STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2007

SIXTEENTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, FEBRUARY 13, 2007

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

Prayer was offered by the Reverend Paul Rogers, 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:

Abeler
Anderson, B.
Anderson, S.
Anzelc
Atkins
Beard
Benson
Bers
Bigham
Bly
Brod
Brown
Brynaert
Buesgens
Bunn
Carlson
Clark
Davnie
Dean
DeLaForest
Demmer
Dettmer

Abeler
Anderson, B.
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Anzelc
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Brown
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Buesgens
Bunn
Carlson
Clark
Davnie
Dean
DeLaForest
Demmer
Dettmer

Heidgerken
Hilstrom
Hilty
Hoppe
Hornstein
Hortman
Hosch
Howes
Huntley
Jaros
Johnson
Juhnke
Kah\nKal\nKalin
Knuth
Koenen
Kohn
Kranz
Kran
Laine
Lanning
Leczewski
Lesch

Liebling
Lieder
Lillie
Loeffler
Madore
Magnus
Mahoney
Mariam\nMarquart
Masin
McFarlane
McNamara
Moe
Morgan
Morrow
Mullery
Murphy, E.
Murphy, M.
Nelson
Nornes
Norton
Olin

Otremba
Ozment
Paulsen
Paymar
Pelowski
Peppin
Peterson, A.
Peterson, N.
Peterson, S.
Poppe
Rukavina
Ruth
Ruud
Sailor
Scalze
Seifert
Sertich
Severson
Shimanski
Simon
Simpson
Slawik

Slocum
Smith
Solberg
Sviggum
Swails
Thao
Thissen
Tillberry
Tingelstad
Tschumper
Urdahl
Wagenius
Ward
Wardlow
Welti
Westrom
Winkler
Wollschlager
Zellers
Spk. Kelliher

A quorum was present.

Cornish, Olson and Walker were excused.

Holberg was excused until 1:00 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Norton moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.
Thissen from the Committee on Health and Human Services to which was referred:

H. F. No. 1, A bill for an act relating to human services; creating a children's health security account; establishing the children's health security program; specifying eligibility criteria, covered services, and administrative procedures; establishing the Legislative Task Force on Children's Health Care Coverage; requiring reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16A; proposing coding for new law as Minnesota Statutes, chapter 256N.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [16A.726] CHILDREN'S HEALTH SECURITY ACCOUNT.

A children's health security account is created in a special revenue fund in the state treasury. The commissioner shall deposit to the credit of the account money made available to the account. Notwithstanding section 11A.20, any investment income attributable to the investment of the children's health security account not currently needed shall be credited to the children's health security account.

Sec. 2. Minnesota Statutes 2006, section 256B.057, subdivision 8, is amended to read:

Subd. 8. Children under age two. Medical assistance may be paid for a child under two years of age whose countable family income is above 275 300 percent of the federal poverty guidelines for the same size family but less than or equal to 280 305 percent of the federal poverty guidelines for the same size family.

EFFECTIVE DATE. This section is effective July 1, 2008, or upon federal approval, whichever is later.

Sec. 3. [256N.01] CITATION.

This chapter may be cited as the "Children's Health Security Act."

Sec. 4. [256N.02] DEFINITIONS.

Subdivision 1. Applicability. The terms used in this chapter have the following meanings unless otherwise provided for by text.


Subd. 3. Commissioner. "Commissioner" means the commissioner of human services.

Subd. 4. Dependent child. "Dependent child" means an unmarried child under age 25 who is claimed as a dependent for federal income tax purposes by a parent, grandparent, foster parent, relative caretaker, or legal guardian.
Sec. 5. **[256N.03] ESTABLISHMENT.**

The commissioner shall establish the children's health security program. The commissioner shall begin implementation of the program on July 1, 2008, or upon federal approval, whichever is later. The children's health security program must comply with title XIX of the Social Security Act, and waivers granted under title XIX.

Sec. 6. **[256N.05] ELIGIBILITY.**

Subdivision 1. **General requirements.** Children meeting the eligibility requirements of this section are eligible for the children's health security program.

Subd. 2. **Income limit.** (a) Children in families with gross household incomes equal to or less than 300 percent of the federal poverty guidelines are eligible for the children's health security program. In determining gross income, the commissioner shall use the income methodology applied to children under the MinnesotaCare program.

(b) Effective July 1, 2008, a dependent child is eligible for state-funded benefits under this section.

(c) Effective July 1, 2010, children in families with household incomes in excess of 300 percent of the federal poverty guidelines must be included in the children's health security program. The requirements for eligibility, the form of the benefits, and other terms and conditions of the program must be determined by the legislature after receiving the report of the Legislative Task Force on Children's Health Coverage established under section 19.

Subd. 3. **Residency.** (a) To be eligible for health coverage under the children's health security program, children must be permanent residents of Minnesota. For purposes of this requirement, a permanent Minnesota resident is a person who has demonstrated, through persuasive and objective evidence, that the person is domiciled in the state and intends to live in the state permanently.

(b) To be eligible as a permanent resident, an applicant, or the applicant's parent or guardian as applicable, must demonstrate the requisite intent to live in the state permanently by:

(1) showing that the applicant, or the applicant's parent or guardian as applicable, maintains a residence at a verified address, through the use of evidence of residence described in paragraph (c); and

(2) signing an affidavit declaring that the applicant currently resides in the state and intends to reside in the state permanently, and the applicant did not come to the state for the primary purpose of obtaining medical coverage or treatment.

(c) An applicant, or a parent or guardian of an applicant, may verify a residence address by presenting a valid state driver's license, a state identification card, a voter registration card, a rent receipt, a statement by the landlord, an apartment or emergency shelter manager, or a homeowner verifying that the individual is residing at the address, or other form of verification approved by the commissioner.

(d) A child who is temporarily absent from the state does not lose eligibility for the children's health security program. "Temporarily absent from the state" means the person is out of the state for a temporary purpose and intends to return when the purpose of the absence has been accomplished. A person is not temporarily absent from the state if another state has determined that the person is a resident for any purpose. If temporarily absent from the state, the person must follow the requirements of the health plan in which the person is enrolled to receive services.

(e) A child who moved to Minnesota primarily to obtain medical treatment or health coverage for a preexisting condition is not a permanent resident.
Subd. 4. **Enrollment voluntary.** Enrollment in the children’s health security program is voluntary. Parents or guardians may retain private sector or Medicare coverage for a child as the sole source of coverage. Parents or guardians who have private sector or Medicare coverage for children may also enroll children in the children’s health security program. If private sector or Medicare coverage is available, coverage under the children’s health security program is secondary to the private sector or Medicare coverage.

Subd. 5. **Emergency services.** Payment must be made for care and services that are furnished to noncitizens, regardless of immigration status, who otherwise meet the eligibility requirements of this chapter, if the care and services are necessary for the treatment of an emergency medical condition, except for organ transplants and related care and services and routine prenatal care. For purposes of this subdivision, “emergency medical condition” means a medical condition that meets the requirements of United States Code, title 42, section 1396b(v).

Subd. 6. **Medical assistance standards and procedures.** (a) Unless otherwise specified in this chapter, the commissioner shall use medical assistance procedures and methodology when determining initial eligibility and redetermining eligibility for the children’s health security program.

(b) The procedures and income standard specified in section 256B.056, subdivisions 5 and 5c, paragraph (a), apply to children who would be eligible for the children’s health security program, except for excess income.

(c) Retroactive coverage for the children’s health security program must be provided as specified in section 256B.056, subdivision 7.

Sec. 7. **[256N.07] COVERED SERVICES.**

Covered services under the children’s health security program must consist of all covered services under chapter 256B.

Sec. 8. **[256N.09] NO ENROLLEE PREMIUMS OR COST SHARING.**

In order to ensure broad access to coverage, the children’s health security program has no enrollee premium or cost-sharing requirements.

Sec. 9. **[256N.11] APPLICATION PROCEDURES; ELIGIBILITY DETERMINATION.**

**Subdivision 1. Application procedure.** The application form for the program must be easily understandable and must not exceed two pages in length. Applications for the program must be made available to provider offices, local human services agencies, school districts, schools, community health offices, and other sites willing to cooperate in program outreach. These sites may accept applications and forward applications to the commissioner. Applications may also be made directly to the commissioner.

**Subdivision 2. Eligibility determination.** The commissioner shall determine an applicant’s eligibility for the program within 30 days of the date the application is received by the commissioner, according to the procedures set forth in Code of Federal Regulations, title 42, section 435.911.

**Subdivision 3. Presumptive eligibility.** Coverage under the program is available during a presumptive eligibility period for children under age 19 whose family income does not exceed the applicable income standard. The presumptive eligibility period begins on the date on which a health care provider enrolled in the program, or other entity designated by the commissioner, determines, based on preliminary information, that the child's family income does not exceed the applicable income standard. The presumptive eligibility period ends the earlier of the day on which a determination is made of eligibility under this section or the last day of the month following the month presumptive eligibility was determined.
Subd. 4. **Renewal of eligibility.** The commissioner shall require enrollees to renew eligibility every 12 months.

Subd. 5. **Continuous eligibility.** Children under the age of 19 who are eligible under this section shall be continuously eligible until the earlier of the next renewal period, or the time that a child exceeds age 19.

Sec. 10. **[256N.12] COUNTY ROLE.**

Counties may choose to determine eligibility under section 256N.11, provide assistance to applicants under section 256N.17, subdivision 1, and provide ombudsperson services under section 256N.17, subdivision 2. This must not limit the ability of the commissioner to establish reasonable staffing standards that relate to the number of persons served, and that provide a county option to hire part-time staff or pursue multicounty implementation models. If a county chooses not to deliver these services, they must be delivered by the commissioner. If as a result of state assumption of these roles, county staff with expertise and experience in these areas are laid off, they must be given hiring consideration by the commissioner in staffing these functions within the Department of Human Services. State and federal funding to support these services must be the same, whether delivered by the state or by a county or group of counties.

Sec. 11. **[256N.13] SERVICE DELIVERY.**

Subdivision 1. **Contracts for service delivery.** The commissioner, within each county, may contract with managed care organizations, including health maintenance organizations licensed under chapter 62D, community integrated service networks licensed under chapter 62N, accountable provider networks licensed under chapter 62T, and county-based purchasing plans established under section 256B.692, to provide covered health care services to program enrollees under a managed care system, and may contract with health care and social service providers to provide services on a fee-for-service basis. Section 256B.69, subdivision 26, applies to contracts with managed care organizations. In determining the method for service delivery, the commissioner shall consider the cost and quality of health care services; the breadth of services offered, including medical, dental and mental health services; the breadth of choice of medical providers for enrollees; the ease of access to quality medical care for enrollees; the efficiency and cost-effectiveness of service delivery; and the integration of best medical practice standards into the children's health security program.

Subd. 2. **Managed care organization requirements.** (a) Managed care organizations under contract are responsible for coordinating covered health care services provided to eligible individuals. Managed care organizations under contract:

(1) shall authorize and arrange for the provision of all needed covered health services under chapter 256B, with the exception of services available only under a medical assistance home and community-based waiver, in order to ensure appropriate health care is delivered to enrollees;

(2) shall comply with the requirements of section 256B.69, subdivision 26;

(3) shall accept the prospective, per capita payment from the commissioner in return for the provision of comprehensive and coordinated health care services for enrollees;

(4) may contract with health care and social service providers to provide covered services to enrollees; and

(5) shall institute enrollee grievance procedures according to the method established by the commissioner, utilizing applicable requirements of chapter 62D and Code of Federal Regulations, title 42, section 438, subpart F. Disputes may also be appealed to the commissioner using the procedures in section 256.045.
(b) Upon implementation of the children’s health security program, the commissioner shall withhold five percent of managed care organization payments pending completion of performance targets, including lead screening, well child services, immunizations, vision screening, and customer service performance targets. Effective for services rendered on or after January 1, 2010, the commissioner shall increase the withhold by an additional two percent, for a total withhold of seven percent of managed care organization payments and shall add treatment of asthma and screening for mental health as new performance targets. Each performance target must apply uniformly to all managed care organizations, and be qualitative, objective, measurable, and reasonably attainable, except in the case of a performance target based on federal or state law or rule. Criteria for assessment of each performance target must be outlined in writing prior to the contract effective date. The withhold funds must be returned no sooner than July of the following year if performance targets in the contract are achieved. The success of each managed care organization in reaching performance targets must be reported to the legislature annually.

Subd. 3. Fee-for-service delivery. Disputes related to services provided under the fee-for-service system may be appealed to the commissioner using the procedures in section 256.045.

Subd. 4. Contracts for waiver services. The commissioner, when services are delivered through managed care, may contract with health care and social service providers on a fee-for-service basis to provide program enrollees with covered services available only under a medical assistance home and community-based waiver. The commissioner shall determine eligibility for home and community-based waiver services using the criteria and procedures in chapter 256B. Disputes related to services provided on a fee-for-service basis may be appealed to the commissioner using the procedures in section 256.045.

Subd. 5. Service delivery for Minnesota disabilities health option recipient. Individuals who voluntarily enroll in the Minnesota Disability Health Option (MnDHO), established under section 256B.69, subdivision 23, shall continue to receive their home and community-based waiver services through MnDHO.

Subd. 6. Disabled or blind children. Children eligible for medical assistance due to blindness or disability as determined by the Social Security Administration or the state medical review team are exempt from enrolling in a managed care organization and shall be provided health benefits on a fee-for-service basis.

Sec. 12. [256N.15] PAYMENT RATES.

Subdivision 1. Establishment. The commissioner, in consultation with a health care actuary, shall establish the method and amount of payments for services. The commissioner shall annually contract with eligible entities to provide services to program enrollees. The commissioner, in consultation with the Risk Adjustment Association established under section 62Q.03, subdivision 6, shall develop and implement a risk adjustment system for the program.

Subd. 2. Provider rates. In establishing the payment amount under subdivision 1, the commissioner shall ensure that fee-for-service payment rates for preventative care services provided on or after July 1, 2008, are at least five percent above the medical assistance rates for preventative services in effect on June 30, 2008, and shall ensure that fee-for-service payment rates for all other services provided on or after July 1, 2008, are at least three percent above the medical assistance rates for those services in effect on June 30, 2008. The commissioner shall adjust managed care capitation rates to reflect these increases, and shall require managed care organizations, as a condition of contract, to pass these increases on to providers under contract.

Subd. 3. Performance rate bonus. The commissioner shall establish a care coordination performance target bonus plan for fee-for-service providers and providers under contract with a managed care organization to serve program clients. The plan shall establish care coordination and preventative care performance targets for providers. The performance targets must be qualitative, objective, and measurable. Criteria for assessment of each performance target must be outlined in writing prior to the contract effective date. Providers shall submit to the
commissioner by March 1 of each year information specified by the commissioner that demonstrates the provider has met the performance targets for the prior year. If the commissioner determines the provider has satisfied the performance targets, the commissioner shall pay directly to the provider a care coordination performance bonus equal to one and one-half percent of all payments for services under the children's health security program made to that provider during the prior year. Managed care organizations shall provide to the commissioner, in the form and manner specified by the commissioner, all information necessary to implement the performance target bonus plan for providers under contract.

Sec. 13. [256N.17] CONSUMER ASSISTANCE.

Subdivision 1. Assistance to applicants. The commissioner shall assist applicants in choosing a managed care organization or fee-for-service provider by:

(1) establishing a Web site to provide information about managed care organizations and fee-for-service providers and to allow online enrollment;

(2) make information on managed care organizations and fee-for-service providers available at the sites specified in section 256N.11, subdivision 1;

(3) make applications and information on managed care organizations and fee-for-service providers available to applicants and enrollees according to Title VI of the Civil Rights Act and federal regulations adopted under that law or any guidance from the United States Department of Health and Human Services; and

(4) make benefit educators available to assist applicants in choosing a managed care organization or fee-for-service provider.

Subd. 2. Ombudsperson. The commissioner shall designate an ombudsperson to advocate for children enrolled in the children's health security program. The ombudsperson shall assist enrollees in understanding and making use of complaint and appeal procedures and ensure that necessary medical services are provided to enrollees. At the time of enrollment, the commissioner shall inform enrollees about the ombudsperson program, the right to a resolution of the enrollee's complaint by the managed care organization if the enrollee experiences a problem with the managed care organization or its providers, and appeal rights under section 256.045.

Sec. 14. [256N.19] MONITORING AND EVALUATION OF QUALITY AND COSTS.

(a) The commissioner, as a condition of contract, shall require each participating managed care organization and participating provider to submit, in the form and manner specified by the commissioner, data required for assessing enrollee satisfaction, quality of care, cost, and utilization of services. The commissioner shall evaluate this data, in order to:

(1) make summary information on the quality of care across managed care organizations, medical clinics, and providers available to consumers;

(2) require managed care organizations and providers, as a condition of contract, to implement quality improvement plans; and

(3) compare the cost and quality of services under the program to the cost and quality of services provided to private sector enrollees.

(b) The commissioner shall implement this section to the extent allowed by federal and state laws on data privacy.
Sec. 15. [256N.21] FEDERAL APPROVAL.

The commissioner shall seek all federal waivers and approvals necessary to implement this chapter including, but not limited to, waivers and approvals necessary to:

1. coordinate medical assistance and MinnesotaCare coverage for children with the children's health security program;

2. use federal medical assistance and MinnesotaCare dollars to pay for health care services under the children's health security program;

3. maximize receipt of the federal medical assistance match for covered children, by increasing income standards through the use of more liberal income methodologies as provided under United States Code, title 42, sections 1396a and 1396u-1;

4. extend presumptive eligibility and continuous eligibility to children under age 21; and

5. use federal medical assistance and MinnesotaCare dollars to provide benefits to dependent children.

Sec. 16. [256N.23] RULEMAKING.

The commissioner shall adopt rules to implement this chapter.

Sec. 17. [256N.25] CHILDREN'S HEALTH SECURITY PROGRAM OUTREACH.

Subdivision 1. Grant awards. The commissioner shall award grants to public or private organizations to:

1. provide information, in areas of the state with high uninsured populations, on the importance of maintaining insurance coverage and on how to obtain coverage through the children's health security program; and

2. monitor and provide ongoing support to ensure enrolled children remain covered.

Subd. 2. Criteria. In awarding the grants, the commissioner shall consider the following:

1. geographic areas and populations with high uninsured rates;

2. the ability to raise matching funds;

3. the ability to contact, effectively communicate with, or serve eligible populations; and

4. the applicant's plan to monitor and provide support to ensure enrolled children remain covered.

Subd. 3. Monitoring and termination. The commissioner shall monitor the grants and may terminate a grant if the outreach effort does not increase enrollment in the children's health security program.

Sec. 18. IMPLEMENTATION PLAN.

The commissioner of human services shall develop an implementation plan for the children's health security coverage program, which includes a health delivery plan based on the criteria specified in Minnesota Statutes, section 256N.13, subdivision 1. The commissioner shall present this plan, any necessary draft legislation, and a draft of proposed rules to the legislature by December 15, 2007. The plan must include recommendations for any
additional legislative changes necessary to merge medical assistance and MinnesotaCare coverage for children into the children's health security program. The commissioner shall evaluate the provision of services under the program to children with disabilities and shall present recommendations to the legislature by December 15, 2009, for any program changes necessary to ensure the quality and continuity of care.

Sec. 19. LEGISLATIVE TASK FORCE ON CHILDREN'S HEALTH CARE COVERAGE.

Subdivision 1. Establishment; membership. The Legislative Task Force on Children's Health Care Coverage is established. The task force consists of: five members of the house of representatives appointed under the rules of the house, of whom three members must be from the majority party and two members from the minority party; and five members of the senate appointed under the rules of the senate, of whom three members must be from the majority party and two members from the minority party. Task force members must be appointed by September 1, 2007.

Subd. 2. Study; staff support. (a) The task force shall study viable options to extend coverage to all children as provided in Minnesota Statutes, section 256N.05, subdivision 2, paragraph (c), and provide recommendations to the legislature. The study must:

(1) evaluate methods to achieve universal coverage for children, including, but not limited to, changes to the employer-based coverage system and an expansion of eligibility for the children's health security program established under Minnesota Statutes, chapter 256N;

(2) examine health care reform and cost containment methods that will contain costs and increase access and improve health outcomes;

(3) examine how to increase access to preventive care and health care services; and

(4) examine how to reduce health disparities among minority populations.

(b) The task force, through the Legislative Coordinating Commission, may hire staff or contract for staff support for the study.

(c) The task force, in developing recommendations, shall hold meetings to hear public testimony at locations throughout the state, including locations outside of the seven-county metropolitan area.

Subd. 3. Recommendations. The task force shall report its recommendations to the legislature by December 15, 2008. Recommendations must be consistent with the following criteria:

(1) health care coverage must include preventive care and all other medically necessary services;

(2) health care coverage must be affordable for families, with the family share of premium costs and cost-sharing in total not exceeding five percent of family income;

(3) the system of coverage must give priority to ensuring access to and the quality and continuity of care; and

(4) enrollment must be simple and seamless for families.

Subd. 4. Expiration. This section expires December 16, 2008.
Sec. 20. APPROPRIATION.

(a) $....... is appropriated from the general fund to the commissioner of human services for the biennium ending June 30, 2009, to develop and implement the Children’s Health Security Act under Minnesota Statutes, chapter 256N.

(b) $....... is appropriated from the health care access fund to the commissioner of human services for the biennium ending June 30, 2009, to develop and implement the Children’s Health Security Act under Minnesota Statutes, chapter 256N.

(c) $....... is appropriated from the general fund to the Legislative Coordinating Commission for the biennium ending June 30, 2009, for staff support provided to the Legislative Task Force on Children’s Health Care Coverage.

Delete the title and insert:

"A bill for an act relating to human services; creating a children’s health security account; establishing the children’s health security program; specifying eligibility criteria, covered services, and administrative procedures; establishing service delivery and payment rates; providing for consumer assistance and quality monitoring; establishing the children’s health security program outreach; establishing a task force on children’s health care coverage; authorizing rulemaking; requiring reports; appropriating money; amending Minnesota Statutes 2006, section 256B.057, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 16A; proposing coding for new law as Minnesota Statutes, chapter 256N."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Governmental Operations, Reform, Technology and Elections.

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 87, A bill for an act relating to capital improvements; authorizing expenditures to predesign an Asian Pacific Cultural Center in St. Paul; amending Laws 2006, chapter 258, section 21, subdivision 21.

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

The report was adopted.

Atkins from the Committee on Commerce and Labor to which was referred:

H. F. No. 116, A bill for an act relating to commerce; imposing certain customer sales or service call center requirements; prescribing a criminal penalty; proposing coding for new law in Minnesota Statutes, chapter 325E.

Reported the same back with the following amendments:

Page 1, line 21, delete "Any person" and insert "An individual who is a Minnesota resident"

Page 2, line 1, delete "A person" and insert "An individual who is a Minnesota resident"
Page 2, line 3, delete "person's" and insert "Minnesota resident's" and after "right" insert ", upon reaching a customer service representative."

Page 2, after line 5, insert:

"Subd. 3. **Nonapplicability; business-to-business calls.** The rights granted under this section to an individual who is a Minnesota resident do not apply when the individual who is a Minnesota resident is making or receiving the call on behalf of a business."

Page 2, line 6, delete "3" and insert "4"

Page 2, line 8, delete "4" and insert "5"

Amend the title as follows:

Page 1, line 3, delete "prescribing a criminal penalty;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Public Safety and Civil Justice.

The report was adopted.

Mahoney from the Committee on Biosciences and Emerging Technology to which was referred:

H. F. No. 290, A bill for an act relating to economic development; appropriating money to the commissioner of employment and economic development for University Enterprise Laboratories, Inc.; requiring a report.

Reported the same back with the following amendments:

Page 1, line 7, delete the first "the" and delete "beginning"

Page 1, line 11, after "submitted" insert "by the University Enterprise Laboratories, Inc."

Page 1, line 12, after "This" insert "is a onetime" and after the second "appropriation" insert "and"

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

The report was adopted.

Carlson from the Committee on Finance to which was referred:

H. F. No. 293, A bill for an act relating to state government; appropriating money for environment and natural resources; modifying meeting requirements of the Legislative-Citizen Commission on Minnesota Resources; amending Minnesota Statutes 2006, section 116P.08, subdivision 5.

Reported the same back with the following amendments:
Page 3, line 26, after the period, insert "Land subject to easements acquired under this appropriation may not be enrolled in the sustainable forest management incentive program under Minnesota Statutes, chapter 290C."

Page 16, line 20, after the semicolon, insert "parties to an easement must specify in the easement all the provisions of their agreement that are perpetual; an electronic copy of the terms of an easement acquired must be sent to the commission office;"

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.

Hilty from the Energy Finance and Policy Division to which was referred:

S. F. No. 4, A bill for an act relating to energy; establishing renewable energy standard; amending Minnesota Statutes 2006, section 216B.1691; repealing Minnesota Statutes 2006, section 216B.169.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 87 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Hilstrom and Hornstein introduced:

H. F. No. 921, A bill for an act relating to taxes; individual income; providing a credit for tree-planting expenses; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Thissen, Huntley, Brod, Hosch and Walker introduced:

H. F. No. 922, A bill for an act relating to human services; changing mental health provisions; authorizing provider rate increases; changing mental health services coverage by medical assistance; implementing evidence-based practice; appropriating money; amending Minnesota Statutes 2006, sections 256B.038, 256B.0623, subdivisions 2, 8, 12; 256B.0625, subdivisions 38, 43, 46, by adding subdivisions; 256B.0943, subdivisions 1, 2, by adding a subdivision; 256B.69, subdivisions 5g, 5h; 256B.761; 256B.763; 256L.12, subdivision 9a.

The bill was read for the first time and referred to the Committee on Health and Human Services.
Hornstein; Walker; Anderson, B., and Greiling introduced:

H. F. No. 923, A bill for an act relating to mental health; creating a mental health fatality review team; appropriating money.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Dominguez, Rukavina, Sertich, Nelson, Fritz and Hornstein introduced:

H. F. No. 924, A bill for an act relating to employment; regulating unpaid work for cash assistance; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Lenczewski introduced:

H. F. No. 925, A bill for an act relating to energy; modifying renewable energy standard; amending Minnesota Statutes 2006, section 216B.1691.

The bill was read for the first time and referred to the Energy Finance and Policy Division.

Peterson, A., introduced:

H. F. No. 926, A bill for an act relating to environment; appropriating money to study septic systems’ impact on the environment and provide technical assistance.

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

Hortman and Dittrich introduced:

H. F. No. 927, A bill for an act relating to education finance; increasing the equalizing factor on the equity, transition, and referendum revenue programs; amending Minnesota Statutes 2006, sections 126C.10, subdivisions 29, 32; 126C.17, subdivision 6.

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

Dill; Jaros; Eken; Rukavina; Peterson, A.; Seifert and Simpson introduced:

H. F. No. 928, A bill for an act relating to taxation; sales taxes; specifying that sales of targets to shooting ranges are a sale of property for resale; amending Minnesota Statutes 2006, section 297A.61, subdivision 4.

The bill was read for the first time and referred to the Committee on Taxes.
Ruud and Benson introduced:

H. F. No. 929, A bill for an act relating to taxation; sales tax; providing a sales tax exemption for materials and supplies used in the construction of a water treatment facility in Minnetonka.

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

Dean, Paulsen, Holberg, DeLaForest, Westrom, Zellers, Dettmer, Urdahl, Peppin and Erickson introduced:

H. F. No. 930, A bill for an act relating to taxation; individual income; allowing a subtraction for health insurance premiums; amending Minnesota Statutes 2006, section 290.01, subdivision 19b.

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

Mullery introduced:

H. F. No. 931, A bill for an act relating to mortgages; prohibiting certain predatory lending practices; prescribing criminal penalties; providing remedies; amending Minnesota Statutes 2006, sections 58.13, subdivision 1; 58.137, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 58; 82B.

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

Hilstrom and Nelson introduced:

H. F. No. 932, A bill for an act relating to education; appropriating money to provide a grant to the Northwest Hennepin Family Center in Brooklyn Center.

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

Tillberry and Lillie introduced:

H. F. No. 933, A bill for an act relating to commerce; regulating vehicle protection products; establishing registration and oversight requirements; requiring certain disclosures; providing remedies and penalties; proposing coding for new law as Minnesota Statutes, chapter 59C.

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

Clark; Tingelstad; Ruud; Atkins; Gardner; Winkler; Peterson, A.; Mahoney; Mullery; Murphy, E.; Anzelc; Hornstein; Hansen; Davnie; Knuth; Tillberry; Dominguez; Walker; Eken; Johnson and Abeler introduced:

H. F. No. 934, A bill for an act relating to the environment; restricting the manufacture and sale of certain polybrominated diphenyl ethers; requiring a report; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.
Scalze, Hilstrom, Beard and Demmer introduced:

H. F. No. 935, A bill for an act relating to local government; renaming the Metropolitan Intercounty Association; amending Minnesota Statutes 2006, sections 353.01, subdivision 6; 383D.48; 471.61, subdivision 1.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Hornstein; Walker; Anderson, B., and Greiling introduced:

H. F. No. 936, A bill for an act relating to law enforcement; creating a crisis intervention team state council; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 245.

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice.

Brynaert, Gunther, Morrow, Poppe, Abeler, Norton and Hausman introduced:

H. F. No. 937, A bill for an act relating to capital improvement; appropriating money for Minnesota State University, Mankato, Trafton Hall phase 2, authorizing the sale and issuance of state bonds.

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

Hortman, Moe, Abeler, McFarlane, Rukavina, Heidgerken, Nornes, Gunther, Bly, Poppe and Slocum introduced:

H. F. No. 938, A bill for an act relating to higher education; providing tuition stability at Minnesota State Colleges and Universities; appropriating money.

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

Kranz, Johnson, Slocum, Abeler and Benson introduced:

H. F. No. 939, A bill for an act relating to housing; adjusting deed tax percentage; providing rental housing assistance; establishing a housing account for leverage opportunity; appropriating money; amending Minnesota Statutes 2006, sections 287.21, subdivision 1; 462A.201, by adding a subdivision; 462A.33, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Lenczewski introduced:

H. F. No. 940, A bill for an act relating to education; establishing an advisory task force to examine and make recommendations about the interrelationship between schools' educational mission and competitive extracurricular programs for students.

The bill was read for the first time and referred to the Committee on E-12 Education.
Lenczewski introduced:

H. F. No. 941, A bill for an act relating to education; making some transfer students under the state's open enrollment program ineligible for postseason tournament competitions; amending Minnesota Statutes 2006, section 124D.03, subdivision 6.

The bill was read for the first time and referred to the Committee on E-12 Education.

Davnie, Clark, Thissen, Walker, Huntley, Liebling, Moe, Tschumper and Kelliher introduced:

H. F. No. 942, A bill for an act relating to health; appropriating money for an HIV information and referral service.

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

Mullery introduced:

H. F. No. 943, A bill for an act relating to taxation; corporate franchise; limiting the deemed dividend deduction for foreign operating corporations; amending Minnesota Statutes 2006, section 290.17, subdivision 4.

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

Juhnke and Cornish introduced:

H. F. No. 944, A bill for an act relating to natural resources; appropriating money for grants to promote fishing.

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

Juhnke and Cornish introduced:

H. F. No. 945, A bill for an act relating to game and fish; creating an endowment account to promote fishing opportunities; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 97C.

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

Lieder; Erhardt; Peterson, N.; Hortman and Madore introduced:

H. F. No. 946, A bill for an act relating to transportation; increasing motor fuel tax rates and providing for annual adjustments; expanding authority of counties to levy wheelage taxes; increasing base tax on passenger automobiles; authorizing counties to impose sales tax for transportation purposes; authorizing cities and counties to impose transportation impact fees; authorizing issuance of state trunk highway bonds for trunk highway improvements; authorizing issuance of state transportation bonds for construction and reconstruction of key local bridges; modifying distribution of county state-aid highway fund; exempting certain criteria from Administrative Procedure Act; making clarifying changes; appropriating money; amending Minnesota Statutes 2006, sections 162.07, subdivision 1, by adding subdivisions; 163.051; 168.013, subdivision 1a; 174.52, subdivision 5; 296A.07, subdivision 3; 296A.08, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 296A; 297A; 426.

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

H. F. No. 947, A bill for an act relating to local government; limiting local government requirements for use of certain nonconforming lots; amending Minnesota Statutes 2006, sections 394.36, by adding a subdivision; 462.357, subdivision 1e.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Moe, Ward, Hansen, Wollschlager, Morrow, Brynaert, Doty, Faust, Kalin and Dittrich introduced:

H. F. No. 948, A bill for an act relating to environment; modifying the clean water legacy account; modifying deposit of lottery net proceeds; appropriating money for clean water; amending Minnesota Statutes 2006, sections 114D.45, subdivision 2; 349A.10, subdivision 5.

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

Moe, Ward, Hansen, Wollschlager, Morrow, Doty, Kalin and Dittrich introduced:

H. F. No. 949, A bill for an act relating to natural resources; establishing a great outdoors and clean water fund; creating a Great Outdoors Council; modifying the Clean Water Council; appropriating money; amending Minnesota Statutes 2006, sections 10A.01, subdivision 35; 114D.30, by adding a subdivision; 114D.45, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84; repealing Minnesota Statutes 2006, section 114D.30, subdivision 2.

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

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Sertich from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bill to be placed on the Calendar for the Day for Tuesday, February 13, 2007:

H. F. No. 160.

CALENDAR FOR THE DAY

H. F. No. 160 was reported to the House.
Seifert; Nornes; Westrom; Howes; Hamilton; Urdahl; Magnus; Eastlund; Otremba; Erickson; Gunther; Finstad and Anderson, B., moved to amend H. F. No. 160, the first engrossment, as follows:

Page 2, line 13, delete "secretary of state" and insert "commissioner of finance"

Page 2, line 14, delete "may" and insert "must" and after "the" insert "surplus"

Page 2, line 14, delete "in" and insert "to townships equally to pay for future voting machine programming costs."

Page 2, delete line 15

Amend the title accordingly

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Dill</th>
<th>Heidgerken</th>
<th>Liebling</th>
<th>Otremba</th>
<th>Slocum</th>
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<tbody>
<tr>
<td>Anderson, B.</td>
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<td>Ozment</td>
<td>Smith</td>
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<td>Anzlec</td>
<td>Doty</td>
<td>Hoppe</td>
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<td>Haws</td>
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Sertich moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Seifert et al amendment and the roll was called. There were 62 yeas and 69 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Beard</th>
<th>Brown</th>
<th>DeLaForest</th>
<th>Doty</th>
<th>Emmer</th>
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<tr>
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</table>
Those who voted in the negative were:

<table>
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<tr>
<th>Anzelc</th>
<th>Dominguez</th>
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The motion did not prevail and the amendment was not adopted.

CALL OF THE HOUSE LIFTED

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

Sviggum moved to amend H. F. No. 160, the first engrossment, as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2006, section 206.57, subdivision 5, is amended to read:

Subd. 5. **Voting system for disabled voters.** In federal and state elections held after December 31, 2005, and in county, municipal, and school district elections held after December 31, 2007, the voting method used in each polling place must include a voting system that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters. **This subdivision applies to townships for elections held after December 31, 2019.**"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.
Buesgens and Brod offered an amendment to H. F. No. 160, the first engrossment.

POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Buesgens and Brod amendment was not in order. The Speaker ruled the point of order well taken and the Buesgens and Brod amendment out of order.

H. F. No. 160 was read for the third time.

MOTION FOR RECONSIDERATION

Sertich moved that the action whereby H. F. No. 160 was given its third reading be now reconsidered. The motion prevailed.

Brod offered an amendment to H. F. No. 160, the first engrossment.

POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Brod amendment was not in order. The Speaker ruled the point of order well taken and the Brod amendment out of order.

Hoppe offered an amendment to H. F. No. 160, the first engrossment.

POINT OF ORDER

Sertich raised a point of order pursuant to rule 3.21 that the Hoppe amendment was not in order. The Speaker ruled the point of order well taken and the Hoppe amendment out of order.

Seifert 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 88 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Anzelc  Bunn  Eken  Hilstrom  Johnson  Lenczewski
Atkins  Carlson  Faust  Hilty  Juhnke  Lesch
Benson  Clark  Fritz  Hornstein  Kahn  Liebling
Bingham  Davnie  Gardner  Hortman  Kalin  Lieder
Bly  Dill  Greiling  Hosch  Knuth  Lillie
Brod  Dittrich  Hansen  Howes  Koenen  Loeffler
Brown  Dominguez  Hausman  Huntley  Kranz  Madore
Brynaert  Doty  Haws  Jaros  Laine  Mahoney
Those who voted in the negative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Demmer</th>
<th>Gottwalt</th>
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So it was the judgment of the House that the decision of the Speaker should stand.


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

The question was taken on the passage of the bill and the roll was called. There were 106 yeas and 25 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Dittrich</th>
<th>Hortman</th>
<th>Lillie</th>
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</tbody>
</table>
Those who voted in the negative were:

Anderson, B.  Eastlund  Gunther  Magnus  Siggum
Buesgens  Emmer  Hackbarth  Peppin  Tinglestad
Dean  Erickson  Holberg  Seifert  Urdahl
DeLaForest  Finstad  Hoppe  Shimanski  Wardlow
Dettmer  Gottwald  Kohls  Simpson  Zellers

The bill was passed and its title agreed to.

MOTIONS AND RESOLUTIONS

DeLaForest moved that the name of Kalin be added as an author on H. F. No. 174. The motion prevailed.

Gottwalt moved that the name of Severson be added as an author on H. F. No. 341. The motion prevailed.

Morgan moved that the name of Dettmer be added as an author on H. F. No. 365. The motion prevailed.

Dominguez moved that the name of Dettmer be added as an author on H. F. No. 396. The motion prevailed.

Hosch moved that the name of Urdahl be added as an author on H. F. No. 400. The motion prevailed.

Sertich moved that the name of Scalze be added as an author on H. F. No. 464. The motion prevailed.

Cornish moved that the name of Gottwald be added as an author on H. F. No. 498. The motion prevailed.

Olin moved that the name of Bigham be added as an author on H. F. No. 506. The motion prevailed.

Winkler moved that the name of Kalin be added as an author on H. F. No. 532. The motion prevailed.

Tschumper moved that the names of Lieder, Olin and Brynaert be added as authors on H. F. No. 726. The motion prevailed.

Benson moved that the names of Fritz and Brynaert be added as authors on H. F. No. 803. The motion prevailed.

Faust moved that the name of Brynaert be added as an author on H. F. No. 806. The motion prevailed.

Tillberry moved that the names of Peterson, S.; Lillie and Brynaert be added as authors on H. F. No. 808. The motion prevailed.

Dominguez moved that the names of Bly and Brynaert be added as authors on H. F. No. 809. The motion prevailed.

Swails moved that the name of Kranz be added as an author on H. F. No. 810. The motion prevailed.

Rukavina moved that the name of Hansen be added as an author on H. F. No. 820. The motion prevailed.

Mariani moved that the name of Bly be added as an author on H. F. No. 826. The motion prevailed.
Knuth moved that the name of Ozment be added as an author on H. F. No. 827. The motion prevailed.

Kahn moved that the name of Hansen be added as an author on H. F. No. 828. The motion prevailed.

Brown moved that the name of Brynaert be added as an author on H. F. No. 833. The motion prevailed.

Lanning moved that the name of Simpson be added as an author on H. F. No. 837. The motion prevailed.

Benson moved that the name of Dittrich be added as an author on H. F. No. 841. The motion prevailed.

Tschumper moved that the name of Brynaert be added as an author on H. F. No. 844. The motion prevailed.

Hosch moved that the names of Scalze, Heidgerken and Urdahl be added as authors on H. F. No. 847. The motion prevailed.

Marquart moved that the name of Heidgerken be added as an author on H. F. No. 848. The motion prevailed.

Moe moved that the name of Heidgerken be added as an author on H. F. No. 849. The motion prevailed.

Sailer moved that the name of Simon be added as an author on H. F. No. 854. The motion prevailed.

Buesgens moved that the name of Brod be added as an author on H. F. No. 868. The motion prevailed.

Davnie moved that the names of Morrow and Brynaert be added as authors on H. F. No. 894. The motion prevailed.

Gunther moved that the name of Dittrich be added as an author on H. F. No. 902. The motion prevailed.

Lesch moved that H. F. No. 288 be recalled from the Committee on Public Safety and Civil Justice and be re-referred to the Committee on Finance. The motion prevailed.

Moe moved that H. F. No. 544 be recalled from the Committee on Environment and Natural Resources and be re-referred to the Committee on Finance. The motion prevailed.

Peterson, A., moved that H. F. No. 589 be recalled from the Committee on Finance and be re-referred to the Committee on Agriculture, Rural Economies and Veterans Affairs. The motion prevailed.

Hilstrom moved that H. F. No. 680 be recalled from the Committee on E-12 Education and be re-referred to the Committee on Finance. The motion prevailed.

**ADJOURNMENT**

Sertich moved that when the House adjourns today it adjourn until 10:00 a.m., Thursday, February 15, 2007. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Thursday, February 15, 2007.

ALBIN A. MATHOWETZ, Chief Clerk, House of Representatives