

STATE OF MINNESOTA

Journal of the House

EIGHTY-SIXTH SESSION — 2010

NINETY-FIFTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MAY 3, 2010

The House of Representatives convened at 3:00 p.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by Rabbi Michael Adam Latz, Shir Tikvah Congregation, Minneapolis, Minnesota.

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

The roll was called and the following members were present:

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

A quorum was present.

Emmer, Garofalo and Severson were excused.

Sertich was excused until 3:45 p.m. Thissen was excused until 4:05 p.m.

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

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The Speaker called Liebling to the Chair.

Dittrich was excused between the hours of 3:30 p.m. and 6:45 p.m.

REPORTS OF CHIEF CLERK

S. F. No. 2540 and H. F. No. 2807, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Hornstein moved that the rules be so far suspended that S. F. No. 2540 be substituted for H. F. No. 2807 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2642 and H. F. No. 2970, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Jackson moved that the rules be so far suspended that S. F. No. 2642 be substituted for H. F. No. 2970 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2974 and H. F. No. 3279, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Huntley moved that the rules be so far suspended that S. F. No. 2974 be substituted for H. F. No. 3279 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3051 and H. F. No. 3493, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Hilty moved that S. F. No. 3051 be substituted for H. F. No. 3493 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 3325 and H. F. No. 3748, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Simon moved that S. F. No. 3325 be substituted for H. F. No. 3748 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 26, 2010

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Kelliher:

Please be advised that I have received, approved, signed, and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 3061, relating to solid waste; amending Minnesota's waste management hierarchy.

H. F. No. 3286, relating to metropolitan government; authorizing Metropolitan Council best value contracts and procurement for transit vehicles.

H. F. No. 3157, relating to children; modifying parent notification of child maltreatment in a school facility.

H. F. No. 2907, relating to communications; setting state goals for the deployment and speed of high-speed broadband.

H. F. No. 2879, relating to insurance; allowing certain minors to contract for automobile insurance.

H. F. No. 2231, relating to transportation; allowing road authorities to remove snow from certain roads in uncompleted subdivisions.

H. F. No. 3048, relating to labor and industry; modifying construction codes and licensing provisions; modifying certain notice provisions.

H. F. No. 3391, relating to children; modifying provisions relating to children in need of protection or services.

Sincerely,

TIM PAWLENTY
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2010 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2010</i>	<i>Date Filed 2010</i>
1246		271	5:21 p.m. April 26	April 26
	3061	272	5:05 p.m. April 26	April 26
	3286	273	5:07 p.m. April 26	April 26
2851		274	5:08 p.m. April 26	April 26
2825		275	5:09 p.m. April 26	April 26
	3157	276	5:10 p.m. April 26	April 26
	2907	277	5:12 p.m. April 26	April 26
	2879	278	5:13 p.m. April 26	April 26
	2231	279	5:17 p.m. April 26	April 26
	3048	280	5:14 p.m. April 26	April 26
	3391	281	5:15 p.m. April 26	April 26

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

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

H. F. No. 2614, A bill for an act relating to state government; licensing; state health care programs; continuing care; children and family services; health reform; Department of Health; public health; assessing administrative penalties; requiring reports; making supplemental and contingent appropriations and reductions for the Departments of Health and Human Services and other health-related boards and councils; amending Minnesota Statutes 2008, sections 62D.08, by adding a subdivision; 62J.07, subdivision 2, by adding a subdivision; 62J.38; 62Q.19, subdivision 1; 62Q.76, subdivision 1; 62U.05; 119B.025, subdivision 1; 119B.09, subdivision 4; 119B.11, subdivision 1; 144.226, subdivision 3; 144.291, subdivision 2; 144.651, subdivision 2; 144.9504, by adding a subdivision; 144A.51, subdivision 5; 144E.37; 214.40, subdivision 7; 245C.27, subdivision 2; 245C.28, subdivision

3; 254B.01, subdivision 2; 254B.02, subdivisions 1, 5; 254B.03, subdivision 4, by adding a subdivision; 254B.05, subdivision 4; 254B.06, subdivision 2; 254B.09, subdivision 8; 256.01, by adding a subdivision; 256.9657, subdivision 3; 256B.04, subdivision 14; 256B.055, by adding a subdivision; 256B.056, subdivision 4; 256B.057, subdivision 9; 256B.0625, subdivisions 8, 8a, 8b, 18a, 22, 31, by adding subdivisions; 256B.0631, subdivisions 1, 3; 256B.0644, as amended; 256B.0754, by adding a subdivision; 256B.0915, subdivision 3b; 256B.19, subdivision 1c; 256B.69, subdivisions 20, as amended, 27, by adding subdivisions; 256B.692, subdivision 1; 256B.75; 256B.76, subdivisions 2, 4, by adding a subdivision; 256D.0515; 256J.20, subdivision 3; 256J.24, subdivision 10; 256J.37, subdivision 3a; 256L.02, subdivision 3; 256L.03, subdivision 3, by adding a subdivision; 256L.05, by adding a subdivision; 256L.07, by adding a subdivision; 256L.12, subdivisions 5, 6, 9; 256L.15, subdivision 1; 626.556, subdivision 10i; 626.557, subdivision 9d; Minnesota Statutes 2009 Supplement, sections 62J.495, subdivisions 1a, 3, by adding a subdivision; 144.0724, subdivision 11; 157.16, subdivision 3; 245C.27, subdivision 1; 252.025, subdivision 7; 252.27, subdivision 2a; 256.045, subdivision 3; 256.969, subdivision 3a; 256B.0625, subdivisions 9, 13e; 256B.0653, subdivision 5; 256B.0911, subdivision 1a; 256B.0915, subdivision 3a; 256B.69, subdivision 23; 256B.76, subdivision 1; 256B.766; 256D.03, subdivision 3, as amended; 256J.425, subdivision 3; 256L.03, subdivision 5; 256L.11, subdivision 1; 327.15, subdivision 3; Laws 2005, First Special Session chapter 4, article 8, section 66, as amended; Laws 2009, chapter 79, article 3, section 18; article 5, sections 17; 18; 22; 75, subdivision 1; 78, subdivision 5; article 13, sections 3, subdivisions 1, as amended, 3, as amended, 4, as amended, 8, as amended; 5, subdivision 8, as amended; Laws 2009, chapter 173, article 1, section 17; Laws 2010, chapter 200, article 1, sections 12; 16; 21; article 2, section 2, subdivisions 1, 8; proposing coding for new law in Minnesota Statutes, chapters 62A; 62D; 62E; 62J; 62Q; 144; 245; 254B; 256; 256B; repealing Minnesota Statutes 2008, sections 254B.02, subdivisions 2, 3, 4; 254B.09, subdivisions 4, 5, 7; 256D.03, subdivisions 3a, 3b, 5, 6, 7, 8; Minnesota Statutes 2009 Supplement, section 256D.03, subdivision 3; Laws 2009, chapter 79, article 7, section 26, subdivision 3; Laws 2010, chapter 200, article 1, sections 12, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9; 18; 19.

Reported the same back with the following amendments:

Page 2, line 13, strike everything after "hearing" and delete the new language

Page 2, line 14, delete the new language and strike the old language

Page 2, line 15, strike "section 245C.22" and insert "(a) An individual"

Page 2, line 21, after "256.045" insert "following a reconsideration decision issued under section 245C.23"

Page 3, line 9, after "hearing" insert "following a reconsideration decision"

Page 3, line 12, strike everything after "disqualification"

Page 3, line 13, delete the new language and before the comma, insert "following a reconsideration decision under section 245C.23"

Page 3, line 21, strike everything after "(a)"

Page 3, line 22, delete the new language and strike everything before "individual" and insert "A disqualified"

Page 3, line 23, strike "the individual"

Page 3, line 24, after "14" insert "following a reconsideration determination under section 245C.23"

Page 3, line 26, strike "that the"

Page 3, line 27, delete "rescinded" and strike everything before the period and insert "of the reconsideration decision"

Page 3, line 31, delete "rescind" and strike everything before "based" and insert "(b) When an individual is disqualified"

Page 3, line 32, after "hearing" insert "under paragraph (a)"

Page 4, delete lines 1 to 5

Page 4, line 6, reinstate the stricken language and delete the new language

Page 4, line 9, reinstate the stricken language and delete the new language

Page 4, line 10, delete the new language and strike everything before the comma

Page 4, line 13, strike "which were not" and delete "rescinded"

Page 4, line 14, reinstate the stricken language and delete the new language

Page 5, line 14, delete the new language and strike everything after the comma

Page 5, line 15, strike "245C.22 and" and insert "following a reconsideration decision under section"

Page 5, line 21, delete "rescinded" and strike everything before the comma and insert "and the individual remains disqualified following a reconsideration decision"

Page 11, line 5, strike everything after "denied"

Page 11, line 6, delete "rescinded" and strike everything before the comma and insert "and the individual remains disqualified following a reconsideration decision"

Page 14, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2008, section 256.01, is amended by adding a subdivision to read:

Subd. 30. Review and evaluation of ongoing studies. The commissioner shall review all ongoing studies, reports, and program evaluations completed by the Department of Human Services for state fiscal years 2006 through 2010. For each item, the commissioner shall report the legislature's appropriation for that work, if any, and the actual reported cost of the completed work by the Department of Human Services. The commissioner shall make recommendations to the legislature about which studies, reports, and program evaluations required by law on an ongoing basis are duplicative, unnecessary, or obsolete. The commissioner shall repeat this review every five fiscal years."

Page 18, line 15, before "made" insert "through June 30, 2013,"

Page 18, line 19, after "2012," insert "through December 31, 2013," and delete everything after the period

Page 18, delete lines 20 to 22

Page 18, before line 23, insert:

"Sec. 24. Minnesota Statutes 2008, section 256.969, subdivision 21, is amended to read:

Subd. 21. **Mental health or chemical dependency admissions; rates.** (a) Admissions under the general assistance medical care program occurring on or after July 1, 1990, and admissions under medical assistance, excluding general assistance medical care, occurring on or after July 1, 1990, and on or before September 30, 1992, that are classified to a diagnostic category of mental health or chemical dependency shall have rates established according to the methods of subdivision 14, except the per day rate shall be multiplied by a factor of 2, provided that the total of the per day rates shall not exceed the per admission rate. This methodology shall also apply when a hold or commitment is ordered by the court for the days that inpatient hospital services are medically necessary. Stays which are medically necessary for inpatient hospital services and covered by medical assistance shall not be billable to any other governmental entity. Medical necessity shall be determined under criteria established to meet the requirements of section 256B.04, subdivision 15, or 256D.03, subdivision 7, paragraph (b).

(b) Payment rates for fee-for-service medical assistance admissions occurring on or after July 1, 2011, through June 30, 2013, for diagnosis-related groups admissions related to children's mental health specified by the commissioner, shall be increased for these diagnosis-related groups at a percentage calculated to cost not more than a total of \$7,200,000 per fiscal year, including state and federal shares. For purposes of this paragraph, medical assistance does not include general assistance medical care. The commissioner shall adjust rates paid to a prepaid health plan under contract with the commissioner on a temporary basis to reflect payments provided in this paragraph, and prepaid health plans are required to increase rates to providers under contract on a temporary basis to reflect payments provided in this paragraph.

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

Page 19, delete section 6 and insert:

"Sec. 7. Minnesota Statutes 2008, section 256B.055, is amended by adding a subdivision to read:

Subd. 15. **Adults without children.** Medical assistance may be paid for a person who is:

(1) at least age 21 and under age 65;

(2) not pregnant;

(3) not entitled to Medicare Part A or enrolled in Medicare Part B under Title XVIII of the Social Security Act;

(4) not an adult in a family with children as defined in section 256L.01, subdivision 3a; and

(5) not described in another subdivision of this section.

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

Page 20, line 7, after "have" insert "gross countable"

Page 20, line 9, after "effective" insert "January 1, 2011, or" and delete "and is" and insert a period

Page 20, delete line 10

Page 25, line 12, after "for" insert "face-to-face"

Page 30, line 28, delete "September 1, 2010" and insert "January 1, 2011"

Page 31, line 25, delete "January" and insert "July"

Page 32, delete section 22, and insert:

"Sec. 23. Minnesota Statutes 2009 Supplement, section 256B.69, subdivision 5a, is amended to read:

Subd. 5a. **Managed care contracts.** (a) Managed care contracts under this section and sections 256L.12 and 256D.03, shall be entered into or renewed on a calendar year basis beginning January 1, 1996. Managed care contracts which were in effect on June 30, 1995, and set to renew on July 1, 1995, shall be renewed for the period July 1, 1995 through December 31, 1995 at the same terms that were in effect on June 30, 1995. The commissioner may issue separate contracts with requirements specific to services to medical assistance recipients age 65 and older.

(b) A prepaid health plan providing covered health services for eligible persons pursuant to chapters 256B, 256D, and 256L, is responsible for complying with the terms of its contract with the commissioner. Requirements applicable to managed care programs under chapters 256B, 256D, and 256L, established after the effective date of a contract with the commissioner take effect when the contract is next issued or renewed.

(c) Effective for services rendered on or after January 1, 2003, the commissioner shall withhold five percent of managed care plan payments under this section and county-based purchasing plan's payment rate under section 256B.692 for the prepaid medical assistance and general assistance medical care programs pending completion of performance targets. Each performance target must be quantifiable, objective, measurable, and reasonably attainable, except in the case of a performance target based on a 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 managed care plan must demonstrate, to the commissioner's satisfaction, that the data submitted regarding attainment of the performance target is accurate. The commissioner shall periodically change the administrative measures used as performance targets in order to improve plan performance across a broader range of administrative services. The performance targets must include measurement of plan efforts to contain spending on health care services and administrative activities. The commissioner may adopt plan-specific performance targets that take into account factors affecting only one plan, including characteristics of the plan's enrollee population. The withheld funds must be returned no sooner than July of the following year if performance targets in the contract are achieved. The commissioner may exclude special demonstration projects under subdivision 23.

(d) Effective for services rendered on or after January 1, 2009, through December 31, 2009, the commissioner shall withhold three percent of managed care plan payments under this section and county-based purchasing plan payments under section 256B.692 for the prepaid medical assistance and general assistance medical care programs. The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following year. The commissioner may exclude special demonstration projects under subdivision 23.

The return of the withhold under this paragraph is not subject to the requirements of paragraph (c).

(e) Effective for services provided on or after January 1, 2010, the commissioner shall require that managed care plans use the assessment and authorization processes, forms, timelines, standards, documentation, and data reporting requirements, protocols, billing processes, and policies consistent with medical assistance fee-for-service or the Department of Human Services contract requirements consistent with medical assistance fee-for-service or the Department of Human Services contract requirements for all personal care assistance services under section 256B.0659.

(f) Effective for services rendered on or after January 1, 2010, through December 31, 2010, the commissioner shall withhold 3.5 percent of managed care plan payments under this section and county-based purchasing plan payments under section 256B.692 for the prepaid medical assistance program. The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following year. The commissioner may exclude special demonstration projects under subdivision 23.

(g) Effective for services rendered on or after January 1, 2011, through December 31, 2011, the commissioner shall withhold four percent of managed care plan payments under this section and county-based purchasing plan payments under section 256B.692 for the prepaid medical assistance program. The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following year. The commissioner may exclude special demonstration projects under subdivision 23.

(h) Effective for services rendered on or after January 1, 2012, through December 31, 2012, the commissioner shall withhold 4.5 percent of managed care plan payments under this section and county-based purchasing plan payments under section 256B.692 for the prepaid medical assistance program. The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following year. The commissioner may exclude special demonstration projects under subdivision 23.

(i) Effective for services rendered on or after January 1, 2013, through December 31, 2013, the commissioner shall withhold 4.5 percent of managed care plan payments under this section and county-based purchasing plan payments under section 256B.692 for the prepaid medical assistance program. The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following year. The commissioner may exclude special demonstration projects under subdivision 23.

(j) Effective for services rendered on or after January 1, 2014, the commissioner shall withhold three percent of managed care plan payments under this section and county-based purchasing plan payments under section 256B.692 for the prepaid medical assistance and prepaid general assistance medical care programs. The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following year. The commissioner may exclude special demonstration projects under subdivision 23.

(k) A managed care plan or a county-based purchasing plan under section 256B.692 may include as admitted assets under section 62D.044 any amount withheld under this section that is reasonably expected to be returned.

(l) Contracts between the commissioner and a prepaid health plan are exempt from the set-aside and preference provisions of section 16C.16, subdivisions 6, paragraph (a), and 7.

(m) Effective for services rendered on or after January 1, 2011, the commissioner shall include as part of the performance targets described in paragraph (c) a reduction in the health plan's emergency room utilization rate for state health care program enrollees by a measurable rate of five percent from the plan's utilization rate for state health care program enrollees for the previous calendar year.

The withheld funds must be returned no sooner than July 1 and no later than July 31 of the following calendar year if the managed care plan or county-based purchasing plan demonstrates to the satisfaction of the commissioner that a reduction in the utilization rate was achieved.

The withhold described in this paragraph shall continue for each consecutive contract period until the managed care plan's emergency room utilization rate for state health care program enrollees is reduced by 25 percent of the managed care plan's emergency room utilization rate for state health care program enrollees for calendar year 2009."

Page 33, line 15, delete "August 1, 2010" and insert "July 1, 2011"

Page 33, line 20, delete ", general assistance medical care."

Page 33, line 21, delete "from their current statutory rates"

Page 36, delete line 10 and insert "for the specified"

Page 36, line 11, delete "are"

Page 42, line 2, after the period, insert "The commissioner shall implement this section after any other rate adjustment that is effective July 1, 2010, and shall reduce rates under this section by first reducing or eliminating provider rate add-ons."

Page 42, after line 28, insert:

"Sec. 38. Minnesota Statutes 2008, section 256D.03, subdivision 3b, is amended to read:

Subd. 3b. **Cooperation.** (a) General assistance or general assistance medical care applicants and recipients must cooperate with the state and local agency to identify potentially liable third-party payors and assist the state in obtaining third-party payments. Cooperation includes identifying any third party who may be liable for care and services provided under this chapter to the applicant, recipient, or any other family member for whom application is made and providing relevant information to assist the state in pursuing a potentially liable third party. ~~General assistance medical care applicants and recipients must cooperate by providing information about any group health plan in which they may be eligible to enroll. They must cooperate with the state and local agency in determining if the plan is cost effective. For purposes of this subdivision, coverage provided by the Minnesota Comprehensive Health Association under chapter 62E shall not be considered group health plan coverage or cost effective by the state and local agency. If the plan is determined cost effective and the premium will be paid by the state or local agency or is available at no cost to the person, they must enroll or remain enrolled in the group health plan. Cost-effective insurance premiums approved for payment by the state agency and paid by the local agency are eligible for reimbursement according to subdivision 6.~~

(b) Effective for all premiums due on or after June 30, 1997, general assistance medical care does not cover premiums that a recipient is required to pay under a qualified or Medicare supplement plan issued by the Minnesota Comprehensive Health Association. General assistance medical care shall continue to cover premiums for recipients who are covered under a plan issued by the Minnesota Comprehensive Health Association on June 30, 1997, for a period of six months following receipt of the notice of termination or until December 31, 1997, whichever is later.

EFFECTIVE DATE. This section is effective June 1, 2010."

Page 44, line 16, delete "January" and insert "July"

Page 44, line 17, after the period, insert "The commissioner of human services shall notify the revisor of statutes when federal approval is obtained."

Page 44, line 20, delete "Effective January 1, 2011, or upon"

Page 44, line 21, delete everything before "the"

Page 44, after line 34, insert:

"**EFFECTIVE DATE.** This section is effective July 1, 2011, or upon federal approval, whichever is later. The commissioner of human services shall notify the revisor of statutes when federal approval is obtained."

Page 45, after line 35, insert:

"Sec. 43. Minnesota Statutes 2008, section 256L.04, subdivision 7, is amended to read:

Subd. 7. **Single adults and households with no children.** ~~(a) The definition of eligible persons includes all individuals and households with no children who have gross family incomes that are equal to or less than 200 percent of the federal poverty guidelines.~~

~~(b) Effective July 1, 2009,~~ The definition of eligible persons includes all individuals and households with no children who have gross family incomes that are above 75 percent and equal to or less than 250 percent of the federal poverty guidelines.

EFFECTIVE DATE. This section is effective January 1, 2011, or upon implementation of medical assistance for adults without children under Minnesota Statutes, sections 256B.055, subdivision 15, and 256B.056, subdivision 4, whichever is later."

Page 46, after line 10, insert:

"Sec. 45. Minnesota Statutes 2008, section 256L.07, subdivision 1, is amended to read:

Subdivision 1. **General requirements.** (a) Children enrolled in the original children's health plan as of September 30, 1992, children who enrolled in the MinnesotaCare program after September 30, 1992, pursuant to Laws 1992, chapter 549, article 4, section 17, and children who have family gross incomes that are equal to or less than 150 percent of the federal poverty guidelines are eligible without meeting the requirements of subdivision 2 and the four-month requirement in subdivision 3, as long as they maintain continuous coverage in the MinnesotaCare program or medical assistance. Children who apply for MinnesotaCare on or after the implementation date of the employer-subsidized health coverage program as described in Laws 1998, chapter 407, article 5, section 45, who have family gross incomes that are equal to or less than 150 percent of the federal poverty guidelines, must meet the requirements of subdivision 2 to be eligible for MinnesotaCare.

(b) Families enrolled in MinnesotaCare under section 256L.04, subdivision 1, whose income increases above 275 percent of the federal poverty guidelines, are no longer eligible for the program and shall be disenrolled by the commissioner.

~~(c) Beginning January 1, 2008,~~ Individuals enrolled in MinnesotaCare under section 256L.04, subdivision 7, whose income decreases to 75 percent of the federal poverty guidelines or less, or increases above 200 percent of the federal poverty guidelines or 250 percent of the federal poverty guidelines on or after July 1, 2009, are no longer eligible for the program and shall be disenrolled by the commissioner. For persons disenrolled under this subdivision due to income above the income limits, MinnesotaCare coverage terminates the last day of the calendar month following the month in which the commissioner determines that the income of a family or individual exceeds program income limits. Persons disenrolled under this subdivision due to income at or above 75 percent of the federal poverty guidelines shall have eligibility redetermined for medical assistance under section 256B.055, subdivision 15.

~~(b)~~ (d) Notwithstanding paragraph (a), children may remain enrolled in MinnesotaCare if ten percent of their gross individual or gross family income as defined in section 256L.01, subdivision 4, is less than the annual premium for a policy with a \$500 deductible available through the Minnesota Comprehensive Health Association.

Children who are no longer eligible for MinnesotaCare under this clause shall be given a 12-month notice period from the date that ineligibility is determined before disenrollment. The premium for children remaining eligible under this clause shall be the maximum premium determined under section 256L.15, subdivision 2, paragraph (b).

~~(e)~~ (e) Notwithstanding paragraphs (a) and ~~(b)~~ (d), parents are not eligible for MinnesotaCare if gross household income exceeds \$57,500 for the 12-month period of eligibility.

EFFECTIVE DATE. This section is effective January 1, 2011, or upon implementation of medical assistance for adults without children under Minnesota Statutes, sections 256B.055, subdivision 15, and 256B.056, subdivision 4, whichever is later.

Page 46, after line 24, insert:

EFFECTIVE DATE. This section is effective April 1, 2011.

Page 47, line 30, delete "January" and insert "July"

Page 47, line 31, after the period, insert "The commissioner of human services shall notify the revisor of statutes when federal approval is obtained."

Page 49, line 24, delete "June 30" and insert "August 31" and delete "December 31, 2011" and insert "February 28, 2012"

Page 50, line 30, delete "upon" and insert "to"

Page 52, line 11, strike everything after "system"

Page 52, strike line 12

Page 52, line 13, strike everything before the period

Page 54, line 13, delete ", or until medical assistance"

Page 54, line 14, delete the new language

Page 54, line 26, after "that" insert "subdivision 3, paragraph (e), regarding MinnesotaCare eligibility, and" and delete "is" and insert "are"

Page 54, after line 27, insert:

"Sec. 57. Laws 2010, chapter 200, article 1, section 13, subdivision 1b, is amended to read:

Subd. 1b. **MinnesotaCare enrollment by county agencies.** Beginning September 1, 2006, county agencies shall enroll single adults and households with no children formerly enrolled in general assistance medical care in MinnesotaCare according to Minnesota Statutes 2009 Supplement, section 256D.03, subdivision 3. County agencies shall perform all duties necessary to administer the MinnesotaCare program ongoing for these enrollees, including the redetermination of MinnesotaCare eligibility at renewal, through January 1, 2011, or implementation of medical assistance for adults without children under section 256B.055, subdivision 15, whichever is later.

EFFECTIVE DATE. This section is effective January 1, 2011.

Page 57, line 6, after "effective" insert "January 1, 2011, or" and delete "and is" and insert a period

Page 57, delete line 7

Page 63, delete line 5 and insert:

EFFECTIVE DATE. The amendments to paragraph (e) are effective July 1, 2011. The amendments to all other paragraphs in this section are effective January 1, 2011.

Page 67, line 26, strike "for"

Page 67, line 27, strike "contract years starting in 2012,"

Page 67, line 31, strike "years" and insert "year" and strike "and 2011"

Page 67, line 34, after the period, insert "Effective December 31, 2010, enrollment and operation of the MnDHO program in effect during calendar year 2010 must close. The commissioner may reopen the program provided all applicable conditions of this section are met."

Page 68, line 2, strike "further expansion of"

Page 68, line 4, strike "by February 1, 2007" and insert "prior to any further implementation or expansion"

Page 68, after line 24, insert:

"Sec. 7. Laws 2009, chapter 79, article 8, section 51, the effective date, is amended to read:

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

Page 69, after line 19, insert:

"Sec. 9. **ICF/MR RATE INCREASE.**

The daily rate at an intermediate care facility for the developmentally disabled located in Clearwater County and classified as a Class A facility with 15 beds shall be increased from \$112.73 to \$138.23 beginning July 1, 2010."

Page 70, delete lines 23 to 31

Page 72, after line 11, insert:

EFFECTIVE DATE. This section is effective November 1, 2010."

Page 72, before line 12, insert:

"Sec. 5. Minnesota Statutes 2008, section 256I.05, is amended by adding a subdivision to read:

Subd. 1n. **Supplemental rate; Mahnomen County.** Notwithstanding the provisions of this section, beginning July 1, 2009, a county agency shall negotiate a supplemental service rate in addition to the rate specified in subdivision 1, not to exceed \$753 per month or the existing rate, including any legislative authorized inflationary adjustments, for a group residential provider located in Mahnomen County that operates a 28-bed facility providing 24-hour care to individuals who are homeless, disabled, chemically dependent, mentally ill, or chronically homeless."

Page 74, line 11, delete "October 1, 2010" and insert "March 1, 2011"

Page 75, line 21, delete "October 1, 2010" and insert "February 1, 2011"

Page 83, delete section 4 and insert:

"Sec. 4. **[62Q.545] COVERAGE OF PRIVATE DUTY NURSING SERVICES.**

(a) Private duty nursing services, as provided under section 256B.0625, subdivision 7, with the exception of section 256B.0654, subdivision 4, shall be provided by a health plan company for persons who require private duty nursing services and who are concurrently covered by a health plan, as defined in section 62Q.01, and enrolled in medical assistance under chapter 256B.

(b) For purposes of this section, a period of private duty nursing services may be subject to the co-payment, coinsurance, deductible, or other enrollee cost-sharing requirements that apply under the health plan. Cost-sharing requirements for private duty nursing services must not place a greater financial burden on the insured or enrollee than those requirements applied by the health plan to other similar services or benefits. Nothing in this section is intended to prevent a health plan company from requiring prior authorization by the health plan company for services required under 256B.0625, subdivision 7, or using contracted providers under the applicable provisions of the plan.

EFFECTIVE DATE. This section is effective July 1, 2010, and applies to health plans offered, sold, issued, or renewed on or after that date."

Page 86, line 17, delete everything after "illness" and insert a period

Page 86, line 18, delete the new language and insert "Remaining beds shall be converted into community-based transitional intensive treatment foster homes in the Cambridge area and staffed by state employees."

Page 93, delete lines 27 to 34

Page 94, delete lines 1 and 2 and insert:

"The commissioner of management and budget shall issue a report to the legislature no later than November 15, 2010, making recommendations for improving the preparation and delivery of fiscal notes under Minnesota Statutes, section 3.98, relating to human services. The report shall consider: (1) the establishment of an independent fiscal note office in the human services department and (2) transferring the responsibility for preparing human services fiscal notes to the legislature. The report must include detailed information regarding the financial costs, staff resources, training, access to information, and data protection issues relative to the preparation of human services fiscal notes. The report shall describe methods and procedures used by other states to insure independence and accuracy of fiscal estimates on legislative proposals for changes in human services."

Page 112, after line 26, insert:

"Sec. 11. Minnesota Statutes 2008, section 144.293, subdivision 4, is amended to read:

Subd. 4. **Duration of consent.** Except as provided in this section, a consent is valid for one year or for a ~~lesser~~ period specified in the consent or for a different period provided by law."

Page 118, delete subdivision 4

Page 118, line 27, delete "5" and insert "4"

Page 121, line 22, after the period, insert "Prescription drug coverage must not be provided through accountable care organizations and must instead be provided through a delivery method that qualifies for federal prescription drug rebates."

Page 124, line 13, delete "at"

Page 124, line 14, delete "least" and after "organization" insert "and one from the business community"

Page 134, delete section 4 and insert:

"Sec. 4. Laws 2009, chapter 79, article 8, section 2, the effective date, is amended to read:

EFFECTIVE DATE. The section is effective ~~January~~ July 1, 2011."

Page 141, after line 7, insert:

SNAP Enhanced Administrative Funding. The funds available for administration of the Supplemental Nutrition Assistance Program under the Department of Defense Appropriations Act of 2010, Public Law 111-118, are appropriated to the commissioner to pay the actual costs of providing for increased eligibility determinations, caseload-related cost, timely application processing, and quality control. Of these funds, 20 percent shall be allocated to the commissioner and 80 percent shall be allocated to counties. The commissioner shall allocate the county portion based on recent caseload. Reimbursement shall be based on actual costs reported by counties through existing processes. Tribal reimbursement must be made from the state portion, based on a caseload factor equivalent to that of a county.

Page 141, line 13, delete "(7,500,000)" and insert "20,672,000" and delete "35,500,000" and insert "21,402,000"

Page 141, line 19, delete "\$18,689,000" and insert "\$18,957,000"

Page 141, line 21, after "the" insert "general fund for the"

Page 141, line 23, after "families" insert ", with respect to the amounts appropriated for fiscal year 2010, the commissioner shall reimburse the general fund by June 30, 2010, with respect to the funds appropriated for fiscal year 2011," and delete ". Beginning" and insert "beginning"

Page 141, line 27, delete "20" and insert "30"

Page 141, delete lines 33 and 34 and insert:

"This appropriation reduction is from the federal TANF fund."

Page 142, delete lines 1 and 2

Page 142, line 8, after the period, insert "\$4,000,000 of the amounts earned in the TANF emergency fund (TEF) subsidized employment category under the American Recovery and Reinvestment Act (ARRA) of 2009, Public Law 111-5, are available for reimbursement in the working family credit in fiscal year 2011."

Page 142, delete lines 13 to 16

Page 142, line 33, delete "(9,900,000)" and insert "(5,900,000)"

Page 143, line 7, delete "\$9,900,000" and insert "\$5,900,000" and delete everything after the period

Page 143, delete line 8 and insert "The ongoing reduction must be \$9,900,000 in each of fiscal years 2012 and 2013."

Page 143, line 9, delete "(8,028,000)" and insert "(5,980,000)"

Page 143, delete lines 10 to 19

Page 143, line 20, delete "(3)" and insert "(1)"

Page 143, line 23, delete "(4)" and insert "(2)"

Page 144, delete lines 1 to 5

Page 144, line 6, delete everything before "The"

Page 144, after line 10, insert:

"The federal TANF fund appropriation is reduced by \$172,000 in fiscal year 2010 and \$176,000 in fiscal year 2011."

Page 144, delete lines 19 to 21

Page 144, after line 29, insert:

MnDHO Transition. \$250,000 is appropriated from the general fund in fiscal year 2011 to the commissioner of human services to be made available to county agencies to assist in the proactive transition of the approximately 1,290 current MnDHO members to the fee-for-service Medicaid program or another managed care option by January 1, 2011. County agencies shall work with the Department of Human Services, health plans, and MnDHO members and their legal representatives to develop and implement transition plans that include:

(1) identification of service needs of MnDHO members based on the current assessment or through the completion of a new assessment;

(2) identification of services currently provided to MnDHO members and which of those services will continue to be reimbursable through fee-for-service or another managed care option under the Medicaid state plan or a Title XIX home and community-based waiver program;

(3) identification of service providers who do not have a contract with the county or who are currently reimbursed at a different rate than the county-contracted rate; and

(4) development of an individual service plan that is within allowable home and community-based service waiver funding limits."

Page 146, delete lines 1 to 17

Page 148, line 4, delete "(154,000)" and insert "-0-" and delete "(139,000)" and insert "(154,000)"

Page 148, after line 21, insert:

"**Clearwater County; ICF/MR Payment Rate.** \$84,000 is appropriated in fiscal year 2011 from the general fund to the commissioner of human services for the purposes of the Clearwater County facility ICF/MR rate increase in article 3. This appropriation is onetime.

"**Kandiyohi County; ICF/MR Payment Rate.** \$36,000 is appropriated from the general fund in fiscal year 2011 and \$4,000 in fiscal year 2012 to increase payment rates for an ICF/MR licensed for six beds and located in Kandiyohi County to serve persons with high behavioral needs. The payment rate increase shall be effective for services provided from July 1, 2010, through June 30, 2011. These appropriations are onetime.

"**Crisis Center Services.** Of this appropriation, \$400,000 in fiscal year 2011 is to a community collaborative to continue crisis center services provided in the Mankato area.

"**Group Residential Housing; Mahnomon County.** \$48,000 is appropriated from the general fund in fiscal year 2011 to the commissioner of human services for the purposes of Minnesota Statutes, section 256I.05, subdivision 1n. This appropriation is onetime."

Page 151, delete lines 19 to 29

Page 152, delete lines 32 to 35

Page 153, delete lines 1 to 2 and insert:

"**State-Operated Services.** Of this appropriation, \$12,854,000 in fiscal year 2011 is for the commissioner to maintain dental clinics, the METO program, and other residential adult mental health services."

Page 153, delete subdivision 12

Page 153, line 9, delete "13" and insert "12"

Page 154, delete lines 15 to 27

Page 159, after line 16, insert:

"Sec. 9. MINNESOTA MANAGEMENT AND BUDGET

\$50,000

Fiscal Note Report. \$50,000 in fiscal year 2012 is to the commissioner of Minnesota Management and Budget from the general fund for the completion of the human services fiscal note report in article 5."

Page 184, line 14, strike "services provided" and insert "placements beginning"

Page 184, line 22, after the period, insert "For services provided during fiscal year 2011, all payment rates are reduced by five percent from the rates in effect on June 1, 2010."

Correct the subdivision and section totals and the appropriations by fund

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3046, A bill for an act relating to health; requiring licensure for birth centers; establishing license fees; requiring a report; amending Minnesota Statutes 2008, sections 62Q.19, subdivision 1; 144.651, subdivision 2; 144A.51, subdivision 5; 256B.0625, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 6, line 17, delete "65" and insert "100"

Page 6, line 20, delete "or postpartum care"

Page 6, delete section 6 and insert:

"Sec. 5. **APPROPRIATION.**

\$9,000 is appropriated in fiscal year 2011 from the state government special revenue fund to the commissioner of health for the purposes of this act."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "report;" insert "appropriating money;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Lenczewski from the Committee on Taxes to which was referred:

H. F. No. 3467, A bill for an act relating to tobacco; tobacco control and preventing tobacco use; modernizing definitions of cigarette, tobacco, tobacco products, and tobacco-related devices; modifying promotional and self-service distribution rules; subjecting sale of tobacco related devices to municipal licensing; proposing a study; appropriating money; amending Minnesota Statutes 2008, sections 297F.01, subdivisions 3, 19; 299F.850, subdivision 3; 325D.32, subdivision 2; 325F.77, subdivision 4; 461.12, subdivisions 1, 2, 3, 4, 5, 6; 609.685, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 297F.01, subdivision 19, is amended to read:

Subd. 19. **Tobacco products.** "Tobacco products" means any products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not include cigarettes as defined in this section. Tobacco products excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Sec. 2. Minnesota Statutes 2008, section 325F.77, subdivision 4, is amended to read:

Subd. 4. **Prohibition.** No person shall distribute smokeless tobacco products or cigarettes, cigars, pipe tobacco, or other tobacco products ~~suitable for smoking as defined in section 297F.01, subdivision 19,~~ except that single serving samples of tobacco may be distributed in tobacco stores.

Sec. 3. Minnesota Statutes 2008, section 461.12, subdivision 1, as amended by Laws 2010, chapter 255, section 7, is amended to read:

Subdivision 1. **Authorization.** A town board or the governing body of a home rule charter or statutory city may license and regulate the retail sale of tobacco and tobacco-related devices as defined in section 609.685, subdivision 1, and establish a license fee for sales to recover the estimated cost of enforcing this chapter. The county board shall license and regulate the sale of tobacco and tobacco-related devices in unorganized territory of the county except on the State Fairgrounds and in a town or a home rule charter or statutory city if the town or city does not license and regulate retail tobacco sales. The State Agricultural Society shall license and regulate the sale of tobacco on the State Fairgrounds. Retail establishments licensed by a town or city to sell tobacco are not required to obtain a second license for the same location under the licensing ordinance of the county.

Sec. 4. Minnesota Statutes 2008, section 461.12, subdivision 2, is amended to read:

Subd. 2. **Administrative penalties; licensees.** If a licensee or employee of a licensee sells tobacco or tobacco-related devices to a person under the age of 18 years, or violates any other provision of this chapter, the licensee shall be charged an administrative penalty of \$75. An administrative penalty of \$200 must be imposed for a second violation at the same location within 24 months after the initial violation. For a third violation at the same location within 24 months after the initial violation, an administrative penalty of \$250 must be imposed, and the licensee's authority to sell tobacco at that location must be suspended for not less than seven days. No suspension or penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Sec. 5. Minnesota Statutes 2008, section 461.12, subdivision 3, is amended to read:

Subd. 3. **Administrative penalty; individuals.** An individual who sells tobacco or tobacco-related devices to a person under the age of 18 years must be charged an administrative penalty of \$50. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the licensing authority to conduct the hearing. A decision that a violation has occurred must be in writing.

Sec. 6. Minnesota Statutes 2008, section 461.12, subdivision 4, is amended to read:

Subd. 4. **Minors.** The licensing authority shall consult with interested educators, parents, children, and representatives of the court system to develop alternative penalties for minors who purchase, possess, and consume tobacco or tobacco-related devices. The licensing authority and the interested persons shall consider a variety of options, including, but not limited to, tobacco free education programs, notice to schools, parents, community service, and other court diversion programs.

Sec. 7. Minnesota Statutes 2008, section 461.12, subdivision 5, is amended to read:

Subd. 5. **Compliance checks.** A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with section 609.685. Compliance checks must involve minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco or tobacco-related devices under the direct supervision of a law enforcement officer or an employee of the licensing authority.

Sec. 8. Minnesota Statutes 2008, section 461.12, subdivision 6, is amended to read:

Subd. 6. **Defense.** It is an affirmative defense to the charge of selling tobacco or tobacco-related devices to a person under the age of 18 years in violation of subdivision 2 or 3 that the licensee or individual making the sale relied in good faith upon proof of age as described in section 340A.503, subdivision 6.

Sec. 9. Minnesota Statutes 2008, section 461.18, subdivision 1, is amended to read:

Subdivision 1. **Except in adult-only facilities.** (a) No person shall offer for sale ~~single packages of cigarettes or smokeless tobacco~~ or tobacco-related devices, as defined in section 609.685, subdivision 1, in open displays which are accessible to the public without the intervention of a store employee.

(b) Cartons and other multipack units may be offered and sold through open displays accessible to the public.

(c) Paragraph (b) expires on August 28, 1997.

(d) This subdivision shall not apply to retail stores which derive at least 90 percent of their revenue from tobacco and tobacco-related products and ~~which cannot be entered at any time by persons younger than 18 years of age where the retailer ensures that no person younger than 18 years of age is present, or permitted to enter, at any time.~~

Sec. 10. Minnesota Statutes 2008, section 609.685, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** For the purposes of this section, the following terms shall have the meanings respectively ascribed to them in this section.

(a) "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

(b) "Tobacco-related devices" means cigarette papers or pipes for smoking.

Sec. 11. [609.6855] SALE OF NICOTINE DELIVERY PRODUCTS TO CHILDREN.

Subdivision 1. **Penalty to sell.** (a) Whoever sells to a person under the age of 18 years a product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined by section 609.685, is guilty of a misdemeanor for the first violation. Whoever violates this subdivision a subsequent time within five years of a previous conviction under this subdivision is guilty of a gross misdemeanor.

(b) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

(c) Notwithstanding paragraph (a), a product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined by section 609.685, may be sold to persons under the age of 18 if the product has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Subd. 2. **Other offense.** A person under the age of 18 years who purchases or attempts to purchase a product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined by section 609.685, and who uses a driver's license, permit, Minnesota identification card, or any type of false identification to misrepresent the person's age, is guilty of a misdemeanor.

Subd. 3. **Petty misdemeanor.** Except as otherwise provided in subdivisions 1 and 2, whoever is under the age of 18 years and possesses, purchases, or attempts to purchase a product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco as defined by section 609.685, is guilty of a petty misdemeanor."

Delete the title and insert:

"A bill for an act relating to tobacco; modernizing definitions of tobacco and tobacco products; modifying promotional and self-service distribution rules; subjecting sale of tobacco-related devices to municipal licensing; prescribing criminal penalties; amending Minnesota Statutes 2008, sections 297F.01, subdivision 19; 325F.77, subdivision 4; 461.12, subdivisions 1, as amended, 2, 3, 4, 5, 6; 461.18, subdivision 1; 609.685, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609."

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 3571, A bill for an act relating to human services; authorizing a rate increase for publicly owned nursing facilities; requiring a local share of nonfederal medical assistance costs; amending Minnesota Statutes 2008, sections 256B.19, by adding a subdivision; 256B.441, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 3660, A bill for an act relating to claims against the state; providing for settlement of certain claims; appropriating money.

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

The report was adopted.

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

S. F. No. 1537, A bill for an act relating to energy; requiring a certificate of need for certain transmission lines.

Reported the same back with the following amendments to the first unofficial engrossment:

Page 1, line 7, before the first "A" insert "(a)"

Page 1, line 10, delete "one-quarter" and insert "one-half"

Page 1, after line 12, insert:

"(b) This section expires December 31, 2014."

Page 2, line 24, after the first comma, insert "including homeowners."

Page 2, line 26, delete "the city in which" and insert "local elected officials representing" and delete "is located"

Page 2, line 32, delete "child care and transportation" and insert "reasonable expenses"

Page 2, line 33, before the period, insert ", but not including per diem payments"

Page 3, line 22, after "commerce" insert "for transfer to the city of Minneapolis"

Page 3, line 23, after "level" insert "that is selected by the city, in consultation with the Midtown Greenway Coalition and representatives of the neighborhoods in which the high-voltage transmission line described in section 1 is proposed to be located, and after project proposals have been reviewed."

Page 3, line 24, delete "that serves" and insert "to serve" and delete "servicing the Twin Cities"

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2614, 3046, 3467, 3571 and 3660 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 2540, 2642, 2974, 3051, 3325 and 1537 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Jackson introduced:

H. F. No. 3818, A bill for an act relating to taxation; sales and use; exempting construction materials and equipment used in the construction and improvement of a wastewater treatment facility; amending Minnesota Statutes 2008, sections 297A.71, by adding a subdivision; 297A.75, subdivision 3; Minnesota Statutes 2009 Supplement, section 297A.75, subdivisions 1, 2.

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

Dean introduced:

H. F. No. 3819, A bill for an act relating to state government finance; appropriating money to the Department of Human Services contingent upon federal enactment of an extension of the enhanced federal medical assistance percentage; amending Minnesota Statutes 2008, sections 254B.03, by adding a subdivision; 256B.0625, subdivision 22; 256B.19, subdivision 1c; 256L.15, subdivision 1; Minnesota Statutes 2009 Supplement, sections 144.0724, subdivision 11; 256B.0911, subdivision 1a; Laws 2005, First Special Session chapter 4, article 8, section 66, as amended; Laws 2009, chapter 79, article 5, sections 17; 18; 22; Laws 2009, chapter 173, article 1, section 17.

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

Knuth introduced:

H. F. No. 3820, A bill for an act relating to traffic regulations; regulating engine braking on trunk highways; amending Minnesota Statutes 2008, sections 169.011, by adding a subdivision; 169.67, by adding a subdivision.

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

Winkler and Simon introduced:

H. F. No. 3821, A bill for an act relating to campaign finance reporting; requiring reports; requiring disclaimer on certain campaign material; modifying provisions related to independent expenditures; appropriating money; amending Minnesota Statutes 2008, sections 10A.01, subdivision 18; 10A.02, subdivision 10; 10A.025, subdivision 4; 10A.20, subdivision 6; 211B.04; 211B.15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 2008, sections 72A.12, subdivision 5; 211B.15, subdivision 12.

The bill was read for the first time and referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

Bly, Liebling, Laine and Rukavina introduced:

H. F. No. 3822, A bill for an act relating to health; establishing a voluntary statewide pool to provide health benefits to eligible members; providing for the administration and oversight of the pool; proposing coding for new law as Minnesota Statutes, chapter 62V.

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Madam Speaker:

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

S. F. No. 3055.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3055, A bill for an act relating to tobacco; tobacco control and preventing tobacco use; modernizing definitions of tobacco, tobacco products, and tobacco-related devices; modifying promotional and self-service distribution rules; subjecting sale of tobacco related devices to municipal licensing; prescribing criminal penalties; amending Minnesota Statutes 2008, sections 297F.01, subdivision 19; 325F.77, subdivision 4; 461.12, subdivisions 1, as amended, 2, 3, 4, 5, 6; 461.18, subdivision 1; 609.685, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

The bill was read for the first time.

Davnie moved that S. F. No. 3055 and H. F. No. 3467, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3327

A bill for an act relating to city and county employees; exempting employees of a city-owned or county-owned hospital from certain reporting requirements; amending Minnesota Statutes 2008, section 471.701.

April 27, 2010

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3327 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

We request the adoption of this report and repassage of the bill.

House Conferees: LYLE KOENEN, AL JUHNKE and GREGORY DAVIDS.

Senate Conferees: GARY KUBLY, ANN LYNCH and JOE GIMSE.

Koenen moved that the report of the Conference Committee on H. F. No. 3327 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 3327, A bill for an act relating to city and county employees; exempting employees of a city-owned or county-owned hospital from certain reporting requirements; amending Minnesota Statutes 2008, section 471.701.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 99 yeas and 29 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dettmer	Hackbarth	Kohls	Peppin	Smith
Anderson, P.	Doepke	Holberg	Loon	Sanders	Urdahl
Anderson, S.	Drazkowski	Hoppe	McFarlane	Scott	Westrom
Brod	Eastlund	Kelly	Murdock	Seifert	Zellers
Buesgens	Gottwalt	Kiffmeyer	Nornes	Shimanski	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 3591

A bill for an act relating to local government; authorizing the city of Minneapolis to adopt an ordinance to define the annual duration of operation of mobile food units; amending Minnesota Statutes 2008, section 157.15, subdivision 9.

April 21, 2010

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 3591 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 3591 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 157.15, subdivision 9, is amended to read:

Subd. 9. **Mobile food unit.** "Mobile food unit" means a food and beverage service establishment that is a vehicle mounted unit, either:

(1) motorized or trailered, operating no more than 21 days annually at any one place, or operating more than 21 days annually at any one place with the approval of the regulatory authority as defined in Minnesota Rules, part 4626.0020, subpart 70; or is

(2) operated in conjunction with a permanent business licensed under this chapter or chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location.

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

Delete the title and insert:

"A bill for an act relating to local government; permitting a mobile food unit to operate for more than 21 days in one place; amending Minnesota Statutes 2008, section 157.15, subdivision 9."

We request the adoption of this report and repassage of the bill.

House Conferees: FRANK HORNSTEIN, JIM DAVNIE and MARY KIFFMEYER.

Senate Conferees: D. SCOTT DIBBLE, LINDA HIGGINS and DAVID SENJEM.

Hornstein moved that the report of the Conference Committee on H. F. No. 3591 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 3591, A bill for an act relating to local government; authorizing the city of Minneapolis to adopt an ordinance to define the annual duration of operation of mobile food units; amending Minnesota Statutes 2008, section 157.15, subdivision 9.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

The bill was repassed, as amended by Conference, and its title agreed to.

FISCAL CALENDAR

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 2493.

S. F. No. 2493, A bill for an act relating to crime; including use of scanning device and reencoder to acquire information from payment cards as identity theft; amending Minnesota Statutes 2008, section 609.527, subdivisions 1, 6, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 388.23, subdivision 1.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Rukavina	Scott	Slawik	Swails	Wagenius	Zellers
Ruud	Seifert	Slocum	Thao	Ward	Spk. Kelliher
Sailer	Sertich	Smith	Tillberry	Welti	
Sanders	Shimanski	Solberg	Torkelson	Westrom	
Scalze	Simon	Sterner	Urdahl	Winkler	

The bill was passed and its title agreed to.

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 184.

S. F. No. 184 was reported to the House.

Rukavina moved to amend S. F. No. 184, the second engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3448, the first engrossment:

"Section 1. Minnesota Statutes 2008, section 135A.15, subdivision 1, is amended to read:

Subdivision 1. **Policy required.** The Board of Trustees of the Minnesota State Colleges and Universities shall, and the University of Minnesota is requested to, adopt a clear, understandable written policy on sexual harassment and sexual violence that informs victims of their rights under the crime victims bill of rights, including the right to assistance from the Crime Victims Reparations Board and the commissioner of public safety. The policy must apply to students and employees and must provide information about their rights and duties. The policy must apply to criminal incidents occurring on property owned by the postsecondary system or institution in which the victim is a student or employee of that system or institution. It must include procedures for reporting incidents of sexual harassment or sexual violence and for disciplinary actions against violators. During student registration, each technical college, community college, or state university shall, and the University of Minnesota is requested to, provide each student with information regarding its policy. A copy of the policy also shall be posted at appropriate locations on campus at all times. Each private postsecondary institution that is an eligible institution as defined in section ~~136A.101, subdivision 4~~ 136A.155, must adopt a policy that meets the requirements of this section.

Sec. 2. Minnesota Statutes 2008, section 135A.155, is amended to read:

135A.155 HAZING POLICY.

The board of trustees of the Minnesota State Colleges and Universities shall, and the University of Minnesota is requested to, adopt a clear, understandable written policy on student conduct, including hazing. The policy must include procedures for reporting incidents of inappropriate hazing and for disciplinary actions against individual violators and organizations. The policy shall be made available to students by appropriate means as determined by each institution, which may include publication in a student handbook or other institutional publication, or posting by electronic display on the Internet, and shall be posted at appropriate locations on campus. A private postsecondary institution that is an eligible institution as defined in section ~~136A.101, subdivision 4~~ 136A.155, must adopt a policy that meets the requirements of this section.

Sec. 3. Minnesota Statutes 2008, section 135A.51, subdivision 2, is amended to read:

Subd. 2. **Senior citizen.** "Senior citizen" means a person who has reached ~~62~~ 66 years of age before the beginning of any term, semester or quarter, in which a course of study is pursued, or a person receiving a railroad retirement annuity who has reached 60 years of age before the beginning of the term.

Sec. 4. Minnesota Statutes 2009 Supplement, section 136A.01, subdivision 2, is amended to read:

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

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

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

(3) negotiating and administering reciprocity agreements;

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

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

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

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

(b) The office is authorized to match individual student data from the student record enrollment database with individual student financial aid data collected and maintained by the office in order to audit or evaluate federal or state supported education programs as permitted by United States Code, title 20, section 1232g(b)(3), and Code of Federal Regulations, title 34, section 99.35. The office may match data from the following financial aid program databases with data from the student record enrollment database: tuition reciprocity; the state grant; the SELF loan; state work study; the postsecondary child care grant; the American Indian Scholarship; and the achieve scholarship. The office shall conduct the study in a manner that does not permit personal identification of parents or students by individuals other than representatives of the office.

Sec. 5. Minnesota Statutes 2009 Supplement, section 136A.101, subdivision 4, is amended to read:

Subd. 4. **Eligible institution.** "Eligible institution" means ~~a postsecondary educational institution located in this state or in a state with which the office has entered into a higher education reciprocity agreement on state student aid programs that (1) is operated by this state or the Board of Regents of the University of Minnesota, or (2) is operated privately and, as determined by the office, meets all of the following: (i) maintains academic standards substantially equivalent to those of comparable institutions operated in this state; (ii) is licensed or registered as a postsecondary institution by the office or another state agency; and (iii) by July 1, 2013, is participating in the federal Pell Grant program under Title IV of the Higher Education Act of 1965, as amended~~ an institution that meets the eligibility requirements under section 136A.103.

Sec. 6. Minnesota Statutes 2008, section 136A.101, subdivision 10, is amended to read:

Subd. 10. **Satisfactory academic progress.** "Satisfactory academic progress" means ~~that:—~~ satisfactory academic progress as defined under Code of Federal Regulations, title 34, sections 668.16(e), 668.32(f), and 668.34.

~~(1) by the end of a student's second academic year of attendance at an institution, the student has at least a cumulative grade point average of C or its equivalent, or academic standing consistent with the institution's graduation requirements; and~~

~~(2) by the end of the first term of the third and fourth academic year of attendance, the student has a cumulative grade point average of at least a C or its equivalent.~~

Sec. 7. **[136A.103] INSTITUTION ELIGIBILITY REQUIREMENTS.**

(a) A postsecondary institution is eligible for state student aid under chapter 136A and sections 197.791 and 299A.45, if the institution is located in this state or in a state with which the office has entered into a higher education reciprocity agreement on state student aid programs that:

(1) is operated by this state or the Board of Regents of the University of Minnesota; or

(2) is operated privately and, as determined by the office, meets the requirements of paragraph (b).

(b) A private institution must:

(1) maintain academic standards substantially equivalent to those of comparable institutions operated in this state;

(2) be licensed or registered as a postsecondary institution by the office; and

(3)(i) by July 1, 2010, participate in the federal Pell Grant program under Title IV of the Higher Education Act of 1965, as amended; or

(ii) if an institution was participating in state student aid programs as of June 30, 2010, and the institution did not participate in the federal Pell Grant program by June 30, 2010, the institution must require every student who enrolls to sign a disclosure form, provided by the office, stating that the institution is not participating in the federal Pell Grant program.

(c) An institution that offers only graduate-level degrees or graduate-level nondegree programs, or that offers only degrees or programs that do not meet the required minimum program length to participate in the federal Pell Grant program, is an eligible institution if the institution is licensed or registered as a postsecondary institution by the office.

(d) An eligible institution under paragraph (b), clause (3), item (ii), that changes ownership as defined in section 136A.63, subdivision 2, must participate in the federal Pell Grant program within four calendar years of the first ownership change to continue eligibility.

(e) An institution that loses its eligibility for the federal Pell Grant program is not an eligible institution.

Sec. 8. Minnesota Statutes 2008, section 136A.121, subdivision 6, is amended to read:

Subd. 6. **Cost of attendance.** (a) The recognized cost of attendance consists of allowances specified in law for living and miscellaneous expenses, and an allowance for tuition and fees equal to the lesser of the average tuition and fees charged by the institution, ~~or the tuition and fee maximums established in law, or for students at for-profit institutions, the average tuition and fee amount for public two-year institutions for a student in a two-year program or the average tuition and fee amount for a state university for students in four-year programs.~~

(b) For a student registering for less than full time, the office shall prorate the cost of attendance to the actual number of credits for which the student is enrolled.

(c) The recognized cost of attendance for a student who is confined to a Minnesota correctional institution shall consist of the tuition and fee component in paragraph (a), with no allowance for living and miscellaneous expenses.

(d) For the purpose of this subdivision, "fees" include only those fees that are mandatory and charged to full-time resident students attending the institution. Fees do not include charges for tools, equipment, computers, or other similar materials where the student retains ownership. Fees include charges for these materials if the institution retains ownership. Fees do not include optional or punitive fees.

EFFECTIVE DATE. This section is effective for grants made beginning on July 1, 2010.

Sec. 9. Minnesota Statutes 2008, section 136A.126, is amended by adding a subdivision to read:

Subd. 5. **Awarding procedure.** (a) Complete applications are ranked in order of completion date. If there are multiple applications with identical completion dates, those applications are further sorted by application receipt date.

(b) Awards must be made on a first-come, first-served basis in the order complete applications are received.

(c) Awards are made to eligible students until the appropriation is expended.

(d) Applicants not receiving a grant and for whom the office has received a completed application are placed on a waiting list in order of application completion date.

Sec. 10. **[136A.129] ONETIME GRANT FOR HIGH SCHOOL-TO-COLLEGE DEVELOPMENTAL TRANSITION PROGRAM.**

(a) Within the limits of appropriations, a student who enrolls in a program under section 135A.61 is eligible for a onetime grant to help pay expenses to attend the program. The amount of the grant must be determined according to section 136A.121, subdivision 5, except as modified by paragraph (b). The requirement in 136A.121, subdivision 9a, that subtracts a federal Pell Grant award for which a student would be eligible, even if the student has exhausted the federal Pell Grant award, does not apply to a student who receives a grant under this subdivision in the award year in which the grant is received. The maximum grant under this subdivision must be reduced by the average amount a student would earn working in an on-campus work-study position for ten hours per week during a summer term. The office must determine an amount for student earnings in a summer term, using available data about earnings, before determining the amount awarded under this subdivision.

(b) For a student with an expected family contribution of zero, the maximum amount of the grant is the cost of attendance under section 136A.121, subdivision 6.

(c) A grant under this subdivision counts as one of the eight semesters of eligibility under section 136A.121, subdivision 9. A grant under this subdivision must not be awarded for the same term for which another grant is awarded under this section.

(d) Beginning in fiscal year 2012, up to \$1,000,000 each year may be used for grants under this section.

Sec. 11. **[136A.1291] LEGISLATIVE NOTICE.**

The office shall notify the chairs of the legislative committees with primary jurisdiction over higher education finance of any proposed material change to the administration of any of the grant or financial aid programs in sections 136A.095 to 136A.128.

Sec. 12. Minnesota Statutes 2008, section 136A.15, subdivision 6, is amended to read:

Subd. 6. **Eligible institution.** ~~"Eligible institution" means a postsecondary educational institution that (1) is operated or regulated by this state or the Board of Regents of the University of Minnesota; (2) is operated publicly or privately in another state, is approved by the United States Secretary of Education, and, as determined by the office, maintains academic standards substantially equal to those of comparable institutions operated in this state; (3) is licensed or registered as a postsecondary institution by the office or another state agency; and (4) by July 1, 2011, is participating in the federal Pell Grant program under Title IV of the Higher Education Act of 1965, as amended. It also includes any institution chartered in a province~~ an institution that meets the eligibility requirements under section 136A.155.

Sec. 13. **[136A.155] ADDITIONAL INSTITUTION ELIGIBILITY REQUIREMENTS.**

A postsecondary institution is an eligible institution for purposes of sections 136A.15 to 136A.1702, if the institution:

(1) meets the eligibility requirements under section 136A.103; or

(2) is operated publicly or privately in another state, is approved by the United States Secretary of Education, and, as determined by the office, maintains academic standards substantially equal to those of comparable institutions operated in this state.

Sec. 14. Minnesota Statutes 2008, section 136A.16, subdivision 14, is amended to read:

Subd. 14. **Notes.** The office may sell at public or private sale, at the price or prices determined by the office, any note or other instrument or obligation evidencing or securing a loan made by the office or its predecessor, including the Minnesota Higher Education Coordinating Board and the Minnesota Higher Education Services Office.

Sec. 15. Minnesota Statutes 2008, section 136A.62, subdivision 3, is amended to read:

Subd. 3. **School.** "School" means:

(1) any partnership, company, firm, society, trust, association, corporation, or any combination thereof, which (i) is, owns, or operates a private, nonprofit postsecondary education institution; (ii) is, owns, or operates a private, for-profit postsecondary education institution; or (iii) provides a postsecondary instructional program or course leading to a degree whether or not for profit;

(2) any public or private postsecondary educational institution located in another state or country which offers or makes available to a Minnesota resident any course, program or educational activity which does not require the leaving of the state for its completion; or

(3) any individual, entity, or postsecondary institution located in another state that contracts with any school located within the state of Minnesota for the purpose of providing educational programs, training programs, or awarding postsecondary credits or continuing education credits to Minnesota residents that may be applied to a degree program.

Sec. 16. Minnesota Statutes 2008, section 136A.645, is amended to read:

136A.645 SCHOOL CLOSURE.

(a) When a school decides to cease postsecondary education operations, it must cooperate with the office in assisting students to find alternative means to complete their studies with a minimum of disruption, and inform the office of the following:

- (1) the planned date for termination of postsecondary education operations;
- (2) the planned date for the transfer of the student records;
- (3) confirmation of the name and address of the organization to receive and hold the student records; and
- (4) the official at the organization receiving the student records who is designated to provide official copies of records or transcripts upon request.

(b) Upon notice from a school of its intention to cease operations, the office shall notify the school of the date on which it must cease the enrollment of students and all postsecondary educational operations.

Without limitation as to other circumstance, a school shall be deemed to have ceased operations when the school:

(1) has an unscheduled nonemergency closure or cancellation of classes for more than 24 hours without prior notice to the office;

(2) announces it is closed or closing; or

(3) files for bankruptcy.

Sec. 17. Minnesota Statutes 2008, section 136A.646, is amended to read:

136A.646 ADDITIONAL SECURITY.

(a) In the event any registered institution is notified by the United States Department of Education that it has fallen below minimum financial standards and that its continued participation in Title IV will be conditioned upon its satisfying either the Zone Alternative, Code of Federal Regulations, title 34, section 668.175, paragraph (f), or a Letter of Credit Alternative, Code of Federal Regulations, title 34, section 668.175, paragraph (c), the institution shall provide a surety bond conditioned upon the faithful performance of all contracts and agreements with students in a sum equal to the "letter of credit" required by the United States Department of Education in the Letter of Credit Alternative, but in no event shall such bond be less than \$10,000 nor more than \$250,000.

(b) In lieu of a bond, the institution may deposit with the commissioner of finance:

(1) a sum equal to the amount of the required surety bond in cash; or

(2) securities, as may be legally purchased by savings banks or for trust funds, in an aggregate market value equal to the amount of the required surety bond.

Sec. 18. **[136F.08] CENTRAL SYSTEM OFFICE.**

Subdivision 1. **Establishment.** A central system office is established for the Minnesota State Colleges and Universities to provide central support to the institutions enrolling students and to assist the board in fulfilling its missions under section 136F.05. The central office must not assume responsibility for services that are most effectively and efficiently provided at the institution level. The central system office is under the direction of the chancellor.

Subd. 2. **General duties.** The central system office must coordinate system level responsibilities for financial management, personnel management, facilities management, information technology, credit transfer, legal affairs, government relations, and auditing. The central system office shall coordinate its services with the services provided at the institution level so as not to duplicate any functions that are provided by institutions.

Sec. 19. Minnesota Statutes 2009 Supplement, section 136F.98, subdivision 1, is amended to read:

Subdivision 1. **Issuance of bonds.** The Board of Trustees of the Minnesota State Colleges and Universities or a successor may issue revenue bonds under sections 136F.90 to 136F.97 whose aggregate principal amount at any time may not exceed ~~\$200,000,000~~ \$275,000,000, and payable from the revenue appropriated to the fund established by section 136F.94, and use the proceeds together with other public or private money that may otherwise become available to acquire land, and to acquire, construct, complete, remodel, and equip structures or portions thereof to be used for dormitory, residence hall, student union, food service, parking purposes, or for any other similar revenue-producing building or buildings of such type and character as the board finds desirable for the good and benefit of the state colleges and universities. Before issuing the bonds or any part of them, the board shall consult with and obtain the advisory recommendations of the chairs of the house of representatives Ways and Means Committee and the senate Finance Committee about the facilities to be financed by the bonds.

Sec. 20. Minnesota Statutes 2008, section 141.25, is amended by adding a subdivision to read:

Subd. 2a. **Refunds.** If a contract is deemed unenforceable under subdivision 2, a school must refund tuition, fees, and other charges received from a student or on behalf of a student within 30 days of receiving written notification and demand for refund from the Minnesota Office of Higher Education.

Sec. 21. Minnesota Statutes 2008, section 141.25, subdivision 7, is amended to read:

Subd. 7. **Minimum standards.** A license shall be issued if the office first determines:

(1) that the applicant has a sound financial condition with sufficient resources available to:

(i) meet the school's financial obligations;

(ii) refund all tuition and other charges, within a reasonable period of time, in the event of dissolution of the school or in the event of any justifiable claims for refund against the school by the student body;

(iii) provide adequate service to its students and prospective students; and

(iv) maintain and support the school;

(2) that the applicant has satisfactory facilities with sufficient tools and equipment and the necessary number of work stations to prepare adequately the students currently enrolled, and those proposed to be enrolled;

(3) that the applicant employs a sufficient number of qualified teaching personnel to provide the educational programs contemplated;

(4) that the school has an organizational framework with administrative and instructional personnel to provide the programs and services it intends to offer;

(5) that the premises and conditions under which the students work and study are sanitary, healthful, and safe, ~~according to modern standards;~~

(6) that the quality and content of each occupational course or program of study provides education and adequate preparation to enrolled students for entry level positions in the occupation for which prepared;

(7) that the living quarters which are owned, maintained, recommended, or approved by the applicant for students are sanitary and safe;

(8) that the contract or enrollment agreement used by the school complies with the provisions in section 141.265;

(9) that contracts and agreements do not contain a wage assignment provision or a confession of judgment clause; and

(10) that there has been no adjudication of fraud or misrepresentation in any criminal, civil, or administrative proceeding in any jurisdiction against the school or its owner, officers, agents, or sponsoring organization.

Sec. 22. Minnesota Statutes 2008, section 141.25, subdivision 13, is amended to read:

Subd. 13. **Schools licensed by another state agency or board.** A school required to obtain a private career school license due to the use of "academy," "institute," "college," or "university" in its name or licensed for the purpose of participating in state financial aid under chapter 136A, and which is also licensed by another state agency or board shall be required to satisfy only the requirements of subdivisions 3, clauses (1), (2), (3), (5), (7), and (10); 4; 5, paragraph (b), clause (2); 7, clauses (1) and (10); 8; 9, clause (13); and 12.

Sec. 23. Minnesota Statutes 2008, section 141.251, subdivision 2, is amended to read:

Subd. 2. **Conditions.** The office shall adopt rules establishing the conditions for renewal of a license. The conditions shall permit two levels of renewal based on the record of the school. A school that has demonstrated the quality of its program and operation through longevity and performance in the state may renew its license based on a relaxed standard of scrutiny. A school that has been in operation in Minnesota for a limited period of time or that has not performed adequately on performance indicators shall renew its license based on a strict standard of scrutiny. The office shall specify minimum longevity standards and performance indicators that must be met before a school may be permitted to operate under the relaxed standard of scrutiny. The performance indicators used in this determination shall include, but not be limited to: ~~degree-granting status,~~ regional or national accreditation, loan default rates, placement rate of graduates, student withdrawal rates, audit results, student complaints, and school status with the United States Department of Education. Schools that meet the requirements established in rule shall be required to submit a full relicensure report once every four years, and in the interim years will be exempt from the requirements of section 141.25, subdivision 3, clauses (4), (5), and (8), and Minnesota Rules, parts 4880.1700, subpart 6; and 4880.2100, subpart 4.

Sec. 24. Minnesota Statutes 2008, section 141.28, subdivision 2, is amended to read:

Subd. 2. **Unlawful designation.** No school organized after November 15, 1969, shall apply to itself either as a part of its name or in any other manner the designation of "college" or "university" ~~unless such school applies for and receives certification from the office that it meets appropriate standards and is entitled to such designation.~~ Operating schools now using such designation may continue use thereof.

Sec. 25. Minnesota Statutes 2008, section 474A.04, subdivision 6, is amended to read:

Subd. 6. **Entitlement transfers.** An entitlement issuer may enter into an agreement with another entitlement issuer whereby the recipient entitlement issuer issues obligations pursuant to bonding authority allocated to the original entitlement issuer under this section. An entitlement issuer may enter into an agreement with an issuer which is not an entitlement issuer whereby the recipient issuer issues qualified mortgage bonds, up to \$100,000 of which are issued pursuant to bonding authority allocated to the original entitlement issuer under this section. The agreement may be approved and executed by the mayor of the entitlement issuer with or without approval or review by the city council. Notwithstanding section 474A.091, subdivision 4, prior to December 1, the Minnesota Housing Finance Agency, Minnesota Office of Higher Education, and Minnesota Rural Finance Authority may transfer allocated bonding authority made available under this chapter to one another under an agreement by each agency and the commissioner.

Sec. 26. Minnesota Statutes 2008, section 474A.091, subdivision 3, is amended to read:

Subd. 3. **Allocation procedure.** (a) The commissioner shall allocate available bonding authority under this section on the Monday of every other week beginning with the first Monday in August through and on the last Monday in November. Applications for allocations must be received by the department by 4:30 p.m. on the Monday preceding the Monday on which allocations are to be made. If a Monday falls on a holiday, the allocation will be made or the applications must be received by the next business day after the holiday.

(b) Prior to October 1, only the following applications shall be awarded allocations from the unified pool. Allocations shall be awarded in the following order of priority:

- (1) applications for residential rental project bonds;
- (2) applications for small issue bonds for manufacturing projects; and
- (3) applications for small issue bonds for agricultural development bond loan projects.

(c) On the first Monday in October through the last Monday in November, allocations shall be awarded from the unified pool in the following order of priority:

- (1) applications for student loan bonds issued by or on behalf of the Minnesota Office of Higher Education;
- (2) applications for mortgage bonds;
- (3) applications for public facility projects funded by public facility bonds;
- (4) applications for small issue bonds for manufacturing projects;
- (5) applications for small issue bonds for agricultural development bond loan projects;
- (6) applications for residential rental project bonds;
- (7) applications for enterprise zone facility bonds;
- (8) applications for governmental bonds; and
- (9) applications for redevelopment bonds.

(d) If there are two or more applications for manufacturing projects from the unified pool and there is insufficient bonding authority to provide allocations for all manufacturing projects in any one allocation period, the available bonding authority shall be awarded based on the number of points awarded a project under section 474A.045 with those projects receiving the greatest number of points receiving allocation first. If two or more applications for manufacturing projects receive an equal amount of points, available bonding authority shall be awarded by lot unless otherwise agreed to by the respective issuers.

(e) If there are two or more applications for enterprise zone facility projects from the unified pool and there is insufficient bonding authority to provide allocations for all enterprise zone facility projects in any one allocation period, the available bonding authority shall be awarded based on the number of points awarded a project under section 474A.045 with those projects receiving the greatest number of points receiving allocation first. If two or more applications for enterprise zone facility projects receive an equal amount of points, available bonding authority shall be awarded by lot unless otherwise agreed to by the respective issuers.

(f) If there are two or more applications for residential rental projects from the unified pool and there is insufficient bonding authority to provide allocations for all residential rental projects in any one allocation period, the available bonding authority shall be awarded in the following order of priority: (1) projects that preserve existing federally subsidized housing; (2) projects that are not restricted to persons who are 55 years of age or older; and (3) other residential rental projects.

(g) From the first Monday in August through the last Monday in November, \$20,000,000 of bonding authority or an amount equal to the total annual amount of bonding authority allocated to the small issue pool under section 474A.03, subdivision 1, less the amount allocated to issuers from the small issue pool for that year, whichever is less, is reserved within the unified pool for small issue bonds to the extent such amounts are available within the unified pool.

(h) The total amount of allocations for mortgage bonds from the housing pool and the unified pool may not exceed:

(1) \$10,000,000 for any one city; or

(2) \$20,000,000 for any number of cities in any one county.

(i) The total amount of allocations for student loan bonds from the unified pool may not exceed ~~\$10,000,000~~ \$25,000,000 per year.

(j) If there is insufficient bonding authority to fund all projects within any qualified bond category other than enterprise zone facility projects, manufacturing projects, and residential rental projects, allocations shall be awarded by lot unless otherwise agreed to by the respective issuers.

(k) If an application is rejected, the commissioner must notify the applicant and return the application deposit to the applicant within 30 days unless the applicant requests in writing that the application be resubmitted.

(l) The granting of an allocation of bonding authority under this section must be evidenced by issuance of a certificate of allocation.

Sec. 27. Laws 2010, chapter 215, article 2, section 4, subdivision 3, is amended to read:

Subd. 3. **Operations and Maintenance**

-0-

(9,967,000)

For fiscal years 2012 and 2013, the base for operations and maintenance is ~~\$592,792,000~~ \$580,802,000 each year.

Sec. 28. Laws 2010, chapter 215, article 2, section 6, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective the day following final enactment, for grant awards beginning July 1, 2010.

Sec. 29. **STUDY OF CERTIFICATES AND DIPLOMAS; EDUCATIONAL CAREER PATH.**

The Board of Trustees of the Minnesota State Colleges and Universities, in conjunction with the Minnesota Chamber of Commerce, representatives of industry groups, and labor unions, shall study the program requirements for certificates and diplomas awarded by the Minnesota State Colleges and Universities to determine the feasibility of designing technical education programs to allow students to have more opportunities to earn credentials with lower credit requirements that could be combined into higher level certificates or diplomas. The study must consult with business and industry representatives as well as labor unions and faculty on the types of credentials that would be recognized for employment purposes. In addition, the study must address the feasibility of increasing the capacity to accumulate credentials in related programs into an educational career path leading to a diploma or degree. The study must also address the need for workers in other fields and take into account other job training programs provided by labor unions and business.

The board must report the study findings to the committees of the legislature with responsibility for postsecondary education finance by February 15, 2011.

Sec. 30. **STREAMLINED MINNESOTA STATE COLLEGES AND UNIVERSITIES SYSTEM OFFICE.**

Notwithstanding any law or policy to the contrary, the Board of Trustees of the Minnesota State Colleges and Universities shall streamline services provided through the system's central service office to reduce expenditures, better target the use of state resources, and provide services at the most appropriate and efficient level so as not to duplicate any services provided at the institutional level. These actions must be implemented so as to achieve budgetary savings and efficiencies in delivery of services and the accomplishment of the academic mission. The board must revise any board policies in a way that is consistent with the requirements of this section.

Sec. 31. **CREDIT TRANSFER; MINNESOTA STATE COLLEGES AND UNIVERSITIES.**

(a) The Board of Trustees of the Minnesota State Colleges and Universities must develop and implement a plan to improve credit transfers within the system. At a minimum, the board must:

(1) enhance the availability of easily used information on transferring and tracking credits;

(2) improve training for all staff involved with credit transfer;

(3) identify barriers to transferring credits including intellectual property issues for faculty and devise methods to eliminate these barriers; and

(4) identify discrepancies in the treatment of transferring and accepting credits by various institutions within the system and devise methods to improve the uniform treatment of credit transfers.

(b) The board must convene working groups of affected faculty, staff, and administrators representing institutions and academic and technical disciplines in the system to work on issues and barriers to credit transfer. The purpose of the working groups is to develop specific actions that will remove any barriers to credit transfer and to improve the ease and transparency of credit transfer for students.

(c) The board must report to the legislature by January 15, 2012, on the plans for and progress towards improvements in the transfer of credits. Any proposal to develop and implement a mandatory or voluntary common course numbering system for the Minnesota State Colleges and Universities must not be required until after the receipt of the report under this section.

Sec. 32. **POSTRETIREMENT HEALTH INSURANCE PREMIUM REIMBURSEMENT.**

The Minnesota State Colleges and Universities system shall waive premium reimbursement payments including any late payment charges, fees, penalties, or interest payments imposed on overdue health insurance premium reimbursements owed by a college retiree to the college under a contractual or collective bargaining agreement providing for postretirement health insurance benefits arising from employment under a contract or collective bargaining agreement with a school district or technical college prior to July 1, 1995, and who became an employee of Minnesota State Colleges and Universities on July 1, 1995. This section applies only if the college has failed to bill the retiree for the premium reimbursement payments as required under the applicable collective bargaining or contractual agreement, or if not otherwise established, within 90 days following the date on which the premium was due.

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

Sec. 33. **PILOT PROJECT; LOCAL DEPOSIT OF RESERVES OF MINNESOTA STATE COLLEGES AND UNIVERSITIES.**

Subdivision 1. **Establishment.** To increase the distribution of potential economic benefit of deposits of reserve funds of the institutions of the Minnesota State Colleges and Universities, a pilot project is established to transfer certain reserve deposits of selected institutions from the state treasury to a community financial institution. Notwithstanding Minnesota Statutes, section 16A.27, by December 31, 2010, the commissioner of management and budget shall transfer the designated amount of board-required reserve funds of colleges and universities selected by the Board of Trustees under subdivision 2, to a community financial institution designated for each of the participating colleges and universities.

Subd. 2. **Participating colleges and universities.** By August 15, 2010, colleges and universities must apply to the Board of Trustees of the Minnesota State Colleges and Universities for participation in the pilot project. Each applicant must designate one or more community financial institutions for the deposit of board-required reserves with the terms of the deposit for each designated community financial institution. The designated community financial institution must be located in the geographic area of a participating campus. From the applicants, the board shall select up to eight postsecondary institutions to participate in the local deposit pilot project. In making its selection, the board must consider the size of the institution's reserves and the terms offered by the designated community financial institutions. Two-year and four-year institutions must be selected to participate in the pilot project and the majority of the selected institutions must be located in greater Minnesota.

By December 1, 2010, the board must notify the commissioner of management and budget of the participating colleges and universities and the associated community financial institutions.

Subd. 3. **Community financial institution.** As used in this section, "community financial institution" means a federally insured bank or credit union, chartered as a bank or credit union by the state of Minnesota or the United States, that is headquartered in Minnesota and that has no more than \$2,500,000,000 in assets.

Subd. 4. **Evaluation and report.** The commissioner of management and budget and the Board of Trustees shall independently evaluate the effectiveness or harm of the local deposit pilot project in increasing the use of community financial institutions and providing wider distribution of the economic benefit of the deposit of postsecondary reserves. Each evaluation must include the participating colleges, universities, and community

financial institutions. The commissioner and the board shall report the results of the pilot project evaluation to the appropriate committees of the legislature by December 1, 2011, with recommendations on the future implementation of the pilot project.

Sec. 34. **NANOTECHNOLOGY REPORT.**

By February 1, 2011, the Board of Regents of the University of Minnesota and the Board of Trustees of the Minnesota State Colleges and Universities shall study nanotechnology research and education and report to the committees of the legislature with responsibility for higher education, economic development, environment, and public health on the ethical issues and the principles for nanotechnology research and development and education they utilize in their institutions and nanotechnology initiatives. The report must assess ways they ensure that nanotechnology is used responsibly through standards and guidelines that protect public health and the environment and provide for occupational health and safety.

Sec. 35. **SURGICAL TECHNOLOGISTS PILOT PROJECT.**

Subdivision 1. **Surgical technologists; training and employment pilot project.** (a) The Board of Trustees of the Minnesota State Colleges and Universities shall establish a pilot project to develop partnerships and training and employment opportunities for surgical technologists. The pilot project must develop partnerships between a health care facility located within 25 miles of an accredited surgical technologist program offered by a Minnesota State Colleges and Universities institution and the institution. The partnerships must promote the employment and retention of the services of individuals to perform surgical technology tasks or functions who have successfully completed an accredited educational program for surgical technologists and who hold and maintain a certified surgical technician credential from a nationally recognized surgical technologist certifying body accredited by the National Commission for Certifying Agencies and recognized by the American College of Surgeons and the Association of Surgical Technologists.

(b) Nothing in this section prohibits:

(1) a participating health care facility from continuing the employment of an individual who is employed to practice surgical technology in that health care facility on the effective date of this section;

(2) any licensed practitioner from performing surgical technology tasks or functions if the individual is acting within the scope of that practitioner's license;

(3) any student in training to be licensed as a health care practitioner from performing surgical technology tasks or functions if under the supervision of a licensed physician; or

(4) any participating health care facility from employing or retaining the services of an individual to perform tasks listed in this subdivision, provided the individual maintains a certified surgical assistant credential from the National Surgical Assistant Association.

(c) This subdivision expires June 30, 2014.

Subd. 2. **Report.** Surgical technologist training programs of the Minnesota State Colleges and Universities must cooperate with hospitals to assure that graduates meet the standards set by hospitals for surgical technologists providing services to surgical patients. The board of trustees shall report on the pilot project under this section to the appropriate legislative chairs by January 1, 2013, with recommendations to enhance surgical technologist training and to assure an adequate supply of surgical technologist graduates to meet the needs of facilities.

Sec. 36. **APPROPRIATION REDUCTIONS.**

Any reduction in appropriations for the biennium ending June 30, 2011, for the central system office of the Minnesota State Colleges and Universities must not be passed through to any institution or campus. The Board of Trustees of the Minnesota State Colleges and Universities must not charge any institution for appropriation reductions made to the central office.

Sec. 37. **UNIVERSITY MAYO PARTNERSHIP.**

Any reductions to the University of Minnesota for operations and maintenance in fiscal year 2011 must not be allocated to the University of Minnesota and Mayo Foundation Partnership.

Sec. 38. **FEDERAL HEALTH CARE REFORM.**

The regents of the University of Minnesota are requested to direct the University of Minnesota Extension Service to conduct public education related to the provisions of federal health care reform legislation, as enacted under the Patient Protection and Affordable Care Act (Public Law No. 111-148) and the Health Care and Education Reconciliation Act (Public Law No. 111-152), and the potential benefits of federal health care reform to Minnesota citizens, employers, and health care providers.

Sec. 39. **REPEALER.**

Minnesota Statutes 2009 Supplement, section 136A.121, subdivision 9b, is repealed."

Delete the title and insert:

"A bill for an act relating to higher education; authorizing data matching; modifying institution eligibility; establishing award procedures; establishing a grant program; modifying security requirements; requiring certain notice; establishing a central system office; modifying bonding limits; authorizing bonding authority transfer; providing for certain refunds; requiring certain studies and reports; governing credit transfers; requiring system office streamlining; providing postretirement premium reimbursement; establishing pilot projects; making technical corrections; requesting certain public education; defining and clarifying terms; governing appropriation reductions; amending Minnesota Statutes 2008, sections 135A.15, subdivision 1; 135A.155; 135A.51, subdivision 2; 136A.101, subdivision 10; 136A.121, subdivision 6; 136A.126, by adding a subdivision; 136A.15, subdivision 6; 136A.16, subdivision 14; 136A.62, subdivision 3; 136A.645; 136A.646; 141.25, subdivisions 7, 13, by adding a subdivision; 141.251, subdivision 2; 141.28, subdivision 2; 474A.04, subdivision 6; 474A.091, subdivision 3; Minnesota Statutes 2009 Supplement, sections 136A.01, subdivision 2; 136A.101, subdivision 4; 136F.98, subdivision 1; Laws 2010, chapter 215, article 2, sections 4, subdivision 3; 6; proposing coding for new law in Minnesota Statutes, chapters 136A; 136F; repealing Minnesota Statutes 2009 Supplement, section 136A.121, subdivision 9b."

The motion prevailed and the amendment was adopted.

Rukavina moved to amend S. F. No. 184, the second engrossment, as amended, as follows:

Page 4, line 12, delete everything after the first "state"

Page 4, delete line 13

Page 4, delete line 14 and insert "and."

Page 5, after line 24, insert:

"Sec. 9. Minnesota Statutes 2008, section 136A.121, subdivision 7, is amended to read:

Subd. 7. **Insufficient appropriation.** If the amount appropriated is determined by the office to be insufficient ~~to make~~ for projected grant demand based on making full awards to applicants under subdivision 5 in the second year, individual awards must be reduced by:

(1) adding a surcharge to the applicant's assigned family responsibility, as defined in section 136A.101, subdivision 5a; and

(2) a percentage increase in the applicant's assigned student responsibility, as defined in subdivision 5.

The reduction under clauses (1) and (2) must be approximately equal dollar amounts. The office may reserve up to five percent of the funds available for grants in the second year to manage uncertainty of demand based on enrollment or income. Any of the reserve that is remaining after grants are awarded under this subdivision, must be distributed by increasing the living and miscellaneous allowance consistent with subdivision 7a.

EFFECTIVE DATE. This section is effective for grants made on or after July 1, 2010."

Page 5, line 27, delete everything after "(a)"

Page 5, line 28, delete everything before the period and insert "Awards must be made on a first-come, first-served basis in the order complete applications are received"

Page 5, line 30, delete everything after "(b)"

Page 5, delete line 31

Page 5, line 32, delete "(c)"

Page 5, line 33, delete "(d)" and insert "(c)"

Page 16, line 16, delete "July 1, 2010" and insert "the day following final enactment"

Page 19, line 6, delete "University"

Page 19, line 7, delete "of Minnesota Extension Service" and insert "Area Health Education Centers"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Anderson, S., moved to amend S. F. No. 184, the second engrossment, as amended, as follows:

Page 17, line 3, after the period, insert "In making its selections, the board must ensure that the interest rate paid on the deposits of a participating institution are at least equal to the interest rate paid on campus reserves that are deposited in the state treasury."

A roll call was requested and properly seconded.

The question was taken on the Anderson, S., amendment and the roll was called.

Pursuant to rule 2.05, Downey was excused from voting on the Anderson, S., amendment to S. F. No. 184, the second engrossment, as amended.

There were 45 yeas and 83 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Demmer	Hamilton	Mack	Peppin	Torkelson
Anderson, P.	Dettmer	Holberg	Magnus	Poppe	Urdahl
Anderson, S.	Doepke	Hoppe	McFarlane	Reinert	Welti
Beard	Drazkowski	Kelly	McNamara	Sanders	Westrom
Brod	Eastlund	Kiffmeyer	Murdock	Scott	Zellers
Brown	Gottwalt	Kohls	Nornes	Seifert	
Cornish	Gunther	Lanning	Paymar	Shimanski	
Dean	Hackbarth	Loon	Pelowski	Smith	

Those who voted in the negative were:

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

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

Nornes moved to amend S. F. No. 184, the second engrossment, as amended, as follows:

Page 19, line 10, after "benefits" insert "and potential negative impacts"

The motion prevailed and the amendment was adopted.

Buesgens moved to amend S. F. No. 184, the second engrossment, as amended, as follows:

Page 19, delete section 38

Renumber the sections in sequence and correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

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

Pursuant to rule 2.05, Downey was excused from voting on the Buesgens amendment to S. F. No. 184, the second engrossment, as amended.

There were 47 yeas and 82 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Gunther	Kohls	Murdock	Smith
Anderson, B.	Dean	Hackbarth	Lanning	Nornes	Sterner
Anderson, P.	Demmer	Hamilton	Lenczewski	Obermueller	Torkelson
Anderson, S.	Dettmer	Holberg	Loon	Peppin	Urdahl
Beard	Doepke	Hoppe	Mack	Sanders	Welti
Brod	Drazkowski	Kath	Magnus	Scott	Westrom
Buesgens	Eastlund	Kelly	McFarlane	Seifert	Zellers
Cornish	Gottwalt	Kiffmeyer	McNamara	Shimanski	

Those who voted in the negative were:

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

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

Kahn moved to amend S. F. No. 184, the second engrossment, as amended, as follows:

Page 9, after line 27, insert:

"Sec. 20. **[137.66] ATHLETIC SCHOLARSHIP FUNDING PROGRAM.**

As a condition of the license under section 340A.404, subdivision 4a, paragraph (a), clause (3), the University of Minnesota shall deposit up to \$500,000 of the revenue generated through the existence of this license to the athletic scholarship account within the athletic department. Such funds shall be dedicated for meritorious scholarships for men and women student-athletes attending the University of Minnesota.

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

Page 14, after line 7, insert:

"Sec. 27. Minnesota Statutes 2009 Supplement, section 340A.404, subdivision 4a, is amended to read:

Subd. 4a. **Publicly owned recreation; entertainment facilities.** (a) Notwithstanding any other law, local ordinance, or charter provision, the commissioner may issue on-sale intoxicating liquor licenses:

(1) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Giants Ridge Recreation Area building or recreational improvement area owned by the state in the city of Biwabik, St. Louis County;

(2) to the state agency administratively responsible for, or to an entity holding a concession or facility management contract with such agency for beverage sales at, the premises of any Ironworld Discovery Center building or facility owned by the state at Chisholm;

(3) to the Board of Regents of the University of Minnesota for events at Northrop Auditorium, the intercollegiate football stadium, or at no more than seven other locations within the boundaries of the University of Minnesota, provided that the Board of Regents has approved an application for a license for the specified location and provided that a license for ~~an arena or a~~ stadium location is void unless it requires the sale or service of intoxicating liquor throughout the ~~arena or~~ stadium if intoxicating liquor is sold or served anywhere in the ~~arena or~~ stadium, and providing that the license may allow service of intoxicating liquor exclusively at club areas of arenas; and

(4) to the Duluth Entertainment and Convention Center Authority for beverage sales on the premises of the Duluth Entertainment and Convention Center Arena during intercollegiate hockey games.

The commissioner shall charge a fee for licenses issued under this subdivision in an amount comparable to the fee for comparable licenses issued in surrounding cities.

(b) No alcoholic beverage may be sold or served at TCF Bank Stadium unless the Board of Regents holds an on-sale intoxicating liquor license for the stadium as provided in paragraph (a), clause (3).

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

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

Pursuant to rule 2.05, Downey was excused from voting on the Kahn amendment to S. F. No. 184, the second engrossment, as amended.

There were 18 yeas and 111 nays as follows:

Those who voted in the affirmative were:

Anderson, P.	Bunn	Greiling	Knuth	McNamara	Peterson
Brod	Demmer	Kahn	Laine	Morrow	Seifert
Brynaert	Fritz	Kalin	Loon	Murphy, E.	Thissen

Those who voted in the negative were:

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

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

Bunn moved to amend S. F. No. 184, the second engrossment, as amended, as follows:

Page 18, delete lines 10 to 20

Reletter the clauses in sequence

A roll call was requested and properly seconded.

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

Pursuant to rule 2.05, Downey was excused from voting on the Bunn amendment to S. F. No. 184, the second engrossment, as amended.

There were 40 yeas and 89 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Beard	Cornish	Dettmer	Eastlund	Hamilton
Anderson, P.	Brod	Dean	Doepke	Gottwalt	Hoppe
Anderson, S.	Bunn	Demmer	Drazkowski	Greiling	Kelly

Kiffmeyer	Liebling	Magnus	Scott	Thissen	Winkler
Knuth	Loeffler	Murphy, E.	Seifert	Torkelson	Zellers
Kohls	Loon	Norton	Shimanski	Urdahl	
Lenczewski	Mack	Ruud	Sterner	Welti	

Those who voted in the negative were:

Abeler	Doty	Hornstein	Lieder	Nornes	Scalze
Anzelc	Eken	Hortman	Lillie	Obermueller	Sertich
Atkins	Falk	Hosch	Mahoney	Olin	Simon
Benson	Faust	Howes	Mariani	Otremba	Slawik
Bigham	Fritz	Huntley	Marquart	Paymar	Slocum
Bly	Gardner	Jackson	Masin	Pelowski	Smith
Brown	Gunther	Johnson	McFarlane	Peppin	Solberg
Brynaert	Hackbarth	Juhnke	McNamara	Persell	Swails
Buesgens	Hansen	Kahn	Morgan	Peterson	Thao
Carlson	Hausman	Kalin	Morrow	Poppe	Tillberry
Champion	Haws	Kath	Mullery	Reinert	Wagenius
Clark	Hayden	Koenen	Murdock	Rosenthal	Ward
Davids	Hilstrom	Laine	Murphy, M.	Rukavina	Westrom
Davnie	Hilty	Lanning	Nelson	Sailer	Spk. Kelliher
Dill	Holberg	Lesch	Newton	Sanders	

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

S. F. No. 184, A bill for an act relating to higher education; authorizing data matching; modifying institution eligibility; establishing award procedures; establishing scholarship priorities; establishing powers and duties; modifying security requirements; regulating the use of certain revenues; providing for refunds; defining terms; making technical corrections; amending Minnesota Statutes 2008, sections 136A.101, subdivision 10; 136A.126, subdivision 1, by adding a subdivision; 136A.127, subdivision 6, by adding subdivisions; 136A.15, subdivision 6; 136A.16, subdivision 14; 136A.62, subdivision 3; 136A.645; 136A.646; 136A.65, by adding a subdivision; 136F.581, by adding a subdivision; 141.25, subdivisions 7, 13, by adding a subdivision; 141.251, subdivision 2; 141.28, subdivision 2; Minnesota Statutes 2009 Supplement, sections 136A.01, subdivision 2; 136A.101, subdivision 4; 136A.127, subdivisions 2, 4; 299A.45, subdivision 1; 340A.404, subdivision 4a; Laws 2009, chapter 95, article 2, section 40; Laws 2010, chapter 215, article 2, sections 4, subdivision 3; 6; proposing coding for new law in Minnesota Statutes, chapters 136A; 137.

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.

Pursuant to rule 2.05, Downey was excused from voting on the final passage of S. F. No. 184, as amended.

There were 98 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Abeler	Benson	Brynaert	Clark	Eken	Gardner
Anderson, P.	Bigham	Bunn	Davnie	Falk	Greiling
Anzelc	Bly	Carlson	Dill	Faust	Gunther
Atkins	Brown	Champion	Doty	Fritz	Hamilton

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

Those who voted in the negative were:

Anderson, B.	Davids	Eastlund	Kiffmeyer	Sanders	Zellers
Anderson, S.	Dean	Gottwalt	Kohls	Scott	
Beard	Demmer	Hackbarth	Loon	Seifert	
Brod	Dettmer	Holberg	Mack	Shimanski	
Buesgens	Doepke	Hoppe	McNamara	Thissen	
Cornish	Drazkowski	Kelly	Peppin	Westrom	

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

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 1060.

S. F. No. 1060 was reported to the House.

Hortman moved to amend S. F. No. 1060, the third engrossment, as follows:

"Delete everything after the enacting clause and insert the following language of H. F. No. 605, the first engrossment:

"Section 1. Minnesota Statutes 2008, section 161.53, is amended to read:

161.53 RESEARCH ACTIVITIES.

(a) The commissioner may set aside in each fiscal year up to two percent of the total amount of all funds appropriated to the commissioner other than county state-aid and municipal state-aid highway funds for transportation research including public and private research partnerships. The commissioner shall spend this money for (1) research to improve the design, construction, maintenance, management, and environmental compatibility of transportation systems, including research into and implementation of innovations in bridge-monitoring technology and bridge inspection technology; bridge inspection techniques and best practices; and the cost-effectiveness of deferred or lower cost highway and bridge design and maintenance activities and their impacts on long-term trunk highway costs and maintenance needs; (2) research on transportation policies that enhance energy efficiency and economic development; (3) programs for implementing and monitoring research results; and (4) development of transportation education and outreach activities.

(b) Of all funds appropriated to the commissioner other than state-aid funds, the commissioner shall spend at least 0.1 percent, but not exceeding \$1,200,000 in any fiscal year, for research and related activities performed by the Center for Transportation Studies of the University of Minnesota. The center shall establish a technology transfer and training center for Minnesota transportation professionals.

Sec. 2. Minnesota Statutes 2008, section 165.03, is amended by adding a subdivision to read:

Subd. 8. **Biennial report on bridge inspection quality assurance.** By February 1 of each odd-numbered year, the commissioner shall submit a report electronically to the members of the senate and house of representatives committees with jurisdiction over transportation policy and finance concerning quality assurance for bridge inspections. At a minimum, the report must:

(1) summarize the bridge inspection quality assurance and quality control procedures used in Minnesota;

(2) identify any substantive changes to quality assurance and quality control procedures made in the previous two years;

(3) summarize and provide a briefing on findings from bridge inspection quality reviews performed in the previous two years;

(4) identify actions taken and planned in response to findings from bridge inspection quality reviews performed in the previous two years;

(5) summarize the results of any bridge inspection compliance review by the Federal Highway Administration; and

(6) identify actions in response to the Federal Highway Administration compliance review taken by the department in order to reach full compliance.

Sec. 3. **[167.60] DEBT-FINANCING MANAGEMENT POLICY.**

(a) By July 1, 2010, the commissioner shall develop a debt-financing management policy for trunk highway bonds, federal advanced construction funds, and other forms of highway financing based on debt or future repayment. The policy must be used by the department to guide decision making related to debt financing. The commissioner may update the policy as necessary. In developing and updating the policy, the commissioner shall consult with the commissioner of management and budget and the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over transportation finance.

(b) The debt-financing management policy must address relevant financial issues, including, but not limited to:

(1) limits on cumulative amounts of debt for the trunk highway system from all state and federal sources;

(2) eligibility of projects for debt-financing funds;

(3) allocation and use of funds;

(4) terms of debt service and methods of repayment;

(5) management of trunk highway fund balance impacts; and

(6) mitigation of risks from different forms of debt financing.

(c) Upon creation or formal revision of the debt-financing management policy, the commissioner shall distribute electronic copies to the members of the senate and house of representatives committees with jurisdiction over transportation finance, and as required for reports to the legislature under section 3.195, subdivision 1.

Sec. 4. Minnesota Statutes 2008, section 174.02, subdivision 1a, is amended to read:

Subd. 1a. **Mission; efficiency; legislative report, recommendations.** It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

- (1) prevent the waste or unnecessary spending of public money;
- (2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;
- (3) minimize the degradation of air and water quality;
- (4) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;
- (5) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;
- (6) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;
- (7) ensure that the safety, maintenance, and preservation of Minnesota's transportation infrastructure is a primary priority;
- (8) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and
- ~~(8)~~ (9) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

Sec. 5. Minnesota Statutes 2008, section 174.02, subdivision 2, is amended to read:

Subd. 2. **Unclassified positions.** The commissioner may establish four positions in the unclassified service at the deputy and assistant commissioner, assistant to commissioner or personal secretary levels. No more than two of these positions shall be at the deputy commissioner level. One of the four positions in the unclassified service must serve as the chief engineer and be licensed as a professional engineer under section 326.02.

Sec. 6. Minnesota Statutes 2008, section 174.02, is amended by adding a subdivision to read:

Subd. 8. **Electronic reports.** For any legislative report required to be submitted by the commissioner by law, in which the report may or must be submitted electronically, the commissioner shall meet the requirements under section 3.195, subdivision 1.

Sec. 7. Minnesota Statutes 2008, section 174.03, subdivision 1a, is amended to read:

Subd. 1a. **Revision of state statewide multimodal transportation plan.** (a) The commissioner shall revise the state statewide multimodal transportation plan by January 1, 1996, January 1, 2000, and, if the requirements of clauses (1) and (2) have been met in the previous revision 2016, and by January 1 of every third even-numbered year six years thereafter. Before final adoption of a revised plan, the commissioner shall hold a hearing to receive public comment on the preliminary draft of the revised plan.

~~The~~ (b) Each revised state statewide multimodal transportation plan must:

- (1) incorporate the goals of the state transportation system in section 174.01; ~~and~~
- (2) establish objectives, policies, and strategies for achieving those goals; ~~and~~
- (3) identify performance targets for measuring progress and achievement of transportation system goals, objectives, or policies.

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

Sec. 8. Minnesota Statutes 2008, section 174.03, is amended by adding a subdivision to read:

Subd. 1c. **Statewide highway 20-year capital investment plan.** By July 2012 and in conjunction with each future revision of the statewide multimodal transportation plan, the commissioner shall prepare a 20-year statewide highway capital investment plan that:

(1) incorporates performance measures and targets for assessing progress and achievement of the state's transportation goals, objectives, and policies identified in this chapter for the state trunk highway system, and those goals, objectives, and policies established in the statewide multimodal transportation plan. Performance targets must be based on objectively verifiable measures, and address, at a minimum, preservation and maintenance of the structural condition of state highway bridges and pavements, safety, and mobility;

(2) summarizes trends and impacts for each performance target over the past five years;

(3) summarizes the amount and analyzes the impact of the department's capital investments and priorities over the past five years on each performance target, including a comparison of prior plan projected costs with actual costs;

(4) identifies the investments required to meet the established performance targets over the next 20-year period;

(5) projects available state and federal funding over the 20-year period;

(6) identifies strategies to ensure the most efficient use of existing transportation infrastructure, and to maximize the performance benefits of projected available funding;

(7) establishes investment priorities for projected funding, including a schedule of major projects or improvement programs for the 20-year period together with projected costs and impact on performance targets; and

(8) identifies those performance targets identified under clause (1) not expected to meet the target outcome over the 20-year period together with alternative strategies that could be implemented to meet the targets.

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

Sec. 9. **REPORT ON DEPARTMENT OF TRANSPORTATION MANAGEMENT CHANGES.**

(a) By February 1, 2011, the commissioner of transportation shall submit a report electronically to the members of the senate and house of representatives committees with jurisdiction over transportation policy and finance concerning recent changes in the department's organizational structure, internal procedures and practices, and anticipated budget. The report must include, but is not limited to:

(1) a summary and review of the department organizational structure for bridge management, maintenance, and inspections, including a brief explanation of any relevant structural or organizational changes made since August 1, 2007;

(2) an analysis of the division of bridge-related duties and decision-making responsibilities between districts and central administration;

(3) a summary of current agency procedures and processes, and any changes made since August 1, 2007, related to:

(i) initiation of bridge re-rating and use of bridge inspection findings in the re-rating process;

(ii) implementation of agencywide standards for documenting bridge inspection findings and decision making for postinspection bridge maintenance; and

(iii) other changes designed to ensure or enhance the safety of Minnesota's transportation infrastructure; and

(4) a budget analysis of anticipated funding and funding allocations for pavement preservation and highway maintenance, safety projects, mobility enhancement projects, and highway and bridge construction, for fiscal years 2012 through 2018, including a discussion of any anticipated budgetary challenges or risks.

(b) In addition to an electronic report, the commissioner shall prepare a summary of findings from the report for distribution and oral testimony to the chairs of the senate and house of representatives committees with jurisdiction over transportation finance, who shall make every reasonable effort to arrange testimony from the department during the 2011 legislative session."

Delete the title and insert:

"A bill for an act relating to transportation; modifying management, priorities, research, and planning provisions related to Department of Transportation; requiring reports; amending Minnesota Statutes 2008, sections 161.53; 165.03, by adding a subdivision; 174.02, subdivisions 1a, 2, by adding a subdivision; 174.03, subdivision 1a, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 167."

The motion prevailed and the amendment was adopted.

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

Holberg, Hortman and Hausman moved to amend S. F. No. 1060, the third engrossment, as amended, as follows:

Page 5, after line 19, insert:

"Sec. 9. **[174.93] GUIDEWAY INVESTMENT.**

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given:

(1) "commissioner" means the commissioner of transportation; and

(2) "guideway" means a form of transportation service provided to the public on a regular and ongoing basis, that operates on exclusive or controlled rights-of-way or rails in whole or in part, and includes each line for intercity passenger rail, commuter rail, light rail transit, streetcars, and bus rapid transit.

(b) For purposes of this section, "sources of funds" includes, but is not limited to, money from federal aid, state appropriations, the Metropolitan Council, special taxing districts, local units of government, fare box recovery, and nonpublic sources.

Subd. 2. **Legislative report.** (a) By November 15 in every odd-numbered year, the commissioner shall prepare, in collaboration with the Metropolitan Council, and submit a report electronically to the members of the house of representatives and senate committees with jurisdiction over transportation policy and finance concerning the status of guideway projects (1) currently in study, planning, development, or construction; (2) identified in the transportation policy plan under section 473.146; or (3) identified in the comprehensive statewide freight and passenger rail plan under section 174.03, subdivision 1b.

(b) At a minimum, the report must include, for each guideway project:

(1) a brief description of the project, including projected ridership;

(2) a summary of the overall status and current phase of the project;

(3) a timeline that includes (i) project phases or milestones, (ii) expected and known dates of commencement of each phase or milestone, and (iii) expected and known dates of completion of each phase or milestone;

(4) a brief progress update on specific project phases or milestones completed since the last previous submission of a report under this subdivision; and

(5) a summary of capital expenditures that identifies, to the extent available, expenditures to date and total projected expenditures, with a breakdown by committed and proposed sources of funds for the project.

Sec. 10. Laws 2008, chapter 306, section 6, is amended to read:

Sec. 6. REPORT ON URBAN PARTNERSHIP AGREEMENT.

By January 15, 2009, and on January 15 each year through 2014, the commissioner of transportation, in conjunction with the Metropolitan Council, shall report to the chairs and ranking minority members of the legislative committees with jurisdiction over transportation concerning the status of the state's participation in the urban partnership agreement. The report must:

(1) present the elements of congestion reduction strategies to be implemented under the urban partnership agreement;

(2) summarize average daily traffic and congestion levels on affected roadways, including parallel trunk highways, and how those levels have changed since the last report;

(3) summarize transit usage in affected corridors;

(4) identify the costs of participation and the sources of funding secured or to be secured;

(5) include information on revenues and expenditures under the urban partnership agreement;

(6) summarize any user fees collected on I-35W high-occupancy vehicle and dynamic shoulder lanes by hour, and how those revenues have changed since the last report; and

(7) recommend any further legislative action necessary for the successful implementation and operation of the urban partnership agreement; and

(8) identify the location of double white pavement marking lines within the I-35W corridor, and describe the justification for the location of those lines within the corridor."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 1060, A bill for an act relating to transportation; modifying management, priorities, research, and planning provisions related to Department of Transportation; requiring reports; amending Minnesota Statutes 2008, sections 161.53; 165.03, by adding a subdivision; 174.02, subdivision 1a; 174.03, subdivision 1a, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 167.

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 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

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

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 2880.

S. F. No. 2880 was reported to the House.

Hilstrom moved to amend S. F. No. 2880, the fourth engrossment, as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2990, the fourth engrossment:

"Section 1. Minnesota Statutes 2008, section 257.69, subdivision 2, is amended to read:

Subd. 2. **Guardian ad litem; legal fees.** (a) The court may order expert witness and guardian ad litem fees and other costs of the trial and pretrial proceedings, including appropriate tests, to be paid by the parties in proportions and at times determined by the court. The court shall require a party to pay part of the fees of court-appointed counsel according to the party's ability to pay, but if counsel has been appointed the appropriate agency shall pay the party's proportion of all other fees and costs. The agency responsible for child support enforcement shall pay the fees and costs for blood or genetic tests in a proceeding in which it is a party, is the real party in interest, or is acting on behalf of the child. However, at the close of a proceeding in which paternity has been established under sections 257.51 to 257.74, the court shall order the adjudicated father to reimburse the public agency, if the court finds he has sufficient resources to pay the costs of the blood or genetic tests. When a party bringing an action is represented by the county attorney, no filing fee shall be paid to the court administrator.

(b) In each fiscal year, the commissioner of management and budget shall deposit guardian ad litem reimbursements in the ~~general~~ special revenue fund and credit them to a separate account with the ~~trial courts~~ State Guardian Ad Litem Board. The balance of this account is appropriated to the ~~trial courts~~ State Guardian Ad Litem Board and does not cancel but is available until expended. ~~Expenditures by the state court administrator's office~~ Revenue from this account must be ~~based on the amount of the guardian ad litem reimbursements received by the state from the courts in each judicial district~~ spent in the judicial district in which the reimbursement is collected.

Sec. 2. Minnesota Statutes 2008, section 260B.331, subdivision 6, is amended to read:

Subd. 6. **Guardian ad litem fees.** (a) In proceedings in which the court appoints a guardian ad litem pursuant to section 260B.163, subdivision 6, paragraph (a), the court may inquire into the ability of the parents to pay for the guardian ad litem's services and, after giving the parents a reasonable opportunity to be heard, may order the parents to pay guardian fees.

(b) In each fiscal year, the commissioner of management and budget shall deposit guardian ad litem reimbursements in the ~~general~~ special revenue fund and credit them to a separate account with the ~~trial courts~~ State Guardian Ad Litem Board. The balance of this account is appropriated to the ~~trial courts~~ State Guardian Ad Litem Board and does not cancel but is available until expended. ~~Expenditures by the state court administrator's office~~ Revenue from this account must be ~~based on the amount of the guardian ad litem reimbursements received by the state from the courts in each judicial district~~ spent in the judicial district in which the reimbursement is collected.

Sec. 3. Minnesota Statutes 2008, section 260C.331, subdivision 3, is amended to read:

Subd. 3. **Court expenses.** The following expenses are a charge upon the county in which proceedings are held upon certification of the judge of juvenile court or upon such other authorization provided by law:

(1) the fees and mileage of witnesses, and the expenses and mileage of officers serving notices and subpoenas ordered by the court, as prescribed by law;

(2) the expense of transporting a child to a place designated by a child-placing agency for the care of the child if the court transfers legal custody to a child-placing agency;

(3) the expense of transporting a minor to a place designated by the court;

(4) reasonable compensation for an attorney appointed by the court to serve as counsel, ~~except in the Eighth Judicial District where the state courts shall pay for counsel to a guardian ad litem until the recommendations of the task force created in Laws 1999, chapter 216, article 7, section 42, are implemented.~~

The State ~~courts~~ Guardian Ad Litem Board shall pay for guardian ad litem expenses and reasonable compensation for an attorney to serve as counsel for a guardian ad litem, if necessary.

Sec. 4. Minnesota Statutes 2008, section 260C.331, subdivision 6, is amended to read:

Subd. 6. **Guardian ad litem fees.** (a) In proceedings in which the court appoints a guardian ad litem pursuant to section 260C.163, subdivision 5, clause (a), the court may inquire into the ability of the parents to pay for the guardian ad litem's services and, after giving the parents a reasonable opportunity to be heard, may order the parents to pay guardian fees.

(b) In each fiscal year, the commissioner of management and budget shall deposit guardian ad litem reimbursements in the ~~general~~ special revenue fund and credit them to a separate account with the ~~trial courts~~ State Guardian Ad Litem Board. The balance of this account is appropriated to the ~~trial courts~~ State Guardian Ad Litem Board and does not cancel but is available until expended. ~~Expenditures by the state court administrator's office~~ Revenue from this account must be ~~based on the amount of the guardian ad litem reimbursements received by the state from the courts in each judicial district spent in the judicial district in which the reimbursement is collected.~~

Sec. 5. **[480.35] STATE GUARDIAN AD LITEM BOARD.**

Subdivision 1. **Structure; membership.** (a) The State Guardian Ad Litem Board is established in the judicial branch. The board is not subject to the administrative control of the judiciary. The State Guardian Ad Litem Board shall consist of seven members including:

(1) three members appointed by the Supreme Court who include two attorneys admitted to practice law in the state and one public member; and

(2) four members appointed by the governor.

The appointing authorities may not appoint an active judge to be a member of the State Guardian Ad Litem Board, but may appoint a retired judge.

(b) All candidates shall demonstrate an interest in maintaining a high quality, independent guardian ad litem program for the advocacy of the best interests of children as required in juvenile and family court. The candidates shall be well acquainted with the guardian ad litem program, as well as laws that affect a guardian ad litem's work, including the Minnesota Indian Family Preservation Act under sections 260.751 to 260.835; the federal Multiethnic Placement Act of 1994 under United States Code, title 42, section 662 and amendments; and the federal Indian Child Welfare Act under United States Code, title 25, section 1901 et seq. At least three members of the board shall be from judicial districts other than the First, Second, Fourth, and Tenth Judicial Districts. The terms, compensation, and removal of members shall be as provided in section 15.0575. The Supreme Court shall appoint the chair from among the membership for a term of two years.

Subd. 2. **Duties and responsibilities.** (a) The State Guardian Ad Litem Board shall create and administer a statewide, independent guardian ad litem program to advocate for the best interests of children, minor parents, and incompetent adults in juvenile and family court cases as defined in Rule 901.01 of the Rules of Guardian Ad Litem Procedure in Juvenile and Family Court matters.

(b) The board shall:

(1) approve and recommend to the legislature a budget for the board and the guardian ad litem program;

(2) establish procedures for distribution of funding under this section to the guardian ad litem program; and

(3) establish guardian ad litem program standards, administrative policies, procedures, and rules consistent with statute, rules of court, and laws that affect a guardian ad litem's work, including the Minnesota Indian Family Preservation Act under sections 260.751 to 260.835; the federal Multiethnic Placement Act of 1994 under United States Code, title 42, section 662 and amendments; and the federal Indian Child Welfare Act under United States Code, title 25, section 1901 et seq.

(c) The board may:

(1) adopt standards, policies, or procedures necessary to ensure quality advocacy for the best interests of children;

(2) propose statutory changes to the legislature and rule changes to the Supreme Court that are in the best interests of children and the operation of the guardian ad litem program; and

(3) appoint an advisory committee to make recommendations to assist the board in its duties and to report to the board on issues related to the guardian ad litem program. The advisory committee shall be subject to the provisions of section 15.059 and shall expire on June 30, 2014.

Subd. 3. **State guardian ad litem program administrator.** The State Guardian Ad Litem Board shall appoint a program administrator who serves at the pleasure of the board. The program administrator is not required to be licensed to practice law. The program administrator shall attend all meetings of the board, but may not vote, and shall:

(1) carry out all administrative functions necessary for the efficient and effective operation of the board and the guardian ad litem program, including but not limited to hiring, supervising, and disciplining program staff and guardians ad litem;

(2) implement, as necessary, resolutions, standards, rules, regulations, and policies of the board;

(3) keep the board fully advised as to its financial condition, and prepare and submit to the board the annual guardian ad litem program and State Guardian Ad Litem Board budget and other financial information as requested by the board;

(4) recommend to the board the adoption of rules and regulations necessary for the efficient operation of the board and the state guardian ad litem program; and

(5) perform other duties prescribed by the board.

Subd. 4. **Administration.** The board may contract with the Office of State Court Administrator for administrative support services for the fiscal years following fiscal year 2011.

Subd. 5. **Benefits.** Any guardian ad litem employee who transferred to state employment on or before July 1, 2005, may retain county benefits elected under section 480.181.

Subd. 6. **Access to records.** Access to records of the state guardian ad litem program is subject to the Rules of Public Access for Records of the Judicial Branch. The State Guardian Ad Litem Board may propose amendments for Supreme Court consideration.

Subd. 7. **Fees and costs; civil actions on contested case.** Sections 15.039 and 15.471 to 15.474 apply to the State Guardian Ad Litem Board.

Sec. 6. Minnesota Statutes 2008, section 518.165, subdivision 3, is amended to read:

Subd. 3. **Fees.** (a) A guardian ad litem appointed under either subdivision 1 or 2 may be appointed either as a volunteer or on a fee basis. If a guardian ad litem is appointed on a fee basis, the court shall enter an order for costs, fees, and disbursements in favor of the child's guardian ad litem. The order may be made against either or both parties, except that any part of the costs, fees, or disbursements which the court finds the parties are incapable of paying shall be borne by the State ~~courts~~ Guardian Ad Litem Board. The costs of court-appointed counsel to the guardian ad litem shall be paid by the ~~county in which the proceeding is being held~~ State Guardian Ad Litem Board if a party is incapable of paying for them. ~~Until the recommendations of the task force created in Laws 1999, chapter 216, article 7, section 42, are implemented, the costs of court appointed counsel to a guardian ad litem in the Eighth Judicial District shall be paid by the state courts if a party is incapable of paying for them.~~ In no event may the court order that costs, fees, or disbursements be paid by a party receiving public assistance or legal assistance or by a party whose annual income falls below the poverty line as established under United States Code, title 42, section 9902(2).

(b) In each fiscal year, the commissioner of management and budget shall deposit guardian ad litem reimbursements in the ~~general~~ special revenue fund and credit them to a separate account with the ~~trial courts~~ State Guardian Ad Litem Board. The balance of this account is appropriated to the ~~trial courts~~ State Guardian Ad Litem Board and does not cancel but is available until expended. ~~Expenditures by the state court administrator's office~~ Revenue from this account must be ~~based on the amount of the guardian ad litem reimbursements received by the state from the courts in each judicial district spent in the judicial district in which the reimbursement is collected.~~

Sec. 7. **TRANSITION.**

The State Guardian Ad Litem Board shall be established by October 1, 2010. The state guardian ad litem program administrator shall be appointed according to Minnesota Statutes, section 480.35, and the operational structure of the board and guardian ad litem program shall be established during fiscal year 2011. During fiscal year 2011, the state court administrator and judicial district offices shall continue to provide administrative support and management oversight services and may authorize program expenditures until the board is established and thereafter, as requested by the State Guardian Ad Litem Board. Existing judicial branch policies for guardians ad litem shall apply until those policies are replaced by policies of the State Guardian Ad Litem Board.

Sec. 8. **FUNDING; TRANSFER.**

(a) All guardian ad litem reimbursement account balances on June 30, 2010, shall be transferred to the State Guardian Ad Litem Board from the trial courts and are appropriated to the State Guardian Ad Litem Board for the provision of guardian ad litem services.

(b) The appropriation to the State Guardian Ad Litem Board for costs associated with the establishment of the board and operation of the guardian ad litem program in fiscal year 2011 shall be paid for by a transfer of \$12,367,000 from the trial court appropriation for the guardian ad litem program. Thereafter, the legislature shall appropriate money to the State Guardian Ad Litem Board for the purpose of payment of all financial obligations of the board and guardian ad litem program.

Sec. 9. **EFFECTIVE DATE.**

Sections 1 to 8 are effective July 1, 2010."

The motion prevailed and the amendment was adopted.

Hilstrom moved to amend S. F. No. 2880, the fourth engrossment, as amended, as follows:

Page 3, line 20, after "Court" insert ", at least one of whom must have former guardian ad litem experience, and"

The motion prevailed and the amendment was adopted.

Nornes offered an amendment to S. F. No. 2880, the fourth engrossment, as amended.

POINT OF ORDER

Hilstrom raised a point of order pursuant to rule 3.21 that the Nornes amendment was not in order. Speaker pro tempore Liebling ruled the point of order well taken and the Nornes amendment out of order.

Westrom appealed the decision of Speaker pro tempore Liebling.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Liebling stand as the judgment of the House?" and the roll was called. There were 84 yeas and 45 nays as follows:

Those who voted in the affirmative were:

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

Ruud	Sertich	Slocum	Swails	Tillberry	Welti
Sailer	Simon	Solberg	Thao	Wagenius	Winkler
Scalze	Slawik	Sterner	Thissen	Ward	Spk. Kelliher

Those who voted in the negative were:

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

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

Hansen and Hilstrom moved to amend S. F. No. 2880, the fourth engrossment, as amended, as follows:

Page 3, line 24, after the period, insert "The appointing authorities may not appoint a registered lobbyist to be a member of the State Guardian Ad Litem Board."

The motion prevailed and the amendment was adopted.

S. F. No. 2880, A bill for an act relating to guardians ad litem; establishing the State Guardian Ad Litem Board; appropriating money; amending Minnesota Statutes 2008, sections 257.69, subdivision 2; 260B.331, subdivision 6; 260C.331, subdivisions 3, 6; 518.165, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 480.

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 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

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

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

Those who voted in the negative were:

Buesgens	Hackbarth	Holberg	Loon	Westrom
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The bill was passed, as amended, and its title agreed to.

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 bills to be placed on the Calendar for the Day for Monday, May 3, 2010:

S. F. Nos. 2709, 2971, 2752, 2226 and 633; H. F. Nos. 2612 and 890; S. F. Nos. 2695, 1905 and 2759; H. F. No. 910; and S. F. Nos. 271, 2756, 2386 and 2990.

CALENDAR FOR THE DAY

S. F. No. 2226 was reported to the House and given its third reading.

Buesgens moved that S. F. No. 2226 be re-referred to the Public Safety Finance Division.

A roll call was requested and properly seconded.

The question was taken on the Buesgens motion and the roll was called. There were 41 yeas and 86 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail.

S. F. No. 2226, A bill for an act relating to elections; prohibiting coercion of a person who is or is considering being a candidate; amending Minnesota Statutes 2008, section 211B.10, subdivision 1.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 96 yeas and 31 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Buesgens	Dettmer	Drazkowski	Gunther	Holberg
Beard	Dean	Doepke	Eastlund	Hackbarth	Hoppe
Brod	Demmer	Downey	Gottwalt	Hamilton	Kiffmeyer

Kohls	Nornes	Scott	Smith	Zellers
Loon	Peppin	Seifert	Torkelson	
Magnus	Sanders	Shimanski	Westrom	

The bill was passed and its title agreed to.

H. F. No. 910, A bill for an act relating to notaries public; modifying fees; regulating commissions and notarial stamps and seals; providing clarifications; providing for the accommodations of physical limitations; amending Minnesota Statutes 2008, sections 358.028; 358.09; 358.15; 358.47; 358.48; 359.01, subdivision 2; 359.02; 359.03, subdivisions 1, 2, 3, 4; 359.061; 359.12; Minnesota Statutes 2009 Supplement, sections 357.021, subdivision 2; 359.01, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 359; repealing Minnesota Statutes 2008, section 359.05.

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 102 yeas and 27 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dauids	Downey	Holberg	Peppin	Smith
Anderson, S.	Dean	Drazkowski	Hoppe	Sanders	Zellers
Brod	Demmer	Eastlund	Kohls	Scott	
Buesgens	Dettmer	Gottwalt	Loon	Seifert	
Cornish	Doepke	Hackbarth	Mack	Shimanski	

The bill was passed and its title agreed to.

S. F. No. 2759 was reported to the House.

Mahoney moved to amend S. F. No. 2759, the second engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 326B.121, subdivision 2, is amended to read:

Subd. 2. **Municipal enforcement.** (a) If, as of January 1, 2008, a municipality has in effect an ordinance adopting the State Building Code, that municipality must continue to administer and enforce the State Building Code within its jurisdiction. The municipality is prohibited from repealing its ordinance adopting the State Building Code. This paragraph does not apply to municipalities with a population of less than 2,500 according to the last federal census that are located outside of a metropolitan county, as defined in section 473.121, subdivision 4.

(b) If a municipality is not required by paragraph (a) to administer and enforce the State Building Code, the municipality may choose to administer and enforce the State Building Code within its jurisdiction by adopting the code by ordinance.

(c) A municipality must not by ordinance, or through development agreement, require building code provisions regulating components or systems of any structure that are different from any provision of the State Building Code. This subdivision does not prohibit a municipality from enacting or enforcing an ordinance requiring existing components or systems of any structure to be maintained in a safe and sanitary condition or in good repair, but not exceeding the standards under which the structure was built, reconstructed or altered, or the component or system was installed, unless specific retroactive provisions for existing buildings have been adopted as part of the State Building Code. A municipality may, with the approval of the state building official, adopt an ordinance that is more restrictive than the State Building Code where geological conditions warrant a more restrictive ordinance. A municipality may appeal the disapproval of a more restrictive ordinance to the commissioner. An appeal under this subdivision is subject to the schedule, fee, procedures, cost provisions, and appeal rights set out in section 326B.139.

(d) A city may by ordinance and with permission of the township board extend the administration and enforcement of the code to contiguous unincorporated territory not more than two miles distant from its corporate limits in any direction if the code is not already administered and enforced in the territory. Where two or more noncontiguous cities, which have elected to administer and enforce the code, have boundaries less than four miles apart, each is authorized to enforce the code on its side of a line equidistant between them. Once enforcement authority is extended extraterritorially by ordinance, the authority may continue to be exercised in the designated territory even though another city less than four miles distant later elects to enforce the code. After the extension, the city may enforce the code in the designated area to the same extent as if the property were situated within its corporate limits. Enforcement of the code in an extended area outside a city's corporate limits includes all rules, laws, and ordinances associated with administration of the code.

(e) A city cannot commence administration and enforcement of the code outside of its jurisdiction until it has provided written notice to the commissioner, the county auditor, and the town clerk of each town in which it intends to administer and enforce the code. A public hearing on the proposed administration and enforcement must be held not less than 30 days after the notice has been provided. Administration and enforcement of the code by the city outside of its jurisdiction commences on a date determined by the city that is no less than 90 days nor more than one year after the public hearing.

(f) A municipality may enforce the State Building Code by any means that are convenient and lawful, including entering into contracts with other municipalities under section 471.59 and with qualified individuals. The other municipalities or qualified individuals may be reimbursed by retention or remission of some or all of the building permit fee collected or by other means. If a municipality has no qualified employees of the municipality or other municipalities or qualified individuals available to carry out inspection and enforcement, the commissioner shall train and designate individuals available to carry out inspection and enforcement. The commissioner may be reimbursed for the inspection by retention or remission of some or all of the building permit fee collected or by other means.

(g) Nothing in this subdivision prohibits a municipality from adopting ordinances relating to zoning, subdivision, or planning unless the ordinance conflicts with a provision of the State Building Code that regulates components or systems of any structure."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 2759, A bill for an act relating to the State Building Code; modifying municipal enforcement provisions; amending Minnesota Statutes 2008, sections 326B.106, subdivision 4; 326B.121, subdivision 2.

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 108 yeas and 21 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Dettmer	Eastlund	Kohls	Scott	Zellers
Anderson, S.	Doepke	Gottwalt	Loon	Seifert	
Brod	Downey	Holberg	Mack	Shimanski	
Dean	Drazkowski	Kiffmeyer	Sanders	Smith	

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

S. F. No. 2756 was reported to the House.

Nelson moved to amend S. F. No. 2756, the third engrossment, as follows:

Page 1, line 12, reinstate the stricken "~~police~~" and delete "licensed peace"

Page 2, line 13, delete "licensed peace" and insert "police"

Page 3, line 6, before "misdemeanor" insert "petty"

Page 3, after line 6, insert:

"Subd. 5. **Rulemaking.** The commissioner of public safety shall adopt rules to carry out the provisions of this section. Notwithstanding section 16A.1283, the rules must specify the fee to be assessed under subdivision 2."

Page 3, delete sections 4 to 5 and insert:

"Sec. 4. **EFFECTIVE DATE.**

Sections 1, 2, and 3, subdivisions 1 to 4, are effective one year after publication in the State Register of rules adopted under section 3, subdivision 5. Section 3, subdivision 5, is effective the day following final enactment."

The motion prevailed and the amendment was adopted.

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

S. F. No. 2756, A bill for an act relating to transportation; allowing escort drivers of overdimensional loads to control traffic; directing commissioner of public safety to establish escort driver training and certification program; amending Minnesota Statutes 2008, sections 169.06, subdivision 4; 169.86, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299D.

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 107 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Abeler	Champion	Gunther	Howes	Lenczewski	Morgan
Anderson, P.	Clark	Hamilton	Huntley	Lesch	Morrow
Anderson, S.	Dauids	Hansen	Jackson	Liebling	Mullery
Anzelc	Davnie	Hausman	Johnson	Lieder	Murdock
Atkins	Demmer	Haws	Juhnke	Lillie	Murphy, E.
Beard	Dill	Hayden	Kahn	Loeffler	Murphy, M.
Benson	Doty	Hilstrom	Kalin	Magnus	Nelson
Bigham	Eken	Hilty	Kath	Mahoney	Newton
Bly	Falk	Holberg	Kiffmeyer	Mariani	Nornes
Brown	Faust	Hoppe	Knuth	Marquart	Norton
Brynaert	Fritz	Hornstein	Koenen	Masin	Obermueller
Bunn	Gardner	Hortman	Laine	McFarlane	Olin
Carlson	Greiling	Hosch	Lanning	McNamara	Otremba

Paymar	Reinert	Scalze	Smith	Tillberry	Welti
Pelowski	Rosenthal	Sertich	Solberg	Torkelson	Westrom
Persell	Rukavina	Simon	Sterner	Urdahl	Winkler
Peterson	Ruud	Slawik	Swails	Wagenius	Spk. Kelliher
Poppe	Sailer	Slocum	Thao	Ward	

Those who voted in the negative were:

Anderson, B.	Dean	Drazkowski	Kohls	Sanders	Zellers
Brod	Dettmer	Eastlund	Loon	Scott	
Buesgens	Doepke	Gottwalt	Mack	Seifert	
Cornish	Downey	Hackbarth	Peppin	Shimanski	

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

S. F. No. 633 was reported to the House.

Kohls and Buesgens moved to amend S. F. No. 633, the second engrossment, as follows:

Page 2, after line 5, insert:

"(e) Parental or legal guardian consent must be obtained before a fluoride treatment is applied to a minor child's teeth."

The motion prevailed and the amendment was adopted.

S. F. No. 633, A bill for an act relating to human services; encouraging medical assistance primary care providers to perform primary caries prevention services as part of the child and teen checkup program; amending Minnesota Statutes 2008, section 256B.0625, subdivision 14.

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 107 yeas and 21 nays as follows:

Those who voted in the affirmative were:

Abeler	Brown	Eken	Hausman	Huntley	Lanning
Anderson, P.	Brynaert	Falk	Haws	Jackson	Lenczewski
Anderson, S.	Bunn	Faust	Hayden	Johnson	Lesch
Anzelc	Carlson	Fritz	Hilstrom	Juhnke	Liebling
Atkins	Champion	Gardner	Hilty	Kahn	Lieder
Beard	Clark	Gottwalt	Hoppe	Kalin	Lillie
Benson	Cornish	Greiling	Hornstein	Kath	Loeffler
Bigham	Davnie	Gunther	Hortman	Knuth	Loon
Bly	Dill	Hamilton	Hosch	Koenen	Magnus
Brod	Doty	Hansen	Howes	Laine	Mahoney

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

Those who voted in the negative were:

Anderson, B.	Demmer	Drazkowski	Kiffmeyer	Peppin	Zellers
Buesgens	Dettmer	Eastlund	Kohls	Sanders	
Davids	Doepke	Hackbarth	Mack	Scott	
Dean	Downey	Holberg	Masin	Shimanski	

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

H. F. No. 2612, A bill for an act relating to civil commitment; clarifying civil commitment venue; amending Minnesota Statutes 2008, sections 253B.02, by adding a subdivision; 253B.045, subdivision 2; 253B.05, subdivision 3; 253B.064, subdivision 1; 253B.07, subdivisions 1, 2, 2d; 253B.185, subdivision 1; 253B.20, subdivision 4; 253B.23, subdivision 1, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 253B.10, subdivision 3.

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

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 2990, A bill for an act relating to public safety; providing a criminal penalty for intentionally rendering a service animal unable to perform its duties; requiring that offenders who are convicted of harming service animals pay restitution; clarifying that civil remedies are not precluded by the criminal penalty for harming service animals; prohibiting possession of certain devices or substances that enhance an animal's ability to fight; amending Minnesota Statutes 2008, sections 343.21, subdivisions 8a, 9, by adding a subdivision; 343.31, subdivision 1.

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 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 3386:

Swails, Obermueller and Hoppe.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2427:

Hortman, Davnie and Loon.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2737:

Juhnke, Koenen and Magnus.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2790:

Lesch, Hilstrom and Abeler.

MOTIONS AND RESOLUTIONS

Pelowski moved that the name of Seifert be added as an author on H. F. No. 3677. The motion prevailed.

Hackbarth moved that H. F. No. 2578 be recalled from the Committee on Finance and be re-referred to the Committee on Rules and Legislative Administration.

LAY ON THE TABLE

Sertich moved that the Hackbarth motion relating to H. F. No. 2578 be laid on the table.

A roll call was requested and properly seconded.

The question was taken on the Sertich motion and the roll was called. There were 95 yeas and 34 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Beard	Cornish	Dettmer	Drazkowski	Hackbarth
Anderson, P.	Brod	Dauids	Doepke	Eastlund	Hamilton
Anderson, S.	Buesgens	Demmer	Downey	Gunther	Holberg

Hoppe	Lanning	Magnus	Murdock	Sanders	Westrom
Juhnke	Loon	McFarlane	Nornes	Shimanski	
Kohls	Mack	McNamara	Peppin	Torkelson	

The motion prevailed and the Hackbarth motion relating to H. F. No. 2578 was laid on the table.

Urdahl and Pelowski introduced:

House Resolution No. 10, A House resolution expressing regret for conflicts between Native Americans and European settlers.

The resolution was referred to the Committee on State and Local Government Operations Reform, Technology and Elections.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 9:00 a.m., Tuesday, May 4, 2010. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and Speaker pro tempore Liebling declared the House stands adjourned until 9:00 a.m., Tuesday, May 4, 2010.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives