

STATE OF MINNESOTA

EIGHTY-SIXTH SESSION — 2009

 FORTY-SECOND DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 27, 2009

The House of Representatives convened at 12:00 noon and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Stephen Blenkush, Zion Lutheran Church, Milaca, 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	Nelson	Sertich
Anderson, B.	Dill	Hayden	Lenczewski	Newton	Severson
Anderson, P.	Dittrich	Hilstrom	Lesch	Nornes	Shimanski
Anderson, S.	Doepke	Hilty	Liebling	Norton	Simon
Anzels	Doty	Holberg	Lieder	Obermueller	Slawik
Atkins	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	Huntley	Magnus	Peppin	Swails
Brown	Falk	Jackson	Mahoney	Persell	Thao
Brynaert	Faust	Johnson	Mariani	Peterson	Thissen
Buesgens	Fritz	Juhnke	Marquart	Poppe	Tillberry
Bunn	Gardner	Kahn	Masin	Reinert	Torkelson
Carlson	Garofalo	Kalin	McFarlane	Rosenthal	Urdahl
Champion	Gottwalt	Kath	McNamara	Rukavina	Wagenius
Clark	Greiling	Kelly	Morgan	Ruud	Ward
Cornish	Gunther	Kiffmeyer	Morrow	Sailer	Welti
Davids	Hackbarth	Knuth	Mullery	Sanders	Westrom
Davnie	Hamilton	Koenen	Murdock	Scalze	Winkler
Dean	Hansen	Kohls	Murphy, E.	Scott	Zellers
Demmer	Hausman	Laine	Murphy, M.	Seifert	Spk. Kelliher

A quorum was present.

Howes was excused until 6:10 p.m. Beard was excused until 7:20 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Kalin 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 CHIEF CLERK

S. F. No. 457 and H. F. No. 521, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Thissen moved that the rules be so far suspended that S. F. No. 457 be substituted for H. F. No. 521 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 477 and H. F. No. 569, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Sailer moved that the rules be so far suspended that S. F. No. 477 be substituted for H. F. No. 569 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 501 and H. F. No. 581, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hosch moved that the rules be so far suspended that S. F. No. 501 be substituted for H. F. No. 581 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 640 and H. F. No. 1539, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rosenthal moved that the rules be so far suspended that S. F. No. 640 be substituted for H. F. No. 1539 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 806 and H. F. No. 914, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Davnie moved that the rules be so far suspended that S. F. No. 806 be substituted for H. F. No. 914 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 926 and H. F. No. 1149, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Juhnke moved that S. F. No. 926 be substituted for H. F. No. 1149 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1147 and H. F. No. 1394, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hayden moved that the rules be so far suspended that S. F. No. 1147 be substituted for H. F. No. 1394 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1172 and H. F. No. 1820, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Rosenthal moved that S. F. No. 1172 be substituted for H. F. No. 1820 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1323 and H. F. No. 1372, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Gardner moved that the rules be so far suspended that S. F. No. 1323 be substituted for H. F. No. 1372 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1464 and H. F. No. 1268, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Paymar moved that S. F. No. 1464 be substituted for H. F. No. 1268 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1503 and H. F. No. 1709, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hosch moved that the rules be so far suspended that S. F. No. 1503 be substituted for H. F. No. 1709 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1569 and H. F. No. 1850, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Haws moved that the rules be so far suspended that S. F. No. 1569 be substituted for H. F. No. 1850 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1754 and H. F. No. 1823, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Simon moved that S. F. No. 1754 be substituted for H. F. No. 1823 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1884 and H. F. No. 2124, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Murphy, E., moved that S. F. No. 1884 be substituted for H. F. No. 2124 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 457, 477, 501, 640, 806, 926, 1147, 1172, 1323, 1464, 1503, 1569, 1754 and 1884 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Morgan and Slawik introduced:

H. F. No. 2353, A bill for an act relating to manufactured home park lot rentals; establishing a new administrative remedy for violations of Minnesota Statutes, sections 327C.01 to 327C.14; amending Minnesota Statutes 2008, section 327C.01, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 327C.

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 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. 819, A bill for an act relating to commerce; prohibiting certain unfair Internet ticket sales by original sellers and resellers; proposing coding for new law in Minnesota Statutes, chapter 609.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Atkins moved that the House refuse to concur in the Senate amendments to H. F. No. 819, 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 File, herewith transmitted:

S. F. No. 657.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 657, A bill for an act relating to energy; providing direction for the use of federal stimulus money for energy programs; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216C.

The bill was read for the first time.

Kalin moved that S. F. No. 657 and H. F. No. 680, 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 the Speaker.

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of H. F. No. 1362.

H. F. No. 1362 was reported to the House.

Huntley offered an amendment to H. F. No. 1362, the second engrossment.

Dean requested a division of the Huntley amendment to H. F. No. 1362, the second engrossment.

Dean further requested that the second portion of the divided Huntley amendment to H. F. No. 1362, the second engrossment, be voted on first.

The second portion of the Huntley amendment to H. F. No. 1362, the second engrossment, reads as follows:

Page 349, after line 13, insert:

"Nursing Home Moratorium Exception. Of the general fund appropriation, \$1,386,000 is to permit the commissioner to approve moratorium exception projects under Minnesota Statutes, section 144A.073. During fiscal year 2010, the commissioner may approve moratorium exception projects for which the full annualized state share of medical assistance costs does not exceed \$3,000,000. During fiscal year 2011, the commissioner may approve moratorium exception projects for which the full annualized state share of medical assistance costs does not exceed \$3,000,000, less the amount approved during the first year."

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the second portion of the Huntley amendment was adopted.

The first portion of the Huntley amendment to H. F. No. 1362, the second engrossment, as amended, reads as follows:

Page 48, line 5, delete "AND HEALTH CARE"

Page 322, line 6, delete "count" and insert "county"

Page 346, line 10, before "Effective" insert "(a)"

Page 346, line 18, after the period, insert "(b)"

Page 346, after line 21, insert:

"(c) The family planning grants are exempt from this reduction. The base for family planning grants is \$4,197,000 per year."

Adjust amounts accordingly

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 first portion of the Huntley amendment and the roll was called. There were 82 yeas and 50 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed and the first portion of the Huntley amendment was adopted.

Fritz, Otremba, Doty, Brod, Hosch, Peppin, Juhnke, Abeler, Kelly and Ward moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 335, after line 35, insert:

"Use of Funds. Funding for state-sponsored health programs shall not be used for funding abortions, except to the extent necessary for continued participation in a federal program. For purposes of this section, abortion has the meaning given in Minnesota Statutes, section 144.343, subdivision 3. The Minnesota Supreme Court has original jurisdiction over an action challenging the constitutionality of this paragraph and shall expedite the resolution of the action. Notwithstanding any contrary provision in this article, this paragraph does not expire."

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Fritz et al amendment and the roll was called. There were 66 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Garofalo	Kelly	McFarlane	Seifert
Anderson, B.	Dittrich	Gottwalt	Kiffmeyer	McNamara	Severson
Anderson, P.	Doepke	Gunther	Koenen	Murdock	Shimanski
Anderson, S.	Doty	Hackbarth	Kohls	Murphy, M.	Smith
Brod	Downey	Hamilton	Lanning	Nornes	Sterner
Buesgens	Drazkowski	Haws	Lenczewski	Olin	Torkelson
Cornish	Eastlund	Holberg	Lieder	Otremba	Urdahl
Davids	Eken	Hoppe	Loon	Pelowski	Ward
Dean	Emmer	Hosch	Mack	Peppin	Welti
Demmer	Faust	Juhnke	Magnus	Sanders	Westrom
Dettmer	Fritz	Kath	Marquart	Scott	Zellers

Those who voted in the negative were:

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

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

Murphy, E., moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 137, line 13, after the period, insert "The commissioner shall report in detail to the chair of the Health Care and Human Services Finance Committee of the house and to the chair of the Health and Human Services Division of the Finance Committee of the senate, prior to entering into any contracts in involving counties for streamlined electronic enrollment and eligibility determinations for state health care programs, if such contracts would require payment from either the general fund or the health care access fund, as described in sections 295.58 and 297I.05."

Huntley moved to amend the Murphy, E., amendment to H. F. No. 1362, the second engrossment, as amended, as follows:

Page 1 of the Murphy, E., amendment, after line 9, insert:

"Page ..., after line ..., insert:

"Sec. Minnesota Statutes 2008, section 16A.725, subdivision 3, is amended to read:

Subd. 3. **Fund reimbursements.** ~~(a)~~ Each fiscal year, the commissioner of finance shall first transfer from the health impact fund to the general fund an amount sufficient to offset the general fund cost of the certified expenditures under subdivision 2 or the balance of the fund, whichever is less.

~~(b) If any balance remains in the health impact fund after the transfer in paragraph (a), the commissioner of finance shall transfer to the health care access fund the amount sufficient to offset the health care access fund cost of the certified expenditures in subdivision 2, or the balance of the fund, whichever is less.~~

Sec. Minnesota Statutes 2008, section 144.1501, subdivision 2, is amended to read:

Subd. 2. **Creation of account.** (a) A health professional education loan forgiveness program account is established in the general fund. The commissioner of health shall use money from the account to establish a loan forgiveness program:

(1) for medical residents agreeing to practice in designated rural areas or underserved urban communities or specializing in the area of pediatric psychiatry;

(2) for midlevel practitioners agreeing to practice in designated rural areas or to teach at least 12 credit hours, or 720 hours per year in the nursing field in a postsecondary program at the undergraduate level or the equivalent at the graduate level;

(3) for nurses who agree to practice in a Minnesota nursing home or intermediate care facility for persons with developmental disability or to teach at least 12 credit hours, or 720 hours per year in the nursing field in a postsecondary program at the undergraduate level or the equivalent at the graduate level;

(4) for other health care technicians agreeing to teach at least 12 credit hours, or 720 hours per year in their designated field in a postsecondary program at the undergraduate level or the equivalent at the graduate level. The commissioner, in consultation with the Healthcare Education-Industry Partnership, shall determine the health care fields where the need is the greatest, including, but not limited to, respiratory therapy, clinical laboratory technology, radiologic technology, and surgical technology;

(5) for pharmacists who agree to practice in designated rural areas; and

(6) for dentists agreeing to deliver at least 25 percent of the dentist's yearly patient encounters to state public program enrollees or patients receiving sliding fee schedule discounts through a formal sliding fee schedule meeting the standards established by the United States Department of Health and Human Services under Code of Federal Regulations, title 42, section 51, chapter 303.

(b) Appropriations made to the account do not cancel and are available until expended, except that at the end of each biennium, any remaining balance in the account that is not committed by contract and not needed to fulfill existing commitments shall cancel to the general fund.

Sec. Minnesota Statutes 2008, section 144.1501, subdivision 5, is amended to read:

Subd. 5. **Penalty for nonfulfillment.** If a participant does not fulfill the required minimum commitment of service according to subdivision 3, the commissioner of health shall collect from the participant the total amount paid to the participant under the loan forgiveness program plus interest at a rate established according to section 270C.40. The commissioner shall deposit the money collected in the ~~health care access~~ general fund to be credited to the health professional education loan forgiveness program account established in subdivision 2. The commissioner shall allow waivers of all or part of the money owed the commissioner as a result of a nonfulfillment penalty if emergency circumstances prevented fulfillment of the minimum service commitment.

Sec. Minnesota Statutes 2008, section 145.986, subdivision 5, is amended to read:

Subd. 5. **Report.** The commissioner shall submit a biennial report to the legislature on the statewide health improvement program funded under this section. These reports must include information on grant recipients, activities that were conducted using grant funds, evaluation data, and outcome measures, if available. In addition, the commissioner shall provide recommendations on future areas of focus for health improvement. These reports are due by January 15 of every other year, beginning in 2010. In the report due on January 15, 2010, the commissioner shall include recommendations on a sustainable funding source for the statewide health improvement program ~~other than the health care access fund.~~

Sec. Minnesota Statutes 2008, section 295.58, is amended to read:

295.58 DEPOSIT OF REVENUES AND PAYMENT OF REFUNDS.

The commissioner shall deposit all revenues, including penalties and interest, derived from the taxes imposed by sections 295.50 to 295.57 and from the insurance premiums tax imposed by section 297I.05, subdivision 5, on health maintenance organizations, community integrated service networks, and nonprofit health service plan corporations in the ~~health care access~~ general fund. There is annually appropriated from the ~~health care access~~ general fund to the commissioner of revenue the amount necessary to make refunds under this chapter.

Sec. Minnesota Statutes 2008, section 297I.05, subdivision 5, is amended to read:

Subd. 5. **Health maintenance organizations, nonprofit health service plan corporations, and community integrated service networks.** (a) A tax is imposed on health maintenance organizations, community integrated service networks, and nonprofit health care service plan corporations. The rate of tax is equal to one percent of gross premiums less return premiums on all direct business received by the organization, network, or corporation or its agents in Minnesota, in cash or otherwise, in the calendar year.

(b) The commissioner shall deposit all revenues, including penalties and interest, collected under this chapter from health maintenance organizations, community integrated service networks, and nonprofit health service plan corporations in the ~~health care access~~ general fund. Refunds of overpayments of tax imposed by this subdivision must be paid from the ~~health care access~~ general fund. There is annually appropriated from the ~~health care access~~ general fund to the commissioner the amount necessary to make any refunds of the tax imposed under this subdivision.

Sec. **HEALTH CARE ACCESS FUND RESOURCES AND APPROPRIATIONS.**

Effective July 1, 2011, all health care access fund resources and agency appropriations become general fund resources and agency appropriations.

Sec. **REPEALER.**

Minnesota Statutes 2008, sections 16A.724; 62U.10, subdivision 4; 256L.02, subdivision 3; and 295.581, are repealed.

EFFECTIVE DATE. The provisions of the article are effective July 1, 2011, unless a different effective date is specified."

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

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

Sertich 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.

POINT OF ORDER

Dean raised a point of order pursuant to rule 3.21 that the Huntley amendment to the Murphy, E., amendment was not in order. The Speaker ruled the point of order not well taken and the Huntley amendment to the Murphy, E., amendment in order.

The question recurred on the Huntley amendment to the Murphy, E., amendment and the roll was called. There was 1 yea and 131 nays as follows:

Those who voted in the affirmative were:

Buesgens

Those who voted in the negative were:

Abeler	Benson	Bunn	Davnie	Doepke	Emmer
Anderson, B.	Bigham	Carlson	Dean	Doty	Falk
Anderson, P.	Bly	Champion	Demmer	Downey	Faust
Anderson, S.	Brod	Clark	Dettmer	Drazkowski	Fritz
Anzelc	Brown	Cornish	Dill	Eastlund	Gardner
Atkins	Brynaert	Davids	Dittrich	Eken	Garofalo

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

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

The question recurred on the Murphy, E., amendment to H. F. No. 1362, the second engrossment, as amended. The motion prevailed and the amendment was adopted.

Thissen moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 137, delete section 58 and insert:

"Sec. 58. **REPEALER.**

Minnesota Statutes 2008, section 256.962, subdivision 7, is repealed effective July 1, 2009."

Huntley moved to amend the Thissen amendment to H. F. No. 1362, the second engrossment, as amended, as follows:

Page 1, after line 5, insert:

"Page 137, after line 19, insert:

"Sec. 59. **REPEALER.**

Minnesota Statutes 2008, section 256.969, subdivision 26, is repealed effective July 1, 2009.'"

A roll call was requested and properly seconded.

POINT OF ORDER

Emmer raised a point of order pursuant to rule 3.21 that the Huntley amendment to the Thissen amendment was not in order. The Speaker ruled the point of order not well taken and the Huntley amendment to the Thissen amendment in order.

The question recurred on the Huntley amendment to the Thissen amendment and the roll was called. There was 1 yea and 131 nays as follows:

Those who voted in the affirmative were:

Buesgens

Those who voted in the negative were:

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

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

Thissen temporarily withdrew his amendment to H. F. No. 1362, the second engrossment, as amended.

Peppin and Zellers moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 31, after line 13, insert:

"Sec. 14. Minnesota Statutes 2008, section 256J.49, subdivision 13, is amended to read:

Subd. 13. **Work activity.** (a) "Work activity" means any activity in a participant's approved employment plan that leads to employment. For purposes of the MFIP program, this includes activities that meet the definition of work activity under the participation requirements of TANF. Work activity includes:

(1) unsubsidized employment, including work study and paid apprenticeships or internships;

(2) subsidized private sector or public sector employment, including grant diversion as specified in section 256J.69, on-the-job training as specified in section 256J.66, paid work experience, and supported work when a wage subsidy is provided;

(3) unpaid work experience, including community service, volunteer work, the community work experience program as specified in section 256J.67, unpaid apprenticeships or internships, and supported work when a wage subsidy is not provided. Unpaid work experience is only an option if the participant has been unable to obtain or maintain paid employment in the competitive labor market, and no paid work experience programs are available to the participant. Prior to placing a participant in unpaid work, the county must inform the participant that the participant will be notified if a paid work experience or supported work position becomes available. Unless a participant consents in writing to participate in unpaid work experience, the participant's employment plan may only include unpaid work experience if including the unpaid work experience in the plan will meet the following criteria:

(i) the unpaid work experience will provide the participant specific skills or experience that cannot be obtained through other work activity options where the participant resides or is willing to reside; and

(ii) the skills or experience gained through the unpaid work experience will result in higher wages for the participant than the participant could earn without the unpaid work experience;

(4) job search including job readiness assistance, job clubs, job placement, job-related counseling, and job retention services;

(5) job readiness education, including English as a second language (ESL) or functional work literacy classes as limited by the provisions of section 256J.531, subdivision 2, general educational development (GED) course work, high school completion, and adult basic education as limited by the provisions of section 256J.531, subdivision 1;

(6) job skills training directly related to employment, including education and training that can reasonably be expected to lead to employment, as limited by the provisions of section 256J.53;

(7) providing child care services to a participant who is working in a community service program;

(8) activities included in the employment plan that is developed under section 256J.521, subdivision 3; and

(9) preemployment activities including chemical and mental health assessments, treatment, and services; learning disabilities services; child protective services; family stabilization services; or other programs designed to enhance employability.

(b) "Work activity" does not include activities done for political purposes as defined in section 211B.01, subdivision 6."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Hoppe was excused between the hours of 3:40 p.m. and 7:15 p.m.

Hayden moved to amend the Peppin and Zellers amendment to H. F. No. 1362, the second engrossment, as amended, as follows:

Page 2, line 21, after "for" insert "partisan"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 84 yeas and 47 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Peppin and Zellers amendment, as amended, and the roll was called. There were 129 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark	Falk	Holberg	Lanning	Morgan
Anderson, B.	Cornish	Faust	Hornstein	Lenczewski	Morrow
Anderson, P.	Davids	Fritz	Hortman	Lesch	Mullery
Anderson, S.	Davnie	Gardner	Hosch	Liebling	Murdock
Anzelc	Dean	Garofalo	Huntley	Lieder	Murphy, E.
Atkins	Demmer	Gottwalt	Jackson	Lillie	Murphy, M.
Benson	Dettmer	Greiling	Johnson	Loeffler	Nelson
Bigham	Dill	Gunther	Juhnke	Loon	Newton
Bly	Dittrich	Hackbarth	Kalin	Mack	Nornes
Brod	Doepke	Hamilton	Kath	Magnus	Norton
Brown	Doty	Hansen	Kelly	Mahoney	Obermueller
Brynaert	Downey	Hausman	Kiffmeyer	Mariani	Olin
Buesgens	Drazkowski	Haws	Knuth	Marquart	Otremba
Bunn	Eastlund	Hayden	Koenen	Masin	Paymar
Carlson	Eken	Hilstrom	Kohls	McFarlane	Pelowski
Champion	Emmer	Hilty	Laine	McNamara	Peppin

Persell	Ruud	Sertich	Smith	Torkelson	Winkler
Peterson	Sailer	Severson	Solberg	Urdahl	Zellers
Poppe	Sanders	Shimanski	Sterner	Wagenius	Spk. Kelliher
Reinert	Scalze	Simon	Swails	Ward	
Rosenthal	Scott	Slawik	Thissen	Welti	
Rukavina	Seifert	Slocum	Tillberry	Westrom	

Those who voted in the negative were:

Kahn Thao

The motion prevailed and the amendment, as amended, was adopted.

Abeler and Hosch moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 194, after line 2, insert:

"(e) Notwithstanding any law or rule to the contrary, the commissioner may establish an audit mechanism for the authorization of personal care assistance services under section 256B.0659 which requires a manual review of the provision of personal care assistance services of 12 hours or more per day."

The motion prevailed and the amendment was adopted.

The Speaker called Juhnke to the chair.

Thissen; Brod; Dean; Murphy, E., and Liebling moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 112, line 22, after the period, insert "The provider fee schedule rates or payment rates negotiated by managed care and county-based purchasing plans pursuant to sections 256B.69 and 256B.692 for the contract year beginning January 1, 2009, may not be modified or changed prior to January 1, 2012."

Page 113, line 22, after the period, insert "The provider fee schedule rates or payment rates negotiated by managed care and county-based purchasing plans pursuant to sections 256B.69 and 256B.692 for the contract year beginning January 1, 2009, may not be modified or changed prior to January 1, 2012."

Page 119, line 25, after the period, insert "The provider fee schedule rates or payment rates negotiated by managed care and county-based purchasing plans pursuant to sections 256B.69 and 256B.692 for the contract year beginning January 1, 2009, may not be modified or changed prior to January 1, 2012."

Page 119, line 34, after the period, insert "The provider fee schedule rates or payment rates negotiated by managed care and county-based purchasing plans pursuant to sections 256B.69 and 256B.692 for the contract year beginning January 1, 2009, may not be modified or changed prior to January 1, 2012."

Page 123, line 19, after the period, insert "The provider fee schedule rates or payment rates negotiated by managed care and county-based purchasing plans pursuant to sections 256B.69 and 256B.692 for the contract year beginning January 1, 2009, may not be modified or changed prior to January 1, 2012."

Page 123, line 28, after the period, insert "The provider fee schedule rates or payment rates negotiated by managed care and county-based purchasing plans pursuant to sections 256B.69 and 256B.692 for the contract year beginning January 1, 2009, may not be modified or changed prior to January 1, 2012."

The motion prevailed and the amendment was adopted.

Norton moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 48, after line 10, insert:

"Sec. 2. **[62A.3094] COVERAGE FOR AUTISM SPECTRUM DISORDERS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in paragraphs (b) to (e) have the meanings given.

(b) "Autism spectrum disorders" means one or more of the following conditions as determined by criteria set forth in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association:

(1) autism or autistic disorder;

(2) Asperger's syndrome; or

(3) pervasive developmental disorder - not otherwise specified.

(c) "Health plan" has the meaning given in section 62Q.01, subdivision 3.

(d) "Medically necessary care" means health care services appropriate, in terms of type, frequency, level, setting, and duration, to the enrollee's condition, and diagnostic testing and preventative services. Medically necessary care must be consistent with generally accepted practice parameters as determined by physicians and licensed psychologists who typically manage patients who have autism spectrum disorders.

(e) "Mental health professional" has the meaning given in section 245.4871, subdivision 27.

Subd. 2. **Coverage required.** (a) A health plan must provide coverage for the diagnosis, evaluation, assessment, and medically necessary care of autism spectrum disorders, including but not limited to the following:

(1) intensive behavior therapy, such as applied behavior analysis, intensive early intervention behavior therapy, intensive behavior intervention, and Lovaas therapy;

(2) behavior services, instruction, and management;

(3) speech therapy;

(4) occupational therapy;

(5) physical therapy; and

(6) medications.

(b) Coverage required under this section shall include treatment that is in accordance with an individualized treatment plan prescribed by the insured's treating physician or mental health professional.

(c) A health plan may not refuse to renew or reissue, or otherwise terminate or restrict, coverage of an individual solely because the individual is diagnosed with an autism spectrum disorder.

(d) A health plan may request an updated treatment plan only once every six months, unless the health plan and the treating physician or mental health professional agree that a more frequent review is necessary due to emerging circumstances.

Subd. 3. **No effect on other law.** Nothing in this section limits in any way the coverage required under section 62Q.47.

Subd. 4. **State health care programs.** This section does not affect benefits available under the medical assistance, MinnesotaCare, and general assistance medical care programs, and the state employee group insurance plan (SEGIP). These programs and SEGIP must maintain current levels of coverage.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to coverage offered; issued; sold; renewed; or continued as defined in Minnesota Statutes, section 60A.02, subdivision 2a; on or after that date."

Page 271, after line 15, insert:

"Sec. 83. **TEFRA PREMIUMS.**

The commissioner shall reduce TEFRA premiums, effective July 1, 2009, using general fund savings resulting from increased private sector insurance coverage for autism spectrum disorders under section 62A.3094."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The Speaker resumed the chair.

CALL OF THE HOUSE LIFTED

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Dean moved to amend the Norton amendment to H. F. No. 1362, the second engrossment, as amended, as follows:

Page 2, delete lines 14 to 17

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called. There were 48 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dean	Emmer	Kiffmeyer	Nornes	Shimanski
Anderson, P.	Demmer	Garofalo	Kohls	Peppin	Smith
Anderson, S.	Dettmer	Gottwalt	Loon	Ruud	Sterner
Brod	Dittrich	Gunther	Mack	Sanders	Thissen
Brown	Doepke	Hackbarth	Magnus	Scalze	Torkelson
Buesgens	Downey	Hamilton	McFarlane	Scott	Urdahl
Bunn	Drazkowski	Holberg	McNamara	Seifert	Westrom
Dauids	Eastlund	Kelly	Murdock	Severson	Zellers

Those who voted in the negative were:

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

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

The question recurred on the Norton amendment to H. F. No. 1362, the second engrossment, as amended. The motion prevailed and the amendment was adopted.

Abeler moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 155, after line 31, insert:

"Section 1. Minnesota Statutes 2008, section 245.462, subdivision 18, is amended to read:

Subd. 18. **Mental health professional.** "Mental health professional" means a person providing clinical services in the treatment of mental illness who is qualified in at least one of the following ways:

(1) in psychiatric nursing: a registered nurse who is licensed under sections 148.171 to 148.285; and:

(i) who is certified as a clinical specialist or as a nurse practitioner in adult or family psychiatric and mental health nursing by a national nurse certification organization; or

(ii) who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work: a person licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(3) in psychology: an individual licensed by the Board of Psychology under sections 148.88 to 148.98 who has stated to the Board of Psychology competencies in the diagnosis and treatment of mental illness;

(4) in psychiatry: a physician licensed under chapter 147 and certified by the American Board of Psychiatry and Neurology or eligible for board certification in psychiatry;

(5) in marriage and family therapy: the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness; ~~or~~

(6) in licensed professional clinical counseling, the mental health professional shall be a licensed professional clinical counselor under section 148B.5301 with at least 4,000 hours of postmaster's supervised experience in the delivery of clinical services in the treatment of mental illness; or

(7) in allied fields: a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.

Sec. 2. Minnesota Statutes 2008, section 245.470, subdivision 1, is amended to read:

Subdivision 1. **Availability of outpatient services.** (a) County boards must provide or contract for enough outpatient services within the county to meet the needs of adults with mental illness residing in the county. Services may be provided directly by the county through county-operated mental health centers or mental health clinics approved by the commissioner under section 245.69, subdivision 2; by contract with privately operated mental health centers or mental health clinics approved by the commissioner under section 245.69, subdivision 2; by contract with hospital mental health outpatient programs certified by the Joint Commission on Accreditation of Hospital Organizations; or by contract with a licensed mental health professional as defined in section 245.462, subdivision 18, clauses (1) to ~~(4)~~ (6). Clients may be required to pay a fee according to section 245.481. Outpatient services include:

- (1) conducting diagnostic assessments;
- (2) conducting psychological testing;
- (3) developing or modifying individual treatment plans;
- (4) making referrals and recommending placements as appropriate;
- (5) treating an adult's mental health needs through therapy;
- (6) prescribing and managing medication and evaluating the effectiveness of prescribed medication; and

(7) preventing placement in settings that are more intensive, costly, or restrictive than necessary and appropriate to meet client needs.

(b) County boards may request a waiver allowing outpatient services to be provided in a nearby trade area if it is determined that the client can best be served outside the county.

Sec. 3. Minnesota Statutes 2008, section 245.4871, subdivision 27, is amended to read:

Subd. 27. **Mental health professional.** "Mental health professional" means a person providing clinical services in the diagnosis and treatment of children's emotional disorders. A mental health professional must have training and experience in working with children consistent with the age group to which the mental health professional is assigned. A mental health professional must be qualified in at least one of the following ways:

(1) in psychiatric nursing, the mental health professional must be a registered nurse who is licensed under sections 148.171 to 148.285 and who is certified as a clinical specialist in child and adolescent psychiatric or mental health nursing by a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work, the mental health professional must be a person licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders;

(3) in psychology, the mental health professional must be an individual licensed by the board of psychology under sections 148.88 to 148.98 who has stated to the board of psychology competencies in the diagnosis and treatment of mental disorders;

(4) in psychiatry, the mental health professional must be a physician licensed under chapter 147 and certified by the American board of psychiatry and neurology or eligible for board certification in psychiatry;

(5) in marriage and family therapy, the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders or emotional disturbances; ~~or~~

(6) in licensed professional clinical counseling, the mental health professional shall be a licensed professional clinical counselor under section 148B.5301 with at least 4,000 hours of postmaster's supervised experience in the delivery of clinical services in the treatment of mental disorders or emotional disturbances; or

(7) in allied fields, the mental health professional must be a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of emotional disturbances.

Sec. 4. Minnesota Statutes 2008, section 245.488, subdivision 1, is amended to read:

Subdivision 1. **Availability of outpatient services.** (a) County boards must provide or contract for enough outpatient services within the county to meet the needs of each child with emotional disturbance residing in the county and the child's family. Services may be provided directly by the county through county-operated mental health centers or mental health clinics approved by the commissioner under section 245.69, subdivision 2; by contract with privately operated mental health centers or mental health clinics approved by the commissioner under section 245.69, subdivision 2; by contract with hospital mental health outpatient programs certified by the Joint

Commission on Accreditation of Hospital Organizations; or by contract with a licensed mental health professional as defined in section 245.4871, subdivision 27, clauses (1) to ~~(4)~~ (6). A child or a child's parent may be required to pay a fee based in accordance with section 245.481. Outpatient services include:

- (1) conducting diagnostic assessments;
- (2) conducting psychological testing;
- (3) developing or modifying individual treatment plans;
- (4) making referrals and recommending placements as appropriate;
- (5) treating the child's mental health needs through therapy; and
- (6) prescribing and managing medication and evaluating the effectiveness of prescribed medication.

(b) County boards may request a waiver allowing outpatient services to be provided in a nearby trade area if it is determined that the child requires necessary and appropriate services that are only available outside the county.

(c) Outpatient services offered by the county board to prevent placement must be at the level of treatment appropriate to the child's diagnostic assessment."

Page 160, after line 33, insert:

"Sec. 15. Minnesota Statutes 2008, section 256B.0622, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings given them.

(a) "Intensive nonresidential rehabilitative mental health services" means adult rehabilitative mental health services as defined in section 256B.0623, subdivision 2, paragraph (a), except that these services are provided by a multidisciplinary staff using a total team approach consistent with assertive community treatment, the Fairweather Lodge treatment model, as defined by the standards established by the National Coalition for Community Living, and other evidence-based practices, and directed to recipients with a serious mental illness who require intensive services.

(b) "Intensive residential rehabilitative mental health services" means short-term, time-limited services provided in a residential setting to recipients who are in need of more restrictive settings and are at risk of significant functional deterioration if they do not receive these services. Services are designed to develop and enhance psychiatric stability, personal and emotional adjustment, self-sufficiency, and skills to live in a more independent setting. Services must be directed toward a targeted discharge date with specified client outcomes and must be consistent with the Fairweather Lodge treatment model as defined in paragraph (a), and other evidence-based practices.

(c) "Evidence-based practices" are nationally recognized mental health services that are proven by substantial research to be effective in helping individuals with serious mental illness obtain specific treatment goals.

(d) "Overnight staff" means a member of the intensive residential rehabilitative mental health treatment team who is responsible during hours when recipients are typically asleep.

(e) "Treatment team" means all staff who provide services under this section to recipients. At a minimum, this includes the clinical supervisor, mental health professionals as defined in section 245.462, subdivision 18, clauses (1) to ~~(5)~~ (6); mental health practitioners as defined in section 245.462, subdivision 17; mental health rehabilitation workers under section 256B.0623, subdivision 5, clause (3); and certified peer specialists under section 256B.0615.

Sec. 16. Minnesota Statutes 2008, section 256B.0623, subdivision 5, is amended to read:

Subd. 5. **Qualifications of provider staff.** Adult rehabilitative mental health services must be provided by qualified individual provider staff of a certified provider entity. Individual provider staff must be qualified under one of the following criteria:

(1) a mental health professional as defined in section 245.462, subdivision 18, clauses (1) to ~~(5)~~ (6). If the recipient has a current diagnostic assessment by a licensed mental health professional as defined in section 245.462, subdivision 18, clauses (1) to ~~(5)~~ (6), recommending receipt of adult mental health rehabilitative services, the definition of mental health professional for purposes of this section includes a person who is qualified under section 245.462, subdivision 18, clause ~~(6)~~ (7), and who holds a current and valid national certification as a certified rehabilitation counselor or certified psychosocial rehabilitation practitioner;

(2) a mental health practitioner as defined in section 245.462, subdivision 17. The mental health practitioner must work under the clinical supervision of a mental health professional;

(3) a certified peer specialist under section 256B.0615. The certified peer specialist must work under the clinical supervision of a mental health professional; or

(4) a mental health rehabilitation worker. A mental health rehabilitation worker means a staff person working under the direction of a mental health practitioner or mental health professional and under the clinical supervision of a mental health professional in the implementation of rehabilitative mental health services as identified in the recipient's individual treatment plan who:

(i) is at least 21 years of age;

(ii) has a high school diploma or equivalent;

(iii) has successfully completed 30 hours of training during the past two years in all of the following areas: recipient rights, recipient-centered individual treatment planning, behavioral terminology, mental illness, co-occurring mental illness and substance abuse, psychotropic medications and side effects, functional assessment, local community resources, adult vulnerability, recipient confidentiality; and

(iv) meets the qualifications in subitem (A) or (B):

(A) has an associate of arts degree in one of the behavioral sciences or human services, or is a registered nurse without a bachelor's degree, or who within the previous ten years has:

(1) three years of personal life experience with serious and persistent mental illness;

(2) three years of life experience as a primary caregiver to an adult with a serious mental illness or traumatic brain injury; or

(3) 4,000 hours of supervised paid work experience in the delivery of mental health services to adults with a serious mental illness or traumatic brain injury; or

(B)(1) is fluent in the non-English language or competent in the culture of the ethnic group to which at least 20 percent of the mental health rehabilitation worker's clients belong;

(2) receives during the first 2,000 hours of work, monthly documented individual clinical supervision by a mental health professional;

(3) has 18 hours of documented field supervision by a mental health professional or practitioner during the first 160 hours of contact work with recipients, and at least six hours of field supervision quarterly during the following year;

(4) has review and cosignature of charting of recipient contacts during field supervision by a mental health professional or practitioner; and

(5) has 40 hours of additional continuing education on mental health topics during the first year of employment.

Sec. 17. Minnesota Statutes 2008, section 256B.0624, subdivision 5, is amended to read:

Subd. 5. **Mobile crisis intervention staff qualifications.** For provision of adult mental health mobile crisis intervention services, a mobile crisis intervention team is comprised of at least two mental health professionals as defined in section 245.462, subdivision 18, clauses (1) to ~~(5)~~ (6), or a combination of at least one mental health professional and one mental health practitioner as defined in section 245.462, subdivision 17, with the required mental health crisis training and under the clinical supervision of a mental health professional on the team. The team must have at least two people with at least one member providing on-site crisis intervention services when needed. Team members must be experienced in mental health assessment, crisis intervention techniques, and clinical decision-making under emergency conditions and have knowledge of local services and resources. The team must recommend and coordinate the team's services with appropriate local resources such as the county social services agency, mental health services, and local law enforcement when necessary.

Sec. 18. Minnesota Statutes 2008, section 256B.0624, subdivision 8, is amended to read:

Subd. 8. **Adult crisis stabilization staff qualifications.** (a) Adult mental health crisis stabilization services must be provided by qualified individual staff of a qualified provider entity. Individual provider staff must have the following qualifications:

(1) be a mental health professional as defined in section 245.462, subdivision 18, clauses (1) to ~~(5)~~ (6);

(2) be a mental health practitioner as defined in section 245.462, subdivision 17. The mental health practitioner must work under the clinical supervision of a mental health professional; or

(3) be a mental health rehabilitation worker who meets the criteria in section 256B.0623, subdivision 5, clause (3); works under the direction of a mental health practitioner as defined in section 245.462, subdivision 17, or under direction of a mental health professional; and works under the clinical supervision of a mental health professional.

(b) Mental health practitioners and mental health rehabilitation workers must have completed at least 30 hours of training in crisis intervention and stabilization during the past two years."

Page 161, after line 7, insert:

"Sec. 20. Minnesota Statutes 2008, section 256B.0625, subdivision 42, is amended to read:

Subd. 42. **Mental health professional.** Notwithstanding Minnesota Rules, part 9505.0175, subpart 28, the definition of a mental health professional shall include a person who is qualified as specified in section 245.462, subdivision 18, ~~clause clauses~~ (5) and (6); or 245.4871, subdivision 27, ~~clause clauses~~ (5) and (6), for the purpose of this section and Minnesota Rules, parts 9505.0170 to 9505.0475.

Sec. 21. Minnesota Statutes 2008, section 256B.0943, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them.

(a) "Children's therapeutic services and supports" means the flexible package of mental health services for children who require varying therapeutic and rehabilitative levels of intervention. The services are time-limited interventions that are delivered using various treatment modalities and combinations of services designed to reach treatment outcomes identified in the individual treatment plan.

(b) "Clinical supervision" means the overall responsibility of the mental health professional for the control and direction of individualized treatment planning, service delivery, and treatment review for each client. A mental health professional who is an enrolled Minnesota health care program provider accepts full professional responsibility for a supervisee's actions and decisions, instructs the supervisee in the supervisee's work, and oversees or directs the supervisee's work.

(c) "County board" means the county board of commissioners or board established under sections 402.01 to 402.10 or 471.59.

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

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

(f) "Day treatment program" for children means a site-based structured program consisting of group psychotherapy for more than three individuals and other intensive therapeutic services provided by a multidisciplinary team, under the clinical supervision of a mental health professional.

(g) "Diagnostic assessment" has the meaning given in section 245.4871, subdivision 11.

(h) "Direct service time" means the time that a mental health professional, mental health practitioner, or mental health behavioral aide spends face-to-face with a client and the client's family. Direct service time includes time in which the provider obtains a client's history or provides service components of children's therapeutic services and supports. Direct service time does not include time doing work before and after providing direct services, including scheduling, maintaining clinical records, consulting with others about the client's mental health status, preparing reports, receiving clinical supervision directly related to the client's psychotherapy session, and revising the client's individual treatment plan.

(i) "Direction of mental health behavioral aide" means the activities of a mental health professional or mental health practitioner in guiding the mental health behavioral aide in providing services to a client. The direction of a mental health behavioral aide must be based on the client's individualized treatment plan and meet the requirements in subdivision 6, paragraph (b), clause (5).

(j) "Emotional disturbance" has the meaning given in section 245.4871, subdivision 15. For persons at least age 18 but under age 21, mental illness has the meaning given in section 245.462, subdivision 20, paragraph (a).

(k) "Individual behavioral plan" means a plan of intervention, treatment, and services for a child written by a mental health professional or mental health practitioner, under the clinical supervision of a mental health professional, to guide the work of the mental health behavioral aide.

(l) "Individual treatment plan" has the meaning given in section 245.4871, subdivision 21.

(m) "Mental health professional" means an individual as defined in section 245.4871, subdivision 27, clauses (1) to ~~(5)~~ (6), or tribal vendor as defined in section 256B.02, subdivision 7, paragraph (b).

(n) "Preschool program" means a day program licensed under Minnesota Rules, parts 9503.0005 to 9503.0175, and enrolled as a children's therapeutic services and supports provider to provide a structured treatment program to a child who is at least 33 months old but who has not yet attended the first day of kindergarten.

(o) "Skills training" means individual, family, or group training designed to improve the basic functioning of the child with emotional disturbance and the child's family in the activities of daily living and community living, and to improve the social functioning of the child and the child's family in areas important to the child's maintaining or reestablishing residency in the community. Individual, family, and group skills training must:

(1) consist of activities designed to promote skill development of the child and the child's family in the use of age-appropriate daily living skills, interpersonal and family relationships, and leisure and recreational services;

(2) consist of activities that will assist the family's understanding of normal child development and to use parenting skills that will help the child with emotional disturbance achieve the goals outlined in the child's individual treatment plan; and

(3) promote family preservation and unification, promote the family's integration with the community, and reduce the use of unnecessary out-of-home placement or institutionalization of children with emotional disturbance."

Page 163, after line 6, insert:

"Sec. 27. Minnesota Statutes 2008, section 256J.08, subdivision 73a, is amended to read:

Subd. 73a. **Qualified professional.** (a) For physical illness, injury, or incapacity, a "qualified professional" means a licensed physician, a physician's assistant, a nurse practitioner, or a licensed chiropractor.

(b) For developmental disability and intelligence testing, a "qualified professional" means an individual qualified by training and experience to administer the tests necessary to make determinations, such as tests of intellectual functioning, assessments of adaptive behavior, adaptive skills, and developmental functioning. These professionals include licensed psychologists, certified school psychologists, or certified psychometrists working under the supervision of a licensed psychologist.

(c) For learning disabilities, a "qualified professional" means a licensed psychologist or school psychologist with experience determining learning disabilities.

(d) For mental health, a "qualified professional" means a licensed physician or a qualified mental health professional. A "qualified mental health professional" means:

(1) for children, in psychiatric nursing, a registered nurse who is licensed under sections 148.171 to 148.285, and who is certified as a clinical specialist in child and adolescent psychiatric or mental health nursing by a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) for adults, in psychiatric nursing, a registered nurse who is licensed under sections 148.171 to 148.285, and who is certified as a clinical specialist in adult psychiatric and mental health nursing by a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(3) in clinical social work, a person licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(4) in psychology, an individual licensed by the Board of Psychology under sections 148.88 to 148.98, who has stated to the Board of Psychology competencies in the diagnosis and treatment of mental illness;

(5) in psychiatry, a physician licensed under chapter 147 and certified by the American Board of Psychiatry and Neurology or eligible for board certification in psychiatry; ~~and~~

(6) in marriage and family therapy, the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39, with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness; and

(7) in licensed professional clinical counseling, the mental health professional shall be a licensed professional clinical counselor under section 148B.5301 with at least 4,000 hours of postmaster's supervised experience in the delivery of clinical services in the treatment of mental illness.

Sec. 28. **COST.**

(a) In determining the additional cost to the state of adding licensed professional clinical counselors to the list of approved mental health professionals, the commissioner of human services shall consider the savings in decreased hospitalizations in rural Minnesota that result from increased access to a mental health professional.

(b) Using existing resources, the commissioner shall conduct a posthospitalization review of admissions for mental health treatment to determine if the admissions were medically necessary. The commissioner shall use information and data acquired from these reviews to promote best practices for mental health treatment that will help prevent unwarranted hospitalizations.

(c) The commissioner may adjust rates paid to mental health professionals to reflect the additional medical assistance costs paid as a result of adding licensed professional clinical counselors to the list of approved mental health professionals."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Murphy, E., and Abeler moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 48, delete section 1

Page 61, delete section 10

Page 62, delete section 11

Page 63, delete sections 12 and 13

Page 64, delete section 14

Page 65, delete section 17

Page 66, delete section 18

Page 66, delete lines 19 to 20

Page 66, line 21, delete "(b)"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Abeler and Ruud moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 92, after line 12, insert:

"(e) The Health Services Policy Committee shall review caesarean section rates for the fee-for-service medical assistance population. The committee may develop best practices policies related to the minimization of caesarean sections, including but not limited to standards and guidelines for health care providers and health care facilities."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Hortman to the chair.

Gottwalt, Bunn and Murphy, E., moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 136, after line 26, insert:

"Sec. 55. **PROGRAM CONSOLIDATION AND SERVICE DELIVERY.**

The commissioner of human services shall develop an implementation plan to consolidate coverage for families and children under medical assistance and MinnesotaCare. The commissioner shall consider coverage for MinnesotaCare enrollees with household incomes greater than 200 percent of the federal poverty guidelines using health savings accounts or health reimbursement arrangements and major medical plans. In developing the plan, the commissioner shall consider the provisions in 2009 session, House File 1865 and House File 1935. The commissioner shall present the implementation plan and draft legislation to the legislature by January 15, 2010."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

McNamara moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 267, line 22, after the period, insert "The reduction under this paragraph is subject to application of paragraph (d)."

Page 268, after line 33, insert:

"(d) The commissioner of Minnesota management and budget, on July 1 of each fiscal biennium beginning July 1, 2011, shall transfer any surplus in the health care access fund not necessary to maintain a fund reserve of \$50,000,000 for that fiscal biennium to the commissioner of human services. The commissioner of human services shall reduce or eliminate the rate reduction in paragraph (a) each fiscal year, to the extent that any transfer from the health care access fund allows a reduction or elimination."

A roll call was requested and properly seconded.

The question was taken on the McNamara amendment and the roll was called. There were 44 yeas and 87 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Urdahl, Shimanski, Olin, Hamilton and Koenen moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 109, after line 13, insert:

"Sec. 35. Minnesota Statutes 2008, section 256B.434, is amended by adding a subdivision to read:

Subd. 21. **Payment of post-PERA pension benefit costs.** Nursing facilities that convert or converted after September 30, 2006, from public to private ownership shall have a portion of their post-PERA pension costs treated as a component of the historic operating rate. Effective for the rate years beginning on or after October 1, 2009, and prior to October 1, 2016, the commissioner shall determine the pension costs to be included in the facility's base for determining rates under this section by using the following formula: post-privatization pension benefit costs as a percent of salary shall be determined from either the cost report for the first full reporting year after privatization or the most recent report year available, whichever is later. This percentage shall be applied to the salary costs of the alternative payment system base rate year to determine the allowable amount of pension costs. The adjustments provided for in sections 256B.431, 256B.434, 256B.441, and any other law enacted after the base rate year and prior to the year for which rates are being determined shall be applied to the allowable amount. The adjusted allowable amount shall be added to the operating rate effective the first rate year PERA ceases to remain as a pass-through component of the rate."

Page 339, line 21, delete "\$240,000" and insert "\$259,000"

Page 339, line 22, delete everything after "2011" and insert "and \$25,000 in fiscal year 2012 and \$25,000 in fiscal year 2013. Base level funding shall be restored in fiscal year 2014."

Page 339, delete line 23

Renumber the sections in sequence and correct the internal references

Correct the subdivision and section totals and the appropriations by fund

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Seifert, Anzelc, Davids, Nornes, Juhnke, Urdahl, Persell, Dill, Ward, Sailer, Murdock and Rukavina moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 302, line 34, strike "or recreational camping"

Page 303, line 1, strike "area"

Page 303, line 2, after the period, insert "No person, firm, or corporation shall establish, maintain, conduct, or operate a recreational camping area within this state without first obtaining a license therefor from the state Department of Health."

Page 303, line 23, delete "and recreational camping areas"

Page 303, line 24, delete "or"

Page 303, line 25, delete "recreational camping area"

Page 303, line 29, delete "or recreational"

Page 303, line 30, delete "camping area"

Page 303, line 31, delete "or recreational camping"

Page 303, line 32, delete "area"

Page 303, line 33, delete "**; recreational camping areas**"

Page 303, line 34, delete "and recreational camping area"

Page 303, line 35, delete "Recreational camping areas and"

Page 304, line 1, delete "or recreational camping area"

Page 304, line 5, delete "and recreational camping areas, except special"

Page 304, line 6, delete "event recreational camping areas,"

Page 304, line 7, delete "or recreational"

Page 304, line 8, delete "camping area"

Page 304, line 10, delete "or"

Page 304, line 11, delete "recreational camping area"

Page 304, line 13, delete "and recreational camping areas"

Page 304, line 20, delete "or recreational camping area"

Page 304, line 26, delete "or recreational camping area"

Page 304, line 30, delete subdivision 4

Adjust amounts accordingly

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 Seifert et al amendment and the roll was called. There were 103 yeas and 28 nays as follows:

Those who voted in the affirmative were:

Abeler	Dill	Hilstrom	Mack	Persell	Solberg
Anderson, B.	Doepke	Holberg	Magnus	Peterson	Sterner
Anderson, P.	Doty	Hortman	Mahoney	Poppe	Swails
Anderson, S.	Downey	Hosch	Marquart	Reinert	Thao
Anzelc	Drazkowski	Jackson	McFarlane	Rosenthal	Thissen
Atkins	Eastlund	Juhnke	McNamara	Rukavina	Tillberry
Bigham	Eken	Kalin	Morgan	Ruud	Torkelson
Brod	Emmer	Kath	Morrow	Sailer	Urdahl
Brown	Falk	Kelly	Murdock	Sanders	Ward
Brynaert	Faust	Kiffmeyer	Nelson	Scalze	Welti
Buesgens	Fritz	Koenen	Newton	Scott	Westrom
Bunn	Gardner	Kohls	Nornes	Seifert	Zellers
Carlson	Garofalo	Lanning	Norton	Sertich	Spk. Kelliher
Cornish	Gottwalt	Lenczewski	Obermueller	Severson	
Dauids	Gunther	Liebling	Olin	Shimanski	
Dean	Hackbarth	Lieder	Otremba	Simon	
Demmer	Hamilton	Lillie	Pelowski	Slawik	
Dettmer	Haws	Loon	Peppin	Smith	

Those who voted in the negative were:

Benson	Dittrich	Hilty	Knuth	Masin	Slocum
Bly	Greiling	Hornstein	Laine	Mullery	Wagenius
Champion	Hansen	Huntley	Lesch	Murphy, E.	Winkler
Clark	Hausman	Johnson	Loeffler	Murphy, M.	
Davnie	Hayden	Kahn	Mariani	Paymar	

The motion prevailed and the amendment was adopted.

Magnus; Urdahl; Davids; Anderson, P.; Hamilton; Lanning; Gunther and Torkelson moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 73, after line 21, insert:

"(j) In addition to the reductions in paragraphs (b), (c), (d), (f), (g), and (h), the total payment for fee-for-service admissions occurring on or after July 1, 2009, made to hospitals located in cities of the first class for inpatient services before third-party liability and spenddown, is reduced by 3.0 percent from the current statutory rates. Facilities defined under subdivision 16 are excluded from this paragraph. Payments made to managed care plans shall be reduced for services provided on or after January 1, 2010, to reflect this reduction.

"(k) The commissioner shall use the savings from implementation of paragraph (j) to increase the total payment for fee-for-service admissions occurring on or after July 1, 2009, made to hospitals not located in a city of the first class for inpatient services before third-party liability and spenddown, by 3.0 percent from the current statutory rates. Facilities defined under subdivision 16 are excluded from this paragraph. Payments made to managed care plans shall be increased for services provided on or after January 1, 2010, to reflect this adjustment."

A roll call was requested and properly seconded.

The question was taken on the Magnus et al amendment and the roll was called. There were 47 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Anderson, P.	Doty	Hackbarth	Lanning	Pelowski	Shimanski
Anzenc	Drazkowski	Hamilton	Magnus	Persell	Solberg
Brown	Eastlund	Jackson	Marquart	Poppe	Torkelson
Brynaert	Eken	Juhnke	Morrow	Rukavina	Urdahl
Cornish	Falk	Kath	Murdock	Sailer	Ward
Davids	Faust	Kelly	Nornes	Scott	Walti
Demmer	Fritz	Kiffmeyer	Olin	Seifert	Westrom
Dill	Gunther	Kohls	Otremba	Severson	

Those who voted in the negative were:

Abeler	Dettmer	Hilty	Liebling	Murphy, M.	Slawik
Anderson, B.	Dittrich	Holberg	Lieder	Nelson	Slocum
Anderson, S.	Doepke	Hornstein	Lillie	Newton	Smith
Atkins	Downey	Hortman	Loeffler	Norton	Sterner
Benson	Emmer	Hosch	Loon	Obermueller	Swails
Bigham	Gardner	Huntley	Mack	Paymar	Thao
Bly	Garofalo	Johnson	Mahoney	Peppin	Thissen
Buesgens	Gottwalt	Kahn	Mariani	Peterson	Tillberry
Bunn	Greiling	Kalin	Masin	Reinert	Wagenius
Carlson	Hansen	Knuth	McFarlane	Rosenthal	Winkler
Champion	Hausman	Koenen	McNamara	Ruud	Zellers
Clark	Haws	Laine	Morgan	Sanders	Spk. Kelliher
Davnie	Hayden	Lenczewski	Mullery	Scalze	
Dean	Hilstrom	Lesch	Murphy, E.	Simon	

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

Brod, Zellers and Emmer moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 125, after line 27, insert:

"Sec. 52. Minnesota Statutes 2008, section 295.52, is amended by adding a subdivision to read:

Subd. 8. Contingent reduction in tax rate. On September 1 of each odd-numbered year, beginning September 1, 2009, the commissioner of Minnesota management and budget shall determine the projected balance of the health care access fund as of the end of the next biennium, based on the most recent February forecast adjusted for any legislative session changes. If the commissioner projects a surplus in the health care access fund as of the end of the next biennium, the commissioner of Minnesota management and budget, in consultation with the commissioner of revenue, shall reduce the tax rates specified in subdivisions 1, 1a, 2, 3, and 4 in one-tenth of one percent increments, making the largest reduction in tax rates consistent with ensuring that the health care access fund retains a surplus as of the end of the next biennium. The reduced tax rates shall take effect on the January 1 that immediately follows the September 1 on which the commissioner determines the projected balance and shall remain in effect for two tax years. The tax rates specified in subdivisions 1, 1a, 2, 3, and 4 shall apply for subsequent tax years, unless the commissioner, based on a determination of the projected balance of the health care access fund made on September 1 of an odd-numbered year, reduces the tax rates. If the commissioner does not project a surplus in the health care access fund as of the end of the next biennium, the tax rates specified in

subdivisions 1, 1a, 2, 3, and 4 shall continue to apply. The commissioner of Minnesota management and budget shall publish in the State Register by October 1 of each odd-numbered year the amount of tax to be imposed for the next two calendar years."

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 Brod et al amendment and the roll was called. There were 70 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Hackbarth	Loon	Pelowski	Shimanski
Anderson, B.	Dettmer	Hamilton	Mack	Peppin	Smith
Anderson, P.	Doepke	Holberg	Magnus	Peterson	Sterner
Anderson, S.	Doty	Howes	Masin	Poppe	Swails
Atkins	Downey	Juhnke	McFarlane	Reinert	Torkelson
Brod	Drazkowski	Kath	McNamara	Rosenthal	Urdahl
Brown	Eastlund	Kelly	Morrow	Ruud	Ward
Buesgens	Eken	Kiffmeyer	Murdock	Sanders	Walti
Bunn	Emmer	Kohls	Nornes	Scalze	Westrom
Cornish	Garofalo	Lanning	Norton	Scott	Zellers
Davids	Gottwalt	Liebling	Obermueller	Seifert	
Dean	Gunther	Lillie	Olin	Severson	

Those who voted in the negative were:

Anzelc	Falk	Hornstein	Lenczewski	Nelson	Solberg
Benson	Faust	Hortman	Lesch	Newton	Thao
Bigham	Fritz	Hosch	Lieder	Otremba	Thissen
Bly	Gardner	Huntley	Loeffler	Paymar	Tillberry
Brynaert	Greiling	Jackson	Mahoney	Persell	Wagenius
Carlson	Hansen	Johnson	Mariani	Rukavina	Winkler
Champion	Hausman	Kahn	Marquart	Sailer	Spk. Kelliher
Clark	Haws	Kalin	Morgan	Sertich	
Davnie	Hayden	Knuth	Mullery	Simon	
Dill	Hilstrom	Koenen	Murphy, E.	Slawik	
Dittrich	Hilty	Laine	Murphy, M.	Slocum	

The motion prevailed and the amendment was adopted.

The Speaker resumed the chair.

Rukavina, Anzelc, Cornish, Otremba, Holberg, Emmer, Buesgens, Dill, Eken, Hackbarth, Gunther, Zellers, Smith and Seifert moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 283, after line 20, insert:

"Sec. 6. Minnesota Statutes 2008, section 144.4167, is amended by adding a subdivision to read:

Subd. 10. **Smoking rooms.** Sections 144.414 to 144.417 do not prohibit smoking in an enclosed, ventilated smoking room attached to a bar. A "bar" is an establishment that generates 50 percent of its revenue per year from alcohol. Smoking rooms must be regulated by the commissioner. Employees of an establishment with a smoking room are not required to enter the smoking room. The commissioner may adopt rules to carry out the provisions of this subdivision."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.21 that the Rukavina et al amendment was not in order. The Speaker ruled the point of order not well taken and the Rukavina et al amendment in order.

Howes moved to amend the Rukavina et al amendment to H. F. No. 1362, the second engrossment, as amended, as follows:

Page 1, line 9, after "room" insert "and must not serve food or drink"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Rukavina et al amendment, as amended, and the roll was called. There were 63 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Gunther	Laine	Otremba	Slocum
Anderson, B.	Dill	Hackbarth	Lesch	Peppin	Smith
Anderson, P.	Dittrich	Hamilton	Lieder	Persell	Solberg
Anderson, S.	Doty	Holberg	Mack	Reinert	Thao
Anzelc	Downey	Howes	Magnus	Rukavina	Torkelson
Brod	Drazkowski	Juhnke	Mahoney	Sailer	Urdahl
Buesgens	Eastlund	Kalin	Marquart	Sanders	Westrom
Cornish	Eken	Kelly	McFarlane	Scott	Zellers
Davids	Emmer	Kiffmeyer	McNamara	Seifert	
Dean	Falk	Koenen	Murdock	Sertich	
Demmer	Garofalo	Kohls	Nornes	Shimanski	

Those who voted in the negative were:

Atkins	Brynaert	Davnie	Gottwalt	Hayden	Hosch
Benson	Bunn	Doepke	Greiling	Hilstrom	Huntley
Bigham	Carlson	Faust	Hansen	Hilty	Jackson
Bly	Champion	Fritz	Hausman	Hornstein	Johnson
Brown	Clark	Gardner	Haws	Hortman	Kahn

Kath	Loon	Murphy, M.	Pelowski	Simon	Ward
Knuth	Mariani	Nelson	Peterson	Slawik	Welti
Lanning	Masin	Newton	Poppe	Sterner	Winkler
Lenczewski	Morgan	Norton	Rosenthal	Swails	Spk. Kelliher
Liebling	Morrow	Obermueller	Ruud	Thissen	
Lillie	Mullery	Olin	Scalze	Tillberry	
Loeffler	Murphy, E.	Paymar	Severson	Wagenius	

The motion did not prevail and the amendment, as amended, was not adopted.

Loon moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 48, after line 10, insert:

"Sec. 2. Minnesota Statutes 2008, section 62A.02, is amended by adding a subdivision to read:

Subd. 8. **Right to purchase health coverage approved in other state.** (a) Notwithstanding any other law of this state to the contrary, any resident of this state and any employer that employs residents of this state may purchase a health plan that has not been approved by the commissioner, if the health plan is permitted to be sold in any other state.

(b) Notwithstanding any other law of this state to the contrary, any insurance company, whether domestic, foreign, or alien, that is permitted to offer, sell, issue, or renew a health plan in any other state under the laws of that state, may do so with respect to that health plan in this state. The insurance company need not have a certificate of authority, license, or other authorization from the commissioner to do business in this state. This paragraph does not exempt the insurance company from compliance with chapter 303, relating to foreign business entities.

(c) Notwithstanding any other law of this state to the contrary, any insurance agent licensed or otherwise permitted to sell health plans in this state, or in a state in which the health plan is permitted to be sold, may sell to a resident of this state or to an employer that employs residents of this state any health plan permitted to be sold under paragraph (a) or (b), and is not, in connection with that transaction, subject to the laws of this state regulating insurance agents.

(d) Notwithstanding any other law of this state to the contrary, an insurance company and a health plan offered, issued, sold, or renewed by the insurance company under authority of this subdivision:

(1) are not subject to the authority of the commissioner in any respect, and the insurance company need not provide any filing or notification to the commissioner;

(2) need not comply with any law of this state relating to insurance companies or health plans, including but not limited to chapters 45 and 60A to 72C; and

(3) are subject to the tax laws of this state, including chapter 297I, on the same basis as other insurance companies doing business in this state.

(e) For purposes of this subdivision:

(1) "commissioner" means the commissioner of commerce or the commissioner of health, as appropriate, depending upon which commissioner would have authority over the insurance company or health plan if it were subject to the laws of this state;

(2) "health plan" has the meaning given in section 62A.011, subdivision 3, but including coverage described in clause (10) of that subdivision, and without regard to the references in that subdivision to the entities providing the health plan being licensed in or operating under the laws of this state; and

(3) "insurance company," "domestic," "alien," "foreign," and "state" have the meanings given in section 60A.02. "Insurance company" includes a health maintenance organization or health service plan corporation, whether nonprofit or for profit.

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

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 Loon amendment and the roll was called. There were 49 yeas and 84 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Davids; Magnus; Hamilton; Gunther; Cornish; Torkelson; Brod; Anderson, P.; Urdahl and Demmer moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 256, after line 28, insert:

"Sec. 61. Minnesota Statutes 2008, section 256B.441, is amended by adding a subdivision to read:

Subd. 60. **Critical access nursing facilities.** (a) The commissioner, in consultation with the commissioner of health, shall designate qualifying nursing facilities as critical access nursing facilities.

(b) A nursing facility may apply to be designated a critical access nursing facility if it meets the following criteria:

(1) it is located in peer group two or three;

(2) it is located in a county whose population age 65 or older per 1,000 residents is greater than the statewide average; and

(3) it agrees to permanently delicense all beds in layaway status under section 144A.071, subdivision 4b, at the time of designation.

(c) The operating payment rates for a nursing facility designated as a critical access nursing facility shall be the greater of:

(1) rates determined by the commissioner under this section, beginning October 1, 2009, without application of the phase-in period in subdivision 55. For purposes of determining the operating payment rate limits in subdivision 50, the facility shall be included in peer group 1; or

(2) operating payment rates determined by the commissioner for the rate year beginning October 1, 2009, that are equal for a RUGs rate level with a weight of 1.00 to the peer group 1 median operating payment rate for that RUGs level. The percentage of operating payment rate to be case-mix adjusted shall be equal to the percentage of allowable costs that are case-mix adjusted in the facility's most recent available and audited annual statistical and cost report.

This paragraph applies only if it results in a rate increase.

(d) The commissioner shall request applications from eligible nursing facilities for critical access nursing facility status designation within 60 days of enactment of this subdivision and may request additional applications at any time.

(e) The commissioner of health shall give priority to a critical access nursing facility for approval of nursing home moratorium exception proposals under section 144A.073.

EFFECTIVE DATE. This section is effective July 1, 2011."

Page 340, after line 10, insert:

"\$25,000,000 in fiscal year 2012 and \$25,000,000 in fiscal year 2013 is appropriated from the health care access fund to the commissioner of human services for operating payment rates for critical access nursing facilities under Minnesota Statutes, section 256B.441, subdivision 59."

Adjust the totals and summaries by fund accordingly

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 Davids et al amendment and the roll was called. There were 56 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Fritz	Kelly	Olin	Torkelson
Anderson, B.	Dettmer	Gottwalt	Kiffmeyer	Otremba	Urdahl
Anderson, P.	Dill	Gunther	Koenen	Pelowski	Ward
Beard	Doty	Hackbarth	Kohls	Persell	Welti
Bly	Drazkowski	Hamilton	Lanning	Poppe	Westrom
Brod	Eastlund	Hoppe	Lieder	Sailer	Zellers
Brown	Eken	Howes	Magnus	Seifert	
Cornish	Emmer	Jackson	Morrow	Severson	
Davids	Falk	Juhnke	Murdock	Shimanski	
Dean	Faust	Kath	Nornes	Smith	

Those who voted in the negative were:

Anderson, S.	Doepke	Hortman	Loon	Newton	Sertich
Anzelc	Downey	Hosch	Mack	Norton	Simon
Atkins	Gardner	Huntley	Mahoney	Obermueller	Slawik
Benson	Garofalo	Johnson	Mariani	Paymar	Slocum
Bigham	Greiling	Kahn	Marquart	Peppin	Solberg
Brynaert	Hansen	Kalin	Masin	Peterson	Sterner
Buesgens	Hausman	Knuth	McFarlane	Reinert	Swails
Bunn	Haws	Laine	McNamara	Rosenthal	Thao
Carlson	Hayden	Lenczewski	Morgan	Rukavina	Thissen
Champion	Hilstrom	Lesch	Mullery	Ruud	Tillberry
Clark	Hilty	Liebling	Murphy, E.	Sanders	Wagenius
Davnie	Holberg	Lillie	Murphy, M.	Scalze	Winkler
Dittrich	Hornstein	Loeffler	Nelson	Scott	Spk. Kelliher

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

Kiffmeyer; Gottwalt; Scott; Urdahl; Davids; Dean; Kelly; Anderson, P.; Otremba and Seifert offered an amendment to H. F. No. 1362, the second engrossment, as amended.

POINT OF ORDER

Kahn raised a point of order pursuant to rule 3.21 that the Kiffmeyer et al amendment was not in order. The Speaker ruled the point of order well taken and the Kiffmeyer et al amendment out of order.

Seifert appealed the decision of the Speaker.

A roll call was requested and properly seconded.

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

Sertich 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.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 71 yeas and 63 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Demmer	Fritz	Kelly	Murdock	Shimanski
Anderson, B.	Dettmer	Garofalo	Kiffmeyer	Nornes	Smith
Anderson, P.	Dill	Gottwalt	Koenen	Obermueller	Sterner
Anderson, S.	Doepke	Gunther	Kohls	Olin	Torkelson
Beard	Doty	Hackbarth	Lanning	Otremba	Urdahl
Brod	Downey	Hamilton	Lenczewski	Pelowski	Ward
Buesgens	Drazkowski	Holberg	Loon	Peppin	Westrom
Bunn	Eastlund	Hoppe	Mack	Sanders	Zellers
Cornish	Eken	Hosch	Magnus	Scott	
Davids	Emmer	Howes	McFarlane	Seifert	
Dean	Faust	Juhnke	McNamara	Severson	

So it was the judgment of the House that the decision of the Speaker should stand.

CALL OF THE HOUSE LIFTED

Sertich moved that the call of the House be lifted. The motion prevailed and it was so ordered.

Hamilton, Torkelson, Brod and Magnus moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 267, line 18, delete "3.0" and insert "2.58"

Page 340, line 15, delete "2011" and insert "2009" and delete "2012" and insert "2010"

Page 341, line 9, delete "2012" and insert "2010" and delete "2013" and insert "2011"

Adjust amounts accordingly

A roll call was requested and properly seconded.

The question was taken on the Hamilton et al amendment and the roll was called. There were 132 yeas and 2 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Huntley Thissen

The motion prevailed and the amendment was adopted.

Seifert moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 23, after line 14, insert:

"Section 1. Minnesota Statutes 2008, section 256D.024, is amended by adding a subdivision to read:

Subd. 5. Persons convicted of certain crimes of violence. An individual convicted of one of the following crimes is disqualified from receiving general assistance:

(1) murder in the first degree, as defined in section 609.185, or as defined under the laws of the jurisdiction in which the crime was committed;

(2) murder in the second degree as defined in in section 609.19, or as defined under the laws of the jurisdiction in which the crime was committed; or

(3) criminal sexual conduct in the first degree, as defined in section 609.342, or as defined under the laws of the jurisdiction in which the crime was committed.

EFFECTIVE DATE. This section is effective July 1, 2011."

Page 29, after line 19, insert:

"Sec. 11. Minnesota Statutes 2008, section 256J.26, is amended by adding a subdivision to read:

Subd. 5. Persons convicted of certain crimes of violence. An individual convicted of one of the following crimes is disqualified from receiving MFIP:

(1) murder in the first degree, as defined in section 609.185, or as defined under the laws of the jurisdiction in which the crime was committed;

(2) murder in the second degree as defined in in section 609.19, or as defined under the laws of the jurisdiction in which the crime was committed; or

(3) criminal sexual conduct in the first degree, as defined in section 609.342, or as defined under the laws of the jurisdiction in which the crime was committed.

EFFECTIVE DATE. This section is effective July 1, 2011."

A roll call was requested and properly seconded.

The question was taken on the Seifert amendment and the roll was called. There were 112 yeas and 16 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Champion	Hausman	Huntley	Lesch	Mullery	Wagenius
Clark	Hayden	Johnson	Lieder	Rukavina	
Doepke	Hornstein	Kahn	Mariani	Thao	

The motion prevailed and the amendment was adopted.

Holberg and Clark moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 312, line 6, after the period, insert "The consent must be in writing and must contain notice informing the patient about private and confidential data concerning the patient pursuant to Minnesota Statutes, section 13.04, subdivision 2. The patient is entitled to opt out of the project at any time."

The motion prevailed and the amendment was adopted.

Kiffmeyer moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 266, after line 33, insert:

"Sec. 74. **LONG-TERM VERSUS SHORT-TERM NURSING HOME BED STUDY.**

The commissioner of health shall study nursing facility intake procedures. The commissioner shall compare intake procedures for short-term versus long-term nursing facility stays and, as a result of the study, shall consider waiving certain intake procedures for individuals requiring a short-term stay."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Emmer, Downey, Holberg, Zellers, Mack, Kohls, Hackbarth, Buesgens and Dean moved to amend H. F. No 1362, the second engrossment, as amended, as follows:

Page 48, after line 5, insert:

"Section 1. Minnesota Statutes 2008, section 13.386, is amended to read:

13.386 TREATMENT OF GENETIC INFORMATION HELD BY GOVERNMENT ENTITIES ~~AND OTHER PERSONS.~~

Subdivision 1. **Definition.** (a) "Genetic information" means human biological specimens and information about an ~~identifiable~~ individual derived from the presence, absence, alteration, or mutation of a gene, or the presence or absence of a specific DNA or RNA marker, which has been obtained from an analysis of:

- (1) the individual's biological information or specimen; or
- (2) the biological information or specimen of a person to whom the individual is related.

(b) "Genetic information" also means medical or biological information collected from an individual about a particular genetic condition that is or might be used to provide medical care to that individual or the individual's family members.

(c) "Human biological specimen" means human tissue, fluids, organs, and any other human body part from which DNA may be isolated.

Subd. 2. **Private data.** Genetic information held by a government entity is private data on individuals as defined by section 13.02, subdivision 12.

Subd. 3. **Collection, storage, use, and dissemination of genetic information.** Unless otherwise expressly provided by law, genetic information about an individual:

- (1) may be collected by a government entity, as defined in section 13.02, subdivision 7a, ~~or any other person~~ only with the written informed consent of the individual;

- (2) may be used only for purposes to which the individual has given written informed consent;
- (3) may be stored only for a period of time to which the individual has given written informed consent; and
- (4) may be disseminated only:
 - (i) with the individual's written informed consent; or

(ii) if necessary in order to accomplish purposes described by clause (2). A consent to disseminate genetic information under item (i) must be signed and dated. Unless otherwise provided by law, such a consent is valid for one year or for a lesser period specified in the consent."

Page 65, after line 25, insert:

"Sec. 16. **[144.281] TREATMENT OF GENETIC INFORMATION.**

Subdivision 1. Definitions. (a) "Genetic information" means human biological specimens and information about an individual derived from the presence, absence, alteration, or mutation of a gene, or the presence or absence of a specific DNA or RNA marker, which has been obtained from an analysis of:

- (1) the individual's biological information or specimen; or
- (2) the biological information or specimen of a person to whom the individual is related.

(b) "Genetic information" also means medical or biological information collected from an individual about a particular genetic condition that is or might be used to provide medical care to that individual or the individual's family members.

(c) "Human biological specimen" means human tissue, fluids, organs, and any other human body part from which DNA may be isolated.

Subd. 2. Collection, storage, use, and dissemination of genetic information. Unless otherwise provided by law, genetic information about an individual:

- (1) may be collected only with the written, informed consent of the individual;
- (2) may be used only for the purpose to which the individual has given written, informed consent;
- (3) may be stored only for a period of time to which the individual has given written, informed consent; and
- (4) may be disseminated only with the individual's signed and dated, written informed consent, or as necessary to accomplish the purpose as provided in clause (2). Unless otherwise provided by law, consent to disseminate genetic information is valid for one year or for a lesser period if specified in the consent document."

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 Emmer et al amendment and the roll was called. There were 52 yeas and 80 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

The Speaker called Hortman to the chair.

Hamilton, Mack and Sanders moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 369, after line 14, insert:

"Sec. 16. **HEALTH CARE ACCESS TRANSFER.**

The health care access appropriation from Laws 2008, chapter 258, article 5, section 4 for the statewide health improvement program is reduced by \$2,700,000 and the reduction is transferred to the general fund to reduce or eliminate the medical assistance for employed persons with disabilities premium increase and income contribution in article 6, section 14."

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 Hamilton et al amendment and the roll was called. There were 50 yeas and 84 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Dean moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 31, after line 13, insert:

"Sec. 14. Minnesota Statutes 2008, section 256J.53, subdivision 2, is amended to read:

Subd. 2. **Approval of postsecondary education or training.** (a) In order for a postsecondary education or training program to be an approved activity in an employment plan, the ~~plan must include additional work activities if the education and training activities do not meet the minimum hours required to meet the federal work participation rate under Code of Federal Regulations, title 45, sections 261.31 and 261.35~~ participant must be working in unsubsidized employment at least 20 hours per week.

(b) Participants seeking approval of a postsecondary education or training plan must provide documentation that:

(1) the employment goal can only be met with the additional education or training;

(2) there are suitable employment opportunities that require the specific education or training in the area in which the participant resides or is willing to reside;

(3) the education or training will result in significantly higher wages for the participant than the participant could earn without the education or training;

(4) the participant can meet the requirements for admission into the program; and

(5) there is a reasonable expectation that the participant will complete the training program based on such factors as the participant's MFIP assessment, previous education, training, and work history; current motivation; and changes in previous circumstances.

(c) The hourly unsubsidized employment requirement may be reduced for intensive education or training programs lasting 12 weeks or less when full-time attendance is required.

(d) Participants with an approved employment plan in place on July 1, 2009, which includes more than 12 months of postsecondary education or training, must be allowed to complete that plan provided that hourly requirements in section 256J.55, subdivision 1, are met."

Renumber the sections in sequence and correct the internal references

Adjust amounts accordingly

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Dean amendment and the roll was called. There were 39 yeas and 94 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Dettmer	Gunther	Kohls	Peterson	Smith
Anderson, P.	Drazkowski	Hackbarth	Magnus	Sanders	Torkelson
Anderson, S.	Eastlund	Hamilton	McFarlane	Scalze	Westrom
Buesgens	Emmer	Holberg	Murdock	Scott	Zellers
Cornish	Faust	Hoppe	Nornes	Seifert	
Davids	Garofalo	Kelly	Otremba	Severson	
Dean	Gottwalt	Kiffmeyer	Peppin	Shimanski	

Those who voted in the negative were:

Abeler	Clark	Greiling	Jackson	Liebling	Morrow
Anzelc	Davnie	Hansen	Johnson	Lieder	Mullery
Atkins	Demmer	Hausman	Juhnke	Lillie	Murphy, E.
Benson	Dill	Haws	Kahn	Loeffler	Murphy, M.
Bigham	Dittrich	Hayden	Kalin	Loon	Nelson
Bly	Doepke	Hilstrom	Kath	Mack	Newton
Brod	Doty	Hilty	Knuth	Mahoney	Norton
Brown	Downey	Hornstein	Koenen	Mariani	Obermueller
Brynaert	Eken	Hortman	Laine	Marquart	Olin
Bunn	Falk	Hosch	Lanning	Masin	Paymar
Carlson	Fritz	Howes	Lenczewski	McNamara	Pelowski
Champion	Gardner	Huntley	Lesch	Morgan	Persell

Poppe	Ruud	Slawik	Swails	Urdahl	Winkler
Reinert	Sailer	Slocum	Thao	Wagenius	Spk. Kelliher
Rosenthal	Sertich	Solberg	Thissen	Ward	
Rukavina	Simon	Sterner	Tillberry	Welti	

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

Dean moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 46, after line 17, insert:

"Sec. 12. Minnesota Statutes 2008, section 246B.05, is amended by adding a subdivision to read:

Subd. 4. **Wages.** Notwithstanding section 177.24, or any other law to the contrary, wages paid to patients working in this program are at the discretion of the commissioner of human services.

Sec. 13. Minnesota Statutes 2008, section 246B.05, subdivision 1, is amended to read:

Subdivision 1. **Employment option.** The commissioner of human services, in consultation with the commissioner of corrections, shall develop an employment option for persons committed to a sexual psychopathic personality treatment center in order for patients to contribute to their cost of care. The employment may include work maintaining the center or work that is brought to the center by an outside source. The earnings generated must be deposited into the account created in subdivision 2 and divided ~~between the participating patient and the center, in an effort to reduce state costs~~ according to subdivision 3.

Sec. 14. Minnesota Statutes 2008, section 246B.05, subdivision 3, is amended to read:

Subd. 3. **Money.** The commissioner ~~has the authority to~~ shall collect money resulting from the productive day program, and retain 50 percent to reimburse the state for the cost of administering the work program and for the purpose of reducing state costs associated with the Minnesota sex offender program ~~and return 50 percent of the earnings to the patient.~~

Sec. 15. Minnesota Statutes 2008, section 246B.06, subdivision 1, is amended to read:

Subdivision 1. **Establishment; purpose.** (a) The commissioner of human services may establish, equip, maintain, and operate the Minnesota State Industries at any Minnesota sex offender program facility under this chapter. The commissioner may establish industrial and commercial activities for sex offender treatment patients as the commissioner deems necessary and suitable to the profitable employment, educational training, and development of proper work habits of patients consistent with the requirements in section 246B.05. The industrial and commercial activities authorized by this section are designated Minnesota State Industries and must be for the primary purpose of sustaining and ensuring Minnesota State Industries' self-sufficiency, providing educational training, meaningful employment, and the teaching of proper work habits to the patients of the Minnesota sex offender program under this chapter, and not solely as competitive business ventures.

(b) ~~The net profits from Minnesota State Industries must be used for the benefit of the patients as it relates to building education and self-sufficiency skills.~~ Prior to the establishment of any industrial and commercial activity, the commissioner of human services shall consult with stakeholders including representatives of business, industry, organized labor, the commissioner of education, the state Apprenticeship Council, the commissioner of labor and industry, the commissioner of employment and economic development, the commissioner of administration, and other stakeholders the commissioner deems qualified. The purpose of the stakeholder consultation is to determine

the quantity and nature of the goods, wares, merchandise, and services to be made or provided, and the types of processes to be used in their manufacture, processing, repair, and production consistent with the greatest opportunity for the reform and educational training of the patients, and with the best interests of the state, business, industry, and labor.

(c) The commissioner of human services shall, at all times in the conduct of any industrial or commercial activity authorized by this section, utilize patient labor to the greatest extent feasible, provided that the commissioner may employ all administrative, supervisory, and other skilled workers necessary to the proper instruction of the patients and the profitable and efficient operation of the industrial and commercial activities authorized by this section.

(d) The commissioner of human services may authorize the director of any Minnesota sex offender treatment facility under the commissioner's control to accept work projects from outside sources for processing, fabrication, or repair, provided that preference is given to the performance of work projects for state departments and agencies.

Sec. 16. Minnesota Statutes 2008, section 246B.06, subdivision 6, is amended to read:

Subd. 6. **Wages.** Notwithstanding section 177.24 or any other law to the contrary, wages paid to patients working within this program are at the discretion of the commissioner of human services and are subject to the following allocation: up to 50 percent of wages shall be retained by the commissioner to reduce the state costs associated with the Minnesota sex offender program, and 50 percent of wages that are not encumbered by a court order are to be contributed to the Crime Victims Reparations Board created under section 611A.55."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The Speaker resumed the chair.

The question was taken on the Dean amendment and the roll was called. There were 56 yeas and 76 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Benson	Brown	Champion	Dill	Fritz
Anzelc	Bigham	Brynaert	Clark	Eken	Gardner
Atkins	Bly	Carlson	Davnie	Falk	Greiling

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

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

Abeler moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 69, after line 21, insert:

"Sec. 5. Minnesota Statutes 2008, section 256.01, is amended by adding a subdivision to read:

Subd. 29. **Report to the Department of Revenue.** The commissioner or the county agency may report to the Department of Revenue any applicant or recipient of any program administered by the Department of Human Services in which income is reported for purposes of eligibility, renewal, or to determine benefit amounts, including, but not limited to, general assistance medical care, MinnesotaCare, medical assistance, MFIP, food support, and general assistance, who is found to have understated their income."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Zellers moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 59, after line 26, insert:

"Sec. 8. Minnesota Statutes 2008, section 62Q.19, subdivision 1, is amended to read:

Subdivision 1. **Designation.** (a) The commissioner shall designate essential community providers. The criteria for essential community provider designation shall be the following:

(1) a demonstrated ability to integrate applicable supportive and stabilizing services with medical care for uninsured persons and high-risk and special needs populations, underserved, and other special needs populations; and

(2) a commitment to serve low-income and underserved populations by meeting the following requirements:

(i) has nonprofit status in accordance with chapter 317A;

(ii) has tax exempt status in accordance with the Internal Revenue Service Code, section 501(c)(3);

(iii) charges for services on a sliding fee schedule based on current poverty income guidelines; and

(iv) does not restrict access or services because of a client's financial limitation;

(3) status as a local government unit as defined in section 62D.02, subdivision 11, a hospital district created or reorganized under sections 447.31 to 447.37, an Indian tribal government, an Indian health service unit, or a community health board as defined in chapter 145A;

(4) a former state hospital that specializes in the treatment of cerebral palsy, spina bifida, epilepsy, closed head injuries, specialized orthopedic problems, and other disabling conditions; ~~or~~

(5) a sole community hospital. For these rural hospitals, the essential community provider designation applies to all health services provided, including both inpatient and outpatient services. For purposes of this section, "sole community hospital" means a rural hospital that:

(i) is eligible to be classified as a sole community hospital according to Code of Federal Regulations, title 42, section 412.92, or is located in a community with a population of less than 5,000 and located more than 25 miles from a like hospital currently providing acute short-term services;

(ii) has experienced net operating income losses in two of the previous three most recent consecutive hospital fiscal years for which audited financial information is available; and

(iii) consists of 40 or fewer licensed beds; or

(6) a birthing center licensed under section 144.566.

(b) Prior to designation, the commissioner shall publish the names of all applicants in the State Register. The public shall have 30 days from the date of publication to submit written comments to the commissioner on the application. No designation shall be made by the commissioner until the 30-day period has expired.

(c) The commissioner may designate an eligible provider as an essential community provider for all the services offered by that provider or for specific services designated by the commissioner.

(d) For the purpose of this subdivision, supportive and stabilizing services include at a minimum, transportation, child care, cultural, and linguistic services where appropriate."

Page 65, after line 25, insert:

"Sec. 16. **[144.566] BIRTHING CENTERS.**

Subdivision 1. Definitions. (a) For purposes of this section, the following definitions have the meanings given to them.

(b) "Birthing center" means a health care facility licensed for the primary purpose of performing low-risk deliveries that is not a hospital or in a hospital and where births are planned to occur away from the mother's usual residence following a normal uncomplicated pregnancy.

(c) "Licensed traditional midwife" means a midwife who is licensed under chapter 147D.

(d) "Low-risk pregnancy" means a normal, uncomplicated prenatal course as determined by documentation of adequate prenatal care and the anticipation of a normal uncomplicated labor and birth, as defined by reasonable and generally accepted criteria adopted by professional groups for maternal, fetal, and neonatal health care, and generally accepted by the health care providers to whom they apply and approved by the commissioner as reasonable.

Subd. 2. **License required.** (a) No birthing center shall be established, operated, or maintained in the state without first obtaining a license from the commissioner of health according to this section. The license is effective for one year following the date of issuance.

(b) A license issued under this section is not transferable or assignable and is subject to suspension or revocation at any time for failure to comply with this section.

(c) A birthing center licensed under this section shall not assert, represent, offer, provide, or imply that the center is or may render care or services other than the services it is permitted to render within the scope of the license issued.

(d) The license must be conspicuously posted in an area where patients are admitted.

Subd. 3. **Application.** An application for a license to operate a birthing center and the applicable fee under subdivision 7 must be submitted to the commissioner on a form provided by the commissioner and must contain:

(1) the name of the applicant;

(2) the location of the birthing center;

(3) the name of the person in charge of the center;

(4) documentation that the standards described under subdivision 5 have been met; and

(5) any other information the commissioner deems necessary.

Subd. 4. **Suspension, revocation, and refusal to renew.** The commissioner may refuse to grant or renew, or may suspend or revoke, a license on any of the grounds described under section 144.55, subdivision 6, and the applicant or licensee is entitled to notice and a hearing as described under section 144.55, subdivision 7.

Subd. 5. **Standards for licensure.** (a) To be eligible for licensure under this section, a birthing center must meet the following requirements:

(1) a governing body or person must be clearly identified as being legally responsible for setting policies and procedures and ensuring that they are implemented;

(2) care must be provided by a physician, advanced practice registered nurse, or licensed traditional midwife during labor, birth, and puerperium;

(3) an obstetrician and pediatrician must be on call and available to provide medical guidance at all times;

(4) procedures must be in place to transfer a patient within 30 minutes from the time of diagnosis of an emergency to an acute care hospital capable of providing obstetrical and neonatal services;

(5) the birthing center must be equipped to initiate emergency procedures in life-threatening events to the mother and baby including, but not limited to, cardiopulmonary resuscitation (CPR) equipment, oxygen, positive pressure mask, suction, intravenous medications, and equipment for maintaining infant temperature and ventilation; and

(6) the birthing center must maintain a quality assurance program.

(b) The center must have procedures in place specifying criteria by which risk status will be established and applied to each woman at admission and during labor. Before admitting a patient, the birthing center must fully inform each woman seeking care on the benefits and risks of the services available at the center and each woman must sign a written informed consent indicating that she has received this information.

Subd. 6. **Limitations of services.** The following limitations apply to the services performed at a birthing center:

(1) surgical procedures must be limited to those normally accomplished during an uncomplicated birth, including episiotomy and repair;

(2) no abortions may be performed; and

(3) no general or conduction anesthesia may be performed.

Subd. 7. **Fees.** The annual license fee for a birthing center is \$....., and shall be collected and deposited according to section 144.122.

Subd. 8. **Inspections.** The commissioner shall annually conduct an inspection of each licensed birthing center for the purpose of determining compliance with this section and any rules promulgated under subdivision 9.

Subd. 9. **Rules.** The commissioner may promulgate rules necessary to implement this section."

Page 112, line 20, delete "3.0 percent" and insert "2.5 percent"

Page 112, after line 22, insert:

"Sec. 39. **[256B.755] REIMBURSEMENT FOR UNCOMPLICATED VAGINAL BIRTHS.**

Notwithstanding section 256.969, effective for services provided on or after January 1, 2010, the facility payment rate for labor, birthing, and puerperium services provided for an uncomplicated vaginal birth shall be no greater than \$1,650 when the services are provided through a managed care plan contract under section 256B.69, 256B.692, or 256L.12 or provided on a fee-for-service basis, if the date the woman was enrolled was at least 45 days before the date the services were provided. This rate does not include newborn care."

Page 113, line 15, delete "three percent" and insert "2.5 percent"

Page 115, after line 24, insert:

"Sec. 42. **[256B.85] BIRTHING CENTERS.**

As a condition of participating in the prepaid medical assistance or MinnesotaCare programs under section 256B.69 or 256L.12, a health plan must either contract with or establish a birthing center for the provision of obstetric services that are covered under section 256B.0625 and provided by the birthing center. The birthing center must be licensed under section 144.566."

Page 119, line 23, delete "3.0 percent" and insert "2.5 percent"

Page 119, line 27, delete "three percent" and insert "2.5 percent"

Page 123, line 17, delete "3.0 percent" and insert "2.5 percent"

Page 123, line 21, delete "three percent" and insert "2.5 percent"

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.

Nornes moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 123, after line 9, insert:

"Sec. 48. Minnesota Statutes 2008, section 256L.05, subdivision 3a, is amended to read:

Subd. 3a. **Renewal of eligibility.** (a) Beginning July 1, 2007, an enrollee's eligibility must be renewed every 12 months. The 12-month period begins in the month after the month the application is approved.

(b) Each new period of eligibility must take into account any changes in circumstances that impact eligibility and premium amount. An enrollee must provide all the information needed to redetermine eligibility by the first day of the month that ends the eligibility period. If there is no change in circumstances, the enrollee may renew eligibility at designated locations that include community clinics and health care providers' offices. The designated sites shall forward the renewal forms to the commissioner. The commissioner may establish criteria and timelines for sites to forward applications to the commissioner or county agencies. The premium for the new period of eligibility must be received as provided in section 256L.06 in order for eligibility to continue.

(c) For single adults and households with no children formerly enrolled in general assistance medical care and enrolled in MinnesotaCare according to section 256D.03, subdivision 3, the first period of eligibility begins the month the enrollee submitted the application or renewal for general assistance medical care.

~~(d) An enrollee who fails to submit renewal forms and related documentation necessary for verification of continued eligibility in a timely manner shall remain eligible for one additional month beyond the end of the current eligibility period before being disenrolled. The enrollee remains responsible for MinnesotaCare premiums for the additional month.~~

Sec. 49. Minnesota Statutes 2008, section 256L.06, subdivision 3, is amended to read:

Subd. 3. **Commissioner's duties and payment.** (a) Premiums are dedicated to the commissioner for MinnesotaCare.

(b) The commissioner shall develop and implement procedures to: (1) require enrollees to report changes in income; (2) adjust sliding scale premium payments, based upon both increases and decreases in enrollee income, at the time the change in income is reported; and (3) disenroll enrollees from MinnesotaCare for failure to pay required premiums. Failure to pay includes payment with a dishonored check, a returned automatic bank withdrawal, or a refused credit card or debit card payment. The commissioner may demand a guaranteed form of payment, including a cashier's check or a money order, as the only means to replace a dishonored, returned, or refused payment.

(c) Premiums are calculated on a calendar month basis and may be paid on a monthly, quarterly, or semiannual basis, with the first payment due upon notice from the commissioner of the premium amount required. The commissioner shall inform applicants and enrollees of these premium payment options. Premium payment is

required before enrollment is complete and to maintain eligibility in MinnesotaCare. Premium payments received before noon are credited the same day. Premium payments received after noon are credited on the next working day.

(d) Nonpayment of the premium will result in disenrollment from the plan effective the first day of the calendar month ~~following the calendar month~~ for which the premium was due. Persons disenrolled for nonpayment or who voluntarily terminate coverage from the program may not reenroll until four calendar months have elapsed. The commissioner shall waive premiums for coverage provided under this paragraph to persons disenrolled for nonpayment who reapply under section 256L.05, subdivision 3b. Persons disenrolled for nonpayment or who voluntarily terminate coverage from the program may not reenroll for four calendar months unless the person demonstrates good cause for nonpayment. Good cause does not exist if a person chooses to pay other family expenses instead of the premium. The commissioner shall define good cause in rule."

Page 253, after line 3, insert:

"Sec. 56. Minnesota Statutes 2008, section 256B.434, is amended by adding a subdivision to read:

Subd. 4i. **Rate increase for facility in Otter Tail County.** Effective October 1, 2009, the operating payment rate for a nursing facility in Otter Tail County licensed for 56 beds on January 1, 2008, reimbursed under this section or section 256B.441, shall be increased to be equal, for a RUG's rate with a weight of 1.00, to the geographic group III median rate for the same RUG's weight. The percentage of the operating payment rate for the facility to be case-mix adjusted shall be equal to the percentage that is case-mix adjusted in the facility's September 30, 2009, operating payment rate. This subdivision shall apply only if it results in a rate increase. An increase provided by this subdivision shall be applied after the October 1, 2009, phase-in of rebased operating cost payment rates under section 256B.441, subdivision 55, but before any other nursing facility rate increase that takes effect on that date."

Page 369, after line 14, insert:

"Sec. 16. **TRANSFER.**

\$1,500,000 is transferred from the health care access fund to the general fund for the biennium beginning July 1, 2009."

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.

Howes; Rukavina; Anzelc; Brod; Urdahl; Abeler; Anderson, P.; Dill and Smith moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 283, after line 20, insert:

"Sec. 6. Minnesota Statutes 2008, section 144.4167, is amended by adding a subdivision to read:

Subd. 10. **Smoking shelters.** Sections 144.411 to 144.417 do not prohibit smoking in a structure located outside of an establishment that provides shelter for persons smoking outdoors. Employees of an establishment with a smoking shelter may not serve food or beverages to persons in the smoking shelter."

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 Howes et al amendment and the roll was called. There were 67 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Abeler	Dettmer	Gunther	Kohls	Otremba	Smith
Anderson, B.	Dill	Hackbarth	Laine	Peppin	Solberg
Anderson, P.	Doty	Hamilton	Lesch	Persell	Thao
Anderson, S.	Downey	Holberg	Lieder	Poppe	Torkelson
Anzelc	Drazkowski	Hoppe	Mack	Rukavina	Urdahl
Beard	Eastlund	Howes	Magnus	Sailer	Westrom
Brod	Eken	Juhnke	Mahoney	Sanders	Zellers
Buesgens	Emmer	Kalin	McFarlane	Scott	
Cornish	Falk	Kath	McNamara	Seifert	
Davids	Faust	Kelly	Murdock	Sertich	
Dean	Garofalo	Kiffmeyer	Nornes	Shimanski	
Demmer	Gottwalt	Koenen	Olin	Slocum	

Those who voted in the negative were:

Atkins	Doepke	Hosch	Mariani	Paymar	Thissen
Benson	Fritz	Huntley	Marquart	Pelowski	Tillberry
Bigham	Gardner	Jackson	Masin	Peterson	Wagenius
Bly	Greiling	Johnson	Morgan	Reinert	Ward
Brown	Hansen	Kahn	Morrow	Rosenthal	Welti
Brynaert	Hausman	Knuth	Mullery	Ruud	Winkler
Bunn	Haws	Lanning	Murphy, E.	Scalze	Spk. Kelliher
Carlson	Hayden	Lenczewski	Murphy, M.	Severson	
Champion	Hilstrom	Liebling	Nelson	Simon	
Clark	Hilty	Lillie	Newton	Slawik	
Davnie	Hornstein	Loeffler	Norton	Sterner	
Dittrich	Hortman	Loon	Obermueller	Swails	

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

Drazkowski moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 27, after line 2, insert:

"Sec. 8. Minnesota Statutes 2008, section 256J.15, is amended by adding a subdivision to read:

Subd. 3. Eligibility; drug screening. (a) To be eligible for MFIP, a person must undergo drug and alcohol screening, to the extent practicable, following the established procedures and reliability safeguards provided for screening in sections 181.951, 181.953, and 181.954. A county agency may require a recipient of benefits to undergo random drug screening. An applicant must provide evidence of a negative test result to the appropriate county agency prior to being accepted for MFIP benefits and prior to receiving an extension of benefits under section 256J.425.

(b) A laboratory must report to the appropriate county agency any positive test results returned on an applicant or recipient of MFIP benefits. Upon receipt of a positive test result, a county agency must deny or discontinue benefits until the person demonstrates a pattern of negative test results that satisfy the agency that the person is no longer a drug user.

(c) A person who undergoes testing under this subdivision shall pay a fee to the laboratory for the cost of the test prior to testing.

EFFECTIVE DATE. This section is effective July 1, 2011."

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 Drazkowski amendment and the roll was called. There were 45 yeas and 89 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Seifert moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 29, after line 19, insert:

"Sec. 11. Minnesota Statutes 2008, section 256J.26, subdivision 3, is amended to read:

Subd. 3. **Fleeing felons.** An individual who is fleeing to avoid prosecution, or custody, or confinement after conviction for a crime that is a felony under the laws of the jurisdiction from which the individual flees, or in the case of New Jersey, is a high misdemeanor, is disqualified from receiving MFIP. The county agency must cooperate with law enforcement agencies to determine if an applicant is a fleeing felon under this subdivision."

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 Seifert amendment and the roll was called. There were 62 yeas and 72 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Kelly, Howes and McNamara moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 267, line 22, after the period, insert "The reduction under this paragraph is subject to application of paragraph (d)."

Page 268, after line 33, insert:

"(d) The commissioner of Minnesota management and budget, on July 1 of each fiscal year beginning July 1, 2011, shall transfer any surplus in the health care access fund not necessary to maintain a fund reserve of \$50,000,000 for that fiscal year to the commissioner of human services. The commissioner of human services shall reduce or eliminate the rate reduction in paragraph (a) each fiscal year, to the extent that any transfer from the health care access fund allows a reduction or elimination."

A roll call was requested and properly seconded.

The question was taken on the Kelly et al amendment and the roll was called There were 32 yeas and 102 nays as follows:

Those who voted in the affirmative were:

Abeler	Dean	Garofalo	Kelly	McFarlane	Torkelson
Anderson, P.	Demmer	Gottwalt	Kiffmeyer	McNamara	Urdahl
Beard	Dettmer	Gunther	Kohls	Peppin	
Brod	Doepke	Hamilton	Lanning	Severson	
Cornish	Drazkowski	Hoppe	Loon	Shimanski	
Dauids	Eastlund	Howes	Magnus	Smith	

Those who voted in the negative were:

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

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

Dean moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 137, after line 17, insert:

"Sec. 58. DIRECTION TO COMMISSIONER; BILLING AND COLLECTIONS.

Notwithstanding any other law or rule to the contrary, the commissioner of human services must offer a request for proposals to private vendors to examine billing and collections practices and systems within the general assistance medical care, medical assistance, and MinnesotaCare programs in order to make recommendations to reduce waste, fraud, and abuse. The vendor that is awarded the contract must complete the examination and provide recommendations to the commissioner by July 1, 2010.

EFFECTIVE DATE. This section is effective July 1, 2009."

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 Dean amendment and the roll was called. There were 64 yeas and 70 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Buesgens moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 76, line 1, after "vehicle" insert "with a fair market value of \$2,000 or less"

A roll call was requested and properly seconded.

The question was taken on the Buesgens amendment and the roll was called. There were 45 yeas and 89 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Drazkowski moved to amend H. F. No. 1362, the second engrossment, as amended, as follows:

Page 322, after line 28, insert:

"Sec. 5. **DIRECTION TO COMMISSIONER.**

(a) By January 15, 2010, the commissioner of human services shall issue a report to the legislature outlining the citizenship status verification efforts in each county conducted under Minnesota Statutes, section 256.01, subdivision 18, and whether the results of the verifications have ensured the delivery of each program administered by the agency to individuals who are lawfully eligible to receive program services.

(b) The report shall include annual county summary activity compiled from July 1, 2001, through December 31, 2009. The report shall include the number of applicants for each program administered by each county under Minnesota Statutes, chapters 256, 256D, 256B, 256I, 256J, and 256L, the corresponding number of

SAVE program queries for each program, and the number of applicants excluded from participation in each program due to the findings of the SAVE query for each respective applicant. Each county shall cooperate in the collection, coordination, and reporting efforts regarding SAVE to implement the requirements of this section."

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 Drazkowski amendment and the roll was called. There were 78 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Abeler	Demmer	Gottwalt	Kiffmeyer	Obermueller	Seifert
Anderson, B.	Dettmer	Gunther	Knuth	Olin	Severson
Anderson, P.	Dill	Hackbarth	Kohls	Otremba	Shimanski
Anderson, S.	Dittrich	Hamilton	Lanning	Pelowski	Smith
Beard	Doepke	Hansen	Loon	Peppin	Sterner
Bigham	Doty	Holberg	Mack	Peterson	Swails
Brod	Downey	Hoppe	Magnus	Poppe	Torkelson
Brown	Drazkowski	Hosch	McFarlane	Rukavina	Urdahl
Buesgens	Eastlund	Howes	McNamara	Ruud	Ward
Bunn	Eken	Jackson	Morgan	Sailer	Welti
Cornish	Emmer	Kalin	Morrow	Sanders	Westrom
Davids	Faust	Kath	Murdock	Scalze	Zellers
Dean	Garofalo	Kelly	Nornes	Scott	Spk. Kelliher

Those who voted in the negative were:

Anzelc	Fritz	Huntley	Lillie	Newton	Solberg
Atkins	Gardner	Johnson	Loeffler	Norton	Thao
Benson	Greiling	Juhnke	Mahoney	Paymar	Thissen
Bly	Hausman	Kahn	Mariani	Persell	Tillberry
Brynaert	Haws	Koenen	Marquart	Reinert	Wagenius
Carlson	Hayden	Laine	Masin	Rosenthal	Winkler
Champion	Hilstrom	Lenczewski	Mullery	Sertich	
Clark	Hilty	Lesch	Murphy, E.	Simon	
Davnie	Hornstein	Liebling	Murphy, M.	Slawik	
Falk	Hortman	Lieder	Nelson	Slocum	

The motion prevailed and the amendment was adopted.

H. F. No. 1362, 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	Dettmer	Hayden	Lenczewski	Nornes	Simon
Anderson, B.	Dill	Hilstrom	Lesch	Norton	Slawik
Anderson, P.	Dittrich	Hilty	Liebling	Obermueller	Slocum
Anderson, S.	Doepke	Holberg	Lieder	Olin	Smith
Anzelc	Doty	Hoppe	Lillie	Otremba	Solberg
Atkins	Downey	Hornstein	Loeffler	Paymar	Sterner
Beard	Drazkowski	Hortman	Loon	Pelowski	Swails
Benson	Eastlund	Hosch	Mack	Peppin	Thao
Bigham	Eken	Howes	Magnus	Persell	Thissen
Bly	Emmer	Huntley	Mahoney	Peterson	Tillberry
Brod	Falk	Jackson	Mariani	Poppe	Torkelson
Brown	Faust	Johnson	Marquart	Reinert	Urdahl
Brynaert	Fritz	Juhnke	Masin	Rosenthal	Wagenius
Buesgens	Gardner	Kahn	McFarlane	Rukavina	Ward
Bunn	Garofalo	Kalin	McNamara	Ruud	Welti
Carlson	Gottwalt	Kath	Morgan	Sailer	Westrom
Champion	Greiling	Kelly	Morrow	Sanders	Winkler
Clark	Gunther	Kiffmeyer	Mullery	Scalze	Zellers
Cornish	Hackbarth	Knuth	Murdock	Scott	Spk. Kelliher
Davids	Hamilton	Koenen	Murphy, E.	Seifert	
Davnie	Hansen	Kohls	Murphy, M.	Sertich	
Dean	Hausman	Laine	Nelson	Severson	
Demmer	Haws	Lanning	Newton	Shimanski	

Sertich 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. 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; 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; decreasing provider reimbursements; increasing fees; appropriating money to various state agencies for health and human services provisions; amending Minnesota Statutes 2008, sections 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; 144.226, subdivision 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; 245.462, subdivision 18; 245.470, subdivision 1; 245.4871, subdivision 27; 245.488, subdivision 1; 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; 256.045, subdivision 3; 256.476, subdivisions 5, 11; 256.962, subdivisions 2, 6; 256.963, by adding a subdivision; 256.969, subdivision 3a; 256.975, subdivision 7; 256.983, subdivision 1; 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.0622, subdivision 2; 256B.0623, subdivision 5; 256B.0624, subdivisions 5, 8; 256B.0625, subdivisions 3c, 7, 8, 8a, 9, 13e, 17, 19a, 19c, 26, 41, 42, 47; 256B.0631, subdivision 1; 256B.0641, subdivision 3; 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.0943, subdivision 1; 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.434, by adding a subdivision; 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.024, by adding a subdivision; 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.08, subdivision 73a; 256J.20, subdivision 3; 256J.24, subdivisions 5a, 10; 256J.26, by adding a subdivision; 256J.37, subdivision 3a, by adding a subdivision; 256J.38, subdivision 1; 256J.45, subdivision 3; 256J.49, subdivision 13; 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; 259.67, by adding a subdivision; 270A.09, by adding a subdivision; 295.52, by adding a subdivision; 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 62A; 62Q; 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; 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.

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 85 yeas and 49 nays as follows:

Those who voted in the affirmative were:

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

Masin	Newton	Peterson	Scalze	Swails	Winkler
Morgan	Norton	Poppe	Sertich	Thao	Spk. Kelliher
Morrow	Olin	Reinert	Simon	Thissen	
Mullery	Otremba	Rosenthal	Slawik	Tillberry	
Murphy, E.	Paymar	Rukavina	Slocum	Wagenius	
Murphy, M.	Pelowski	Ruud	Solberg	Ward	
Nelson	Persell	Sailer	Sterner	Welti	

Those who voted in the negative were:

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

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

CALENDAR FOR THE DAY

Sertich moved that the Calendar for the Day be continued. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 802:

Paymar, Hilstrom, Liebling, Lesch and Cornish.

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 819:

Atkins, Lillie and Zellers.

MOTIONS AND RESOLUTIONS

Eken moved that the name of Hosch be added as an author on H. F. No. 2084. The motion prevailed.

Brown moved that the name of Sailer be added as an author on H. F. No. 2344. The motion prevailed.

Masin moved that the names of Kahn and Greiling be added as authors on H. F. No. 2351. The motion prevailed.

Mariani moved that the names of Kahn and Greiling be added as authors on H. F. No. 2352. The motion prevailed.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place H. F. No. 2251 on the Fiscal Calendar for Tuesday, April 28, 2009.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 11:00 a.m., Tuesday, April 28, 2009. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Tuesday, April 28, 2009.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

