

STATE OF MINNESOTA

# Journal of the House

EIGHTY-SIXTH SESSION — 2010

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SIXTY-SIXTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, FEBRUARY 18, 2010

The House of Representatives convened at 11:00 a.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by the Reverend Dennis J. Johnson, House Chaplain.

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

The roll was called and the following members were present:

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

A quorum was present.

Kahn was excused until 12:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Pelowski 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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**REPORTS OF CHIEF CLERK**

S. F. No. 2251 and H. F. No. 2552, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

**SUSPENSION OF RULES**

Simon moved that the rules be so far suspended that S. F. No. 2251 be substituted for H. F. No. 2552 and that the House File be indefinitely postponed. The motion prevailed.

**REPORTS OF STANDING COMMITTEES AND DIVISIONS**

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 653, A bill for an act relating to elections; changing certain municipal precinct and ward boundary procedures and requirements; amending Minnesota Statutes 2008, sections 204B.135, subdivisions 1, 3; 204B.14, subdivisions 3, 4; 205.84, subdivisions 1, 2.

Reported the same back with the following amendments:

Page 1, line 14, delete "if the legislature"

Page 1, line 15, delete "has not been redistricted by June 1 of that year."

Page 2, line 34, delete "14 days" and insert "four weeks"

Page 3, line 10, delete "60" and strike "days" and insert "ten weeks"

Page 3, line 13, delete "42" and insert "56"

Page 4, delete line 15

Page 4, delete line 17 and insert "This act is effective the day following final enactment."

With the recommendation that when so amended the bill pass.

The report was adopted.

Mariani from the Committee on K-12 Education Policy and Oversight to which was referred:

H. F. No. 664, A bill for an act relating to education; creating model curriculum for mental health; proposing coding for new law in Minnesota Statutes, chapter 120B.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. **[120B.21] MENTAL HEALTH EDUCATION.**

The legislature encourages districts to provide instruction in mental health for students in grades 7 through 12. Instruction must be aligned with local health and physical education standards and integrated into a district's existing programs, curriculum, or the general school environment. The commissioner of education, in consultation with mental health organizations, shall provide assistance to districts including:

(1) age-appropriate model learning activities for grades 7 through 12 that address mental health components of the National Health Education Standards and the benchmarks developed by the department's quality teaching network in health and physical education, and best practices in mental health education; and

(2) a directory of resources for planning and implementing age-appropriate mental health curriculum and instruction in grades 7 through 12."

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

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

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 357.021, subdivision 2; 358.15; 358.47; 359.01, subdivisions 2, 3, 4; 359.02; 359.03, subdivisions 1, 3, 4; 359.061; 359.12; proposing coding for new law in Minnesota Statutes, chapters 357; 359; repealing Minnesota Statutes 2008, sections 357.17; 359.05.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2009 Supplement, section 357.021, subdivision 2, is amended to read:

Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$310, except in marriage dissolution actions the fee is \$340.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of \$310, except in marriage dissolution actions the fee is \$340.

The party requesting a trial by jury shall pay \$100.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

- (2) Certified copy of any instrument from a civil or criminal proceeding, \$14, and \$8 for an uncertified copy.
- (3) Issuing a subpoena, \$16 for each name.
- (4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, \$100.
- (5) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$55.
- (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$40.
- (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.
- (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.
- (9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, \$5.
- (10) For the filing of each partial, final, or annual account in all trusteeships, \$55.
- (11) For the deposit of a will, \$27.
- (12) For recording notary commission, ~~\$100, of which, notwithstanding subdivision 1a, paragraph (b), \$80 must be forwarded to the commissioner of management and budget to be deposited in the state treasury and credited to the general fund \$20.~~
- (13) Filing a motion or response to a motion for modification of child support, a fee of \$100.
- (14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.
- (15) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (5) need not be paid by a public authority or the party the public authority represents.

Sec. 2. Minnesota Statutes 2008, section 358.028, is amended to read:

**358.028 LEGISLATORS, OFFICIAL SEALS.**

Every member of the legislature, while in office and residing in the district from which elected, may have an official ~~seal~~ notarial stamp, in the form provided in section 358.03, with which to authenticate official acts provided for in section 358.15.

Sec. 3. Minnesota Statutes 2008, section 358.09, is amended to read:

**358.09 BY WHOM AND HOW ADMINISTERED.**

Any officer authorized by this chapter to take and certify acknowledgments may administer an oath, and, if the same be in writing, may certify the same under the officer's signature, and ~~the seal of office, if there be one~~ an official notarial stamp, in the following form: "Subscribed and sworn to before me this ..... day of ....., ....." The mode of administering an oath commonly practiced in the place where it is taken shall be followed, including, in this state, the ceremony of uplifting the hand.

Sec. 4. Minnesota Statutes 2008, section 358.15, is amended to read:

**358.15 EX OFFICIO NOTARY PUBLIC.**

The following officers have the powers of a notary public within the state:

(1) every member of the legislature, while still a resident in the district from which elected; but no fee or compensation may be received for exercising these powers. The form of the official signature in these cases is: "A.B., Representative (or Senator), ..... District, Minnesota, ex officio notary public. My term expires January 1, .....";

(2) the clerks or recorders of towns, and cities. The form of the official signature in these cases is: "A.B. (official title), ..... County, Minnesota, ex officio notary public. My term expires ..... (or where applicable) my term is indeterminate.";

(3) court commissioners, county recorders, and county auditors, and their several deputies, and county commissioners, all within their respective counties. The form of the official signature in these cases: "A.B. (official title), ..... County, Minnesota, ex officio notary public. My term expires ..... (or where applicable) my term is indeterminate."; and

(4) peace officers licensed under section 626.845 for the purpose of administering oaths upon information submitted to establish probable cause to any judge or judicial officer under the Rules of Criminal Procedure. The form of the official signature in these cases is "A.B., Peace Officer License Number ....., ..... County, Minnesota. My license expires June 30, .....".

An officer using the powers of a notary public within the state pursuant to clauses (1) to (3) shall obtain an official stamp as specified under section 359.03, subdivisions 1, 3, and 4, with which to authenticate official acts.

Sec. 5. Minnesota Statutes 2008, section 358.47, is amended to read:

**358.47 CERTIFICATE OF NOTARIAL ACTS.**

(a) A notarial act must be evidenced by a certificate physically or electronically signed and dated by a notarial officer in a manner that attributes such signature to the notary public ~~identified on the commission.~~ The notary's name as it appears on the official notarial stamp and on any jurat or certificate of acknowledgment and in the notary's signature must be identical. The certificate must include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and ~~may~~ must include the official notarial stamp or seal of office, or the notary's electronic seal pursuant to section 359.03. ~~If the officer is a notary public, the certificate must also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected.~~—If the officer is a commissioned officer on active duty in the military service of the United States, it must also include the officer's rank.

(b) A certificate of a notarial act is sufficient if it is in English and meets the requirements of subsection (a) and it:

(1) is in the short form set forth in section 358.48;

(2) is in a form otherwise prescribed by the law of this state;

(3) is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(4) sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

(c) By executing a certificate of a notarial act, the notarial officer certifies that the officer has made the determinations required by section 358.42.

Sec. 6. Minnesota Statutes 2008, section 358.48, is amended to read:

**358.48 SHORT FORMS.**

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 358.47, subsection (a):

(1) For an acknowledgment in an individual capacity;

State of .....  
County of .....

This instrument was acknowledged before me on .....(date) by .....(name(s) of person(s)).

.....  
(Signature of notarial officer)

(Seal, if any Stamp)

.....  
Title (and Rank)  
My commission expires: .....

(2) For an acknowledgment in a representative capacity:

State of .....  
County of .....

This instrument was acknowledged before me on .....(date) by .....(name(s) of person(s)) as .....(type of authority, e.g., officer, trustee, etc.) of .....(name of party on behalf of whom the instrument was executed).

.....  
(Signature of notarial officer)

(Seal, if any Stamp)

.....  
Title (and Rank)  
My commission expires: .....

(3) For a verification upon oath or affirmation:

State of .....  
County of .....

Signed and sworn to (or affirmed) before me on .....(date) by .....(name(s) of person(s) making statement).

.....  
(Signature of notarial officer)

(Seal, if any Stamp)

.....  
Title (and Rank)  
My commission expires: .....

(4) For witnessing or attesting a signature:

State of .....  
County of .....

Signed or attested before me on .....(date) by .....(name(s) of person(s)).

.....  
(Signature of notarial officer)

(Seal, if any Stamp)

.....  
Title (and Rank)  
.....  
My commission expires: .....

(5) For attestation of a copy of a document:

State of .....  
County of .....

I certify that this is a true and correct copy of a document in the possession of .....

Dated: .....

.....  
(Signature of notarial officer)

(Seal, if any Stamp)

.....  
Title (and Rank)  
My commission expires: .....

Sec. 7. Minnesota Statutes 2008, section 359.01, subdivision 2, is amended to read:

Subd. 2. **Nonresident notaries.** (a) The governor, by and with the advice and consent of the senate, may appoint as notary public a person who is not a resident of this state if:

(1) the person is a resident of Wisconsin, Iowa, North Dakota, or South Dakota, ~~and of a county that shares a boundary with this state;~~

(2) the person designates the secretary of state as agent for the service of process for all purposes relating to notarial acts and for receipt of all correspondence relating to notarial acts; and

(3) the person designates the Minnesota county in which the person's notary commission will be recorded pursuant to section 359.061.

(b) The secretary of state shall receive applications for nonresident notary appointments and commissions, shall keep a register of those persons appointed and commissioned as notaries public by the governor with the advice and consent of the senate, shall update that register when informed of a change in name and address by a notary public, shall process applications by a notary public for reappointment, shall receive fees for the performance of these functions to be deposited into the general fund, and shall perform those clerical and administrative duties associated with these functions. The governor may also receive such applications directly.

Sec. 8. Minnesota Statutes 2009 Supplement, section 359.01, subdivision 3, is amended to read:

Subd. 3. **Fees.** (a) When making application for a commission the applicant must submit, along with the information required by the secretary of state, a nonrefundable fee of ~~\$40~~ \$120, which shall be forwarded by the secretary of state to the commissioner of management and budget to be deposited in the state treasury and credited to the general fund.

(b) Except as otherwise provided in paragraph (a), all fees shall be retained by the secretary of state and are nonreturnable, except for an overpayment of a fee.

Sec. 9. Minnesota Statutes 2008, section 359.02, is amended to read:

### **359.02 TERM.**

A notary commissioned under section 359.01 holds office ~~for five years until January 31 of the fifth year following the year the commission was issued, unless sooner removed by the governor or the district court, or by action of the commissioner of commerce. Within 60 days~~ Six months before the expiration of the commission, a notary may ~~apply for reappointment~~ renew the notary's commission for a new term to commence and to be designated in the new commission as beginning upon the day immediately following the date of the expiration. A notary whose commission expires ~~on January 1, 2005,~~ may apply for reappointment ~~six months before~~ after the expiration date. The reappointment or renewal takes effect and is valid although the appointing governor may not be in the Office of Governor on the effective day.

~~All notary commissions expire on January 31 of the fifth year following the year of issue.~~

Sec. 10. Minnesota Statutes 2008, section 359.03, subdivision 1, is amended to read:

Subdivision 1. **Requirement.** Every notary, including an ex officio notary under section 358.15, shall ~~get~~ obtain an official seal notarial stamp as specified in subdivision 3, with which to authenticate official acts, ~~and upon which shall be engraved the arms of this state, the words "notarial seal."~~ The seal, with official notarial stamp, and the notary's official register, is journal, are the personal property of the notary and are exempt from execution, and, on death or removal from office, the register must be deposited with the court administrator of the district court of the notary's county.

Sec. 11. Minnesota Statutes 2008, section 359.03, subdivision 2, is amended to read:

Subd. 2. **Validation and legalization of certain instruments.** (a) All instruments heretofore duly made and executed which have been acknowledged before a notary public as provided by law, but the seal or stamp used thereon has engraved on it "notary public," are hereby validated and legalized, and in case such instruments are recorded, the recording is hereby validated and legalized, and all such instruments are validated to the same extent as though properly sealed at the time of their acknowledgment. This subdivision shall not affect any action now pending in any of the courts of this state.

(b) The official notarial stamp required by this section, whether applied to the record physically or electronically, is deemed to be a "seal" for purposes of the admission of a document in court.

Sec. 12. Minnesota Statutes 2008, section 359.03, subdivision 3, is amended to read:

Subd. 3. **Specifications.** ~~The seal of every notary public may be affixed by a stamp that will print a seal which legibly reproduces under photographic methods.~~ The official notarial stamp consists of the seal of the state of Minnesota, the name of the notary or ex officio notary, the words "Notary Public," or "Notarial Officer" in the case of an ex officio notary, and the words "My commission expires ..... (or where applicable) My term is indeterminate," with the expiration date shown thereon or may be an electronic form on it and must be able to be reproduced in any legibly reproducible manner. A physical seal used to authenticate a paper document The official notarial stamp shall be a rectangular form of not more than three-fourths of an inch vertically by 2-1/2 inches horizontally, with a serrated or milled edge border, and shall contain the information required by this subdivision.

Sec. 13. Minnesota Statutes 2008, section 359.03, subdivision 4, is amended to read:

Subd. 4. ~~**Electronic seal** Notarial stamp may be affixed electronically. A notary's electronic seal shall contain the notary's name, jurisdiction, and commission expiration date, and shall be logically and securely affixed to or associated with the electronic record being notarized. The information required by this section may be affixed electronically and shall be logically and securely affixed or associated with the electronic record being notarized.~~

Sec. 14. Minnesota Statutes 2008, section 359.061, is amended to read:

**359.061 RECORD OF COMMISSION; CERTIFICATE.**

Subdivision 1. **Resident notaries.** The commission of every notary commissioned under section 359.01 shall be recorded in the office of the court administrator of the district court of the notary's county of residence or in the county department to which duties relating to notaries public have been assigned under section 485.27, in a record kept for that purpose.

Subd. 2. **Nonresident notaries.** The commission of a nonresident notary must be recorded in the Minnesota county the notary designates pursuant to section 359.01, subdivision 2, clause (3), in the office of the court administrator of the district court of the Minnesota county that borders the county in which the nonresident notary resides of that county or in the county department to which duties relating to notaries public have been assigned under section 485.27.

Subd. 3. **Certificate of court administrator.** The court administrator, when requested, shall certify to official acts in the manner and for the fees prescribed by statute or court rule.

Subd. 4. **County notary certificate.** The county department, to which duties relating to notaries public have been assigned under section 485.27, shall certify to official acts under this section for the fee of \$5 and in the form of:

State of Minnesota

.....County

"I the undersigned....., in and for said county and state, do hereby certify that ....., whose name is subscribed to on the attached document held the office of notary public in said county and state at the date of said subscription and was authorized under the laws of this state to take acknowledgments, to administer oaths, take depositions, acknowledgments of deeds, and other written instruments, and exercise all such powers and duties authorized by the laws of Minnesota as notary public. I further certify that I have compared the subscribed signature to the signature on file in this office and believe them to be the same.

Signed this date.....in the county of..... state of Minnesota."

Signature.....

Title.....

**Sec. 15. [359.091] ACCOMMODATION OF PHYSICAL LIMITATIONS.**

(a) A notary public may certify as to the subscription or signature of an individual when it appears that the individual has a physical limitation that restricts the individual's ability to sign by writing or making a mark, pursuant to the following:

(1) the name of an individual may be signed, or attached electronically in the case of an electronic record, by another individual other than the notary public at the direction and in the presence of the individual whose name is to be signed and in the presence of the notary public. The signature may be made by a rubber stamp facsimile of the person's actual signature, mark, or a signature of the person's name or mark made by another and adopted for all purposes of signature by the person with a physical limitation; and

(2) the words "Signature written by" or "Signature attached by" in the case of an electronic record, "(name of individual directed to sign or directed to attach) at the direction and in the presence of (name as signed) on whose behalf the signature was written" or "attached electronically" in the case of an electronic record, or words of substantially similar effect must appear under or near the signature.

(b) A notary public may use signals or electronic or mechanical means to take an acknowledgment from, administer an oath or affirmation to, or otherwise communicate with any individual in the presence of such notary public when it appears that the individual is unable to communicate verbally or in writing.

Sec. 16. Minnesota Statutes 2008, section 359.12, is amended to read:

**359.12 ADMINISTRATIVE ACTIONS AND PENALTIES.**

Every notary who shall charge or receive a fee or reward for any act or service done or rendered as a notary greater than the amount allowed by law, or who dishonestly or unfaithfully discharges duties as notary, or who has pleaded guilty, with or without explicitly admitting guilt, plead nolo contendere, or been convicted of a felony, gross misdemeanor, or misdemeanor involving moral turpitude, is subject to the penalties imposed pursuant to section 45.027, ~~except that~~ A notary may be removed from office only by the governor or the district court, or the commissioner of commerce. The commissioner of commerce has all the powers provided by section 45.027 and shall proceed in the manner provided by that section in actions against notaries.

Notwithstanding section 359.03, subdivision 1, upon removal from office by the commissioner of commerce, a notary public shall deliver the notary's official notarial stamp to the commissioner of commerce.

**Sec. 17. REPEALER.**

Minnesota Statutes 2008, section 359.05, is repealed."

Delete the title and insert:

"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."

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

The report was adopted.

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

H. F. No. 978, A bill for an act relating to insurance; prohibiting automobile insurers from owning repair facilities; amending Minnesota Statutes 2008, section 72A.20, by adding a subdivision.

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

The report was adopted.

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

H. F. No. 1182, A bill for an act relating to eminent domain; repealing certain exemptions for public service corporations; amending Minnesota Statutes 2008, section 117.225; repealing Minnesota Statutes 2008, section 117.189.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2009 Supplement, section 117.189, is amended to read:

**117.189 PUBLIC SERVICE CORPORATION EXCEPTIONS.**

Sections 117.031; 117.036; 117.055, subdivision 2, paragraph (b); 117.186; 117.187; 117.188; and 117.52, subdivisions 1a and 4, do not apply to the use of eminent domain authority by public service corporations- for any purpose other than construction or expansion of:

(1) a high-voltage transmission line of 100 kilovolts or more, or ancillary substations; or

(2) a natural gas, petroleum, or petroleum products pipeline, or ancillary compressor stations or pumping stations.

For purposes of an award of appraisal fees under section 117.085, the fees awarded may not exceed \$1,500 for all types of property except for a public service corporation's use of eminent domain for a high-voltage transmission line, where the award may not exceed \$3,000.

For purposes of this section, "pipeline" does not include a natural gas distribution line transporting natural gas to an end user.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to eminent domain proceedings or actions commenced on or after that date. "Commenced" means when service of notice of the petition under Minnesota Statutes, section 117.055, is made.

Sec. 2. Minnesota Statutes 2008, section 117.225, is amended to read:

**117.225 EASEMENT DISCHARGE.**

Whenever claiming that an easement acquired by condemnation is not being used for the purposes for which it was acquired, the underlying fee owner may apply to the district court of the county in which the land is situated for an order discharging the easement, upon such terms as are just and equitable. Due notice of said application shall be given to all interested parties. Provided, however, this section shall not apply to easements acquired by condemnation by a public service corporation now or hereafter doing business in the state of Minnesota for any purpose other than construction or expansion of:

(1) a high-voltage transmission line of 100 kilovolts or more, including ancillary substations; or

(2) a natural gas, petroleum, or petroleum products pipeline, including ancillary compressor stations or pumping stations.

For purposes of this section, "pipeline" does not include a natural gas distribution line transporting natural gas to an end user.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to eminent domain proceedings or actions commenced on or after that date. "Commenced" means when service of notice of the petition under Minnesota Statutes, section 117.055, is made.

Sec. 3. Minnesota Statutes 2008, section 216E.03, subdivision 7, is amended to read:

Subd. 7. **Considerations in designating sites and routes.** (a) The commission's site and route permit determinations must be guided by the state's goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state's electric energy security through efficient, cost-effective power supply and electric transmission infrastructure.

(b) To facilitate the study, research, evaluation, and designation of sites and routes, the commission shall be guided by, but not limited to, the following considerations:

(1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high-voltage transmission lines and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

(2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;

(3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;

(4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;

(5) analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;

(6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;

(7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivisions 1 and 2;

(8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;

(9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;

(10) evaluation of the future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;

(11) evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved; and

(12) when appropriate, consideration of problems raised by other state and federal agencies and local entities.

(c) If the commission's rules are substantially similar to existing regulations of a federal agency to which the utility in the state is subject, the federal regulations must be applied by the commission.

(d) No site or route shall be designated which violates state agency rules.

(e) In issuing a route permit for a high-voltage transmission line, the commission shall, consistent with the safe and efficient operation of transportation systems, give priority consideration to utilizing existing utility, highway, publicly owned railway corridors. The term corridor means land in or in reasonable proximity to an existing utility, publicly owned railway or highway easement or right-of-way. The commission shall also give consideration to placing high-voltage transmission lines underground to the maximum extent feasible."

Delete the title and insert:

"A bill for an act relating to eminent domain; clarifying use of eminent domain authority by public service corporations; amending Minnesota Statutes 2008, sections 117.225; 216E.03, subdivision 7; Minnesota Statutes 2009 Supplement, section 117.189."

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

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 2538, A bill for an act relating to veterans; designating September 16 of each year as American Legion Day; proposing coding for new law in Minnesota Statutes, chapter 197.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Mullery from the Committee on Civil Justice to which was referred:

H. F. No. 2615, A bill for an act relating to real estate; streamlining the process of connecting an owner facing a residential mortgage foreclosure with an authorized foreclosure prevention agency and with a person authorized to negotiate on behalf of the foreclosing lender; amending Minnesota Statutes 2008, section 580.021, subdivision 3; repealing Minnesota Statutes 2008, sections 580.021, subdivision 4; 580.022, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 580.021, subdivision 3, is amended to read:

Subd. 3. **Notification to authorized counseling agency.** The party entitled to foreclose shall, within one week ~~of~~ after sending the notice prescribed in section 580.022, provide ~~to the appropriate authorized foreclosure prevention agency the following information to the appropriate authorized foreclosure prevention agency in a nonproprietary database or spreadsheet format, when available in that format. Electronic transmittal of the database must occur by secure e-mail which is encrypted by the sender to prevent persons other than the intended recipient from reading its content, unless the party entitled to foreclose does not have the capability to send via secure e-mail or in a nonproprietary database or spreadsheet format, in which case it must be sent by regular mail. The information must include the mortgagor's name, mailing address, and most recent known daytime and evening telephone number numbers, any known e-mail address, and the address of the property at risk of foreclosure if different from mortgagor's mailing address.~~

In the same communication, the mortgagee shall also provide the name and contact information of the agent of the mortgagee authorized to discuss and negotiate resolution of the default. The mortgagee contact information must include the agent's name, mail and e-mail addresses, and direct phone and fax numbers. The contact information must also include the name, direct phone number, and e-mail address of the loss mitigation department manager or in the absence of a loss mitigation department, an individual authorized to discuss workout options. The agent must be an individual authorized by the mortgagee to:

(1) discuss the terms of the mortgage with the authorized foreclosure prevention agency or the mortgagor; and

(2) negotiate any resolution of the mortgagor's default.

Nothing in this subdivision requires a mortgagee to reach a resolution relating to the mortgagor's default. Failure to provide all the data required by this section or to provide the data in database or spreadsheet format, or by secure e-mail or otherwise, does not invalidate the sale; provided the mortgagee makes a good faith effort to provide the data, or makes a bona fide error.

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to foreclosures in which the notice required under Minnesota Statutes, section 580.021, subdivision 2, is provided on or after that date.

Sec. 2. **REPEALER.**

Minnesota Statutes 2008, sections 580.021, subdivision 4; and 580.022, subdivision 2, are repealed.

**EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to foreclosures in which the notice required under Minnesota Statutes, section 580.021, subdivision 2, is provided on or after that date."

With the recommendation that when so amended the bill pass.

The report was adopted.

Mariani from the Committee on K-12 Education Policy and Oversight to which was referred:

H. F. No. 2705, A bill for an act relating to education; implementing a transitions plan for high school students to successfully pursue postsecondary education and employment; appropriating money; amending Minnesota Statutes 2008, section 120B.125.

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

The report was adopted.

Mullery from the Committee on Civil Justice to which was referred:

H. F. No. 2708, A bill for an act relating to real estate; making a conforming change to provide for the right of the borrower to obtain a postponement of a foreclosure sale that has a 12-month redemption period, as is now available for a six-month redemption period; amending Minnesota Statutes 2009 Supplement, section 580.07, subdivisions 2, 3.

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

The report was adopted.

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

H. F. No. 2754, A bill for an act relating to commerce; regulating certain filings with the secretary of state; amending Minnesota Statutes 2008, sections 318.02, subdivision 1; 557.01.

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

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 2758, A bill for an act relating to state government; ratifying labor agreements and compensation plans.

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

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 2809, A bill for an act relating to veterans; broadening eligibility for the bid preference program for designated veteran-owned small businesses bidding for state contracts for goods and services; amending Minnesota Statutes 2009 Supplement, sections 16C.16, subdivision 6a; 16C.19.

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

The report was adopted.

Mariani from the Committee on K-12 Education Policy and Oversight to which was referred:

H. F. No. 2814, A bill for an act relating to pupil transportation; modifying pupil transportation provisions; clarifying Department of Education's role in maintaining training programs; including use of certain lift buses in the category of revenue authorized for reimbursement; including actual contracted transportation costs as a method for allocating pupil transportation costs; amending Minnesota Statutes 2008, sections 123B.88, subdivision 13; 123B.90, subdivision 3; 123B.92, subdivision 5; Minnesota Statutes 2009 Supplement, section 123B.92, subdivision 1.

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

The report was adopted.

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

H. F. No. 2818, A bill for an act relating to lawful gambling; creating a temporary tax exemption for charitable contributions to local governments.

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

The report was adopted.

Mullery from the Committee on Civil Justice to which was referred:

H. F. No. 2823, A bill for an act relating to real property; making changes relating to common interest community certificates; amending Minnesota Statutes 2009 Supplement, sections 508.351, subdivisions 1, 5, 7; 508A.351, subdivisions 1a, 5, 7.

Reported the same back with the following amendments:

Page 1, before line 6, insert:

"Section 1. Minnesota Statutes 2009 Supplement, section 507.235, subdivision 1a, is amended to read:

Subd. 1a. **Requirements of vendor.** (a) A vendor entering into a contract for deed involving residential real property must, contemporaneously with the execution of the contract for deed:

(1) deliver to the vendee a copy of the contract for deed containing original signatures in recordable form; and

(2) pay, or reimburse the vendee for payment of, any delinquent taxes necessary for recordation of the contract for deed, unless the contract for deed provides for the vendee to pay the delinquent taxes.

(b) For purposes of this subdivision:

(1) "contract for deed" ~~has the meaning given in section 559.202, subdivision 2~~ means an executory contract for the conveyance of residential real property under which the seller provides financing for the purchase of the residential real property and under which the purchaser does or has a right to go into possession. Contract for deed does not include:

(i) a purchase agreement;

(ii) an earnest money contract;

(iii) an exercised option or a lease, including a lease with an option to purchase; or

(iv) a mortgage, as defined in section 287.01; and

(2) "residential real property" ~~has the meaning given in section 559.202, subdivision 2~~ means real property occupied, or intended to be occupied, by one to four families, if the purchaser intends to occupy the real property. Residential real property does not include property subject to a family farm security loan or a transaction subject to sections 583.20 to 583.32.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to contracts for deed acknowledged on or after the effective date."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, before "making" insert "clarifying certain definitions relating to filing contracts for deed;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Mullery from the Committee on Civil Justice to which was referred:

H. F. No. 2828, A bill for an act relating to real property; clarifying requirements for an instrument intended to secure debt; amending Minnesota Statutes 2008, section 287.03.

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

The report was adopted.

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

H. F. No. 2856, A bill for an act relating to commerce; making changes in required continuing education of real estate brokers and salespersons; amending Minnesota Statutes 2008, sections 82.29, subdivision 4; 82.33, subdivision 4; Minnesota Statutes 2009 Supplement, section 82.32.

Reported the same back with the following amendments:

Page 2, lines 6 and 7, reinstate the stricken language

Page 3, line 24, delete "no more than" and insert "either 3.75 or" and after "year" insert "in which module training is required."

Page 3, line 35, delete "May 31" and insert "April 1"

Page 4, line 16, delete everything after the period

Page 4, delete line 17

Page 4, line 22, delete everything after "test" and insert a period

Page 4, delete line 23

With the recommendation that when so amended the bill pass.

The report was adopted.

Pelowski from the Committee on State and Local Government Operations Reform, Technology and Elections to which was referred:

H. F. No. 2866, A bill for an act relating to state government; modifying authority of the executive branch to reduce unexpended allotments; amending Minnesota Statutes 2008, section 16A.152, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 16A.

Reported the same back with the following amendments:

Page 1, line 12, before "Ways" insert "Finance Committee and"

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

The report was adopted.

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

H. F. No. 2902, A bill for an act relating to commerce; regulating motor vehicle sales and distribution; amending Minnesota Statutes 2008, sections 80E.01; 80E.03, by adding a subdivision; 80E.13; 80E.14, subdivision 1, by adding a subdivision; Minnesota Statutes 2009 Supplement, sections 80E.09, subdivisions 1, 3; 80E.12; 80E.135; 80E.14, subdivision 3.

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

The report was adopted.

Otremba from the Committee on Agriculture, Rural Economies and Veterans Affairs to which was referred:

H. F. No. 2908, A resolution urging payment of the Federal Respite Leave Benefit for members of the 1st of the 34th Brigade of the Minnesota National Guard who served in Iraq during the Troop Surge of 2007.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

## **SECOND READING OF HOUSE BILLS**

H. F. Nos. 653, 978, 2538, 2615, 2708, 2823, 2828, 2856 and 2908 were read for the second time.

## **SECOND READING OF SENATE BILLS**

S. F. No. 2251 was read for the second time.

## **INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Kalin and Davnie introduced:

H. F. No. 3030, A bill for an act relating to state government; requiring the State Board of Investment to consider venture capital investments in businesses located in Minnesota; requiring a report; amending Minnesota Statutes 2008, section 11A.24, by adding a subdivision.

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

Davids and Garofalo introduced:

H. F. No. 3031, A bill for an act relating to elections; requiring resignation of certain elected public officials; proposing coding for new law in Minnesota Statutes, chapter 204B.

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

Dill introduced:

H. F. No. 3032, A bill for an act relating to drivers' licenses; modifying veteran designation to allow identification of disability; amending Minnesota Statutes 2009 Supplement, section 171.07, subdivision 15.

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

Rukavina, Jackson, Gunther, Bly and Persell introduced:

H. F. No. 3033, A bill for an act relating to energy; establishing rebate program for solar photovoltaic modules; appropriating money.

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

Emmer introduced:

H. F. No. 3034, A bill for an act relating to education; authorizing suspensions without pay for teachers charged with felonies; amending Minnesota Statutes 2008, section 122A.40, subdivision 13.

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

Davnie, Thissen, Slawik, Hornstein, Hayden, Hosch, Kahn, Abeler and Norton introduced:

H. F. No. 3035, A bill for an act relating to insurance; the Minnesota Comprehensive Health Association; providing an exception for children to the association's six-month preexisting condition limitation; making a technical update; amending Minnesota Statutes 2008, section 62E.14, subdivision 3, by adding a subdivision.

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

Gottwalt, Abeler, Peppin, Kiffmeyer, Eastlund, Dettmer, Dean, Torkelson and Seifert introduced:

H. F. No. 3036, A bill for an act relating to human services; establishing a MinnesotaCare defined contribution program; proposing coding for new law in Minnesota Statutes, chapter 256L.

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

Rukavina, Clark, Mahoney and Haws introduced:

H. F. No. 3037, A bill for an act relating to economic development; establishing a manufacturing equipment loan program for manufacturing businesses in the state; authorizing sale and issuance of revenue bonds; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Olin; Anderson, B.; Johnson; Emmer; Shimanski and Dettmer introduced:

H. F. No. 3038, A bill for an act relating to corrections; modifying inmate payment of room and board to include any time credited for time served; amending Minnesota Statutes 2008, section 641.12, subdivision 3.

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

Hayden, Abeler, Fritz, Hosch, Rosenthal and Loeffler introduced:

H. F. No. 3039, A bill for an act relating to children; modifying driver's license requirements for foster children; requiring in-court reviews; expanding the definition of parent for child protection proceedings; amending Minnesota Statutes 2008, sections 171.04, subdivision 1, by adding a subdivision; 171.05, subdivision 2; 171.055, subdivision 1; 245C.33, subdivision 4, by adding a subdivision; 260C.163, subdivisions 1, 2; 260C.193, subdivision 6; 260C.317, subdivision 3; Minnesota Statutes 2009 Supplement, sections 260C.007, subdivision 25; 260C.150, subdivision 3; 260C.151, subdivision 1; 260C.178, subdivision 3; 260C.201, subdivision 11; 260C.212, subdivision 7; 260C.331, subdivision 1; 260C.456.

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

Rukavina and Clark introduced:

H. F. No. 3040, A bill for an act relating to child support; allowing a noncustodial parent to provide child care; permitting a deviation from child support guidelines; amending Minnesota Statutes 2008, section 518A.40, subdivision 3.

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

Seifert and Pelowski introduced:

H. F. No. 3041, A bill for an act relating to education finance; making H1N1 flu prevention activities eligible for health and safety revenue; amending Minnesota Statutes 2008, section 123B.56.

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

Murphy, E.; Davids; Abeler; Hosch; Atkins; Slocum; Fritz; Lillie; Anzelc and Johnson introduced:

H. F. No. 3042, A bill for an act relating to health; regulating participating provider agreements between health plan companies and health care providers; amending Minnesota Statutes 2008, sections 62Q.735, by adding subdivisions; 62Q.75, subdivision 3, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Kalin, Faust, Swails, Benson, Greiling and Mariani introduced:

H. F. No. 3043, A bill for an act relating to education; providing for computer-adaptive assessments; amending Minnesota Statutes 2009 Supplement, section 120B.30, subdivisions 1, 1a.

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

Hornstein introduced:

H. F. No. 3044, A bill for an act relating to taxation; corporate franchise; eliminating the preferences for foreign source income; repealing the subtraction for foreign royalties; expanding the definition of domestic corporations to include certain foreign corporations incorporated in or doing business in tax havens; repealing foreign operating corporations; amending Minnesota Statutes 2008, sections 290.01, subdivision 5, by adding a subdivision; 290.17, subdivision 4; Minnesota Statutes 2009 Supplement, sections 289A.08, subdivision 3; 290.01, subdivisions 19c, 19d; repealing Minnesota Statutes 2008, sections 290.01, subdivision 6b; 290.0921, subdivision 7.

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

Anzelc introduced:

H. F. No. 3045, A bill for an act relating to human services; modifying human services licensure requirements; amending Minnesota Statutes 2008, section 245A.03, by adding a subdivision.

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

Ruud; Abeler; Clark; Murphy, E.; Thissen; Huntley and Bunn introduced:

H. F. No. 3046, A bill for an act relating to health; establishing licensure for birthing centers; amending Minnesota Statutes 2008, section 256B.0625, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Huntley introduced:

H. F. No. 3047, A bill for an act relating to human services; modifying the commissioner's duties; creating an Office of Health Care Inspector General; amending Minnesota Statutes 2008, section 256.01, by adding a subdivision.

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

Norton introduced:

H. F. No. 3048, A bill for an act relating to labor and industry; modifying construction codes and licensing provisions; modifying certain notice provisions; imposing criminal penalties; amending Minnesota Statutes 2008, sections 178.01; 178.03, subdivisions 3, 4; 178.06; 178.08; 178.11; 326B.04, subdivision 2; 326B.127, subdivision 3; 326B.13, subdivisions 3, 4, 5, 6; 326B.133, subdivision 5; 326B.139; 326B.142; 326B.148, subdivisions 2, 3; 326B.191; 326B.31, subdivision 28; 326B.33, subdivision 17; 326B.84; 326B.89, subdivisions 1, 5, 6, 7, 8, 10, 13, by adding subdivisions; Minnesota Statutes 2009 Supplement, sections 14.14, subdivision 1a; 326B.145; repealing Minnesota Statutes 2008, sections 299G.11; 299G.13, subdivisions 1, 6, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28; 299G.14; 299G.15; 299G.16; 299G.17; 299G.18; 326B.115; 326B.37, subdivision 13; Minnesota Rules, parts 5200.0020; 5200.0050; 5200.0080, subparts 2, 3, 4, 4a, 4b, 6, 7, 8.

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

Norton, Thao, Davids, Sailer and McFarlane introduced:

H. F. No. 3049, A bill for an act relating to health care; establishing dental benefit plan requirements for prior authorizations and provider audits; amending Minnesota Statutes 2008, section 62Q.78, by adding subdivisions.

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

Hilstrom introduced:

H. F. No. 3050, A bill for an act relating to public safety; defining attorney for consultation with persons in custody; including calls to attorney cellular telephones from persons in custody; amending Minnesota Statutes 2008, section 481.10.

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

Dill introduced:

H. F. No. 3051, A bill for an act relating to state lands; providing for designation of certain state park and state forest boundaries; providing for certain historic property exemption; modifying state forest acquisition provisions; providing for acquisition of Lake Vermilion State Park; adding to and deleting from state parks and state forests; authorizing public and private sales, conveyances, and exchanges of certain state land; amending Minnesota Statutes 2008, sections 85.011; 85.012, subdivision 40; 89.021, by adding a subdivision; 89.032, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 85.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Abeler and Atkins introduced:

H. F. No. 3052, A bill for an act relating to commerce; regulating nonrecourse civil litigation funding transactions; proposing coding for new law as Minnesota Statutes, chapter 80G.

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

Atkins, Zellers, Dill, Anzelc, Hoppe, Doty, Howes, Bigham, Brown and Otremba introduced:

H. F. No. 3053, A bill for an act relating to lawful gambling; providing for electronic bingo; modifying and adjusting rates and collection of certain lawful gambling taxes; amending Minnesota Statutes 2008, sections 297E.02, subdivision 6; 349.12, subdivisions 5, 25b, 25c, 25d; 349.151, subdivision 4c; 349.16, subdivision 7; 349.161, subdivision 5; 349.1635, subdivision 1; 349.17, subdivision 8; 349.211, subdivision 1a; Minnesota Statutes 2009 Supplement, sections 297E.02, subdivision 4; 349.12, subdivision 12a; 349.17, subdivisions 6, 7; 349.18, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 349.

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

Lanning introduced:

H. F. No. 3054, A bill for an act relating to capital investment; appropriating money for flood hazard mitigation; authorizing sale and issuance of state bonds.

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

Thissen, Loeffler and Abeler introduced:

H. F. No. 3055, A bill for an act relating to human services; making changes to the State-County Results, Accountability, and Service Delivery Redesign Act; amending Minnesota Statutes 2009 Supplement, sections 402A.01; 402A.10, subdivision 5; 402A.15; 402A.18; 402A.20; proposing coding for new law in Minnesota Statutes, chapter 402A; repealing Minnesota Statutes 2009 Supplement, sections 402A.30; 402A.45.

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

Norton, Huntley, Bunn, Dean, Thao and Liebling introduced:

H. F. No. 3056, A bill for an act relating to health; establishing a quality improvement program for physician clinics and hospitals; amending Minnesota Statutes 2008, section 62U.04, subdivisions 3, 6, 9, by adding a subdivision; repealing Minnesota Statutes 2009 Supplement, section 256B.032.

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

Davids introduced:

H. F. No. 3057, A bill for an act relating to veterans; authorizing funding for a veterans cemetery in Fillmore County; amending Laws 2009, chapter 93, article 1, section 14, subdivision 3.

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

Hortman, Newton, Abeler and Dittrich introduced:

H. F. No. 3058, A bill for an act relating to natural resources; creating the Coon Rapids Dam Commission; providing appointment; appropriating money.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Ruud; Murphy, E.; Abeler; Champion; Clark; Thissen; Paymar and Rosenthal introduced:

H. F. No. 3059, A bill for an act relating to health; modifying mandatory reporting requirements related to pregnant women; amending Minnesota Statutes 2008, section 626.5561, subdivision 1.

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

Hornstein, Wagenius and Hilty introduced:

H. F. No. 3060, A bill for an act relating to energy; deleting the burning of mixed municipal solid waste and refuse-derived fuel and production of landfill gas from list of technologies that fulfill utility's requirement to generate portion of electricity from renewable energy resources; amending Minnesota Statutes 2008, section 216B.1691, subdivision 1.

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

Hornstein, Wagenius and Gardner introduced:

H. F. No. 3061, A bill for an act relating to solid waste; amending Minnesota's waste management hierarchy; amending Minnesota Statutes 2008, section 115A.02.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Anzelski introduced:

H. F. No. 3062, A bill for an act relating to capital investment; modifying appropriations for a steel plant in Itasca County; amending Laws 2006, chapter 258, section 21, subdivision 14, as amended; Laws 2008, chapter 179, section 21, subdivision 9.

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

Newton, Abeler, Dittrich, Swails, Tillberry, Benson and Slocum introduced:

H. F. No. 3063, A bill for an act relating to education finance; authorizing a school district to renew an expiring referendum by action of the school board; amending Minnesota Statutes 2008, section 126C.17, by adding a subdivision.

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

Swails, Dittrich, Newton and Hilstrom introduced:

H. F. No. 3064, A bill for an act relating to education finance; expanding allowable capital levies; amending Minnesota Statutes 2008, section 126C.40, subdivision 1.

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

Simon, Atkins, Nelson, Lanning, Scalze and Lillie introduced:

H. F. No. 3065, A bill for an act relating to local government; providing for securities lending agreements and holding of municipal funds; amending Minnesota Statutes 2008, sections 118A.05, subdivision 3; 118A.06.

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

Thissen introduced:

H. F. No. 3066, A bill for an act relating to health; requiring reporting of certain administrative expense data; establishing the Advisory Group on Administrative Expenses; appropriating money; amending Minnesota Statutes 2008, section 62D.08, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 62D.

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

Hansen and Eken introduced:

H. F. No. 3067, A bill for an act relating to waters; modifying watershed plan provisions; amending Minnesota Statutes 2008, section 103B.231, subdivisions 7, 9, 11; repealing Minnesota Statutes 2008, section 103B.231, subdivision 8.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Eken introduced:

H. F. No. 3068, A bill for an act relating to taxation; providing for the continuation of the disabled veteran's market valuation exclusion under certain conditions; amending Minnesota Statutes 2008, section 273.13, subdivision 34.

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

Kath introduced:

H. F. No. 3069, A bill for an act relating to education; directing the Board of Teaching to incorporate professional reflection and growth in best teaching practices into its renewal requirements for a continuing teaching license; amending Minnesota Statutes 2009 Supplement, section 122A.09, subdivision 4.

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

Kath introduced:

H. F. No. 3070, A bill for an act relating to health; requiring ethics training from home health aides; instructing the commissioner of health to amend rules; amending Minnesota Statutes 2008, section 144A.44, subdivision 1; Minnesota Statutes 2009 Supplement, section 144A.45, subdivision 1.

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

Hayden; Anzelc; Thissen; Murphy, E.; Slawik; Champion; Hosch; Lanning; Mahoney; Nelson; Fritz; Winkler; Rukavina and Mariani introduced:

H. F. No. 3071, A bill for an act relating to human services; creating certain exemptions from MFIP and general assistance asset limitations; amending Minnesota Statutes 2008, sections 256D.08, by adding a subdivision; 256J.20, subdivision 1.

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

Bigham introduced:

H. F. No. 3072, A bill for an act relating to traffic regulations; specifying lane into which left turns must be made; making clarifying changes; amending Minnesota Statutes 2008, section 169.19, subdivision 1.

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

Carlson introduced:

H. F. No. 3073, A bill for an act relating to state government; making technical changes to amount of agency deposit receipts and clarifying use of fees in the combined charities campaign; appropriating money; amending Minnesota Statutes 2008, sections 16A.275; 43A.50, subdivision 2.

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

Slocum introduced:

H. F. No. 3074, A bill for an act relating to education; allowing the Board of Teaching to approve innovative, research-based teacher preparation and licensure programs; amending Minnesota Statutes 2009 Supplement, section 122A.09, subdivision 4; repealing Minnesota Statutes 2008, section 122A.24.

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

Severson and Gunther introduced:

H. F. No. 3075, A bill for an act relating to transportation; establishing requirements governing relinquishing land owned by the Department of Transportation; proposing coding for new law in Minnesota Statutes, chapter 161.

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

Juhnke introduced:

H. F. No. 3076, A bill for an act relating to labor and industry; modifying elevator provisions; amending Minnesota Statutes 2008, section 326B.184, subdivision 2; Minnesota Statutes 2009 Supplement, section 326B.163, subdivision 5.

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

McNamara introduced:

H. F. No. 3077, A bill for an act relating to capital improvements; appropriating money for flood hazard mitigation in the city of Afton; authorizing the sale and issuance of state bonds.

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

Brown introduced:

H. F. No. 3078, A bill for an act relating to the state lottery; removing a restriction relating to the operation of the lottery; amending Minnesota Statutes 2008, section 349A.13.

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

Hortman introduced:

H. F. No. 3079, A bill for an act relating to state government; providing for certain permitting efficiency; modifying environmental review provisions; amending Minnesota Statutes 2008, sections 17.03, by adding a subdivision; 84.027, by adding a subdivision; 116.03, by adding a subdivision; 116D.04, subdivision 10, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Environment Policy and Oversight.

Hortman and Reinert introduced:

H. F. No. 3080, A bill for an act relating to transportation; exempting certain school buses from child passenger restraint requirements; amending Minnesota Statutes 2008, section 169.685, subdivision 6.

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

Hilstrom, Kelly, Zellers, Kohls and Bigham introduced:

H. F. No. 3081, A bill for an act relating to crime; increasing the penalty for criminal sexual conduct in the first degree; amending Minnesota Statutes 2008, section 609.342, subdivision 2.

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

## **MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Madam Speaker:

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

H. F. No. 2700, A bill for an act relating to capital improvements; authorizing spending to acquire and better public land and buildings and other improvements of a capital nature with certain conditions; establishing new programs and modifying existing programs; authorizing the sale and issuance of state bonds; cancelling and

modifying previous appropriations; appropriating money; amending Minnesota Statutes 2008, sections 16A.105; 16A.501; 16A.66, subdivision 2; 103F.161, subdivisions 1, 3; 103F.515, by adding a subdivision; 116J.435, as amended; 174.50, subdivisions 6, 7; 256E.37, subdivisions 1, 2; Minnesota Statutes 2009 Supplement, sections 16A.647, subdivisions 1, 5; 16A.86, subdivision 3a; Laws 2005, chapter 20, article 1, sections 19, subdivision 4; 23, subdivision 12, as amended; Laws 2006, chapter 258, sections 5, subdivision 3; 8, subdivision 4; 17, subdivision 5; 21, subdivision 14, as amended; Laws 2008, chapter 152, article 2, section 3, subdivision 2; Laws 2008, chapter 179, sections 5, subdivision 4; 7, subdivisions 8, 27; 21, subdivision 9; Laws 2008, chapter 365, sections 4, subdivision 3; 5, subdivision 2; 24, subdivision 2; 25; Laws 2009, chapter 93, article 1, sections 11, subdivision 5; 20; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; repealing Laws 2009, chapter 93, article 1, section 45.

The Senate has appointed as such committee:

Senators: Langseth, Tomassoni, Pappas, Koering and Lynch.

Said House File is herewith returned to the House.

COLLEEN J. PACHECO, First Assistant Secretary of the Senate

Madam Speaker:

Pursuant to Joint Rule 3.02(a), the Conference Committee on S. F. No. 1481 was discharged after adjournment on May 18, 2009 and the bill was laid on the table.

S. F. No. 1481, A bill for an act relating to the budget reserve; modifying priorities for additional revenues in general fund forecasts; requiring a report; amending Minnesota Statutes 2008, sections 16A.103, subdivisions 1a, 1b, by adding a subdivision; 16A.11, subdivision 1, by adding a subdivision; 16A.152, subdivision 2, by adding a subdivision.

S. F. No.1481 has been taken from the table and returned to the Conference Committee as formerly constituted.

S. F. No. 1481 is herewith transmitted to the House.

COLLEEN J. PACHECO, Second Assistant Secretary of the Senate

Solberg moved that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1481. The motion prevailed.

## **FISCAL CALENDAR**

Pursuant to rule 1.22, Solberg requested immediate consideration of S. F. No. 2168.

S. F. No. 2168 was reported to the House.

The Speaker called Juhnke to the Chair.

Murphy, E., moved to amend S. F. No. 2168, the unofficial engrossment, as follows:

Page 33, line 2, after the period, insert "A provider that has met the applicable percentage threshold in Minnesota Statutes, section 256B.0644, paragraph (b), clauses (2) or (3), is exempt from the requirements of this section."

Page 33, line 17, delete "commissioner of human services" and insert "health services policy committee"

Page 34, line 3, delete "and"

Page 34, line 5, delete the period and insert an semicolon

Page 34, after line 5 insert:

"(5) recommendations on methods and tools to appropriately risk adjust enrollees;

(6) recommendations for the development of an appropriate regulatory structure for coordinated care delivery organizations; and

(7) recommendations for the development of a quality measurement methodology for coordinated care delivery organizations."

Page 34, line 24, delete "27,041,000" and insert "27,556,000"

Page 34, line 27, delete "(34,866,000)" and insert "(34,248,000)"

Page 34, line 29, delete "247,064,000" and insert "246,961,000"

Page 34, line 34, delete "(9,939,000)" and insert "(11,555,000)"

Page 35, line 7, delete "\$9,938,000" and insert "\$11,555,000"

Page 35, line 8, delete everything after the period and insert "This reduction is onetime and does not affect the agency's base."

Page 35, delete lines 9 to 11

Page 35, line 20, delete "(68,569,000)" and insert "(65,568,000)"

Page 36, line 12, delete "2,681,000" and insert "2,578,000"

Page 37, line 9, delete "(9,938,000)" and insert "(7,704,000)"

Page 37, line 16, delete "\$9,939,000" and insert "\$7,704,000" and delete everything after the period

Page 37, delete lines 17 to 19 and insert "This reduction is onetime and does not affect the agency's base."

Page 37, line 22, delete "(a)"

Page 37, line 23, delete "\$168,733,000" and insert "\$187,992,000"

Page 37, delete lines 28 to 32

The motion prevailed and the amendment was adopted.

Thissen moved to amend S. F. No. 2168, the unofficial engrossment, as amended, as follows:

Page 28, delete lines 18 to 36

Page 29, delete lines 1 to 8 and insert:

"Subd. 11. **Contact information for veterans.** The commissioner shall ensure that county staff, when determining eligibility for the temporary general assistance medical care program, identify applicants who are veterans and provide to those applicants contact information for the applicant's county veterans service officer and information about the services these officers can provide."

The motion prevailed and the amendment was adopted.

Dean moved to amend S. F. No. 2168, the unofficial engrossment, as amended, as follows:

Page 32, after line 1, insert:

"Sec. 20. **[256L.121] HEALTH CARE HOME PROGRAM FOR CERTAIN SINGLE ADULTS AND HOUSEHOLDS WITHOUT CHILDREN.**

Subdivision 1. **Establishment; contract with commissioner.** (a) The commissioner shall develop and implement, by January 1, 2012, a county-based, health care home program for those individuals identified by the commissioner under section 256D.03, subdivision 3c, as being more effectively served under modified MinnesotaCare coverage for single adults and households without children.

(b) Participation by counties or groups of counties in the program is voluntary and subject to approval by, and entering into a contract with, the commissioner. Contract requirements must include:

(1) criteria and procedures for county participation in, and withdrawal from, the health care home program;

(2) care coordination, quality of care, and other requirements for participating health care homes, and county oversight requirements for health care homes;

(3) consumer protection, provider protection, and fiscal solvency standards; and

(4) procedures for addressing fiscal insolvency of county health care home programs and ensuring continuity of care.

Subd. 2. **County requirements related to health care homes.** Each county participating in the health care home program shall contract with providers certified as health care homes under section 256B.0751 to provide services to MinnesotaCare enrollees meeting the criteria developed by the commissioner under section 256D.03, subdivision 3c. Each participating county shall require enrollees residing in the county to designate as a health care home a provider certified under section 256B.0751 and shall assign enrollees who do not make a designation to a health care home.

Subd. 3. **County payment.** The commissioner shall pay counties that are providing health care under this section a per capita payment for all MinnesotaCare enrollees that does not exceed the payment that would otherwise be paid to a managed care plan under section 256L.12. A county is not required to obtain a certificate of authority under chapter 62D, but must meet consumer protection, provider protection, and fiscal solvency standards established by the commissioner. The state and the commissioner shall not be liable for any costs incurred by a county that exceed the payments to the county made under this section.

Subd. 4. **Nonparticipating counties.** The commissioner shall continue to provide MinnesotaCare services using managed care and county-based purchasing plans under sections 256B.69 and 256B.692 in counties that choose not to participate in, or withdraw from, the health care program.

Sec. 21. Minnesota Statutes 2008, section 256L.15, subdivision 4, is amended to read:

Subd. 4. **Exception for transitioned certain adults.** (a) County agencies shall pay the enrollee share of premiums for: (1) single adults and households with no children formerly enrolled in general assistance medical care and enrolled in MinnesotaCare according to section 256D.03, subdivision 3, until six month renewal. The county agency has the option of continuing to pay premiums for these enrollees; and (2) single adults and households without children enrolled under section 256L.04, subdivision 7, with gross family incomes not exceeding 75 percent of the federal poverty guidelines.

(b) Counties that do not participate in the health care program established under section 256L.121 shall pay both the enrollee and state share of MinnesotaCare premiums for individuals meeting the criteria developed for modified MinnesotaCare coverage by the commissioner under section 256D.03, subdivision 3c.

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

Page 32, delete section 20

Page 32, after line 14, insert:

"Sec. 23. **[256L.29] MINNESOTACARE MODERN BENEFIT PILOT PLAN.**

Subdivision 1. **Eligibility.** Beginning January 1, 2012, or upon federal approval, and approval of the commissioners of health and human services, the commissioners shall make available to up to 1000 adults who qualify for MinnesotaCare under section 256L.04, subdivision 1, with family gross income that exceeds 133 percent of the federal poverty guidelines, and who are not pregnant, may voluntarily enroll in the MinnesotaCare modern benefit plan as described in this section. All provisions of sections 256L.01 to 256L.18 shall continue to apply to adults enrolled in the MinnesotaCare modern benefit plan unless otherwise specified.

Subd. 2. **Covered services; deductible; co-payments.** The MinnesotaCare modern benefit plan shall include all covered services and co-payments under section 256L.03. In addition to the enrollee cost sharing described in section 256L.03, subdivision 5, adults enrolled in the MinnesotaCare modern benefit plan shall be subject to a \$..... annual deductible each calendar year. All covered services and co-payments described in this section are subject to the enrollee's annual deductible. Enrollees may use their health savings account (HSA) described in subdivision 4, to pay for covered services and co-payments.

Subd. 3. **Enrollment.** (a) Adults who qualify for the MinnesotaCare modern benefit plan may enroll during an annual open enrollment period. MinnesotaCare modern benefits will begin each year on January 1, following the open enrollment period.

(b) Adults enrolled in the MinnesotaCare modern benefit plan who are disenrolled from the MinnesotaCare program and then reapply, may not enroll in the MinnesotaCare modern benefit plan until the next annual open enrollment period. Upon disenrollment, any unused funds in the enrollee's HSA under subdivision 4 will not roll over to the next calendar year.

Subd. 4. **MinnesotaCare modern health savings accounts (HSAs).** Beginning January 1, 2012, or upon federal approval, the commissioner shall establish a health savings account (HSA) for each adult enrolled in the MinnesotaCare modern benefit plan. The HSA shall be available to the enrollee to pay for covered services and co-

payments described under subdivision 2, up to the amount of the annual deductible. The state shall contribute \$..... per calendar year to each enrollee's HSA to pay for covered services and co-payments. Any funds that remain in an enrollee's HSA at the end of a calendar year shall be available to the enrollee the following calendar year. Enrollees are responsible for costs of health services incurred in excess of the state's contribution up to the amount of the annual deductible.

Subd. 5. **Premium discount for MinnesotaCare modern enrollees.** Beginning January 1, 2012, or upon federal approval, each adult enrolled in the MinnesotaCare modern benefit plan shall qualify for a monthly premium discount of \$..... The discount shall be applied to the family premium determined according to section 256L.15, subdivision 2, beginning with the premium for the first month of coverage under the MinnesotaCare modern plan."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Dean moved to amend his amendment to S. F. No. 2168, the unofficial engrossment, as amended, as follows:

Page 1, after line 2, insert:

"Page 20, after line 21, insert:

"Sec. 13. Minnesota Statutes 2008, section 256D.03, is amended by adding a subdivision to read:

Subd. 3c. **Enrollee characteristics; eligibility criteria.** The commissioner of human services shall study the demographic characteristics, health care needs, and health care service utilization of individuals enrolled in general assistance medical care for all or part of the period January 1, 2006, through December 31, 2009. The commissioner, by December 15, 2010, shall identify the characteristics of enrollees who can be effectively served under the standard MinnesotaCare program and the characteristics of enrollees who cannot be effectively served under the standard MinnesotaCare program but can be served effectively under modified MinnesotaCare coverage for single adults and households without children. Based upon this analysis, the commissioner shall establish eligibility criteria under which individuals would qualify for modified MinnesotaCare coverage for single adults and households without children. For purposes of this subdivision, "modified MinnesotaCare coverage" means:

(1) setting the date of application as the effective date of coverage; and

(2) eligibility for county-based health care home services under section 256L.121."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly"

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

Dean moved to amend his amendment, as amended, to S. F. No. 2168, the unofficial engrossment, as amended, as follows:

Page 3, line 6, delete "a \$....." and insert "an amount to be determined by the commissioner as an"

Page 3, line 24, delete "\$....." and insert "an amount to be determined by the commissioner"

Page 3, line 31, delete "\$....." and insert "an amount to be determined by the commissioner."

Amend the title accordingly

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

Murphy, E., requested a division of the Dean amendment, as amended, to S. F. No. 2168, the unofficial engrossment, as amended.

The first portion of the Dean amendment, as amended, to S. F. No. 2168, the unofficial engrossment, as amended, reads as follows:

Page 20, after line 21, insert:

"Sec. 13. Minnesota Statutes 2008, section 256D.03, is amended by adding a subdivision to read:

Subd. 3c. **Enrollee characteristics; eligibility criteria.** The commissioner of human services shall study the demographic characteristics, health care needs, and health care service utilization of individuals enrolled in general assistance medical care for all or part of the period January 1, 2006, through December 31, 2009. The commissioner, by December 15, 2010, shall identify the characteristics of enrollees who can be effectively served under the standard MinnesotaCare program and the characteristics of enrollees who cannot be effectively served under the standard MinnesotaCare program but can be served effectively under modified MinnesotaCare coverage for single adults and households without children. Based upon this analysis, the commissioner shall establish eligibility criteria under which individuals would qualify for modified MinnesotaCare coverage for single adults and households without children. For purposes of this subdivision, "modified MinnesotaCare coverage" means:

(1) setting the date of application as the effective date of coverage; and

(2) eligibility for county-based health care home services under section 256L.121."

Page 32, after line 1, insert:

"Sec. 20. **[256L.121] HEALTH CARE HOME PROGRAM FOR CERTAIN SINGLE ADULTS AND HOUSEHOLDS WITHOUT CHILDREN.**

Subdivision 1. **Establishment; contract with commissioner.** (a) The commissioner shall develop and implement, by January 1, 2012, a county-based, health care home program for those individuals identified by the commissioner under section 256D.03, subdivision 3c, as being more effectively served under modified MinnesotaCare coverage for single adults and households without children.

(b) Participation by counties or groups of counties in the program is voluntary and subject to approval by, and entering into a contract with, the commissioner. Contract requirements must include:

(1) criteria and procedures for county participation in, and withdrawal from, the health care home program;

(2) care coordination, quality of care, and other requirements for participating health care homes, and county oversight requirements for health care homes;

(3) consumer protection, provider protection, and fiscal solvency standards; and

(4) procedures for addressing fiscal insolvency of county health care home programs and ensuring continuity of care.

Subd. 2. **County requirements related to health care homes.** Each county participating in the health care home program shall contract with providers certified as health care homes under section 256B.0751 to provide services to MinnesotaCare enrollees meeting the criteria developed by the commissioner under section 256D.03, subdivision 3c. Each participating county shall require enrollees residing in the county to designate as a health care home a provider certified under section 256B.0751 and shall assign enrollees who do not make a designation to a health care home.

Subd. 3. **County payment.** The commissioner shall pay counties that are providing health care under this section a per capita payment for all MinnesotaCare enrollees that does not exceed the payment that would otherwise be paid to a managed care plan under section 256L.12. A county is not required to obtain a certificate of authority under chapter 62D, but must meet consumer protection, provider protection, and fiscal solvency standards established by the commissioner. The state and the commissioner shall not be liable for any costs incurred by a county that exceed the payments to the county made under this section.

Subd. 4. **Nonparticipating counties.** The commissioner shall continue to provide MinnesotaCare services using managed care and county-based purchasing plans under sections 256B.69 and 256B.692 in counties that choose not to participate in, or withdraw from, the health care program.

Sec. 21. Minnesota Statutes 2008, section 256L.15, subdivision 4, is amended to read:

Subd. 4. **Exception for ~~transitioned certain~~ adults.** (a) County agencies shall pay the enrollee share of premiums for: (1) single adults and households with no children formerly enrolled in general assistance medical care and enrolled in MinnesotaCare according to section 256D.03, subdivision 3, ~~until six month renewal. The county agency has the option of continuing to pay premiums for these enrollees;~~ and (2) single adults and households without children enrolled under section 256L.04, subdivision 7, with gross family incomes not exceeding 75 percent of the federal poverty guidelines.

(b) Counties that do not participate in the health care program established under section 256L.121 shall pay both the enrollee and state share of MinnesotaCare premiums for individuals meeting the criteria developed for modified MinnesotaCare coverage by the commissioner under section 256D.03, subdivision 3c.

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

Page 32, delete section 20

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the first portion of the Dean amendment, as amended, was adopted.

The second portion of the Dean amendment, as amended, to S. F. No. 2168, the unofficial engrossment, as amended, reads as follows:

Page 32, after line 14, insert:

"Sec. 23. **[256L.29] MINNESOTACARE MODERN BENEFIT PILOT PLAN.**

**Subdivision 1. Eligibility.** Beginning January 1, 2012, or upon federal approval, and approval of the commissioners of health and human services, the commissioners shall make available to up to 1000 adults who qualify for MinnesotaCare under section 256L.04, subdivision 1, with family gross income that exceeds 133 percent of the federal poverty guidelines, and who are not pregnant, may voluntarily enroll in the MinnesotaCare modern benefit plan as described in this section. All provisions of sections 256L.01 to 256L.18 shall continue to apply to adults enrolled in the MinnesotaCare modern benefit plan unless otherwise specified.

**Subd. 2. Covered services; deductible; co-payments.** The MinnesotaCare modern benefit plan shall include all covered services and co-payments under section 256L.03. In addition to the enrollee cost sharing described in section 256L.03, subdivision 5, adults enrolled in the MinnesotaCare modern benefit plan shall be subject to an amount to be determined by the commissioner as an annual deductible each calendar year. All covered services and co-payments described in this section are subject to the enrollee's annual deductible. Enrollees may use their health savings account (HSA) described in subdivision 4, to pay for covered services and co-payments.

**Subd. 3. Enrollment.** (a) Adults who qualify for the MinnesotaCare modern benefit plan may enroll during an annual open enrollment period. MinnesotaCare modern benefits will begin each year on January 1, following the open enrollment period.

(b) Adults enrolled in the MinnesotaCare modern benefit plan who are disenrolled from the MinnesotaCare program and then reapply, may not enroll in the MinnesotaCare modern benefit plan until the next annual open enrollment period. Upon disenrollment, any unused funds in the enrollee's HSA under subdivision 4 will not roll over to the next calendar year.

**Subd. 4. MinnesotaCare modern health savings accounts (HSAs).** Beginning January 1, 2012, or upon federal approval, the commissioner shall establish a health savings account (HSA) for each adult enrolled in the MinnesotaCare modern benefit plan. The HSA shall be available to the enrollee to pay for covered services and co-payments described under subdivision 2, up to the amount of the annual deductible. The state shall contribute an amount to be determined by the commissioner per calendar year to each enrollee's HSA to pay for covered services and co-payments. Any funds that remain in an enrollee's HSA at the end of a calendar year shall be available to the enrollee the following calendar year. Enrollees are responsible for costs of health services incurred in excess of the state's contribution up to the amount of the annual deductible.

**Subd. 5. Premium discount for MinnesotaCare modern enrollees.** Beginning January 1, 2012, or upon federal approval, each adult enrolled in the MinnesotaCare modern benefit plan shall qualify for a monthly premium discount of an amount to be determined by the commissioner. The discount shall be applied to the family premium determined according to section 256L.15, subdivision 2, beginning with the premium for the first month of coverage under the MinnesotaCare modern plan."

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 second portion of the Dean amendment, as amended, and the roll was called. There were 50 yeas and 84 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion did not prevail and the second portion of the Dean amendment, as amended, was not adopted.

The Speaker resumed the Chair.

Fritz moved to amend S. F. No. 2168, the unofficial engrossment, as amended, as follows:

Page 29, after line 14, insert:

"Sec. 15. **[256D.033] ABORTION NOT COVERED.**

**Subdivision 1. Abortion not covered.** No public funds shall be used for coverage of abortion under general assistance medical care except where the life of the female would be endangered or serious risk of substantial and irreversible physical impairment of a major bodily function would result if the fetus were carried to term; or where the pregnancy is the result of rape or incest. This section applies to both the general assistance medical care program in section 256D.03 and the temporary general assistance medical care program in section 256D.031.

**Subd. 2. Severability.** If any one or more provision, section, subdivision, sentence, clause, phrase, or word of this section or the application of it to any person or circumstance is found to be unconstitutional, it is declared to be severable and the balance of this section shall remain effective notwithstanding such unconstitutionality. The

legislature intends that it would have passed this section, and each provision, section, subdivision, sentence, clause, phrase, or word irrespective of the fact that any one provision, section, subdivision, sentence, clause, phrase, or word is declared unconstitutional.

Subd. 3. **Supreme Court jurisdiction.** The Minnesota Supreme Court has original jurisdiction over an action challenging the constitutionality of this section and shall expedite the resolution of the action."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Fritz amendment and the roll was called. There were 67 yeas and 67 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

S. F. No. 2168, A bill for an act relating to health care; establishing mental health urgent care and consultation services; modifying the general assistance medical care program; appropriating money; amending Minnesota Statutes 2008, sections 256.969, subdivision 27, by adding a subdivision; 256B.0625, subdivision 13f, by adding a

subdivision; 256D.03, subdivisions 3a, 3b; 256D.06, subdivision 7; 256L.05, subdivisions 1b, 3, 3a; 256L.07, subdivision 6; 256L.15, subdivision 4; 256L.17, subdivision 7; Minnesota Statutes 2009 Supplement, sections 256.969, subdivisions 2b, 3a; 256B.196, subdivision 2; 256B.199; 256D.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 245; 256D.

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 125 yeas and 9 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Drazkowski	Hackbarth	Kohls	Shimanski
Buesgens	Emmer	Holberg	Severson	

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

#### ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1481:

Solberg, Carlson and Smith.

#### MOTIONS AND RESOLUTIONS

Emmer moved that the name of Benson be added as an author on H. F. No. 176. The motion prevailed.

Rukavina moved that the name of Reinert be added as an author on H. F. No. 737. The motion prevailed.

McNamara moved that his name be stricken as an author on H. F. No. 916. The motion prevailed.

Simon moved that the name of Sterner be added as an author on H. F. No. 1206. The motion prevailed.

Johnson moved that the name of Slocum be added as an author on H. F. No. 1457. The motion prevailed.

Severson moved that the name of Drazkowski be added as an author on H. F. No. 1632. The motion prevailed.

Brod moved that the name of Dittrich be added as an author on H. F. No. 1757. The motion prevailed.

Hansen moved that the name of Haws be added as an author on H. F. No. 2116. The motion prevailed.

Murphy, E., moved that the name of Reinert be added as an author on H. F. No. 2680. The motion prevailed.

Anderson, S., moved that the name of Severson be added as an author on H. F. No. 2732. The motion prevailed.

Davnie moved that the name of Kiffmeyer be added as an author on H. F. No. 2750. The motion prevailed.

Slawik moved that the name of Slocum be added as an author on H. F. No. 2760. The motion prevailed.

Lenczewski moved that the name of Slocum be added as an author on H. F. No. 2763. The motion prevailed.

Hornstein moved that the name of Slocum be added as an author on H. F. No. 2793. The motion prevailed.

Hilty moved that the name of Slocum be added as an author on H. F. No. 2797. The motion prevailed.

Hilstrom moved that the name of Slocum be added as an author on H. F. No. 2798. The motion prevailed.

Benson moved that the name of Slocum be added as an author on H. F. No. 2799. The motion prevailed.

Obermueller moved that the names of Lillie and Morrow be added as authors on H. F. No. 2801. The motion prevailed.

Swails moved that the names of Dittrich and Sanders be added as authors on H. F. No. 2804. The motion prevailed.

Juhnke moved that the name of Slocum be added as an author on H. F. No. 2806. The motion prevailed.

Benson moved that the name of Slocum be added as an author on H. F. No. 2821. The motion prevailed.

Bunn moved that the names of Benson and Scott be added as authors on H. F. No. 2839. The motion prevailed.

Carlson moved that the name of Jackson be added as an author on H. F. No. 2866. The motion prevailed.

Bigham moved that the name of Davids be added as an author on H. F. No. 2888. The motion prevailed.

Pelowski moved that the name of Jackson be added as an author on H. F. No. 2899. The motion prevailed.

Thissen moved that the name of Slocum be added as an author on H. F. No. 2938. The motion prevailed.

Kalin moved that the name of Kahn be added as an author on H. F. No. 2946. The motion prevailed.

Dill moved that the name of Olin be added as an author on H. F. No. 2955. The motion prevailed.

Peterson moved that the names of Persell and Ruud be added as authors on H. F. No. 2968. The motion prevailed.

Pelowski moved that the name of Holberg be added as an author on H. F. No. 2988. The motion prevailed.

Liebling moved that the names of Kohls and Drazkowski be added as authors on H. F. No. 2989. The motion prevailed.

Tillberry moved that the name of Slocum be added as an author on H. F. No. 2995. The motion prevailed.

Jackson moved that the names of Clark and Slocum be added as authors on H. F. No. 2998. The motion prevailed.

Downey moved that the names of Slocum and Marquart be added as authors on H. F. No. 3011. The motion prevailed.

Hansen moved that the names of Nornes, Reinert and Lillie be added as authors on H. F. No. 3015. The motion prevailed.

Hayden moved that the names of Champion and Clark be added as authors on H. F. No. 3019. The motion prevailed.

Dill moved that the name of Slocum be added as an author on H. F. No. 3028. The motion prevailed.

#### ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, February 22, 2010. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Monday, February 22, 2010.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives

