

STATE OF MINNESOTA

EIGHTY-SEVENTH SESSION — 2011

 THIRTY-EIGHTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 6, 2011

The House of Representatives convened at 10:30 a.m. and was called to order by Kurt Zellers, Speaker of the House.

Prayer was offered by the Reverend Grady St. Dennis, House Chaplain.

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:

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|--------------|------------|-----------|-------------|--------------|--------------|
| Abeler | Davnie | Hancock | Kriesel | Mullery | Scott |
| Anderson, B. | Dean | Hansen | Lanning | Murdock | Shimanski |
| Anderson, D. | Dettmer | Hausman | Leidiger | Murphy, E. | Simon |
| Anderson, P. | Dill | Hayden | LeMieur | Murphy, M. | Slawik |
| Anderson, S. | Dittrich | Hilstrom | Lenczewski | Murray | Slocum |
| Anzelc | Doepke | Hilty | Lesch | Myhra | Smith |
| Atkins | Downey | Holberg | Liebling | Nelson | Stensrud |
| Banaian | Drazkowski | Hoppe | Lillie | Nornes | Swedzinski |
| Barrett | Eken | Hornstein | Loeffler | Norton | Thissen |
| Beard | Erickson | Hortman | Lohmer | O'Driscoll | Tillberry |
| Benson, J. | Fabian | Hosch | Loon | Paymar | Torkelson |
| Benson, M. | Falk | Howes | Mahoney | Pelowski | Urdahl |
| Bills | Franson | Huntley | Mariani | Peppin | Vogel |
| Brynaert | Fritz | Johnson | Marquart | Petersen, B. | Wagenius |
| Buesgens | Gauthier | Kahn | Mazorol | Peterson, S. | Ward |
| Carlson | Gottwalt | Kath | McDonald | Poppe | Wardlow |
| Champion | Greene | Kelly | McElfatrick | Quam | Westrom |
| Clark | Greiling | Kieffer | McFarlane | Rukavina | Winkler |
| Cornish | Gruenhagen | Kiel | McNamara | Runbeck | Woodard |
| Crawford | Gunther | Kiffmeyer | Melin | Sanders | Spk. Zellers |
| Daudt | Hackbarth | Knuth | Moran | Scalze | |
| Davids | Hamilton | Koenen | Morrow | Schomacker | |

A quorum was present.

Laine was excused.

Mack was excused until 11:00 a.m. Garofalo was excused until 12:05 p.m. Persell was excused until 1:55 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 8, A bill for an act relating to human services; establishing the healthy Minnesota contribution program; requiring plan to redesign service delivery for lower-income MinnesotaCare enrollees; requiring the Minnesota Comprehensive Health Association to offer a high-deductible, basic plan; requiring the commissioner of human services to seek federal waivers; amending Minnesota Statutes 2010, sections 62E.08, subdivision 1; 62E.14, by adding a subdivision; 256B.04, subdivision 18; 256L.05, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 62E; 256L.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 632, A bill for an act relating to labor and industry; allowing limited transfer of restricted plumber licenses; amending Minnesota Statutes 2010, section 326B.475, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 326B.42, subdivision 2, is amended to read:

Subd. 2. **Direct supervision.** The term "direct supervision," with respect to direct supervision of a plumber's apprentice or registered unlicensed individual by a master, restricted master, journeyman, ~~or restricted journeyman,~~ or licensed maintenance plumber, means that:

(1) at all times while the plumber's apprentice or registered unlicensed individual is performing plumbing work, the supervising plumber is present at the location where the plumber's apprentice or registered unlicensed individual is working;

(2) the supervising plumber is physically present and immediately available to the plumber's apprentice or registered unlicensed individual at all times for assistance and direction;

(3) any form of electronic supervision does not meet the requirement of physically present;

(4) the supervising plumber actually reviews the plumbing work performed by the plumber's apprentice or registered unlicensed individual before the plumbing is operated; and

(5) the supervising plumber is able to and does determine that all plumbing work performed by the plumber's apprentice or registered unlicensed individual is performed in compliance with the plumbing code.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 2. Minnesota Statutes 2010, section 326B.42, is amended by adding a subdivision to read:

Subd. 3a. **Maintenance plumber.** "Maintenance plumber" means an individual having the necessary qualifications, training, experience, and technical knowledge to properly maintain and repair plumbing, who is licensed as a maintenance plumber by the commissioner.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 3. Minnesota Statutes 2010, section 326B.435, subdivision 2, is amended to read:

Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the power to:

- (1) elect its chair, vice-chair, and secretary;
- (2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing such other provisions as may be useful and necessary for the efficient conduct of the business of the board;
- (3) adopt the plumbing code that must be followed in this state and any plumbing code amendments thereto. The plumbing code shall include the minimum standards described in sections 326B.43, subdivision 1, and 326B.52, subdivision 1. The board shall adopt the plumbing code and any amendments thereto pursuant to chapter 14 and as provided in subdivision 6, paragraphs (b), (c), and (d);
- (4) review requests for final interpretations and issue final interpretations as provided in section 326B.127, subdivision 5;
- (5) adopt rules that regulate the licensure or registration of plumbing contractors, journeymen, unlicensed individuals, master plumbers, restricted master plumbers, restricted journeymen, maintenance plumbers, water conditioning contractors, and water conditioning installers, and other persons engaged in the design, installation, and alteration of plumbing systems, engaged in the maintenance or repair of plumbing equipment, apparatus, or facilities, or engaged in or working at the business of water conditioning installation or service, except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f);
- (6) adopt rules that regulate continuing education for individuals licensed as master plumbers, journeyman plumbers, restricted master plumbers, restricted journeyman plumbers, maintenance plumbers, water conditioning contractors, and water conditioning installers. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (e) and (f);
- (7) refer complaints or other communications to the commissioner, whether oral or written, as provided in subdivision 8, that allege or imply a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, or an offering to perform or performance of unlicensed plumbing services;
- (8) approve per diem and expenses deemed necessary for its members as provided in subdivision 3;
- (9) approve license reciprocity agreements;
- (10) select from its members individuals to serve on any other state advisory council, board, or committee; and
- (11) recommend the fees for licenses and certifications.

Except for the powers granted to the Plumbing Board, the Board of Electricity, and the Board of High Pressure Piping Systems, the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated pursuant thereto.

- (b) The board shall comply with section 15.0597, subdivisions 2 and 4.

(c) The commissioner shall coordinate the board's rulemaking and recommendations with the recommendations and rulemaking conducted by the other boards created pursuant to this chapter. The commissioner shall provide staff support to the board. The support includes professional, legal, technical, and clerical staff necessary to perform rulemaking and other duties assigned to the board. The commissioner of labor and industry shall supply necessary office space and supplies to assist the board in its duties.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 4. Minnesota Statutes 2010, section 326B.46, subdivision 1, is amended to read:

Subdivision 1. **License required.** (a) No individual shall engage in or work at the business of a master plumber, restricted master plumber, journeyman plumber, ~~and~~ restricted journeyman plumber, or maintenance plumber unless licensed to do so by the commissioner. A license is not required for individuals performing building sewer or water service installation who have completed pipe laying training as prescribed by the commissioner. A master plumber may also work as a journeyman plumber, a restricted journeyman plumber, and a restricted master plumber. A journeyman plumber may also work as a restricted journeyman plumber. Anyone not so licensed may do plumbing work which complies with the provisions of the minimum standards prescribed by the Plumbing Board on premises or that part of premises owned and actually occupied by the worker as a residence, unless otherwise forbidden to do so by a local ordinance.

(b) No person shall engage in the business of planning, superintending, or installing plumbing or shall install plumbing in connection with the dealing in and selling of plumbing material and supplies unless at all times a licensed master plumber, or in cities and towns with a population of fewer than 5,000 according to the last federal census, a restricted master plumber, who shall be responsible for proper installation, is in charge of the plumbing work of the person.

(c) Except as provided in subdivision 2 1a, no person shall perform or offer to perform plumbing work with or without compensation unless the person obtains a contractor's license. A contractor's license does not of itself qualify its holder to perform the plumbing work authorized by holding a master, journeyman, restricted master, or restricted journeyman license.

(d) No individual shall engage in or work as a maintenance plumber unless:

(1) the individual is licensed as a maintenance plumber;

(2) the individual is engaged in the maintenance and repair of plumbing equipment, apparatus, or facilities that are within the limits of property classified for the purposes of taxation under section 273.13 as class 1c or commercial 4c(1); and

(3) the property is owned or leased by the individual or by the individual's employer.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 5. Minnesota Statutes 2010, section 326B.46, subdivision 1a, is amended to read:

Subd. 1a. **Exemptions from licensing.** (a) An individual without a contractor license may do plumbing work on the individual's residence in accordance with subdivision 1, paragraph (a).

(b) An individual who is an employee working on the maintenance and repair of plumbing equipment, apparatus, or facilities owned or leased by the individual's employer and which is within the limits of property owned or leased, and operated or maintained by the individual's employer, shall not be required to maintain a contractor license as long as the employer has on file with the commissioner a current certificate of responsible person. The certificate must be signed by the responsible master plumber, licensed maintenance plumber, or, in an area of the state that is not a city or town with a population of more than 5,000 according to the last federal census, restricted master plumber, and must state that the person signing the certificate is responsible for ensuring that the maintenance and repair work performed by the employer's employees comply with sections 326B.41 to 326B.49, all rules adopted under those sections and sections 326B.50 to 326B.59, and all orders issued under section 326B.082. The employer must pay a filing fee to file a certificate of responsible person with the commissioner. The certificate shall expire two years from the date of filing. In order to maintain a current certificate of responsible person, the employer must resubmit a certificate of responsible person, with a filing fee, no later than two years from the date of the previous submittal. The filing of the certificate of responsible person does not exempt any employee of the employer from the requirements of this chapter regarding individual licensing as a plumber or registration as ~~a plumber's apprentice~~ an unlicensed individual.

(c) If a contractor employs a licensed plumber, the licensed plumber does not need a separate contractor license to perform plumbing work on behalf of the employer within the scope of the licensed plumber's license.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 6. Minnesota Statutes 2010, section 326B.47, subdivision 1, is amended to read:

Subdivision 1. **Registration; supervision; records.** (a) All unlicensed individuals, other than plumber's apprentices, must be registered under subdivision 3.

(b) A plumber's apprentice or registered unlicensed individual is authorized to assist in the installation of plumbing only while under the direct supervision of a master, restricted master, journeyman, ~~or~~ restricted journeyman, or maintenance plumber. The master, restricted master, journeyman, ~~or~~ restricted journeyman, or maintenance plumber is responsible for ensuring that all plumbing work performed by the plumber's apprentice or registered unlicensed individual complies with the plumbing code. The supervising master, restricted master, journeyman, ~~or~~ restricted journeyman, or maintenance plumber must be licensed and must be employed by the same employer as the plumber's apprentice. Licensed individuals shall not permit plumber's apprentices or registered unlicensed individuals to perform plumbing work except under the direct supervision of an individual actually licensed to perform such work. Plumber's apprentices and registered unlicensed individuals shall not supervise the performance of plumbing work or make assignments of plumbing work to plumber's apprentices or registered unlicensed individuals.

(c) Contractors employing plumber's apprentices or registered unlicensed individuals to perform plumbing work shall maintain records establishing compliance with this subdivision that shall identify all plumber's apprentices and registered unlicensed individuals performing plumbing work, and shall permit the department to examine and copy all such records.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 7. Minnesota Statutes 2010, section 326B.47, is amended by adding a subdivision to read:

Subd. 2a. **Maintenance plumber exam.** Any individual who has completed four years of practical plumbing experience or four years of experience in maintenance and repair of plumbing equipment, apparatus, or facilities is eligible to take the maintenance plumber's examination. The Plumbing Board may adopt rules to evaluate whether the individual's plumbing experience is applicable in preparing for the maintenance plumber's examination.

EFFECTIVE DATE. This section is effective January 1, 2012.

Sec. 8. Minnesota Statutes 2010, section 326B.49, subdivision 1, is amended to read:

Subdivision 1. **Application, examination, and license fees.** (a) Applications for master ~~and~~ journeyman, and maintenance plumber's licenses shall be made to the commissioner, with all fees required by section 326B.092. Unless the applicant is entitled to a renewal, the applicant shall be licensed by the commissioner only after passing a satisfactory examination developed and administered by the commissioner, based upon rules adopted by the Plumbing Board, showing fitness. Until the Plumbing Board adopts rules regarding the fitness of applicants for a maintenance plumber's license, the commissioner shall develop and administer an examination designed to show that the applicant has the qualifications, training, experience, and technical knowledge needed to properly maintain and repair plumbing, as determined at the sole discretion of the commissioner.

(b) All initial journeyman and maintenance plumber's licenses shall be effective for more than one calendar year and shall expire on December 31 of the year after the year in which the application is made. All master plumber's licenses shall expire on December 31 of each even-numbered year after issuance or renewal. All renewed maintenance plumber's licenses shall be two-year licenses. The commissioner shall in a manner determined by the commissioner, without the need for any rulemaking under chapter 14, phase in the renewal of master and journeyman plumber's licenses from one year to two years. By June 30, 2011, all renewed master and journeyman plumber's licenses shall be two-year licenses.

(c) Applications for contractor licenses shall be made to the commissioner, with all fees required by section 326B.092. All contractor licenses shall expire on December 31 of each odd-numbered year after issuance or renewal.

(d) For purposes of calculating license fees and renewal license fees required under section 326B.092:

(1) the following licenses shall be considered business licenses: plumbing contractor and restricted plumbing contractor;

(2) the following licenses shall be considered master licenses: master plumber and restricted master plumber;

(3) the following licenses shall be considered journeyman licenses: journeyman plumber ~~and~~, restricted journeyman plumber, maintenance plumber; and

(4) the registration of a plumber's apprentice under section 326B.47, subdivision 3, shall be considered an entry level license.

(e) For each filing of a certificate of responsible person by an employer, the fee is \$100, except that the fee under this section for a maintenance plumber is \$40.

EFFECTIVE DATE. This section is effective January 1, 2012."

Delete the title and insert:

"A bill for an act relating to labor and industry; licensing maintenance plumbers in certain cases; modifying fees; amending Minnesota Statutes 2010, sections 326B.42, subdivision 2, by adding a subdivision; 326B.435, subdivision 2; 326B.46, subdivisions 1, 1a; 326B.47, subdivision 1, by adding a subdivision; 326B.49, subdivision 1."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Hoppe from the Committee on Commerce and Regulatory Reform to which was referred:

H. F. No. 1195, A bill for an act relating to commerce; regulating pay day lenders; authorizing the imposition of certain fees and charges; amending Minnesota Statutes 2010, section 47.59, subdivision 6.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2010, section 47.59, subdivision 6, is amended to read:

Subd. 6. **Additional charges.** (a) For purposes of this subdivision, "financial institution" includes a person described in subdivision 4, paragraph (a). In addition to the finance charges permitted by this section, a financial institution may contract for and receive the following additional charges that may be included in the principal amount of the loan or credit sale unpaid balances:

(1) official fees and taxes;

(2) charges for insurance as described in paragraph (b);

(3) with respect to a loan or credit sale contract secured by real estate, the following "closing costs," if they are bona fide, reasonable in amount, and not for the purpose of circumvention or evasion of this section:

(i) fees or premiums for title examination, abstract of title, title insurance, surveys, or similar purposes;

(ii) fees for preparation of a deed, mortgage, settlement statement, or other documents, if not paid to the financial institution;

(iii) escrows for future payments of taxes, including assessments for improvements, insurance, and water, sewer, and land rents;

(iv) fees for notarizing deeds and other documents;

(v) appraisal and credit report fees; and

(vi) fees for determining whether any portion of the property is located in a flood zone and fees for ongoing monitoring of the property to determine changes, if any, in flood zone status;

(4) a delinquency charge on a payment, including the minimum payment due in connection with open-end credit, not paid in full on or before the tenth day after its due date in an amount not to exceed five percent of the amount of the payment or \$5.20, whichever is greater;

(5) for a returned check or returned automatic payment withdrawal request, an amount not in excess of the service charge limitation in section 604.113, except that, on a loan transaction that is a consumer small loan as defined in section 47.60, subdivision 1, paragraph (a), in which cash is advanced in exchange for a personal check, the civil penalty provisions of section 604.113, subdivision 2, paragraph (b), may not be demanded or assessed against the borrower; ~~and~~

(6) charges for other benefits, including insurance, conferred on the borrower that are of a type that is not for credit; and

(7) except on an unsecured loan transaction that is either a "consumer small loan" as defined in section 47.60, subdivision 1, paragraph (a), or a loan transaction that is a "consumer short-term loan" as defined in section 47.601, subdivision 1, paragraph (d), such other fees and charges as may be contracted for between a licensee and a borrower, including without limitation, application fees, underwriting fees, processing fees, service fees, and storage fees.

(b) An additional charge may be made for insurance written in connection with the loan or credit sale contract, which may be included in the principal amount of the loan or credit sale unpaid balances:

(1) with respect to insurance against loss of or damage to property, or against liability arising out of the ownership or use of property, if the financial institution furnishes a clear, conspicuous, and specific statement in writing to the borrower setting forth the cost of the insurance if obtained from or through the financial institution and stating that the borrower may choose the person through whom the insurance is to be obtained;

(2) with respect to credit insurance or mortgage insurance providing life, accident, health, or unemployment coverage, if the insurance coverage is not required by the financial institution, and this fact is clearly and conspicuously disclosed in writing to the borrower, and the borrower gives specific, dated, and separately signed affirmative written indication of the borrower's desire to do so after written disclosure to the borrower of the cost of the insurance; and

(3) with respect to the vendor's single interest insurance, but only (i) to the extent that the insurer has no right of subrogation against the borrower; and (ii) to the extent that the insurance does not duplicate the coverage of other insurance under which loss is payable to the financial institution as its interest may appear, against loss of or damage to property for which a separate charge is made to the borrower according to clause (1); and (iii) if a clear, conspicuous, and specific statement in writing is furnished by the financial institution to the borrower setting forth the cost of the insurance if obtained from or through the financial institution and stating that the borrower may choose the person through whom the insurance is to be obtained.

(c) In addition to the finance charges and other additional charges permitted by this section, a financial institution may contract for and receive the following additional charges in connection with open-end credit, which may be included in the principal amount of the loan or balance upon which the finance charge is computed:

(1) annual charges, not to exceed \$50 per annum, payable in advance, for the privilege of opening and maintaining open-end credit;

(2) charges for the use of an automated teller machine;

(3) charges for any monthly or other periodic payment period in which the borrower has exceeded or, except for the financial institution's dishonor would have exceeded, the maximum approved credit limit, in an amount not in excess of the service charge permitted in section 604.113;

(4) charges for obtaining a cash advance in an amount not to exceed the service charge permitted in section 604.113; and

(5) charges for check and draft copies and for the replacement of lost or stolen credit cards.

(d) In addition to the finance charges and other additional charges permitted by this section, a financial institution may contract for and receive a onetime loan administrative fee not exceeding \$25 in connection with closed-end credit, which may be included in the principal balance upon which the finance charge is computed. This paragraph applies only to closed-end credit in an original principal amount of \$4,320 or less. The determination of an original principal amount must exclude the administrative fee contracted for and received according to this paragraph."

Delete the title and insert:

"A bill for an act relating to commerce; authorizing the imposition of certain fees and charges in connection with certain loan transactions; amending Minnesota Statutes 2010, section 47.59, subdivision 6."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 8 and 1195 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Buesgens introduced:

H. F. No. 1385, A bill for an act relating to natural resources; modifying personal watercraft operational requirements; amending Minnesota Statutes 2010, section 86B.313, subdivision 1.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Bills, Davids, Stensrud, Johnson and Tillberry introduced:

H. F. No. 1386, A bill for an act relating to commerce; preventing unfair business practices by credit and debit card companies; proposing coding for new law as Minnesota Statutes, chapter 325O.

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

Mahoney, Johnson, Lesch, Gunther and Lillie introduced:

H. F. No. 1387, A bill for an act relating to capital investment; appropriating money for the Beacon Bluff Business Center; authorizing the sale and issuance of state bonds.

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

Mullery introduced:

H. F. No. 1388, A bill for an act relating to taxation; allowing a credit for employers who employ qualified ex-felons; amending Minnesota Statutes 2010, section 290.06, by adding a subdivision.

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

Poppe, Pelowski, Norton and Morrow introduced:

H. F. No. 1389, A bill for an act relating to higher education; modifying requirements for the Board of Regents and the selection of regents; amending Minnesota Statutes 2010, sections 137.02, by adding a subdivision; 137.0245, subdivision 3.

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

Beard introduced:

H. F. No. 1390, A bill for an act relating to the environment; modifying powers of the Metropolitan Council in providing sewage treatment services; amending Minnesota Statutes 2010, sections 473.515, subdivision 3; 473.517, subdivision 3.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Downey; Gottwalt; Benson, M.; McFarlane; Urdahl; Leidiger and Abeler introduced:

H. F. No. 1391, A bill for an act relating to state government; authorizing designation of state agency programs as performance-based organizations; proposing coding for new law in Minnesota Statutes, chapter 15.

The bill was read for the first time and referred to the Committee on Government Operations and Elections.

Davids introduced:

H. F. No. 1392, A bill for an act relating to public safety; establishing disaster recovery grant program; authorizing Department of Public Safety to provide technical assistance to local governments in a presidentially declared disaster; appropriating money; amending Minnesota Statutes 2010, sections 12.09, by adding a subdivision; 12A.15, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance.

Davids introduced:

H. F. No. 1393, A bill for an act relating to taxation; property; reducing state general levy on commercial-industrial property; amending Minnesota Statutes 2010, section 275.025, subdivisions 1, 4.

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

Hoppe introduced:

H. F. No. 1394, A bill for an act relating to commerce; regulating continuing education requirements, pharmacy benefit managers, insurance coverages, adjusters, and appraisers; amending Minnesota Statutes 2010, sections 45.011, subdivision 1; 45.25, by adding subdivisions; 60A.23, subdivision 8; 62A.095, subdivision 1; 62A.318, subdivision 17; 62E.14, subdivision 3, by adding a subdivision; 62L.03, subdivision 3; 72B.041, subdivision 5; 82.641, subdivision 1; 82B.11, subdivision 6; 82B.13, by adding a subdivision; 82B.14; 82C.08, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 45; 72B; repealing Minnesota Statutes 2010, section 45.25, subdivision 3.

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

Loon, Kieffer, Bills, Hoppe and Anderson, S., introduced:

H. F. No. 1395, A bill for an act relating to insurance; no-fault auto; regulating uninsured and underinsured coverages, medical benefits, arbitration, and marketing practices; reducing automobile medical fraud; amending Minnesota Statutes 2010, sections 65B.44, subdivisions 1, 2; 65B.525, by adding subdivisions; 65B.54, subdivisions 4, 6, by adding subdivisions; 609.612, subdivision 1.

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

Gunther introduced:

H. F. No. 1396, A bill for an act relating to unemployment insurance; modifying unemployment insurance and workforce development provisions; amending Minnesota Statutes 2010, sections 116L.17, subdivision 1; 116L.561, subdivision 7; 268.035, subdivisions 4, 19a, 20, 23, 29; 268.051, subdivisions 5, 6, 8; 268.057, subdivision 2; 268.07, subdivisions 2, 3b; 268.085, subdivision 3; 268.095, subdivision 10; 268.115, subdivision 1; 268.184, subdivisions 1, 1a; Laws 2009, chapter 78, article 3, section 16.

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

Gruenhagen, Gottwalt, Hoppe, Davids and Westrom introduced:

H. F. No. 1397, A bill for an act relating to insurance; enacting the Group Insurance Portability Act (GIPA); conforming state law on continuation employer group health coverage to the federal COBRA law; providing access to a GAP policy as an alternative; amending Minnesota Statutes 2010, sections 62A.146; 62A.148; 62A.17; 62A.20, subdivision 2; 62A.21, subdivision 2a.

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

Persell and Hancock introduced:

H. F. No. 1398, A bill for an act relating to capital improvements; appropriating money to establish a veterans facility in the city of Bemidji; authorizing the sale and issuance of state bonds.

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

Lesch and Johnson introduced:

H. F. No. 1399, A bill for an act relating to public nuisances; specifying certain acts as a nuisance; amending Minnesota Statutes 2010, section 617.81, subdivision 2.

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

Champion, Greene and Hayden introduced:

H. F. No. 1400, A bill for an act relating to capital investment; appropriating money for Phase I renovation of Nicollet Mall; authorizing the sale and issuance of state bonds.

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

Beard introduced:

H. F. No. 1401, A bill for an act relating to traffic regulations; prohibiting saturation patrols and sting operations to apprehend seat belt violators; requiring POST Board review of agency compliance; amending Minnesota Statutes 2010, section 169.985.

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

Beard introduced:

H. F. No. 1402, A bill for an act relating to energy; modifying obligations under conservation improvement program; removing obsolete provision; amending Minnesota Statutes 2010, section 216B.241, subdivision 1c.

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance.

Beard introduced:

H. F. No. 1403, A bill for an act relating to metropolitan government; modifying provisions governing metropolitan transportation planning; creating a metropolitan transportation board; designating the board as the metropolitan planning organization for purposes of federal transportation law; amending Minnesota Statutes 2010, section 473.146, subdivision 4.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 12, A bill for an act relating to taxation; property; making changes to the green acres and rural preserve programs; amending Minnesota Statutes 2010, sections 273.111, subdivision 9, by adding a subdivision; 273.114, subdivisions 2, 5, 6; repealing Minnesota Statutes 2010, section 273.114, subdivision 1.

The Senate has appointed as such committee:

Senators Miller, Gazelka, Nienow, Brown and Skoe.

Said House File is herewith returned to the House.

CAL R. LUDEMAN, Secretary of the Senate

Mr. 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. 42, A bill for an act relating to the financing and operation of state and local government; making changes to individual income, corporate franchise, property, aids, credits, payments, refunds, sales and use, tax increment financing, aggregate material, minerals, local, and other taxes and tax-related provisions; making changes to the green acres and rural preserve programs; authorizing border city development zone powers and local taxes; extending levy limits; modifying regional railroad authority provisions; repealing sustainable forest resource management incentive; authorizing grants to local governments for cooperation, consolidation, and service innovation; providing a science and technology program; reducing certain income rates; allowing capital equipment exemption at time of purchase; directing commissioner of revenue to negotiate a reciprocity agreement with state of Wisconsin and permitting its termination only by law; requiring studies; requiring reports; canceling amounts in the cash flow account; appropriating money; amending Minnesota Statutes 2010, sections 97A.061, subdivisions 1, 3; 126C.01, subdivision 3; 270A.03, subdivision 7; 270B.12, by adding a subdivision; 270C.13, subdivision 1; 272.02, by adding a subdivision; 273.111, subdivision 9, by adding a subdivision; 273.114, subdivisions 2, 5, 6; 273.121, subdivision 1; 273.13, subdivisions 21b, 25, 34; 273.1384, subdivisions 1, 3, 4; 273.1393; 273.1398, subdivision 3; 275.025, subdivisions 1, 3, 4; 275.066; 275.08, subdivisions 1a, 1d; 275.70, subdivision 5; 275.71, subdivisions 2, 4, 5; 276.04, subdivision 2; 279.01, subdivision 1; 289A.20, subdivision 4; 289A.50, subdivision 1; 290.01, subdivisions 6, 19b; 290.06, subdivision 2c; 290.068, subdivision 1; 290.081; 290.091, subdivision 2; 290A.03, subdivisions 11, 13; 297A.61, subdivision 3; 297A.62, by adding a subdivision; 297A.63, by adding a subdivision; 297A.668, subdivision 7, by adding a subdivision; 297A.68, subdivision 5; 297A.70, subdivision 3; 297A.75; 297A.99, subdivision 1; 298.01, subdivision 3; 298.015, subdivision 1; 298.018, subdivision 1; 298.28, subdivision 3; 298.75, by adding a subdivision; 398A.04, subdivision 8; 398A.07, subdivision 2; 469.1763, subdivision 2; 473.757, subdivisions 2, 11; 477A.011, by adding a subdivision; 477A.0124, by adding a subdivision; 477A.013, subdivisions 8, 9, by adding a subdivision; 477A.03; 477A.11, subdivision 1; 477A.12, subdivision 1; 477A.14, subdivision 1; 477A.17; Laws 1996, chapter 471, article 2, section 29, subdivision 1, as amended; Laws 1998, chapter 389, article 8, section 43, subdivisions 3, as amended, 4, as amended, 5, as amended; Laws 2008, chapter 366, article 7, section 19, subdivision 3; Laws 2010, chapter 389, article 7, section 22; proposing coding for new law in Minnesota Statutes, chapters 116W; 275; 373; repealing Minnesota Statutes 2010, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 273.114, subdivision 1; 273.1384, subdivision 6; 279.01, subdivision 4; 289A.60, subdivision 31; 290.06, subdivision 23; 290C.01; 290C.02; 290C.03; 290C.04; 290C.05; 290C.055; 290C.06; 290C.07; 290C.08; 290C.09; 290C.10; 290C.11; 290C.12; 290C.13; 477A.145.

CAL R. LUDEMAN, Secretary of the Senate

Dauids moved that the House refuse to concur in the Senate amendments to H. F. No. 42, that the Speaker appoint a Conference Committee of 5 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.

FISCAL CALENDAR

Pursuant to rule 1.22, Holberg requested immediate consideration of S. F. No. 1047.

S. F. No. 1047 was reported to the House.

POINT OF ORDER

Greene raised a point of order pursuant to rule 4.03, paragraph (g), relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills. The Speaker ruled the point of order not well taken.

Greene appealed the decision of the Speaker.

A roll call was requested and properly seconded.

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 72 yeas and 60 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|------------|-----------|--------------|--------------|
| Abeler | Crawford | Gottwalt | Kiffmeyer | McNamara | Scott |
| Anderson, B. | Daudt | Gruenhagen | Kriesel | Murdock | Shimanski |
| Anderson, D. | Davids | Gunther | Lanning | Murray | Smith |
| Anderson, P. | Dean | Hackbarth | Leidiger | Myhra | Stensrud |
| Anderson, S. | Dettmer | Hamilton | LeMieur | Nornes | Swedzinski |
| Banaian | Doepke | Hancock | Lohmer | O'Driscoll | Torkelson |
| Barrett | Downey | Holberg | Loon | Peppin | Urdahl |
| Beard | Drazkowski | Hoppe | Mack | Petersen, B. | Vogel |
| Benson, M. | Erickson | Howes | Mazorol | Quam | Wardlow |
| Bills | Fabian | Kelly | McDonald | Runbeck | Westrom |
| Buesgens | Franson | Kieffer | McElfrick | Sanders | Woodard |
| Cornish | Garofalo | Kiel | McFarlane | Schomacker | Spk. Zellers |

Those who voted in the negative were:

| | | | | | |
|------------|----------|-----------|------------|--------------|-----------|
| Anzelc | Eken | Hilty | Lenczewski | Morrow | Rukavina |
| Atkins | Falk | Hornstein | Lesch | Mullery | Scalze |
| Benson, J. | Fritz | Hortman | Liebling | Murphy, E. | Simon |
| Brynaert | Gauthier | Hosch | Lillie | Murphy, M. | Slawik |
| Carlson | Greene | Huntley | Loeffler | Nelson | Slocum |
| Champion | Greiling | Johnson | Mahoney | Norton | Thissen |
| Clark | Hansen | Kahn | Mariani | Paymar | Tillberry |
| Davnie | Hausman | Kath | Marquart | Pelowski | Wagenius |
| Dill | Hayden | Knuth | Melin | Peterson, S. | Ward |
| Dittrich | Hilstrom | Koenen | Moran | Poppe | Winkler |

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

Kiel was excused between the hours of 12:15 p.m. and 12:50 p.m.

Kiffmeyer and Lanning moved to amend S. F. No. 1047, the unofficial engrossment, as follows:

Page 54, after line 21, insert:

"Sec. 62. **HELP AMERICA VOTE ACT.**

(a) If the secretary of state determines that this state is otherwise eligible to receive an additional requirements payment of federal money under the Help America Vote Act, Public Law 107-252, the secretary must certify to the commissioner of management and budget the amount, if any, needed to meet the matching requirement of section

253(b)(5) of the Help America Vote Act. In the certification, the secretary shall specify the portion of the match that should be taken from an unencumbered general fund appropriation to the Office of the Secretary of State not designated for a different purpose. Upon receipt of that certification, or as soon as an unencumbered general fund appropriation becomes available, whichever occurs later, the commissioner must transfer the specified amount to the Help America Vote Act account. Funds under the Help America Vote Act may be spent only following legislative approval.

(b) This section expires on June 30, 2013.

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

The motion prevailed and the amendment was adopted.

Kahn moved to amend S. F. No. 1047, the unofficial engrossment, as amended, as follows:

Page 59, line 5, delete everything after the period

Page 59, delete line 6

Page 59, line 7, delete everything through the period

Page 59, line 23, after the comma, insert "one member appointed by the governor as a representative of a union that represents state information technology employees."

The motion prevailed and the amendment was adopted.

Slawik, Kahn, Winkler, Simon and Greene moved to amend S. F. No. 1047, the unofficial engrossment, as amended, as follows:

Page 52, delete lines 16 to 19 and insert "commissioner of management and budget shall, notify the speaker of the house of representatives and the president of the senate of the expected deficiency, and shall propose to the legislature increases in revenue or decreases in appropriations to eliminate the deficiency. The proposals do not take effect unless enacted into law."

Page 52, delete lines 30 to 33 and insert "the commissioner of management and budget shall, notify the speaker of the house of representatives and the president of the senate of the expected deficiency, and shall propose to the legislature increases in revenue or decreases in appropriations to eliminate the deficiency. The proposals do not take effect unless enacted into law."

A roll call was requested and properly seconded.

The question was taken on the Slawik et al amendment and the roll was called. There were 59 yeas and 71 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|----------|------------|----------|--------------|-----------|
| Anzelc | Eken | Hornstein | Lesch | Mullery | Scalze |
| Atkins | Falk | Hortman | Liebling | Murphy, E. | Simon |
| Benson, J. | Fritz | Hosch | Lillie | Murphy, M. | Slawik |
| Brynaert | Gauthier | Huntley | Loeffler | Nelson | Slocum |
| Carlson | Greene | Johnson | Mahoney | Norton | Thissen |
| Champion | Greiling | Kahn | Mariani | Paymar | Tillberry |
| Clark | Hansen | Kath | Marquart | Pelowski | Wagenius |
| Davnie | Hausman | Knuth | Melin | Peterson, S. | Ward |
| Dill | Hayden | Koenen | Moran | Poppe | Winkler |
| Dittrich | Hilstrom | Lenczewski | Morrow | Rukavina | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|-------------|--------------|--------------|
| Abeler | Crawford | Gottwalt | Kriesel | Murdock | Shimanski |
| Anderson, B. | Daudt | Gruenhagen | Lanning | Murray | Smith |
| Anderson, D. | Davids | Gunther | Leidiger | Myhra | Stensrud |
| Anderson, P. | Dean | Hackbarth | LeMieur | Nornes | Swedzinski |
| Anderson, S. | Dettmer | Hamilton | Lohmer | O'Driscoll | Torkelson |
| Banaian | Doepke | Hancock | Loon | Peppin | Urdahl |
| Barrett | Downey | Holberg | Mack | Petersen, B. | Vogel |
| Beard | Drazkowski | Hoppe | Mazorol | Quam | Wardlow |
| Benson, M. | Erickson | Howes | McDonald | Runbeck | Westrom |
| Bills | Fabian | Kelly | McElfatrick | Sanders | Woodard |
| Buesgens | Franson | Kieffer | McFarlane | Schomacker | Spk. Zellers |
| Cornish | Garofalo | Kiffmeyer | McNamara | Scott | |

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

Greene moved to amend S. F. No. 1047, the unofficial engrossment, as amended, as follows:

Delete article 3, sections 2 to 22, 28 to 33, 57, 60, and 61

Delete article 4

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 Greene amendment and the roll was called. There were 60 yeas and 71 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|----------|--------|----------|----------|----------|
| Anzelc | Brynaert | Clark | Dittrich | Fritz | Greiling |
| Atkins | Carlson | Davnie | Eken | Gauthier | Hansen |
| Benson, J. | Champion | Dill | Falk | Greene | Hausman |

| | | | | | |
|-----------|------------|----------|------------|--------------|-----------|
| Hayden | Johnson | Liebling | Moran | Paymar | Slawik |
| Hilstrom | Kahn | Lillie | Morrow | Pelowski | Slocum |
| Hilty | Kath | Loeffler | Mullery | Peterson, S. | Thissen |
| Hornstein | Knuth | Mahoney | Murphy, E. | Poppe | Tillberry |
| Hortman | Koenen | Mariani | Murphy, M. | Rukavina | Wagenius |
| Hosch | Lenczewski | Marquart | Nelson | Scalze | Ward |
| Huntley | Lesch | Melin | Norton | Simon | Winkler |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|-------------|--------------|--------------|
| Abeler | Crawford | Gottwalt | Kriesel | Murdock | Shimanski |
| Anderson, B. | Daudt | Gruenhagen | Lanning | Murray | Smith |
| Anderson, D. | Dauids | Gunther | Leidiger | Myhra | Stensrud |
| Anderson, P. | Dean | Hackbarth | LeMieur | Nornes | Swedzinski |
| Anderson, S. | Dettmer | Hamilton | Lohmer | O'Driscoll | Torkelson |
| Banaian | Doepke | Hancock | Loon | Peppin | Urdahl |
| Barrett | Downey | Holberg | Mack | Petersen, B. | Vogel |
| Beard | Draskowski | Hoppe | Mazorol | Quam | Wardlow |
| Benson, M. | Erickson | Howes | McDonald | Runbeck | Westrom |
| Bills | Fabian | Kelly | McElfatrick | Sanders | Woodard |
| Buesgens | Franson | Kieffer | McFarlane | Schomacker | Spk. Zellers |
| Cornish | Garofalo | Kiffmeyer | McNamara | Scott | |

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

Ward moved to amend S. F. No. 1047, the unofficial engrossment, as amended, as follows:

Page 9, after line 19, insert:

"(e) A portion of the appropriation in this section must be used by Explore Minnesota Tourism to conduct a nationwide marketing campaign for resorts in Minnesota. The campaign may utilize satellite cable TV, national broadcast media, and leading newspapers in major cities nationwide."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Ward amendment and the roll was called. There were 54 yeas and 78 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|----------|----------|-----------|---------|--------|
| Anzelc | Champion | Falk | Hausman | Hortman | Kahn |
| Atkins | Clark | Fritz | Hayden | Hosch | Kath |
| Benson, J. | Davnie | Gauthier | Hilstrom | Howes | Knuth |
| Brynaert | Dill | Greene | Hilty | Huntley | Koenen |
| Carlson | Eken | Greiling | Hornstein | Johnson | Lesch |

| | | | | | |
|----------|----------|------------|--------------|---------|-----------|
| Liebling | Mariani | Morrow | Nelson | Simon | Tillberry |
| Lillie | Marquart | Mullery | Paymar | Slawik | Wagenius |
| Loeffler | Melin | Murphy, E. | Peterson, S. | Slocum | Ward |
| Mahoney | Moran | Murphy, M. | Rukavina | Thissen | Winkler |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|--------------|--------------|--------------|
| Abeler | Daudt | Gruenhagen | Lanning | Murray | Schomacker |
| Anderson, B. | Dauids | Gunther | Leidiger | Myhra | Scott |
| Anderson, D. | Dean | Hackbarth | LeMieur | Nornes | Shimanski |
| Anderson, P. | Dettmer | Hamilton | Lenczewski | Norton | Smith |
| Anderson, S. | Dittrich | Hancock | Lohmer | O'Driscoll | Stensrud |
| Banaian | Doepke | Hansen | Loon | Pelowski | Swedzinski |
| Barrett | Downey | Holberg | Mack | Peppin | Torkelson |
| Beard | Drazkowski | Hoppe | Mazorol | Petersen, B. | Urdahl |
| Benson, M. | Erickson | Kelly | McDonald | Poppe | Vogel |
| Bills | Fabian | Kieffer | McElfratrick | Quam | Wardlow |
| Buesgens | Franson | Kiel | McFarlane | Runbeck | Westrom |
| Cornish | Garofalo | Kiffmeyer | McNamara | Sanders | Woodard |
| Crawford | Gottwalt | Kriesel | Murdock | Scalze | Spk. Zellers |

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

Winkler moved to amend S. F. No. 1047, the unofficial engrossment, as amended, as follows:

Page 46, after line 3, insert:

"Sec. 47. **[43A.255] DEPENDENT COVERAGE.**

The definition of "dependents" for purposes of coverage under the state employee group insurance program and under a plan of a governmental unit under chapter 471 must be determined by the employer, or for employees represented by an exclusive representative, under the terms of a collective bargaining agreement, and the dependent eligibility verification audit required under section 60 of this article must be based on the definition of "dependents" determined under 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 Winkler amendment and the roll was called. There were 57 yeas and 75 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|----------|----------|----------|----------|-----------|
| Anzelc | Carlson | Dill | Gauthier | Hausman | Hornstein |
| Atkins | Champion | Dittrich | Greene | Hayden | Hortman |
| Benson, J. | Clark | Falk | Greiling | Hilstrom | Hosch |
| Brynaert | Davnie | Fritz | Hansen | Hilty | Huntley |

| | | | | | |
|------------|----------|------------|--------------|-----------|----------|
| Johnson | Liebling | Moran | Norton | Scalze | Wagenius |
| Kahn | Lillie | Morrow | Paymar | Simon | Ward |
| Kath | Loeffler | Mullery | Pelowski | Slawik | Winkler |
| Knuth | Mahoney | Murphy, E. | Peterson, S. | Slocum | |
| Lenczewski | Mariani | Murphy, M. | Poppe | Thissen | |
| Lesch | Melin | Nelson | Rukavina | Tillberry | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|-------------|--------------|--------------|
| Abeler | Daudt | Gruenhagen | Kriesel | Murdock | Smith |
| Anderson, B. | Davids | Gunther | Lanning | Murray | Stensrud |
| Anderson, D. | Dean | Hackbarth | Leidiger | Myhra | Swedzinski |
| Anderson, P. | Dettmer | Hamilton | LeMieur | Nornes | Torkelson |
| Anderson, S. | Doepke | Hancock | Lohmer | O'Driscoll | Urdahl |
| Banaian | Downey | Holberg | Loon | Peppin | Vogel |
| Barrett | Drazkowski | Hoppe | Mack | Petersen, B. | Wardlow |
| Beard | Eken | Howes | Marquart | Quam | Westrom |
| Benson, M. | Erickson | Kelly | Mazorol | Runbeck | Woodard |
| Bills | Fabian | Kieffer | McDonald | Sanders | Spk. Zellers |
| Buesgens | Franson | Kiel | McElfatrick | Schomacker | |
| Cornish | Garofalo | Kiffmeyer | McFarlane | Scott | |
| Crawford | Gottwalt | Koenen | McNamara | Shimanski | |

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

The Speaker called Davids to the Chair.

Kahn moved to amend S. F. No. 1047, the unofficial engrossment, as amended, as follows:

Page 4, after line 23, insert:

"Any funds available in the account established in Minnesota Statutes, section 5.30, pursuant to the Help America Vote Act, are appropriated for the purposes and uses authorized by federal law. Funds from this account may be spent in accordance with the state's Help America Vote Act plan, and only after consultation with the Legislative Advisory Commission under Minnesota Statutes, section 3.30."

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment and the roll was called. There were 60 yeas and 72 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|----------|----------|----------|----------|-----------|
| Anzelc | Carlson | Dill | Fritz | Hansen | Hilty |
| Atkins | Champion | Dittrich | Gauthier | Hausman | Hornstein |
| Benson, J. | Clark | Eken | Greene | Hayden | Hortman |
| Brynaert | Davnie | Falk | Greiling | Hilstrom | Hosch |

| | | | | | |
|---------|------------|----------|------------|--------------|-----------|
| Huntley | Lenczewski | Mariani | Murphy, E. | Peterson, S. | Slocum |
| Johnson | Lesch | Marquart | Murphy, M. | Poppe | Thissen |
| Kahn | Liebling | Melin | Nelson | Rukavina | Tillberry |
| Kath | Lillie | Moran | Norton | Scalze | Wagenius |
| Knuth | Loeffler | Morrow | Paymar | Simon | Ward |
| Koenen | Mahoney | Mullery | Pelowski | Slawik | Winkler |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|-----------|--------------|--------------|
| Abeler | Crawford | Gottwalt | Kiffmeyer | McNamara | Scott |
| Anderson, B. | Daudt | Gruenhagen | Kriesel | Murdock | Shimanski |
| Anderson, D. | Dauids | Gunther | Lanning | Murray | Smith |
| Anderson, P. | Dean | Hackbarth | Leidiger | Myhra | Stensrud |
| Anderson, S. | Dettmer | Hamilton | LeMieur | Nornes | Swedzinski |
| Banaian | Doepke | Hancock | Lohmer | O'Driscoll | Torkelson |
| Barrett | Downey | Holberg | Loon | Peppin | Urdahl |
| Beard | Drazkowski | Hoppe | Mack | Petersen, B. | Vogel |
| Benson, M. | Erickson | Howes | Mazorol | Quam | Wardlow |
| Bills | Fabian | Kelly | McDonald | Runbeck | Westrom |
| Buesgens | Franson | Kieffer | McElfrick | Sanders | Woodard |
| Cornish | Garofalo | Kiel | McFarlane | Schomacker | Spk. Zellers |

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

Gauthier moved to amend S. F. No. 1047, the unofficial engrossment, as amended, as follows:

Page 29, delete section 25

Page 40, delete section 41

Page 41, delete section 42

Page 45, line 14, after "system" insert "for unrepresented employees and for represented employees to the extent provided in collective bargaining agreements"

Page 45, line 22, reinstate the stricken language

Page 45, line 23, reinstate the stricken "representative certified pursuant to chapter 179A"

Page 45, lines 26 to 28, reinstate the stricken language

Page 45, line 28, after "An" insert "unrepresented"

Page 46, line 10, after the period, insert "This section applies to employees who are represented by an exclusive representative only to the extent provided in a collective bargaining agreement."

Page 50, delete lines 22 to 27 and insert:

"(b) This section applies to employees who are represented by an exclusive representative only to the extent provided in a collective bargaining agreement."

Page 54, delete section 62

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 Gauthier amendment and the roll was called. There were 64 yeas and 69 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|----------|------------|----------|--------------|-----------|
| Abeler | Eken | Hornstein | Lesch | Murphy, E. | Simon |
| Anzelc | Falk | Hortman | Liebling | Murphy, M. | Slawik |
| Atkins | Fritz | Hosch | Lillie | Nelson | Slocum |
| Benson, J. | Gauthier | Howes | Loeffler | Norton | Smith |
| Brynaert | Greene | Huntley | Mahoney | Paymar | Thissen |
| Carlson | Greiling | Johnson | Mariani | Pelowski | Tillberry |
| Champion | Hansen | Kahn | Marquart | Persell | Wagenius |
| Clark | Hausman | Kath | Melin | Peterson, S. | Ward |
| Davnie | Hayden | Knuth | Moran | Poppe | Winkler |
| Dill | Hilstrom | Koenen | Morrow | Rukavina | |
| Dittrich | Hilty | Lenczewski | Mullery | Scalze | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|--------------|--------------|--------------|
| Anderson, B. | Daudt | Gruenhagen | Lanning | Murray | Stensrud |
| Anderson, D. | Davids | Gunther | Leidiger | Myhra | Swedzinski |
| Anderson, P. | Dean | Hackbarth | LeMieur | Nornes | Torkelson |
| Anderson, S. | Dettmer | Hamilton | Lohmer | O'Driscoll | Urdahl |
| Banaian | Doepke | Hancock | Loon | Peppin | Vogel |
| Barrett | Downey | Holberg | Mack | Petersen, B. | Wardlow |
| Beard | Drazkowski | Hoppe | Mazorol | Quam | Westrom |
| Benson, M. | Erickson | Kelly | McDonald | Runbeck | Woodard |
| Bills | Fabian | Kieffer | McElfratrick | Sanders | Spk. Zellers |
| Buesgens | Franson | Kiel | McFarlane | Schomacker | |
| Cornish | Garofalo | Kiffmeyer | McNamara | Scott | |
| Crawford | Gottwalt | Kriesel | Murdock | Shimanski | |

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

Abeler, Davids and Lanning moved to amend S. F. No. 1047, the unofficial engrossment, as amended, as follows:

Page 54, after line 21, insert:

"Sec. 62. **STATE EMPLOYEE EFFICIENT USE OF HEALTH CARE INCENTIVE PROGRAM.**

The commissioner of management and budget may develop and implement a program that creates an incentive for efficient use by state employees of State Employee Group Insurance Program (SEGIP). The program may reward employees covered by SEGIP as a group if per capita employee health care costs paid by SEGIP for a

calendar year prove to be less than estimated by the commissioner prior to the beginning of the calendar year. The reward may consist of payments of one-half of the cost-savings into the employees' health reimbursement accounts, to be made no later than March 1 of the following calendar year."

A roll call was requested and properly seconded.

The question was taken on the Abeler et al amendment and the roll was called. There were 71 yeas and 61 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|------------|-------------|------------|--------------|
| Abeler | Daudt | Gottwalt | Kiffmeyer | McNamara | Shimanski |
| Anderson, B. | Dauids | Gruenhagen | Kriesel | Murdock | Smith |
| Anderson, D. | Dean | Gunther | Lanning | Murray | Stensrud |
| Anderson, P. | Dettmer | Hackbarth | Leidiger | Myhra | Swedzinski |
| Anderson, S. | Dittrich | Hamilton | LeMieur | Nornes | Torkelson |
| Banaian | Doepke | Hancock | Lohmer | O'Driscoll | Urdahl |
| Barrett | Downey | Holberg | Loon | Peppin | Vogel |
| Beard | Drazkowski | Hoppe | Mack | Quam | Wardlow |
| Benson, M. | Erickson | Howes | Mazorol | Runbeck | Westrom |
| Bills | Fabian | Kelly | McDonald | Sanders | Woodard |
| Cornish | Franson | Kieffer | McElpatrick | Schomacker | Spk. Zellers |
| Crawford | Garofalo | Kiel | McFarlane | Scott | |

Those who voted in the negative were:

| | | | | | |
|------------|-----------|------------|------------|--------------|-----------|
| Anzelc | Falk | Hortman | Loeffler | Norton | Slocum |
| Atkins | Fritz | Hosch | Mahoney | Paymar | Thissen |
| Benson, J. | Gauthier | Huntley | Mariani | Pelowski | Tillberry |
| Brynaert | Greene | Kahn | Marquart | Persell | Wagenius |
| Buesgens | Greiling | Kath | Melin | Petersen, B. | Ward |
| Carlson | Hansen | Knuth | Moran | Peterson, S. | Winkler |
| Champion | Hausman | Koenen | Morrow | Poppe | |
| Clark | Hayden | Lenczewski | Mullery | Rukavina | |
| Davnie | Hilstrom | Lesch | Murphy, E. | Scalze | |
| Dill | Hilty | Liebling | Murphy, M. | Simon | |
| Eken | Hornstein | Lillie | Nelson | Slawik | |

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Kahn moved to amend S. F. No. 1047, the unofficial engrossment, as amended, as follows:

Page 30, line 2, after the comma, insert "including employees of Minnesota state colleges and universities"

Page 30, line 5, after "employees" insert ", including employees of Minnesota state colleges and universities"

Simon moved to amend the Kahn amendment to S. F. No. 1047, the unofficial engrossment, as amended, as follows:

Page 1, line 4, after "universities" insert ": (1) the agency may not enter into a contract with a business if, in the two-year period preceding the most recent state general election, an officer or director of the business contributed to an entity that made an independent expenditure or against a candidate for the legislature, governor, attorney general, secretary of state, or state auditor; and (2)"

A roll call was requested and properly seconded.

The question was taken on the amendment to the amendment and the roll was called.

Pursuant to rule 2.05, Banaian was excused from voting on the Simon amendment to the Kahn amendment to S. F. No. 1047, the unofficial engrossment, as amended.

There were 62 yeas and 70 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|-----------|------------|------------|--------------|-----------|
| Anzelc | Falk | Hortman | Liebling | Murphy, M. | Slawik |
| Atkins | Fritz | Hosch | Lillie | Nelson | Slocum |
| Benson, J. | Gauthier | Huntley | Loeffler | Norton | Thissen |
| Brynaert | Greene | Johnson | Mahoney | Paymar | Tillberry |
| Carlson | Greiling | Kahn | Mariani | Pelowski | Wagenius |
| Champion | Hansen | Kath | Marquart | Persell | Ward |
| Clark | Hausman | Kiffmeyer | Melin | Peterson, S. | Winkler |
| Davnie | Hayden | Knuth | Moran | Poppe | |
| Dill | Hilstrom | Koenen | Morrow | Rukavina | |
| Dittrich | Hilty | Lenczewski | Mullery | Scalze | |
| Eken | Hornstein | Lesch | Murphy, E. | Simon | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|-------------|--------------|--------------|
| Abeler | Daudt | Gruenhagen | Lanning | Murray | Smith |
| Anderson, B. | Dauids | Gunther | Leidiger | Myhra | Stensrud |
| Anderson, D. | Dean | Hackbarth | LeMieur | Nornes | Swedzinski |
| Anderson, P. | Dettmer | Hamilton | Lohmer | O'Driscoll | Torkelson |
| Anderson, S. | Doepke | Hancock | Loon | Peppin | Urdahl |
| Barrett | Downey | Holberg | Mack | Petersen, B. | Vogel |
| Beard | Drazkowski | Hoppe | Mazorol | Quam | Wardlow |
| Benson, M. | Erickson | Howes | McDonald | Runbeck | Westrom |
| Bills | Fabian | Kelly | McElfatrick | Sanders | Woodard |
| Buesgens | Franson | Kieffer | McFarlane | Schomacker | Spk. Zellers |
| Cornish | Garofalo | Kiel | McNamara | Scott | |
| Crawford | Gottwalt | Kriesel | Murdock | Shimanski | |

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

Kahn withdrew her amendment to S. F. No. 1047, the unofficial engrossment, as amended.

S. F. No. 1047, A bill for an act relating to state government financing; establishing the Sunset Advisory Commission; prohibiting legislative liaison positions in state agencies and departments; eliminating assistant commissioner positions and reducing deputy commissioner positions; changing provisions of performance data required in the budget proposal; requiring specific funding information for forecasted programs; implementing zero-based budgeting principles; implementing federal offset program for collection of debts owed to state agencies; providing a state employee salary freeze; providing an HSA-eligible high-deductible health plan for state employees; requiring a 15 percent reduction in the state workforce; requiring a verification audit for dependent eligibility for state employee health insurance; requiring a request for proposals for recommendations on state building efficiency, state vehicle management, tax fraud prevention, and strategic sourcing; requiring reports; appropriating money; amending Minnesota Statutes 2010, sections 15.057; 15.06, subdivision 8; 16A.10, subdivisions 1a, 1b, 1c; 16A.103, subdivision 1a; 16A.11, subdivision 3; 16B.03; 43A.08, subdivision 1; 43A.23, subdivision 1; 45.013; 84.01, subdivision 3; 116.03, subdivision 1; 116J.01, subdivision 5; 116J.035, subdivision 4; 174.02, subdivision 2; 241.01, subdivision 2; 270C.41; Laws 2010, chapter 215, article 6, section 4; proposing coding for new law in Minnesota Statutes, chapters 16A; 16D; 43A; proposing coding for new law as Minnesota Statutes, chapter 3D; repealing Minnesota Statutes 2010, section 197.585, subdivision 5.

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

The question was taken on the passage of the bill and the roll was called. There were 72 yeas and 61 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|------------|-------------|--------------|--------------|
| Abeler | Crawford | Gottwalt | Kiffmeyer | McNamara | Scott |
| Anderson, B. | Daudt | Gruenhagen | Kriesel | Murdock | Shimanski |
| Anderson, D. | Davids | Gunther | Lanning | Murray | Smith |
| Anderson, P. | Dean | Hackbarth | Leidiger | Myhra | Stensrud |
| Anderson, S. | Dettmer | Hamilton | LeMieur | Nornes | Swedzinski |
| Banaian | Doepke | Hancock | Lohmer | O'Driscoll | Torkelson |
| Barrett | Downey | Holberg | Loon | Peppin | Urdahl |
| Beard | Drazkowski | Hoppe | Mack | Petersen, B. | Vogel |
| Benson, M. | Erickson | Howes | Mazorol | Quam | Wardlow |
| Bills | Fabian | Kelly | McDonald | Runbeck | Westrom |
| Buesgens | Franson | Kieffer | McElpatrick | Sanders | Woodard |
| Cornish | Garofalo | Kiel | McFarlane | Schomacker | Spk. Zellers |

Those who voted in the negative were:

| | | | | | |
|------------|-----------|------------|------------|--------------|-----------|
| Anzelc | Falk | Hortman | Lillie | Nelson | Slocum |
| Atkins | Fritz | Hosch | Loeffler | Norton | Thissen |
| Benson, J. | Gauthier | Huntley | Mahoney | Paymar | Tillberry |
| Brynaert | Greene | Johnson | Mariani | Pelowski | Wagenius |
| Carlson | Greiling | Kahn | Marquart | Persell | Ward |
| Champion | Hansen | Kath | Melin | Peterson, S. | Winkler |
| Clark | Hausman | Knuth | Moran | Poppe | |
| Davnie | Hayden | Koenen | Morrow | Rukavina | |
| Dill | Hilstrom | Lenczewski | Mullery | Scalze | |
| Dittrich | Hilty | Lesch | Murphy, E. | Simon | |
| Eken | Hornstein | Liebling | Murphy, M. | Slawik | |

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

Dean 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.

Hortman was excused between the hours of 5:00 p.m. and 8:00 p.m.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 42:

Davids; Anderson, S.; Loon; Runbeck and Lenczewski.

FISCAL CALENDAR

Pursuant to rule 1.22, Holberg requested immediate consideration of S. F. No. 760.

S. F. No. 760 was reported to the House.

Davnie was excused between the hours of 5:30 p.m. and 9:00 p.m.

Mahoney was excused for the remainder of today's session.

Abeler moved to amend S. F. No. 760, the unofficial engrossment, as follows:

Page 28, delete section 30

Page 52, line 5, after "providers" insert "and the ombudsman for long-term care"

Page 52, line 10, after "widespread" insert ", harmful,"

Page 58, after line 15, insert:

"Sec. 31. Minnesota Statutes 2010, section 157.20, is amended by adding a subdivision to read:

Subd. 5. **Waivers during inspection.** Notwithstanding any provision of this chapter or Minnesota Rules, chapter 4626, any plumbing or other facility requirement, including sewage access charge and related local fees, may be waived by the inspector if the inspector deems a waiver appropriate and reasonable and determines that no significant adverse effects on public health, safety, or the environment would result from such waiver."

Page 67, lines 10, 25, 27, 32, and 34 delete "commissioner" and insert "county or tribal agency"

Page 67, lines 23 and 28, delete "department" and insert "agency"

Page 68, line 2, delete "commissioner" and insert "county or tribal agency"

Page 68, line 14, delete "department" and insert "agency"

Page 69, lines 2, 4, 6, 8, 9, 13, 18, 29, 34, and 36, delete "commissioner" and insert "county or tribal agency"

Page 69, line 26, delete "department" and insert "agency"

Page 70, line 2, delete "commissioner" and insert "county or tribal agency"

Page 70, after line 3, insert:

"(n) Counties and tribes are entitled to one-half of the nonfederal share of contributions made under this section for long-term care spouses on medical assistance that are directly attributed to county or tribal efforts. Counties and tribes are entitled to 25 percent of the contributions made under this section for long-term care spouses on alternative care directly attributed to county or tribal efforts."

Page 71, delete section 9

Page 72, line 2, before "The" insert "In addition to the requirements of Minnesota Statutes, section 3.3005,"

Page 92, after line 15, insert:

"Sec. 8. **[62Q.46] PAYMENT TO OUT-OF-NETWORK PROVIDERS.**

A health plan company may limit payments to out-of-network providers to the usual and customary payment rate that applies to similarly situated providers participating in the health plan company's provider network."

Page 94, line 22, delete the new language and insert "For product renewals or for new products that are offered, after 12 months have elapsed from publication by the commissioner of the information in subdivision 3, paragraph (e):"

Page 94, line 23 delete the new language and strike the existing language

Page 94, line 24, strike the existing language

Page 95, after line 16, insert:

"Sec. 11. Minnesota Statutes 2010, section 256.01, subdivision 2b, is amended to read:

Subd. 2b. **Performance payments.** ~~The commissioner shall develop and implement a pay for performance system to provide performance payments to eligible medical groups and clinics that demonstrate optimum care in serving individuals with chronic diseases who are enrolled in health care programs administered by the commissioner under chapters 256B, 256D, and 256L.~~ The commissioner may receive any federal matching money that is made available through the medical assistance program for managed care oversight contracted through vendors, including consumer surveys, studies, and external quality reviews as required by the federal Balanced Budget Act of 1997, Code of Federal Regulations, title 42, part 438-managed care, subpart E-external quality review. Any federal money received for managed care oversight is appropriated to the commissioner for this purpose. The commissioner may expend the federal money received in either year of the biennium."

Page 145, line 35, after the period, insert "Effective for services rendered on or after January 1, 2012, managed care plans and county-based purchasing plans contracted with the state to administer the health care programs provided under sections 256B.69, 256B.692, and 256L.12, may reduce payments made to providers employed or under contract with the plan."

Page 146, line 5, delete "collected under section 62U.04"

Page 146, line 6, delete everything after the period

Page 146, delete lines 7 and 8

Page 146, after line 11, insert:

"(i) A managed care or county-based purchasing plan must use the methodology described in paragraphs (a) to (e), unless the plan develops an alternative model consistent with the purpose of this subdivision."

Page 160, line 18, after the third comma, insert "and essential community providers as defined in section 62Q.19."

Page 160, line 20, after "providers" insert ", except that reimbursement to federally qualified health centers and federally qualified health center look-alikes must comply with federal law"

Page 192, delete section 119

Page 193, delete lines 26 and 27

Reletter the paragraphs in sequence

Page 200, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 2010, section 256.045, subdivision 4a, is amended to read:

Subd. 4a. **Case management appeals.** (a) Any recipient of case management services pursuant to section 256B.0625 or 256B.092, personal care assistance services under section 256B.0625, or other services who contests the county agency's action, reduction, suspension, denial, or termination of services, or failure to act in the provision of those services, other than a failure to act with reasonable promptness ~~or a suspension, reduction, denial, or termination of services,~~ must submit a written request for a conciliation conference with the recipient's case worker and the county social service director or designee to the county agency prior to filing an appeal under this section.

(b) For purposes of this subdivision, a county agency's actions include actions by the department with respect to these services. The request must be filed no later than 30 days from the date of a notice of action on personal care assistance services or ten days from the date of a notice of agency action on case management or other services. The county agency or the state may implement the action, reduction, suspension, denial, or termination of services described in the notice of action unless the recipient includes a request for continuation of services. The recipient may request a 30-day continuation of personal care assistance services or ten-day continuation for case management or other services. The county agency may hold the conference by telephone or by electronic media unless the recipient requests the conference take place in person in their written request for conference. The county agency shall have discretion to continue the conference.

(c) The county agency shall inform the commissioner of the receipt of a request when it is submitted and shall schedule a conciliation conference to be held in person, by telephone, or by electronic media within ten days of the receipt of the recipient's written request. The county agency shall notify the recipient, the commissioner, and all interested persons of the time, date, and location of the conciliation conference. ~~The commissioner may assist the county by providing mediation services or by identifying other resources that may assist in the mediation between~~

~~the parties.~~ Within 30 15 days after the conference has been held, the county agency shall ~~conduct the conciliation conference and~~ inform the recipient in writing of the action the county agency is going to take and when that action will be taken and notify the recipient of the right to a hearing under this subdivision.

~~The conciliation conference shall be conducted in a manner consistent with the commissioner's instructions. (d)~~ If the county fails to conduct the ~~conciliation~~ conference and issue its report ~~within 30 days, or, at any time up to 90 days after the conciliation conference is held as provided in paragraph (b) and the recipient disputes the county agency's notice of its intended action, or if a recipient is otherwise entitled to a fair hearing under subdivision 3a,~~ a recipient may submit to the commissioner a written request for a fair hearing ~~before a state human services referee to determine whether case management services have been provided in accordance with applicable laws and rules or whether the county agency has assured that the services identified in the recipient's individual service plan have been delivered in accordance with the laws and rules governing the provision of those services under this section.~~

(e) Hearings involving claims the county agency failed to comply with the requirement to schedule and hold a conference or to notify the recipient of its intended action according to this subdivision shall be limited in scope to those issues only, and the human services judge may recommend an order to the commissioner remanding the case to the county agency with directions to schedule and hold the conference and to notify the recipient of its intended action. The state human services referee shall recommend an order to the commissioner, who shall, in accordance with the procedure in subdivision 5, issue a final order within 60 days of the receipt of the request for a hearing involving case management services only, unless the commissioner refuses to accept the recommended order, in which event a final order shall issue within 90 days of the receipt of that request. The order may direct the county agency to take those actions necessary to comply with applicable laws or rules. The commissioner may issue a temporary order prohibiting the demission of a recipient of case management services under section 256B.092, from a residential or day habilitation program licensed under chapter 245A, while a county agency review process or an appeal brought by a recipient under this subdivision is pending, or for the period of time necessary for the county agency to implement the commissioner's order. The commissioner shall not issue a final order staying the demission of a recipient of case management services from a residential or day habilitation program licensed under chapter 245A.

(f) Any recipient of case management services under section 256B.0625 or 256B.092, or personal care assistance services under section 256B.0625, must be informed in writing at the time of application and at the time of any change in services that they must submit a written request to the county agency for a conference with the case manager and the county social service director before they can file an appeal under this section, of their right to continue receiving services pending the outcome of the conference and notice from the county agency, and that their time for requesting a hearing under subdivision 3a and requesting continuation of services begins to run when they receive the postconference notice of the county's intended actions. For purposes of this paragraph, recipients are presumed to have received notice of the agency's intended actions three business days after the date of the notice. Recipients have the burden of overcoming this presumption by a preponderance of the evidence.

EFFECTIVE DATE. This section is effective for all notices of action dated on or after January 1, 2012."

Page 208, line 18, delete "managing"

Page 208, line 19, delete "partner" and insert "individual representative"

Page 217, line 35, delete "ineligible" and insert "eligible"

Page 231, line 2, delete "54" and insert "48"

Page 264, after line 9, insert:

"Subd. 7. **Autism treatment.** The commissioner of human services shall review autism treatment benefits under the TEFRA option and make recommendations to the legislative committees with jurisdiction over health and human services policy and finance by January 1, 2012, to extend the same autism treatment benefits to MA managed care and county-based purchasing."

Page 285, delete section 19, and insert:

"Sec. 20. **SIMPLIFICATION OF ELIGIBILITY AND ENROLLMENT PROCESS.**

Subdivision 1. **Request for proposal.** (a) The commissioner of human services shall issue a request for proposals for a contract to create an implementation plan for an integrated service delivery framework including, at a minimum, all service delivery components specified in paragraph (f). The implementation plan shall include proposed implementation phasing with implementation timelines, estimated costs and savings associated with each implementation phase, tasks related to obtaining federal financial participation, and a draft of the first implementation request for proposals that will be issued. The first implementation request for proposals shall be for implementation of a phased-in integrated online eligibility and application portal for health care programs, food support, cash assistance, and child care. The implementation request for proposals may incorporate a performance-based vendor financing option in which the vendor shares the risk of the project's success. The health care portal must be developed in phases with the capacity to integrate food support, cash assistance, and child care programs as funds are available. The request for proposals must require that the system recommended and implemented by the contractor:

(1) streamline eligibility determinations and case processing to support statewide eligibility processing. Responses to the request for proposals must specify components of the service delivery framework the proposal addresses and the expected administrative savings;

(2) enable interested persons to determine eligibility for each program, and to apply for programs online in a manner that the applicant will be asked only those questions relevant to the programs for which the person is applying;

(3) leverage technology that has been operational in other state environments with similar requirements; and

(4) include Web-based application, worker application processing support, and the opportunity for expansion. Responses to the request for proposals must indicate how future expansion can include remaining service delivery components as specified in paragraph (f).

(b) The commissioner shall issue a final report, including the implementation plan and first implementation request for proposals, to the chairs and ranking minority members of the legislative committees with jurisdiction over health and human services no later than April 30, 2012.

(c) The commissioner shall partner with counties, a service delivery authority established under Minnesota Statutes, chapter 402A, the Office of Enterprise Technology, other state agencies, and service partners to develop an integrated service delivery framework which will simplify and streamline human services eligibility and enrollment processes. The primary objectives for the simplification effort include significantly improved eligibility processing productivity resulting in reduced time for eligibility determination and enrollment, increased customer service for applicants and recipients of services, increased program integrity, and greater administrative flexibility.

(d) The commissioner shall develop a service-oriented business architecture for a fully automated medical, cash support, food support, and child care eligibility and enrollment process that aligns with, and supports, the business processes. The commissioner shall use the eligibility and enrollment business architecture to create an integrated and collaborative service delivery framework for evolving or maintaining existing information technology and acquiring new information technology. The agency's plan and program for creating the business architecture and integrated service delivery framework shall include counties, service delivery authorities, collaborative partners, the Office of Enterprise Technology, and end-users in the delivery of human services. An Enterprise Architecture Board shall govern these efforts and shall be chaired by the commissioner.

(e) The commissioner will ensure agency compliance with the prompt, efficient, and effective implementation of these governance provisions and specific service delivery components. The commissioner, along with a county representative appointed by the Association of Minnesota Counties, shall report specific implementation progress to the legislature every six months beginning January 15, 2012.

(f) The commissioner shall work with the Minnesota Association of County Social Service Administrators and the Office of Enterprise Technology to develop collaborative task forces, as necessary, to support implementation of these service delivery components. The commissioner must develop and include, as part of the integrated eligibility and enrollment service delivery framework, the following:

(1) screening tools for applicants to determine potential eligibility as part of an online application process;

(2) the capacity to use databases to electronically verify application and renewal data as required by law;

(3) online accounts accessible by applicants, enrollees, and third parties acting on behalf of applicants and enrollees. At a minimum, online accounts must contain date of application, application data, status of eligibility determination, premium and spenddown amounts and due dates, recertification dates, required verifications, and supplemental information. These accounts must be a component of a self-service Web site that includes the capacity for online application and renewal;

(4) recertification forms prepopulated with name, case number, eligibility data, and a bar code for use statewide;

(5) an Interactive Voice Response system, available statewide, that provides case information for applicants, enrollees, and authorized third parties;

(6) a statewide electronic document management system that provides seamless electronic transfer of all documents required for eligibility and enrollment processes. All entities processing eligibility and enrollment within the state shall use the electronic document management system to accept and transfer any eligibility and enrollment documents. Processing entities include the state, counties, service delivery authorities established under Minnesota Statutes, chapter 402A, and authorized third parties. The electronic document management system must interface with existing document management systems and automated eligibility systems. Agency produced documents will contain bar codes that must be used by all eligibility processing entities; and

(7) a centralized customer contact center that applicants, enrollees, and authorized third parties can use statewide to receive program information, application assistance, and case information; to report changes; to make cost-sharing payments; and conduct other eligibility and enrollment transactions.

(g) All provisions in paragraph (f) must be fully integrated as part of any automated eligibility systems. The commissioner must seek federal financial participation to fund system development.

Subd. 2. **Appropriation.** \$200,000 is appropriated to the commissioner from the general fund for implementation of this section.

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

Page 296, after line 14, insert:

"Sec. 17. **MINNESOTA STATE-OPERATED COMMUNITY SERVICES.** The commissioner shall evaluate the effectiveness of overnight supervision provided at the Minnesota state-operated community services residential programs. The commissioner shall determine whether safety is compromised when only one overnight staff person is scheduled to work, and shall document the incidents in which the staff person called for assistance or reported behavior that threatened the safety of clients or the staff person. The commissioner shall report findings to the legislative committees with jurisdiction over health and human services no later than January 15, 2012."

Page 303, after line 28, insert:

"Region 10 Administrative Expenses. \$100,000 is appropriated each fiscal year, beginning in fiscal year 2012, for the administration of the State Quality Improvement and Licensing System under Minnesota Statutes, section 256B.0961."

Page 306, delete lines 22 to 36

Page 307, delete lines 1 to 33 and insert:

"Reduce customized living and 24-hour customized living component rates. Effective July 1, 2011, the commissioner shall reduce elderly waiver customized living and 24-hour customized living component service spending by ten percent through reductions in component rates and service rate limits. The commissioner shall adjust the elderly waiver capitation payment rates for managed care organizations paid under Minnesota Statutes, section 256B.69, subdivisions 6a and 23, to reflect reductions in component spending for customized living services and 24-hour customized living services under Minnesota Statutes, section 256B.0915, subdivisions 3e and 3h, for the contract period beginning January 1, 2012. To implement the reduction specified in this provision, capitation rates paid by the commissioner to managed care organizations under Minnesota Statutes, section 256B.69, shall reflect a 20 percent reduction for the specified services for the period January 1, 2012, to June 30, 2012, and a ten percent reduction for those services on or after July 1, 2012.

Limit Growth in the Developmental Disability Waiver. For the biennium beginning July 1, 2011, the commissioner shall limit the developmental disability waiver to the number of recipients served in March 2010. To achieve this level, the commissioner shall not refill waiver openings until the number of waiver recipients reaches the March 2010 level. Once the March 2010 enrollment level is reached, the commissioner shall refill vacated openings to maintain the March 2010 enrollment level. To the extent possible, waiver allocations shall be available to individuals who meet the priorities for accessing waiver services described in Minnesota Statutes, section 256B.092, subdivision 12. The limits do not include conversions from intermediate care facilities for persons with developmental disabilities. When implementing the waiver enrollment limits under this provision, it is an absolute defense to

an appeal under Minnesota Statutes, section 256.045, if the commissioner or lead agency proves that it followed the established written procedures and criteria and determined that home and community-based services could not be provided to the person within the appropriations or lead agency's allocation of home and community-based services money.

Limit Growth in the Community Alternatives for Disabled Individuals Waiver.

For the biennium beginning July 1, 2011, the commissioner shall limit the community alternatives for disabled individuals waiver to the number of recipients served in March 2010. To achieve this level, the commissioner shall not refill waiver openings until the number of waiver recipients reaches the March 2010 level. Once the March 2010 enrollment level is reached, the commissioner shall refill vacated openings to maintain the March 2010 enrollment level. To the extent possible, waiver allocations shall be available to individuals who meet the priorities for accessing waiver services described in Minnesota Statutes, section 256B.49, subdivision 11a. The limits include conversions and diversions, unless the commissioner has approved a plan to convert funding due to the closure or downsizing of a residential facility or nursing facility to serve directly affected individuals on the community alternatives for disabled individuals waiver. When implementing the waiver enrollment limits under this provision, it is an absolute defense to an appeal under Minnesota Statutes, section 256.045, if the commissioner or lead agency proves that it followed the established written procedures and criteria and determined that home and community-based services could not be provided to the person within the appropriations or lead agency's allocation of home and community-based services money.

Limit Growth in the Waiver for Individuals with Traumatic Brain Injury.

For the biennium beginning July 1, 2011, the commissioner shall limit the traumatic brain injury waiver to the number of recipients served in March 2010. To achieve this level, the commissioner shall not refill waiver openings until the number of waiver recipients reaches the March 2010 level. Once the March 2010 enrollment level is reached, the commissioner shall refill vacated openings to maintain the March 2010 enrollment level. To the extent possible, waiver allocations shall be available to individuals who meet the priorities for accessing waiver services described in Minnesota Statutes, section 256B.49, subdivision 11a. The limits include conversions and diversions, unless the commissioner has approved a plan to convert funding due to the closure or downsizing of a residential facility or nursing facility to serve directly affected individuals on the traumatic brain injury waiver. When implementing the waiver enrollment limits under this provision, it is an absolute defense to an appeal under Minnesota Statutes, section 256.045, if the commissioner or lead agency proves that it followed the established written procedures

and criteria and determined that home and community-based services could not be provided to the person within the appropriations or lead agency's allocation of home and community-based services money."

Page 320, delete lines 13 to 30

Page 327, line 4, strike the comma

Page 327, line 5, strike "suspended to June 30," and delete "2012" and insert "eliminated" and after the period, insert "Effective January 1, 2012, the one percent growth factor in the developmental disability waiver allocations is eliminated."

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 Abeler amendment and the roll was called. There were 71 yeas and 58 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|------------|-------------|--------------|--------------|
| Abeler | Crawford | Gottwalt | Kiffmeyer | McNamara | Shimanski |
| Anderson, B. | Daudt | Gruenhagen | Kriesel | Murdock | Smith |
| Anderson, D. | Dauids | Gunther | Lanning | Murray | Stensrud |
| Anderson, P. | Dean | Hackbarth | Leidiger | Myhra | Swedzinski |
| Anderson, S. | Dettmer | Hamilton | LeMieur | Nornes | Torkelson |
| Banaian | Doepke | Hancock | Lohmer | O'Driscoll | Urdahl |
| Barrett | Downey | Holberg | Loon | Petersen, B. | Vogel |
| Beard | Drazkowski | Hoppe | Mack | Quam | Wardlow |
| Benson, M. | Erickson | Howes | Mazorol | Runbeck | Westrom |
| Bills | Fabian | Kelly | McDonald | Sanders | Woodard |
| Buesgens | Franson | Kieffer | McElfatrick | Schomacker | Spk. Zellers |
| Cornish | Garofalo | Kiel | McFarlane | Scott | |

Those who voted in the negative were:

| | | | | | |
|------------|----------|------------|------------|--------------|-----------|
| Anzelc | Falk | Hornstein | Liebling | Murphy, M. | Simon |
| Atkins | Fritz | Hosch | Lillie | Nelson | Slawik |
| Benson, J. | Gauthier | Huntley | Loeffler | Norton | Slocum |
| Brynaert | Greene | Johnson | Mariani | Paymar | Thissen |
| Carlson | Greiling | Kahn | Marquart | Pelowski | Tillberry |
| Champion | Hansen | Kath | Melin | Persell | Wagenius |
| Clark | Hausman | Knuth | Moran | Peterson, S. | Ward |
| Dill | Hayden | Koenen | Morrow | Poppe | Winkler |
| Dittrich | Hilstrom | Lenczewski | Mullery | Rukavina | |
| Eken | Hilty | Lesch | Murphy, E. | Scalze | |

The motion prevailed and the amendment was adopted.

Dean 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, Continued

Winkler was excused between the hours of 8:40 p.m. and 9:20 p.m.

Hamilton was excused between the hours of 8:40 p.m. and 11:45 p.m.

Gruenhagen; Franson; Gottwalt; McDonald; Wardlow; Benson, M.; Abeler; Drazkowski and Leidiger moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 87, after line 10, insert:

"Section 1. **[1.06] FREEDOM OF CHOICE IN HEALTH CARE ACT.**

Subdivision 1. **Citation.** This section shall be known as and may be cited as the "Freedom of Choice in Health Care Act."

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

(b) "Health care service" means any service, treatment, or provision of a product for the care of a physical or mental disease, illness, injury, defect, or condition, or to otherwise maintain or improve physical or mental health, subject to all laws and rules regulating health service providers and products within the state of Minnesota.

(c) "Mode of securing" means to purchase directly or on credit or by trade, or to contract for third-party payment by insurance or other legal means as authorized by the state of Minnesota, or to apply for or accept employer-sponsored or government-sponsored health care benefits under such conditions as may legally be required as a condition of such benefits, or any combination of the same.

(d) "Penalty" means any civil or criminal fine, tax, salary or wage withholding, surcharge, fee, or any other imposed consequence established by law or rule of a government or its subdivision or agency that is used to punish or discourage the exercise of rights protected under this section.

Subd. 3. **Statement of public policy.** (a) The power to require or regulate a person's choice in the mode of securing health care services, or to impose a penalty related to that choice, is not found in the Constitution of the United States of America, and is therefore a power reserved to the people pursuant to the Ninth Amendment, and to the several states pursuant to the Tenth Amendment. The state of Minnesota hereby exercises its sovereign power to declare the public policy of the state of Minnesota regarding the right of all persons residing in the state in choosing the mode of securing health care services.

(b) It is hereby declared that the public policy of the state of Minnesota, consistent with our constitutionally recognized and inalienable rights of liberty, is that every person within the state of Minnesota is and shall be free to choose or decline to choose any mode of securing health care services without penalty or threat of penalty.

(c) The policy stated under this section shall not be applied to impair any right of contract related to the provision of health care services to any person or group.

Subd. 4. **Enforcement.** Upon penalty of suspension or revocation of any applicable license, no public official, employee, officer of the court, or agent of the state of Minnesota, or any branch or political subdivision thereof, shall act to impose, collect, enforce, or effectuate any penalty in the state of Minnesota that violates the public policy set forth in 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 Gruenhagen et al amendment and the roll was called. There were 71 yeas and 60 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|------------|-------------|--------------|--------------|
| Abeler | Crawford | Gottwalt | Kriesel | Murdock | Shimanski |
| Anderson, B. | Daudt | Gruenhagen | Lanning | Murray | Smith |
| Anderson, D. | Davids | Gunther | Leidiger | Myhra | Stensrud |
| Anderson, P. | Dean | Hackbarth | LeMieur | Nornes | Swedzinski |
| Anderson, S. | Dettmer | Hancock | Lohmer | O'Driscoll | Torkelson |
| Banaian | Doepke | Holberg | Loon | Peppin | Urdahl |
| Barrett | Downey | Hoppe | Mack | Petersen, B. | Vogel |
| Beard | Drazkowski | Howes | Mazorol | Quam | Wardlow |
| Benson, M. | Erickson | Kelly | McDonald | Runbeck | Westrom |
| Bills | Fabian | Kieffer | McElpatrick | Sanders | Woodard |
| Buesgens | Franson | Kiel | McFarlane | Schomacker | Spk. Zellers |
| Cornish | Garofalo | Kiffmeyer | McNamara | Scott | |

Those who voted in the negative were:

| | | | | | |
|------------|----------|-----------|------------|--------------|-----------|
| Anzelc | Eken | Hilty | Lenczewski | Mullery | Rukavina |
| Atkins | Falk | Hornstein | Lesch | Murphy, E. | Scalze |
| Benson, J. | Fritz | Hortman | Liebling | Murphy, M. | Simon |
| Brynaert | Gauthier | Hosch | Lillie | Nelson | Slawik |
| Carlson | Greene | Huntley | Loeffler | Norton | Slocum |
| Champion | Greiling | Johnson | Mariani | Paymar | Thissen |
| Clark | Hansen | Kahn | Marquart | Pelowski | Tillberry |
| Davnie | Hausman | Kath | Melin | Persell | Wagenius |
| Dill | Hayden | Knuth | Moran | Peterson, S. | Ward |
| Dittrich | Hilstrom | Koenen | Morrow | Poppe | Winkler |

The motion prevailed and the amendment was adopted.

Peppin, Gottwalt, Drazkowski and Sanders moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 19, after line 29, insert:

"Sec. 23. Minnesota Statutes 2010, 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.

Liebling moved to amend the Peppin et al amendment to S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 2, line 21, before "political" 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 47 yeas and 84 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|----------|-----------|----------|------------|----------|
| Anzelc | Falk | Hilstrom | Kath | Morrow | Rukavina |
| Atkins | Fritz | Hilty | Knuth | Mullery | Simon |
| Benson, J. | Gauthier | Hornstein | Lesch | Murphy, M. | Slocum |
| Brynaert | Greene | Hortman | Liebling | Nelson | Thissen |
| Carlson | Greiling | Hosch | Lillie | Norton | Wagenius |
| Champion | Hansen | Huntley | Loeffler | Paymar | Ward |
| Clark | Hausman | Johnson | Mariani | Persell | Winkler |
| Davnie | Hayden | Kahn | Melin | Poppe | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|-------------|--------------|--------------|
| Abeler | Davids | Gruenhagen | Leidiger | Murphy, E. | Scott |
| Anderson, B. | Dean | Gunther | LeMieur | Murray | Shimanski |
| Anderson, D. | Dettmer | Hackbarth | Lenczewski | Myhra | Slawik |
| Anderson, P. | Dill | Hancock | Lohmer | Nornes | Smith |
| Anderson, S. | Dittrich | Holberg | Loon | O'Driscoll | Stensrud |
| Banaian | Doepke | Hoppe | Mack | Pelowski | Swedzinski |
| Barrett | Downey | Howes | Marquart | Peppin | Tillberry |
| Beard | Drazkowski | Kelly | Mazorol | Petersen, B. | Torkelson |
| Benson, M. | Eken | Kieffer | McDonald | Peterson, S. | Urdahl |
| Bills | Erickson | Kiel | McElpatrick | Quam | Vogel |
| Buesgens | Fabian | Kiffmeyer | McFarlane | Runbeck | Wardlow |
| Cornish | Franson | Koenen | McNamara | Sanders | Westrom |
| Crawford | Garofalo | Kriesel | Moran | Scalze | Woodard |
| Daudt | Gottwalt | Lanning | Murdock | Schomacker | Spk. Zellers |

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

The question recurred on the Peppin et al amendment and the roll was called. There were 88 yeas and 39 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|-------------|--------------|--------------|
| Abeler | Davids | Gunther | Lanning | Myhra | Shimanski |
| Anderson, B. | Dean | Hackbarth | Leidiger | Nornes | Simon |
| Anderson, D. | Dettmer | Holberg | LeMieur | Norton | Smith |
| Anderson, P. | Dittrich | Hoppe | Lenczewski | O'Driscoll | Stensrud |
| Anderson, S. | Doepke | Hortman | Lohmer | Pelowski | Swedzinski |
| Atkins | Downey | Hosch | Loon | Peppin | Torkelson |
| Banaian | Drazkowski | Howes | Mack | Petersen, B. | Urdahl |
| Barrett | Eken | Kath | Marquart | Peterson, S. | Vogel |
| Beard | Erickson | Kelly | Mazorol | Poppe | Ward |
| Benson, M. | Fabian | Kieffer | McDonald | Quam | Wardlow |
| Bills | Franson | Kiel | McElpatrick | Runbeck | Westrom |
| Buesgens | Fritz | Kiffmeyer | McFarlane | Sanders | Woodard |
| Cornish | Garofalo | Knuth | McNamara | Scalze | Spk. Zellers |
| Crawford | Gottwalt | Koenen | Murdock | Schomacker | |
| Daudt | Gruenhagen | Kriesel | Murray | Scott | |

Those who voted in the negative were:

| | | | | | |
|------------|----------|-----------|----------|------------|-----------|
| Anzelc | Falk | Hilstrom | Lillie | Murphy, E. | Thissen |
| Benson, J. | Gauthier | Hilty | Loeffler | Nelson | Tillberry |
| Brynaert | Greene | Hornstein | Mariani | Paymar | Wagenius |
| Carlson | Greiling | Huntley | Melin | Persell | Winkler |
| Champion | Hansen | Johnson | Moran | Rukavina | |
| Clark | Hausman | Lesch | Morrow | Slawik | |
| Davnie | Hayden | Liebling | Mullery | Slocum | |

The motion prevailed and the amendment was adopted.

McDonald and Abeler moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 152, after line 6, insert:

"(e) Notwithstanding section 256B.04, subdivision 2, the commissioner of human services shall not adopt rules governing this section or section 256L.11, subdivision 7."

The motion prevailed and the amendment was adopted.

Daudt, Gottwalt and Abeler moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 8, line 17, after the period, insert "The card must include the following statement: "It is unlawful to use this card to purchase tobacco products or alcoholic beverages.""

Page 8, after line 26, insert:

"Subd. 3. **Prohibited purchases.** EBT debit cardholders in programs listed under subdivision 1 are prohibited from using the EBT debit card to purchase tobacco products and alcoholic beverages, as defined in section 340A.101, subdivision 2. It is unlawful for an EBT cardholder to purchase or attempt to purchase tobacco products or alcoholic beverages with the cardholder's EBT card. Violation of this subdivision is a petty misdemeanor."

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 Daudt et al amendment and the roll was called. There were 105 yeas and 25 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|-----------|-------------|--------------|--------------|
| Abeler | Dean | Gunther | Lanning | Myhra | Slawik |
| Anderson, B. | Dettmer | Hackbarth | Leidiger | Nornes | Smith |
| Anderson, D. | Dill | Hancock | LeMieur | Norton | Stensrud |
| Anderson, P. | Dittrich | Hansen | Lenczewski | O'Driscoll | Swedzinski |
| Anderson, S. | Doepke | Hilstrom | Liebling | Pelowski | Thissen |
| Atkins | Downey | Holberg | Lillie | Peppin | Tillberry |
| Banaian | Drazkowski | Hoppe | Lohmer | Persell | Torkelson |
| Barrett | Eken | Hortman | Loon | Petersen, B. | Urdahl |
| Beard | Erickson | Hosch | Mack | Peterson, S. | Vogel |
| Benson, J. | Fabian | Howes | Marquart | Poppe | Wagenius |
| Benson, M. | Falk | Kath | Mazorol | Quam | Ward |
| Bills | Franson | Kelly | McDonald | Runbeck | Wardlow |
| Buesgens | Fritz | Kieffer | McElpatrick | Sanders | Westrom |
| Carlson | Garfalo | Kiel | McFarlane | Scalze | Woodard |
| Cornish | Gauthier | Kiffmeyer | McNamara | Schomacker | Spk. Zellers |
| Crawford | Gottwalt | Knuth | Morrow | Scott | |
| Daudt | Greene | Koenen | Murdock | Shimanski | |
| Davids | Gruenhagen | Kriesel | Murray | Simon | |

Those who voted in the negative were:

| | | | | |
|----------|-----------|----------|------------|------------|
| Anzelc | Greiling | Huntley | Mariani | Murphy, M. |
| Brynaert | Hausman | Johnson | Melin | Nelson |
| Champion | Hayden | Kahn | Moran | Rukavina |
| Clark | Hilty | Lesch | Mullery | Slocum |
| Davnie | Hornstein | Loeffler | Murphy, E. | Winkler |

The motion prevailed and the amendment was adopted.

Kelly, Fritz, Kriesel, Kath, Hamilton, Huntley, Norton and Murray moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 195, after line 23, insert:

"Sec. 1. Minnesota Statutes 2010, section 144A.071, is amended by adding a subdivision to read:

Subd. 4d. Consolidation of nursing facilities. (a) The commissioner of health, in consultation with the commissioner of human services, may approve a request for consolidation of nursing facilities which includes the closure of one or more facilities and the upgrading of the physical plant of the remaining nursing facility or facilities, the costs of which exceed the threshold project limit under subdivision 2, clause (a). The commissioners shall consider the criteria in this section, section 144A.073, and section 256B.437, in approving or rejecting a consolidation proposal. In the event the commissioners approve the request, the commissioner of human services shall calculate a property rate adjustment according to clauses (1) to (3):

(1) the closure of beds shall not be eligible for a planned closure rate adjustment under section 256B.437, subdivision 6;

(2) the construction project permitted in this clause shall not be eligible for a threshold project rate adjustment under section 256B.434, subdivision 4f, or a moratorium exception adjustment under section 144A.073; and

(3) the property payment rate for a remaining facility or facilities shall be increased by an amount equal to 65 percent of the projected net cost savings to the state calculated in paragraph (b), divided by the state's medical assistance percentage of medical assistance dollars, and then divided by estimated medical assistance resident days, as determined in paragraph (c), of the remaining nursing facility or facilities in the request in this paragraph.

(b) For purposes of calculating the net cost savings to the state, the commissioner shall consider clauses (1) to (7):

(1) the annual savings from estimated medical assistance payments from the net number of beds closed taking into consideration only beds that are in active service on the date of the request and that have been in active service for at least three years;

(2) the estimated annual cost of increased case load of individuals receiving services under the elderly waiver;

(3) the estimated annual cost of elderly waiver recipients receiving support under group residential housing;

(4) the estimated annual cost of increased case load of individuals receiving services under the alternative care program;

(5) the annual loss of license surcharge payments on closed beds;

(6) the savings from not paying planned closure rate adjustments that the facilities would otherwise be eligible for under section 256B.437; and

(7) the savings from not paying property payment rate adjustments from submission of renovation costs that would otherwise be eligible as threshold projects under section 256B.434, subdivision 4f.

(c) For purposes of the calculation in paragraph (a), clause (3), the estimated medical assistance resident days of the remaining facility or facilities shall be computed assuming 95 percent occupancy multiplied by the historical percentage of medical assistance resident days of the remaining facility or facilities, as reported on the facility's or facilities' most recent nursing facility statistical and cost report filed before the plan of closure is submitted, multiplied by 365.

(d) For purposes of net cost of savings to the state in paragraph (b), the average occupancy percentages will be those reported on the facility's or facilities' most recent nursing facility statistical and cost report filed before the plan of closure is submitted, and the average payment rates shall be calculated based on the approved payment rates in effect at the time the consolidation request is submitted.

(e) To qualify for the property payment rate adjustment under this provision, the closing facilities shall:

(1) submit an application for closure according to section 256B.437, subdivision 3; and

(2) follow the resident relocation provisions of section 144A.161.

(f) The county or counties in which a facility or facilities are closed under this subdivision shall not be eligible for designation as a hardship area under section 144A.071, subdivision 3, for five years from the date of the approval of the proposed consolidation. The applicant shall notify the county of this limitation and the county shall acknowledge this in a letter of support."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

McDonald, Kriesel, Norton, Huntley and Kiffmeyer moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 65, after line 25, insert:

"Sec. 4. Minnesota Statutes 2010, section 256B.04, subdivision 14a, is amended to read:

Subd. 14a. **Level of need determination.** Nonemergency medical transportation level of need determinations must be performed by a physician, a registered nurse working under direct supervision of a physician, a physician's assistant, a nurse practitioner, a licensed practical nurse, or a discharge planner.

Nonemergency medical transportation level of need determinations must not be performed more than annually on any individual, unless the individual's circumstances have sufficiently changed so as to require a new level of need determination. No entity shall charge, and the commissioner shall pay, no more than \$25 for performing a level of need determination regarding any person receiving nonemergency medical transportation, including special transportation.

Special transportation services to eligible persons who need a stretcher-accessible vehicle from a hospital are exempt from a level of need determination if the special transportation services have been ordered by the eligible person's physician, registered nurse working under direct supervision of a physician, physician's assistant, nurse practitioner, licensed practical nurse, or discharge planner pursuant to Medicare guidelines.

Individuals transported to or residing in licensed nursing facilities are exempt from a level of need determination and are eligible for special transportation services until the individual no longer resides in a licensed nursing facility. If a person authorized by this subdivision to perform a level of need determination determines that an individual requires stretcher transportation, the individual is presumed to maintain that level of need until otherwise determined by a person authorized to perform a level of need determination, or for six months, whichever is sooner.

Sec. 5. Minnesota Statutes 2010, section 256B.0625, subdivision 17, is amended to read:

Subd. 17. **Transportation costs.** (a) Medical assistance covers medical transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by eligible persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. Medical transportation must be provided by:

- (1) an ambulance, as defined in section 144E.001, subdivision 2;
- (2) special transportation; or
- (3) common carrier including, but not limited to, bus, taxicab, other commercial carrier, or private automobile.

(b) Medical assistance covers special transportation, as defined in Minnesota Rules, part 9505.0315, subpart 1, item F, if the recipient has a physical or mental impairment that would prohibit the recipient from safely accessing and using a bus, taxi, other commercial transportation, or private automobile.

The commissioner may use an order by the recipient's attending physician to certify that the recipient requires special transportation services. Special transportation providers shall perform driver-assisted services for eligible individuals. Driver-assisted service includes passenger pickup at and return to the individual's residence or place of business, assistance with admittance of the individual to the medical facility, and assistance in passenger securement or in securing of wheelchairs or stretchers in the vehicle. Special transportation providers must obtain written documentation from the health care service provider who is serving the recipient being transported, identifying the time that the recipient arrived. Special transportation providers may not bill for separate base rates for the continuation of a trip beyond the original destination. Special transportation providers must take recipients to the nearest appropriate health care provider, using the most direct route as determined by a commercially available mileage software program approved by the commissioner. The minimum medical assistance reimbursement rates for special transportation services are:

(1) (i) \$17 for the base rate and \$1.35 per mile for special transportation services to eligible persons who need a wheelchair-accessible van;

(ii) \$11.50 for the base rate and \$1.30 per mile for special transportation services to eligible persons who do not need a wheelchair-accessible van; and

(iii) \$60 for the base rate and \$2.40 per mile, and an attendant rate of \$9 per trip, for special transportation services to eligible persons who need a stretcher-accessible vehicle;

(2) the base rates for special transportation services in areas defined under RUCA to be super rural shall be equal to the reimbursement rate established in clause (1) plus 11.3 percent; and

(3) for special transportation services in areas defined under RUCA to be rural or super rural areas:

(i) for a trip equal to 17 miles or less, mileage reimbursement shall be equal to 125 percent of the respective mileage rate in clause (1); and

(ii) for a trip between 18 and 50 miles, mileage reimbursement shall be equal to 112.5 percent of the respective mileage rate in clause (1).

(c) For purposes of reimbursement rates for special transportation services under paragraph (b), the zip code of the recipient's place of residence shall determine whether the urban, rural, or super rural reimbursement rate applies.

(d) For purposes of this subdivision, "rural urban commuting area" or "RUCA" means a census-tract based classification system under which a geographical area is determined to be urban, rural, or super rural."

Page 72, after line 5, insert:

"Sec. 11. **NONEMERGENCY MEDICAL TRANSPORTATION SINGLE ADMINISTRATIVE STRUCTURE PROPOSAL.**

(a) The commissioner of human services shall develop a proposal to create a single administrative structure for providing nonemergency medical transportation services to fee-for-service medical assistance recipients. This proposal must consolidate access and special transportation into one administrative structure with the goal of standardizing eligibility determination processes, scheduling arrangements, billing procedures, data collection, and oversight mechanisms in order to enhance coordination, improve accountability, and lessen confusion.

(b) In developing the proposal, the commissioner shall:

(1) examine the current responsibilities performed by the counties and the Department of Human Services and consider the shift in costs if these responsibilities are changed;

(2) identify key performance measures to assess the cost effectiveness of nonemergency medical transportation statewide, including a process to collect, audit, and report data;

(3) develop a statewide complaint system for medical assistance recipients using special transportation;

(4) establish a standardized billing process;

(5) establish a process that provides public input from interested parties before special transportation eligibility policies are implemented or significantly changed;

(6) establish specific eligibility criteria that include the frequency of eligibility assessments and the length of time a recipient remains eligible for special transportation;

(7) develop a reimbursement method to compensate volunteers for no-load miles when transporting recipients to or from health-related appointments; and

(8) establish specific eligibility criteria to maximize the use of public transportation by recipients who are without a physical, mental, or other impairment that would prohibit safely accessing and using public transportation.

(c) In developing the proposal, the commissioner shall consult with the nonemergency medical transportation advisory council established under paragraph (d).

(d) The commissioner shall establish the nonemergency medical transportation advisory council to assist the commissioner in developing a single administrative structure for providing nonemergency medical transportation services. The council shall be comprised of:

(1) one representative each from the departments of human services and transportation;

(2) one representative each from the following organizations: the Minnesota State Council on Disability, the Minnesota Consortium for Citizens with Disabilities, ARC of Minnesota, the Association of Minnesota Counties, the R-80 Medical Transportation Coalition, the Minnesota Para Transit Association, Legal Aid, the Minnesota Ambulance Association, the National Alliance on Mental Illness, the Minnesota Transportation Providers Alliance, and the Minnesota Inter-County Association; and

(3) four members from the house of representatives, two from the majority party and two from the minority party, appointed by the speaker, and four members from the senate, two from the majority party and two from the minority party, appointed by the Subcommittee on Committees of the Committee on Rules and Administration.

The council is governed by Minnesota Statutes, section 15.509, except that members shall not receive per diems. The commissioner of human services shall fund all costs related to the council from existing resources.

(e) The commissioner shall submit the proposal and draft legislation necessary for implementation to the chairs and ranking minority members of the senate and house of representatives committees or divisions with jurisdiction over health care policy and finance by January 15, 2012.

Sec. 12. **RECOVERY FROM BROKER.**

(a) If deemed appropriate after a review by the Attorney General's office, the commissioner of human services, in cooperation with the commissioner of management and budget, shall recover from any broker of nonemergency medical transportation services all administrative amounts paid in excess of the original agreed upon amount as stated in any contract or compensation agreement that provided for the total compensation for administrative services in each state fiscal year to not exceed a specific agreed amount for fiscal years 2005, 2006, 2007, 2008, 2009, and 2010.

(b) Recoveries under this section shall be based on the findings of the Office of Legislative Auditor's report on medical nonemergency transportation released in February 2011."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Westrom moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 201, after line 35, insert:

"Sec. 5. Minnesota Statutes 2010, section 256.9657, subdivision 1, is amended to read:

Subdivision 1. **Nursing home license surcharge.** (a) Effective July 1, 1993, each non-state-operated nursing home licensed under chapter 144A shall pay to the commissioner an annual surcharge according to the schedule in subdivision 4. The surcharge shall be calculated as \$620 per licensed bed. If the number of licensed beds is reduced, the surcharge shall be based on the number of remaining licensed beds the second month following the receipt of timely notice by the commissioner of human services that beds have been delicensed. The nursing home must notify the commissioner of health in writing when beds are delicensed. The commissioner of health must notify the commissioner of human services within ten working days after receiving written notification. If the notification is received by the commissioner of human services by the 15th of the month, the invoice for the second following month must be reduced to recognize the delicensing of beds. Beds on layaway status continue to be subject to the surcharge. The commissioner of human services must acknowledge a medical care surcharge appeal within 30 days of receipt of the written appeal from the provider.

(b) Effective July 1, 1994, the surcharge in paragraph (a) shall be increased to \$625.

(c) Effective August 15, 2002, the surcharge under paragraph (b) shall be increased to \$990.

(d) Effective July 15, 2003, the surcharge under paragraph (c) shall be increased to \$2,815.

(e) Effective July 15, 2013, the surcharge under paragraph (d) shall apply only to occupied, licensed nursing home beds that are not in layaway under section 144A.071, subdivision 4b. Beginning January 1, 2013, nursing facilities may, on a quarterly basis, report data on occupancy as a percent of capacity days, on a form and in a manner prescribed by the commissioner. This data must be provided by the end of the month following the calendar quarter. The commissioner shall use this data to adjust the surcharge amount due for the calendar quarter following submission of the data. This adjustment shall be allowed only for a nursing facility that provides complete and timely data allowed in this paragraph. The commissioner shall apply a monthly surcharge computed as the occupancy percentage as reported in this paragraph times the number of licensed nursing home beds times \$2,815 divided by 12.

(f) The commissioner may reduce, and may subsequently restore, the surcharge under paragraph (d) based on the commissioner's determination of a permissible surcharge.

(g) Between April 1, 2002, and August 15, 2004, a facility governed by this subdivision may elect to assume full participation in the medical assistance program by agreeing to comply with all of the requirements of the medical assistance program, including the rate equalization law in section 256B.48, subdivision 1, paragraph (a), and all other requirements established in law or rule, and to begin intake of new medical assistance recipients. Rates will be determined under Minnesota Rules, parts 9549.0010 to 9549.0080. Notwithstanding section 256B.431, subdivision 27, paragraph (i), rate calculations will be subject to limits as prescribed in rule and law. Other than the adjustments in sections 256B.431, subdivisions 30 and 32; 256B.437, subdivision 3, paragraph (b), Minnesota Rules, part 9549.0057, and any other applicable legislation enacted prior to the finalization of rates, facilities assuming full participation in medical assistance under this paragraph are not eligible for any rate adjustments until the July 1 following their settle-up period."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Slawik moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 309, line 5, delete "reduce medical" and insert "notify the speaker of the house of representatives and the president of the senate, and shall propose to the legislature measures to keep spending within the limits. If the legislature is not meeting in regular session, the governor shall consider calling a special session of the legislature within 30 days."

Page 309, delete lines 6 to 11

Page 309, delete lines 12 to 29, and insert:

"Notification and special session. If the commissioner of management and budget determines that implementation of the global waiver under Minnesota Statutes, sections 256B.841, 256B.842, and 256B.843, will not achieve a state general fund savings of \$300,000,000 for the biennium beginning July 1, 2011, the commissioner shall notify the speaker of the house of

representatives and the president of the senate, and shall propose to the legislature measures to achieve the savings. If the legislature is not meeting in regular session, the governor shall consider calling a special session of the legislature within 30 days."

A roll call was requested and properly seconded.

The question was taken on the Slawik amendment and the roll was called. There were 61 yeas and 70 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|-----------|------------|------------|--------------|-----------|
| Anzelc | Falk | Hortman | Lillie | Norton | Smith |
| Atkins | Fritz | Hosch | Loeffler | Paymar | Thissen |
| Benson, J. | Gauthier | Huntley | Mariani | Pelowski | Tillberry |
| Brynaert | Greene | Johnson | Marquart | Persell | Wagenius |
| Carlson | Greiling | Kahn | Melin | Peterson, S. | Ward |
| Champion | Hansen | Kath | Moran | Poppe | Winkler |
| Clark | Hausman | Knuth | Morrow | Rukavina | |
| Davnie | Hayden | Koenen | Mullery | Scalze | |
| Dill | Hilstrom | Lenczewski | Murphy, E. | Simon | |
| Dittrich | Hilty | Lesch | Murphy, M. | Slawik | |
| Eken | Hornstein | Liebling | Nelson | Slocum | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|-------------|--------------|--------------|
| Abeler | Crawford | Gottwalt | Kriesel | Murdock | Shimanski |
| Anderson, B. | Daudt | Gruenhagen | Lanning | Murray | Stensrud |
| Anderson, D. | Dauids | Gunther | Leidiger | Myhra | Swedzinski |
| Anderson, P. | Dean | Hackbarth | LeMieur | Nornes | Torkelson |
| Anderson, S. | Dettmer | Hancock | Lohmer | O'Driscoll | Urdahl |
| Banaian | Doepke | Holberg | Loon | Peppin | Vogel |
| Barrett | Downey | Hoppe | Mack | Petersen, B. | Wardlow |
| Beard | Drazkowski | Howes | Mazorol | Quam | Westrom |
| Benson, M. | Erickson | Kelly | McDonald | Runbeck | Woodard |
| Bills | Fabian | Kieffer | McElfatrick | Sanders | Spk. Zellers |
| Buesgens | Franson | Kiel | McFarlane | Schomacker | |
| Cornish | Garofalo | Kiffmeyer | McNamara | Scott | |

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

Murphy, E., moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 309, delete lines 12 to 29, and insert:

"Rate Reductions. (a) For the fiscal year beginning July 1, 2012, the commissioner shall reduce medical assistance provider payment rates, including but not limited to rates to individual health care providers and provider agencies, hospitals, nursing facilities, other residential settings, and capitation rates provided to

managed care and county-based purchasing plans, by the amount necessary to reduce general fund spending for the biennium by \$300,000,000.

(b) If the federal government approves implementation of the global waiver under Minnesota Statutes, sections 256B.841, 256B.842, and 256B.843, the commissioner shall decrease or eliminate the payment rate reductions required under paragraph (a), to reflect any savings resulting from implementation of the global waiver."

A roll call was requested and properly seconded.

Pursuant to rule 1.50, Dean moved that the House be allowed to continue in session after 12:00 midnight.

A roll call was requested and properly seconded.

MOTION TO ADJOURN

Thissen moved that the House adjourn until 9:00 a.m., Thursday, April 7, 2011.

A roll call was requested and properly seconded.

The question was taken on the Thissen motion and the roll was called. There were 57 yeas and 73 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|----------|-----------|------------|--------------|-----------|
| Anzelc | Eken | Hilty | Liebling | Nelson | Slawik |
| Atkins | Falk | Hornstein | Lillie | Norton | Slocum |
| Benson, J. | Fritz | Hortman | Mariani | Paymar | Thissen |
| Brynaert | Gauthier | Hosch | Marquart | Pelowski | Tillberry |
| Carlson | Greene | Huntley | Melin | Persell | Wagenius |
| Champion | Greiling | Johnson | Moran | Peterson, S. | Ward |
| Clark | Hansen | Kath | Morrow | Poppe | Winkler |
| Davnie | Hausman | Knuth | Mullery | Rukavina | |
| Dill | Hayden | Koenen | Murphy, E. | Scalze | |
| Dittrich | Hilstrom | Lesch | Murphy, M. | Simon | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|------------|----------|-----------|
| Abeler | Beard | Dauids | Fabian | Hamilton | Kieffer |
| Anderson, B. | Benson, M. | Dean | Franson | Hancock | Kiel |
| Anderson, D. | Bills | Dettmer | Garofalo | Holberg | Kiffmeyer |
| Anderson, P. | Buesgens | Doepke | Gottwalt | Hoppe | Kriesel |
| Anderson, S. | Cornish | Downey | Gruenhagen | Howes | Lanning |
| Banaian | Crawford | Drazkowski | Gunther | Kahn | Leidiger |
| Barrett | Daudt | Erickson | Hackbarth | Kelly | LeMieur |

| | | | | | |
|------------|-----------|--------------|------------|-----------|--------------|
| Lenczewski | McDonald | Nornes | Sanders | Torkelson | Spk. Zellers |
| Loeffler | McElfrick | O'Driscoll | Schomacker | Urdahl | |
| Lohmer | McNamara | Peppin | Scott | Vogel | |
| Loon | Murdock | Petersen, B. | Shimanski | Wardlow | |
| Mack | Murray | Quam | Stensrud | Westrom | |
| Mazorol | Myhra | Runbeck | Swedzinski | Woodard | |

The motion did not prevail.

The question recurred on the Dean motion and the roll was called. There were 75 yeas and 55 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|------------|------------|--------------|--------------|
| Abeler | Crawford | Gruenhagen | Kriesel | Moran | Shimanski |
| Anderson, B. | Daudt | Gunther | Lanning | Murdock | Stensrud |
| Anderson, D. | Dauids | Hackbarth | Leidiger | Murray | Swedzinski |
| Anderson, P. | Dean | Hamilton | LeMieur | Myhra | Torkelson |
| Anderson, S. | Dettmer | Hancock | Lenczewski | Nornes | Urdahl |
| Atkins | Doepke | Holberg | Lohmer | O'Driscoll | Vogel |
| Banaian | Downey | Hoppe | Loon | Peppin | Wardlow |
| Barrett | Drazkowski | Howes | Mack | Petersen, B. | Westrom |
| Beard | Erickson | Kahn | Mazorol | Quam | Woodard |
| Benson, M. | Fabian | Kelly | McDonald | Runbeck | Spk. Zellers |
| Bills | Franson | Kieffer | McElfrick | Sanders | |
| Buesgens | Garofalo | Kiel | McFarlane | Schomacker | |
| Cornish | Gottwalt | Kiffmeyer | McNamara | Scott | |

Those who voted in the negative were:

| | | | | | |
|------------|----------|-----------|------------|--------------|-----------|
| Anzelc | Falk | Hornstein | Lillie | Paymar | Thissen |
| Benson, J. | Fritz | Hortman | Loeffler | Pelowski | Tillberry |
| Brynaert | Gauthier | Hosch | Mariani | Persell | Wagenius |
| Carlson | Greene | Huntley | Marquart | Peterson, S. | Ward |
| Champion | Greiling | Johnson | Melin | Poppe | Winkler |
| Clark | Hansen | Kath | Morrow | Rukavina | |
| Davnie | Hausman | Knuth | Mullery | Scalze | |
| Dill | Hayden | Koenen | Murphy, E. | Simon | |
| Dittrich | Hilstrom | Lesch | Nelson | Slawik | |
| Eken | Hilty | Liebling | Norton | Slocum | |

The motion prevailed.

FISCAL CALENDAR, Continued

Thissen moved to amend the Murphy, E., amendment to S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 1, line 4, delete "For the fiscal year"

Page 1, line 5, delete "beginning" and insert "Effective"

Page 1, line 7, delete everything after "rates" and insert "for basic care services, long-term care facility services, and home and community-based waiver services by 7.25 percent, and shall adjust capitation rates for managed care and county-based purchasing plans to reflect this reduction. For purposes of this paragraph, basic care services includes physician and professional, inpatient hospital, outpatient hospital, dental, mental health, and transportation services, but does not include prescription drugs and Medicare premiums and cost-sharing."

Page 1, delete lines 8 to 14

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 4 yeas and 127 nays as follows:

Those who voted in the affirmative were:

| | | | |
|---------|-------|------------|---------|
| Huntley | Lesch | Murphy, E. | Thissen |
|---------|-------|------------|---------|

Those who voted in the negative were:

| | | | | | |
|--------------|------------|-----------|--------------|--------------|--------------|
| Abeler | Davnie | Hamilton | Kriesel | Murdock | Simon |
| Anderson, B. | Dean | Hancock | Lanning | Murphy, M. | Slawik |
| Anderson, D. | Dettmer | Hansen | Leidiger | Murray | Slocum |
| Anderson, P. | Dill | Hausman | LeMieur | Myhra | Smith |
| Anderson, S. | Dittrich | Hayden | Lenczewski | Nelson | Stensrud |
| Anzelc | Doepke | Hilstrom | Liebling | Nornes | Swedzinski |
| Atkins | Downey | Hilty | Lillie | Norton | Tillberry |
| Banaian | Drazkowski | Holberg | Loeffler | Paymar | Torkelson |
| Barrett | Eken | Hoppe | Lohmer | Pelowski | Urdahl |
| Beard | Erickson | Hornstein | Loon | Peppin | Vogel |
| Benson, J. | Fabian | Hortman | Mack | Persell | Wagenius |
| Benson, M. | Falk | Hosch | Mariani | Petersen, B. | Ward |
| Bills | Franson | Howes | Marquart | Peterson, S. | Wardlow |
| Brynaert | Fritz | Johnson | Mazorol | Poppe | Westrom |
| Buesgens | Garofalo | Kahn | McDonald | Quam | Winkler |
| Carlson | Gauthier | Kath | McElfratrick | Rukavina | Woodard |
| Champion | Gottwalt | Kelly | McFarlane | Runbeck | Spk. Zellers |
| Clark | Greene | Kieffer | McNamara | Sanders | |
| Cornish | Greiling | Kiel | Melin | Scalze | |
| Crawford | Gruenhagen | Kiffmeyer | Moran | Schomacker | |
| Daudt | Gunther | Knuth | Morrow | Scott | |
| Davids | Hackbarth | Koenen | Mullery | Shimanski | |

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

The question recurred on the Murphy, E., amendment and the roll was called. There were 29 yeas and 102 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|-----------|---------|------------|--------------|----------|
| Benson, J. | Dittrich | Hortman | Lenczewski | Pelowski | Slocum |
| Brynaert | Fritz | Huntley | Lesch | Persell | Thissen |
| Champion | Hayden | Johnson | Loeffler | Peterson, S. | Wagenius |
| Clark | Hilstrom | Kahn | Marquart | Scalze | Winkler |
| Davnie | Hornstein | Knuth | Murphy, E. | Slawik | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|-----------|--------------|--------------|
| Abeler | Davids | Gruenhagen | Koenen | Morrow | Sanders |
| Anderson, B. | Dean | Gunther | Kriesel | Mullery | Schomacker |
| Anderson, D. | Dettmer | Hackbarth | Lanning | Murdock | Scott |
| Anderson, P. | Dill | Hamilton | Leidiger | Murphy, M. | Shimanski |
| Anderson, S. | Doepke | Hancock | LeMieur | Murray | Simon |
| Anzelc | Downey | Hansen | Liebling | Myhra | Smith |
| Atkins | Drazkowski | Hausman | Lillie | Nelson | Stensrud |
| Banaian | Eken | Hilty | Lohmer | Nornes | Swedzinski |
| Barrett | Erickson | Holberg | Loon | Norton | Tillberry |
| Beard | Fabian | Hoppe | Mack | O'Driscoll | Torkelson |
| Benson, M. | Falk | Hosch | Mariani | Paymar | Urdahl |
| Bills | Franson | Howes | Mazorol | Peppin | Vogel |
| Buesgens | Garofalo | Kath | McDonald | Petersen, B. | Ward |
| Carlson | Gauthier | Kelly | McElfrick | Poppe | Wardlow |
| Cornish | Gottwalt | Kieffer | McFarlane | Quam | Westrom |
| Crawford | Greene | Kiel | McNamara | Rukavina | Woodard |
| Daudt | Greiling | Kiffmeyer | Melin | Runbeck | Spk. Zellers |

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

The Speaker called Davids to the Chair.

Loeffler and Hosch moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 309, line 11, after the period, insert "No provider payment reduction shall affect services provided to the elderly or persons with disabilities."

Page 309, line 25, delete "nursing facilities."

Page 309, line 29, after the period, insert "No provider payment reduction shall affect services provided to the elderly or persons with disabilities."

A roll call was requested and properly seconded.

The question was taken on the Loeffler and Hosch amendment and the roll was called. There were 130 yeas and 2 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|----------|------------|------------|-----------|
| Abeler | Beard | Cornish | Doepke | Garofalo | Hancock |
| Anderson, B. | Benson, J. | Crawford | Downey | Gauthier | Hansen |
| Anderson, D. | Benson, M. | Daudt | Drazkowski | Gottwalt | Hausman |
| Anderson, P. | Bills | Davids | Eken | Greene | Hayden |
| Anderson, S. | Brynaert | Davnie | Erickson | Greiling | Hilstrom |
| Anzelc | Buesgens | Dean | Fabian | Gruenhagen | Hilty |
| Atkins | Carlson | Dettmer | Falk | Gunther | Holberg |
| Banaian | Champion | Dill | Franson | Hackbarth | Hoppe |
| Barrett | Clark | Dittrich | Fritz | Hamilton | Hornstein |

| | | | | | |
|-----------|------------|------------|--------------|------------|--------------|
| Hortman | Lanning | Mazorol | Myhra | Rukavina | Tillberry |
| Hosch | Leidiger | McDonald | Nelson | Runbeck | Torkelson |
| Howes | LeMieur | McElfrick | Nornes | Sanders | Urdahl |
| Johnson | Lenczewski | McFarlane | Norton | Scalze | Vogel |
| Kahn | Lesch | McNamara | O'Driscoll | Schomacker | Wagenius |
| Kath | Liebling | Melin | Paymar | Scott | Ward |
| Kelly | Lillie | Moran | Pelowski | Shimanski | Wardlow |
| Kieffer | Loeffler | Morrow | Peppin | Simon | Westrom |
| Kiel | Lohmer | Mullery | Persell | Slawik | Winkler |
| Kiffmeyer | Loon | Murdock | Petersen, B. | Slocum | Woodard |
| Knuth | Mack | Murphy, E. | Peterson, S. | Smith | Spk. Zellers |
| Koenen | Mariani | Murphy, M. | Poppe | Stensrud | |
| Kriesel | Marquart | Murray | Quam | Swedzinski | |

Those who voted in the negative were:

Huntley Thissen

The motion prevailed and the amendment was adopted.

POINT OF ORDER

Hosch raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills. Speaker pro tempore Davids ruled the point of order not well taken.

Fritz moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 248, delete section 36

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

Those who voted in the affirmative were:

| | | | | | |
|--------------|----------|------------|------------|--------------|-----------|
| Anderson, P. | Dittrich | Hilty | Lesch | Murphy, M. | Slocum |
| Anderson, S. | Eken | Hornstein | Liebling | Nelson | Thissen |
| Anzelc | Falk | Hortman | Lillie | Paymar | Tillberry |
| Atkins | Fritz | Hosch | Loeffler | Pelowski | Wagenius |
| Benson, J. | Gauthier | Huntley | Mariani | Persell | Ward |
| Brynaert | Greene | Johnson | Marquart | Peterson, S. | Westrom |
| Carlson | Greiling | Kahn | Melin | Poppe | Winkler |
| Champion | Hansen | Kath | Moran | Rukavina | |
| Clark | Hausman | Knuth | Morrow | Scalze | |
| Davnie | Hayden | Koenen | Mullery | Simon | |
| Dill | Hilstrom | Lenczewski | Murphy, E. | Slawik | |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|-----------|-------------|--------------|--------------|
| Abeler | Davids | Gunther | Lanning | Murray | Shimanski |
| Anderson, B. | Dean | Hackbarth | Leidiger | Myhra | Smith |
| Anderson, D. | Dettmer | Hamilton | LeMieur | Nornes | Stensrud |
| Banaian | Doepke | Hancock | Lohmer | Norton | Swedzinski |
| Barrett | Downey | Holberg | Loon | O'Driscoll | Torkelson |
| Beard | Drazkowski | Hoppe | Mack | Peppin | Urdahl |
| Benson, M. | Erickson | Howes | Mazorol | Petersen, B. | Vogel |
| Bills | Fabian | Kelly | McDonald | Quam | Wardlow |
| Buesgens | Franson | Kieffer | McElfatrick | Runbeck | Woodard |
| Cornish | Garofalo | Kiel | McFarlane | Sanders | Spk. Zellers |
| Crawford | Gottwalt | Kiffmeyer | McNamara | Schomacker | |
| Daudt | Gruenhagen | Kriesel | Murdock | Scott | |

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

Huntley moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 63, line 22, after "issues" insert "and added to fiscal notes"

Page 63, line 25, after "on" insert "private insurance premiums and"

The motion prevailed and the amendment was adopted.

Kriesel, Sanders, Morrow, Mack, Atkins, Abeler and McNamara moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 58, after line 7, insert:

"Sec. 30. Minnesota Statutes 2010, section 152.027, is amended by adding a subdivision to read:

Subd. 6. Sale or possession of synthetic cannabinoids. (a) A person who unlawfully sells any amount of a synthetic cannabinoid is guilty of a gross misdemeanor.

(b) A person who unlawfully possesses any amount of a synthetic cannabinoid is guilty of a misdemeanor.

(c) For purposes of this subdivision, "synthetic cannabinoid" includes, unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist, including, but not limited to, the following substances and their analogs, including homologues; isomers, whether optical, positional, or geometric; esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, or salts is possible within the specific chemical designation:

1-pentyl-2-methyl-3-(1-naphthoyl)indole (JWH-007), (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone (JWH-015), 1-Pentyl-3-(1-naphthoyl)indole (JWH-018), 1-hexyl-3-(naphthalen-1-oyl)indole (JWH-019), 1-Butyl-3-(1-naphthoyl)indole (JWH-073), 4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-081), 4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone (JWH-098), (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone (JWH-200), 7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-164), 2-(2-chlorophenyl)-1-(1-pentylindol-

3-yl)ethanone (JWH-203), 4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone (JWH-210), 2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone (JWH-250), 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398), (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210), (dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol) (HU-211), (R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone (WIN-55/212-2), 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (CP47,497), dimethylheptylpyran.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date."

Page 58, after line 15, insert:

"Sec. 31. Minnesota Statutes 2010, section 169A.20, subdivision 1, is amended to read:

Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for any person to drive, operate, or be in physical control of any motor vehicle, as defined in section 169A.03, subdivision 15, except for motorboats in operation and off-road recreational vehicles, within this state or on any boundary water of this state when:

- (1) the person is under the influence of alcohol;
- (2) the person is under the influence of a controlled substance or a substance listed in section 152.027, subdivision 6;
- (3) the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motor vehicle;
- (4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);
- (5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or more;
- (6) the vehicle is a commercial motor vehicle and the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the commercial motor vehicle is 0.04 or more; or
- (7) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 32. Minnesota Statutes 2010, section 169A.20, subdivision 1a, is amended to read:

Subd. 1a. **Driving while impaired crime; motorboat in operation.** It is a crime for any person to operate or be in physical control of a motorboat in operation on any waters or boundary water of this state when:

- (1) the person is under the influence of alcohol;
- (2) the person is under the influence of a controlled substance or a substance listed in section 152.027, subdivision 6;
- (3) the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the motorboat;

(4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motorboat is 0.08 or more; or

(6) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 33. Minnesota Statutes 2010, section 169A.20, subdivision 1b, is amended to read:

Subd. 1b. **Driving while impaired crime; snowmobile and all-terrain vehicle.** It is a crime for any person to operate or be in physical control of a snowmobile as defined in section 84.81, subdivision 3, or all-terrain vehicle as defined in section 84.92, subdivision 8, anywhere in this state or on the ice of any boundary water of this state when:

(1) the person is under the influence of alcohol;

(2) the person is under the influence of a controlled substance or a substance listed in section 152.027, subdivision 6;

(3) the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the snowmobile or all-terrain vehicle;

(4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the snowmobile or all-terrain vehicle is 0.08 or more; or

(6) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 34. Minnesota Statutes 2010, section 169A.20, subdivision 1c, is amended to read:

Subd. 1c. **Driving while impaired crime; off-highway motorcycle and off-road vehicle.** It is a crime for any person to operate or be in physical control of any off-highway motorcycle as defined in section 84.787, subdivision 7, or any off-road vehicle as defined in section 84.797, subdivision 7, anywhere in this state or on the ice of any boundary water of this state when:

(1) the person is under the influence of alcohol;

(2) the person is under the influence of a controlled substance or a substance listed in section 152.027, subdivision 6;

(3) the person is knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person's ability to drive or operate the off-highway motorcycle or off-road vehicle;

(4) the person is under the influence of a combination of any two or more of the elements named in clauses (1) to (3);

(5) the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the off-highway motorcycle or off-road vehicle is 0.08 or more; or

(6) the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Murphy, E., moved to amend S. F. No. 760, the unofficial engrossment, as amended.

Murphy, E., requested a division of her amendment to S. F. No. 760, the unofficial engrossment, as amended.

The first portion of the Murphy, E., amendment to S. F. No. 760, the unofficial engrossment, as amended, reads as follows:

Page 59, delete lines 8 and 9

Renumber the subdivisions in sequence

A roll call was requested and properly seconded.

The question was taken on the first portion of the Murphy, E., amendment and the roll was called. There were 60 yeas and 72 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|----------|-----------|------------|--------------|-----------|
| Anzelc | Eken | Hilty | Lenczewski | Mullery | Rukavina |
| Atkins | Falk | Hornstein | Lesch | Murphy, E. | Scalze |
| Benson, J. | Fritz | Hortman | Liebling | Murphy, M. | Simon |
| Brynaert | Gauthier | Hosch | Lillie | Nelson | Slawik |
| Carlson | Greene | Huntley | Loeffler | Norton | Slocum |
| Champion | Greiling | Johnson | Mariani | Paymar | Thissen |
| Clark | Hansen | Kahn | Marquart | Pelowski | Tillberry |
| Davnie | Hausman | Kath | Melin | Persell | Wagenius |
| Dill | Hayden | Knuth | Moran | Peterson, S. | Ward |
| Dittrich | Hilstrom | Koenen | Morrow | Poppe | Winkler |

Those who voted in the negative were:

| | | | | | |
|--------------|--------------|------------|----------|----------|---------|
| Abeler | Anderson, P. | Barrett | Bills | Crawford | Dean |
| Anderson, B. | Anderson, S. | Beard | Buesgens | Daudt | Dettmer |
| Anderson, D. | Banaian | Benson, M. | Cornish | Davids | Doepke |

| | | | | | |
|------------|-----------|-----------|-------------|--------------|--------------|
| Downey | Hackbarth | Kiffmeyer | McDonald | Peppin | Stensrud |
| Drazkowski | Hamilton | Kriesel | McElfatrick | Petersen, B. | Swedzinski |
| Erickson | Hancock | Lanning | McFarlane | Quam | Torkelson |
| Fabian | Holberg | Leidiger | McNamara | Runbeck | Urdahl |
| Franson | Hoppe | LeMieur | Murdock | Sanders | Vogel |
| Garofalo | Howes | Lohmer | Murray | Schomacker | Wardlow |
| Gottwalt | Kelly | Loon | Myhra | Scott | Westrom |
| Gruenhagen | Kieffer | Mack | Nornes | Shimanski | Woodard |
| Gunther | Kiel | Mazorol | O'Driscoll | Smith | Spk. Zellers |

The motion did not prevail and the first portion of the Murphy, E., amendment was not adopted.

Murphy, E., withdrew the second portion of her amendment to S. F. No. 760, the unofficial engrossment, as amended.

Hosch moved to amend S. F. No. 760, the unofficial engrossment, as amended, as follows:

Page 193, after line 24, insert:

"Sec. 120. **OPTIONAL MEDICAL ASSISTANCE ELIGIBILITY.**

The commissioner shall seek approval for a federal waiver from the secretary of health and human services to create an optional medical assistance eligibility category of childless adults as a replacement for the general assistance medical care program. The optional category shall have a limited benefit set. As part of the waiver application, the commissioner shall determine whether the complete elimination of state funding for general assistance medical care would result in higher costs for the federal Medicare program. As part of the waiver application, the commissioner may also consider the savings to the federal government due to state provision of health care services. Individuals and households with no children who have gross family incomes that are equal to or less than 100 percent of the federal poverty guidelines shall be eligible for childless adult medical assistance effective July 1, 2011, or upon federal approval, whichever is later."

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 Hosch amendment and the roll was called. There were 60 yeas and 70 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|------------|----------|----------|-----------|---------|------------|
| Anzelc | Clark | Fritz | Hayden | Huntley | Lenczewski |
| Atkins | Davnie | Gauthier | Hilstrom | Johnson | Lesch |
| Benson, J. | Dill | Greene | Hilty | Kahn | Liebling |
| Brynaert | Dittrich | Greiling | Hornstein | Kath | Lillie |
| Carlson | Eken | Hansen | Hortman | Knuth | Loeffler |
| Champion | Falk | Hausman | Hosch | Koenen | Marquart |

| | | | | | |
|---------|------------|--------------|----------|---------|-----------|
| Melin | Murphy, E. | Paymar | Poppe | Slawik | Tillberry |
| Moran | Murphy, M. | Pelowski | Rukavina | Slocum | Wagenius |
| Morrow | Nelson | Persell | Scalze | Smith | Ward |
| Mullery | Norton | Peterson, S. | Simon | Thissen | Winkler |

Those who voted in the negative were:

| | | | | | |
|--------------|------------|------------|-------------|--------------|--------------|
| Abeler | Crawford | Gottwalt | Kiffmeyer | Murdock | Shimanski |
| Anderson, B. | Daudt | Gruenhagen | Kriesel | Murray | Stensrud |
| Anderson, D. | Davids | Gunther | Lanning | Myhra | Swedzinski |
| Anderson, P. | Dean | Hackbarth | Leidiger | Nornes | Torkelson |
| Anderson, S. | Dettmer | Hamilton | LeMieur | O'Driscoll | Urdahl |
| Banaian | Doepke | Hancock | Loon | Peppin | Vogel |
| Barrett | Downey | Holberg | Mack | Petersen, B. | Wardlow |
| Beard | Drazkowski | Hoppe | Mazorol | Quam | Westrom |
| Benson, M. | Erickson | Howes | McDonald | Runbeck | Woodard |
| Bills | Fabian | Kelly | McElfatrick | Sanders | Spk. Zellers |
| Buesgens | Franson | Kieffer | McFarlane | Schomacker | |
| Cornish | Garofalo | Kiel | McNamara | Scott | |

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

The Speaker resumed the Chair.

S. F. No. 760, A bill for an act relating to state government; establishing the health and human services budget; modifying provisions related to continuing care, chemical and mental health, children and family services, human services licensing, health care programs, the Department of Health, and health licensing boards; appropriating money to the departments of health and human services and other health-related boards and councils; making forecast adjustments; requiring reports; imposing fees; imposing criminal penalties; amending Minnesota Statutes 2010, sections 8.31, subdivisions 1, 3a; 62E.14, by adding a subdivision; 62J.04, subdivision 3; 62J.17, subdivision 4a; 62J.692, subdivisions 4, 7; 103I.005, subdivisions 2, 8, 12, by adding a subdivision; 103I.101, subdivisions 2, 5; 103I.105; 103I.111, subdivision 8; 103I.205, subdivision 4; 103I.208, subdivision 2; 103I.501; 103I.531, subdivision 5; 103I.535, subdivision 6; 103I.641; 103I.711, subdivision 1; 103I.715, subdivision 2; 119B.011, subdivision 13; 119B.09, subdivision 10, by adding subdivisions; 119B.125, by adding a subdivision; 119B.13, subdivisions 1, 1a, 7; 144.125, subdivisions 1, 3; 144.128; 144.396, subdivisions 5, 6; 145.925, subdivision 1; 145.928, subdivisions 7, 8; 148.108, by adding a subdivision; 148.191, subdivision 2; 148.212, subdivision 1; 148.231; 151.07; 151.101; 151.102, by adding a subdivision; 151.12; 151.13, subdivision 1; 151.19; 151.25; 151.47, subdivision 1; 151.48; 152.12, subdivision 3; 245A.10, subdivisions 1, 3, 4, by adding subdivisions; 245A.11, subdivision 2b; 245A.143, subdivision 1; 245C.10, by adding a subdivision; 254B.03, subdivision 4; 254B.04, by adding a subdivision; 254B.06, subdivision 2; 256.01, subdivisions 14, 24, 29, by adding a subdivision; 256.969, subdivision 2b; 256B.04, subdivision 18; 256B.056, subdivisions 1a, 3; 256B.057, subdivision 9; 256B.06, subdivision 4; 256B.0625, subdivisions 8, 8a, 8b, 8c, 12, 13e, 17, 17a, 18, 19a, 25, 31a, by adding subdivisions; 256B.0651, subdivision 1; 256B.0652, subdivision 6; 256B.0653, subdivisions 2, 6; 256B.0911, subdivision 3a; 256B.0913, subdivision 4; 256B.0915, subdivisions 3a, 3b, 3e, 3h, 6, 10; 256B.14, by adding a subdivision; 256B.431, subdivisions 2r, 32, 42, by adding a subdivision; 256B.437, subdivision 6; 256B.441, subdivisions 50a, 59; 256B.48, subdivision 1; 256B.49, subdivision 16a; 256B.69, subdivisions 4, 5a, by adding a subdivision; 256B.76, subdivision 4; 256D.02, subdivision 12a; 256D.031, subdivisions 6, 7, 9; 256D.44, subdivision 5; 256D.47; 256D.49, subdivision 3; 256E.30, subdivision 2; 256E.35, subdivisions 5, 6; 256J.12, subdivisions 1a, 2; 256J.37, by adding a subdivision; 256J.38, subdivision 1; 256L.04, subdivision 7; 256L.05, by adding a subdivision; 256L.11, subdivision 7; 256L.12, subdivision 9; 297F.10, subdivision 1; 393.07, subdivision 10; 402A.10,

subdivisions 4, 5; 402A.15; 518A.51; Laws 2008, chapter 363, article 18, section 3, subdivision 5; Laws 2010, First Special Session chapter 1, article 15, section 3, subdivision 6; article 25, section 3, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 1; 145; 148; 151; 214; 256; 256B; 256L; proposing coding for new law as Minnesota Statutes, chapter 256N; repealing Minnesota Statutes 2010, sections 62J.17, subdivisions 1, 3, 5a, 6a, 8; 62J.321, subdivision 5a; 62J.381; 62J.41, subdivisions 1, 2; 103I.005, subdivision 20; 144.1464; 144.147; 144.1487; 144.1488, subdivisions 1, 3, 4; 144.1489; 144.1490; 144.1491; 144.1499; 144.1501; 144.6062; 145.925; 145A.14, subdivisions 1, 2a; 245A.10, subdivision 5; 256.979, subdivisions 5, 6, 7, 10; 256.9791; 256B.055, subdivision 15; 256B.0625, subdivision 8e; 256B.0653, subdivision 5; 256B.0756; 256D.01, subdivisions 1, 1a, 1b, 1e, 2; 256D.03, subdivisions 1, 2, 2a; 256D.031, subdivisions 5, 8; 256D.05, subdivisions 1, 2, 4, 5, 6, 7, 8; 256D.0513; 256D.053, subdivisions 1, 2, 3; 256D.06, subdivisions 1, 1b, 2, 5, 7, 8; 256D.09, subdivisions 1, 2, 2a, 2b, 5, 6; 256D.10; 256D.13; 256D.15; 256D.16; 256D.35, subdivision 8b; 256D.46; Laws 2010, First Special Session chapter 1, article 16, sections 6; 7; Minnesota Rules, parts 3400.0130, subpart 8; 4651.0100, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 16a, 18, 19, 20, 20a, 21, 22, 23; 4651.0110, subparts 2, 2a, 3, 4, 5; 4651.0120; 4651.0130; 4651.0140; 4651.0150; 9500.1243, subpart 3.

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

The question was taken on the passage of the bill and the roll was called. There were 70 yeas and 62 nays as follows:

Those who voted in the affirmative were:

| | | | | | |
|--------------|------------|------------|--------------|--------------|--------------|
| Abeler | Daudt | Gruenhagen | Kriesel | Murdock | Shimanski |
| Anderson, B. | Dauids | Gunther | Lanning | Murray | Smith |
| Anderson, D. | Dean | Hamilton | Leidiger | Myhra | Stensrud |
| Anderson, P. | Dettmer | Hancock | LeMieur | Nornes | Swedzinski |
| Anderson, S. | Doepke | Holberg | Lohmer | O'Driscoll | Torkelson |
| Banaian | Downey | Hoppe | Loon | Peppin | Urdahl |
| Barrett | Drazkowski | Howes | Mack | Petersen, B. | Wardlow |
| Beard | Erickson | Huntley | Mazorol | Quam | Westrom |
| Benson, M. | Fabian | Kelly | McDonald | Runbeck | Woodard |
| Bills | Franson | Kieffer | McElfratrick | Sanders | Spk. Zellers |
| Cornish | Garofalo | Kiel | McFarlane | Schomacker | |
| Crawford | Gottwalt | Kiffmeyer | McNamara | Scott | |

Those who voted in the negative were:

| | | | | | |
|------------|-----------|------------|------------|--------------|-----------|
| Anzelc | Eken | Hilty | Liebling | Nelson | Slocum |
| Atkins | Falk | Hornstein | Lillie | Norton | Thissen |
| Benson, J. | Fritz | Hortman | Loeffler | Paymar | Tillberry |
| Brynaert | Gauthier | Hosch | Mariani | Pelowski | Vogel |
| Buesgens | Greene | Johnson | Marquart | Persell | Wagenius |
| Carlson | Greiling | Kahn | Melin | Peterson, S. | Ward |
| Champion | Hackbarth | Kath | Moran | Poppe | Winkler |
| Clark | Hansen | Knuth | Morrow | Rukavina | |
| Davnie | Hausman | Koenen | Mullery | Scalze | |
| Dill | Hayden | Lenczewski | Murphy, E. | Simon | |
| Dittrich | Hilstrom | Lesch | Murphy, M. | Slawik | |

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

MOTIONS AND RESOLUTIONS

Hamilton moved that the name of Murdock be added as an author on H. F. No. 327. The motion prevailed.

Kelly moved that the name of Morrow be added as an author on H. F. No. 387. The motion prevailed.

Paymar moved that the name of Loeffler be added as an author on H. F. No. 547. The motion prevailed.

Anderson, B., moved that the names of Franson, Wardlow, Drazkowski, Kiffmeyer, Sanders, Beard, Dettmer, Holberg and Stensrud be added as authors on H. F. No. 595. The motion prevailed.

Kahn moved that the name of Loeffler be added as an author on H. F. No. 1207. The motion prevailed.

Hayden moved that the name of Loeffler be added as an author on H. F. No. 1313. The motion prevailed.

Kahn moved that the name of Loeffler be added as an author on H. F. No. 1357. The motion prevailed.

Sanders moved that H. F. No. 1152, now on the General Register, be re-referred to the Committee on Government Operations and Elections. The motion prevailed.

ADJOURNMENT

Dean moved that when the House adjourns today it adjourn until 3:00 p.m., Thursday, April 7, 2011. The motion prevailed.

Dean moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Thursday, April 7, 2011.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

