

FORTY-FOURTH DAY

St. Paul, Minnesota, Thursday, April 25, 2013

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Bakk imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Ronald L. Nicholas.

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

The roll was called, and the following Senators answered to their names:

Anderson	Eaton	Johnson	Pappas	Skoe
Bakk	Eken	Kent	Pederson, J.	Sparks
Benson	Fischbach	Kiffmeyer	Petersen, B.	Stumpf
Bonoff	Franzen	Latz	Pratt	Thompson
Brown	Gazelka	Limmer	Reinert	Tomassoni
Carlson	Goodwin	Lourey	Rest	Torres Ray
Chamberlain	Hall	Marty	Rosen	Weber
Champion	Hann	Metzen	Ruud	Westrom
Clausen	Hawj	Miller	Saxhaug	Wiger
Cohen	Hayden	Nelson	Scalze	Wiklund
Dahle	Hoffman	Newman	Schmit	
Dahms	Housley	Nienow	Senjem	
Dibble	Ingebrigtsen	Ortman	Sheran	
Dziedzic	Jensen	Osmek	Sieben	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 22, 2013

The Honorable Sandra L. Pappas
President of the Senate

Dear Madam President:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, Chapter 14, S.F. No. 1086.

Sincerely,
Mark Dayton, Governor

April 22, 2013

The Honorable Paul Thissen
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2013 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2013	Date Filed 2013
1086		14	11:17 a.m. April 22	April 22
	504	15	11:14 a.m. April 22	April 22
	290	16	11:18 a.m. April 22	April 22
	129	17	11:19 a.m. April 22	April 22
	75	18	11:19 a.m. April 22	April 22
	834	19	11:22 a.m. April 22	April 22

Sincerely,
Mark Ritchie
Secretary of State

April 24, 2013

The Honorable Sandra L. Pappas
President of the Senate

Dear Madam President:

Please be advised that I have received, approved, signed and deposited in the Office of the Secretary of State, Chapter 20, S.F. No. 1168.

Sincerely,
Mark Dayton, Governor

April 24, 2013

The Honorable Paul Thissen
Speaker of the House of Representatives

The Honorable Sandra L. Pappas
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2013 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2013	Date Filed 2013
1168		20	10:52 a.m. April 24	April 24
	450	21	10:51 a.m. April 24	April 24
	143	22	10:52 a.m. April 24	April 24
	232	23	10:52 a.m. April 24	April 24

Sincerely,
Mark Ritchie
Secretary of State

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 677, 738 and 1444.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 24, 2013

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 677: A bill for an act relating to financing of state and local government; making changes to individual income, corporate franchise, property, sales and use, estate, mineral, liquor, tobacco, aggregate materials, local, and other taxes and tax-related provisions; restoring the school district current year aid payment shift percentage to 90; conforming to federal section 179 expensing allowances; imposing an income surcharge; allowing an up-front exemption for capital equipment; modifying the definition of income for the property tax refund; decreasing the threshold percentage for the homestead credit refund for homeowners and the property tax refund for renters; increasing the maximum refunds for renters; changing property tax aids and credits; imposing an insurance surcharge; modifying pension aids; providing pension funding; changing provisions

of the Sustainable Forest Incentive Act; modifying definitions for property taxes; providing exemptions; creating joint entertainment facilities coordination; imposing a sports memorabilia gross receipts tax; changing tax rates on tobacco and liquor; providing reimbursement for certain property tax abatement; modifying the small business investment tax credit; expanding the definition of domestic corporation to include foreign corporations incorporated in or doing business in tax havens; making changes to additions and subtractions from federal taxable income; changing rates for individuals, estates, and trusts; providing for charitable contributions and veterans jobs tax credits; modifying estate tax exclusions for qualifying small business and farm property; imposing a gift tax; expanding the sales tax to include suite and box seat rentals; modifying the definition of sales and purchase; changing the tax rate and modifying provisions for the rental motor vehicle tax; modifying nexus provisions; providing for multiple points of use certificates; modifying exemptions; authorizing local sales taxes; authorizing economic development powers; providing authority, organization, powers, and duties for development of a Destination Medical Center; authorizing state infrastructure aid; imposing a tax on extraction and processing of fracturing sand; providing a taconite production tax grant for water supply improvements; authorizing taconite production tax bonds for grants to school districts; modifying and providing provisions for public finance; modifying the definition of market value for tax, debt, and other purposes; requiring labor peace agreements on certain qualifying projects; making conforming, policy, and technical changes to tax provisions; requiring studies and reports; appropriating money; amending Minnesota Statutes 2012, sections 16A.152, subdivision 2; 16A.46; 38.18; 40A.15, subdivision 2; 69.011, subdivision 1; 69.021, subdivisions 7, 8, by adding a subdivision; 88.51, subdivision 3; 103B.102, subdivision 3; 103B.245, subdivision 3; 103B.251, subdivision 8; 103B.335; 103B.3369, subdivision 5; 103B.635, subdivision 2; 103B.691, subdivision 2; 103C.501, subdivision 4; 103D.905, subdivisions 2, 3, 8; 103F.405, subdivision 1; 116J.8737, subdivisions 1, 2, 8; 117.025, subdivision 7; 118A.04, subdivision 3; 118A.05, subdivision 5; 123A.455, subdivision 1; 123B.75, subdivision 5; 126C.48, subdivision 8; 127A.45, subdivision 2; 127A.48, subdivision 1; 138.053; 144F.01, subdivision 4; 162.07, subdivisions 3, 4; 163.04, subdivision 3; 163.051; 163.06, subdivision 6; 165.10, subdivision 1; 168.012, subdivision 9, by adding a subdivision; 216C.436, subdivision 7; 237.52, subdivision 3, by adding a subdivision; 270.077; 270.41, subdivision 5; 270B.01, subdivision 8; 270B.12, subdivision 4; 270C.34, subdivision 1; 270C.38, subdivision 1; 270C.42, subdivision 2; 270C.56, subdivision 1; 271.06, by adding a subdivision; 272.01, subdivision 2; 272.02, subdivisions 39, 97, by adding subdivisions; 272.03, subdivision 9, by adding subdivisions; 273.032; 273.11, subdivision 1, by adding a subdivision; 273.114, subdivision 6; 273.124, subdivisions 3a, 13; 273.13, subdivisions 21b, 23, 25; 273.1398, subdivisions 3, 4; 273.19, subdivision 1; 273.372, subdivision 4; 273.39; 275.011, subdivision 1; 275.077, subdivision 2; 275.71, subdivision 4; 276.04, subdivision 2; 276A.01, subdivisions 10, 12, 13, 15; 276A.06, subdivision 10; 279.01, subdivision 1, by adding a subdivision; 279.02; 279.06, subdivision 1; 287.05, by adding a subdivision; 287.08; 287.20, by adding a subdivision; 287.23, subdivision 1; 287.385, subdivision 7; 289A.02, subdivision 7; 289A.08, subdivisions 1, 3, 7; 289A.10, subdivision 1, by adding a subdivision; 289A.12, subdivision 14, by adding a subdivision; 289A.18, by adding a subdivision; 289A.20, subdivisions 3, 4, by adding a subdivision; 289A.26, subdivisions 3, 4, 7, 9; 289A.55, subdivision 9; 289A.60, subdivision 4; 290.01, subdivisions 5, 19, as amended, 19a, 19b, 19c, 19d, 31, as amended, by adding subdivisions; 290.06, subdivisions 2c, 2d, by adding subdivisions; 290.067, subdivisions 1, 2a; 290.0671, subdivision 1; 290.0675, subdivision 1; 290.0677, subdivision 2; 290.068, subdivisions 3, 6a; 290.0681, subdivisions 1, 3, 4, 5; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivision 1; 290.17, subdivision 4; 290.21, subdivision 4; 290.9705, subdivision 1; 290A.03,

subdivisions 3, 15, as amended; 290A.04, subdivisions 2, 2a, 4; 290B.04, subdivision 2; 290C.02, subdivision 6; 290C.05; 290C.07; 291.005, subdivision 1; 291.03, subdivisions 1, 8, 9, 10, 11, by adding a subdivision; 296A.01, subdivision 19, by adding a subdivision; 296A.22, subdivisions 1, 3; 297A.61, subdivisions 3, 4, by adding a subdivision; 297A.64, subdivisions 1, 2; 297A.66, by adding a subdivision; 297A.665; 297A.668, by adding a subdivision; 297A.67, subdivision 7; 297A.68, subdivision 5; 297A.70, subdivisions 4, 8, by adding subdivisions; 297A.71, by adding subdivisions; 297A.75, subdivisions 1, 2, 3; 297A.815, subdivision 3; 297A.993, subdivisions 1, 2; 297B.11; 297E.021, subdivision 2; 297E.14, subdivision 7; 297F.01, subdivisions 3, 19, 23, by adding a subdivision; 297F.05, subdivisions 1, 3, 4, by adding a subdivision; 297F.09, subdivision 9; 297F.18, subdivision 7; 297F.24, subdivision 1; 297F.25, subdivision 1; 297G.03, subdivision 1, by adding a subdivision; 297G.04; 297G.09, subdivision 8; 297G.17, subdivision 7; 297I.05, subdivisions 7, 11, 12; 297I.30, subdivisions 1, 2; 297I.80, subdivision 1; 298.01, subdivisions 3, 3b, 4; 298.018; 298.227, as amended; 298.24, subdivision 1; 298.28, subdivisions 4, 6, 10; 298.75, subdivision 2; 325D.32, subdivision 2; 353G.08, subdivision 2; 365.025, subdivision 4; 366.095, subdivision 1; 366.27; 368.01, subdivision 23; 368.47; 370.01; 373.01, subdivisions 1, 3; 373.40, subdivisions 1, 2, 4; 375.167, subdivision 1; 375.18, subdivision 3; 375.555; 383B.152; 383B.245; 383B.73, subdivision 1; 383D.41, by adding a subdivision; 383E.20; 383E.23; 385.31; 394.36, subdivision 1; 398A.04, subdivision 8; 401.05, subdivision 3; 403.02, subdivision 21, by adding subdivisions; 403.06, subdivision 1a; 403.11, subdivision 1, by adding a subdivision; 410.32; 412.221, subdivision 2; 412.301; 428A.02, subdivision 1; 430.102, subdivision 2; 447.10; 450.19; 450.25; 458A.10; 458A.31, subdivision 1; 465.04; 469.033, subdivision 6; 469.034, subdivision 2; 469.053, subdivisions 4, 4a, 6; 469.071, subdivision 5; 469.107, subdivision 1; 469.169, by adding a subdivision; 469.176, subdivisions 4c, 4g, 6; 469.177, by adding a subdivision; 469.180, subdivision 2; 469.187; 469.190, subdivision 7, by adding a subdivision; 469.206; 469.319, subdivision 4; 469.340, subdivision 4; 471.24; 471.571, subdivisions 1, 2; 471.73; 473.325, subdivision 2; 473.39, by adding a subdivision; 473.629; 473.661, subdivision 3; 473.667, subdivision 9; 473.671; 473.711, subdivision 2a; 473F.02, subdivisions 12, 14, 15, 23; 473F.08, subdivision 10, by adding a subdivision; 474A.04, subdivision 1a; 474A.062; 474A.091, subdivision 3a; 475.521, subdivisions 1, 2, 4; 475.53, subdivisions 1, 3, 4; 475.58, subdivisions 2, 3b; 475.73, subdivision 1; 477A.011, subdivisions 20, 30, 32, 34, 42, by adding subdivisions; 477A.0124, subdivision 2; 477A.013, subdivisions 8, 9, by adding a subdivision; 477A.015; 477A.03, subdivisions 2a, 2b, by adding a subdivision; 641.23; 641.24; 645.44, by adding a subdivision; Laws 1971, chapter 773, section 1, subdivision 2, as amended; Laws 1988, chapter 645, section 3, as amended; Laws 1993, chapter 375, article 9, section 46, subdivisions 2, as amended, 5, as amended; Laws 1998, chapter 389, article 8, section 43, subdivisions 1, 3, as amended, 5, as amended; Laws 1999, chapter 243, article 6, section 11; Laws 2002, chapter 377, article 3, section 25, as amended; Laws 2005, First Special Session chapter 3, article 5, section 37, subdivisions 2, 4; Laws 2008, chapter 366, article 5, sections 26; 33; 34, as amended; article 7, section 19, subdivision 3, as amended; Laws 2010, chapter 216, section 55; Laws 2010, chapter 389, article 1, section 12; article 5, section 6, subdivisions 4, 6; Laws 2010, First Special Session chapter 1, article 13, section 4, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapters 116C; 287; 290; 290A; 292; 295; 297I; 403; 435; 469; proposing coding for new law as Minnesota Statutes, chapter 297J; repealing Minnesota Statutes 2012, sections 16A.725; 256.9658; 272.69; 273.11, subdivisions 1a, 22; 276A.01, subdivision 11; 289A.60, subdivision 31; 290.01, subdivision 6b; 290.06, subdivision 22a; 290.0672; 290.0921, subdivision 7; 383A.80, subdivision 4; 383B.80, subdivision 4; 428A.101; 428A.21; 473F.02, subdivision 13; 477A.011, subdivisions 2a, 19, 21, 29, 31, 32, 33, 36, 39, 40, 41, 42; 477A.013,

subdivisions 11, 12; 477A.0133; 477A.0134; Laws 2006, chapter 259, article 11, section 3, as amended; Laws 2009, chapter 88, article 4, section 23, as amended.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 552, now on General Orders.

H.F. No. 738: A bill for an act relating to the Metropolitan Council; making miscellaneous technical corrections to statutes; removing and modifying obsolete language; amending Minnesota Statutes 2012, sections 473.157; 473.517, subdivisions 1, 6, 9; 473.519; 473.523, subdivision 1; 473.541, subdivision 2; 473.543, subdivision 1; 473.545.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 551, now on General Orders.

H.F. No. 1444: A bill for an act relating to government finance; appropriating money for transportation, Metropolitan Council, and public safety activities and programs; providing for fund transfers, tort claims, and certain contingent appropriations; modifying various provisions related to transportation finance and policy; making technical and clarifying changes; amending Minnesota Statutes 2012, sections 161.20, subdivision 3; 161.44, by adding a subdivision; 168A.01, subdivision 6a; 171.05, subdivision 2, by adding a subdivision; 171.061, subdivision 4; 174.40, by adding a subdivision; 219.1651; 299E.01, subdivisions 2, 3; 398A.10, by adding a subdivision; Laws 2009, chapter 9, section 1; proposing coding for new law in Minnesota Statutes, chapters 161; 174; repealing Minnesota Statutes 2012, sections 161.04, subdivision 6; 174.285, subdivision 8.

Referred to the Committee on Taxes.

REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 791 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
791	574				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 791 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 791, the second engrossment; and insert the language after the enacting clause of S.F. No. 574, the first engrossment; further, delete the title of H.F. No. 791, the second engrossment; and insert the title of S.F. No. 574, the first engrossment.

And when so amended H.F. No. 791 will be identical to S.F. No. 574, and further recommends that H.F. No. 791 be given its second reading and substituted for S.F. No. 574, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Bakk, from the Committee on Rules and Administration, to which was referred

H.F. No. 1304 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1304	1133				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1304 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1304, the second engrossment; and insert the language after the enacting clause of S.F. No. 1133, the first engrossment; further, delete the title of H.F. No. 1304, the second engrossment; and insert the title of S.F. No. 1133, the first engrossment.

And when so amended H.F. No. 1304 will be identical to S.F. No. 1133, and further recommends that H.F. No. 1304 be given its second reading and substituted for S.F. No. 1133, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. Nos. 791 and 1304 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Hayden introduced—

S.F. No. 1630: A bill for an act relating to pensions; adjusting benefits for certain former members of a local salaried police and fire relief association; amending Minnesota Statutes 2012, section 353A.08, by adding a subdivision.

Referred to the Committee on State and Local Government.

Senator Nienow introduced—

S.F. No. 1631: A bill for an act relating to stadiums; modifying criteria for issuance of stadium bonds; amending Minnesota Statutes 2012, section 297E.021, subdivision 3.

Referred to the Committee on Taxes.

MOTIONS AND RESOLUTIONS

Senator Clausen moved that his name be stricken as a co-author to S.F. No. 789. The motion prevailed.

Senator Clausen moved that his name be stricken as a co-author to S.F. No. 836. The motion prevailed.

SPECIAL ORDERS

Pursuant to Rule 26, Senator Bakk, Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

H.F. Nos. 630 and 1233.

SPECIAL ORDER

H.F. No. 630: A bill for an act relating to education; providing funding and policy for early childhood and family, prekindergarten through grade 12, and adult education, including general education, student accountability, education excellence, charter schools, special education, facilities, technology, nutrition, libraries, accounting, early childhood, self-sufficiency, lifelong learning, state agencies, and forecast adjustments; authorizing rulemaking; requiring reports; appropriating money; amending Minnesota Statutes 2012, sections 13.319, by adding a subdivision; 15.059, subdivision 5b; 120A.20, subdivision 1; 120A.41; 120B.02; 120B.021, subdivision 1; 120B.023; 120B.024; 120B.125; 120B.128; 120B.30, subdivisions 1, 1a; 120B.31, subdivision 1; 120B.35, subdivision 3; 120B.36, subdivision 1; 121A.22, subdivision 2; 121A.2205; 122A.09, subdivision 4; 122A.18, subdivision 2; 122A.23, subdivision 2; 122A.28, subdivision 1; 122A.33, subdivision 3; 122A.61, subdivision 1; 123B.41, subdivision 7; 123B.54; 123B.88, subdivision 22; 123B.92, subdivisions 1, 5; 124D.02, subdivision 1; 124D.095, subdivision 10; 124D.10; 124D.11, subdivision 5; 124D.111, subdivision 1; 124D.119; 124D.122; 124D.128, subdivision 2; 124D.42; 124D.4531, subdivision 1; 124D.52, by adding a subdivision; 124D.531, subdivision 1; 124D.59, subdivision 2; 124D.61; 124D.79, subdivision 1, by adding a subdivision; 125A.0941; 125A.0942; 125A.11, subdivision 1; 125A.27, subdivisions 8, 11, 14; 125A.28; 125A.29; 125A.30; 125A.32; 125A.33; 125A.35, subdivision 1; 125A.36; 125A.43; 125A.76, subdivisions 1, 4a, 8, by adding subdivisions; 125A.78, subdivision 2; 125A.79, subdivisions 1, 5; 126C.01, by adding a subdivision; 126C.05, subdivisions 1, 15; 126C.10, subdivisions 1, 2, 14, 24, 29, 32; 126C.15, subdivisions 1, 2; 126C.17, subdivisions 1, 5, 6; 126C.40, subdivision 6; 126C.44; 126C.48, subdivision 8; 127A.47, subdivision 7; 128D.11, subdivision 3; 134.32; 134.34; 134.351, subdivisions 3, 7; 134.353; 134.354; 134.355, subdivisions 1, 2, 3, 4, 5, 6; 134.36; 260A.02, subdivision 3; 260A.03; 260A.05, subdivision 1; 260A.07, subdivision 1; Laws 2007, chapter 146, article 4, section 12; Laws 2011, First Special Session chapter 11, article 1, section 36, subdivisions 2, as amended, 3, as amended, 4, as amended, 5, as amended, 6, as amended, 7, as amended, 10, as amended; article 2, section 50, subdivisions 2, as amended, 4, as amended, 5, as amended, 6, as amended, 7, as amended, 9, as amended; article 3, section 11, subdivisions 2, as amended, 3, as amended, 4, as amended, 5, as amended; article 4, section 10, subdivisions 2, as amended, 3, as amended, 4, as amended, 6, as amended; article 5, section 12, subdivisions 2, as amended, 3, as amended, 4, as amended; article 6, section 2, subdivisions 2, as amended, 3, as amended, 5, as amended; article 7, section 2, subdivisions 2, as amended, 3, as amended, 4, as amended, 8, as amended; article 8, section 2, subdivisions 2, as amended, 3, as amended; article

9, section 3, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 124D; 126C; 127A; proposing coding for new law as Minnesota Statutes, chapter 16F; repealing Minnesota Statutes 2012, sections 124D.454, subdivisions 3, 10, 11; 125A.35, subdivisions 4, 5; 125A.76, subdivisions 2, 4, 5, 7; 125A.79, subdivisions 6, 7; 126C.17, subdivision 13; Minnesota Rules, parts 3501.0010; 3501.0020; 3501.0030, subparts 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16; 3501.0040; 3501.0050; 3501.0060; 3501.0090; 3501.0100; 3501.0110; 3501.0120; 3501.0130; 3501.0140; 3501.0150; 3501.0160; 3501.0170; 3501.0180; 3501.0200; 3501.0210; 3501.0220; 3501.0230; 3501.0240; 3501.0250; 3501.0270; 3501.0280, subparts 1, 2; 3501.0290; 3501.0505; 3501.0510; 3501.0515; 3501.0520; 3501.0525; 3501.0530; 3501.0535; 3501.0540; 3501.0545; 3501.0550; 3501.1000; 3501.1020; 3501.1030; 3501.1040; 3501.1050; 3501.1110; 3501.1120; 3501.1130; 3501.1140; 3501.1150; 3501.1160; 3501.1170; 3501.1180; 3501.1190.

Senator Wiger moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 25, line 32, after "2015" insert ", notwithstanding section 126C.05, subdivision 1, paragraph (d), calculated as though a kindergarten pupil not included in section 126C.05, subdivision 1, paragraph (c), is counted as 0.55 pupil units"

Page 26, line 19, after "2015" insert ", notwithstanding section 126C.05, subdivision 1, paragraph (d), calculated as though a kindergarten pupil not included in section 126C.05, subdivision 1, paragraph (c), is counted as 0.55 pupil units"

Page 26, line 26, after "2015" insert ", notwithstanding section 126C.05, subdivision 1, paragraph (d), calculated as though a kindergarten pupil not included in section 126C.05, subdivision 1, paragraph (c), is counted as 0.55 pupil units"

Page 31, delete subdivision 9a

Page 69, line 31, delete "\$327" and insert "\$361"

Page 70, line 9, delete "\$229" and insert "\$253"

Page 70, line 35, delete "district"

Page 70, delete line 36

Page 71, delete lines 1 and 2

Page 71, line 3, delete "amount levied by the district" and insert "district's achievement and integration levy equals the amount the district was authorized to levy"

Page 72, line 17, delete "75,495,000" and insert "75,390,000"

Page 72, line 18, delete "68,617,000" and insert "68,568,000"

Page 72, line 19, delete "\$58,298,000" and insert "\$58,193,000"

Page 72, line 20, delete "\$9,886,000" and insert "\$9,869,000" and delete "\$58,731,000" and insert "\$58,699,000"

Correct the section totals and the appropriation summary

CALL OF THE SENATE

Senator Petersen, B. imposed a call of the Senate for the balance of the proceedings on H.F. No. 630. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Wiger amendment. The motion prevailed. So the amendment was adopted.

Senator Chamberlain moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 98, line 12, before "The" insert "(a)"

Page 98, after line 15, insert:

"(b) The director shall coordinate existing evaluation and assessment efforts and track scholarship program participation to understand program outcomes. The director must report to the legislature on the performance of the scholarship program by January 15, 2016, and each year thereafter."

The motion prevailed. So the amendment was adopted.

Senator Pratt moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 47, delete lines 3 to 9

Page 47, line 10, delete "(d)" and insert "(c)"

Page 47, line 32, reinstate everything after the stricken period

Page 47, lines 33, 34, and 35, reinstate the stricken language

Page 48, line 1, reinstate the stricken language and delete the new language

Page 48, lines 2 and 3, delete the new language

Page 48, lines 13 and 14, reinstate the stricken language and delete the new language

Page 48, lines 15 and 16, delete the new language

Page 48, lines 17 to 34, reinstate the stricken language

Page 49, lines 1 to 14, reinstate the stricken language

Page 49, after line 14, insert:

"(d) For students enrolled in grade 8 in the 2011-2012 school year and later, consistent with reasonable accommodations and modifications under IDEA and section 504 of the Rehabilitation Act:

(1) the chancellor of the Minnesota State Colleges and Universities or the chancellor's designee shall, in consultation with the Department of Education, determine (i) the minimum scores on

the reading, mathematics, and English sections of the college entrance exam that demonstrate preparedness for entry in a two- or four-year bachelor degree program and (ii) the minimum scores on the reading, mathematics, and English sections of the college placement diagnostic exam that demonstrate preparedness for entry into a certificate-level program;

(2) a student who, based on (i) the level of achievement on the grade 10 assessment and (ii) the growth of achievement between the grade 8 and 10 assessments, is on track to achieve the minimum score required under clause (1), item (i), on the college entrance exam shall initially be given the college entrance exam in grade 11. All other students shall initially be given the college placement diagnostic exam in grade 11. A student initially given the college entrance exam who does not achieve the minimum score in all required subjects under clause (1), item (i), shall be given the college placement diagnostic exam in these subjects. A student given the college placement diagnostic exam who achieves the minimum score required under clause (1), item (i), in grade 11, shall have a state-sponsored opportunity to take the college entrance exam in grade 11 or 12; and

(3) the commissioner shall establish an implementation school year. The implementation school year must be the next school year after the contract under this subdivision has been established and all necessary waivers of federal accountability requirements have been received. In the implementation year, students in grade 8 shall be given the grade 8 assessment under this section. For students enrolled in grade 8 in the implementation school year or later only a minimum score or higher on the reading, mathematics, and English sections of the college entrance exam under clause (1), item (i), or a minimum score or higher on the reading, mathematics, and English sections of the college placement diagnostic exam under clause (1), item (ii), shall fulfill students' state graduation test requirements for diploma. The commissioner shall certify the implementation school year to the revisor of statutes."

Page 49, delete lines 15 to 36

Page 50, delete lines 1 to 9

Page 50, line 10, reinstate the stricken language and strike "(d)" and insert "(e)"

Page 50, line 11, reinstate the stricken language and strike "2009-2010" and insert "2010-2011"

Page 50, lines 12 to 18, reinstate the stricken language

Page 50, line 25, after the second comma, insert "science,"

Page 51, delete lines 10 to 35

Page 52, delete lines 1 to 5

Page 52, line 6, delete "(e)" and insert "(f)"

Page 52, line 16, delete "(f)" and insert "(g)"

Page 52, line 19, delete "(g)" and insert "(h)"

Page 52, line 23, delete "(h)" and insert "(i)"

Page 52, line 30, delete "(i)" and insert "(j)"

Page 53, delete line 13

Page 56, line 14, delete "the day following final enactment and" and insert "except that"

Page 56, delete section 7 and insert:

"Sec. 7. **COMMISSIONER REPORT; ACCOUNTABILITY.**

By January 15, 2014, the commissioner must report to the legislative committees with primary jurisdiction over kindergarten through grade 12 education with recommendations on differentiated diplomas or an appeals process for the limited number of general education students that cannot pass the statewide assessments."

Page 59, delete section 10

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Pederson, J.	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Bonoff	Hann	Nelson	Pratt	Westrom
Brown	Housley	Newman	Rest	
Chamberlain	Ingebrigtsen	Nienow	Rosen	
Dahms	Kiffmeyer	Ortman	Ruud	
Fischbach	Latz	Osmek	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Reinert	Sparks
Carlson	Eken	Johnson	Saxhaug	Stumpf
Champion	Franzen	Kent	Scalze	Tomassoni
Clausen	Goodwin	Lourey	Schmit	Torres Ray
Cohen	Hawj	Marty	Sheran	Wiger
Dahle	Hayden	Metzen	Sieben	Wiklund
Dibble	Hoffman	Pappas	Skoe	

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

Senator Hall moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 52, line 18, delete the new language and insert "score on the state required assessment given to the student in grade 11 or 12"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kiffmeyer	Osmek	Senjem
Benson	Gazelka	Miller	Pederson, J.	Thompson
Brown	Hall	Nelson	Petersen, B.	Weber
Chamberlain	Hann	Newman	Pratt	Westrom
Clausen	Housley	Nienow	Rosen	
Dahms	Ingebrigtsen	Ortman	Ruud	

Those who voted in the negative were:

Bakk	Eaton	Johnson	Rest	Stumpf
Bonoff	Eken	Kent	Saxhaug	Tomassoni
Carlson	Franzen	Latz	Scalze	Torres Ray
Champion	Goodwin	Lourey	Schmit	Wiger
Cohen	Hawj	Marty	Sheran	Wiklund
Dahle	Hayden	Metzen	Sieben	
Dibble	Hoffman	Pappas	Skoe	
Dziedzic	Jensen	Reinert	Sparks	

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

Senator Petersen, B. moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 71, delete sections 16 and 17

Page 72, delete sections 18 and 19

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Franzen	Kiffmeyer	Nienow	Ruud
Benson	Gazelka	Latz	Ortman	Senjem
Bonoff	Hall	Limmer	Osmek	Thompson
Chamberlain	Hann	Miller	Pederson, J.	Weber
Dahms	Housley	Nelson	Petersen, B.	Westrom
Fischbach	Ingebrigtsen	Newman	Pratt	

Those who voted in the negative were:

Brown	Dziedzic	Jensen	Reinert	Skoe
Carlson	Eaton	Johnson	Rest	Stumpf
Champion	Eken	Kent	Saxhaug	Tomassoni
Clausen	Goodwin	Lourey	Scalze	Torres Ray
Cohen	Hawj	Marty	Schmit	Wiger
Dahle	Hayden	Metzen	Sheran	Wiklund
Dibble	Hoffman	Pappas	Sieben	

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

Senator Nelson moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 24, after line 30, insert:

"Sec. 48. Minnesota Statutes 2012, section 126C.15, subdivision 2, is amended to read:

Subd. 2. **Building allocation.** (a) A district or cooperative must allocate its compensatory revenue to each school building in the district or cooperative where the children who have generated the revenue are served unless the school district or cooperative has received permission

under Laws 2005, First Special Session chapter 5, article 1, section 50, to allocate compensatory revenue according to student performance measures developed by the school board.

(b) Notwithstanding paragraph (a), a district or cooperative may allocate up to ~~five~~ 15 percent of the amount of compensatory revenue that the district receives to school sites according to a plan adopted by the school board. The money reallocated under this paragraph must be spent for the purposes listed in subdivision 1, but may be spent on students in any grade, including students attending school readiness or other prekindergarten programs.

(c) For the purposes of this section and section 126C.05, subdivision 3, "building" means education site as defined in section 123B.04, subdivision 1.

(d) Notwithstanding section 123A.26, subdivision 1, compensatory revenue generated by students served at a cooperative unit shall be paid to the cooperative unit.

(e) A district or cooperative with school building openings, school building closings, changes in attendance area boundaries, or other changes in programs or student demographics between the prior year and the current year may reallocate compensatory revenue among sites to reflect these changes. A district or cooperative must report to the department any adjustments it makes according to this paragraph and the department must use the adjusted compensatory revenue allocations in preparing the report required under section 123B.76, subdivision 3, paragraph (c)."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Eaton	Johnson	Osmek	Sieben
Benson	Eken	Kent	Pederson, J.	Skoe
Bonoff	Fischbach	Kiffmeyer	Petersen, B.	Sparks
Brown	Franzen	Latz	Pratt	Stumpf
Carlson	Gazelka	Limmer	Reinert	Thompson
Chamberlain	Goodwin	Lourey	Rest	Tomassoni
Champion	Hall	Marty	Rosen	Torres Ray
Clausen	Hann	Metzen	Ruud	Weber
Cohen	Hawj	Miller	Saxhaug	Westrom
Dahle	Hayden	Nelson	Scalze	Wiger
Dahms	Hoffman	Newman	Schmit	Wiklund
Dibble	Ingebrigtsen	Nienow	Senjem	
Dziedzic	Jensen	Ortman	Sheran	

Those who voted in the negative were:

Pappas

The motion prevailed. So the amendment was adopted.

Senator Petersen, B. moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 22, line 8, after the period, insert "Notwithstanding section 275.025, in any year in which the levy under this subdivision exceeds \$20,000,000, the state general tax under section 275.025 shall be reduced by the amount that the levy under this subdivision exceeds \$20,000,000 times 0.5."

Page 41, after line 3, insert:

"Sec. 58. Minnesota Statutes 2012, section 275.025, subdivision 1, is amended to read:

Subdivision 1. **Levy amount.** The state general levy is levied against commercial-industrial property and seasonal residential recreational property, as defined in this section. The state general levy base amount is \$592,000,000 for taxes payable in 2002. For taxes payable in subsequent years, the levy base amount is increased each year by multiplying the levy base amount for the prior year by the sum of one plus the rate of increase, if any, in the implicit price deflator for government consumption expenditures and gross investment for state and local governments prepared by the Bureau of Economic Analysts of the United States Department of Commerce for the 12-month period ending March 31 of the year prior to the year the taxes are payable. The tax under this section is not treated as a local tax rate under section 469.177 and is not the levy of a governmental unit under chapters 276A and 473F. The tax under this section must be adjusted according to section 126C.13, subdivision 3a.

The commissioner shall increase or decrease the preliminary or final rate for a year as necessary to account for errors and tax base changes that affected a preliminary or final rate for either of the two preceding years. Adjustments are allowed to the extent that the necessary information is available to the commissioner at the time the rates for a year must be certified, and for the following reasons:

- (1) an erroneous report of taxable value by a local official;
- (2) an erroneous calculation by the commissioner; and
- (3) an increase or decrease in taxable value for commercial-industrial or seasonal residential recreational property reported on the abstracts of tax lists submitted under section 275.29 that was not reported on the abstracts of assessment submitted under section 270C.89 for the same year.

The commissioner may, but need not, make adjustments if the total difference in the tax levied for the year would be less than \$100,000."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Franzen	Kiffmeyer	Osmek	Senjem
Benson	Gazelka	Limmer	Pederson, J.	Thompson
Bonoff	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Reinert	
Dahms	Ingebrigtsen	Nienow	Rosen	
Fischbach	Jensen	Ortman	Ruud	

Those who voted in the negative were:

Bakk	Carlson	Champion	Clausen	Cohen
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Dahle	Hawj	Lourey	Scalze	Stumpf
Dibble	Hayden	Marty	Schmit	Tomassoni
Dziedzic	Hoffman	Metzen	Sheran	Torres Ray
Eaton	Johnson	Pappas	Sieben	Wiger
Eken	Kent	Rest	Skoe	Wiklund
Goodwin	Latz	Saxhaug	Sparks	

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

Senator Chamberlain moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 22, line 6, delete "; \$26,219,000 for fiscal year 2016; and \$30,004,000 for fiscal year 2017"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Miller	Petersen, B.	Thompson
Benson	Hall	Nelson	Pratt	Weber
Bonoff	Hann	Newman	Rest	Westrom
Brown	Housley	Nienow	Rosen	
Chamberlain	Ingebrigtsen	Ortman	Ruud	
Dahms	Kiffmeyer	Osmeck	Senjem	
Fischbach	Limmer	Pederson, J.	Sheran	

Those who voted in the negative were:

Bakk	Dziedzic	Hoffman	Metzen	Skoe
Carlson	Eaton	Jensen	Pappas	Sparks
Champion	Eken	Johnson	Reinert	Stumpf
Clausen	Franzen	Kent	Saxhaug	Tomassoni
Cohen	Goodwin	Latz	Scalze	Torres Ray
Dahle	Hawj	Lourey	Schmit	Wiger
Dibble	Hayden	Marty	Sieben	Wiklund

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

Senator Chamberlain moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 15, line 17, reinstate the stricken language and delete the new language

Page 15, line 20, strike everything after the first period and insert "The operating capital equalizing factor equals \$10,194 for 2014; \$63,450 for 2015; \$48,250 for 2016; and \$42,300 for 2017 and later."

Page 15, delete section 27

Page 21, delete section 42

Page 22, delete sections 43 and 44

Page 23, line 7, delete the second comma and insert "plus"

Page 23, delete lines 8 and 9

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Dahle moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 45, line 5, delete "attainment" and insert "understanding"

Page 45, delete line 6 and insert "or a nationally normed college entrance exam."

Page 45, line 7, delete everything before "A"

Page 45, line 10, delete "2013-2014" and insert "2012-2013"

Page 47, line 3, delete "2012-2013" and insert "2011-2012"

Page 47, line 8, delete "a computer-adaptive" and insert "the Compass"

Page 47, line 15, delete everything before the period

Page 47, line 23, after the period, insert "Reading and mathematics assessments for all students in grade 8 must be aligned with the state's required reading and mathematics standards, be administered annually, and include multiple choice questions."

Page 48, lines 1, 2, and 3, delete the new language and insert "(1) Students enrolled in grade 8 through the 2009-2010 school year are eligible to be assessed under (i) the graduation-required assessment for diploma in reading, mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1, paragraphs (c), clauses (1) and (2), and (d), (ii) the WorkKeys job skills assessment, (iii) a computer-adaptive college placement test, or (iv) the ACT assessment for college admission. (2) Students enrolled in grade 8 in the 2010-2011 or 2011-2012 school year are eligible to be assessed under (i) the graduation-required assessment for diploma in reading, mathematics, or writing under Minnesota Statutes 2012, section 120B.30, subdivision 1, paragraph (c), clauses (1) and (2), (ii) the WorkKeys job skills assessment, (iii) a computer-adaptive college placement test, or (iv) the ACT assessment for college admission"

Page 48, line 13, delete "2013-2014" and insert "2012-2013"

Page 49, line 15, delete "attainment" and insert "understanding" and delete everything after "standards"

Page 49, line 16, delete everything before "as"

Page 49, line 19, delete the second comma

Page 52, lines 29 and 30, after "assessments" insert ", grade 8,"

Page 53, line 2, after "the" insert "grade 8 and" and strike "level" and insert "levels"

Page 53, line 16, after the period, insert "The series of assessments contracted for under paragraph (d) apply in the 2014-2015 school year and later."

Page 54, line 7, after "state-developed" insert "grade 8 and"

Page 54, line 14, after "and" insert "grade 8 and"

Page 54, line 21, before the semicolon, insert "except in a year when an assessment reflects new performance standards"

Page 54, line 32, strike "statewide" and insert "state"

Page 54, line 35, after "of" insert "state"

Page 55, line 3, strike "value-added"

Page 55, line 25, after the period, insert "Results related to career and college readiness benchmarks apply in the 2014-2015 school year and later."

Page 56, line 19, delete "2013-2014" and insert "2014-2015"

Page 56, delete section 7

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Housley moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 76, delete line 14, insert:

"\$	<u>1,433,000</u>	<u>.....</u>	<u>2014</u>
\$	<u>750,000</u>	<u>.....</u>	<u>2015</u> "

Page 76, delete line 15

Page 103, lines 16 and 17, delete "7,478,000" and insert "6,728,000"

Page 103, delete line 18

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Pederson, J.	Thompson
Benson	Hall	Miller	Petersen, B.	Weber
Brown	Hann	Newman	Pratt	Westrom
Chamberlain	Housley	Nienow	Rosen	
Dahms	Ingebrigtsen	Ortman	Ruud	
Fischbach	Kiffmeyer	Osmek	Senjem	

Those who voted in the negative were:

Bakk	Champion	Dahle	Eaton	Goodwin
Bonoff	Clausen	Dibble	Eken	Hawj
Carlson	Cohen	Dziedzic	Franzen	Hayden

Hoffman	Lourey	Reinert	Sheran	Tomassoni
Jensen	Marty	Rest	Sieben	Torres Ray
Johnson	Metzen	Saxhaug	Skoe	Wiger
Kent	Nelson	Scalze	Sparks	Wiklund
Latz	Pappas	Schmit	Stumpf	

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

Senator Rosen moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 72, after line 21, insert:

"Subd. 19. **Human services; mental health grants.** For the commissioner of human services to award school-linked mental health grants:

 \$ 3,500,000 2014

Any unexpended balance in the first year does not cancel but is available in the second year."

Page 99, line 24, delete "\$25,000,000" and insert "\$23,000,000"

Page 103, lines 16 and 17, delete "\$7,478,000" and insert "\$6,728,000"

Page 103, delete line 18

Amend the title accordingly

Pursuant to Rule 7.4, Senator Wiger questioned whether the Rosen amendment was in order. The President ruled the amendment was not in order.

Senator Dahms moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 102, after line 30, insert:

"(n) \$750,000 each year is to be used for additional safe schools revenue. This additional funding shall be distributed equally by adjusted pupil units among school districts and charter schools."

Reletter the paragraphs in sequence

Page 103, lines 16 and 17, delete "7,478,000" and insert "6,728,000"

Page 103, delete line 18

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Ingebrigtsen	Nelson	Pederson, J.
Benson	Gazelka	Jensen	Newman	Petersen, B.
Brown	Hall	Kiffmeyer	Nienow	Pratt
Chamberlain	Hann	Limmer	Ortman	Rosen
Dahms	Housley	Miller	Osmek	Ruud

Senjem Thompson Weber Westrom

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Saxhaug	Tomassoni
Bonoff	Eaton	Kent	Scalze	Torres Ray
Carlson	Eken	Latz	Schmit	Wiger
Champion	Franzen	Lourey	Sheran	Wiklund
Clausen	Goodwin	Metzen	Sieben	
Cohen	Hawj	Pappas	Skoe	
Dahle	Hayden	Reinert	Sparks	
Dibble	Hoffman	Rest	Stumpf	

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

Senator Thompson moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 61, after line 22, insert:

"Sec. 5. Minnesota Statutes 2012, section 122A.09, subdivision 4, is amended to read:

Subd. 4. **License and rules.** (a) The board must adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board must adopt rules requiring a person to pass a skills examination in reading, writing, and mathematics as a requirement for initial teacher licensure. Such rules must require college and universities offering a board-approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language. The board must adopt rules requiring a person who enters a board-approved teacher preparation program on or after January 1, 2015, to pass a skills examination in reading, writing, and mathematics as a requirement for entering that program.

(c) The board must adopt rules to approve teacher preparation programs. The board, upon the request of a postsecondary student preparing for teacher licensure or a licensed graduate of a teacher preparation program, shall assist in resolving a dispute between the person and a postsecondary institution providing a teacher preparation program when the dispute involves an institution's recommendation for licensure affecting the person or the person's credentials. At the board's discretion, assistance may include the application of chapter 14.

(d) The board must provide the leadership and adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes. Teacher preparation programs including alternative teacher preparation programs under section 122A.245, among other programs, must include a content-specific, board-approved, performance-based assessment that measures teacher candidates in three areas: planning for instruction and assessment; engaging students and supporting learning; and assessing student learning.

(e) The board must adopt rules requiring candidates for initial licenses to pass an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective by September 1, 2001. The rules under this paragraph also must require candidates

for initial licenses to teach prekindergarten or elementary students to pass, as part of the examination of licensure-specific teaching skills, test items assessing the candidates' knowledge, skill, and ability in comprehensive, scientifically based reading instruction under section 122A.06, subdivision 4, and their knowledge and understanding of the foundations of reading development, the development of reading comprehension, and reading assessment and instruction, and their ability to integrate that knowledge and understanding.

(f) The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.

(g) The board must grant licenses to interns and to candidates for initial licenses based on appropriate professional competencies that are aligned with the board's licensing system and students' diverse learning needs. The board must include these licenses in a statewide differentiated licensing system that creates new leadership roles for successful experienced teachers premised on a collaborative professional culture dedicated to meeting students' diverse learning needs in the 21st century and formalizes mentoring and induction for newly licensed teachers that is provided through a teacher support framework.

(h) The board must design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and 214.10. The board must not establish any expiration date for application for life licenses.

(k) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule.

(l) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar services outside of the school.

(m) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further reading preparation, consistent with section 122A.06, subdivision 4. The rules do not take effect until they are approved by law. Teachers who do not provide direct instruction including, at least, counselors, school psychologists, school nurses, school social workers, audiovisual directors and coordinators, and recreation personnel are exempt from this section.

(n) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in understanding the key warning signs of early-onset mental illness in children and adolescents.

Sec. 6. Minnesota Statutes 2012, section 122A.18, subdivision 2, is amended to read:

Subd. 2. **Teacher and support personnel qualifications.** (a) The Board of Teaching must issue licenses under its jurisdiction to persons the board finds to be qualified and competent for their respective positions.

(b) The board must require a person who enters a board-approved teacher preparation program before January 1, 2015, to pass an examination of skills in reading, writing, and mathematics before being granted an initial teaching license to provide direct instruction to pupils in prekindergarten, elementary, secondary, or special education programs. The board must require a person who enters a board-approved teacher preparation program on or after January 1, 2015, to pass an examination of skills in reading, writing, and mathematics before being admitted to a board-approved teacher preparation program if that person seeks to qualify for an initial teaching license to provide direct instruction to pupils in prekindergarten, elementary, secondary, or special education programs. The board must require colleges and universities offering a board approved teacher preparation program to provide remedial assistance that includes a formal diagnostic component to persons enrolled in their institution who did not achieve a qualifying score on the skills examination, including those for whom English is a second language. The colleges and universities must provide assistance in the specific academic areas of deficiency in which the person did not achieve a qualifying score. The Board of Teaching shall report annually to the education committees of the legislature on the total number of teacher candidates during the most recent school year taking the skills examination, the number who achieve a qualifying score on the examination, the number who do not achieve a qualifying score on the examination, the distribution of all candidates' scores, the number of candidates who have taken the examination at least once before, and the number of candidates who have taken the examination at least once before and achieve a qualifying score.

(c) The Board of Teaching must grant continuing licenses only to those persons who have met board criteria for granting a continuing license, which includes passing the skills examination in reading, writing, and mathematics.

(d) All colleges and universities approved by the board of teaching to prepare persons for teacher licensure must include in their teacher preparation programs a common core of teaching knowledge and skills to be acquired by all persons recommended for teacher licensure. This common core shall meet the standards developed by the interstate new teacher assessment and support consortium in its 1992 "model standards for beginning teacher licensing and development." Amendments to standards adopted under this paragraph are covered by chapter 14. The board of teaching shall report annually to the education committees of the legislature on the performance of teacher candidates on common core assessments of knowledge and skills under this paragraph during the most recent school year."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson
Benson

Brown
Chamberlain

Dahms
Fischbach

Gazelka
Hall

Hann
Housley

Ingebrigtsen
Kiffmeyer
Limmer
Miller

Nelson
Newman
Nienow
Ortman

Osmek
Pederson, J.
Petersen, B.
Pratt

Rosen
Ruud
Senjem
Thompson

Weber
Westrom

Those who voted in the negative were:

Bakk
Bonoff
Carlson
Champion
Clausen
Cohen
Dahle
Dibble

Dziedzic
Eaton
Eken
Franzen
Goodwin
Hawj
Hayden
Hoffman

Jensen
Johnson
Kent
Latz
Lourey
Marty
Metzen
Pappas

Reinert
Rest
Saxhaug
Scalze
Schmit
Sheran
Sieben
Skoe

Sparks
Stumpf
Tomassoni
Torres Ray
Wiger
Wiklund

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

Senator Westrom moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 60, after line 30, insert:

"Sec. 4. Minnesota Statutes 2012, section 120A.22, subdivision 12, is amended to read:

Subd. 12. **Legitimate exemptions.** (a) A parent, guardian, or other person having control of a child may apply to a school district to have the child excused from attendance for the whole or any part of the time school is in session during any school year. Application may be made to any member of the board, a truant officer, a principal, or the superintendent. The school district may state in its school attendance policy that it may ask the student's parent or legal guardian to verify in writing the reason for the child's absence from school. A note from a physician or a licensed mental health professional stating that the child cannot attend school is a valid excuse. The board of the district in which the child resides may approve the application upon the following being demonstrated to the satisfaction of that board:

(1) that the child's physical or mental health is such as to prevent attendance at school or application to study for the period required, which includes:

- (i) child illness, medical, dental, orthodontic, or counseling appointments;
- (ii) family emergencies;
- (iii) the death or serious illness or funeral of an immediate family member;
- (iv) active duty in any military branch of the United States;
- (v) the child has a condition that requires ongoing treatment for a mental health diagnosis; or
- (vi) other exemptions included in the district's school attendance policy;

(2) that the child has already completed state and district standards required for graduation from high school; or

(3) that it is the wish of the parent, guardian, or other person having control of the child, that the child attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction conducted and maintained by some church, or association of churches, or

any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This school for religious instruction must be conducted and maintained in a place other than a public school building, and it must not, in whole or in part, be conducted and maintained at public expense. However, a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.

(b) A parent may withdraw their child from an all-day, every-day kindergarten program and put their child in a half-day program, if offered, or an alternate-day program without being truant. The school district must have a policy to accommodate a parent that wants another option when the district only offers all-day, every-day kindergarten."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

RECONSIDERATION

Having voted on the prevailing side, Senator Petersen, B. moved that the vote whereby the Dahle amendment to H.F. No. 630 was adopted on April 25, 2013, be now reconsidered.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 39 and nays 26, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Pederson, J.	Senjem
Benson	Goodwin	Miller	Petersen, B.	Sieben
Bonoff	Hall	Nelson	Pratt	Thompson
Chamberlain	Hann	Newman	Reinert	Torres Ray
Dahms	Housley	Nienow	Rest	Weber
Dziedzic	Ingebrigtsen	Ortman	Rosen	Westrom
Fischbach	Kiffmeyer	Osmek	Ruud	Wiklund
Franzen	Latz	Pappas	Scalze	

Those who voted in the negative were:

Bakk	Dibble	Jensen	Saxhaug	Tomassoni
Carlson	Eaton	Johnson	Schmit	Wiger
Champion	Eken	Kent	Sheran	
Clausen	Hawj	Lourey	Skoe	
Cohen	Hayden	Marty	Sparks	
Dahle	Hoffman	Metzen	Stumpf	

The motion prevailed. So the vote was reconsidered.

The question was taken on the adoption of the Dahle amendment.

The roll was called, and there were yeas 34 and nays 29, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Jensen	Pappas	Sparks
Carlson	Eaton	Johnson	Reinert	Stumpf
Champion	Eken	Kent	Saxhaug	Tomassoni
Clausen	Franzen	Limmer	Schmit	Torres Ray
Cohen	Hawj	Lourey	Sheran	Wiger
Dahle	Hayden	Marty	Sieben	Wiklund
Dibble	Hoffman	Metzen	Skoe	

Those who voted in the negative were:

Anderson	Gazelka	Latz	Osmek	Ruud
Benson	Hall	Miller	Pederson, J.	Scalze
Bonoff	Hann	Nelson	Petersen, B.	Senjem
Chamberlain	Housley	Newman	Pratt	Thompson
Dahms	Ingebrigtsen	Nienow	Rest	Westrom
Fischbach	Kiffmeyer	Ortman	Rosen	

The motion prevailed. So the amendment was adopted.

Senator Petersen, B. moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 61, after line 22, insert:

"Sec. 5. Minnesota Statutes 2012, section 122A.245, subdivision 1, is amended to read:

Subdivision 1. **Requirements.** (a) To improve academic excellence, improve ethnic and cultural diversity in the classroom, and close the academic achievement gap, the Board of Teaching must approve qualified teacher preparation programs under this section that are a means to acquire a two-year limited-term license, which the board may renew one time for an additional one-year term, and to prepare for acquiring a standard license. The following entities are eligible to participate under this section:

(1) a school district or charter school that forms a partnership with a college or university that has a board-approved alternative teacher preparation program; or

(2) a school district or charter school, after consulting with a college or university with a board-approved teacher preparation program, that forms a partnership with a nonprofit corporation organized under chapter 317A for an education-related purpose that has a board-approved teacher preparation program.

(b) Before participating in this program, a candidate must:

(1) have a bachelor's degree with a 3.0 or higher grade point average unless the board waives the grade point average requirement based on board-adopted criteria;

(2) pass the reading, writing, and mathematics skills examination under section 122A.09, subdivision 4, paragraph (b); and

(3) obtain qualifying scores on applicable board-approved rigorous content area and pedagogy examinations under section 122A.09, subdivision 4, paragraph (e).

(c) The Board of Teaching must issue a two-year limited-term license to a person who enrolls in an alternative teacher preparation program. This limited-term license is not a provisional license under section 122A.40 or 122A.41.

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

Sec. 6. Minnesota Statutes 2012, section 122A.40, subdivision 5, is amended to read:

Subd. 5. **Probationary period.** (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment,

and, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period that is consistent with subdivision 8. Evaluation must occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed (1) as the school board shall see fit, or (2) consistent with the negotiated unrequested leave of absence plan in effect under subdivision 10. However, the board must give any such teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

(b) A board must discharge a probationary teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

(c) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).

(d) A probationary teacher must complete at least 120 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

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

Sec. 7. Minnesota Statutes 2012, section 122A.40, subdivision 10, is amended to read:

Subd. 10. **Negotiated unrequested leave of absence.** (a) The school board and the exclusive bargaining representative of the teachers ~~may~~ must negotiate a plan, consistent with subdivision 8, providing for unrequested leave of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. ~~Failing to successfully negotiate such a plan, the provisions of subdivision 11 shall apply.~~ The negotiated plan must not include provisions which would result in the exercise of seniority by a teacher holding only a provisional license, other than a vocational education license if required for the position, contrary to the provisions of subdivision 11, paragraph (c); or the reinstatement of a teacher holding only a provisional license, other than a vocational education license, ~~contrary to the provisions of subdivision 11, paragraph (c)~~ required for the position. The provisions of section 179A.16 do not apply for the purposes of this subdivision.

(b) Beginning in the 2016-2017 school year and later, and notwithstanding any law to the contrary, a school board must place teachers on unrequested leave of absence based on their subject matter licensure fields and most recent evaluation outcomes and effectiveness category under subdivision 8, among other locally determined criteria, and may include both probationary teachers and continuing contract teachers within an effectiveness category. Notwithstanding section 13.43, subdivision 2, paragraph (a), clause (5), or any other law to the contrary, a teacher's effectiveness category and the underlying data on the individual teacher generated under the teacher evaluation process in subdivision 8, paragraph (b), used to determine a teacher's effectiveness category for purposes of this subdivision are private data on individuals. For purposes of placing a teacher on unrequested leave of absence or recalling a teacher from unrequested leave of absence, a school board is not required to reassign a teacher with more seniority to accommodate the seniority claims of a teacher who is similarly licensed and effective but with less seniority. Nothing in this paragraph permits a school board to use a teacher's remuneration as a basis for making unrequested leave of absence decisions. Any executed employment contract between the school board and the exclusive representative of the teachers must contain the negotiated unrequested leave of absence plan. The school board must publish in a readily accessible format the unrequested leave of absence plan it negotiates under this paragraph.

(c) A teacher who receives notice of being placed on unrequested leave of absence under paragraph (b) may submit to the board, within 14 days of receiving the notice, a written request for a hearing before a neutral hearing officer to establish whether the district met the following teacher evaluation requirements under subdivision 8: if the teacher is a probationary teacher, all evaluations required under subdivision 5 were provided; a three-year professional review cycle was established for the teacher; any summative evaluation of the teacher was performed by a qualified and trained evaluator; a peer review evaluation occurred in any year when the teacher was not evaluated by a qualified and trained evaluator; and if the teacher did not meet professional teaching standards, a teacher improvement process with goals and timelines was established. The school board and the exclusive representative of the teachers must agree on a panel of people and a process to select the person to hear the matter. The hearing officer must issue a decision within 14 days of the request for the hearing. Nothing in this paragraph prevents a school board and the exclusive representative of the teachers from negotiating a different process for determining whether the teacher evaluation requirements listed in this paragraph were met.

(d) For purposes of this subdivision, a provisional license is a license to teach issued by the Board of Teaching under a waiver or variance.

EFFECTIVE DATE. This section is effective beginning in the 2016-2017 school year and later.

Sec. 8. Minnesota Statutes 2012, section 122A.40, subdivision 11, is amended to read:

Subd. 11. **Unrequested leave of absence.** (a) The board may place on unrequested leave of absence, without pay or fringe benefits, as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation or reorganization of districts under chapter 123A. The unrequested leave is effective at the close of the school year. In placing teachers on unrequested leave, the board is governed by the following provisions: in this subdivision.

(a)(b) The board may place probationary teachers on unrequested leave first in the inverse order of their employment. A teacher who has acquired continuing contract rights must not be placed on

unrequested leave of absence while probationary teachers are retained in positions for which the teacher who has acquired continuing contract rights is licensed;

~~(b)~~ (c) Teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed in the inverse order in which they were employed by the school district. In the case of equal seniority, the order in which teachers who have acquired continuing contract rights shall be placed on unrequested leave of absence in fields in which they are licensed is negotiable;

~~(e)~~ (d) Notwithstanding the provisions of paragraph ~~(b)~~ (c), a teacher is not entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the board of teaching, unless that exercise of seniority results in the placement on unrequested leave of absence of another teacher who also holds a provisional license in the same field. The provisions of this paragraph do not apply to vocational education licenses; required for the available positions.

~~(d)~~ (e) Notwithstanding paragraphs ~~(a)~~, ~~(b)~~, and ~~(c)~~, and (d), if the placing of a probationary teacher on unrequested leave before a teacher who has acquired continuing rights, the placing of a teacher who has acquired continuing contract rights on unrequested leave before another teacher who has acquired continuing contract rights but who has greater seniority, or the restriction imposed by the provisions of paragraph ~~(e)~~ (d) would place the district in violation of its affirmative action program, the district may retain the probationary teacher, the teacher with less seniority, or the provisionally licensed teacher;

~~(e)~~ (f) For purposes of placing a teacher on unrequested leave of absence or recalling a teacher from unrequested leave of absence, nothing in this subdivision requires a school board to reassign a teacher to accommodate the seniority claims of a teacher who is similarly licensed and effective but with less seniority.

(g) Teachers placed on unrequested leave of absence must be reinstated to the positions from which they have been given leaves of absence or, if not available, to other available positions in the school district in fields in which they are licensed. Reinstatement must be in the inverse order of placement on leave of absence. A teacher must not be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field remains on unrequested leave. The order of reinstatement of teachers who have equal seniority and who are placed on unrequested leave in the same school year is negotiable;

~~(f)~~ (h) Appointment of a new teacher must not be made while there is available, on unrequested leave, a teacher who is properly licensed to fill such vacancy, unless the teacher fails to advise the school board within 30 days of the date of notification that a position is available to that teacher who may return to employment and assume the duties of the position to which appointed on a future date determined by the board;

~~(g)~~ (i) A teacher placed on unrequested leave of absence may engage in teaching or any other occupation during the period of this leave;

~~(h)~~ (j) The unrequested leave of absence must not impair the continuing contract rights of a teacher or result in a loss of credit for previous years of service;

~~(i)~~ (k) Consistent with subdivision 10, the unrequested leave of absence of a teacher who is categorized as effective or better under subdivision 8, who is placed on unrequested leave of absence, and who is not reinstated shall continue for a period of five years, after which the right to reinstatement shall terminate terminates. The teacher's right to reinstatement shall also terminate terminates if the teacher fails to file with the board by April 1 of any each year a written statement requesting reinstatement;

(l) Consistent with subdivision 10, the unrequested leave of absence of a teacher who is categorized as ineffective or less under subdivision 8, who is placed on unrequested leave of absence, and who is not reinstated continues for the following school year only, after which the teacher's right to reinstatement terminates. The teacher's right to reinstatement also terminates if the teacher fails to file with the board by April 1 in that following school year a written statement requesting reinstatement.

~~(j)~~ (m) The same provisions applicable to terminations of probationary or continuing contracts in subdivisions 5 and 7 must apply to placement on unrequested leave of absence;

~~(k)~~ (n) Nothing in this subdivision shall be construed to impair the rights of teachers placed on unrequested leave of absence to receive unemployment benefits if otherwise eligible.

EFFECTIVE DATE. This section is effective for the 2013-2014 through 2015-2016 school years.

Sec. 9. Minnesota Statutes 2012, section 122A.41, subdivision 2, is amended to read:

Subd. 2. **Probationary period; discharge or demotion.** (a) All teachers in the public schools in cities of the first class during the first three years of consecutive employment shall be deemed to be in a probationary period of employment during which period any annual contract with any teacher may, or may not, be renewed (1) as the school board, after consulting with the peer review committee charged with evaluating the probationary teachers under subdivision 3, shall see fit, or (2) consistent with the negotiated plan for discontinuing or terminating teachers in effect under subdivision 14. The school site management team or the school board if there is no school site management team, shall adopt a plan for a written evaluation of teachers during the probationary period according to subdivisions 3 and 5. Evaluation by the peer review committee charged with evaluating probationary teachers under subdivision 3 shall occur at least three times periodically throughout each school year for a teacher performing services during that school year; the first evaluation must occur within the first 90 days of teaching service. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school shall not be included in determining the number of school days on which a teacher performs services. The school board may, during such probationary period, discharge or demote a teacher for any of the causes as specified in this code. A written statement of the cause of such discharge or demotion shall be given to the teacher by the school board at least 30 days before such removal or demotion shall become effective, and the teacher so notified shall have no right of appeal therefrom.

(b) A probationary teacher whose first three years of consecutive employment are interrupted for active military service and who promptly resumes teaching consistent with federal reemployment timelines for uniformed service personnel under United States Code, title 38, section 4312(e), is considered to have a consecutive teaching experience for purposes of paragraph (a).

(c) A probationary teacher must complete at least 120 days of teaching service each year during the probationary period. Days devoted to parent-teacher conferences, teachers' workshops, and other

staff development opportunities and days on which a teacher is absent from school do not count as days of teaching service under this paragraph.

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

Sec. 10. Minnesota Statutes 2012, section 122A.41, subdivision 14, is amended to read:

Subd. 14. **Services terminated by discontinuance or lack of pupils; preference given.** (a) ~~A teacher whose services are terminated on account of discontinuance of position or lack of pupils must receive first consideration for other positions in the district for which that teacher is qualified. In the event it becomes necessary to discontinue one or more positions in the 2013-2014 through 2015-2016 school years, in making such discontinuance, teachers must receive first consideration for other positions in the district for which that teacher is qualified and must be discontinued in any department in the inverse order in which they were employed, unless.~~

(b) Beginning in the 2016-2017 school year and later, a board and the exclusive representative of teachers in the district must negotiate a plan providing otherwise, consistent with subdivision 5, for discontinuing and terminating teachers under this subdivision based on their subject matter licensure fields and most recent evaluation outcomes and effectiveness category under subdivision 5, among other locally determined criteria, and may include both probationary teachers and continuing contract teachers within an effectiveness category. Notwithstanding section 13.43, subdivision 2, paragraph (a), clause (5), or any other law to the contrary, a teacher's effectiveness category and the underlying data on the individual teacher generated under the teacher evaluation process in subdivision 5, paragraph (b), used to determine a teacher's effectiveness category for purposes of this subdivision are private data on individuals. For purposes of discharging, demoting, or recalling a teacher whose services are discontinued or terminated under this subdivision, a school board is not required to reassign a teacher with more seniority to accommodate the seniority claims of a teacher who is similarly licensed and effective but with less seniority. Nothing in this paragraph permits a school board to use a teacher's remuneration as a basis for discontinuing or terminating a teacher. Any executed employment contract between the school board and the exclusive representative of the teachers must contain the negotiated plan for discontinuing or terminating teachers. The school board must publish in a readily accessible format any plan it negotiates for discontinuing or terminating teachers under this paragraph.

(c) A teacher who receives notice of discontinuance or termination under paragraph (b) may submit to the board, within 14 days of receiving the notice, a written request for a hearing before a neutral hearing officer to establish whether the district met the following teacher evaluation requirements under subdivision 5: if the teacher is a probationary teacher, all evaluations required under subdivision 2 were provided; a three-year professional review cycle was established for the teacher; any summative evaluation of the teacher was performed by a qualified and trained evaluator; a peer review evaluation occurred in any year when the teacher was not evaluated by a qualified and trained evaluator; and if the teacher did not meet professional teaching standards, a teacher improvement process with goals and timelines was established. The school board and the exclusive representative of the teachers must agree on a panel of people and a process to select the person to hear the matter. The hearing officer must issue a decision within 14 days of the request for the hearing. Nothing in this paragraph prevents a school board and the exclusive representative of the teachers from negotiating a different process for determining whether the teacher evaluation requirements listed in this paragraph were met.

(b) (d) Notwithstanding the provisions of clause paragraph (a), for the 2013-2014 through 2015-2016 school years, a teacher is not entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the Board of Teaching, unless that exercise of seniority results in the termination of terminating the services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. The provisions of this clause paragraph do not apply to vocational education licenses.

(e) (e) Notwithstanding the provisions of clause paragraph (a), for the 2013-2014 through 2015-2016 school years, a teacher must not be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.

EFFECTIVE DATE. This section is effective July 1, 2013, and applies to negotiated plans for discontinuing or terminating teachers agreed to on or after that date."

Page 62, after line 29, insert:

"Sec. 14. Minnesota Statutes 2012, section 123A.75, subdivision 1, is amended to read:

Subdivision 1. **Teacher assignment.** (a) As of the effective date of a consolidation in which a district is divided or the dissolution of a district and its attachment to two or more existing districts, each teacher employed by an affected district shall be assigned to the newly created or enlarged district on the basis of a ratio of the pupils assigned to each district according to the new district boundaries. The district receiving the greatest number of pupils must be assigned the most effective teacher under section 122A.40, subdivision 8, with the greatest seniority, and the remaining teachers must be alternately assigned to each district from most to least effective and with most to least seniority within each category of effectiveness until the district receiving the fewest pupils has received its ratio of teachers who will not be retiring before the effective date of the consolidation or dissolution.

(b) Notwithstanding paragraph (a), the board and the exclusive representative of teachers in each district involved in the consolidation or dissolution and attachment may negotiate a plan for assigning teachers to each newly created or enlarged district.

(c) Notwithstanding any other law to the contrary, the provisions of this section apply only to the extent they are consistent with section 122A.40, subdivisions 8, 10, and 11.

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

Page 71, after line 14, insert:

"Sec. 21. Minnesota Statutes 2012, section 179A.20, is amended by adding a subdivision to read:

Subd. 4a. **Unrequested leave of absence for teachers.** A school board and the exclusive representative of the teachers may not execute a contract unless the contract contains a plan for unrequested leave of absence under section 122A.40, subdivision 10, or a plan for discontinuing or terminating teachers under section 122A.41, subdivision 14.

EFFECTIVE DATE. This section is effective beginning in the 2016-2017 school year and later."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Ingebrigtsen	Newman	Pratt
Benson	Franzen	Kiffmeyer	Nienow	Rosen
Bonoff	Gazelka	Latz	Ortman	Ruud
Brown	Hall	Limmer	Osmek	Thompson
Chamberlain	Hann	Miller	Pederson, J.	Weber
Dahms	Housley	Nelson	Petersen, B.	Westrom

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Reinert	Skoe
Carlson	Eaton	Johnson	Rest	Sparks
Champion	Eken	Kent	Saxhaug	Stumpf
Clausen	Goodwin	Lourey	Scalze	Tomassoni
Cohen	Hawj	Marty	Schmit	Torres Ray
Dahle	Hayden	Metzen	Sheran	Wiger
Dibble	Hoffman	Pappas	Sieben	Wiklund

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

Senator Rosen moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 72, after line 21, insert:

"Subd. 19. **School-linked mental health grants.** For the commissioner of education, in consultation with the commissioner of human services, to award school-linked mental health grants:

\$ 3,500,000 2014

Any unexpended balance in the first year does not cancel but is available in the second year."

Page 99, line 24, delete "\$25,000,000" and insert "\$23,000,000"

Page 103, lines 16 and 17, delete "\$7,478,000" and insert "\$6,728,000"

Page 103, delete line 18

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Ingebrigtsen	Nienow	Ruud
Benson	Goodwin	Kiffmeyer	Ortman	Senjem
Brown	Hall	Limmer	Osmek	Sheran
Chamberlain	Hann	Miller	Pederson, J.	Thompson
Dahms	Hayden	Nelson	Pratt	Weber
Fischbach	Housley	Newman	Rosen	Westrom

Those who voted in the negative were:

Bakk	Dziedzic	Kent	Rest	Tomassoni
Bonoff	Eaton	Latz	Saxhaug	Torres Ray
Carlson	Eken	Lourey	Scalze	Wiger
Champion	Franzen	Marty	Schmit	Wiklund
Clausen	Hawj	Metzen	Sieben	
Cohen	Hoffman	Pappas	Skoe	
Dahle	Jensen	Petersen, B.	Sparks	
Dibble	Johnson	Reinert	Stumpf	

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

Senator Nienow moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 47, line 6, delete "may" and insert "must"

Page 47, line 7, delete ", mathematics," and delete everything after "by" and insert "successfully passing assessments under Minnesota Statutes 2012, section 120B.30, subdivision 1, paragraph (c)."

Page 47, delete lines 8 and 9

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Pederson, J.	Weber
Brown	Hann	Nelson	Petersen, B.	Westrom
Chamberlain	Housley	Newman	Pratt	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Reinert	Sparks
Bonoff	Eaton	Johnson	Rest	Stumpf
Carlson	Eken	Kent	Saxhaug	Tomassoni
Champion	Franzen	Latz	Scalze	Torres Ray
Clausen	Goodwin	Lourey	Schmit	Wiger
Cohen	Hawj	Marty	Sheran	Wiklund
Dahle	Hayden	Metzen	Sieben	
Dibble	Hoffman	Pappas	Skoe	

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

Senator Petersen, B. moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 61, after line 22, insert:

"Sec. 5. Minnesota Statutes 2012, section 122A.40, subdivision 10, is amended to read:

Subd. 10. **Negotiated unrequested leave of absence.** (a) The school board and the exclusive bargaining representative of the teachers may negotiate a plan providing for unrequested leave

of absence without pay or fringe benefits for as many teachers as may be necessary because of discontinuance of position, lack of pupils, financial limitations, or merger of classes caused by consolidation of districts. Failing to successfully negotiate such a plan, the provisions of subdivision 11 shall apply. The negotiated plan must not include provisions which would result in the exercise of seniority by a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 11, paragraph (c), or the reinstatement of a teacher holding a provisional license, other than a vocational education license, contrary to the provisions of subdivision 11, paragraph (e). The provisions of section 179A.16 do not apply for the purposes of this subdivision.

(b) For purposes of placing a teacher on unrequested leave of absence or recalling a teacher from unrequested leave of absence, a school board is not required to reassign a teacher with more seniority to accommodate the seniority claims of a teacher who is similarly licensed and effective but with less seniority.

EFFECTIVE DATE. This section is effective beginning in the 2016-2017 school year and later.

Sec. 6. Minnesota Statutes 2012, section 122A.41, subdivision 14, is amended to read:

Subd. 14. Services terminated by discontinuance or lack of pupils; preference given.

(a) A teacher whose services are terminated on account of discontinuance of position or lack of pupils must receive first consideration for other positions in the district for which that teacher is qualified. In the event it becomes necessary to discontinue one or more positions, in making such discontinuance, teachers must be discontinued in any department in the inverse order in which they were employed, unless a board and the exclusive representative of teachers in the district negotiate a plan providing otherwise. For purposes of discharging, demoting, or recalling a teacher whose services are discontinued or terminated under this subdivision, a school board is not required to reassign a teacher with more seniority to accommodate the seniority claims of a teacher who is similarly licensed and effective but with less seniority.

(b) Notwithstanding the provisions of clause (a), a teacher is not entitled to exercise any seniority when that exercise results in that teacher being retained by the district in a field for which the teacher holds only a provisional license, as defined by the Board of Teaching, unless that exercise of seniority results in the termination of services, on account of discontinuance of position or lack of pupils, of another teacher who also holds a provisional license in the same field. The provisions of this clause do not apply to vocational education licenses.

(c) Notwithstanding the provisions of clause (a), a teacher must not be reinstated to a position in a field in which the teacher holds only a provisional license, other than a vocational education license, while another teacher who holds a nonprovisional license in the same field is available for reinstatement.

EFFECTIVE DATE. This section is effective beginning in the 2016-2017 school year and later."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Franzen	Kiffmeyer	Ortman	Thompson
Benson	Gazelka	Latz	Osmek	Weber
Bonoff	Hall	Limmer	Pederson, J.	Westrom
Brown	Hann	Miller	Petersen, B.	
Chamberlain	Housley	Nelson	Pratt	
Dahms	Ingebrigtsen	Newman	Ruud	
Fischbach	Kent	Nienow	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Rest	Sparks
Carlson	Eaton	Johnson	Saxhaug	Stumpf
Champion	Eken	Lourey	Scalze	Tomassoni
Clausen	Goodwin	Marty	Schmit	Torres Ray
Cohen	Hawj	Metzen	Sheran	Wiger
Dahle	Hayden	Pappas	Sieben	Wiklund
Dibble	Hoffman	Reinert	Skoe	

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

Senator Tomassoni moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 72, after line 10, insert:

"Sec. 20. **SUCCESS FOR THE FUTURE GRANT APPLICATIONS.**

A school district must receive a success for the future grant if the school district's grant application was postmarked on or before the Department of Education's deadline date for application."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Benson moved to amend the Tomassoni amendment to H.F. No. 630 as follows:

Page 1, line 6, delete "must" and insert "may"

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

The question recurred on the adoption of the Tomassoni amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Pratt moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 56, after line 20, insert:

"Sec. 7. **[135A.082] REMEDIAL INSTRUCTION; HIGH SCHOOL DIPLOMA WARRANTY.**

Subdivision 1. **Conditions.** A public postsecondary institution may provide remedial instruction if, within 12 months of first enrollment, the institution determines that the student's English language

reading or writing ability, or the student's mathematic ability, does not rise to the level that is a necessary prerequisite to minimally acceptable comprehension of entry-level courses or programs at the institution.

Subd. 2. **Confirmation.** The institution's determination of a student's substandard ability is confirmed if the student scores below 12th grade level in a standardized test in any of the following areas covered by the determination: English language reading comprehension, English language composition, or mathematics.

Subd. 3. **High school diploma warranty coverage.** (a) If a student who graduated from a public high school scores below the 12th grade level on a confirming test, the student's high school shall pay two-thirds of the tuition for the student for all remedial courses in the area covered by the confirming test that the student takes in the first year after the student's graduation from high school. The student's high school shall pay one-third of the tuition for the student for all remedial courses in the area covered by the confirming test that the student takes in the second year after the student's graduation from high school. This subdivision shall apply to students graduating from a public high school on or after May 1, 2014.

(b) The payment of tuition by the public high school shall be waived if the high school can demonstrate, through the results of a standardized test, that the student had attained 12th grade level performance in the area covered by the confirming test prior to graduation.

Subd. 4. **No credits; student costs.** A postsecondary institution providing remedial instruction under this section must not award credit to a student toward a degree or program completion for remedial instruction provided under this section.

Subd. 5. **Just claim.** A request for payment for remedial instruction to a student under this section is, under section 123B.02, subdivision 17, a just claim against the school district that includes the student's high school."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Hall	Miller	Pederson, J.	Torres Ray
Benson	Hann	Nelson	Petersen, B.	Weber
Chamberlain	Hayden	Newman	Pratt	
Champion	Housley	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	
Gazelka	Limmer	Osmek	Thompson	

Those who voted in the negative were:

Bakk	Dibble	Ingebrigtsen	Pappas	Skoe
Bonoff	Dziedzic	Jensen	Reinert	Sparks
Brown	Eaton	Johnson	Rest	Stumpf
Carlson	Eken	Kent	Saxhaug	Tomassoni
Clausen	Franzen	Latz	Scalze	Westrom
Cohen	Goodwin	Lourey	Schmit	Wiger
Dahle	Hawj	Marty	Sheran	Wiklund
Dahms	Hoffman	Metzen	Sieben	

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

Senator Nienow moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 92, line 18, delete "85.5" and insert "90"

Page 92, after line 18, insert:

"Sec. 6. BALANCE CANCELED TO GENERAL FUND; APPROPRIATION ADJUSTMENTS.

(a) \$358,084,000 of the balance in the budget reserve account created in Minnesota Statutes, section 16A.152, subdivision 1a, is canceled to the general fund in fiscal year 2014.

(b) For fiscal year 2014 and later, the commissioner of education shall adjust all appropriations in this article that are calculated based on a current year aid payment percentage and a final adjustment payment to reflect the current year aid payment percentage, under Minnesota Statutes, section 127A.45, subdivision 2, paragraph (d)."

Renumber the sections in sequence and correct the internal references

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Hall	Nelson	Petersen, B.	Weber
Benson	Hann	Newman	Pratt	Westrom
Chamberlain	Housley	Nienow	Rosen	
Dahms	Kiffmeyer	Ortman	Ruud	
Fischbach	Limmer	Osmek	Senjem	
Gazelka	Miller	Pederson, J.	Thompson	

Those who voted in the negative were:

Bakk	Dibble	Hoffman	Pappas	Sparks
Bonoff	Dziedzic	Jensen	Reinert	Stumpf
Brown	Eaton	Johnson	Rest	Tomassoni
Carlson	Eken	Kent	Scalze	Torres Ray
Champion	Franzen	Latz	Schmit	Wiger
Clausen	Goodwin	Lourey	Sheran	Wiklund
Cohen	Hawj	Marty	Sieben	
Dahle	Hayden	Metzen	Skoe	

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

Senator Nienow moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 92, line 18, delete "85.5" and insert "86.4"

Page 92, after line 18, insert:

"Sec. 6. BALANCE CANCELED TO GENERAL FUND; APPROPRIATION ADJUSTMENTS.

(a) \$71,619,000 of the balance in the budget reserve account created in Minnesota Statutes, section 16A.152, subdivision 1a, is canceled to the general fund in fiscal year 2014.

(b) For fiscal year 2014 and later, the commissioner of education shall adjust all appropriations in this article that are calculated based on a current year aid payment percentage and a final adjustment payment to reflect the current year aid payment percentage, under Minnesota Statutes, section 127A.45, subdivision 2, paragraph (d)."

Renumber the sections in sequence and correct the internal references

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kiffmeyer	Ortman	Ruud
Benson	Gazelka	Limmer	Osmek	Senjem
Bonoff	Hall	Miller	Pederson, J.	Thompson
Brown	Hann	Nelson	Petersen, B.	Weber
Chamberlain	Housley	Newman	Pratt	
Dahms	Ingebrigtsen	Nienow	Rosen	

Those who voted in the negative were:

Bakk	Eaton	Johnson	Rest	Stumpf
Carlson	Eken	Kent	Saxhaug	Tomassoni
Champion	Franzen	Latz	Scalze	Torres Ray
Clausen	Goodwin	Lourey	Schmit	Wiger
Cohen	Hawj	Marty	Sheran	Wiklund
Dahle	Hayden	Metzen	Sieben	
Dibble	Hoffman	Pappas	Skoe	
Dziedzic	Jensen	Reinert	Sparks	

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

Senator Pratt moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 91, after line 27, insert:

"Sec. 5. Minnesota Statutes 2012, section 127A.45, subdivision 1, is amended to read:

Subdivision 1. **Applicability.** This section applies to all aids or credits paid by the commissioner from the general fund to districts. The current year aid payment percentage specified in subdivision 2 must not be reduced below 90 unless the legislation affecting the aid payment percentage has received a vote of three-fifths of the members of each house of the legislature.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Latz raised a point of order on the Pratt amendment pursuant to Article IV, section 22 of the Minnesota Constitution. The President ruled the point of order not well taken.

The question was taken on the adoption of the Pratt amendment.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Hall	Limmer	Pederson, J.	Thompson
Benson	Hann	Miller	Petersen, B.	Weber
Brown	Hoffman	Nelson	Pratt	Westrom
Chamberlain	Housley	Newman	Reinert	
Dahms	Ingebrigtsen	Nienow	Rosen	
Fischbach	Jensen	Ortman	Ruud	
Gazelka	Kiffmeyer	Osmek	Senjem	

Those who voted in the negative were:

Bakk	Dibble	Hayden	Pappas	Skoe
Bonoff	Dziedzic	Johnson	Rest	Sparks
Carlson	Eaton	Kent	Saxhaug	Stumpf
Champion	Eken	Latz	Scalze	Tomassoni
Clausen	Franzen	Lourey	Schmit	Torres Ray
Cohen	Goodwin	Marty	Sheran	Wiger
Dahle	Hawj	Metzen	Sieben	Wiklund

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

Senator Petersen, B. moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 70, line 6, delete everything after "equals" and insert "the integration and achievement allowance times the adjusted pupil units for the district. The integration and achievement allowance equals \$68,691,000 divided by the total adjusted pupil units in the districts eligible for revenue under subdivision 1."

Page 70, delete lines 7 to 17

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Franzen	Kiffmeyer	Pederson, J.	Sparks
Benson	Gazelka	Miller	Petersen, B.	Thompson
Bonoff	Hall	Nelson	Pratt	Westrom
Brown	Hann	Newman	Rest	
Chamberlain	Hoffman	Nienow	Rosen	
Dahms	Housley	Ortman	Ruud	
Fischbach	Ingebrigtsen	Osmek	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Marty	Schmit
Carlson	Eaton	Johnson	Metzen	Sheran
Champion	Eken	Kent	Pappas	Sieben
Cohen	Goodwin	Latz	Reinert	Skoe
Dahle	Hawj	Limmer	Saxhaug	Stumpf
Dibble	Hayden	Lourey	Scalze	Tomassoni

Torres Ray

Weber

Wiger

Wiklund

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

Senator Kiffmeyer moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 23, after line 14, insert:

"(c) Notwithstanding any other law to the contrary, for fiscal year 2016 and later, any increase to the formulas referenced in this section may only be increased if the increase applies to all students in the state equally according to (1) average daily membership, (2) adjusted pupil units, or (3) resident pupil units."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Petersen, B.	Thompson
Benson	Hall	Miller	Pratt	Weber
Bonoff	Hann	Newman	Rest	Westrom
Brown	Housley	Nienow	Rosen	
Chamberlain	Ingebrigtsen	Ortman	Ruud	
Dahms	Kent	Osmek	Senjem	
Fischbach	Kiffmeyer	Pederson, J.	Sparks	

Those who voted in the negative were:

Bakk	Dziedzic	Hoffman	Nelson	Sieben
Carlson	Eaton	Jensen	Pappas	Skoe
Champion	Eken	Johnson	Reinert	Stumpf
Clausen	Franzen	Latz	Saxhaug	Tomassoni
Cohen	Goodwin	Lourey	Scalze	Torres Ray
Dahle	Hawj	Marty	Schmit	Wiger
Dibble	Hayden	Metzen	Sheran	Wiklund

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

Senator Benson moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 7, after line 13, insert:

"Sec. 10. **[126C.02] UNFUNDED MANDATES.**

(a) Notwithstanding other law to the contrary, beginning January 1, 2013, a school as defined under section 120A.22, subdivision 4, is not required to comply with a state law or rule applicable to that school enacted, adopted, or amended after that date if state funding to fully implement the law or rule is unavailable. A school that formally resolves not to comply with a state law or rule under this section must transmit a timely, electronic notice to the commissioner of its intent not to comply, cite the specific law or rule implicated, and identify the compliance costs that exceed state funds available to the school for implementing the law or rule.

(b) This section does not apply to federally-mandated laws or court orders."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Senjem
Benson	Hall	Miller	Pederson, J.	Thompson
Brown	Hann	Nelson	Petersen, B.	Weber
Chamberlain	Housley	Newman	Pratt	Westrom
Dahms	Ingebrigtsen	Nienow	Rosen	
Fischbach	Kiffmeyer	Ortman	Ruud	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Reinert	Sparks
Bonoff	Eaton	Johnson	Rest	Stumpf
Carlson	Eken	Kent	Saxhaug	Tomassoni
Champion	Franzen	Latz	Scalze	Torres Ray
Clausen	Goodwin	Lourey	Schmit	Wiger
Cohen	Hawj	Marty	Sheran	Wiklund
Dahle	Hayden	Metzen	Sieben	
Dibble	Hoffman	Pappas	Skoe	

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

Senator Nienow moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 7, after line 13, insert:

"Sec. 10. **[126C.02] UNFUNDED MANDATES.**

(a) Notwithstanding other law to the contrary, beginning January 1, 2013, a school as defined under section 120A.22, subdivision 4, excluding a public school, is not required to comply with a state law or rule applicable to that school enacted, adopted, or amended after that date if state funding to fully implement the law or rule is unavailable. A school that formally resolves not to comply with a state law or rule under this section must transmit a timely, electronic notice to the commissioner of its intent not to comply, cite the specific law or rule implicated, and identify the compliance costs that exceed state funds available to the school for implementing the law or rule.

(b) This section does not apply to federally-mandated laws or court orders."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Senjem
Benson	Hall	Miller	Pederson, J.	Thompson
Brown	Hann	Nelson	Petersen, B.	Weber
Chamberlain	Housley	Newman	Pratt	Westrom
Dahms	Ingebrigtsen	Nienow	Rosen	
Fischbach	Kiffmeyer	Ortman	Ruud	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Reinert	Sparks
Bonoff	Eaton	Johnson	Rest	Stumpf
Carlson	Eken	Kent	Saxhaug	Tomassoni
Champion	Franzen	Latz	Scalze	Torres Ray
Clausen	Goodwin	Lourey	Schmit	Wiger
Cohen	Hawj	Marty	Sheran	Wiklund
Dahle	Hayden	Metzen	Sieben	
Dibble	Hoffman	Pappas	Skoe	

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

Senator Weber moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 7, delete line 35 and insert "units. For fiscal years 2015 to 2017 only, the commissioner shall adjust the kindergarten pupil weight under this paragraph so that the general education aid under section 126C.13 does not exceed the annual general education aid appropriation under section 126C.20"

Page 8, lines 1 to 3, delete the new language

Page 21, line 24, delete "full-day"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Senjem
Benson	Hall	Miller	Pederson, J.	Thompson
Brown	Hann	Nelson	Petersen, B.	Weber
Chamberlain	Housley	Newman	Pratt	Westrom
Dahms	Ingebrigtsen	Nienow	Rosen	
Fischbach	Kiffmeyer	Ortman	Ruud	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Reinert	Sparks
Bonoff	Eaton	Johnson	Rest	Stumpf
Carlson	Eken	Kent	Saxhaug	Tomassoni
Champion	Franzen	Latz	Scalze	Torres Ray
Clausen	Goodwin	Lourey	Schmit	Wiger
Cohen	Hawj	Marty	Sheran	Wiklund
Dahle	Hayden	Metzen	Sieben	
Dibble	Hoffman	Pappas	Skoe	

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

Senator Chamberlain moved to amend H.F. No. 630, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 453.)

Page 3, after line 5, insert:

"Sec. 3. Minnesota Statutes 2012, section 121A.0695, is amended to read:

121A.0695 SCHOOL BOARD POLICY; PROHIBITING INTIMIDATION AND BULLYING.

(a) Each school board shall adopt a written policy prohibiting intimidation and bullying of any student. The policy shall address intimidation and bullying in all forms, including, but not limited to, electronic forms and forms involving Internet use.

(b) A school board that adopts and implements the Minnesota School Boards Association model policy 514 on prohibiting bullying and model policy 524 on acceptable Internet use and safety satisfies the requirements of this section.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Gazelka moved to amend the Chamberlain amendment to H.F. No. 630 as follows:

Page 1, delete lines 3 to 12 and insert:

"Sec. 3. **[121A.07] PROHIBITING BULLYING IN SCHOOLS.**

Subdivision 1. **Policy to prohibit bullying.** (a) School districts, in collaboration with interested community members, must adopt and implement a policy under this section to prohibit bullying and other conduct that materially disrupts a student's learning environment. The policy must prohibit bullying and other such conduct on school premises, during a school-sponsored event or activity at any location, while students are being transported by or on behalf of the district, or while students, on school property, are using information technology, communication devices, or other technology to communicate or to access the Internet, regardless of location. The policy must contain the definition of bullying under subdivision 2.

(b) The policy must establish appropriate procedures to:

(1) proactively address bullying and other prohibited conduct;

(2) report alleged bullying to designated school personnel;

(3) investigate reports of alleged bullying;

(4) notify the parent when school personnel determine the parent's student was bullying or bullied;

(5) discipline a student who bullied another student and provide support to a student who was bullied; and

(6) protect information in an investigative report, consistent with paragraph (e) and section 13.32 and related law.

(c) Districts must apply the policy uniformly to all students.

(d) The policy must specifically require that nothing infringe upon a student's first amendment rights or prohibit a student from expressing a religious, philosophical, moral, or political viewpoint to the extent the student's expression does not materially disrupt the learning environment.

(e) Investigative and disciplinary information under this section are private data on individuals but such information may be reported to law enforcement agencies, including the juvenile justice system, if the reporter reasonably believes the prohibited conduct violates Minnesota's criminal code.

(f) Consistent with section 121A.55, paragraph (a), districts at least annually must provide students, school personnel, and parents with a copy of the antibullying policy in an electronic or paper format sufficient to give each person notice and also post an electronic copy of the policy on the district's official Web site.

Subd. 2. **Definition of bullying.** For purposes of this section, "bullying" is defined as a single incident or persistent course of threatening or intimidating conduct by one student toward another student that places the affected student in reasonable apprehension of bodily harm or that in any other fashion substantially interferes with the physical safety or security of a student to such a degree as to materially impair the student's ability to participate in a program or activity at a public school.

Bullying specifically does not include the nonthreatening, nondefamatory expression of political or religious views or messages, or the expression of nonthreatening, nondefamatory opinions on any topic, on account of the content, message, or viewpoint expressed.

Subd. 3. **Retaliation and intentionally false reports.** (a) Retaliation is prohibited against a person who, in good faith, reports bullying or is thought to have reported bullying, or participates in a bullying investigation. Reports of alleged retaliation are subject to the same procedures under subdivision 1, paragraph (b), as reports of alleged bullying.

(b) Making intentionally false reports about bullying is prohibited and must be a cause for discipline.

Subd. 4. **Interpretation and application.** District personnel who comply in good faith with the provisions of this section are immune from civil or criminal liability that might otherwise result from their actions.

EFFECTIVE DATE. This section is effective for the 2013-2014 school year and later."

Page 1, before line 13, insert:

"Page 44, after line 5, insert:

"(c) Minnesota Statutes 2012, section 121A.0695, is repealed for the 2013-2014 school year and later.""

The question was taken on the adoption of the Gazelka amendment to the Chamberlain amendment.

The roll was called, and there were yeas 28 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Chamberlain	Gazelka	Housley	Limmer
Benson	Dahms	Hall	Ingebrigtsen	Miller
Brown	Fischbach	Hann	Kiffmeyer	Nelson

Newman	Osmek	Pratt	Senjem	Westrom
Nienow	Pederson, J.	Rosen	Thompson	
Ortman	Petersen, B.	Ruud	Weber	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Rest	Stumpf
Bonoff	Eaton	Johnson	Saxhaug	Tomassoni
Carlson	Eken	Kent	Scalze	Torres Ray
Champion	Franzen	Latz	Schmit	Wiger
Clausen	Goodwin	Lourey	Sheran	Wiklund
Cohen	Hawj	Metzen	Sieben	
Dahle	Hayden	Pappas	Skoe	
Dibble	Hoffman	Reinert	Sparks	

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

Senator Chamberlain withdrew his amendment.

H. F. No. 630 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 35 and nays 28, as follows:

Those who voted in the affirmative were:

Bakk	Dibble	Jensen	Pappas	Skoe
Bonoff	Dziedzic	Johnson	Reinert	Sparks
Carlson	Eken	Kent	Saxhaug	Stumpf
Champion	Franzen	Latz	Scalze	Tomassoni
Clausen	Goodwin	Lourey	Schmit	Torres Ray
Cohen	Hawj	Marty	Sheran	Wiger
Dahle	Hayden	Metzen	Sieben	Wiklund

Those who voted in the negative were:

Anderson	Gazelka	Kiffmeyer	Ortman	Ruud
Benson	Hall	Limmer	Pederson, J.	Thompson
Chamberlain	Hann	Miller	Petersen, B.	Weber
Dahms	Hoffman	Nelson	Pratt	Westrom
Eaton	Housley	Newman	Rest	
Fischbach	Ingebrigtsen	Nienow	Rosen	

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

SPECIAL ORDER

H.F. No. 1233: A bill for an act relating to state government; establishing the health and human services budget; modifying provisions related to health care, continuing care, human services licensing, chemical and mental health, managed care organizations, waiver provider standards, home care, and the Department of Health; redesigning home and community-based services; establishing payment methodologies for home and community-based services; adjusting nursing and ICF/DD facility rates; setting and modifying fees; modifying autism coverage; modifying assistance programs; requiring licensing of certain abortion facilities; requiring drug testing; making technical changes; requiring studies; requiring reports; appropriating money; amending Minnesota Statutes 2012, sections 16A.724, subdivisions 2, 3; 16C.10, subdivision 5; 16C.155, subdivision 1; 62A.65, subdivision 2, by adding a subdivision; 62J.692, subdivision 4; 62Q.19, subdivision 1; 103I.005, by adding a subdivision; 103I.521; 119B.13, subdivision 7; 144.051, by adding subdivisions; 144.0724, subdivisions 4, 6; 144.123, subdivision 1; 144.125,

subdivision 1; 144.966, subdivisions 2, 3a; 144.98, subdivisions 3, 5, by adding subdivisions; 144.99, subdivision 4; 144A.351; 144A.43; 144A.44; 144A.45; 144A.53, subdivision 2; 144D.01, subdivision 4; 145.986; 145C.01, subdivision 7; 148E.065, subdivision 4a; 149A.02, subdivisions 1a, 2, 3, 4, 5, 16, 23, 27, 34, 35, 37, by adding subdivisions; 149A.03; 149A.65, by adding subdivisions; 149A.70, subdivisions 1, 2, 3, 5; 149A.71, subdivisions 2, 4; 149A.72, subdivisions 3, 9, by adding a subdivision; 149A.73, subdivisions 1, 2, 4; 149A.74; 149A.91, subdivision 9; 149A.93, subdivisions 3, 6; 149A.94; 149A.96, subdivision 9; 174.30, subdivision 1; 214.40, subdivision 1; 243.166, subdivisions 4b, 7; 245.4661, subdivisions 5, 6; 245.4682, subdivision 2; 245A.02, subdivisions 1, 9, 10, 14; 245A.03, subdivisions 7, 8, 9; 245A.04, subdivision 13; 245A.042, subdivision 3; 245A.07, subdivisions 2a, 3; 245A.08, subdivision 2a; 245A.10; 245A.11, subdivisions 2a, 7, 7a, 7b, 8; 245A.1435; 245A.144; 245A.1444; 245A.16, subdivision 1; 245A.40, subdivision 5; 245A.50; 245C.04, by adding a subdivision; 245C.08, subdivision 1; 245D.02; 245D.03; 245D.04; 245D.05; 245D.06; 245D.07; 245D.09; 245D.10; 246.18, subdivision 8, by adding a subdivision; 246.54; 254B.04, subdivision 1; 254B.13; 256.01, subdivisions 2, 24, 34, by adding subdivisions; 256.9657, subdivisions 1, 2, 3a; 256.9685, subdivision 2; 256.969, subdivisions 3a, 29; 256.975, subdivision 7, by adding subdivisions; 256.9754, subdivision 5, by adding subdivisions; 256B.02, by adding subdivisions; 256B.021, by adding subdivisions; 256B.04, subdivisions 18, 21, by adding a subdivision; 256B.055, subdivisions 3a, 6, 10, 14, 15, by adding a subdivision; 256B.056, subdivisions 1, 1c, 3, 4, as amended, 5c, 10, by adding a subdivision; 256B.057, subdivisions 1, 8, 10, by adding a subdivision; 256B.06, subdivision 4; 256B.0623, subdivision 2; 256B.0625, subdivisions 9, 13e, 19c, 31, 39, 48, 58, by adding subdivisions; 256B.0631, subdivision 1; 256B.064, subdivisions 1a, 1b, 2; 256B.0659, subdivision 21; 256B.0755, subdivision 3; 256B.0756; 256B.0911, subdivisions 1, 1a, 3a, 4d, 6, 7, by adding a subdivision; 256B.0913, subdivision 4, by adding a subdivision; 256B.0915, subdivisions 3a, 5, by adding a subdivision; 256B.0916, by adding a subdivision; 256B.0917, subdivisions 6, 13, by adding subdivisions; 256B.092, subdivisions 11, 12, by adding subdivisions; 256B.0946; 256B.095; 256B.0951, subdivisions 1, 4; 256B.0952, subdivisions 1, 5; 256B.097, subdivisions 1, 3; 256B.431, subdivision 44; 256B.434, subdivision 4, by adding a subdivision; 256B.437, subdivision 6; 256B.439, subdivisions 1, 2, 3, 4, by adding a subdivision; 256B.441, subdivisions 13, 53; 256B.49, subdivisions 11a, 12, 14, 15, by adding subdivisions; 256B.4912, subdivisions 1, 2, 3, 7, by adding subdivisions; 256B.4913, subdivisions 5, 6, by adding a subdivision; 256B.492; 256B.493, subdivision 2; 256B.5011, subdivision 2; 256B.5012, by adding subdivisions; 256B.69, subdivisions 5c, 31, by adding a subdivision; 256B.694; 256B.76, subdivisions 2, 4, by adding a subdivision; 256B.761; 256B.764; 256B.766; 256D.024, by adding a subdivision; 256I.04, subdivision 3; 256I.05, subdivision 1e, by adding a subdivision; 256J.15, by adding a subdivision; 256J.26, subdivision 3, by adding a subdivision; 256J.35; 256K.45; 256L.01, subdivisions 3a, 5, by adding subdivisions; 256L.02, subdivision 2, by adding subdivisions; 256L.03, subdivisions 1, 1a, 3, 5, 6, by adding a subdivision; 256L.04, subdivisions 1, 7, 8, 10, by adding subdivisions; 256L.05, subdivisions 1, 2, 3; 256L.06, subdivision 3; 256L.07, subdivisions 1, 2, 3; 256L.09, subdivision 2; 256L.11, subdivision 6; 256L.15, subdivisions 1, 2; 257.0755, subdivision 1; 260B.007, subdivisions 6, 16; 260C.007, subdivisions 6, 31; 270B.14, subdivision 1; 471.59, subdivision 1; 626.556, subdivisions 2, 3, 10d; 626.557, subdivisions 4, 9, 9a, 9e; 626.5572, subdivision 13; Laws 1998, chapter 407, article 6, section 116; Laws 2011, First Special Session chapter 9, article 1, section 3; article 2, section 27; article 10, section 3, subdivision 3, as amended; proposing coding for new law in Minnesota Statutes, chapters 3; 62A; 62D; 144; 144A; 145; 149A; 214; 245; 245A; 245D; 254B; 256; 256B; 256L; repealing Minnesota Statutes 2012, sections 1031.005, subdivision 20; 144.123, subdivision 2; 144A.46; 144A.461; 149A.025; 149A.20, subdivision 8; 149A.30,

subdivision 2; 149A.40, subdivision 8; 149A.45, subdivision 6; 149A.50, subdivision 6; 149A.51, subdivision 7; 149A.52, subdivision 5a; 149A.53, subdivision 9; 245A.655; 245B.01; 245B.02; 245B.03; 245B.031; 245B.04; 245B.05, subdivisions 1, 2, 3, 5, 6, 7; 245B.055; 245B.06; 245B.07; 245B.08; 245D.08; 256B.055, subdivisions 3, 5, 10b; 256B.056, subdivision 5b; 256B.057, subdivisions 1c, 2; 256B.0911, subdivisions 4a, 4b, 4c; 256B.0917, subdivisions 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14; 256B.096, subdivisions 1, 2, 3, 4; 256B.14, subdivision 3a; 256B.49, subdivision 16a; 256B.4913, subdivisions 1, 2, 3, 4; 256B.5012, subdivision 13; 256J.24, subdivision 6; 256K.45, subdivision 2; 256L.01, subdivision 4a; 256L.031; 256L.04, subdivisions 1b, 9, 10a; 256L.05, subdivision 3b; 256L.07, subdivisions 5, 8, 9; 256L.11, subdivision 5; 256L.12; 256L.17, subdivisions 1, 2, 3, 4, 5; 485.14; 609.093; Laws 2011, First Special Session chapter 9, article 7, section 54, as amended; Minnesota Rules, parts 4668.0002; 4668.0003; 4668.0005; 4668.0008; 4668.0012; 4668.0016; 4668.0017; 4668.0019; 4668.0030; 4668.0035; 4668.0040; 4668.0050; 4668.0060; 4668.0065; 4668.0070; 4668.0075; 4668.0080; 4668.0100; 4668.0110; 4668.0120; 4668.0130; 4668.0140; 4668.0150; 4668.0160; 4668.0170; 4668.0180; 4668.0190; 4668.0200; 4668.0218; 4668.0220; 4668.0230; 4668.0240; 4668.0800; 4668.0805; 4668.0810; 4668.0815; 4668.0820; 4668.0825; 4668.0830; 4668.0835; 4668.0840; 4668.0845; 4668.0855; 4668.0860; 4668.0865; 4668.0870; 4669.0001; 4669.0010; 4669.0020; 4669.0030; 4669.0040; 4669.0050.

Senator Lourey moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 9, line 24, reinstate the stricken "(a)"

Page 10, lines 31 and 32, reinstate the stricken language

Page 67, line 20, after the period, insert "Until September 30, 2013, payments for individuals under 65 years of age shall be made as described in this subdivision."

Page 67, delete section 21

Page 81, delete section 37 and insert:

"Sec. 37. Minnesota Statutes 2012, section 256B.439, is amended by adding a subdivision to read:

Subd. 3a. **Home and community-based services report card in cooperation with the commissioner of health.** The commissioner shall work with existing Department of Human Services advisory groups to develop recommendations for a home and community-based services report card. Health and human services staff that regulate home and community-based services as provided in chapter 245D and licensed home care as provided in chapter 144A shall be consulted. The advisory groups shall consider the requirements from the Minnesota consumer information guide under section 144G.06 as a base for development of the home and community-based services report card to compare the housing options available to consumers. Other items to be considered by the advisory groups in developing recommendations include:

(1) defining the goals of the report card, including measuring outcomes, providing consumer information, and defining vehicle-for-pay performance;

(2) developing separate measures for programs for the elderly population and for persons with disabilities;

- (3) the sources of information needed that are standardized and contain sufficient data;
- (4) the financial support needed for creating and publicizing the housing information guide, and ongoing funding for data collection and staffing to monitor, report, and analyze;
- (5) a recognition that home and community-based services settings exist with significant variations in size, settings, and services available;
- (6) ensuring that consumer choice and consumer information is retained and valued; and
- (7) the applicability of these measures to providers based on payor source, size, and population served.

The advisory groups shall discuss whether there are additional funding, resources, and research needed. The commissioner shall report recommendations to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health and human services issues by August 1, 2014. The report card shall be available on July 1, 2015."

Page 135, after line 2, insert:

"Subdivision 1. **Grant program established.** The commissioner of human services shall establish a Homeless Youth Act fund and award grants to providers who are committed to serving homeless youth and youth at risk of homelessness, to provide street and community outreach and drop-in programs, emergency shelter programs, and integrated supportive housing and transitional living programs, consistent with the program descriptions in this act to reduce the incidence of homelessness among youth."

Page 135, line 3, strike "Subdivision 1." and insert "Subd. 1a."

Page 212, line 35, delete "recipients" and after "subdivision 1" insert ", paragraph (d)"

Page 213, line 1, delete "public program recipients" and insert "medical assistance and MinnesotaCare program enrollees"

Page 217, after line 12, insert:

"Sec. 7. Minnesota Statutes 2012, section 256B.0625, subdivision 13e, is amended to read:

Subd. 13e. **Payment rates.** (a) The basis for determining the amount of payment shall be the lower of the actual acquisition costs of the drugs or the maximum allowable cost by the commissioner plus the fixed dispensing fee; or the usual and customary price charged to the public. The amount of payment basis must be reduced to reflect all discount amounts applied to the charge by any provider/insurer agreement or contract for submitted charges to medical assistance programs. The net submitted charge may not be greater than the patient liability for the service. The pharmacy dispensing fee shall be \$3.65, except that the dispensing fee for intravenous solutions which must be compounded by the pharmacist shall be \$8 per bag, \$14 per bag for cancer chemotherapy products, and \$30 per bag for total parenteral nutritional products dispensed in one liter quantities, or \$44 per bag for total parenteral nutritional products dispensed in quantities greater than one liter. Actual acquisition cost includes quantity and other special discounts except time and cash discounts. The actual acquisition cost of a drug shall be estimated by the commissioner at wholesale acquisition cost plus four percent for independently owned pharmacies located in a designated rural area within Minnesota, and at wholesale acquisition cost plus two percent for all other pharmacies. A pharmacy is "independently owned" if it is one of four or fewer

pharmacies under the same ownership nationally. A "designated rural area" means an area defined as a small rural area or isolated rural area according to the four-category classification of the Rural Urban Commuting Area system developed for the United States Health Resources and Services Administration. Wholesale acquisition cost is defined as the manufacturer's list price for a drug or biological to wholesalers or direct purchasers in the United States, not including prompt pay or other discounts, rebates, or reductions in price, for the most recent month for which information is available, as reported in wholesale price guides or other publications of drug or biological pricing data. The maximum allowable cost of a multisource drug may be set by the commissioner and it shall be comparable to, but no higher than, the maximum amount paid by other third-party payors in this state who have maximum allowable cost programs. Establishment of the amount of payment for drugs shall not be subject to the requirements of the Administrative Procedure Act.

(b) An additional dispensing fee of \$.30 may be added to the dispensing fee paid to pharmacists for legend drug prescriptions dispensed to residents of long-term care facilities when a unit dose blister card system, approved by the department, is used. Under this type of dispensing system, the pharmacist must dispense a 30-day supply of drug. The National Drug Code (NDC) from the drug container used to fill the blister card must be identified on the claim to the department. The unit dose blister card containing the drug must meet the packaging standards set forth in Minnesota Rules, part 6800.2700, that govern the return of unused drugs to the pharmacy for reuse. The pharmacy provider will be required to credit the department for the actual acquisition cost of all unused drugs that are eligible for reuse. The commissioner may permit the drug clozapine to be dispensed in a quantity that is less than a 30-day supply.

(c) Whenever a maximum allowable cost has been set for a multisource drug, payment shall be the lower of the usual and customary price charged to the public or the maximum allowable cost established by the commissioner unless prior authorization for the brand name product has been granted according to the criteria established by the Drug Formulary Committee as required by subdivision 13f, paragraph (a), and the prescriber has indicated "dispense as written" on the prescription in a manner consistent with section 151.21, subdivision 2.

(d) The basis for determining the amount of payment for drugs administered in an outpatient setting shall be the lower of the usual and customary cost submitted by the provider or, 106 percent of the average sales price as determined by the United States Department of Health and Human Services pursuant to title XVIII, section 1847a of the federal Social Security Act, the specialty pharmacy rate, or the maximum allowable cost set by the commissioner. If average sales price is unavailable, the amount of payment must be lower of the usual and customary cost submitted by the provider or, the wholesale acquisition cost, the specialty pharmacy rate, or the maximum allowable cost set by the commissioner. The payment for drugs administered in an outpatient setting shall be made to the administering facility or practitioner. A retail or specialty pharmacy dispensing a drug for administration in an outpatient setting is not eligible for direct reimbursement.

(e) The commissioner may negotiate lower reimbursement rates for specialty pharmacy products than the rates specified in paragraph (a). The commissioner may require individuals enrolled in the health care programs administered by the department to obtain specialty pharmacy products from providers with whom the commissioner has negotiated lower reimbursement rates. Specialty pharmacy products are defined as those used by a small number of recipients or recipients with complex and chronic diseases that require expensive and challenging drug regimens. Examples of these conditions include, but are not limited to: multiple sclerosis, HIV/AIDS, transplantation, hepatitis C, growth hormone deficiency, Crohn's Disease, rheumatoid arthritis, and certain forms of

cancer. Specialty pharmaceutical products include injectable and infusion therapies, biotechnology drugs, antihemophilic factor products, high-cost therapies, and therapies that require complex care. The commissioner shall consult with the formulary committee to develop a list of specialty pharmacy products subject to this paragraph. In consulting with the formulary committee in developing this list, the commissioner shall take into consideration the population served by specialty pharmacy products, the current delivery system and standard of care in the state, and access to care issues. The commissioner shall have the discretion to adjust the reimbursement rate to prevent access to care issues.

(f) Home infusion therapy services provided by home infusion therapy pharmacies must be paid at rates according to subdivision 8d.

EFFECTIVE DATE. This section is effective January 1, 2014."

Page 234, lines 20 and 26, before "caretaker" insert "parents and relative"

Page 235, line 16, delete "Minnesota" and insert "state"

Page 237, lines 10 to 12, delete the new language

Page 239, delete section 4

Page 255, delete section 22

Page 264, delete section 33

Page 398, lines 4 and 5, delete "anyone" and insert "a person"

Page 474, line 10, delete "30" and insert "33" and after "enactment" insert ", unless a different effective date is specified"

Page 560, line 18, delete everything after "under" and insert "article 15, section 3, and"

Page 560, line 24, delete "\$14,297,000" and insert "\$15,463,000"

Page 583, line 6, delete "\$143,027,000" and insert "\$133,765,000" and delete "\$14,631,000" and insert "\$23,893,000"

Page 586, line 2, delete "\$14,297,000" and insert "\$15,463,000"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Fischbach moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 503, after line 18, insert:

"Sec. 41. [145.417] LICENSURE OF CERTAIN FACILITIES THAT PERFORM ABORTIONS.

Subdivision 1. License required for facilities that perform ten or more abortions per month.

(a) A clinic, health center, or other facility in which the pregnancies of ten or more women known to be pregnant are willfully terminated or aborted each month shall be licensed by the commissioner of health and, notwithstanding Minnesota Rules, part 4675.0100, subparts 8 and 9, subject to the licensure requirements provided in Minnesota Rules, chapter 4675. The commissioner shall not require a facility licensed as a hospital or as an outpatient surgical center, pursuant to sections 144.50 to 144.56, to obtain a separate license under this section, but may subject these facilities to inspections and investigations as permitted under subdivision 2.

(b) The establishment or operation of a facility described in this section without obtaining a license is a misdemeanor punishable by a fine of not more than \$300. The commissioner of health, the attorney general, an appropriate county attorney, or a woman upon whom an abortion has been performed or attempted to be performed at an unlicensed facility may seek an injunction in district court against the continued operation of the facility. Proceedings for securing an injunction may be brought by the attorney general or by the appropriate county attorney.

(c) Sanctions provided in this subdivision do not restrict other available sanctions.

Subd. 2. Inspections; no notice required. No more than two times per year, the commissioner of health shall perform routine and comprehensive inspections and investigations of facilities described under subdivision 1. Every clinic, health center, or other facility described under subdivision 1, and any other premise proposed to be conducted as a facility by an applicant for a license, shall be open at all reasonable times to inspection authorized in writing by the commissioner of health. No notice need be given to any person prior to any inspection.

Subd. 3. Licensure fee. (a) The annual license fee for facilities required to be licensed under this section is \$3,712.

(b) Fees shall be collected and deposited according to section 144.122.

Subd. 4. Suspension, revocation, and refusal to renew. The commissioner of health may refuse to grant or renew, or may suspend or revoke a license on any of the following grounds:

(1) violation of any of the provisions of this section or Minnesota Rules, chapter 4675;

(2) permitting, aiding, or abetting the commission of any illegal act in the facility;

(3) conduct or practices detrimental to the welfare of the patient;

(4) obtaining or attempting to obtain a license by fraud or misrepresentation; or

(5) if there is a pattern of conduct that involves one or more physicians in the facility who have a financial or economic interest in the facility, as defined in section 144.6521, subdivision 3, and who have not provided notice and disclosure of the financial or economic interest as required by section 144.6521.

Subd. 5. Hearing. Prior to any suspension, revocation, or refusal to renew a license, the licensee shall be entitled to notice and a hearing as provided by sections 14.57 to 14.69. At each hearing, the commissioner of health shall have the burden of establishing that a violation described in subdivision 4 has occurred. If a license is revoked, suspended, or not renewed, a new application for license may

be considered by the commissioner if the conditions upon which revocation, suspension, or refusal to renew was based have been corrected and evidence of this fact has been satisfactorily furnished. A new license may be granted after proper inspection has been made and all provisions of this section and Minnesota Rules, chapter 4675, have been complied with and a recommendation for licensure has been made by the commissioner or by an inspector as an agent of the commissioner.

Subd. 6. **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, regardless of the fact that any one provision, section, subdivision, sentence, clause, phrase, or word is declared unconstitutional."

Page 577, after line 3, insert:

"**Facility Licensure Activities.** Of the state government special revenue appropriation, \$63,000 in fiscal year 2014 and \$63,000 in fiscal year 2015 are for licensing activities under Minnesota Statutes, section 145.417."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Benson imposed a call of the Senate for the balance of the proceedings on H.F. No. 1233. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Fischbach amendment.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Limmer	Osmek	Senjem
Benson	Gazelka	Miller	Pederson, J.	Sparks
Brown	Hall	Nelson	Petersen, B.	Stumpf
Chamberlain	Hann	Newman	Pratt	Thompson
Dahms	Housley	Nienow	Rosen	Weber
Eken	Kiffmeyer	Ortman	Ruud	Westrom

Those who voted in the negative were:

Bakk	Dibble	Hoffman	Metzen	Sheran
Bonoff	Dziedzic	Jensen	Pappas	Sieben
Carlson	Eaton	Johnson	Reinert	Skoe
Champion	Franzen	Kent	Rest	Tomassoni
Clausen	Goodwin	Latz	Saxhaug	Torres Ray
Cohen	Hawj	Lourey	Scalze	Wiger
Dahle	Hayden	Marty	Schmit	Wiklund

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

Senator Westrom moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 236, after line 11, insert:

"Sec. 29. **PROHIBITION ON USE OF FUNDS.**

Subdivision 1. **Use of funds.** Funding for state-sponsored health programs shall not be used for funding abortions, except to the extent necessary for continued participation in a federal program. For purposes of this section, abortion has the meaning given in Minnesota Statutes, section 144.343, subdivision 3.

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."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Limmer	Osmek	Stumpf
Benson	Gazelka	Miller	Pederson, J.	Thompson
Brown	Hall	Nelson	Petersen, B.	Weber
Chamberlain	Hann	Newman	Pratt	Westrom
Dahms	Housley	Nienow	Ruud	
Eken	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Johnson	Rest	Tomassoni
Bonoff	Eaton	Kent	Saxhaug	Torres Ray
Carlson	Franzen	Latz	Scalze	Wiger
Champion	Goodwin	Lourey	Schmit	Wiklund
Clausen	Hawj	Marty	Sheran	
Cohen	Hayden	Metzen	Sieben	
Dahle	Hoffman	Pappas	Skoe	
Dibble	Jensen	Reinert	Sparks	

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

Senator Brown moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 6, delete sections 4 and 7

Page 7, delete section 9

Page 8, delete sections 11 and 13

Page 10, delete section 15

Page 13, delete section 19

Page 15, delete section 21

Page 41, delete lines 30 and 31

Page 264, line 23, delete "January 1, 2015, and" and delete "2015" and insert "2013"

Page 264, line 25, delete "January 1, 2015" and insert "July 1, 2013"

Page 264, line 26, delete "one" and insert "five" and delete "December 31, 2014" and insert "June 30, 2013"

Page 264, delete lines 27 and 28

Page 270, line 28, delete "JANUARY" and insert "JULY 1, 2013."

Page 270, delete line 29

Page 270, line 31, delete "one" and insert "five"

Page 270, line 32, delete everything after the second comma

Page 270, line 33, delete "2015,"

Page 272, line 4, delete "one" and insert "five"

Page 272, line 5, delete "January 1, 2015" and insert "July 1, 2013"

Page 582, delete lines 1 to 30 and insert:

"The commissioner of Minnesota management and budget shall transfer \$103,730,000 from the general fund to the health care access fund. \$162,700,000 from the general fund in the biennium is for rate increases in article 7, sections 34 and 42."

Page 582, delete section 13

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Eken	Kiffmeyer	Ortman	Sparks
Benson	Fischbach	Limmer	Osmek	Thompson
Brown	Gazelka	Miller	Pederson, J.	Weber
Chamberlain	Hall	Nelson	Pratt	Westrom
Dahle	Hann	Newman	Ruud	
Dahms	Housley	Nienow	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Pappas	Sieben
Bonoff	Eaton	Johnson	Reinert	Skoe
Carlson	Franzen	Kent	Rest	Stumpf
Champion	Goodwin	Latz	Saxhaug	Tomassoni
Clausen	Hawj	Lourey	Scalze	Torres Ray
Cohen	Hayden	Marty	Schmit	Wiger
Dibble	Hoffman	Metzen	Sheran	Wiklund

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

Senator Dahms moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 6, delete sections 4 and 7

Page 7, delete section 9

Page 8, delete sections 11 and 13

Page 10, delete section 15

Page 13, delete section 19

Page 15, delete section 21

Page 41, delete lines 30 and 31

Page 264, line 23, delete "January 1, 2015" and insert "July 1, 2013" and delete "2015" and insert "2014"

Page 264, line 25, delete "January 1, 2015" and insert "July 1, 2013"

Page 264, line 26, delete "one" and insert "two" and delete "December 31, 2014" and insert "June 30, 2013"

Page 264, lines 27 and 28, delete "2015" and insert "2014"

Page 270, line 28, delete "JANUARY" and insert "JULY 1, 2013"

Page 270, line 29, delete "1, 2015" and delete "2015" and insert "2014"

Page 270, line 31, delete "one" and insert "two"

Page 270, line 32, delete "January 1, 2015" and insert "July 1, 2013"

Page 270, line 33, delete "2015" and insert "2014"

Page 272, line 4, delete "one" and insert "two"

Page 272, line 5, delete "January 1, 2015." and insert "July 1, 2013, and a one percent increase for the specified services for the period beginning July 1, 2014."

Page 582, delete lines 1 to 30 and insert:

"The commissioner of Minnesota management and budget shall transfer \$103,730,000 from the general fund to the health care access fund. \$81,400,000 from the general fund in the biennium is for rate increases in article 7, sections 34 and 42."

Page 582, delete section 13

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Pursuant to Rule 7.4, Senator Lourey questioned whether the Dahms amendment was in order. The President ruled the amendment was not in order.

Senator Westrom appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 39 and nays 24, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Jensen	Reinert	Sparks
Bonoff	Eaton	Johnson	Rest	Stumpf
Carlson	Eken	Kent	Saxhaug	Thompson
Champion	Franzen	Latz	Scalze	Tomassoni
Clausen	Goodwin	Lourey	Schmit	Torres Ray
Cohen	Hawj	Marty	Sheran	Wiger
Dahle	Hayden	Metzen	Sieben	Wiklund
Dibble	Hoffman	Pappas	Skoe	

Those who voted in the negative were:

Anderson	Fischbach	Kiffmeyer	Nienow	Ruud
Benson	Gazelka	Limmer	Ortman	Senjem
Brown	Hall	Miller	Osmek	Weber
Chamberlain	Hann	Nelson	Pederson, J.	Westrom
Dahms	Housley	Newman	Pratt	

So the decision of the President was sustained.

Senator Bakk raised a point of order pursuant to Rule 17.4. The President ruled the point of order well taken.

Senator Latz moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 181, line 14, delete "\$100" and insert "\$50"

Page 181, line 15, delete "\$115" and insert "\$100"

Page 198, line 33, after "if" insert "a search of the database or databases of the agencies listed in subdivision 2a shows that" and delete "has ever been"

Page 198, delete line 34

Page 199, line 1, delete everything before "has"

Page 199, line 2, after "fiduciary" insert "from an agency listed in subdivision 2a"

Page 200, delete subdivision 2a, and insert:

"Subd. 2a. Procedure; state licensing agency data. (a) The court shall request the commissioner of human services to provide the court within 25 working days of receipt of the request with licensing

agency data for licenses directly related to the responsibilities of a professional fiduciary from the following agencies in Minnesota:

- (1) Lawyers Responsibility Board;
- (2) State Board of Accountancy;
- (3) Board of Social Work;
- (4) Board of Psychology;
- (5) Board of Nursing;
- (6) Board of Medical Practice;
- (7) Department of Education;
- (8) Department of Commerce;
- (9) Board of Chiropractic Examiners;
- (10) Board of Dentistry;
- (11) Board of Marriage and Family Therapy;
- (12) Department of Human Services; and
- (13) Peace Officer Standards and Training (POST) Board.

(b) The commissioner shall enter into agreements with these agencies to provide for electronic access to the relevant licensing data by the commissioner.

(c) The commissioner shall provide to the court the electronically available data maintained in the agency's database, including whether the proposed guardian or conservator is or has been licensed by the agency, and if the licensing agency database indicates a disciplinary action or a sanction against the individual's license, including a condition, suspension, revocation, or cancellation.

(d) If the proposed guardian or conservator has resided in a state other than Minnesota in the previous ten years, licensing agency data under this section shall also include the licensing agency data from any other state where the proposed guardian or conservator reported to have resided during the previous ten years. If the proposed guardian or conservator has or has had a professional license in another state that is directly related to the responsibilities of a professional fiduciary from one of the agencies listed under paragraph (a), state licensing agency data shall also include data from the relevant licensing agency of that state.

(e) The commissioner is not required to repeat a search for Minnesota or out-of-state licensing data on an individual if the commissioner has provided this information to the court within the prior two years.

(f) If an individual has continuously resided in Minnesota since a previous background study under this section was completed, the commissioner is not required to repeat a search for records in another state."

Page 201, line 33, after "license" insert "from an agency listed under section 524.5-118, subdivision 2a"

Page 203, line 12, after "license" insert "from an agency listed under section 524.5-118, subdivision 2a,"

Page 205, line 33, after "license" insert "from an agency listed under section 524.5-118, subdivision 2a"

Page 207, line 6, before "denied" insert "from an agency listed under section 524.5-118, subdivision 2a,"

The motion prevailed. So the amendment was adopted.

Senator Westrom moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 254, after line 25, insert:

"Sec. 21. Minnesota Statutes 2012, section 256B.434, subdivision 19, is amended to read:

Subd. 19. **Nursing facility rate increases beginning October 1, 2007 2013.** (a) For the rate year beginning October 1, ~~2007~~ 2013, the commissioner shall make available to each nursing facility reimbursed under this section operating payment rate adjustments equal to ~~1.87~~ five percent of the operating payment rates in effect on September 30, ~~2007~~ 2013.

(b) Seventy-five percent of the money resulting from the rate adjustment under paragraph (a) must be used for increases in compensation-related costs for employees directly employed by the nursing facility on or after the effective date of the rate adjustment, except:

(1) the administrator;

(2) persons employed in the central office of a corporation that has an ownership interest in the nursing facility or exercises control over the nursing facility; and

(3) persons paid by the nursing facility under a management contract.

(c) Two-thirds of the money available under paragraph (b) must be used for wage increases for all employees directly employed by the nursing facility on or after the effective date of the rate adjustment, except those listed in paragraph (b), clauses (1) to (3). The wage adjustment that employees receive under this paragraph must be paid as an equal hourly percentage wage increase for all eligible employees. All wage increases under this paragraph must be effective on the same date. Only costs associated with the portion of the equal hourly percentage wage increase that goes to all employees shall qualify under this paragraph. Costs associated with wage increases in excess of the amount of the equal hourly percentage wage increase provided to all employees shall be allowed only for meeting the requirements in paragraph (b). This paragraph shall not apply to employees covered by a collective bargaining agreement.

(d) The commissioner shall allow as compensation-related costs all costs for:

(1) wages and salaries;

(2) FICA taxes, Medicare taxes, state and federal unemployment taxes, and workers' compensation;

(3) the employer's share of health and dental insurance, life insurance, disability insurance, long-term care insurance, uniform allowance, and pensions; and

(4) other benefits provided, subject to the approval of the commissioner.

(e) The portion of the rate adjustment under paragraph (a) that is not subject to the requirements in paragraphs (b) and (c) shall be provided to nursing facilities effective October 1, ~~2007~~ 2013.

(f) Nursing facilities may apply for the portion of the rate adjustment under paragraph (a) that is subject to the requirements in paragraphs (b) and (c). The application must be submitted to the commissioner within six months of the effective date of the rate adjustment, and the nursing facility must provide additional information required by the commissioner within nine months of the effective date of the rate adjustment. The commissioner must respond to all applications within three weeks of receipt. The commissioner may waive the deadlines in this paragraph under extraordinary circumstances, to be determined at the sole discretion of the commissioner. The application must contain:

(1) an estimate of the amounts of money that must be used as specified in paragraphs (b) and (c);

(2) a detailed distribution plan specifying the allowable compensation-related and wage increases the nursing facility will implement to use the funds available in clause (1);

(3) a description of how the nursing facility will notify eligible employees of the contents of the approved application, which must provide for giving each eligible employee a copy of the approved application, excluding the information required in clause (1), or posting a copy of the approved application, excluding the information required in clause (1), for a period of at least six weeks in an area of the nursing facility to which all eligible employees have access; and

(4) instructions for employees who believe they have not received the compensation-related or wage increases specified in clause (2), as approved by the commissioner, and which must include a mailing address, e-mail address, and the telephone number that may be used by the employee to contact the commissioner or the commissioner's representative.

(g) The commissioner shall ensure that cost increases in distribution plans under paragraph (f), clause (2), that may be included in approved applications, comply with the following requirements:

(1) costs to be incurred during the applicable rate year resulting from wage and salary increases effective after October 1, ~~2006~~ 2012, and prior to the first day of the nursing facility's payroll period that includes October 1, ~~2007~~ 2013, shall be allowed if they were not used in the prior year's application;

(2) a portion of the costs resulting from tenure-related wage or salary increases may be considered to be allowable wage increases, according to formulas that the commissioner shall provide, where employee retention is above the average statewide rate of retention of direct care employees;

(3) the annualized amount of increases in costs for the employer's share of health and dental insurance, life insurance, disability insurance, and workers' compensation shall be allowable

compensation-related increases if they are effective on or after April 1, ~~2007~~ 2013, and prior to April 1, ~~2008~~ 2014; and

(4) for nursing facilities in which employees are represented by an exclusive bargaining representative, the commissioner shall approve the application only upon receipt of a letter of acceptance of the distribution plan, in regard to members of the bargaining unit, signed by the exclusive bargaining agent and dated after May ~~25, 2007~~ 20, 2013. Upon receipt of the letter of acceptance, the commissioner shall deem all requirements of this section as having been met in regard to the members of the bargaining unit.

(h) The commissioner shall review applications received under paragraph (f) and shall provide the portion of the rate adjustment under paragraphs (b) and (c) if the requirements of this subdivision have been met. The rate adjustment shall be effective October 1. Notwithstanding paragraph (a), if the approved application distributes less money than is available, the amount of the rate adjustment shall be reduced so that the amount of money made available is equal to the amount to be distributed."

Page 256, delete section 23

Page 258, delete sections 24 and 25

Page 559, delete lines 22 to 29

Page 559, line 30, delete "(2)"

Page 562, after line 28, insert:

"MinnesotaCare Reform. The allocation from the health care access fund for MinnesotaCare reform-related operations and technology costs is reduced by \$8,000,000 for the biennium ending June 30, 2015, and an equal amount is transferred to the general fund."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Correct the subdivision and section totals and the appropriations by fund

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Eken	Kiffmeyer	Ortman	Senjem
Benson	Fischbach	Limmer	Osmek	Thompson
Brown	Gazelka	Miller	Pederson, J.	Weber
Chamberlain	Hall	Nelson	Pratt	Westrom
Dahle	Hann	Newman	Reinert	
Dahms	Housley	Nienow	Ruud	

Those who voted in the negative were:

Bakk	Bonoff	Carlson	Champion	Clausen
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Cohen
Dibble
Dziedzic
Eaton
Franzen
Goodwin

Hawj
Hayden
Hoffman
Jensen
Johnson
Kent

Latz
Lourey
Marty
Metzen
Pappas
Rest

Saxhaug
Scalze
Schmit
Sheran
Sieben
Skoe

Sparks
Stumpf
Tomassoni
Torres Ray
Wiger
Wiklund

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

Senator Benson moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 24, line 6, reinstate the stricken language

Page 40, line 24, delete ".25%" and insert "1.1%"

Page 40, line 26, delete ".5%" and insert "1.6%"

Page 40, line 27, delete "1.0%" and insert "2.2%"

Page 40, line 28, delete "1.5%" and insert "2.9%"

Page 40, line 29, delete "2.0%" and insert "3.6%"

Page 40, line 30, delete "2.5%" and insert "4.6%"

Page 40, line 31, delete "3.0%" and insert "5.6%"

Page 40, after line 34, insert:

"Sec. 61. Laws 2011, First Special Session chapter 9, article 6, section 94, is amended to read:

Sec. 94. CAPITATION PAYMENT DELAY.

(a) The commissioner shall delay \$135,000,000 of the medical assistance and MinnesotaCare capitation payment to managed care plans and county-based purchasing plans due in May 2013 and the payment due in April 2013 for special needs basic care until July 1, 2013. The payment shall be made no earlier than July 1, 2013, and no later than July 31, 2013.

(b) The commissioner shall delay \$135,000,000 of the medical assistance and MinnesotaCare capitation payment to managed care plans and county-based purchasing plans due in the second quarter of calendar year 2015 and the April 2015 payment for special needs basic care until July 1, 2015. The payment shall be made no earlier than July 1, 2015, and no later than July 31, 2015.

(c) In addition to the delay identified in paragraph (b), the commissioner shall delay 36.4 percent of the April 2015 medical assistance and MinnesotaCare capitation payment to the managed care plans and county-based purchasing plans for families and children until July 1, 2015. The payment shall be made no earlier than July 1, 2015, and no later than July 31, 2015."

Page 208, delete section 2

Page 583, line 6, delete "\$14,631,000" and insert "\$49,331,000"

Page 583, after line 10, insert:

"Sec. 15. MINNESOTACARE EXCHANGE TRANSFER.

The allocation from the health care access fund to the commissioner of human services for MinnesotaCare-related operations and technology costs related to the Minnesota Insurance Marketplace is reduced by \$8,000,000 for the biennium ending June 30, 2015, and an equal amount is transferred to the general fund."

Correct the section totals and the appropriation summary

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Dahms	Housley	Newman	Pratt
Benson	Fischbach	Kiffmeyer	Nienow	Ruud
Bonoff	Gazelka	Limmer	Ortman	Senjem
Brown	Hall	Miller	Osmek	Thompson
Chamberlain	Hann	Nelson	Pederson, J.	Weber

Those who voted in the negative were:

Bakk	Eaton	Johnson	Rest	Stumpf
Carlson	Eken	Kent	Saxhaug	Tomassoni
Champion	Franzen	Latz	Scalze	Torres Ray
Clausen	Goodwin	Lourey	Schmit	Westrom
Cohen	Hawj	Marty	Sheran	Wiger
Dahle	Hayden	Metzen	Sieben	Wiklund
Dibble	Hoffman	Pappas	Skoe	
Dziedzic	Jensen	Reinert	Sparks	

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

Senator Nelson moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 112, after line 6, insert:

"Sec. 2. Minnesota Statutes 2012, section 119B.09, subdivision 5, is amended to read:

Subd. 5. **Provider choice.** Parents may choose child care providers as defined under section 119B.011, subdivision 19, that best meet the needs of their family. Beginning July 1, 2018, parents or guardians must choose a rated provider under section 124D.142 for their children not yet attending kindergarten, unless a waiver is granted by the commissioner of human services. Counties shall make resources available to parents in choosing quality child care services. Counties may require a parent to sign a release stating their knowledge and responsibilities in choosing a legal provider described under section 119B.011, subdivision 19. When a county knows that a particular provider is unsafe, or that the circumstances of the child care arrangement chosen by the parent are unsafe, the county may deny a child care subsidy. A county may not restrict access to a general category of provider allowed under section 119B.011, subdivision 19.

Sec. 3. Minnesota Statutes 2012, section 119B.125, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** (a) Except as provided in subdivision 5, a county must authorize the provider chosen by an applicant or a participant before the county can authorize payment for care provided by that provider. The commissioner must establish the requirements necessary for authorization of providers.

(b) In order to be authorized, a provider must:

(1) beginning July 1, 2018, participate in the quality rating and improvement system under section 124D.142; and

(2) beginning July 1, 2020, have at least a one- or two-star rating in the quality rating and improvement system.

(c) In order to comply with federal regulations, the requirements in paragraph (b) do not apply to unlicensed or license-exempt providers. In addition, the commissioner has the authority to waive the requirements in paragraph (b), if: (1) the parents' authorized activities occur during times when care is not available from providers participating in the quality rating and improvement system, (2) a family lives in an area where care from providers participating in the quality rating and improvement system is not available, or (3) no providers participating in the quality rating and improvement system are willing or able to care for one or all of the children in the family.

(d) A provider must be reauthorized every two years. A legal, nonlicensed family child care provider also must be reauthorized when another person over the age of 13 joins the household, a current household member turns 13, or there is reason to believe that a household member has a factor that prevents authorization. The provider is required to report all family changes that would require reauthorization. When a provider has been authorized for payment for providing care for families in more than one county, the county responsible for reauthorization of that provider is the county of the family with a current authorization for that provider and who has used the provider for the longest length of time."

Page 148, after line 19, insert:

"Sec. 38. **WAIVER PROCESS RELATED TO CHILD CARE PROVIDER CHOICE.**

The commissioner of human services, within available appropriations, shall develop a simple waiver process related to Minnesota Statutes, section 119B.09, subdivision 5, that requires the parent or guardian to submit notice of a preferred alternative child care arrangement. The commissioner must monitor the waiver process and report on the usage of waivers to the legislature."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 51 and nays 11, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Hall	Latz	Nienow
Bakk	Dziedzic	Hawj	Limmer	Ortman
Bonoff	Eken	Housley	Lourey	Osmek
Carlson	Fischbach	Jensen	Metzen	Pappas
Champion	Franzen	Johnson	Miller	Pederson, J.
Clausen	Gazelka	Kent	Nelson	Pratt
Dahle	Goodwin	Kiffmeyer	Newman	Reinert

Rest	Schmit	Skoe	Torres Ray
Ruud	Senjem	Sparks	Weber
Saxhaug	Sheran	Stumpf	Wiger
Scalze	Sieben	Tomassoni	Wiklund

Those who voted in the negative were:

Benson	Cohen	Hayden	Thompson
Brown	Dahms	Hoffman	Westrom
Chamberlain	Eaton	Marty	

The motion prevailed. So the amendment was adopted.

Senator Kiffmeyer moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 40, line 24, delete ".25%" and insert "1.1%"

Page 40, line 26, delete ".5%" and insert "1.6%"

Page 40, line 27, delete "1.0%" and insert "2.2%"

Page 40, line 28, delete "1.5%" and insert "2.9%"

Page 40, line 29, delete "2.0%" and insert "3.6%"

Page 40, line 30, delete "2.5%" and insert "4.6%"

Page 40, line 31, delete "3.0%" and insert "5.6%"

Page 254, after line 25, insert:

"Sec. 21. Minnesota Statutes 2012, section 256B.434, subdivision 19, is amended to read:

Subd. 19. **Nursing facility rate increases beginning October 1, ~~2007~~ 2013.** (a) For the rate year beginning October 1, ~~2007~~ 2013, the commissioner shall make available to each nursing facility reimbursed under this section operating payment rate adjustments equal to ~~1.87~~ 4.5 percent of the operating payment rates in effect on September 30, ~~2007~~ 2013.

(b) Seventy-five percent of the money resulting from the rate adjustment under paragraph (a) must be used for increases in compensation-related costs for employees directly employed by the nursing facility on or after the effective date of the rate adjustment, except:

(1) the administrator;

(2) persons employed in the central office of a corporation that has an ownership interest in the nursing facility or exercises control over the nursing facility; and

(3) persons paid by the nursing facility under a management contract.

(c) Two-thirds of the money available under paragraph (b) must be used for wage increases for all employees directly employed by the nursing facility on or after the effective date of the rate adjustment, except those listed in paragraph (b), clauses (1) to (3). The wage adjustment that employees receive under this paragraph must be paid as an equal hourly percentage wage increase for all eligible employees. All wage increases under this paragraph must be effective on the same date. Only costs associated with the portion of the equal hourly percentage wage increase that goes to

all employees shall qualify under this paragraph. Costs associated with wage increases in excess of the amount of the equal hourly percentage wage increase provided to all employees shall be allowed only for meeting the requirements in paragraph (b). This paragraph shall not apply to employees covered by a collective bargaining agreement.

(d) The commissioner shall allow as compensation-related costs all costs for:

(1) wages and salaries;

(2) FICA taxes, Medicare taxes, state and federal unemployment taxes, and workers' compensation;

(3) the employer's share of health and dental insurance, life insurance, disability insurance, long-term care insurance, uniform allowance, and pensions; and

(4) other benefits provided, subject to the approval of the commissioner.

(e) The portion of the rate adjustment under paragraph (a) that is not subject to the requirements in paragraphs (b) and (c) shall be provided to nursing facilities effective October 1, ~~2007~~ 2013.

(f) Nursing facilities may apply for the portion of the rate adjustment under paragraph (a) that is subject to the requirements in paragraphs (b) and (c). The application must be submitted to the commissioner within six months of the effective date of the rate adjustment, and the nursing facility must provide additional information required by the commissioner within nine months of the effective date of the rate adjustment. The commissioner must respond to all applications within three weeks of receipt. The commissioner may waive the deadlines in this paragraph under extraordinary circumstances, to be determined at the sole discretion of the commissioner. The application must contain:

(1) an estimate of the amounts of money that must be used as specified in paragraphs (b) and (c);

(2) a detailed distribution plan specifying the allowable compensation-related and wage increases the nursing facility will implement to use the funds available in clause (1);

(3) a description of how the nursing facility will notify eligible employees of the contents of the approved application, which must provide for giving each eligible employee a copy of the approved application, excluding the information required in clause (1), or posting a copy of the approved application, excluding the information required in clause (1), for a period of at least six weeks in an area of the nursing facility to which all eligible employees have access; and

(4) instructions for employees who believe they have not received the compensation-related or wage increases specified in clause (2), as approved by the commissioner, and which must include a mailing address, e-mail address, and the telephone number that may be used by the employee to contact the commissioner or the commissioner's representative.

(g) The commissioner shall ensure that cost increases in distribution plans under paragraph (f), clause (2), that may be included in approved applications, comply with the following requirements:

(1) costs to be incurred during the applicable rate year resulting from wage and salary increases effective after October 1, ~~2006~~ 2012, and prior to the first day of the nursing facility's payroll period that includes October 1, ~~2007~~ 2013, shall be allowed if they were not used in the prior year's application;

(2) a portion of the costs resulting from tenure-related wage or salary increases may be considered to be allowable wage increases, according to formulas that the commissioner shall provide, where employee retention is above the average statewide rate of retention of direct care employees;

(3) the annualized amount of increases in costs for the employer's share of health and dental insurance, life insurance, disability insurance, and workers' compensation shall be allowable compensation-related increases if they are effective on or after April 1, ~~2007~~ 2013, and prior to April 1, ~~2008~~ 2014; and

(4) for nursing facilities in which employees are represented by an exclusive bargaining representative, the commissioner shall approve the application only upon receipt of a letter of acceptance of the distribution plan, in regard to members of the bargaining unit, signed by the exclusive bargaining agent and dated after May ~~25, 2007~~ 20, 2013. Upon receipt of the letter of acceptance, the commissioner shall deem all requirements of this section as having been met in regard to the members of the bargaining unit.

(h) The commissioner shall review applications received under paragraph (f) and shall provide the portion of the rate adjustment under paragraphs (b) and (c) if the requirements of this subdivision have been met. The rate adjustment shall be effective October 1. Notwithstanding paragraph (a), if the approved application distributes less money than is available, the amount of the rate adjustment shall be reduced so that the amount of money made available is equal to the amount to be distributed."

Page 583, line 6, delete "\$14,631,000" and insert "\$47,331,000"

Correct the section totals and the appropriation summary

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Limmer	Osmek	Weber
Benson	Gazelka	Miller	Pederson, J.	Westrom
Chamberlain	Hall	Nelson	Pratt	
Dahle	Hann	Newman	Ruud	
Dahms	Housley	Nienow	Senjem	
Eken	Kiffmeyer	Ortman	Thompson	

Those who voted in the negative were:

Bakk	Eaton	Kent	Saxhaug	Tomassoni
Bonoff	Franzen	Latz	Scalze	Torres Ray
Carlson	Goodwin	Lourey	Schmit	Wiger
Champion	Hawj	Marty	Sheran	Wiklund
Clausen	Hayden	Metzen	Sieben	
Cohen	Hoffman	Pappas	Skoe	
Dibble	Jensen	Reinert	Sparks	
Dziedzic	Johnson	Rest	Stumpf	

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

Senator Westrom moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 236, after line 28, insert:

"Sec. 2. Minnesota Statutes 2012, section 144A.071, subdivision 4b, is amended to read:

Subd. 4b. **Licensed beds on layaway status.** A licensed and certified nursing facility may lay away, upon prior written notice to the commissioner of health, licensed and certified beds. A nursing facility may not discharge a resident in order to lay away a bed. Notice to the commissioner shall be given 60 days prior to the effective date of the layaway. Beds on layaway shall have the same status as voluntarily delicensed and decertified beds and shall not be subject to license fees and license surcharge fees. In addition, beds on layaway may be removed from layaway at any time on or after ~~one-year~~ six months after the effective date of layaway in the facility of origin, with a 60-day notice to the commissioner. A nursing facility that removes beds from layaway may not place beds on layaway status for ~~one-year~~ six months after the effective date of the removal from layaway. The commissioner may approve the immediate removal of beds from layaway if necessary to provide access to those nursing home beds to residents relocated from other nursing homes due to emergency situations or closure. In the event approval is granted, the ~~one-year~~ six-month restriction on placing beds on layaway after a removal of beds from layaway shall not apply. Beds may remain on layaway for up to ten years. The commissioner may approve placing and removing beds on layaway at any time during renovation or construction related to a moratorium project approved under this section or section 144A.073. Nursing facilities are not required to comply with any licensure or certification requirements for beds on layaway status."

Page 270, after line 27, insert:

"Sec. 43. **FEASIBILITY STUDY OF 30-DAY AND 90-DAY NURSING FACILITY BEDS LAYAWAY STATUS.**

(a) The commissioner of health shall study the feasibility of allowing licensed and certified nursing facility beds on layaway status under Minnesota Statutes, section 144A.071, subdivision 4b, being removed after (1) 30 days, with a 15-day notice; and (2) 90 days, with a 30-day notice. The study shall focus on using the Department of Health's existing personnel and budget resources in implementing both the 30-day and 90-day removal policies. The commissioner of health is required to provide the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over health and human services a report on the study's findings by March 1, 2014.

(b) If the feasibility study under paragraph (a) determines that a 30-day layaway removal policy can be implemented with existing funding, the commissioner shall implement the 30-day layaway removal policy by July 1, 2014.

(c) If the feasibility study under paragraph (a) determines that a 30-day layaway removal policy cannot be implemented with existing funding, but a 90-day layaway removal policy can be implemented with existing funding, the commissioner shall implement the 90-day layaway removal policy by July 1, 2014."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Lourey moved to amend the Westrom amendment to H.F. No. 1233 as follows:

Page 1, delete lines 25 to 35

Page 2, delete lines 1 to 7

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

The question recurred on the adoption of the Westrom amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Nelson moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 562, after line 28, insert:

MinnesotaCare Reform. The allocation from the health care access fund for MinnesotaCare reform-related operations and technology costs is reduced by \$8,000,000 for the biennium ending June 30, 2015, and an equal amount is transferred to the general fund."

Page 564, after line 3, insert:

Support Services Grants. For the biennium ending June 30, 2015, \$8,000,000 is appropriated from the general fund for support services grants under this paragraph."

Correct the section totals and the appropriation summary

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kiffmeyer	Ortman	Thompson
Benson	Gazelka	Limmer	Osmek	Weber
Brown	Hall	Miller	Pederson, J.	Westrom
Chamberlain	Hann	Nelson	Pratt	
Dahle	Housley	Newman	Ruud	
Dahms	Ingebrigtsen	Nienow	Senjem	

Those who voted in the negative were:

Bakk	Eaton	Johnson	Saxhaug	Tomassoni
Bonoff	Eken	Kent	Scalze	Torres Ray
Carlson	Franzen	Latz	Schmit	Wiger
Champion	Goodwin	Lourey	Sheran	Wiklund
Clausen	Hawj	Metzen	Sieben	
Cohen	Hayden	Pappas	Skoe	
Dibble	Hoffman	Reinert	Sparks	
Dziedzic	Jensen	Rest	Stumpf	

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

Senator Benson moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 208, after line 9, insert:

"Section 1. Minnesota Statutes 2012, section 62J.26, subdivision 3, is amended to read:

Subd. 3. **Requests for evaluation.** (a) Whenever a legislative measure containing a mandated health benefit proposal is introduced as a bill or offered as an amendment to a bill, ~~or is likely to be introduced as a bill or offered as an amendment, a~~ the chair of any standing the legislative committee that has jurisdiction over the subject matter of the proposal ~~may request that must inform the commissioner complete an evaluation of the proposal under this section, to inform any committee of floor action by either house of the legislature.~~

(b) ~~The commissioner must conduct an evaluation described in subdivision 2 of each mandated health benefit proposal for which an evaluation is requested under paragraph (a), unless the commissioner determines under paragraph (c) or subdivision 4 that priorities and resources do not permit its evaluation~~ introduced as a bill or offered as an amendment to a bill upon receiving notification under paragraph (a).

(c) ~~If requests for evaluation of multiple proposals are received, the commissioner must consult with the chairs of the standing legislative committees having jurisdiction over the subject matter of the mandated health benefit proposals to prioritize the requests and establish a reporting date for each proposal to be evaluated. The commissioner is not required to direct an unreasonable quantity of the commissioner's resources to these evaluations.~~

Sec. 2. Minnesota Statutes 2012, section 62J.26, subdivision 5, is amended to read:

Subd. 5. **Report to legislature.** The commissioner must submit a written report on the evaluation to the legislature no later than ~~480~~ 30 days after the request. The report must be submitted in compliance with sections 3.195 and 3.197.

Sec. 3. Minnesota Statutes 2012, section 62J.26, is amended by adding a subdivision to read:

Subd. 6. **Evaluation of mandated health benefits.** (a) The commissioner of commerce, in consultation with the commissioners of health and management and budget, shall evaluate each mandated health benefit currently required in Minnesota Statutes or Minnesota Rules according to the evaluation process described in subdivision 2.

(b) For purposes of this subdivision, a "mandated health benefit" means a statutory or administrative requirement that a health plan do the following:

(1) provide coverage or increase the amount of coverage for the treatment of a particular disease, condition, or other health care need;

(2) provide coverage or increase the amount of coverage of a particular type of health care treatment or service, or of equipment, supplies, or drugs used in connection with a health care treatment or service; or

(3) provide coverage for care delivered by a specific type of provider.

(c) The commissioner must submit a written report on the evaluation of existing state mandated health benefits to the legislature by December 31, 2014."

Page 572, line 32, delete "\$7,500,000" and insert "\$6,500,000"

Page 584, after line 3, insert:

"Sec. 18. **MANDATED BENEFIT EVALUATION.**

\$1,000,000 is appropriated in fiscal year 2014 from the health care access fund to the commissioner of commerce for the purpose of conducting the evaluations required under Minnesota Statutes, section 62J.26, subdivision 6. This is a onetime appropriation."

Correct the section totals and the appropriation summary

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 39, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Ingebrigtsen	Ortman	Senjem
Benson	Gazelka	Kiffmeyer	Osmek	Thompson
Brown	Hall	Limmer	Pederson, J.	Weber
Chamberlain	Hann	Newman	Pratt	Westrom
Dahms	Housley	Nienow	Ruud	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Nelson	Skoe
Bonoff	Eaton	Johnson	Pappas	Sparks
Carlson	Eken	Kent	Reinert	Stumpf
Champion	Franzen	Latz	Saxhaug	Tomassoni
Clausen	Goodwin	Lourey	Scalze	Torres Ray
Cohen	Hawj	Marty	Schmit	Wiger
Dahle	Hayden	Metzen	Sheran	Wiklund
Dibble	Hoffman	Miller	Sieben	

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

Senator Benson moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 503, after line 18, insert:

"Sec. 41. **[145.4138] RIGHT OF CONSCIENCE IN HEALTH CARE PROTECTED.**

Subdivision 1. **Definitions and scope.** (a) For the purposes of this section:

(1) "participation" means performing, recommending, referring, assisting, receiving or providing training, prescribing, dispensing, or other means in which an individual could cooperate or facilitate a method or procedure;

(2) "method or procedure" means any method or procedure that may violate an individual's moral or religious convictions, includes, but is not limited to, the prescribing and dispensing of contraceptives, or the participation in an abortion, sterilization, artificial insemination, in vitro fertilization, hormone treatment, or surrogacy procedure;

(3) "discrimination" means an act that negatively impacts a health care professional with regard to hiring, assignment, compensation, terms, promotion, conditions, facilities, license suspension or revocation, denial of aid or benefits, privileges of employment, prejudice, or other act pursuant to section 363A.08, subdivision 1, clause (3);

(4) "health carrier" means any entity defined in section 62A.011, subdivision 2; and

(5) "health care professional" means any individual who is licensed to practice medicine pursuant to chapter 147, or any nurse, nursing assistant, medical school student, professional, paraprofessional, or any other individual who provides or assists in the providing of health care services.

(b) The provisions in this section shall apply to health care professionals employed by either a public or private institution.

Subd. 2. Conscience exemption; discrimination and liability prohibited. (a) No health care professional shall be required to participate in any method or procedure that is contrary to the health care professional's moral or religious convictions. A health care institution or employer shall provide a health care professional with notice at the time of employment or when a new health care intervention is being offered by the health care institution or employer, or upon transfer of assignment, of the right to decline to participate in any method or procedure that is contrary to the health care professional's moral or religious convictions.

(b) No health care professional shall be subject to discrimination or liability for refusing to participate in a method or procedure that is contrary to the health care professional's moral or religious convictions.

(c) No health care institution or employer shall coerce a health care professional to participate in a method or procedure that is contrary to the health care professional's moral or religious convictions by threatening any form of discriminatory action.

Subd. 3. Conscience rights of pharmacists. No pharmacist, pharmacy personnel, or employee shall be required or coerced to dispense or participate in the dispensing of contraceptives, abortifacient drugs, or hormone treatments if that individual has moral or religious objectives to the dispensing of these drugs. If a pharmacist, pharmacy personnel, or employee declines to dispense the drugs, that pharmacist, pharmacy personnel, or employee may transfer the care of the individual requesting them to another pharmacist, pharmacy personnel, or pharmacy.

Subd. 4. Insurance penalties prohibited. No health carrier shall impose a penalty, fee, fine, coverage requirement, provider nonparticipation clause, or other sanction on a health care professional for declining to participate in a health care service at either a public or private institution because of moral or religious objections."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Ingebrigtsen	Nienow	Ruud
Benson	Gazelka	Kiffmeyer	Ortman	Thompson
Brown	Hall	Limmer	Osmek	Weber
Chamberlain	Hann	Miller	Pederson, J.	Westrom
Dahms	Housley	Newman	Pratt	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Pappas	Sieben
Bonoff	Eaton	Johnson	Reinert	Skoe
Carlson	Eken	Kent	Rest	Sparks
Champion	Franzen	Latz	Saxhaug	Stumpf
Clausen	Goodwin	Lourey	Scalze	Tomassoni
Cohen	Hawj	Marty	Schmit	Torres Ray
Dahle	Hayden	Metzen	Senjem	Wiger
Dibble	Hoffman	Nelson	Sheran	Wiklund

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

Senator Westrom moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 115, lines 6 and 7, reinstate the stricken language and delete the new language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Pederson, J.	Weber
Brown	Hann	Nelson	Petersen, B.	Westrom
Chamberlain	Housley	Newman	Pratt	
Dahms	Ingebrigtsen	Nienow	Ruud	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Rest	Stumpf
Bonoff	Eaton	Johnson	Saxhaug	Tomassoni
Carlson	Eken	Kent	Scalze	Torres Ray
Champion	Franzen	Lourey	Schmit	Wiger
Clausen	Goodwin	Marty	Sheran	Wiklund
Cohen	Hawj	Metzen	Sieben	
Dahle	Hayden	Pappas	Skoe	
Dibble	Hoffman	Reinert	Sparks	

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

Senator Osmek moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 236, after line 28, insert:

"Sec. 2. [179A.015] FAMILY FREEDOM ACT.

Subdivision 1. Title. This section shall be known as the Family Freedom Act.

Subd. 2. Prohibition. A personal care attendant or child care provider shall be considered an independent contractor, as provided under the National Labor Relations Act, United States Code, title 29, chapter 7, subchapter 11, section 152, whether or not some or all of the funding for any service provided by the personal care attendant or child care provider comes from medical assistance funds or any other public subsidy. Personal care attendants or child care providers may not form or join a labor or employee organization, as provided in chapter 179; the Public Employment Labor Relations Act, chapter 179A; or any other law.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Lourey questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Hann moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 505, after line 28, insert:

"(i) No grant shall be awarded under this section for the purpose of establishing a community garden."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 40, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Kiffmeyer	Osmek	Thompson
Benson	Hall	Limmer	Petersen, B.	Westrom
Brown	Hann	Newman	Pratt	
Chamberlain	Housley	Nienow	Scalze	
Fischbach	Ingebrigtsen	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Pederson, J.	Skoe
Bonoff	Eaton	Johnson	Reinert	Sparks
Carlson	Eken	Kent	Rest	Stumpf
Champion	Franzen	Lourey	Ruud	Tomassoni
Clausen	Goodwin	Marty	Saxhaug	Torres Ray
Dahle	Hawj	Metzen	Schmit	Weber
Dahms	Hayden	Miller	Sheran	Wiger
Dibble	Hoffman	Pappas	Sieben	Wiklund

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

Senator Hann moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 41, after line 16, insert:

"Sec. 63. **EMPLOYER PENALTY WAIVER REQUEST.**

The commissioner of commerce, in consultation with the commissioner of revenue, shall seek a federal waiver from the requirements of United States Code, title 26, section 4980H, to exempt from the definition of a full-time employee, those employees who have access to minimum essential health coverage from a source other than their employer for purposes of determining the number of full-time employees an employer has, and whether the employer would be assessed a penalty under section 4980H(a). The purpose of the waiver request is to allow employees who have health care coverage from other sources to work more than 30 hours a week without the employer being assessed with a penalty under the Affordable Care Act for not providing health care coverage to their full-time employees in accordance with section 1513 of the Affordable Care Act."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Lourey questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question was taken on the adoption of the Hann amendment.

The roll was called, and there were yeas 27 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Gazelka	Limmer	Osmek	Thompson
Benson	Hall	Miller	Pederson, J.	Weber
Brown	Hann	Nelson	Petersen, B.	Westrom
Chamberlain	Housley	Newman	Pratt	
Dahms	Ingebrigtsen	Nienow	Rest	
Fischbach	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Dziedzic	Jensen	Saxhaug	Tomassoni
Bonoff	Eaton	Johnson	Scalze	Torres Ray
Carlson	Eken	Kent	Schmit	Wiger
Champion	Franzen	Lourey	Sheran	Wiklund
Clausen	Goodwin	Marty	Sieben	
Cohen	Hawj	Metzen	Skoe	
Dahle	Hayden	Pappas	Sparks	
Dibble	Hoffman	Reinert	Stumpf	

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

Senator Benson moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 492, line 15, strike "issuance of" and insert "administrative review and processing of a request for" and delete ", a search for a vital record that"

Page 492, line 16, delete "cannot be issued,"

Page 492, lines 23, 27, and 32, delete "reviewing" and insert "administrative review" and after "processing" insert "of"

Page 493, line 5, delete "reviewing" and insert "administrative review" and after "processing" insert "of"

The motion prevailed. So the amendment was adopted.

Senator Benson moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 236, after line 11, insert:

"Sec. 29. **TAX FORM POSTING.**

Any nonprofit organization that receives state grant funds from the commissioner of human services or the commissioner of health shall annually post the organization's 990 tax form on its Web site."

Senator Benson moved to amend the Benson amendment to H.F. No. 1233 as follows:

Page 1, line 8, before the period, insert ", if the organization has a Web site"

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

The question recurred on the adoption of the Benson amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Westrom moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 129, after line 15, insert:

"Sec. 16. Minnesota Statutes 2012, section 256J.15, is amended by adding a subdivision to read:

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

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

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

EFFECTIVE DATE. This section is effective July 1, 2013."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Hall moved to amend the Westrom amendment to H.F. No. 1233 as follows:

Page 1, delete lines 5 to 20 and insert:

""Sec. 16. Minnesota Statutes 2012, section 256J.15, is amended by adding a subdivision to read:

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

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

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

EFFECTIVE DATE. This section is effective July 1, 2013."

Page 148, after line 26, insert:

"Section 1. **[3.0995] LEGISLATORS; DRUG TESTING.**

(a) To be eligible for compensation and expense reimbursements, a legislator must undergo drug and alcohol screening, to the extent practicable, following the established procedures and reliability safeguards provided for screening in sections 181.951, 181.953, and 181.954. Legislators may be required to undergo random drug screening. Legislators must provide evidence of a negative test result to the house controller for members of the house of representatives or the secretary of the senate for members of the senate prior to receipt of any compensation or expense reimbursement.

(b) A laboratory must report to the house controller for members of the house of representatives or the secretary of the senate for members of the senate any positive test results returned on a legislator. Upon receipt of a positive test result, the house controller for members of the house of representatives and the secretary of the senate for members of the senate must deny or discontinue compensation and expense reimbursement until the legislator demonstrates a pattern of negative test results that satisfy the house controller or the secretary of the senate that the person is no longer a drug user.

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

EFFECTIVE DATE. This section is effective July 1, 2013.""

The question was taken on the adoption of the Hall amendment to the Westrom amendment.

The roll was called, and there were yeas 20 and nays 44, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Kiffmeyer	Nienow	Ruud
Benson	Hall	Miller	Ortman	Senjem
Brown	Housley	Nelson	Osmek	Weber
Dahms	Ingebrihtsen	Newman	Pederson, J.	Westrom

Those who voted in the negative were:

Bakk	Dziedzic	Hoffman	Petersen, B.	Skoe
Bonoff	Eaton	Jensen	Pratt	Sparks
Carlson	Eken	Johnson	Reinert	Stumpf
Chamberlain	Franzen	Kent	Rest	Thompson
Champion	Gazelka	Limmer	Saxhaug	Tomassoni
Clausen	Goodwin	Lourey	Scalze	Torres Ray
Cohen	Hann	Marty	Schmit	Wiger
Dahle	Hawj	Metzen	Sheran	Wiklund
Dibble	Hayden	Pappas	Sieben	

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

Senator Westrom withdrew his amendment.

Senator Petersen, B. moved to amend H.F. No. 1233, as amended pursuant to Rule 45, adopted by the Senate April 24, 2013, as follows:

(The text of the amended House File is identical to S.F. No. 1034.)

Page 583, after line 29, insert:

"Sec. 16. **PROHIBITION.**

Child care assistance payments, medical assistance reimbursement, or other public subsidy may not be used by a personal care attendant or child care provider, who is an independent contractor, directly or indirectly to pay union dues.

EFFECTIVE DATE. This section is effective the day following final enactment and does not expire."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Limmer	Osmek	Thompson
Benson	Gazelka	Miller	Pederson, J.	Weber
Bonoff	Hall	Nelson	Petersen, B.	Westrom
Brown	Hann	Newman	Pratt	
Chamberlain	Housley	Nienow	Ruud	
Dahms	Kiffmeyer	Ortman	Senjem	

Those who voted in the negative were:

Bakk	Clausen	Dibble	Eken	Hawj
Carlson	Cohen	Dziedzic	Franzen	Hayden
Champion	Dahle	Eaton	Goodwin	Hoffman

Ingebrigtsen	Marty	Saxhaug	Skoe	Wiger
Jensen	Metzen	Scalze	Sparks	Wiklund
Johnson	Pappas	Schmit	Stumpf	
Kent	Reinert	Sheran	Tomassoni	
Lourey	Rest	Sieben	Torres Ray	

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

H.F. No. 1233 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 36 and nays 28, as follows:

Those who voted in the affirmative were:

Bakk	Dziedzic	Jensen	Saxhaug	Tomassoni
Bonoff	Eaton	Johnson	Scalze	Torres Ray
Carlson	Eken	Kent	Schmit	Wiger
Champion	Franzen	Lourey	Sheran	Wiklund
Clausen	Goodwin	Metzen	Sieben	
Cohen	Hawj	Pappas	Skoe	
Dahle	Hayden	Reinert	Sparks	
Dibble	Hoffman	Rest	Stumpf	

Those who voted in the negative were:

Anderson	Gazelka	Limmer	Ortman	Senjem
Benson	Hall	Marty	Osmek	Thompson
Brown	Hann	Miller	Pederson, J.	Weber
Chamberlain	Housley	Nelson	Petersen, B.	Westrom
Dahms	Ingebrigtsen	Newman	Pratt	
Fischbach	Kiffmeyer	Nienow	Ruud	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Madam President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 1236: A bill for an act relating to higher education; providing funding for the University of Minnesota, Minnesota State Colleges and Universities, the Minnesota Office of Higher Education, and for other higher education purposes; regulating the state grant program; limiting certain tuition increases; regulating bonus payments; eliminating state regulation of certain online instruction; providing for local bank deposit of certain MnSCU reserves; requiring the development of strategies to assist in the completion of post-secondary programs; requiring an assessment of the feasibility of a state program to refinance student debt; creating a pilot program for intensive mentoring, counseling, and job placement activities for certain students; requiring an

evaluation of which performance standards should be used to evaluate institutional eligibility for state student financial aid programs; requiring the University of Minnesota to develop a plan to reduce administrative costs; requiring a higher education mental health summit; creating a tribal college supplemental grant assistance program; recognizing veteran's experience and training for various higher education purposes; providing a pilot program for state grant aid to part-time students at MnSCU institutions; appropriating money; amending Minnesota Statutes 2012, sections 13.47, subdivision 3; 127A.70, subdivision 2; 135A.61; 136A.031, subdivision 2; 136A.101, subdivisions 3, 5a, 9; 136A.121, subdivision 5, by adding a subdivision; 136A.125, subdivisions 2, 4; 136A.233, subdivision 2; 136A.62, by adding a subdivision; 136A.646; 136A.65, subdivisions 4, 8; 136A.653, by adding a subdivision; 136F.40, subdivision 2; 137.027; 141.25, subdivision 7; 141.35; 197.775, subdivisions 1, 2, by adding a subdivision; 268.19, subdivision 1; 299A.45, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; 136F; 137; repealing Minnesota Statutes 2012, section 136A.121, subdivision 9b.

Senate File No. 1236 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 25, 2013

Senator Bonoff moved that the Senate do not concur in the amendments by the House to S.F. No. 1236, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

Senator Bakk moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 987: A bill for an act relating to natural resources; appropriating money from environment and natural resources trust fund; modifying requirements for land acquisition with trust fund money; amending Minnesota Statutes 2012, sections 116P.15; 116P.16; proposing coding for new law in Minnesota Statutes, chapter 116P.

Reports the same back with the recommendation that the bill be amended as follows:

Page 6, line 35, delete "..." and insert "administration"

Page 8, line 27, delete "Hennepin" and insert "Carver"

Page 10, line 14, delete "....." and insert "administration"

Page 11, line 8, delete "....." and insert "administration"

Page 12, line 23, after "for" insert "up to"

Page 12, line 31, delete "....." and insert "administration"

Page 13, line 6, after the period, insert "The United States Geologic Survey is not subject to the requirements in Minnesota Statutes, section 116P.10."

Page 13, line 33, delete "....." and insert "administration"

Page 15, line 26, delete "....." and insert "administration"

Page 16, line 3, after the period, insert "The United States Geologic Survey is not subject to the requirements in Minnesota Statutes, section 116P.10."

Page 16, line 7, delete "....." and insert "administration"

Page 16, line 30, delete "....." and insert "administration"

Page 17, line 14, delete "....." and insert "commissioner of administration"

Page 17, line 33, after the period, insert "Costs that are directly related to and necessary for an appropriation, including financial services, human resources, information services, rent, and utilities, are eligible only if they can be clearly justified and individually documented specific to the appropriation's purpose and would not be generated by the recipient but for the receipt of the appropriation. No broad allocations for costs in either dollars or percentages are allowed."

Page 26, line 8, delete "and"

Page 26, line 12, delete the period and insert a semicolon

Page 26, after line 12, insert:

(3) Laws 2010, chapter 362, section 2, subdivision 3, paragraph (b), Updating the Minnesota Wetlands Inventory: Phase 2;

(4) Laws 2010, chapter 362, section 2, subdivision 4, paragraph (b), Scientific and Natural Areas and Native Prairie Restoration, Enhancement and Acquisition;

(5) Laws 2010, chapter 362, section 2, subdivision 4, paragraph (i), Reconnecting Fragmented Prairie Landscapes;

(6) Laws 2010, chapter 362, section 2, subdivision 6, paragraph (a), Biological Control of European Buckthorn and Garlic Mustard;

(7) Laws 2010, chapter 362, section 2, subdivision 8, paragraph (e), Get Outside – Urban Woodland for Kids;

(8) Laws 2010, chapter 362, section 2, subdivision 5, paragraph (e), Assessing Septic System Discharge to Lakes;

(9) Laws 2010, chapter 362, section 2, subdivision 3, paragraph (i), Ecosystem Services in Agricultural Watersheds;

(10) Laws 2010, chapter 362, section 2, subdivision 3, paragraph (a), County Geologic Atlases and Related Hydrogeologic Research; and

(11) Laws 2010, chapter 362, section 2, subdivision 7, paragraph (a), Algae for Fuels Pilot Projects.

Sec. 3. Minnesota Statutes 2012, section 116P.05, subdivision 1, is amended to read:

Subdivision 1. **Membership.** (a) A Legislative-Citizen Commission on Minnesota Resources of 17 members is created in the legislative branch, consisting of the chairs of the house of representatives and senate committees on environment and natural resources finance or designees appointed for the terms of the chairs, four members of the senate appointed by the Subcommittee on Committees of the Committee on Rules and Administration, and four members of the house of representatives appointed by the speaker.

At least two members from the senate and two members from the house of representatives must be from the minority caucus. Members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the commission.

Seven citizens are members of the commission, five appointed by the governor, one appointed by the Senate Subcommittee on Committees of the Committee on Rules and Administration, and one appointed by the speaker of the house. The citizen members are selected and recommended to the appointing authorities according to subdivision 1a and must:

(1) have experience or expertise in the science, policy, or practice of the protection, conservation, preservation, and enhancement of the state's air, water, land, fish, wildlife, and other natural resources;

(2) have strong knowledge in the state's environment and natural resource issues around the state; and

(3) have demonstrated ability to work in a collaborative environment.

(b) Members shall develop procedures to elect a chair that rotates between legislative and citizen members. The chair shall preside and convene meetings as often as necessary to conduct duties prescribed by this chapter.

(c) Appointed legislative members shall serve on the commission for two-year terms, beginning in January of each odd-numbered year and continuing through the end of December of the next even-numbered year. Appointed citizen members shall serve four-year terms, beginning in January of the first year and continuing through the end of December of the final year. Citizen and legislative members continue to serve until their successors are appointed.

(d) A citizen member may be removed by an appointing authority for cause. Vacancies occurring on the commission shall not affect the authority of the remaining members of the commission to

carry out their duties, and vacancies shall be filled for the remainder of the term in the same manner under paragraph (a).

(e) Citizen members shall be initially appointed according to the following schedule of terms:

(1) two members appointed by the governor for a term ending the first Monday in January 2010;

(2) one member appointed by the senate Subcommittee on Committees of the Committee on Rules and Administration for a term ending the first Monday in January 2010 and one member appointed by the speaker of the house for a term ending the first Monday in January 2010;

(3) two members appointed by the governor for a term ending the first Monday in January 2009; and

(4) one member appointed by the governor for a term ending the first Monday in January 2008.

(f) Citizen members are entitled to per diem and reimbursement for expenses incurred in the services of the commission, as provided in section 15.059, subdivision 3.

(g) The governor's appointments are subject to the advice and consent of the senate.

Sec. 4. Minnesota Statutes 2012, section 116P.05, subdivision 2, is amended to read:

Subd. 2. **Duties.** (a) The commission shall recommend an annual or biennial legislative bill for appropriations from the environment and natural resources trust fund and shall adopt a strategic plan as provided in section 116P.08. Approval of the recommended legislative bill requires an affirmative vote of at least 12 members of the commission.

(b) It is a condition of acceptance of the appropriations made from the Minnesota environment and natural resources trust fund, and oil overcharge money under section 4.071, subdivision 2, that the agency or entity receiving the appropriation must submit a work program plan and semiannual progress reports in the form determined by the Legislative-Citizen Commission on Minnesota Resources, and comply with applicable reporting requirements under section 116P.16. None of the money provided may be spent unless the commission has approved the pertinent work program plan. Modifications to the approved work plan and budget expenditures shall be made through the amendment process established by the commission.

(c) The peer review panel created under section 116P.08 must also review, comment, and report to the commission on research proposals applying for an appropriation from the oil overcharge money under section 4.071, subdivision 2.

(d) The commission may adopt operating procedures to fulfill its duties under this chapter.

(e) As part of the operating procedures, the commission shall:

(1) ensure that members' expectations are to participate in all meetings related to funding decision recommendations;

(2) recommend adequate funding for increased citizen outreach and communications for trust fund expenditure planning;

(3) allow administrative expenses as part of individual project expenditures based on need;

(4) provide for project outcome evaluation;

- (5) keep the grant application, administration, and review process as simple as possible; and
- (6) define and emphasize the leveraging of additional sources of money that project proposers should consider when making trust fund proposals.

Sec. 5. Minnesota Statutes 2012, section 116P.09, subdivision 2, is amended to read:

Subd. 2. **Liaison officers.** The commission shall may request each department or agency head of all state agencies with a direct interest and responsibility in any phase of environment and natural resources to appoint, and the latter shall appoint for the agency, a liaison officer who shall work closely with the commission and its staff."

Page 28, after line 20, insert:

"Sec. 9. **TRANSFERS; TRANSITION.**

(a) Powers, duties, responsibilities, personnel, and assets relating to functions assigned to the commissioner of natural resources in Laws 2011, First Special Session chapter 2, article 3, section 2, subdivision 10, paragraph (b), are transferred to the commissioner of administration.

(b) Minnesota Statutes, section 15.039, applies to transfers in this section. Executive branch officials may use authority under Minnesota Statutes, section 16B.37, as necessary to implement this section.

(c) The commissioner of natural resources must cooperate and comply with the commissioner of administration in the transfer of functions and other implementation of this section."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "modifying provisions for the Legislative-Citizen Commission on Minnesota Resources;"

Amend the title numbers accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 1077: A bill for an act relating to human services; modifying provisions related to chemical and mental health and human services licensing; establishing methadone treatment program standards; modifying drug treatment provisions; amending Minnesota Statutes 2012, sections 152.01, subdivision 5a; 152.02, subdivision 2; 152.126, subdivision 6; 254B.04, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 245A.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, line 32, before the first "treatment" insert "upon the development of the treatment plan and thereafter,"

Page 6, line 4, after "director" insert "or the medical director's delegate"

Page 6, line 29, delete "only"

Amend the title accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 1294: A bill for an act relating to sexually exploited youth; expanding safe harbor provisions to include 16 and 17 year olds involved in prostitution; amending Minnesota Statutes 2012, sections 260B.007, subdivisions 6, 16; 260C.007, subdivisions 6, 31; repealing Minnesota Statutes 2012, section 609.093.

Reports the same back with the recommendation that the bill be amended as follows:

Page 5, after line 1, insert:

"Sec. 5. APPROPRIATION; SEXUALLY EXPLOITED YOUTH; LAW ENFORCEMENT AND PROSECUTION TRAINING.

\$300,000 is appropriated to the commissioner of public safety from the general fund for the fiscal year ending June 30, 2014, for a grant to Ramsey County to be used by the Ramsey County Attorney's Office to:

(1) develop a statewide model protocol for law enforcement and prosecutors on identifying and intervening with sexually exploited and trafficked youth;

(2) conduct statewide training for law enforcement and prosecutors on the model protocol and the Safe Harbor Law described in Laws 2011, First Special Session chapter 1, article 4, as modified by this act; and

(3) develop and disseminate to law enforcement and prosecutors investigative best practices to identify sex-trafficked victims and traffickers.

The Ramsey County attorney may use the money appropriated in this section to partner with other entities to implement clauses (1) to (3).

By January 15, 2015, the Ramsey County Attorney's Office shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on how this appropriation was spent."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "appropriating money;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 373: A bill for an act relating to human services; modifying medical assistance coverage to include consultations with psychologists; amending Minnesota Statutes 2012, section 256B.0625, subdivision 48.

Reports the same back with the recommendation that the bill be amended as follows:

Page 1, line 10, after "nurse" insert "certified in psychiatric mental health"

Amend the titles accordingly

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 1006: A bill for an act relating to lawful gambling; modifying account, record keeping, and other regulatory provisions; amending Minnesota Statutes 2012, sections 297E.06, subdivision 4; 349.1635, subdivision 3; 349.165, subdivision 5; 349.19, subdivisions 2, 10.

Reports the same back with the recommendation that the bill be amended as follows:

Page 3, lines 11, 12, and 22, reinstate the stricken language

Page 3, line 23, reinstate the stricken "account within" and insert "four" and reinstate the stricken "business days"

Page 4, after line 12, insert:

"Sec. 6. PULL-TABS; REPORTING REQUIREMENTS.

The commissioner may require a onetime closing of all currently active electronic pull-tab games on May 31, 2013, for the purpose of moving to a uniform system of reporting for electronic pull-tab game activities on a monthly basis.

Sec. 7. EFFECTIVE DATE.

This act is effective the day following final enactment."

And when so amended the bill do pass. Amendments adopted. Report adopted.

Senator Cohen from the Committee on Finance, to which was re-referred

S.F. No. 787: A bill for an act relating to health; modifying the definition of mental illness in the Adult Mental Health Act; amending Minnesota Statutes 2012, section 245.462, subdivision 20.

Reports the same back with the recommendation that the bill do pass. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 987, 1077, 1294, 373, 1006 and 787 were read the second time.

RECESS

Senator Bakk moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Senator Bakk from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 1236: Senators Bonoff, Clausen, Miller, Pappas and Eken.

Senator Bakk moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Senator Koenen was excused from the Session of today. Senator Champion was excused from the Session of today from 11:00 a.m. to 12:05 p.m. Senator Limmer was excused from the Session of today from 1:00 to 1:15 p.m. Senator Rosen was excused from the Session of today from 1:10 to 1:30 p.m., from 3:00 to 3:40 p.m. and at 8:10 p.m. Senator Bakk was excused from the Session of today from 1:10 to 1:40 p.m. Senator Housley was excused from the Session of today from 1:25 to 1:35 p.m. Senator Brown was excused from the Session of today from 2:40 to 3:00 p.m., from 8:55 to 9:05 p.m. and from 9:30 to 10:15 p.m. Senator Hawj was excused from the Session of today from 7:20 to 7:55 p.m. Senator Ingebrigtsen was excused from the Session of today from 7:50 to 9:05 p.m. Senator Petersen, B. was excused from the Session of today from 8:05 to 9:15 p.m. Senator Hann was excused from the Session of today from 8:50 to 9:00 p.m. Senator Latz was excused from the Session of today at 10:05 p.m. Senator Nelson was excused from the Session of today from 10:55 to 11:05 p.m. Senator Ruud was excused from the Session of today from 11:00 to 11:10 p.m.

ADJOURNMENT

Senator Bakk moved that the Senate do now adjourn until 11:00 a.m., Friday, April 26, 2013. The motion prevailed.

JoAnne M. Zoff, Secretary of the Senate