Upon certification of a health-related board to the administrative services unit that the costs will be incurred and that there is insufficient money available to pay for the costs out of money currently available to that board, the administrative services unit is authorized to transfer money from this appropriation to the board for payment of those costs with the approval of the commissioner of finance. This appropriation does not cancel. Any unencumbered and unspent balances remain available for these expenditures in subsequent fiscal years.

Subd. 9. <u>Board of Optometry</u>	<u>105,000</u>	<u>108,000</u>
Subd. 10. <u>Board of Pharmacy</u>	<u>1,509,000</u>	<u>1,579,000</u>
Subd. 11. <u>Board of Physical Therapy</u>	<u>346,000</u>	<u>356,000</u>
Subd. 12. <u>Board of Podiatry</u>	<u>61,000</u>	<u>64,000</u>

Subd. 13. <u>Board of Psychology</u>	876,000	907,000
Subd. 14. <u>Board of Social Work</u>	958,000	996,000
Subd. 15. <u>Board of Veterinary Medicine</u>	240,000	250,000
Subd. 16. <u>Board of Behavioral Health and Therapy</u>	394,000	394,000
Sec. 6. <u>EMERGENCY MEDICAL SERVICES BOARD</u>	<u>\$4,024,000</u>	<u>\$4,054,000</u>

Appropriations by Fund

	<u>2010</u>	<u>2011</u>
<u>General</u>	3,288,000	3,288,000
<u>State Government</u>		
<u>Special Revenue</u>	736,000	766,000
<u>Cooper/Sams Volunteer</u>		
<u>Ambulance Trust</u>	625,000	0

Longevity Award and Incentive Program. Of the general fund appropriation, \$700,000 in fiscal year 2010 and \$700,000 in fiscal year 2011 are to the board for the ambulance service personnel longevity award and incentive program, under Minnesota Statutes, section 144E.40.

Transfer. In fiscal year 2010, \$626,000 is transferred from the Cooper/Sams volunteer ambulance trust, established under Minnesota Statutes, section 144E.42, to the general fund.

Health Professional Services Program. \$736,000 in fiscal year 2010 and \$766,000 in fiscal year 2011 from the state government special revenue fund are for the health professional services program.

Regional Medical Services Program. (a) \$400,000 in the first year is transferred from the Cooper/Sams volunteer ambulance trust to the emergency medical services system fund.

(b) \$400,000 in the first year from the emergency medical services system fund is for the regional emergency medical services programs. This amount shall be distributed equally to the eight emergency medical service regions. Notwithstanding Minnesota Statutes, section 144E.50, 100 percent of the appropriation shall be passed on to the emergency medical service regions.

Comprehensive Advanced Life-Support Educational (CALS) Program. \$100,000 in the first year from the Cooper/Sams volunteer ambulance trust is for the comprehensive advanced

life-support educational (CALS) program established under Minnesota Statutes, section 144E.37. This appropriation is to extend availability and affordability of the CALS program for rural emergency medical personnel and to assist hospital staff in attaining the credentialing levels necessary for implementation of the statewide trauma system.

Emergency Medical Services for Children (EMS-C) Program. \$25,000 in the first year from the Cooper/Sams volunteer ambulance trust is for the emergency medical services for children (EMS-C) program. This appropriation is to meet increased need for medical training specific to pediatric emergencies.

Sec. 7. **DEPARTMENT OF VETERANS AFFAIRS**

\$200,000

\$0

Veterans Paramedic Apprenticeship Program. \$200,000 in the first year is from the Cooper/Sams volunteer ambulance trust to the commissioner of veterans affairs for a grant to the Minnesota Ambulance Association to implement a veterans paramedic apprenticeship program to reintegrate returning military medics into Minnesota's workforce in the field of paramedic and emergency services, thereby guaranteeing returning military medics gainful employment with livable wages and benefits. This appropriation is available until expended.

Sec. 8. **DEPARTMENT OF PUBLIC SAFETY**

\$250,000

\$0

Medical Response Unit Reimbursement Pilot Program. (a) \$250,000 in the first year is from the Cooper/Sams volunteer ambulance trust to the Department of Public Safety for a medical response unit reimbursement pilot program. Of this appropriation, \$75,000 is for administrative costs to the Department of Public Safety, including providing contract staff support and technical assistance to the pilot program partners if necessary.

(b) Of the amount in paragraph (a), \$175,000 is to the Department of Public Safety to be used to provide a predetermined reimbursement amount to the participating medical response units. The Department of Public Safety or its contract designee will develop an agreement with the medical response units outlining reimbursement and program requirements to include HIPAA compliance while participating in the pilot program.

Sec. 9. **COUNCIL ON DISABILITY**

\$524,000

\$524,000

Sec. 10. **OMBUDSMAN FOR MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES**

\$1,655,000

\$1,580,000

Sec. 11. **OMBUDSPERSON FOR FAMILIES**

\$265,000

\$265,000

Sec. 12. Laws 2007, chapter 147, article 19, section 3, subdivision 4, as amended by Laws 2008, chapter 277, article 5, section 1; and Laws 2008, chapter 363, article 18, section 7, is amended to read:

Subd. 4. **Children and Economic Assistance Grants**

The amounts that may be spent from this appropriation for each purpose are as follows:

(a) **MFIP/DWP Grants**

	Appropriations by Fund	
General	62,069,000	62,405,000
Federal TANF	75,904,000	80,841,000

(b) **Support Services Grants**

	Appropriations by Fund	
General	8,715,000	8,715,000
Federal TANF	113,429,000	115,902,000

TANF Prior Appropriation Cancellation. Notwithstanding Laws 2001, First Special Session chapter 9, article 17, section 2, subdivision 11, paragraph (b), any unexpended TANF funds appropriated to the commissioner to contract with the Board of Trustees of Minnesota State Colleges and Universities, to provide tuition waivers to employees of health care and human service providers that are members of qualifying consortia operating under Minnesota Statutes, sections 116L.10 to 116L.15, must cancel at the end of fiscal year 2007.

MFIP Pilot Program. Of the TANF appropriation, \$100,000 in fiscal year 2008 and \$750,000 in fiscal year 2009 are for a grant to the Stearns-Benton Employment and Training Council for the Workforce U pilot program. Base level funding for this program shall be \$750,000 in 2010 and \$0 in 2011.

Supported Work. (1) Of the TANF appropriation, \$5,468,000 in fiscal year 2008 is for supported work for MFIP participants, to be allocated to counties and tribes based on the criteria under clauses (2) and (3), and is available until expended. Paid transitional work experience and other supported employment under this rider provides a continuum of employment assistance, including outreach and recruitment, program orientation and intake, testing and assessment, job development and marketing, preworksite training, supported worksite experience, job coaching, and postplacement follow-up, in addition to extensive case management and referral services. * (The preceding text "and \$7,291,000 in fiscal year 2009" was indicated as vetoed by the governor.)

(2) A county or tribe is eligible to receive an allocation under this rider if:

(i) the county or tribe is not meeting the federal work participation rate;

(ii) the county or tribe has participants who are required to perform work activities under Minnesota Statutes, chapter 256J, but are not meeting hourly work requirements; and

(iii) the county or tribe has assessed participants who have completed six weeks of job search or are required to perform work activities and are not meeting the hourly requirements, and the county or tribe has determined that the participant would benefit from working in a supported work environment.

(3) A county or tribe may also be eligible for funds in order to contract for supplemental hours of paid work at the participant's child's place of education, child care location, or the child's physical or mental health treatment facility or office. This grant to counties and tribes is specifically for MFIP participants who need to work up to five hours more per week in order to meet the hourly work requirement, and the participant's employer cannot or will not offer more hours to the participant.

Work Study. Of the TANF appropriation, \$750,000 each year are to the commissioner to contract with the Minnesota Office of Higher Education for the biennium beginning July 1, 2007, for work study grants under Minnesota Statutes, section 136A.233, specifically for low-income individuals who receive assistance under Minnesota Statutes, chapter 256J, and for grants to opportunities industrialization centers. * (The preceding text beginning "Work Study. Of the TANF appropriation," was indicated as vetoed by the governor.)

Integrated Service Projects. \$2,500,000 in fiscal year 2008 and \$2,500,000 in fiscal year 2009 are appropriated from the TANF fund to the commissioner to continue to fund the existing integrated services projects for MFIP families, and if funding allows, additional similar projects.

Base Adjustment. The TANF base for fiscal year 2010 is \$115,902,000 and for fiscal year 2011 is \$115,152,000.

(c) MFIP Child Care Assistance Grants

General	74,654,000	71,951,000
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(d) Basic Sliding Fee Child Care Assistance Grants

General	42,995,000	45,008,000
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Base Adjustment. The general fund base is \$44,881,000 for fiscal year 2010 and \$44,852,000 for fiscal year 2011.

At-Home Infant Care Program. No funding shall be allocated to or spent on the at-home infant care program under Minnesota Statutes, section 119B.035.

(e) Child Care Development Grants

General	4,390,000	6,390,000
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Prekindergarten Exploratory Projects. Of the general fund appropriation, \$2,000,000 the first year and \$4,000,000 the second year are for grants to the city of St. Paul, Hennepin County, and Blue Earth County to establish scholarship demonstration projects to be conducted in partnership with the Minnesota Early Learning Foundation to promote children's school readiness. This appropriation is available until June 30, 2009.

Child Care Services Grants. Of this appropriation, \$250,000 each year are for the purpose of providing child care services grants under Minnesota Statutes, section 119B.21, subdivision 5. This appropriation is for the 2008-2009 biennium only, and does not increase the base funding.

Early Childhood Professional Development System. Of this appropriation, \$250,000 each year are for purposes of the early childhood professional development system, which increases the quality and continuum of professional development opportunities for child care practitioners. This appropriation is for the 2008-2009 biennium only, and does not increase the base funding.

Base Adjustment. The general fund base is \$1,515,000 for each of fiscal years 2010 and 2011.

(f) Child Support Enforcement Grants

General	11,038,000	3,705,000
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Child Support Enforcement. \$7,333,000 for fiscal year 2008 is to make grants to counties for child support enforcement programs to make up for the loss under the 2005 federal Deficit Reduction Act of federal matching funds for federal incentive funds passed on to the counties by the state.

This appropriation is available until June 30, 2009.

(g) Children's Services Grants

Appropriations by Fund

General	63,647,000	71,147,000
Health Care Access	250,000	-0-
TANF	240,000	340,000

Grants for Programs Serving Young Parents. Of the TANF fund appropriation, \$140,000 each year is for a grant to a program or programs that provide comprehensive services through a private, nonprofit agency to young parents in Hennepin County who have dropped out of school and are receiving public assistance. The program administrator shall report annually to the commissioner on skills development, education, job training, and job placement outcomes for program participants.

County Allocations for Rate Increases. County Children and Community Services Act allocations shall be increased by \$197,000 effective October 1, 2007, and \$696,000 effective October 1, 2008, to help counties pay for the rate adjustments to day training and habilitation providers for participants paid by county social service funds. Notwithstanding the provisions of Minnesota Statutes, section 256M.40, the allocation to a county shall be based on the county's proportion of social services spending for day training and habilitation services as determined in the most recent social services expenditure and grant reconciliation report.

Privatized Adoption Grants. Federal reimbursement for privatized adoption grant and foster care recruitment grant expenditures is appropriated to the commissioner for adoption grants and foster care and adoption administrative purposes.

Adoption Assistance Incentive Grants. Federal funds available during fiscal year 2008 and fiscal year 2009 for the adoption incentive grants are appropriated to the commissioner for these purposes.

Adoption Assistance and Relative Custody Assistance. The commissioner may transfer unencumbered appropriation balances for adoption assistance and relative custody assistance between fiscal years and between programs.

Children's Mental Health Grants. Of the general fund appropriation, \$5,913,000 in fiscal year 2008 and \$6,825,000 in fiscal year 2009 are for children's mental health grants. The purpose of these grants is to increase and maintain the state's children's mental health service capacity, especially for school-based mental health services. The commissioner shall require grantees to utilize all available third party reimbursement sources

as a condition of using state grant funds. At least 15 percent of these funds shall be used to encourage efficiencies through early intervention services. At least another 15 percent shall be used to provide respite care services for children with severe emotional disturbance at risk of out-of-home placement.

Mental Health Crisis Services. Of the general fund appropriation, \$2,528,000 in fiscal year 2008 and \$2,850,000 in fiscal year 2009 are for statewide funding of children's mental health crisis services. Providers must utilize all available funding streams.

Children's Mental Health Evidence-Based and Best Practices. Of the general fund appropriation, \$375,000 in fiscal year 2008 and \$750,000 in fiscal year 2009 are for children's mental health evidence-based and best practices including, but not limited to: Adolescent Integrated Dual Diagnosis Treatment services; school-based mental health services; co-location of mental health and physical health care, and; the use of technological resources to better inform diagnosis and development of treatment plan development by mental health professionals. The commissioner shall require grantees to utilize all available third-party reimbursement sources as a condition of using state grant funds.

Culturally Specific Mental Health Treatment Grants. Of the general fund appropriation, \$75,000 in fiscal year 2008 and \$300,000 in fiscal year 2009 are for children's mental health grants to support increased availability of mental health services for persons from cultural and ethnic minorities within the state. The commissioner shall use at least 20 percent of these funds to help members of cultural and ethnic minority communities to become qualified mental health professionals and practitioners. The commissioner shall assist grantees to meet third-party credentialing requirements and require them to utilize all available third-party reimbursement sources as a condition of using state grant funds.

Mental Health Services for Children with Special Treatment Needs. Of the general fund appropriation, \$50,000 in fiscal year 2008 and \$200,000 in fiscal year 2009 are for children's mental health grants to support increased availability of mental health services for children with special treatment needs. These shall include, but not be limited to: victims of trauma, including children subjected to abuse or neglect, veterans and their families, and refugee populations; persons with complex treatment needs, such as eating disorders; and those with low incidence disorders.

MFIP and Children's Mental Health Pilot Project. Of the TANF appropriation, \$100,000 in fiscal year 2008 and \$200,000 in fiscal year 2009 are to fund the MFIP and children's mental health pilot project. Of these amounts, up to \$100,000 may be expended on evaluation of this pilot.

~~**Prenatal Alcohol or Drug Use.** Of the general fund appropriation, \$75,000 each year is to award grants beginning July 1, 2007, to programs that provide services under Minnesota Statutes, section 254A.171, in Pine, Kanabec, and Carlton Counties. This appropriation shall become part of the base appropriation.~~

Base Adjustment. The general fund base is \$62,572,000 in fiscal year 2010 and \$62,575,000 in fiscal year 2011.

(h) Children and Community Services Grants

General	101,369,000	69,208,000
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Base Adjustment. The general fund base is \$69,274,000 in each of fiscal years 2010 and 2011.

Targeted Case Management Temporary Funding. (a) Of the general fund appropriation, \$32,667,000 in fiscal year 2008 is transferred to the targeted case management contingency reserve account in the general fund to be allocated to counties and tribes affected by reductions in targeted case management federal Medicaid revenue as a result of the provisions in the federal Deficit Reduction Act of 2005, Public Law 109-171.

(b) Contingent upon (1) publication by the federal Centers for Medicare and Medicaid Services of final regulations implementing the targeted case management provisions of the federal Deficit Reduction Act of 2005, Public Law 109-171, or (2) the issuance of a finding by the Centers for Medicare and Medicaid Services of federal Medicaid overpayments for targeted case management expenditures, up to \$32,667,000 is appropriated to the commissioner of human services. Prior to distribution of funds, the commissioner shall estimate and certify the amount by which the federal regulations or federal disallowance will reduce targeted case management Medicaid revenue over the 2008-2009 biennium.

(c) Within 60 days of a contingency described in paragraph (b), the commissioner shall distribute the grants proportionate to each affected county or tribe's targeted case management federal earnings for calendar year 2005, not to exceed the lower of (1) the amount of the estimated reduction in federal revenue or (2) \$32,667,000.

(d) These funds are available in either year of the biennium. Counties and tribes shall use these funds to pay for social service-related costs, but the funds are not subject to provisions of the Children and Community Services Act grant under Minnesota Statutes, chapter 256M.

(e) This appropriation shall be available to pay counties and tribes for expenses incurred on or after July 1, 2007. The appropriation shall be available until expended.

(i) General Assistance Grants

General	37,876,000	38,253,000
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General Assistance Standard. The commissioner shall set the monthly standard of assistance for general assistance units consisting of an adult recipient who is childless and unmarried or living apart from parents or a legal guardian at \$203. The commissioner may reduce this amount according to Laws 1997, chapter 85, article 3, section 54.

Emergency General Assistance. The amount appropriated for emergency general assistance funds is limited to no more than \$7,889,812 in fiscal year 2008 and \$7,889,812 in fiscal year 2009. Funds to counties must be allocated by the commissioner using the allocation method specified in Minnesota Statutes, section 256D.06.

(j) Minnesota Supplemental Aid Grants

General	30,505,000	30,812,000
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Emergency Minnesota Supplemental Aid Funds. The amount appropriated for emergency Minnesota supplemental aid funds is limited to no more than \$1,100,000 in fiscal year 2008 and \$1,100,000 in fiscal year 2009. Funds to counties must be allocated by the commissioner using the allocation method specified in Minnesota Statutes, section 256D.46.

(k) Group Residential Housing Grants

General	91,069,000	98,671,000
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People Incorporated. Of the general fund appropriation, \$460,000 each year is to augment community support and mental health services provided to individuals residing in facilities under Minnesota Statutes, section 256I.05, subdivision 1m.

(l) Other Children and Economic Assistance Grants

General	20,183,000	16,333,000
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Federal TANF	1,500,000	1,500,000
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Base Adjustment. The general fund base shall be \$16,033,000 in fiscal year 2010 and \$15,533,000 in fiscal year 2011. The TANF base shall be \$1,500,000 in fiscal year 2010 and \$1,181,000 in fiscal year 2011.

Homeless and Runaway Youth. Of the general fund appropriation, \$500,000 each year are for the Runaway and Homeless Youth Act under Minnesota Statutes, section 256K.45. Funds shall be spent in each area of the continuum of care to ensure that programs are meeting the greatest need. This is a onetime appropriation.

Long-Term Homelessness. Of the general fund appropriation, \$2,000,000 in fiscal year 2008 is for implementation of programs to address long-term homelessness and is available in either year of the biennium. This is a onetime appropriation.

Minnesota Community Action Grants. (a) Of the general fund appropriation, \$250,000 each year is for the purposes of Minnesota community action grants under Minnesota Statutes, sections 256E.30 to 256E.32. This is a onetime appropriation.

(b) Of the TANF appropriation, \$1,500,000 each year is for community action agencies for auto repairs, auto loans, and auto purchase grants to individuals who are eligible to receive benefits under Minnesota Statutes, chapter 256J, or who have lost eligibility for benefits under Minnesota Statutes, chapter 256J, due to earnings in the prior 12 months. Base level funding for this activity shall be \$1,500,000 in fiscal year 2010 and \$1,181,000 in fiscal year 2011. * (The preceding text beginning "(b) Of the TANF appropriation," was indicated as vetoed by the governor.)

(c) Money appropriated under paragraphs (a) and (b) that is not spent in the first year does not cancel but is available for the second year.

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

Sec. 13. **FEDERAL STIMULUS FUNDS; REPORT.**

By February 15, 2010, the commissioner of health shall submit to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public health and public safety finance a report on how funds from the American Recovery and Reinvestment Act of 2009 are used: (1) to support advancing the objectives of the Minnesota Department of Health's Sexual Violence Prevention Plan; and (2) to support any pilot programs that might demonstrate and evaluate how use of community-based prevention grants might serve as a model for future investment of state resources to help advance the department's Sexual Violence Prevention Plan.

Sec. 14. **EMERGENCY SERVICES SHELTER GRANTS FROM AMERICAN RECOVERY AND REINVESTMENT ACT.**

To the extent permitted under federal law, the commissioner of human services, when determining the uses of the emergency services shelter grants provided under the American Recovery and Reinvestment Act, shall give priority to programs that serve the following:

(1) homeless youth;

(2) American Indian women who are victims of trafficking;

(3) high-risk adult males considered to be very likely to enter or reenter state or county correctional programs, or chemical and mental health programs;

(4) battered women; and

(5) families affected by foreclosure.

Sec. 15. **TRANSFERS.**

Subdivision 1. **Grants.** The commissioner of human services, with the approval of the commissioner of finance, and after notification of the chairs of the relevant senate budget division and house of representatives finance division committee, may transfer unencumbered appropriation balances for the biennium ending June 30, 2011, within fiscal years among the MFIP, general assistance, general assistance medical care, medical assistance, MinnesotaCare, MFIP child care assistance under Minnesota Statutes, section 119B.05, Minnesota supplemental aid, and group residential housing programs, and the entitlement portion of the chemical dependency consolidated treatment fund, and between fiscal years of the biennium.

Subd. 2. **Administration.** Positions, salary money, and nonsalary administrative money may be transferred within the Departments of Human Services and Health as the commissioners consider necessary, with the advance approval of the commissioner of finance. The commissioner shall inform the chairs of the relevant house and senate health committees quarterly about transfers made under this provision.

Sec. 16. **EXPIRATION OF UNCODIFIED LANGUAGE.**

All uncodified language contained in this article expires on June 30, 2011, unless a different expiration date is explicit.

Sec. 17. **EFFECTIVE DATE.**

The provisions in this article are effective July 1, 2009, unless a different effective date is specified."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "for health and human services" and insert "to various state agencies for health and human services provisions"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 680 and 1362 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Sterner introduced:

H. F. No. 2349, A bill for an act relating to taxation; sales and use; expanding eligibility and increasing fund-raising sales exemption for nonprofits; amending Minnesota Statutes 2008, section 297A.70, subdivision 13.

The bill was read for the first time and referred to the Committee on Taxes.

Sterner introduced:

H. F. No. 2350, A bill for an act relating to taxation; sales and use; increasing fund-raising sales exemption for nonprofits; amending Minnesota Statutes 2008, section 297A.70, subdivision 13.

The bill was read for the first time and referred to the Committee on Taxes.

Masin, Obermueller and Slocum introduced:

H. F. No. 2351, A bill for an act relating to traffic regulations; prohibiting certain use of cellular phones while driving; amending Minnesota Statutes 2008, section 169.475.

The bill was read for the first time and referred to the Transportation and Transit Policy and Oversight Division.

Mariani, Slawik, Hornstein and Rukavina introduced:

H. F. No. 2352, A bill for an act relating to employment; enabling low-income workers to meet basic needs; providing child care assistance to low-income workers; increasing working family credit; increasing minimum wage; amending Minnesota Statutes 2008, sections 119B.02, subdivisions 1, 2; 119B.03, subdivisions 3, 9, 10; 119B.035, subdivisions 1, 2, 4, 5; 119B.05, subdivision 5; 119B.08; 119B.09, subdivisions 4a, 7; 119B.10; 119B.11, subdivision 1; 119B.12, subdivision 2; 119B.15; 119B.24; 290.0671, subdivisions 1, 7; repealing Minnesota Statutes 2008, sections 119B.011, subdivisions 20, 20a; 119B.03, subdivisions 1, 2, 4, 5, 6, 6a, 6b, 8; 119B.05, subdivision 1; 119B.07; 119B.09, subdivision 3; 119B.11, subdivision 4.

The bill was read for the first time and referred to the Committee on Finance.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1122, A bill for an act relating to appropriations; appropriating money for agriculture, the Board of Animal Health, Rural Finance Authority, veterans, and the military; changing certain agricultural and animal health requirements and programs; establishing a program; eliminating a sunset; requiring certain studies and reports; amending Minnesota Statutes 2008, sections 3.737, subdivision 1; 3.7371, subdivision 3; 13.643, by adding a subdivision; 17.115, subdivision 2; 18.75; 18.76; 18.77, subdivisions 1, 3, 5, by adding subdivisions; 18.78, subdivision 1, by adding a subdivision; 18.79; 18.80, subdivision 1; 18.81, subdivision 3, by adding subdivisions; 18.82, subdivisions 1, 3; 18.83; 18.84, subdivisions 1, 2, 3; 18.86; 18.87; 18.88; 18B.01, subdivision 8, by adding subdivisions; 18B.065, subdivisions 1, 2, 2a, 3, 7, by adding subdivisions; 18B.26, subdivisions 1, 3; 18B.31, subdivisions 3, 4; 18B.37, subdivision 1; 18C.415, subdivision 3; 18C.421; 18C.425, subdivisions 4, 6; 18E.03, subdivisions 2, 4; 18E.06; 18H.02, subdivision 12a, by adding subdivisions; 18H.07, subdivisions 2, 3; 18H.09; 18H.10; 28A.085, subdivision 1; 28A.21, subdivision 5; 31.94; 32.394, subdivision 8; 41A.09, subdivisions 2a, 3a; 41B.039, subdivision 2; 41B.04, subdivision 8; 41B.042, subdivision 4; 41B.043, subdivision 1b; 41B.045, subdivision 2; 43A.11, subdivision 7; 43A.23, subdivision 1; 97A.045, subdivision 1; 171.06, subdivision 3; 171.07, by adding a subdivision; 171.12, by adding a subdivision; 197.455, subdivision 1; 197.46; 198.003, by adding subdivisions; 239.791, subdivisions 1, 1a; 336.9-601; 343.11; 550.365, subdivision 2; 559.209, subdivision 2; 582.039, subdivision 2; 583.215; 626.8517; Laws 2008, chapter 297, article 2, section 26, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 17; 18; 18B; 31; 41A; 192; 198; repealing Minnesota Statutes 2008, sections 17.49, subdivision 3; 18G.12, subdivision 5; 38.02, subdivisions 3, 4; 41.51; 41.52; 41.53; 41.55; 41.56; 41.57; 41.58, subdivisions 1, 2; 41.59, subdivision 1; 41.60; 41.61, subdivision 1; 41.62; 41.63; 41.65; Minnesota Rules, part 1505.0820.

The Senate has appointed as such committee:

Senators Vickerman, Dille, Skogen, Erickson Ropes and Fobbe.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 1301, A bill for an act relating to public safety; providing for public safety, courts, and corrections including requirements for predatory offenders regarding registration, computer access, electronic solicitation, and special license plates; crime victims of criminal sexual conduct and domestic abuse; domestic fatality review teams; public defenders eligibility for representation, appointment, and reimbursement; courts regarding judges' evidence from recording equipment in a law enforcement vehicle; driver's license reinstatement diversion pilot program; driver's license records; corrections regarding probation, pretrial release, and correctional officers, sentencing, and evidence-based practices for community supervision; sentencing guidelines; emergency response team; controlled substances; financial crimes; unsafe recalled toys; animal fighting; public employer consideration of criminal records in hiring; peace officer and public safety dispatcher employment; assault on public utility workers; trespass in police cordoned-off areas; peace officer education; communications regarding criminal history, background checks, warrant information, CIBRS data, criminal justice data, and Statewide Radio Board; authorizing requests for proposals to replace alcohol concentration breath testing devices; providing for boards, task forces, and programs; providing for reports; providing for penalties; amending Minnesota Statutes 2008, sections 12.03, by adding a subdivision; 13.87, subdivision 1; 122A.18, subdivision 8; 123B.03, subdivision 1; 152.02, subdivisions 6, 12; 152.027, by adding a subdivision; 169.71, subdivision 1; 243.166, subdivisions 1a, 4, 4b, 6; 244.05, subdivision 6;

244.052, subdivision 1; 246.13, subdivision 2; 253B.141, subdivision 1; 299A.681; 299C.115; 299C.17; 299C.21; 299C.40, subdivisions 1, 2; 299C.46, subdivision 1; 299C.52, subdivisions 1, 3, 4; 299C.53, subdivision 1; 299C.62, subdivision 1; 299C.65, subdivisions 1, 5; 299C.68, subdivision 2; 343.31, subdivision 1; 357.021, subdivision 6; 388.24, subdivision 4; 401.025, subdivision 1; 401.065, subdivision 3a; 403.36, subdivision 2, by adding a subdivision; 471.59, by adding subdivisions; 480.23; 484.91, subdivision 1; 491A.03, subdivision 1; 518.165, subdivision 5; 518B.01, subdivisions 2, 20; 524.5-118, subdivision 2; 609.131, subdivision 1; 609.2231, by adding a subdivision; 609.352, subdivision 2a; 609.605, subdivision 1; 611.17; 611.18; 611.20, subdivision 3; 611.21; 611.272; 611A.0315, subdivision 1; 626.843, subdivisions 1, 3; 626.845, subdivision 1; 626.863; 628.69, subdivision 6; 629.34, subdivision 1; 629.341, subdivision 1; Laws 1999, chapter 216, article 2, section 27, subdivisions 1, as amended, 3c, as added, 4; proposing coding for new law in Minnesota Statutes, chapters 12; 168; 169A; 244; 260B; 325F; 364; 634; repealing Minnesota Statutes 2008, sections 260B.199, subdivision 2; 260B.201, subdivision 3; 299C.61, subdivision 8; 299C.67, subdivision 3; 383B.65, subdivision 2; 403.36, subdivision 1f; Laws 2002, chapter 266, section 1, as amended.

The Senate has appointed as such committee:

Senators Moua; Olson, M.; Ortman; Higgins and Betzold.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2081, A bill for an act relating to economic development and housing; establishing and modifying certain programs; providing for regulation of certain activities and practices; amending certain unemployment insurance provisions; providing for accounts, assessments, and fees; changing codes and licensing provisions; amending Iron Range resources provisions; regulating debt management and debt settlement services; increasing certain occupation license fees; making technical changes; providing penalties; appropriating money; amending Minnesota Statutes 2008, sections 15.75, subdivision 5; 16B.54, subdivision 2; 45.011, subdivision 1; 45.027, subdivision 1; 46.04, subdivision 1; 46.05; 46.131, subdivision 2; 84.94, subdivision 3; 115C.08, subdivision 4; 116J.035, subdivisions 1, 6; 116J.401, subdivision 2; 116J.424; 116J.435, subdivisions 2, 3; 116J.68, subdivision 2; 116J.8731, subdivisions 2, 3; 116L.03, subdivision 5; 116L.05, subdivision 5; 116L.871, subdivision 1; 116L.96; 123A.08, subdivision 1; 124D.49, subdivision 3; 129D.13, subdivisions 1, 2, 3; 129D.14, subdivisions 4, 5, 6; 129D.155; 154.44, subdivision 1; 160.16, by adding a subdivision; 160.276, subdivision 8; 241.27, subdivision 1; 248.061, subdivision 3; 248.07, subdivisions 7, 8; 256J.626, subdivision 4; 256J.66, subdivision 1; 268.031; 268.035, subdivisions 2, 17, by adding subdivisions; 268.042, subdivision 3; 268.043; 268.044, subdivision 2; 268.047, subdivisions 1, 2; 268.051, subdivisions 1, 4; 268.052, subdivision 2; 268.053, subdivision 1; 268.057, subdivisions 4, 5; 268.0625, subdivision 1; 268.066; 268.067; 268.069, subdivision 1; 268.07, subdivisions 1, 2, 3, 3b; 268.084; 268.085, subdivisions 1, 2, 3, 3a, 4, 5, 6, 15; 268.095, subdivisions 1, 2, 4, 10, 11; 268.101, subdivisions 1, 2; 268.103, subdivision 1, by adding a subdivision; 268.105, subdivisions 1, 2, 3a, 4; 268.115, subdivision 5; 268.125, subdivision 5; 268.135, subdivision 4; 268.145, subdivision 1; 268.18, subdivisions 1, 2, 4a; 268.186; 268.196, subdivisions 1, 2; 268.199; 268.211; 268A.06, subdivision 1; 270.97; 298.22, subdivisions 2, 5a, 6, 7, 8, 10, 11; 298.221; 298.2211, subdivision 3; 298.2213, subdivision 4; 298.2214, by adding a subdivision; 298.223; 298.227; 298.28, subdivision 9d; 298.292, subdivision 2; 298.294; 298.296, subdivision 2; 298.2961; 325E.115, subdivision 1; 325E.1151, subdivisions 1, 3, 4; 325E.311, subdivision 6; 326B.33, subdivisions 13, 19; 326B.46, subdivision 4; 326B.475, subdivisions 4, 7; 326B.49, subdivision 1; 326B.56, subdivision 4; 326B.58; 326B.815, subdivision 1; 326B.821, subdivision 2; 326B.86, subdivision 1; 326B.885, subdivision 2; 326B.89,

subdivisions 3, 16; 326B.94, subdivision 4; 326B.972; 326B.986, subdivisions 2, 5, 8; 327B.04, subdivisions 7, 8, by adding a subdivision; 327C.03, by adding a subdivision; 327C.095, subdivision 12; 332A.02, subdivisions 5, 8, 9, 10, 13, by adding subdivisions; 332A.04, subdivision 6; 332A.08; 332A.10; 332A.11, subdivision 2; 332A.14; 469.169, subdivision 3; Laws 1998, chapter 404, section 23, subdivision 6, as amended; proposing coding for new law in Minnesota Statutes, chapters 1; 116J; 137; 161; 268; 298; 326B; proposing coding for new law as Minnesota Statutes, chapter 332B; repealing Minnesota Statutes 2008, sections 116J.402; 116J.413; 116J.58, subdivision 1; 116J.59; 116J.61; 116J.656; 116L.16; 116L.88; 116U.65; 129D.13, subdivision 4; 176.135, subdivision 1b; 268.085, subdivision 14; 268.086; Minnesota Rules, part 1350.8300.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Tomassoni, Metzen, Sparks, Kelash and Koch.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Rukavina moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2081. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2083, A bill for an act relating to higher education; classifying data; amending postsecondary education provisions; setting deadlines; allowing certain advertising; establishing the Minnesota P-20 education partnership; regulating course equivalency guides; requiring notice to prospective students; requiring lists of enrolled students; amending Minnesota Office of Higher Education responsibilities; establishing programs; defining terms; regulating grants, scholarships, and work-study; requiring an annual certificate; regulating certain board membership provisions; requiring job placement impact reviews; regulating oral health care practitioner provisions; establishing fees; providing criminal penalties; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 13.3215; 124D.09, subdivision 9; 135A.08, subdivision 1; 135A.17, subdivision 2; 135A.25, subdivision 4; 136A.08, subdivision 1, by adding a subdivision; 136A.101, subdivision 5a; 136A.121, by adding subdivisions; 136A.127, subdivisions 2, 4, 9, 10, 12, 14, by adding a subdivision; 136A.1701, subdivision 10; 136A.87; 136F.02, subdivision 1; 136F.03, subdivision 4; 136F.04, subdivision 4; 136F.045; 136F.19, subdivision 1; 136F.31; 137.0245, subdivision 2; 137.0246, subdivision 2; 137.025, subdivision 1; 150A.01, by adding subdivisions; 150A.05, subdivision 2, by adding subdivisions; 150A.06, subdivisions 2d, 5, 6, by adding subdivisions; 150A.08, subdivisions 1, 3a, 5; 150A.09, subdivisions 1, 3; 150A.091, subdivisions 2, 3, 5, 8, 10; 150A.10, subdivisions 1, 2, 3, 4; 150A.11, subdivision 4; 150A.12; 150A.21, subdivisions 1, 4; 151.01, subdivision 23; 151.37, subdivision 2; 201.061, subdivision 3; 299A.45, subdivision 1; Laws 2007, chapter 144, article 1, section 4, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 127A; 135A; 136A; 136F; 150A; repealing Minnesota Statutes 2008, sections 136A.127, subdivisions 8, 13; 150A.061.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Pappas, Robling, Lynch, Latz and Erickson Ropes.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Rukavina moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2083. The motion prevailed.

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate file:

S. F. No. 802, A bill for an act relating to public safety; appropriating money for public safety, corrections, and other criminal justice agencies; requiring annual appropriation of money in Bureau of Criminal Apprehension account to commissioner of public safety; repealing the mandatory minimum sentences for predatory offender registration offenses and subsequent controlled substances offenses; providing a 90-day cap on incarceration for certain first-time supervised release violations; eliminating the requirement that judges impose a minimum sentence on felony DWI offenders; requesting the Sentencing Guidelines Commission to rerank the felony DWI offense; providing for supervised release of offenders; expanding the challenge incarceration program; requiring the Sentencing Guidelines Commission and the Departments of Corrections and Public Safety to review its reports; requiring Department of Corrections to annually report on felony DWI offenders; requiring that reports to the legislature by criminal justice agencies be submitted electronically; modifying and expanding the conditional release program for nonviolent drug offenders; including an advisory board for consultation with the commissioner of corrections for the conditional release program; repealing the conditional release program's sunset; authorizing correctional facilities to forward surcharges from offender wages to court or other entity collecting the surcharge; repealing reports on out-of-state juvenile placement; implementing the legislative auditor's recommendations relating to MINNCOR; requiring the licensure of firefighters; expanding the stay of adjudication provision for low-level controlled substance offenders; imposing criminal penalties; appropriating money; amending Minnesota Statutes 2008, sections 3.195, subdivision 1, by adding a subdivision; 152.021, subdivision 3; 152.022, subdivision 3; 152.023, subdivision 3; 152.024, subdivision 3; 152.025, subdivision 3; 152.18, subdivision 1; 169A.275, subdivisions 3, 4, 5; 169A.276, subdivisions 1, 2; 171.29, subdivision 2; 241.27, subdivision 1a, by adding subdivisions; 243.166, subdivision 5; 244.055, subdivisions 2, 3, 5, 7, by adding subdivisions; 244.17; 244.172, subdivision 1; 299N.02, subdivision 3; 357.021, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 244; 299N; repealing Minnesota Statutes 2008, sections 152.026; 244.055, subdivisions 6, 11; 260B.199, subdivision 2; 260B.201, subdivision 3; 325E.22.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Higgins, Foley, Moua, Latz and Olson, M.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Paymar moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 802. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 936, A bill for an act relating to human services; specifying criteria for communities for a lifetime; requiring the Minnesota Board on Aging to study and report on communities for a lifetime; amending Minnesota Statutes 2008, section 256.975, by adding a subdivision.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Thissen moved that the House refuse to concur in the Senate amendments to H. F. No. 936, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 457, 477, 926, 1172, 1754, 501, 640, 806, 1147, 1323, 1566, 1189, 1464, 1503, 1569 and 1884.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 457, A bill for an act relating to health; modifying provisions for volunteer health practitioners; amending Minnesota Statutes 2008, section 145A.06, subdivision 8.

The bill was read for the first time.

Thissen moved that S. F. No. 457 and H. F. No. 521, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 477, A bill for an act relating to solid waste; requiring a pilot program to be implemented by paint manufacturers to recycle paint; amending Minnesota Statutes 2008, section 13.7411, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 115A.

The bill was read for the first time.

Sailer moved that S. F. No. 477 and H. F. No. 569, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 926, A bill for an act relating to telecommunications; modifying provisions relating to reduced rate regulation and promotion activities; amending Minnesota Statutes 2008, sections 237.411, subdivision 2; 237.626; repealing Laws 2004, chapter 261, article 6, section 5, as amended.

The bill was read for the first time.

Juhnke moved that S. F. No. 926 and H. F. No. 1149, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1172, A bill for an act relating to state government; extending the exemption from alcohol and controlled substances testing; amending Minnesota Statutes 2008, section 221.031, subdivision 10.

The bill was read for the first time.

Rosenthal moved that S. F. No. 1172 and H. F. No. 1820, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1754, A bill for an act relating to religious corporations; permitting a church benefits board to act as a trustee of a trust; amending Minnesota Statutes 2008, section 317A.909.

The bill was read for the first time.

Simon moved that S. F. No. 1754 and H. F. No. 1823, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 501, A bill for an act relating to human services; expanding the definition of services available under medical assistance for disabled children's services; amending Minnesota Statutes 2008, section 252.27, subdivision 1a.

The bill was read for the first time.

Hosch moved that S. F. No. 501 and H. F. No. 581, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 640, A bill for an act relating to waters; providing for temporary drawdown of public waters; proposing coding for new law in Minnesota Statutes, chapter 103G.

The bill was read for the first time.

Rosenthal moved that S. F. No. 640 and H. F. No. 1539, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 806, A bill for an act relating to financial institutions; regulating payday lending; providing penalties and remedies; amending Minnesota Statutes 2008, sections 47.60, subdivisions 4, 6; 53.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 47.

The bill was read for the first time.

Davnie moved that S. F. No. 806 and H. F. No. 914, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1147, A bill for an act relating to real property; modifying provisions governing orders to secure vacant property; specifying notice requirements; modifying provisions governing the reduced redemption period for abandoned property; establishing a duty to protect vacant foreclosed property under certain circumstances; providing for the imposition of fines for failure to maintain property; altering the posting requirement for trespassing on construction sites; modifying provisions governing public nuisances; imposing civil and criminal penalties; amending Minnesota Statutes 2008, sections 463.251, subdivisions 2, 3; 504B.151, subdivision 1; 504B.178, subdivision 8; 580.021, subdivision 1; 580.04; 580.041, subdivision 1a; 580.042, subdivision 1; 582.031; 582.032, subdivisions 2, 4, 5; 609.605, subdivision 1; 617.80, subdivision 7, by adding a subdivision; 617.81, subdivisions 2, 4.

The bill was read for the first time.

Hayden moved that S. F. No. 1147 and H. F. No. 1394, now on the Calendar for the Day, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1323, A bill for an act relating to environment; modifying Infectious Waste Control Act; amending Minnesota Statutes 2008, section 116.78, subdivision 4.

The bill was read for the first time.

Gardner moved that S. F. No. 1323 and H. F. No. 1372, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1566, A bill for an act relating to human services; amending health care eligibility provisions for medical assistance, MinnesotaCare, and general assistance medical care; establishing a Drug Utilization Review Board; authorizing rulemaking; requiring a report; amending Minnesota Statutes 2008, sections 62J.2930, subdivision 3; 245.494, subdivision 3; 256.015, subdivision 7; 256.969, subdivision 3a; 256B.037, subdivision 5; 256B.056, subdivisions 1c, 3c, 6; 256B.0625, by adding subdivisions; 256B.094, subdivision 3; 256B.195, subdivisions 1, 2, 3; 256B.69, subdivision 5a; 256B.77, subdivision 13; 256D.03, subdivision 3; 256L.01, by adding a subdivision; 256L.03, subdivision 5; 256L.15, subdivision 2; 507.092, by adding a subdivision; Laws 2005, First Special Session chapter 4, article 8, sections 54; 61; 63; 66; 74; repealing Minnesota Statutes 2008, sections 256B.031; 256L.01, subdivision 4; Laws 2005, First Special Session chapter 4, article 8, sections 21; 22; 23; 24.

The bill was read for the first time and referred to the Committee on Finance.

S. F. No. 1189, A bill for an act relating to occupations and professions; requiring certain training for school district boiler operators; proposing coding for new law in Minnesota Statutes, chapter 123B.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

S. F. No. 1464, A bill for an act relating to state government; authorizing use of state space for employee fitness and wellness activities; authorizing rulemaking; amending Minnesota Statutes 2008, section 16B.24, by adding a subdivision.

The bill was read for the first time.

Paymar moved that S. F. No. 1464 and H. F. No. 1268, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1503, A bill for an act relating to human services; changing child welfare provisions; modifying provisions governing adoption records; amending Minnesota Statutes 2008, sections 13.46, subdivision 2; 256.01, subdivision 14b; 259.52, subdivisions 2, 6; 259.89, subdivisions 1, 2, 4, by adding a subdivision; 260.012; 260.93; 260B.007, subdivision 7; 260B.157, subdivision 3; 260B.198, subdivision 1; 260C.007, subdivisions 18, 25; 260C.151, subdivisions 1, 2, 3, by adding a subdivision; 260C.163, by adding a subdivision; 260C.175, subdivision 1; 260C.176, subdivision 1; 260C.178, subdivisions 1, 3; 260C.201, subdivisions 1, 3, 5, 11; 260C.209, subdivision 3; 260C.212, subdivisions 1, 2, 4, 4a, 5, 7; 260D.02, subdivision 5; 260D.03, subdivision 1; 260D.07; 484.76, subdivision 2; Laws 2008, chapter 361, article 6, section 58; proposing coding for new law in Minnesota Statutes, chapter 260C; repealing Minnesota Statutes 2008, section 260C.209, subdivision 4.

The bill was read for the first time.

Hosch moved that S. F. No. 1503 and H. F. No. 1709, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1569, A bill for an act relating to economic development; providing for local collaborative projects to deliver employment, training, and education services.

The bill was read for the first time.

Haws moved that S. F. No. 1569 and H. F. No. 1850, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1884, A bill for an act relating to human services; modifying licensing requirements related to child care centers; amending Minnesota Statutes 2008, sections 245A.06, subdivision 8; 245A.07, subdivision 5; 245C.301.

The bill was read for the first time.

Murphy, E., moved that S. F. No. 1884 and H. F. No. 2124, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

Sertich moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Sertich.

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 1309.

H. F. No. 1309 was reported to the House.

Beard, Dill, Hortman, Severson and Eken moved to amend H. F. No. 1309, the second engrossment, as follows:

Page 18, after line 8, insert:

"Section 1. Minnesota Statutes 2008, section 16A.152, subdivision 2, is amended to read:

Subd. 2. **Additional revenues; priority.** (a) If on the basis of a forecast of general fund revenues and expenditures, the commissioner of finance determines that there will be a positive unrestricted budgetary general fund balance at the close of the biennium, the commissioner of finance must allocate money to the following accounts and purposes in priority order:

(1) the cash flow account established in subdivision 1 until that account reaches \$350,000,000;

(2) the budget reserve account established in subdivision 1a until that account reaches \$653,000,000;

(3) the amount necessary to increase the aid payment schedule for school district aids and credits payments in section 127A.45 to not more than 90 percent rounded to the nearest tenth of a percent without exceeding the amount available and with any remaining funds deposited in the budget reserve; ~~and~~

(4) the amount necessary to restore all or a portion of the net aid reductions under section 127A.441 and to reduce the property tax revenue recognition shift under section 123B.75, subdivision 5, paragraph (b), and Laws 2003, First Special Session chapter 9, article 5, section 34, as amended by Laws 2003, First Special Session chapter 23, section 20, by the same amount; and

(5) to the state airports fund, the amount necessary to restore the amount transferred from the state airports fund under Laws 2008, chapter 363, article 11, section 3, subdivision 5.

(b) The amounts necessary to meet the requirements of this section are appropriated from the general fund within two weeks after the forecast is released or, in the case of transfers under paragraph (a), clauses (3) and (4), as necessary to meet the appropriations schedules otherwise established in statute.

(c) To the extent that a positive unrestricted budgetary general fund balance is projected, appropriations under this section must be made before section 16A.1522 takes effect.

(d) The commissioner of finance shall certify the total dollar amount of the reductions under paragraph (a), clauses (3) and (4), to the commissioner of education. The commissioner of education shall increase the aid payment percentage and reduce the property tax shift percentage by these amounts and apply those reductions to the current fiscal year and thereafter."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hamilton and Magnus moved to amend H. F. No. 1309, the second engrossment, as amended, as follows:

Page 2, delete line 18 and insert:

"Subdivision 1. <u>Total Appropriation</u>	<u>\$1,855,219,000</u>	<u>\$1,989,216,000</u> "
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Holberg	Koenen	Mariani	Obermueller	Sanders	Thao
Hoppe	Kohls	Masin	Paymar	Scalze	Thissen
Hornstein	Laine	McFarlane	Peppin	Scott	Tillberry
Hortman	Lenczewski	McNamara	Persell	Sertich	Winkler
Hosch	Lieder	Morgan	Peterson	Simon	Zellers
Huntley	Lillie	Mullery	Reinert	Slawik	Spk. Kelliher
Johnson	Loeffler	Murphy, E.	Rosenthal	Slocum	
Juhnke	Loon	Murphy, M.	Rukavina	Solberg	
Kahn	Mack	Nelson	Ruud	Sterner	
Knuth	Mahoney	Newton	Sailer	Swails	

The motion did not prevail and the amendment was not adopted.

Buesgens moved to amend H. F. No. 1309, the second engrossment, as amended, as follows:

Page 25, delete section 15

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 56 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Gottwalt	Lanning	Peppin	Smith
Anderson, B.	Demmer	Gunther	Loon	Peterson	Sterner
Anderson, P.	Dettmer	Hackbarth	Mack	Rosenthal	Torkelson
Anderson, S.	Dittrich	Hamilton	Magnus	Ruud	Urdahl
Beard	Doepke	Holberg	Masin	Sanders	Westrom
Brod	Downey	Hoppe	McFarlane	Scalze	Zellers
Buesgens	Drazkowski	Howes	McNamara	Scott	
Bunn	Eastlund	Kelly	Murdock	Seifert	
Cornish	Emmer	Kiffmeyer	Nornes	Severson	
Davids	Garofalo	Kohls	Obermueller	Shimanski	

Those who voted in the negative were:

Anzelc	Dill	Haws	Kahn	Mahoney	Norton
Benson	Doty	Hilstrom	Kalin	Mariani	Olin
Bigham	Eken	Hilty	Kath	Marquart	Otremba
Bly	Falk	Hornstein	Knuth	Morgan	Paymar
Brown	Faust	Hortman	Koenen	Morrow	Pelowski
Brynaert	Fritz	Hosch	Laine	Mullery	Persell
Carlson	Gardner	Huntley	Lenczewski	Murphy, E.	Poppe
Champion	Greiling	Jackson	Lieder	Murphy, M.	Reinert
Clark	Hansen	Johnson	Lillie	Nelson	Rukavina
Davnie	Hausman	Juhnke	Loeffler	Newton	Sailer

Sertich
Simon
Slawik

Slocum
Solberg
Swails

Thao
Thissen
Tillberry

Ward
Welti
Winkler

Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

Magnus and Hamilton moved to amend H. F. No. 1309, the second engrossment, as amended, as follows:

Page 25, after line 30, insert:

"Sec. 16. **LOAN AGREEMENTS TO BUY AND REHABILITATE RAIL LINE.**

(a) The commissioner of transportation shall enter into an agreement to either forgive any money due (approximately \$2,851,118) on loan agreements 65572 and 67106 or convert the loans to grants. The loans were made to the Buffalo Ridge Regional Railroad Authority, which was established by Rock and Nobles Counties, to enable the counties to purchase and rehabilitate 41.4 miles of rail line providing transportation service to the counties.

(b) The agreement must ensure that all terms, provisions, and conditions of the loan agreements are deemed to be fully satisfied and performed on the part of the railroad authority and counties."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Buesgens moved to amend H. F. No. 1309, the second engrossment, as amended, as follows:

Page 2, delete line 18 and insert:

"Subdivision 1. <u>Total Appropriation</u>	<u>\$1,855,219,000</u>	<u>\$1,989,216,000</u>
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Page 2, delete line 21 and insert:

"General	<u>23,997,000</u>	<u>16,437,000</u> "
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Page 6, delete line 17 and insert:

"(c) <u>State Road Construction</u>	<u>562,593,000</u>	<u>617,993,000</u>
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Appropriations by Fund

General	<u>5,293,000</u>	<u>5,293,000</u>
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Trunk Highway	<u>557,300,000</u>	<u>612,700,000</u> "
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Page 6, line 18, after "appropriation" insert "from the trunk highway fund"

Page 7, after line 7, insert:

"The general fund appropriation in each year is for reconstruction of the interchange at marked Interstate Highway 494 and marked Trunk Highway 169."

Page 11, delete line 21 and insert:

"Subdivision 1. Total Appropriation \$69,893,000 \$69,893,000"

Page 12, delete lines 3 to 5

Amend the appropriations by the specified amounts and correct the totals and the appropriations by fund accordingly.

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 24 yeas and 105 nays as follows:

Those who voted in the affirmative were:

Anderson, S.	Demmer	Hackbarth	Lenczewski	Scott
Brod	Doepke	Hamilton	Loon	Seifert
Buesgens	Downey	Hoppe	Magnus	Smith
Cornish	Drazkowski	Howes	Rosenthal	Torkelson
Davids	Gunther	Kohls	Ruud	

Those who voted in the negative were:

Abeler	Dittrich	Hornstein	Loeffler	Obermueller	Slawik
Anderson, B.	Doty	Hortman	Mack	Olin	Slocum
Anderson, P.	Eastlund	Hosch	Mahoney	Otremba	Solberg
Anzelc	Eken	Huntley	Mariani	Paymar	Sterner
Beard	Emmer	Jackson	Marquart	Pelowski	Swails
Benson	Falk	Johnson	Masin	Peppin	Thao
Bigham	Faust	Juhnke	McFarlane	Persell	Thissen
Bly	Fritz	Kahn	McNamara	Peterson	Tillberry
Brown	Gardner	Kalin	Morgan	Poppe	Urdahl
Brynaert	Garofalo	Kath	Morrow	Reinert	Ward
Bunn	Gottwalt	Kelly	Mullery	Rukavina	Welti
Carlson	Greiling	Kiffmeyer	Murdock	Sailer	Westrom
Champion	Hansen	Knuth	Murphy, E.	Sanders	Winkler
Clark	Hausman	Koenen	Murphy, M.	Scalze	Zellers
Davnie	Haws	Laine	Nelson	Sertich	Spk. Kelliher
Dean	Hilstrom	Lanning	Newton	Severson	
Dettmer	Hilty	Lieder	Nornes	Shimanski	
Dill	Holberg	Lillie	Norton	Simon	

The motion did not prevail and the amendment was not adopted.

Emmer moved to amend H. F. No. 1309, the second engrossment, as amended, as follows:

Page 21, line 32, after "for" insert "(1)"

Page 21, line 33, before the period, insert ", and (2) persons over age 65"

Page 24, line 13, before "veterans" insert "(1)"

Page 24, line 14, before the period, insert ", and (2) persons over age 65"

Page 26, line 16, delete "to the Board of" and insert "for free transit service under Minnesota Statutes, section 473.408, subdivision 10."

Page 26, delete lines 17 to 31

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 50 yeas and 81 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Garofalo	Kelly	Nornes	Torkelson
Anderson, P.	Demmer	Gottwalt	Kiffmeyer	Obermueller	Urdahl
Anderson, S.	Dettmer	Gunther	Kohls	Peppin	Westrom
Beard	Doepke	Hackbarth	Loon	Sanders	Winkler
Bigham	Downey	Hamilton	Mack	Scott	Zellers
Brod	Drazkowski	Holberg	Magnus	Seifert	
Buesgens	Eastlund	Hoppe	McFarlane	Severson	
Cornish	Emmer	Howes	McNamara	Shimanski	
Davids	Fritz	Kath	Murdock	Smith	

Those who voted in the negative were:

Abeler	Eken	Huntley	Loeffler	Otremba	Slawik
Anzelc	Falk	Jackson	Mahoney	Paymar	Slocum
Benson	Faust	Johnson	Mariani	Pelowski	Solberg
Bly	Gardner	Juhnke	Marquart	Persell	Sterner
Brown	Greiling	Kahn	Masin	Peterson	Swails
Brynaert	Hansen	Kalin	Morgan	Poppe	Thao
Bunn	Hausman	Knuth	Morrow	Reinert	Thissen
Carlson	Haws	Koenen	Mullery	Rosenthal	Tillberry
Champion	Hayden	Laine	Murphy, E.	Rukavina	Ward
Clark	Hilstrom	Lanning	Murphy, M.	Ruud	Welti
Davnie	Hilty	Lenczewski	Nelson	Sailer	Spk. Kelliher
Dill	Hornstein	Liebling	Newton	Scalze	
Dittrich	Hortman	Lieder	Norton	Sertich	
Doty	Hosch	Lillie	Olin	Simon	

The motion did not prevail and the amendment was not adopted.

Emmer moved to amend H. F. No. 1309, the second engrossment, as amended, as follows:

Page 26, line 14, delete "LAND USE AND PLANNING REPORT" and insert "TRANSPORTATION ACCESS INFRASTRUCTURE IMPROVEMENTS"

Page 26, line 16, delete "to the Board of" and insert "for actual metropolitan area infrastructure improvements that (1) expand access to and interconnections of transit facilities; (2) improve mobility for persons with disabilities, including pedestrian bridges and pedestrian paths; or (3) provide development of transit-oriented lifecycle housing."

Page 26, delete lines 17 to 31

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Emmer amendment and the roll was called. There were 57 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Garofalo	Kelly	Nornes	Smith
Anderson, B.	Demmer	Gottwalt	Kiffmeyer	Obermueller	Torkelson
Anderson, P.	Dettmer	Gunther	Kohls	Olin	Urdahl
Anderson, S.	Doepke	Hackbarth	Lanning	Peppin	Welti
Bigham	Downey	Hamilton	Loon	Reinert	Westrom
Bly	Drazkowski	Holberg	Mack	Sanders	Winkler
Brod	Eastlund	Hoppe	Magnus	Scott	Zellers
Buesgens	Emmer	Howes	McFarlane	Seifert	
Cornish	Faust	Kalin	McNamara	Severson	
Davids	Fritz	Kath	Murdock	Shimanski	

Those who voted in the negative were:

Anzelc	Eken	Huntley	Mahoney	Paymar	Slocum
Beard	Falk	Jackson	Mariani	Pelowski	Solberg
Benson	Gardner	Johnson	Marquart	Persell	Sterner
Brown	Greiling	Juhnke	Masin	Peterson	Swails
Brynaert	Hansen	Kahn	Morgan	Poppe	Thao
Bunn	Hausman	Knuth	Morrow	Rosenthal	Thissen
Carlson	Haws	Koenen	Mullery	Rukavina	Tillberry
Champion	Hayden	Laine	Murphy, E.	Ruud	Ward
Clark	Hilstrom	Lenczewski	Murphy, M.	Sailer	Spk. Kelliher
Davnie	Hilty	Liebling	Nelson	Scalze	
Dill	Hornstein	Lieder	Newton	Sertich	
Dittrich	Hortman	Lillie	Norton	Simon	
Doty	Hosch	Loeffler	Otremba	Slawik	

The motion did not prevail and the amendment was not adopted.

Cornish moved to amend H. F. No. 1309, the second engrossment, as amended, as follows:

Page 9, line 14, delete "17,305,000" and insert "15,380,000" and delete "16,765,000" and insert "12,676,000"

Page 14, line 20, delete "69,468,000" and insert "71,393,000" and delete "67,304,000" and insert "71,393,000"

Adjust amounts accordingly

A roll call was requested and properly seconded.

The question was taken on the Cornish amendment and the roll was called. There were 52 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Faust	Howes	McFarlane	Shimanski
Anderson, P.	Dean	Garofalo	Kalin	McNamara	Smith
Anderson, S.	Demmer	Gottwalt	Kath	Murdock	Sterner
Beard	Dettmer	Gunther	Kelly	Nornes	Swails
Bigham	Doepke	Hackbarth	Kiffmeyer	Peppin	Torkelson
Brod	Downey	Hamilton	Kohls	Sanders	Urdahl
Buesgens	Drazkowski	Hilstrom	Loon	Scalze	Zellers
Bunn	Eastlund	Holberg	Mack	Scott	
Cornish	Emmer	Hoppe	Magnus	Severson	

Those who voted in the negative were:

Anderson, B.	Falk	Johnson	Marquart	Pelowski	Solberg
Anzelc	Fritz	Juhnke	Masin	Persell	Thao
Benson	Gardner	Kahn	Morgan	Peterson	Thissen
Bly	Greiling	Knuth	Morrow	Poppe	Tillberry
Brown	Hansen	Koenen	Mullery	Reinert	Ward
Brynaert	Hausman	Laine	Murphy, E.	Rosenthal	Welti
Carlson	Haws	Lanning	Murphy, M.	Rukavina	Westrom
Champion	Hayden	Lenczewski	Nelson	Ruud	Winkler
Clark	Hilty	Liebling	Newton	Sailer	Spk. Kelliher
Davnie	Hornstein	Lieder	Norton	Seifert	
Dill	Hortman	Lillie	Obermueller	Sertich	
Dittrich	Hosch	Loeffler	Olin	Simon	
Doty	Huntley	Mahoney	Otremba	Slawik	
Eken	Jackson	Mariani	Paymar	Slocum	

The motion did not prevail and the amendment was not adopted.

Hoppe, Mack and Loon moved to amend H. F. No. 1309, the second engrossment, as amended, as follows:

Page 24, after line 8, insert:

"Sec. 13. Minnesota Statutes 2008, section 473.388, subdivision 4, is amended to read:

Subd. 4. **Financial assistance.** (a) The council must grant the requested financial assistance if it determines that the proposed service is intended to replace the service to the applying city or town or combination thereof by the council and that the proposed service will meet the needs of the applicant at least as efficiently and effectively as the existing service.

(b) The amount of assistance which the council must provide to a system under this section may not be less than the sum of the amounts determined for each municipality comprising the system as follows:

(1) the transit operating assistance grants received under this subdivision by the municipality in calendar year 2001 or the tax revenues for transit services levied by the municipality for taxes payable in 2001, including that portion of the levy derived from the areawide pool under section 473F.08, subdivision 3, clause (a), plus the portion of the municipality's aid under section 273.1398, subdivision 2, attributable to the transit levy; times

(2) the ratio of (i) an amount equal to 3.74 percent of the state revenues generated from the taxes imposed under chapter 297B for the current fiscal year to (ii) the total transit operating assistance grants received under this subdivision in calendar year 2001 or the tax revenues for transit services levied by all replacement service municipalities under this section for taxes payable in 2001, including that portion of the levy derived from the areawide pool under section 473F.08, subdivision 3, clause (a), plus the portion of homestead and agricultural credit aid under section 273.1398, subdivision 2, attributable to nondebt transit levies, times

(3) the ratio of (i) the municipality's total taxable market value for taxes payable in 2006 divided by the municipality's total taxable market value for taxes payable in 2001, to (ii) the total taxable market value of all property located in replacement service municipalities for taxes payable in 2006 divided by the total taxable market value of all property located in replacement service municipalities for taxes payable in 2001.

(c) In addition to the amount of assistance calculated in paragraph (b), the council shall provide to each municipality an amount equal to:

(1) the total funds allocated to the municipality under paragraph (b) in a fiscal year, divided by the total funds received by the council from the revenues generated from the taxes imposed under chapter 297B in that fiscal year; times

(2) the total funds received by the council from the revenue under section 297A.815 in that fiscal year.

(d) The council shall pay the ~~amount~~ amounts to be provided to the recipient under this subdivision from the funds the council receives in the metropolitan area transit account under section 16A.88."

Page 25, line 24, after "section" insert "does not apply to the replacement service program under section 473.388, and"

Page 25, line 25, delete "473.388;"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Buesgens moved to amend H. F. No. 1309, the second engrossment, as amended, as follows:

Page 21, after line 12, insert:

"Sec. 6. Minnesota Statutes 2008, section 169.18, subdivision 1, is amended to read:

Subdivision 1. **Keep to the right.** (a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(1) when overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) when the right half of a roadway is closed to traffic while under construction or repair;

(3) upon a roadway divided into three marked lanes for traffic under the rules applicable thereon;

(4) upon a roadway designated and signposted for one-way traffic as a one-way roadway;

(5) as necessary to comply with subdivision 11 when approaching an authorized emergency vehicle parked or stopped on the roadway; or

(6) as necessary to comply with subdivision 12 when approaching a road maintenance or construction vehicle parked or stopped on the roadway.

(b) The commissioner of transportation shall erect signs to the left of the left-most lane directing motorists to move to the right."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 41 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Garofalo	Hosch	Mack	Shimanski
Anderson, B.	Doepke	Gunther	Howes	Magnus	Smith
Brod	Downey	Hackbarth	Juhnke	McFarlane	Sterner
Buesgens	Drazkowski	Hamilton	Kiffmeyer	Peppin	Westrom
Davids	Eastlund	Hansen	Kohls	Rosenthal	Winkler
Dean	Emmer	Holberg	Lanning	Scott	Zellers
Demmer	Faust	Hoppe	Loon	Seifert	

Those who voted in the negative were:

Anderson, P.	Clark	Hausman	Kath	Marquart	Norton
Anderson, S.	Cornish	Haws	Kelly	Masin	Obermueller
Anzelc	Davnie	Hayden	Knuth	McNamara	Olin
Beard	Dill	Hilstrom	Koenen	Morgan	Otremba
Benson	Dittrich	Hilty	Laine	Morrow	Paymar
Bigham	Doty	Hornstein	Lenczewski	Mullery	Pelowski
Bly	Eken	Hortman	Liebling	Murdock	Persell
Brown	Falk	Huntley	Lieder	Murphy, E.	Peterson
Brynaert	Fritz	Jackson	Lillie	Murphy, M.	Poppe
Bunn	Gardner	Johnson	Loeffler	Nelson	Reinert
Carlson	Gottwalt	Kahn	Mahoney	Newton	Rukavina
Champion	Greiling	Kalin	Mariani	Nornes	Ruud

Sailer	Sertich	Slawik	Swails	Tillberry	Ward
Sanders	Severson	Slocum	Thao	Torkelson	Welti
Scalze	Simon	Solberg	Thissen	Urdahl	Spk. Kelliher

The motion did not prevail and the amendment was not adopted.

Emmer moved to amend H. F. No. 1309, the second engrossment, as amended, as follows:

Page 12, line 5, after the period, insert "By July 1, 2012, no more than 50 percent of the operating expenses of the Hiawatha light rail transit line may be paid by state, metropolitan, or local government funds. By July 1, 2014, no more than 25 percent of the operating expenses of the Hiawatha light rail transit line may be paid by state, metropolitan, or local government funds."

The motion did not prevail and the amendment was not adopted.

Liebling moved to amend H. F. No. 1309, the second engrossment, as amended, as follows:

Page 21, delete section 5

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

H. F. No. 1309, A bill for an act relating to transportation finance; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers and tort claims; authorizing an account and certain contingent appropriations; modifying previous appropriations provisions; modifying various provisions related to transportation finance and policy; modifying provisions related to speed limits, fracture-critical bridges, transit, passenger rail, motor vehicle lease sales tax revenue allocations, transit services, and the Buffalo Ridge Regional Rail Authority; requiring reports; amending Minnesota Statutes 2008, sections 16A.152, subdivision 2; 161.081, by adding a subdivision; 161.36, subdivision 7, as added; 162.12, subdivision 2; 169.14, by adding a subdivision; 174.24, subdivision 1a, by adding a subdivision; 174.50, by adding a subdivision; 297A.815, subdivision 3; 473.408, by adding a subdivision; Laws 2007, chapter 143, article 1, section 3, subdivision 2, as amended; Laws 2008, chapter 152, article 1, section 5; proposing coding for new law in Minnesota Statutes, chapters 161; 174.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 86 yeas and 45 nays as follows:

Those who voted in the affirmative were:

Abeler	Benson	Brown	Carlson	Davnie	Doty
Anzelc	Bigham	Brynaert	Champion	Dill	Eken
Beard	Bly	Bunn	Clark	Dittrich	Falk

Faust	Hosch	Liebling	Murphy, M.	Reinert	Swails
Fritz	Huntley	Lieder	Nelson	Rosenthal	Thao
Gardner	Jackson	Lillie	Newton	Rukavina	Thissen
Greiling	Johnson	Loeffler	Norton	Ruud	Tillberry
Hansen	Juhnke	Mahoney	Obermueller	Sailer	Ward
Hausman	Kahn	Mariani	Olin	Scalze	Welti
Haws	Kalin	Marquart	Otremba	Sertich	Winkler
Hayden	Kath	Masin	Paymar	Simon	Spk. Kelliher
Hilstrom	Knuth	Morgan	Pelowski	Slawik	
Hilty	Koenen	Morrow	Persell	Slocum	
Hornstein	Laine	Mullery	Peterson	Solberg	
Hortman	Lenczewski	Murphy, E.	Poppe	Sterner	

Those who voted in the negative were:

Anderson, B.	Demmer	Gottwalt	Kiffmeyer	Murdock	Smith
Anderson, P.	Dettmer	Gunther	Kohls	Nornes	Torkelson
Anderson, S.	Doepke	Hackbarth	Lanning	Peppin	Urdahl
Brod	Downey	Hamilton	Loon	Sanders	Westrom
Buesgens	Drazkowski	Holberg	Mack	Scott	Zellers
Cornish	Eastlund	Hoppe	Magnus	Seifert	
Davids	Emmer	Howes	McFarlane	Severson	
Dean	Garofalo	Kelly	McNamara	Shimanski	

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

CALENDAR FOR THE DAY

S. F. No. 462, A bill for an act relating to public safety; expanding the current DWI ignition interlock device pilot program by two years and applying it statewide; amending Minnesota Statutes 2008, sections 169A.275, subdivision 7; 171.306, subdivisions 1, 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Bunn	Doty	Gunther	Hosch	Kohls
Anderson, B.	Carlson	Downey	Hackbarth	Howes	Laine
Anderson, P.	Champion	Drazkowski	Hamilton	Huntley	Lanning
Anderson, S.	Clark	Eastlund	Hansen	Jackson	Lenczewski
Anzelc	Cornish	Eken	Hausman	Johnson	Liebling
Beard	Davids	Emmer	Haws	Juhnke	Lieder
Benson	Davnie	Falk	Hayden	Kahn	Lillie
Bigham	Dean	Faust	Hilstrom	Kalin	Loeffler
Bly	Demmer	Fritz	Hilty	Kath	Loon
Brod	Dettmer	Gardner	Holberg	Kelly	Mack
Brown	Dill	Garofalo	Hoppe	Kiffmeyer	Magnus
Brynaert	Dittrich	Gottwalt	Hornstein	Knuth	Mahoney
Buesgens	Doepke	Greiling	Hortman	Koenen	Mariani

Marquart	Murphy, M.	Pelowski	Sailer	Slawik	Torkelson
Masin	Nelson	Peppin	Sanders	Slocum	Urdahl
McFarlane	Newton	Persell	Scalze	Smith	Ward
McNamara	Nornes	Peterson	Scott	Solberg	Welti
Morgan	Norton	Poppe	Seifert	Sterner	Westrom
Morrow	Obermueller	Reinert	Sertich	Swails	Winkler
Mullery	Olin	Rosenthal	Severson	Thao	Zellers
Murdock	Otremba	Rukavina	Shimanski	Thissen	Spk. Kelliher
Murphy, E.	Paymar	Ruud	Simon	Tillberry	

The bill was passed and its title agreed to.

H. F. No. 111, A bill for an act relating to the State Board of Investment; requiring divestment from certain investments relating to Iran; requiring a report; proposing coding for new law in Minnesota Statutes, chapter 11A.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 82 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Abeler	Doepke	Holberg	Laine	Nelson	Slawik
Anderson, S.	Doty	Hoppe	Lenczewski	Norton	Slocum
Anzelc	Downey	Hornstein	Liebling	Obermueller	Smith
Benson	Eken	Hortman	Lillie	Olin	Solberg
Bigham	Falk	Hosch	Loon	Peppin	Sterner
Brod	Fritz	Howes	Mack	Persell	Tillberry
Brown	Gardner	Jackson	Magnus	Peterson	Urdahl
Brynaert	Garofalo	Johnson	Mahoney	Reinert	Ward
Bunn	Gunther	Kahn	Marquart	Rosenthal	Welti
Carlson	Hamilton	Kalin	Masin	Sailer	Winkler
Champion	Hansen	Kath	McFarlane	Scott	Zellers
Davids	Haws	Knuth	Morgan	Seifert	Spk. Kelliher
Demmer	Hayden	Koenen	Morrow	Sertich	
Dittrich	Hilstrom	Kohls	Murphy, M.	Simon	

Those who voted in the negative were:

Anderson, B.	Dettmer	Hackbarth	Lieder	Otremba	Severson
Anderson, P.	Dill	Hausman	Loeffler	Paymar	Shimanski
Beard	Drazkowski	Hilty	Mariani	Pelowski	Swails
Bly	Eastlund	Huntley	McNamara	Poppe	Thao
Buesgens	Emmer	Juhnke	Murdock	Rukavina	Torkelson
Clark	Faust	Kelly	Murphy, E.	Ruud	Westrom
Cornish	Gottwalt	Kiffmeyer	Newton	Sanders	
Davnie	Greiling	Lanning	Nornes	Scalze	

The bill was passed and its title agreed to.

S. F. No. 261, A bill for an act relating to real property; making clarifying, technical, and conforming changes to transfer on death deeds; expanding common element certificates of title to include planned communities; exempting designated transfers from certain requirements; establishing procedures for cartways in cities; modifying power of attorney provision relating to real property transactions; amending Minnesota Statutes 2008, sections 272.115, subdivision 1, by adding a subdivision; 435.37, by adding a subdivision; 507.071, subdivision 20, by adding a subdivision; 507.092, subdivisions 1, 2; 508.351; 508.50; 508A.351; 508A.50; 523.17, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Haws	Laine	Nelson	Sertich
Anderson, B.	Dill	Hayden	Lanning	Newton	Severson
Anderson, P.	Dittrich	Hilstrom	Lenczewski	Nornes	Shimanski
Anderson, S.	Doepke	Hilty	Liebling	Norton	Simon
Anzelc	Doty	Holberg	Lieder	Obermueller	Slawik
Beard	Downey	Hoppe	Lillie	Olin	Slocum
Benson	Drazkowski	Hornstein	Loeffler	Otremba	Smith
Bigham	Eastlund	Hortman	Loon	Paymar	Solberg
Bly	Eken	Hosch	Mack	Pelowski	Sterner
Brod	Emmer	Howes	Magnus	Peppin	Swails
Brown	Falk	Huntley	Mahoney	Persell	Thao
Brynaert	Faust	Jackson	Mariani	Peterson	Thissen
Buesgens	Fritz	Johnson	Marquart	Poppe	Tillberry
Bunn	Gardner	Juhnke	Masin	Reinert	Torkelson
Carlson	Garofalo	Kahn	McFarlane	Rosenthal	Urdahl
Champion	Gottwalt	Kalin	McNamara	Rukavina	Ward
Clark	Greiling	Kath	Morgan	Ruud	Welti
Cornish	Gunther	Kelly	Morrow	Sailer	Westrom
Davids	Hackbarth	Kiffmeyer	Mullery	Sanders	Winkler
Davnie	Hamilton	Knuth	Murdock	Scalze	Zellers
Dean	Hansen	Koenen	Murphy, E.	Scott	Spk. Kelliher
Demmer	Hausman	Kohls	Murphy, M.	Seifert	

The bill was passed and its title agreed to.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place H. F. No. 1362 on the Fiscal Calendar for Monday, April 27, 2009.

Simon moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 2323.

H. F. No. 2323 was reported to the House.

Lenczewski moved to amend H. F. No. 2323, the second engrossment, as follows:

Page 52, line 17, after the period, insert "If the county intends to impose the tax it must notify the commissioner of revenue of its intent by September 1, 2009."

Page 56, line 31, delete the comma and insert "; the reimbursement shall be used to defray the additional costs associated with court-ordered counsel under section 611.27."

Page 67, line 20, delete "is" and insert "are"

Page 67, line 25, delete "encouraging" and insert "encourage"

Page 67, line 28, delete "all"

Page 67, line 29, delete "health and human services programs and services required by state law. The commissioner" and insert "the following programs as required by state law:"

Page 67, after line 29, insert:

"(1) the Comprehensive Mental Health Acts, sections 245.461 to 245.4889, excluding case management services under section 256B.0625, subdivision 20, and children's residential treatment under section 256B.0945;

(2) the Consolidated Chemical Dependency Treatment Fund under chapter 254B;

(3) the Commitment and Treatment Act, chapter 253B, as it relates to individuals with mental illness or chemical dependency;

(4) hold orders under section 253B.045, subdivision 2;

(5) nursing facilities which are reimbursed through group residential housing under chapter 256I due to their status as Institutions for Mental Diseases;

(6) services for which the county makes payments under section 256B.19; and

(7) the local share of the costs related to services provided by regional treatment centers and state nursing facilities under section 246.54."

Page 67, line 30, before "of revenue" insert "(b) The commissioner"

Page 67, line 33, before "programs" insert "these" and after the period, insert "The commissioner shall make recommendations to the chairs of the house and senate committees dealing with health and human service funding and taxes, no later than January 1, 2011."

Page 68, line 1, delete "(b)" and insert "(c)"

Page 68, line 6, delete "were" and insert "would otherwise be" and after "services" insert "listed in paragraph (a)"

Page 68, line 7, delete "2011" and insert "2012 as if the county funding mechanisms for these programs and services for calendar year 2011 were still in effect"

Page 68, line 9, delete "(c)" and insert "(d)"

Page 68, line 12, delete "(d)" and insert "(e)"

Page 73, line 11, delete "256F.10, subdivision 7:"

Page 73, line 12, before the second period, insert ", contingent upon the implementation of alternative funding mechanisms for the sections being repealed, using the funding provided in section 256E.40, or other sections of law"

Page 166, after line 33, insert:

"(o) A sale of an audio digital product or an audio visual digital product to a person who sells the product to a customer by providing access through a jukebox or similar amusement device is a sale for resale."

Page 233, after line 4, insert:

"(12) Obligations issued by a school district to pay other postemployment benefits."

Page 233, line 5, strike "(12)" and insert "(13)"

Page 233, line 19, after the period, insert "A school district may issue bonds to pay postemployment benefits to employees or officers after their termination of service." and reinstate the stricken language

Page 233, lines 20 and 21, reinstate the stricken language

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker assumed the chair.

Olin, Welti, Gardner, Jackson, Doty, Rukavina and Anzelc moved to amend H. F. No. 2323, the second engrossment, as amended, as follows:

Page 176, line 25, before the second "Residential" insert "(a)"

Page 177, after line 2, insert:

"(b) Notwithstanding paragraph (a), residential heating fuel sold to a customer registered with their natural gas or electricity service provider and receiving assistance through a federal or state low-income home energy assistance program is exempt as follows:

(1) for the billing months of November, December, January, February, March, and April, natural gas sold for residential use to customers who are metered and billed as residential users and who use natural gas for their primary source of residential heat; and

(2) for the billing months of November, December, January, February, March, and April, electricity sold for residential use to customers who are metered and billed as residential customers and who use electricity for their primary source of residential heat."

A roll call was requested and properly seconded.

Kohls moved that H. F. No. 2323, as amended, be re-referred to the Committee on Ways and Means.

A roll call was requested and properly seconded.

The question was taken on the Kohls motion and the roll was called. There were 49 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Garofalo	Kelly	Murdock	Torkelson
Anderson, B.	Demmer	Gottwalt	Kiffmeyer	Nornes	Urdahl
Anderson, P.	Dettmer	Gunther	Kohls	Peppin	Westrom
Anderson, S.	Doepke	Hackbarth	Lanning	Sanders	Zellers
Beard	Doty	Hamilton	Loon	Scott	
Brod	Downey	Holberg	Mack	Seifert	
Buesgens	Drazkowski	Hoppe	Magnus	Severson	
Cornish	Eastlund	Howes	McFarlane	Shimanski	
Davids	Emmer	Jackson	McNamara	Smith	

Those who voted in the negative were:

Anzelc	Eken	Hosch	Loeffler	Olin	Simon
Atkins	Falk	Huntley	Mahoney	Otremba	Slawik
Benson	Faust	Johnson	Mariani	Paymar	Slocum
Bigham	Fritz	Juhnke	Marquart	Pelowski	Solberg
Bly	Gardner	Kahn	Masin	Persell	Sterner
Brown	Greiling	Kalin	Morgan	Peterson	Swails
Brynaert	Hansen	Kath	Morrow	Poppe	Thao
Bunn	Hausman	Knuth	Mullery	Reinert	Thissen
Carlson	Haws	Koenen	Murphy, E.	Rosenthal	Tillberry
Champion	Hayden	Laine	Murphy, M.	Rukavina	Wagenius
Clark	Hilstrom	Lenczewski	Nelson	Ruud	Ward
Davnie	Hilty	Liebling	Newton	Sailer	Welti
Dill	Hornstein	Lieder	Norton	Scalze	Winkler
Dittrich	Hortman	Lillie	Obermueller	Sertich	Spk. Kelliher

The motion did not prevail.

The question recurred on the Olin et al amendment and the roll was called. There were 133 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Beard	Bly	Brynaert	Carlson
Anderson, B.	Anzelc	Benson	Brod	Buesgens	Champion
Anderson, P.	Atkins	Bigham	Brown	Bunn	Clark

Cornish	Gottwalt	Juhnke	Mariani	Peppin	Solberg
Davids	Greiling	Kahn	Marquart	Persell	Sterner
Davnie	Gunther	Kalin	Masin	Peterson	Swails
Dean	Hackbarth	Kath	McFarlane	Poppe	Thao
Demmer	Hamilton	Kelly	McNamara	Reinert	Thissen
Dettmer	Hansen	Kiffmeyer	Morgan	Rosenthal	Tillberry
Dill	Hausman	Knuth	Morrow	Rukavina	Torkelson
Dittrich	Haws	Koenen	Mullery	Ruud	Urdahl
Doepke	Hayden	Kohls	Murdock	Sailer	Wagenius
Doty	Hilstrom	Laine	Murphy, E.	Sanders	Ward
Downey	Hilty	Lanning	Murphy, M.	Scalze	Welti
Drazkowski	Holberg	Lenczewski	Nelson	Scott	Westrom
Eastlund	Hoppe	Liebling	Newton	Seifert	Winkler
Eken	Hornstein	Lieder	Nornes	Sertich	Zellers
Emmer	Hortman	Lillie	Norton	Severson	Spk. Kelliher
Falk	Hosch	Loeffler	Obermueller	Shimanski	
Faust	Howes	Loon	Olin	Simon	
Fritz	Huntley	Mack	Otremba	Slawik	
Gardner	Jackson	Magnus	Paymar	Slocum	
Garofalo	Johnson	Mahoney	Pelowski	Smith	

The motion prevailed and the amendment was adopted.

Brown moved to amend H. F. No. 2323, the second engrossment, as amended, as follows:

Page 12, line 3, reinstate the stricken language

ReNUMBER the clauses in sequence and correct internal references

Page 19, delete section 10 and insert:

"Sec. 10. Minnesota Statutes 2008, section 290.01, subdivision 29, is amended to read:

Subd. 29. **Taxable income.** The term "taxable income" means:

- (1) for individuals, estates, and trusts, the same as taxable net income;
- (2) for corporations, the taxable net income less
 - (i) the net operating loss deduction under section 290.095;
 - (ii) the dividends received deduction under section 290.21, subdivision 4;
 - (iii) the exemption for operating in a job opportunity building zone under section 469.317; and
 - (iv) ~~the exemption for operating in a biotechnology and health sciences industry zone under section 469.337; and~~
 - (v) ~~the exemption for operating in an international economic development zone under section 469.326~~ Minnesota development subsidies.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2009."

Page 31, line 19, delete "(8)" and insert "(9)"

Page 33, lines 20 and 21, reinstate the stricken language

Page 35, delete section 27 and insert:

"Sec. 27. Minnesota Statutes 2008, section 290.0922, subdivision 3, is amended to read:

Subd. 3. **Definitions.** (a) "Minnesota sales or receipts" means the total sales apportioned to Minnesota pursuant to section 290.191, subdivision 5, the total receipts attributed to Minnesota pursuant to section 290.191, subdivisions 6 to 8, and/or the total sales or receipts apportioned or attributed to Minnesota pursuant to any other apportionment formula applicable to the taxpayer.

(b) "Minnesota property" means total Minnesota tangible property as provided in section 290.191, subdivisions 9 to 11, any other tangible property located in Minnesota, but does not include: ~~(1) property located in a job opportunity building zone designated under section 469.314, (2) property of a qualified business located in a biotechnology and health sciences industry zone designated under section 469.334, or (3) for taxable years beginning during the duration of the zone, property of a qualified business located in the international economic development zone designated under section 469.322.~~ Intangible property shall not be included in Minnesota property for purposes of this section. Taxpayers who do not utilize tangible property to apportion income shall nevertheless include Minnesota property for purposes of this section. On a return for a short taxable year, the amount of Minnesota property owned, as determined under section 290.191, shall be included in Minnesota property based on a fraction in which the numerator is the number of days in the short taxable year and the denominator is 365.

(c) "Minnesota payrolls" means total Minnesota payrolls as provided in section 290.191, subdivision 12, but does not include: ~~(1) job opportunity building zone payrolls under section 469.310, subdivision 8, (2) biotechnology and health sciences industry zone payrolls under section 469.330, subdivision 8, or (3) for taxable years beginning during the duration of the zone, international economic development zone payrolls under section 469.321, subdivision 9.~~ Taxpayers who do not utilize payrolls to apportion income shall nevertheless include Minnesota payrolls for purposes of this section.

EFFECTIVE DATE. This section is effective for taxable years beginning after December 31, 2009."

Page 49, delete section 44

Page 49, line 29, delete "469.316; 469.317;"

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Brown amendment and the roll was called. There were 65 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, S.	Brown	Davids	Dettmer	Doty
Anderson, B.	Beard	Buesgens	Dean	Dill	Downey
Anderson, P.	Brod	Cornish	Demmer	Doepke	Drazkowski

Eastlund	Gunther	Juhnke	Mack	Otremba	Sterner
Eken	Hackbarth	Kalin	Magnus	Peppin	Torkelson
Emmer	Hamilton	Kath	McFarlane	Sanders	Urdahl
Falk	Haws	Kelly	McNamara	Scott	Ward
Faust	Holberg	Kiffmeyer	Murdock	Seifert	Welti
Fritz	Hoppe	Kohls	Nornes	Severson	Westrom
Garofalo	Howes	Lanning	Norton	Shimanski	Zellers
Gottwalt	Jackson	Loon	Olin	Smith	

Those who voted in the negative were:

Anzelc	Gardner	Kahn	Masin	Peterson	Solberg
Atkins	Greiling	Knuth	Morgan	Poppe	Swails
Benson	Hansen	Koenen	Morrow	Reinert	Thao
Bigham	Hausman	Laine	Mullery	Rosenthal	Thissen
Bly	Hayden	Lenczewski	Murphy, E.	Rukavina	Tillberry
Brynaert	Hilstrom	Liebling	Murphy, M.	Ruud	Wagenius
Bunn	Hilty	Lieder	Nelson	Sailer	Winkler
Carlson	Hornstein	Lillie	Newton	Scalze	Spk. Kelliher
Champion	Hortman	Loeffler	Obermueller	Sertich	
Clark	Hosch	Mahoney	Paymar	Simon	
Davnie	Huntley	Mariani	Pelowski	Slawik	
Dittrich	Johnson	Marquart	Persell	Slocum	

The motion did not prevail and the amendment was not adopted.

Welti, Olin, Eken, Rukavina, Reinert, Dill and Brown offered an amendment to H. F. No. 2323, the second engrossment, as amended.

POINT OF ORDER

Solberg raised a point of order pursuant to rule 4.03 relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills that the Welti et al amendment was not in order. The Speaker ruled the point of order well taken and the Welti et al amendment out of order.

Ward; Doty; Howes; Sailer; Nornes; Westrom; Eken; Gunther; Urdahl; Davids; Norton; Anderson, P.; McFarlane; Anzelc; Persell; Rukavina; Reinert and Dill moved to amend H. F. No. 2323, the second engrossment, as amended, as follows:

Page 181, delete section 35

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Ward et al amendment and the roll was called. There were 96 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Garofalo	Kalin	Nornes	Sertich
Anderson, B.	Dean	Gottwalt	Kath	Norton	Severson
Anderson, P.	Demmer	Gunther	Kelly	Obermueller	Shimanski
Anderson, S.	Dettmer	Hackbarth	Kiffmeyer	Olin	Smith
Anzelc	Dill	Hamilton	Kohls	Otremba	Solberg
Atkins	Doepke	Hansen	Lanning	Pelowski	Sterner
Beard	Doty	Haws	Lillie	Peppin	Swails
Benson	Downey	Hilstrom	Loeffler	Persell	Thissen
Bigham	Drazkowski	Holberg	Loon	Poppe	Torkelson
Brod	Eastlund	Hoppe	Mack	Reinert	Urdahl
Brown	Eken	Hortman	Magnus	Rosenthal	Ward
Brynaert	Emmer	Hosch	McFarlane	Rukavina	Wolti
Buesgens	Falk	Howes	McNamara	Sailer	Westrom
Bunn	Faust	Huntley	Morrow	Sanders	Winkler
Carlson	Fritz	Jackson	Murdock	Scott	Zellers
Cornish	Gardner	Juhnke	Newton	Seifert	Spk. Kelliher

Those who voted in the negative were:

Bly	Hayden	Laine	Masin	Peterson	Tillberry
Champion	Hilty	Lenczewski	Morgan	Ruud	Wagenius
Clark	Hornstein	Liebling	Mullery	Scalze	
Davnie	Johnson	Lieder	Murphy, E.	Simon	
Dittrich	Kahn	Mahoney	Murphy, M.	Slawik	
Greiling	Knuth	Mariani	Nelson	Slocum	
Hausman	Koenen	Marquart	Paymar	Thao	

The motion prevailed and the amendment was adopted.

H. F. No. 2323, as amended, was read for the third time.

CALL OF THE HOUSE

On the motion of Seifert and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Brynaert	Dill	Gardner	Hilty	Kalin
Anderson, B.	Buesgens	Dittrich	Garofalo	Holberg	Kath
Anderson, P.	Bunn	Doepke	Gottwalt	Hoppe	Kelly
Anderson, S.	Carlson	Doty	Greiling	Hornstein	Kiffmeyer
Anzelc	Champion	Downey	Gunther	Hortman	Knuth
Atkins	Clark	Drazkowski	Hackbarth	Hosch	Koenen
Beard	Cornish	Eastlund	Hamilton	Howes	Kohls
Benson	Davids	Eken	Hansen	Huntley	Laine
Bigham	Davnie	Emmer	Hausman	Jackson	Lanning
Bly	Dean	Falk	Haws	Johnson	Lenczewski
Brod	Demmer	Faust	Hayden	Juhnke	Liebling
Brown	Dettmer	Fritz	Hilstrom	Kahn	Lieder

Lillie	Morgan	Olin	Ruud	Slocum	Ward
Loeffler	Morrow	Otremba	Sailer	Smith	Welti
Loon	Mullery	Paymar	Sanders	Solberg	Westrom
Mack	Murdock	Pelowski	Scalze	Sterner	Winkler
Magnus	Murphy, E.	Peppin	Scott	Swails	Zellers
Mahoney	Murphy, M.	Persell	Seifert	Thao	Spk. Kelliher
Mariani	Nelson	Peterson	Sertich	Thissen	
Marquart	Newton	Poppe	Severson	Tillberry	
Masin	Nornes	Reinert	Shimanski	Torkelson	
McFarlane	Norton	Rosenthal	Simon	Urdahl	
McNamara	Obermueller	Rukavina	Slawik	Wagenius	

Seifert moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

H. F. No. 2323, A bill for an act relating to the financing and operation of state and local government; making policy, technical, administrative, enforcement, collection, refund, clarifying, and other changes to income, franchise, property, sales and use, estate, gift, cigarette, tobacco, liquor, motor vehicle, gross receipts, minerals, tax increment financing and other taxes and tax-related provisions; requiring certain additions; conforming to federal section 179 expensing allowances; adding Minnesota development subsidies to corporate taxable income; disallowing certain subtractions; allowing certain nonrefundable credits; allowing a refundable Minnesota child credit; repealing various credits; conforming to certain federal tax provisions; expanding definition of domestic corporation to include tax havens; modifying income tax rates; expanding and increasing credit for research activities; accelerating single sales apportionment; modifying minimum fees; allowing county local sales tax; eliminating certain existing local sales taxes; adjusting county program aid; modifying levy limits; making changes to residential homestead market value credit; providing flexibility and mandate reduction provisions; making changes to various property tax and local government aid-related provisions; providing temporary suspension of new or increased maintenance of effort and matching fund requirements; modifying county support of libraries; establishing the Council on Local Results and Innovation; providing property tax system benchmarks, critical indicators, and principles; establishing a property tax work group; creating the Legislative Commission on Mandate Reform; making changes to certain administrative procedures; modifying mortgage registry tax payments; modifying truth in taxation provisions; providing clarification for eligibility for property tax exemption for institutions of purely public charity; making changes to property tax refund and senior citizen property tax deferral programs; providing property tax exemptions; providing a property valuation reduction for certain land constituting a riparian buffer; providing a partial valuation exclusion for disaster damaged homes; extending deadline for special service district and housing improvement districts; requiring a fiscal disparity study; extending emergency medical service special taxing district; providing emergency debt certificates; providing and modifying local taxes; expanding county authorization to abate certain improvements; providing municipal street improvement districts; establishing a seasonal recreational property tax deferral program; expanding sales and use tax base; defining solicitor for purposes of nexus; providing a bovine tuberculosis testing grant; modifying tax preparation services law; modifying authority of municipalities to issue bonds for certain other postemployment benefits; allowing use of increment to offset state aid reductions; allowing additional authority to spend increments for housing replacement district plans; modifying and authorizing certain tax increment financing districts; providing equitable funding health and human services reform; modifying JOBZ provisions; repealing international economic development and biotechnology and health science industry zones; modifying basic sliding fee program funding; providing appointments; requiring reports; appropriating money; amending Minnesota Statutes 2008, sections 3.842, subdivision 4a; 3.843; 16C.28, subdivision 1a; 40A.09; 84.82, subdivision 10; 84.922, subdivision 11; 86B.401, subdivision 12; 123B.10, subdivision 1; 134.34, subdivisions 1, 4; 245.4932, subdivision 1; 253B.045, subdivision 2; 254B.04, subdivision 1; 270C.12, by adding a subdivision; 270C.445; 270C.56, subdivision 3; 272.02, subdivision 7, by adding subdivisions; 272.029, subdivision 6; 273.111, by adding a subdivision; 273.1231, subdivision 1; 273.1232, subdivision 1; 273.124, subdivision 1; 273.13, subdivisions 25, 34; 273.1384, subdivisions 1, 4, by adding a subdivision; 273.1393; 275.025, subdivisions 1, 2; 275.065, subdivisions 1, 1a, 1c, 3, 6; 275.07, subdivisions 1, 4, by adding a subdivision; 275.70, subdivisions 3, 5;

275.71, subdivisions 2, 4, 5; 276.04, subdivision 2; 279.10; 282.08; 287.08; 289A.02, subdivision 7, as amended; 289A.11, subdivision 1; 289A.20, subdivision 4; 289A.31, subdivision 5; 290.01, subdivisions 5, 19, as amended, 19a, as amended, 19b, 19c, as amended, 19d, as amended, 29, 31, as amended, by adding subdivisions; 290.014, subdivision 2; 290.06, subdivisions 2c, 2d, by adding subdivisions; 290.0671, subdivision 1; 290.068, subdivisions 1, 3, 4; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivisions 1, 3, by adding a subdivision; 290.17, subdivisions 2, 4; 290.191, subdivisions 2, 3; 290A.03, subdivision 15, as amended; 290A.04, subdivision 2; 290B.03, subdivision 1; 290B.04, subdivisions 3, 4; 290B.05, subdivision 1; 291.005, subdivision 1, as amended; 291.03, subdivision 1; 295.75, subdivision 2; 297A.61, subdivisions 3, 4, 5, 6, 10, 14a, 17a, 21, 38, by adding subdivisions; 297A.62, by adding a subdivision; 297A.63; 297A.64, subdivision 2; 297A.66, subdivision 1, by adding a subdivision; 297A.67, subdivisions 15, 23; 297A.815, subdivision 3; 297A.83, subdivision 3; 297A.94; 297A.99, subdivisions 1, 6; 297B.02, subdivision 1; 297F.01, by adding a subdivision; 297F.05, subdivisions 1, 3, 4, by adding a subdivision; 297G.03, subdivision 1; 297G.04; 298.001, by adding a subdivision; 298.018, subdivisions 1, 2, by adding a subdivision; 298.227; 298.24, subdivision 1; 298.28, subdivisions 2, 11, by adding a subdivision; 306.243, by adding a subdivision; 344.18; 365.28; 375.194, subdivision 5; 383A.75, subdivision 3; 428A.101; 428A.21; 429.011, subdivision 2a; 429.021, subdivision 1; 429.041, subdivisions 1, 2; 446A.086, subdivision 8; 465.719, subdivision 9; 469.015; 469.174, subdivision 22; 469.175, subdivisions 1, 6; 469.176, subdivisions 3, 6, by adding a subdivision; 469.1763, subdivisions 2, 3; 469.178, subdivision 7; 469.315; 469.3192; 473.13, subdivision 1; 473H.04, by adding a subdivision; 473H.05, subdivision 1; 475.51, subdivision 4; 475.52, subdivision 6; 475.58, subdivision 1; 477A.011, subdivision 36; 477A.0124, by adding a subdivision; 477A.013, subdivision 9, by adding a subdivision; 477A.03, subdivisions 2a, 2b; 641.12, subdivision 1; Laws 1986, chapter 396, section 4, subdivision 3; by adding a subdivision; Laws 1986, chapter 400, section 44, as amended; Laws 1991, chapter 291, article 8, section 27, subdivision 3, as amended; Laws 1993, chapter 375, article 9, section 46, subdivision 2, as amended, by adding a subdivision; Laws 1995, chapter 264, article 5, sections 44, subdivision 4, as amended; 45, subdivision 1, as amended; Laws 1996, chapter 471, article 2, section 30; Laws 1998, chapter 389, article 8, section 37, subdivision 1; Laws 2001, First Special Session chapter 5, article 3, section 8, as amended; Laws 2002, chapter 377, article 3, section 25; Laws 2006, chapter 259, article 3, section 12, subdivision 3; Laws 2008, chapter 366, article 5, section 34; article 6, sections 9; 10; article 7, section 16, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 3; 6; 14; 17; 256E; 270C; 272; 273; 275; 290; 292; 297A; 435; 475; 477A; proposing coding for new law as Minnesota Statutes, chapter 290D; repealing Minnesota Statutes 2008, sections 245.4835; 245.714; 246.54; 254B.02, subdivision 3; 256B.19, subdivision 1; 256I.08; 272.02, subdivision 83; 273.113; 275.065, subdivisions 5a, 6b, 6c, 8, 9, 10; 289A.50, subdivision 10; 290.01, subdivision 6b; 290.06, subdivisions 24, 28, 30, 31, 32, 33, 34; 290.067, subdivisions 1, 2, 2a, 2b, 3, 4; 290.0672; 290.0674; 290.0679; 290.0802; 290.0921, subdivision 7; 290.191, subdivision 4; 290.491; 297A.61, subdivision 45; 297A.68, subdivisions 38, 41; 469.316; 469.317; 469.321; 469.3215; 469.322; 469.323; 469.324; 469.325; 469.326; 469.327; 469.328; 469.329; 469.330; 469.331; 469.332; 469.333; 469.334; 469.335; 469.336; 469.337; 469.338; 469.339; 469.340; 469.341; 477A.0124, subdivisions 3, 4, 5; 477A.03, subdivision 5; Laws 2009, chapter 3, section 1; Laws 2009, chapter 12, article 1, section 8.

The bill, as amended, was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Anzelc	Champion	Fritz	Hilty	Kahn	Lieder
Atkins	Clark	Greiling	Hornstein	Kalin	Lillie
Bigham	Davnie	Hansen	Hortman	Knuth	Loeffler
Bly	Dill	Hausman	Hosch	Koenen	Mahoney
Brown	Eken	Haws	Huntley	Laine	Mariani
Brynaert	Falk	Hayden	Johnson	Lenczewski	Marquart
Carlson	Faust	Hilstrom	Juhnke	Liebling	Morrow

Mullery	Norton	Reinert	Slawik	Tillberry	Spk. Kelliher
Murphy, E.	Olin	Rukavina	Slocum	Wagenius	
Murphy, M.	Paymar	Sailer	Solberg	Ward	
Nelson	Persell	Sertich	Thao	Welti	
Newton	Peterson	Simon	Thissen	Winkler	

Those who voted in the negative were:

Abeler	Dean	Garofalo	Kiffmeyer	Nornes	Seifert
Anderson, B.	Demmer	Gottwalt	Kohls	Obermueller	Severson
Anderson, P.	Dettmer	Gunther	Lanning	Otremba	Shimanski
Anderson, S.	Dittrich	Hackbarth	Loon	Pelowski	Smith
Beard	Doepke	Hamilton	Mack	Peppin	Sterner
Benson	Doty	Holberg	Magnus	Poppe	Swails
Brod	Downey	Hoppe	Masin	Rosenthal	Torkelson
Buesgens	Drazkowski	Howes	McFarlane	Ruud	Urdahl
Bunn	Eastlund	Jackson	McNamara	Sanders	Westrom
Cornish	Emmer	Kath	Morgan	Scalze	Zellers
Davids	Gardner	Kelly	Murdock	Scott	

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2:

Greiling, Mariani, Slawik, Ward and Garofalo.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 936:

Thissen, Hosch and Beard.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 2123:

Wagenius, Hilty, Knuth, Hansen and Loon.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2081:

Rukavina; Murphy, M.; Clark; Mahoney and Gunther.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2083:

Rukavina, Slocum, Haws, Bly and McFarlane.

MOTIONS AND RESOLUTIONS

Sertich moved that the name of Thissen be added as an author on H. F. No. 11. The motion prevailed.

Hosch moved that the name of Falk be added as an author on H. F. No. 120. The motion prevailed.

Dill moved that his name be stricken as an author on H. F. No. 1086. The motion prevailed.

Seifert moved that the name of Murdock be added as an author on H. F. No. 1242. The motion prevailed.

Lanning moved that the name of Drazkowski be added as an author on H. F. No. 2347. The motion prevailed.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 12:00 noon, Monday, April 27, 2009. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 12:00 noon, Monday, April 27, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

