

1.1 A bill for an act

1.2 relating to state government finance; making supplemental appropriations to
1.3 comply with the commissioner of management and budget's unallotment actions
1.4 commencing in July 2009; making appropriation reductions and policy changes
1.5 to agriculture; higher education; energy finance; transportation; economic
1.6 development; state government; environment and natural resources; public
1.7 safety; education; state aid, credits, payments, and refunds; and health and
1.8 human services; amending Minnesota Statutes 2008, sections 103G.705,
1.9 subdivision 2; 123B.75, subdivision 5; 127A.441; 127A.45, subdivisions 2,
1.10 3, 13, by adding a subdivision; 256B.76, subdivision 4; 256D.47; 270A.03,
1.11 subdivision 7; 273.1384, by adding a subdivision; 289A.50, subdivision 1;
1.12 290.01, subdivision 6; 290A.03, subdivisions 11, 13; 477A.03, subdivisions
1.13 2a, 2b; Minnesota Statutes 2009 Supplement, sections 252.025, subdivision 7;
1.14 256B.056, subdivision 3c; 256B.0659, subdivision 11; 256B.441, subdivision
1.15 55; 256B.69, subdivision 5a; 256B.76, subdivision 1; 256B.766; 256D.44,
1.16 subdivision 5; 290C.07; Laws 2009, chapter 79, article 3, section 18; article 13,
1.17 sections 3, subdivision 8, as amended; 4, subdivision 4, as amended; Laws 2009,
1.18 chapter 88, article 12, section 21; Laws 2009, chapter 96, article 1, section 24;
1.19 article 2, section 67; article 3, section 21; article 4, section 12; article 5, section
1.20 13; article 6, section 11; article 7, section 3, subdivision 2; proposing coding for
1.21 new law in Minnesota Statutes, chapter 477A; repealing Minnesota Statutes
1.22 2008, sections 10A.322, subdivision 4; 13.4967, subdivision 2; 146A.01;
1.23 146A.02; 146A.025; 146A.03; 146A.04; 146A.05; 146A.06; 146A.07; 146A.08;
1.24 146A.09; 146A.10; 146A.11; 290.06, subdivision 23; 477A.03, subdivision 5.

1.25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.26 **ARTICLE 1**

1.27 **AGRICULTURE**

1.28 Section 1. **SUMMARY OF APPROPRIATIONS.**

1.29 The amounts shown in this section summarize direct appropriations, by fund, made
1.30 in this article.

S.F. No. 3085, as introduced - 86th Legislative Session (2009-2010) [10-5169]

2.1		<u>2010</u>		<u>2011</u>		<u>Total</u>
2.2	<u>General</u>	\$	<u>(493,000)</u>	\$	<u>(492,000)</u>	\$ <u>(985,000)</u>
2.3	<u>Total</u>	\$	<u>(493,000)</u>	\$	<u>(492,000)</u>	\$ <u>(985,000)</u>

2.4 Sec. 2. AGRICULTURAL APPROPRIATIONS.

2.5 The sums shown in the columns marked "Appropriations" are added to or, if shown
 2.6 in parentheses, subtracted from the appropriations in Laws 2009, chapter 94, article 1, to
 2.7 the agencies and for the purposes specified in this article. The appropriations are from the
 2.8 general fund, or another named fund, and are available for the fiscal years indicated for
 2.9 each purpose. The figures "2010" and "2011" used in this article mean that the addition to
 2.10 or subtraction from the appropriations listed under them are available for the fiscal year
 2.11 ending June 30, 2010, or June 30, 2011, respectively. Supplemental appropriations and
 2.12 reductions to appropriations for the fiscal year ending June 30, 2010, are effective the day
 2.13 following final enactment. The appropriation reductions in this article include, and are not
 2.14 in addition to, appropriation changes and reductions that have been implemented under
 2.15 the commissioner of management and budget's unallotment actions that commenced
 2.16 in July 2009.

2.17		<u>APPROPRIATIONS</u>
2.18		<u>Available for the Year</u>
2.19		<u>Ending June 30</u>
2.20		<u>2010</u> <u>2011</u>

2.21 Sec. 3. DEPARTMENT OF AGRICULTURE

2.22	<u>Subdivision 1. Total Appropriation</u>	\$	<u>(493,000)</u>	\$	<u>(492,000)</u>
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2.23 The appropriation reductions for each
 2.24 purpose are shown in the following
 2.25 subdivisions.

2.26	<u>Subd. 2. Protection Services</u>		<u>(228,000)</u>		<u>(228,000)</u>
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2.27 \$13,000 in fiscal year 2010 and \$13,000 in
 2.28 fiscal year 2011 are reductions from plant
 2.29 pest surveys.

2.30	<u>Subd. 3. Agricultural Marketing and</u>				
2.31	<u>Development</u>		<u>(127,000)</u>		<u>(127,000)</u>

2.32 \$77,000 in fiscal year 2010 and \$77,000 in
 2.33 fiscal year 2011 are reductions for integrated
 2.34 pest management activities.

3.1 Subd. 4. Administration and Financial
 3.2 Assistance (138,000) (137,000)

3.3 \$69,000 in fiscal year 2010 and \$69,000 in
 3.4 fiscal year 2011 are reductions from the dairy
 3.5 and profitability enhancement and dairy
 3.6 business planning grant programs established
 3.7 under Laws 1997, chapter 216, section 7,
 3.8 subdivision 2, and Law 2001, First Special
 3.9 Session chapter 2, section 9, subdivision 2.

3.10 \$1,000 in fiscal year 2010 is a reduction from
 3.11 the appropriation for the administration of
 3.12 the Feeding Minnesota Task Force.

3.13 **ARTICLE 2**

3.14 **HIGHER EDUCATION**

3.15 Section 1. **SUMMARY OF APPROPRIATIONS.**

3.16 Subdivision 1. Summary Total. The amounts shown in this section summarize
 3.17 direct appropriations, by fund, made in this article.

		<u>2010</u>		<u>2011</u>		<u>Total</u>	
3.18							
3.19	<u>General</u>	\$	<u>(77,000)</u>	\$	<u>(100,077,000)</u>	\$	<u>(100,154,000)</u>
3.20	<u>Total</u>	\$	<u>(77,000)</u>	\$	<u>(100,077,000)</u>	\$	<u>(100,154,000)</u>

3.21 Subd. 2. Summary by Agency - All Funds. The amounts shown in this subdivision
 3.22 summarize direct appropriations, by agency, made in this article.

		<u>2010</u>		<u>2011</u>		<u>Total</u>	
3.23							
3.24	<u>Minnesota Office of Higher</u>						
3.25	<u>Education</u>	\$	<u>(77,000)</u>	\$	<u>(77,000)</u>	\$	<u>(154,000)</u>
3.26	<u>Mayo Medical Foundation</u>		<u>-0-</u>		<u>-0-</u>		<u>-0-</u>
3.27	<u>Board of Trustees of the</u>						
3.28	<u>Minnesota State Colleges and</u>						
3.29	<u>Universities</u>		<u>-0-</u>		<u>(50,000,000)</u>		<u>(50,000,000)</u>
3.30	<u>Board of Regents of the</u>						
3.31	<u>University of Minnesota</u>		<u>-0-</u>		<u>(50,000,000)</u>		<u>(50,000,000)</u>
3.32	<u>Board of Dentistry</u>		<u>-0-</u>		<u>-0-</u>		<u>-0-</u>
3.33	<u>Total</u>	\$	<u>(77,000)</u>	\$	<u>(100,077,000)</u>	\$	<u>(100,154,000)</u>

3.34 Sec. 2. **APPROPRIATIONS.**

4.1 The sums shown in the columns marked "Appropriations" are added to or, if shown
 4.2 in parentheses, subtracted from the appropriations in Laws 2009, chapter 95, article 1, to
 4.3 the agencies and for the purposes specified in this article. The appropriations are from the
 4.4 general fund, or another named fund, and are available for the fiscal years indicated for
 4.5 each purpose. The figures "2010" and "2011" used in this article mean that the addition
 4.6 to or subtraction from the appropriation listed under them is available for the fiscal year
 4.7 ending June 30, 2010, or June 30, 2011, respectively. Supplemental appropriations and
 4.8 reductions to appropriations for the fiscal year ending June 30, 2010, are effective the day
 4.9 following final enactment. The appropriation reductions in this article include, and are not
 4.10 in addition to, appropriation changes and reductions that have been implemented under
 4.11 the commissioner of management and budget's unallotment actions that commenced
 4.12 in July 2009.

4.13		<u>APPROPRIATIONS</u>	
4.14		<u>Available for the Year</u>	
4.15		<u>Ending June 30</u>	
4.16		<u>2010</u>	<u>2011</u>

4.17	<u>Sec. 3. MINNESOTA OFFICE OF HIGHER</u>			
4.18	<u>EDUCATION</u>	<u>\$</u>	<u>(77,000)</u>	<u>\$</u>
				<u>(77,000)</u>

4.19 This reduction is from the appropriation for
 4.20 agency administration.

4.21	<u>Sec. 4. BOARD OF TRUSTEES OF THE</u>			
4.22	<u>MINNESOTA STATE COLLEGES AND</u>			
4.23	<u>UNIVERSITIES</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>
				<u>(50,000,000)</u>

4.24 \$3,579,000 of the reduction in 2011 is from
 4.25 the central offices and shared services unit
 4.26 appropriation.

4.27 \$46,421,000 of the reduction in 2011
 4.28 is from the operations and maintenance
 4.29 appropriation.

4.30 For fiscal years 2012 and 2013, the base for
 4.31 operations and maintenance is reduced by
 4.32 \$46,421,000 each year.

4.33	<u>Sec. 5. BOARD OF REGENTS OF THE</u>			
4.34	<u>UNIVERSITY OF MINNESOTA</u>			
4.35	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>-0-</u>	<u>\$</u>
				<u>(50,000,000)</u>

5.1 The appropriation reductions for each
 5.2 purpose are shown in the following
 5.3 subdivisions.

5.4 Subd. 2. **Operations and Maintenance** -0- (44,606,000)

5.5 For fiscal years 2012 and 2013, the base for
 5.6 operations and maintenance is reduced by
 5.7 \$44,606,000 each year.

5.8 Subd. 3. **Special Appropriations**

5.9 (a) **Agriculture and Extension Service** -0- (3,858,000)

5.10 (b) **Health Sciences** -0- (389,000)

5.11 \$26,000 of the 2011 reduction is from the St.
 5.12 Cloud family practice residency program.

5.13 (c) **Institute of Technology** -0- (102,000)

5.14 (d) **System Special** -0- (454,000)

5.15 (e) **University of Minnesota and Mayo**
 5.16 **Foundation Partnership** -0- (591,000)

5.17 **ARTICLE 3**

5.18 **ENERGY FINANCE**

5.19 Section 1. **SUMMARY OF APPROPRIATIONS.**

5.20 The amounts shown in this section summarize direct appropriations, by fund, made
 5.21 in this article.

		<u>2010</u>		<u>2011</u>		<u>Total</u>
5.22						
5.23	<u>General</u>	<u>\$</u>	<u>(247,000)</u>	<u>\$</u>	<u>(247,000)</u>	<u>\$</u> <u>(494,000)</u>
5.24	<u>Total</u>	<u>\$</u>	<u>(247,000)</u>	<u>\$</u>	<u>(247,000)</u>	<u>\$</u> <u>(494,000)</u>

5.25 Sec. 2. **APPROPRIATIONS.**

5.26 The sums shown in the columns marked "Appropriations" are added to or, if shown
 5.27 in parentheses, subtracted from the appropriations in Laws 2009, chapter 37, article 2, to
 5.28 the agencies and for the purposes specified in this article. The appropriations are from the
 5.29 general fund, or another named fund, and are available for the fiscal years indicated for
 5.30 each purpose. The figures "2010" and "2011" used in this article mean that the addition
 5.31 to or subtraction from the appropriation listed under them is available for the fiscal year
 5.32 ending June 30, 2010, or June 30, 2011, respectively. Supplemental appropriations and

6.1 reductions to appropriations for the fiscal year ending June 30, 2010, are effective the day
 6.2 following final enactment. The appropriation reductions in this article include, and are not
 6.3 in addition to, appropriation changes and reductions that have been implemented under
 6.4 the commissioner of management and budget's unallotment actions that commenced
 6.5 in July 2009.

APPROPRIATIONS
Available for the Year
Ending June 30
2010 **2011**

6.10 Sec. 3. **DEPARTMENT OF COMMERCE**

6.11 **Subdivision 1. Total Appropriation** \$ **(247,000)** \$ **(247,000)**

6.12 The appropriation reductions for each
 6.13 purpose are shown in the following
 6.14 subdivisions.

6.15 **Subd. 2. Administrative Services** **(97,000)** **(97,000)**

6.16 **Subd. 3. Market Assurance** **(150,000)** **(150,000)**

6.17 **ARTICLE 4**

6.18 **TRANSPORTATION**

6.19 Section 1. **SUMMARY OF APPROPRIATIONS.**

6.20 The amounts shown in this section summarize direct appropriations, by fund, made
 6.21 in this article.

		<u>2010</u>		<u>2011</u>		<u>Total</u>
<u>General</u>	\$	<u>(1,649,000)</u>	\$	<u>(1,649,000)</u>	\$	<u>(3,298,000)</u>
<u>Total</u>	\$	<u>(1,649,000)</u>	\$	<u>(1,649,000)</u>	\$	<u>(3,298,000)</u>

6.25 Sec. 2. **APPROPRIATIONS.**

6.26 The sums shown in the columns marked "Appropriations" are added to or, if shown
 6.27 in parentheses, subtracted from the appropriations in Laws 2009, chapter 36, article 1, to
 6.28 the agencies and for the purposes specified in this article. The appropriations are from the
 6.29 general fund, or another named fund, and are available for the fiscal years indicated for
 6.30 each purpose. The figures "2010" and "2011" used in this article mean that the addition to
 6.31 or subtraction from the appropriation listed under them are available for the fiscal year
 6.32 ending June 30, 2010, or June 30, 2011, respectively. Supplemental appropriations and
 6.33 reductions to appropriations for the fiscal year ending June 30, 2010, are effective the day

S.F. No. 3085, as introduced - 86th Legislative Session (2009-2010) [10-5169]

7.1 following final enactment. The appropriation reductions in this article include, and are not
 7.2 in addition to, appropriation changes and reductions that have been implemented under
 7.3 the commissioner of management and budget's unallotment actions that commenced
 7.4 in July 2009.

7.5		<u>APPROPRIATIONS</u>	
7.6		<u>Available for the Year</u>	
7.7		<u>Ending June 30</u>	
7.8		<u>2010</u>	<u>2011</u>

7.9 **Sec. 3. TRANSPORTATION**

7.10	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>(24,000)</u>	<u>\$</u>	<u>(24,000)</u>
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7.11 The appropriation reductions for each
 7.12 purpose are shown in the following
 7.13 subdivisions.

7.14 **Subd. 2. Multimodal Systems**

7.15	<u>(a) Transit</u>	<u>(9,000)</u>	<u>(9,000)</u>
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7.16 This reduction is to the Transit Improvement
 7.17 Administration appropriation.

7.18	<u>(b) Freight</u>	<u>(9,000)</u>	<u>(9,000)</u>
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7.19 This reduction is to the rail service plan
 7.20 appropriation.

7.21	<u>(c) Electronic Communication</u>	<u>(6,000)</u>	<u>(6,000)</u>
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7.22 This reduction is to the Roosevelt Tower
 7.23 appropriation.

7.24 **Sec. 4. METROPOLITAN COUNCIL**

7.25	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>(1,625,000)</u>	<u>\$</u>	<u>(1,625,000)</u>
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7.26 The appropriation reductions for each
 7.27 purpose are shown in the following
 7.28 subdivisions.

7.29	<u>Subd. 2. Bus Transit</u>	<u>(1,506,000)</u>	<u>(1,506,000)</u>
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7.30 This reduction is to the appropriation for bus
 7.31 system operations.

8.1 Subd. 3. Rail Operations (119,000) (119,000)
 8.2 This reduction is to the appropriation for rail
 8.3 systems.

8.4 **ARTICLE 5**

8.5 **ECONOMIC DEVELOPMENT**

8.6 Section 1. **SUMMARY OF APPROPRIATIONS.**

8.7 The amounts shown in this section summarize direct appropriations, by fund, made
 8.8 in this article.

		<u>2010</u>		<u>2011</u>		<u>Total</u>
8.9						
8.10	<u>General</u>	\$	<u>(745,000)</u>	\$	<u>(745,000)</u>	\$ <u>(1,490,000)</u>
8.11	<u>Total</u>	\$	<u>(745,000)</u>	\$	<u>(745,000)</u>	\$ <u>(1,490,000)</u>

8.12 Sec. 2. **APPROPRIATIONS.**

8.13 The sums shown in the columns marked "APPROPRIATIONS" are added to, or
 8.14 if shown in parentheses, subtracted from the appropriations in Laws 2009, chapter 78,
 8.15 article 1, to the agencies and for the purposes specified in this article. The appropriations
 8.16 are from the general fund, or another named fund, and are available for the fiscal years
 8.17 indicated for each purpose. The figures "2010" and "2011" used in this article mean
 8.18 that the addition to or subtraction from the appropriation listed under them is available
 8.19 for the fiscal year ending June 30, 2010, or June 30, 2011, respectively. Supplemental
 8.20 appropriations and reductions to appropriations for the fiscal year ending June 30, 2010,
 8.21 are effective the day following final enactment. The appropriation reductions in this
 8.22 article include, and are not in addition to, appropriation changes and reductions that have
 8.23 been implemented under the commissioner of management and budget's unallotment
 8.24 actions that commenced in July 2009.

8.25 **APPROPRIATIONS**
 8.26 **Available for the Year**
 8.27 **Ending June 30**
 8.28 **2010** **2011**

8.29 Sec. 3. **EMPLOYMENT AND ECONOMIC**
 8.30 **DEVELOPMENT**

8.31 Subdivision 1. Total Appropriation \$ (285,000) \$ (285,000)

9.1 The appropriation reductions for each
 9.2 purpose are shown in the following
 9.3 subdivisions.

9.4 **Subd. 2. Business and Community**
 9.5 **Development** (87,000) (87,000)

9.6 \$25,000 in 2010 and \$25,000 in 2011 are
 9.7 from the appropriation for the Office of
 9.8 Science and Technology.

9.9 **Subd. 3. Workforce Development** (115,000) (115,000)

9.10 \$15,000 in 2010 and \$15,000 in 2011 are
 9.11 from the appropriation for the Minnesota job
 9.12 skills partnership program under Minnesota
 9.13 Statutes, sections 116L.01 to 116L.17.

9.14 \$11,000 in 2010 and \$11,000 in 2011 are from
 9.15 the appropriation for administrative expenses
 9.16 to programs that provide employment
 9.17 support services to persons with mental
 9.18 illness under Minnesota Statutes, sections
 9.19 268A.13 and 268A.14.

9.20 \$89,000 in 2010 and \$89,000 in 2011 are
 9.21 from the appropriation for state services for
 9.22 the blind activities.

9.23 **Subd. 4. State-Funded Administration** (83,000) (83,000)

9.24 **Sec. 4. HOUSING FINANCE AGENCY** \$ (256,000) \$ (256,000)

9.25 This reduction is from the appropriation to
 9.26 the Housing Finance Agency for the housing
 9.27 rehabilitation program under Minnesota
 9.28 Statutes, section 462A.05, subdivision 14,
 9.29 for rental housing developments.

9.30 On or before June 30, 2010, the Housing
 9.31 Finance Agency shall transfer \$256,000
 9.32 from the housing rehabilitation program in

S.F. No. 3085, as introduced - 86th Legislative Session (2009-2010) [10-5169]

11.1 The sums shown in the columns marked "Appropriations" are added to or, if shown
 11.2 in parentheses, subtracted from, the appropriations in Laws 2009, chapter 101, article 1, to
 11.3 the agencies and for the purposes specified in this article. The appropriations are from the
 11.4 general fund, or another named fund, and are available for the fiscal years indicated for
 11.5 each purpose. The figures "2010" and "2011" used in this article mean that the addition
 11.6 to or subtraction from the appropriation listed under them is available for the fiscal year
 11.7 ending June 30, 2010, or June 30, 2011, respectively. Supplemental appropriations and
 11.8 reductions to appropriations for the fiscal year ending June 30, 2010, are effective the day
 11.9 following final enactment. The appropriation reductions in this article include, and are not
 11.10 in addition to, appropriation changes and reductions that have been implemented under
 11.11 the commissioner of management and budget's unallotment actions that commenced
 11.12 in July 2009.

11.13		<u>APPROPRIATIONS</u>	
11.14		<u>Available for the Year</u>	
11.15		<u>Ending June 30</u>	
11.16		<u>2010</u>	<u>2011</u>

11.17	<u>Sec. 3. GOVERNOR AND LIEUTENANT</u>			
11.18	<u>GOVERNOR</u>	<u>\$</u>	<u>(81,000)</u>	<u>\$</u>
				<u>(81,000)</u>
11.19	<u>\$13,000 of the reduction in each of</u>			
11.20	<u>fiscal years 2010 and 2011 are from the</u>			
11.21	<u>appropriation for necessary expenses in the</u>			
11.22	<u>normal performance of the governor's and</u>			
11.23	<u>lieutenant governor's duties for which no</u>			
11.24	<u>other reimbursement is provided.</u>			

11.25	<u>Sec. 4. OFFICE OF ENTERPRISE</u>			
11.26	<u>TECHNOLOGY</u>	<u>\$</u>	<u>(130,000)</u>	<u>\$</u>
				<u>(\$130,000)</u>
11.27	<u>\$96,000 of the reduction in each of</u>			
11.28	<u>fiscal years 2010 and 2011 are from the</u>			
11.29	<u>appropriation for information technology</u>			
11.30	<u>security.</u>			

11.31	<u>Sec. 5. ADMINISTRATION</u>	<u>\$</u>	<u>(100,000)</u>	<u>\$</u>
				<u>(200,000)</u>
11.32	<u>These reductions are from the Government</u>			
11.33	<u>and Citizen Services Program.</u>			

14.1	<u>Subd. 5. Parks and Trails</u>		
14.2	<u>Management</u>	(429,846)	(421,500)
14.3	<u>Subd. 6. Fish and Wildlife</u>		
14.4	<u>Management</u>	(265,000)	(265,000)
14.5	<u>\$265,000 of the reduction each year is from</u>		
14.6	<u>activities for preserving, restoring, and</u>		
14.7	<u>enhancing grassland/wetland complexes on</u>		
14.8	<u>public or private land.</u>		
14.9	<u>Subd. 7. Ecological Services</u>	(46,500)	(46,500)
14.10	<u>Subd. 8. Enforcement</u>	(230,000)	(230,000)
14.11	<u>Subd. 9. Operations</u>		
14.12	<u>Support</u>	(112,500)	(112,500)
14.13	Sec. 5. <u>METROPOLITAN COUNCIL</u>	\$ (86,000)	\$ (86,000)

14.14 Sec. 6. Minnesota Statutes 2008, section 103G.705, subdivision 2, is amended to read:

14.15 Subd. 2. **Stream protection and improvement fund.** There is established in the
 14.16 state treasury a stream protection and redevelopment fund. All repayments of loans
 14.17 made and administrative fees assessed under subdivision 1 must be deposited in this
 14.18 fund. Interest earned on money in the fund accrues to the fund and money in the fund
 14.19 is appropriated to the commissioner of natural resources for purposes of the stream
 14.20 protection and redevelopment program, including costs incurred by the commissioner to
 14.21 establish and administer the program. In fiscal years 2010 and 2011, all repayments of
 14.22 loans made and administrative fees assessed under subdivision 1 must be transferred
 14.23 to the general fund. This includes any balance within the fund from repayments and
 14.24 administrative fees assessed prior to July 1, 2009.

14.25 **ARTICLE 8**

14.26 **PUBLIC SAFETY**

14.27 Section 1. **SUMMARY OF APPROPRIATIONS.**

14.28 The amounts shown in this section summarize direct appropriations, by fund, made
 14.29 in this article.

		<u>2010</u>		<u>2011</u>		<u>Total</u>
14.31	<u>General</u>	\$	(79,000)	\$	(79,000)	(158,000)
14.32	<u>Total</u>	\$	(79,000)	\$	(79,000)	(158,000)

15.1 Sec. 2. APPROPRIATIONS.

15.2 The sums shown in the columns marked "Appropriations" are added to or, if shown
 15.3 in parentheses, subtracted from the appropriations in Laws 2009, chapter 83, article 1, to
 15.4 the agencies and for the purposes specified in this article. The appropriations are from the
 15.5 general fund, or another named fund, and are available for the fiscal years indicated for
 15.6 each purpose. The figures "2010" and "2011" used in this article mean that the addition
 15.7 to or subtraction from the appropriation listed under them is available for the fiscal year
 15.8 ending June 30, 2010, or June 30, 2011, respectively. Supplemental appropriations and
 15.9 reductions to appropriations for the fiscal year ending June 30, 2010, are effective the day
 15.10 following final enactment. The appropriation reductions in this article include, and are not
 15.11 in addition to, appropriation changes and reductions that have been implemented under
 15.12 the commissioner of management and budget's unallotment actions that commenced
 15.13 in July 2009.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2010</u>	<u>2011</u>
15.14		
15.15		
15.16		
15.17		
15.18	\$	\$
	<u>(79,000)</u>	<u>(79,000)</u>

15.18 Sec. 3. HUMAN RIGHTS

15.19 **ARTICLE 9**

15.20 **DEPARTMENT OF EDUCATION**

15.21 Section 1. Minnesota Statutes 2008, section 123B.75, subdivision 5, is amended to read:

15.22 Subd. 5. **Levy recognition.** (a) "School district tax settlement revenue" means the
 15.23 current, delinquent, and manufactured home property tax receipts collected by the county
 15.24 and distributed to the school district.

15.25 (b) ~~For fiscal year 2004 and later years,~~ In June of ~~each year~~ 2010, the school district
 15.26 must recognize as revenue, in the fund for which the levy was made, the lesser of:

15.27 (1) the sum of May, June, and July school district tax settlement revenue received in
 15.28 that calendar year, plus general education aid according to section 126C.13, subdivision
 15.29 4, received in July and August of that calendar year; or

15.30 (2) the sum of:

15.31 (i) 31 percent of the referendum levy certified according to section 126C.17, in
 15.32 calendar year 2000; and

15.33 (ii) the entire amount of the levy certified in the prior calendar year according to
 15.34 section 124D.86, subdivision 4, for school districts receiving revenue under sections

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16.1 124D.86, subdivision 3, clauses (1), (2), and (3); 126C.41, subdivisions 1, 2, and 3,
16.2 paragraphs (b), (c), and (d); 126C.43, subdivision 2; 126C.457; and 126C.48, subdivision
16.3 6.

16.4 (c) For fiscal year 2011 and later years, in June of each year, the school district must
16.5 recognize as revenue, in the fund for which the levy was made, the lesser of:

16.6 (1) the sum of May, June, and July school district tax settlement revenue received in
16.7 that calendar year, plus general education aid according to section 126C.13, subdivision
16.8 4, received in July and August of that calendar year; or

16.9 (2) the sum of:

16.10 (i) the greater of 48.6 percent of the referendum levy certified according to section
16.11 126C.17, in the prior calendar year or 31 percent of the referendum levy certified
16.12 according to section 126C.17, in calendar year 2000; plus

16.13 (ii) the entire amount of the levy certified in the prior calendar year according to
16.14 section 124D.86, subdivision 4, for school districts receiving revenue under sections
16.15 124D.86, subdivision 3, clauses (1), (2), and (3); 126C.41, subdivisions 1, 2, and 3,
16.16 paragraphs (b), (c), and (d); 126C.43, subdivision 2; 126C.457; and 126C.48, subdivision
16.17 6; plus

16.18 (iii) 48.6 percent of the amount of the levy certified in the prior calendar year for the
16.19 school district's general and community service funds, plus or minus auditor's adjustments,
16.20 not including the levy portions that are assumed by the state, that remains after subtracting
16.21 the referendum levy certified according to section 126C.17 and the amount recognized
16.22 according to item (ii).

16.23 Sec. 2. Minnesota Statutes 2008, section 127A.441, is amended to read:

16.24 **127A.441 AID REDUCTION; LEVY REVENUE RECOGNITION CHANGE.**

16.25 Each year, the state aids payable to any school district for that fiscal year that are
16.26 recognized as revenue in the school district's general and community service funds shall
16.27 be adjusted by an amount equal to (1) the amount the district recognized as revenue for the
16.28 prior fiscal year pursuant to section 123B.75, subdivision 5, paragraph (b) or (c), minus (2)
16.29 the amount the district recognized as revenue for the current fiscal year pursuant to section
16.30 123B.75, subdivision 5, paragraph (b) or (c). For purposes of making the aid adjustments
16.31 under this section, the amount the district recognizes as revenue for either the prior fiscal
16.32 year or the current fiscal year pursuant to section 123B.75, subdivision 5, paragraph (b),
16.33 shall not include any amount levied pursuant to section 124D.86, subdivision 4, for school
16.34 districts receiving revenue under sections 124D.86, subdivision 3, clauses (1), (2), and (3);
16.35 126C.41, subdivisions 1, 2, and 3, paragraphs (b), (c), and (d); 126C.43, subdivision 2;

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17.1 126C.457; and 126C.48, subdivision 6. Payment from the permanent school fund shall not
17.2 be adjusted pursuant to this section. The school district shall be notified of the amount of
17.3 the adjustment made to each payment pursuant to this section.

17.4 Sec. 3. Minnesota Statutes 2008, section 127A.45, subdivision 2, is amended to read:

17.5 Subd. 2. **Definitions.** (a) The term "other district receipts" means payments by
17.6 county treasurers pursuant to section 276.10, apportionments from the school endowment
17.7 fund pursuant to section 127A.33, apportionments by the county auditor pursuant to
17.8 section 127A.34, subdivision 2, and payments to school districts by the commissioner of
17.9 revenue pursuant to chapter 298.

17.10 (b) The term "cumulative amount guaranteed" means the product of

17.11 (1) the cumulative disbursement percentage shown in subdivision 3; times

17.12 (2) the sum of

17.13 (i) the current year aid payment percentage of the estimated aid and credit
17.14 entitlements paid according to subdivision 13; plus

17.15 (ii) 100 percent of the entitlements paid according to subdivisions 11 and 12; plus

17.16 (iii) the other district receipts.

17.17 (c) The term "payment date" means the date on which state payments to districts
17.18 are made by the electronic funds transfer method. If a payment date falls on a Saturday,
17.19 a Sunday, or a weekday which is a legal holiday, the payment shall be made on the
17.20 immediately preceding business day. The commissioner may make payments on dates
17.21 other than those listed in subdivision 3, but only for portions of payments from any
17.22 preceding payment dates which could not be processed by the electronic funds transfer
17.23 method due to documented extenuating circumstances.

17.24 (d) The current year aid payment percentage equals ~~90~~73.

17.25 Sec. 4. Minnesota Statutes 2008, section 127A.45, subdivision 3, is amended to read:

17.26 Subd. 3. **Payment dates and percentages.** (a) For fiscal year 2004 and later,
17.27 the commissioner shall pay to a district on the dates indicated an amount computed as
17.28 follows: the cumulative amount guaranteed minus the sum of (a) the district's other district
17.29 receipts through the current payment, and (b) the aid and credit payments through the
17.30 immediately preceding payment. For purposes of this computation, the payment dates and
17.31 the cumulative disbursement percentages are as follows:

	Payment date	Percentage
17.32		
17.33	Payment 1 July 15:	5.5
17.34	Payment 2 July 30:	8.0

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18.1	Payment 3	August 15:	17.5
18.2	Payment 4	August 30:	20.0
18.3	Payment 5	September 15:	22.5
18.4	Payment 6	September 30:	25.0
18.5	Payment 7	October 15:	27.0
18.6	Payment 8	October 30:	30.0
18.7	Payment 9	November 15:	32.5
18.8	Payment 10	November 30:	36.5
18.9	Payment 11	December 15:	42.0
18.10	Payment 12	December 30:	45.0
18.11	Payment 13	January 15:	50.0
18.12	Payment 14	January 30:	54.0
18.13	Payment 15	February 15:	58.0
18.14	Payment 16	February 28:	63.0
18.15	Payment 17	March 15:	68.0
18.16	Payment 18	March 30:	74.0
18.17	Payment 19	April 15:	78.0
18.18	Payment 20	April 30:	85.0
18.19	Payment 21	May 15:	90.0
18.20	Payment 22	May 30:	95.0
18.21	Payment 23	June 20:	100.0

18.22 ~~(b) In addition to the amounts paid under paragraph (a), for fiscal year 2004, the~~
 18.23 ~~commissioner shall pay to a district on the dates indicated an amount computed as follows:~~

18.24	Payment 3	August 15: the final adjustment for the prior fiscal year for the state paid
18.25		property tax credits established in section 273.1392
18.26	Payment 4	August 30: one-third of the final adjustment for the prior fiscal year for
18.27		all aid entitlements except state paid property tax credits
18.28	Payment 6	September 30: one-third of the final adjustment for the prior fiscal year
18.29		for all aid entitlements except state paid property tax credits
18.30	Payment 8	October 30: one-third of the final adjustment for the prior fiscal year for
18.31		all aid entitlements except state paid property tax credits

18.32 ~~(c) In addition to the amounts paid under paragraph (a), for fiscal year 2005 and~~
 18.33 ~~later, the commissioner shall pay to a district on the dates indicated an amount computed~~
 18.34 ~~as follows:~~

18.35	Payment 3	August 15: the final adjustment for the prior fiscal year for the state paid
18.36		property tax credits established in section 273.1392
18.37	Payment 4	August 30: 30 percent of the final adjustment for the prior fiscal year for
18.38		all aid entitlements except state paid property tax credits
18.39	Payment 6	September 30: 40 percent of the final adjustment for the prior fiscal year
18.40		for all aid entitlements except state paid property tax credits
18.41	Payment 8	October 30: 30 percent of the final adjustment for the prior fiscal year
18.42		for all aid entitlements except state paid property tax credits

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19.1 Sec. 5. Minnesota Statutes 2008, section 127A.45, is amended by adding a subdivision
19.2 to read:

19.3 Subd. 7b. **Advance final payment.** (a) Notwithstanding subdivisions 3 and 7, a
19.4 school district or a charter school exceeding its expenditure limitations under section
19.5 123B.83 as of June 30 of the prior fiscal year may receive a portion of its final payment
19.6 for the current fiscal year on June 20, if requested by the district or charter school. The
19.7 amount paid under this subdivision must not exceed the lesser of:

19.8 (1) the difference between 90 percent and the current year payment percentage in
19.9 subdivision 2, paragraph (d), in the current fiscal year times the sum of the district or
19.10 charter school's general education aid plus the aid adjustment in section 127A.50 for
19.11 the current fiscal year; or

19.12 (2) the amount by which the district or charter school's net negative unreserved
19.13 general fund balance as of June 30 of the prior fiscal year exceeds 2.5 percent of the
19.14 district or charter school's expenditures for that fiscal year.

19.15 (b) The state total advance final payment under this subdivision for any year must
19.16 not exceed \$7,500,000. If the amount requested exceeds \$7,500,000, the advance final
19.17 payment for each eligible district must be reduced proportionately.

19.18 Sec. 6. Minnesota Statutes 2008, section 127A.45, subdivision 13, is amended to read:

19.19 Subd. 13. **Aid payment percentage.** Except as provided in subdivisions 11, 12, 12a,
19.20 and 14, each fiscal year, all education aids and credits in this chapter and chapters 120A,
19.21 120B, 121A, 122A, 123A, 123B, 124D, 125A, 125B, 126C, 134, and section 273.1392,
19.22 shall be paid at the current year aid payment percentage of the estimated entitlement during
19.23 the fiscal year of the entitlement. ~~For the purposes of this subdivision, a district's estimated~~
19.24 ~~entitlement for special education excess cost aid under section 125A.79 for fiscal year~~
19.25 ~~2005 equals 70 percent of the district's entitlement for the second prior fiscal year.~~ For the
19.26 purposes of this subdivision, a district's estimated entitlement for special education excess
19.27 cost aid under section 125A.79 for fiscal year 2006 and later equals 74.0 percent of the
19.28 district's entitlement for the current fiscal year. The final adjustment payment, according
19.29 to subdivision 9, must be the amount of the actual entitlement, after adjustment for actual
19.30 data, minus the payments made during the fiscal year of the entitlement.

19.31 Sec. 7. Laws 2009, chapter 96, article 1, section 24, is amended to read:

19.32 Sec. 24. **APPROPRIATIONS; STATE.**

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20.1 Subdivision 1. **Department of Education.** The sums indicated in this section are
20.2 appropriated from the general fund to the Department of Education for the fiscal years
20.3 designated.

20.4 Subd. 2. **General education aid.** For general education aid under Minnesota
20.5 Statutes, section 126C.13, subdivision 4:

20.6 ~~5,195,504,000~~
20.7 \$ 4,307,758,000 2010
20.8 ~~5,626,994,000~~
20.9 \$ 4,927,605,000 2011

20.10 The 2010 appropriation includes ~~\$555,864,000~~ \$554,696,000 for 2009 and
20.11 ~~\$4,639,640,000~~ \$3,753,062,000 for 2010.

20.12 The 2011 appropriation includes ~~\$500,976,000~~ \$1,366,755,000 for 2010 and
20.13 ~~\$5,126,018,000~~ \$3,560,830,000 for 2011.

20.14 Subd. 3. **Enrollment options transportation.** For transportation of pupils attending
20.15 postsecondary institutions under Minnesota Statutes, section 124D.09, or for transportation
20.16 of pupils attending nonresident districts under Minnesota Statutes, section 124D.03:

20.17 ~~48,000~~
20.18 \$ 36,000 2010
20.19 ~~52,000~~
20.20 \$ 38,000 2011

20.21 Subd. 4. **Abatement revenue.** For abatement aid under Minnesota Statutes, section
20.22 127A.49:

20.23 ~~1,175,000~~
20.24 \$ 1,000,000 2010
20.25 ~~1,034,000~~
20.26 \$ 1,141,000 2011

20.27 The 2010 appropriation includes \$140,000 for 2009 and ~~\$1,035,000~~ \$860,000 for
20.28 2010.

20.29 The 2011 appropriation includes ~~\$115,000~~ \$317,000 for 2010 and ~~\$919,000~~
20.30 \$824,000 for 2011.

20.31 Subd. 5. **Consolidation transition.** For districts consolidating under Minnesota
20.32 Statutes, section 123A.485:

20.33 ~~854,000~~
20.34 \$ 679,000 2010
20.35 ~~927,000~~
20.36 \$ 916,000 2011

20.37 The 2010 appropriation includes \$0 for 2009 and ~~\$854,000~~ \$679,000 for 2010.

20.38 The 2011 appropriation includes ~~\$94,000~~ \$250,000 for 2010 and ~~\$833,000~~ \$666,000
20.39 for 2011.

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21.1 Subd. 6. **Nonpublic pupil education aid.** For nonpublic pupil education aid under
21.2 Minnesota Statutes, sections 123B.40 to 123B.43 and 123B.87:

21.3 ~~17,250,000~~
21.4 \$ 14,303,000 2010
21.5 ~~17,889,000~~
21.6 \$ 17,785,000 2011

21.7 The 2010 appropriation includes \$1,647,000 for 2009 and ~~\$15,603,000~~ \$12,656,000
21.8 for 2010.

21.9 The 2011 appropriation includes ~~\$1,733,000~~ \$4,680,000 for 2010 and ~~\$16,156,000~~
21.10 \$13,105,000 for 2011.

21.11 Subd. 7. **Nonpublic pupil transportation.** For nonpublic pupil transportation aid
21.12 under Minnesota Statutes, section 123B.92, subdivision 9:

21.13 ~~22,159,000~~
21.14 \$ 18,454,000 2010
21.15 ~~22,712,000~~
21.16 \$ 22,553,000 2011

21.17 The 2010 appropriation includes \$2,077,000 for 2009 and ~~\$20,082,000~~ \$16,377,000
21.18 for 2010.

21.19 The 2011 appropriation includes ~~\$2,231,000~~ \$6,056,000 for 2010 and ~~\$20,481,000~~
21.20 \$16,497,000 for 2011.

21.21 Subd. 8. **One-room schoolhouse.** For a grant to Independent School District No.
21.22 690, Warroad, to operate the Angle Inlet School:

21.23 \$ 65,000 2010
21.24 \$ 65,000 2011

21.25 Subd. 9. **Independent School District No. 239, Rushford-Peterson.** For school
21.26 district flood enrollment impact aid as a result of the floods of August 2007:

21.27 \$ 158,000 2010

21.28 The base appropriation for later fiscal years is \$0.

21.29 Subd. 10. **Lancaster.** For a grant to Independent School District No. 356, Lancaster,
21.30 to replace the loss of sparsity revenue:

21.31 \$ 100,000 2010
21.32 \$ 100,000 2011

21.33 The base appropriation for later fiscal years is \$0.

21.34 Subd. 11. **Compensatory revenue pilot project.** For grants for participation in the
21.35 compensatory revenue pilot program under Laws 2005, First Special Session chapter 5,
21.36 article 1, section 50:

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22.1 \$ 2,175,000 2010
22.2 \$ 2,175,000 2011

22.3 Of this amount, \$1,500,000 in each year is for a grant to Independent School District
22.4 No. 11, Anoka-Hennepin; \$210,000 in each year is for a grant to Independent School
22.5 District No. 279, Osseo; \$160,000 in each year is for a grant to Independent School
22.6 District No. 281, Robbinsdale; \$75,000 in each year is for a grant to Independent School
22.7 District No. 286, Brooklyn Center; \$165,000 in each year is for a grant to Independent
22.8 School District No. 535, Rochester; and \$65,000 in each year is for a grant to Independent
22.9 School District No. 833, South Washington.

22.10 If a grant to a specific school district is not awarded, the commissioner may increase
22.11 the aid amounts to any of the remaining participating school districts.

22.12 This appropriation is part of the base budget for subsequent fiscal years.

22.13 Sec. 8. Laws 2009, chapter 96, article 2, section 67, is amended to read:

22.14 Sec. 67. **APPROPRIATIONS.**

22.15 Subdivision 1. **Department of Education.** The sums indicated in this section are
22.16 appropriated from the general fund to the Department of Education for the fiscal years
22.17 designated.

22.18 Subd. 2. **Charter school building lease aid.** For building lease aid under Minnesota
22.19 Statutes, section 124D.11, subdivision 4:

22.20 ~~40,453,000~~
22.21 \$ 34,811,000 2010
22.22 ~~44,775,000~~
22.23 \$ 46,375,000 2011

22.24 The 2010 appropriation includes \$3,704,000 for 2009 and ~~\$36,749,000~~ \$31,107,000
22.25 for 2010.

22.26 The 2011 appropriation includes ~~\$4,083,000~~ \$11,505,000 for 2010 and ~~\$40,692,000~~
22.27 \$34,870,000 for 2011.

22.28 Subd. 3. **Charter school startup aid.** For charter school startup cost aid under
22.29 Minnesota Statutes, section 124D.11:

22.30 ~~1,488,000~~
22.31 \$ 1,273,000 2010
22.32 ~~1,064,000~~
22.33 \$ 793,000 2011

22.34 The 2010 appropriation includes \$202,000 for 2009 and ~~\$1,286,000~~ \$1,071,000
22.35 for 2010.

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23.1 The 2011 appropriation includes ~~\$142,000~~ \$395,000 for 2010 and ~~\$922,000~~
23.2 \$398,000 for 2011.

23.3 Subd. 4. **Integration aid.** For integration aid under Minnesota Statutes, section
23.4 124D.86, subdivision 5:

23.5		65,358,000		
23.6	\$	<u>52,106,000</u>	.....	2010
23.7		65,484,000		
23.8	\$	<u>63,962,000</u>	.....	2011

23.9 The 2010 appropriation includes \$6,110,000 for 2009 and ~~\$59,248,000~~ \$45,996,000
23.10 for 2010.

23.11 The 2011 appropriation includes ~~\$6,583,000~~ \$17,011,000 for 2010 and ~~\$58,901,000~~
23.12 \$46,951,000 for 2011.

23.13 Subd. 5. **Magnet school grants.** For magnet school and program grants under
23.14 Minnesota Statutes section 124D.88:

23.15	\$	750,000	.....	2010
23.16	\$	750,000	.....	2011

23.17 Subd. 6. **Interdistrict desegregation or integration transportation grants.** For
23.18 interdistrict desegregation or integration transportation grants under Minnesota Statutes,
23.19 section 124D.87:

23.20	\$	14,468,000	.....	2010
23.21	\$	17,582,000	.....	2011

23.22 Subd. 7. **Success for the future.** For American Indian success for the future grants
23.23 under Minnesota Statutes, section 124D.81:

23.24		2,137,000		
23.25	\$	<u>1,774,000</u>	.....	2010
23.26	\$	2,137,000	.....	2011

23.27 The 2010 appropriation includes \$213,000 for 2009 and ~~\$1,924,000~~ \$1,561,000
23.28 for 2010.

23.29 The 2011 appropriation includes ~~\$213,000~~ \$576,000 for 2010 and ~~\$1,924,000~~
23.30 \$1,561,000 for 2011.

23.31 Subd. 8. **American Indian teacher preparation grants.** For joint grants to assist
23.32 American Indian people to become teachers under Minnesota Statutes, section 122A.63:

23.33	\$	190,000	.....	2010
23.34	\$	190,000	.....	2011

23.35 Subd. 9. **Tribal contract schools.** For tribal contract school aid under Minnesota
23.36 Statutes, section 124D.83:

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24.1 ~~2,030,000~~
24.2 \$ 1,702,000 2010
24.3 ~~2,211,000~~
24.4 \$ 2,186,000 2011

24.5 The 2010 appropriation includes \$191,000 for 2009 and ~~\$1,839,000~~ \$1,511,000
24.6 for 2010.

24.7 The 2011 appropriation includes ~~\$204,000~~ \$558,000 for 2010 and ~~\$2,007,000~~
24.8 \$1,628,000 for 2011.

24.9 Subd. 10. **Early childhood programs at tribal schools.** For early childhood
24.10 family education programs at tribal contract schools under Minnesota Statutes, section
24.11 124D.83, subdivision 4:

24.12 \$ 68,000 2010
24.13 \$ 68,000 2011

24.14 Subd. 11. **Statewide testing and reporting system.** For the statewide testing and
24.15 reporting system under Minnesota Statutes, section 120B.30:

24.16 \$ 15,150,000 2010
24.17 \$ 15,150,000 2011

24.18 None of the amounts appropriated under this subdivision shall be used for contract
24.19 costs associated with hand-scoring of constructed-response items of the Minnesota
24.20 Comprehensive Assessment-Series II in reading, science, and mathematics, with the
24.21 exception of mathematics grades 3 to 8 of the 2009-2010 school year. Any balance in
24.22 the first year does not cancel but is available in the second year. Any amount generated
24.23 as a result of the savings from foregoing hand-scoring shall be, to the extent possible,
24.24 redirected into the development of computerized statewide testing.

24.25 Subd. 12. **Examination fees; teacher training and support programs.** (a) For
24.26 students' advanced placement and international baccalaureate examination fees under
24.27 Minnesota Statutes, section 120B.13, subdivision 3, and the training and related costs
24.28 for teachers and other interested educators under Minnesota Statutes, section 120B.13,
24.29 subdivision 1:

24.30 \$ 4,500,000 2010
24.31 \$ 4,500,000 2011

24.32 (b) The advanced placement program shall receive 75 percent of the appropriation
24.33 each year and the international baccalaureate program shall receive 25 percent of the
24.34 appropriation each year. The department, in consultation with representatives of the
24.35 advanced placement and international baccalaureate programs selected by the Advanced
24.36 Placement Advisory Council and IBMN, respectively, shall determine the amounts of

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25.1 the expenditures each year for examination fees and training and support programs for
25.2 each program.

25.3 (c) Notwithstanding Minnesota Statutes, section 120B.13, subdivision 1, at least
25.4 \$500,000 each year is for teachers to attend subject matter summer training programs
25.5 and follow-up support workshops approved by the advanced placement or international
25.6 baccalaureate programs. The commissioner shall determine the payment process and
25.7 the amount of the subsidy.

25.8 (d) The commissioner shall pay all examination fees for all students of low-income
25.9 families under Minnesota Statutes, section 120B.13, subdivision 3, and to the extent
25.10 of available appropriations shall also pay examination fees for students sitting for an
25.11 advanced placement examination, international baccalaureate examination, or both.

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

25.13 Subd. 13. **Concurrent enrollment programs.** For concurrent enrollment programs
25.14 under Minnesota Statutes, section 124D.091:

25.15 \$ 2,000,000 2010

25.16 \$ 2,000,000 2011

25.17 If the appropriation is insufficient, the commissioner must proportionately reduce
25.18 the aid payment to each district.

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

25.20 Subd. 14. **Collaborative urban educator.** For the collaborative urban educator
25.21 grant program:

25.22 \$ 528,000 2010

25.23 \$ 528,000 2011

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

25.25 Subd. 15. **Youth works program.** For funding youth works programs under
25.26 Minnesota Statutes, sections 124D.37 to 124D.45:

25.27 \$ 900,000 2010

25.28 \$ 900,000 2011

25.29 A grantee organization may provide health and child care coverage to the dependents
25.30 of each participant enrolled in a full-time youth works program to the extent such coverage
25.31 is not otherwise available.

25.32 Subd. 16. **Student organizations.** For student organizations:

25.33 \$ 725,000 2010

25.34 \$ 725,000 2011

25.35 \$40,000 each year is for student organizations serving health occupations.

25.36 \$38,000 each year is for student organizations serving service occupations.

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26.1 \$88,000 each year is for student organizations serving trade and industry occupations.

26.2 \$84,000 each year is for student organizations serving business occupations.

26.3 \$131,000 each year is for student organizations serving agriculture occupations.

26.4 \$125,000 each year is for student organizations serving family and consumer science
26.5 occupations.

26.6 \$95,000 each year is for student organizations serving marketing occupations.

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

26.8 Subd. 17. **Education Planning and Assessment System (EPAS) program.** For
26.9 the Educational Planning and Assessment System (EPAS) program under Minnesota
26.10 Statutes, section 120B.128:

26.11 \$ 829,000 2010

26.12 \$ 829,000 2011

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

26.14 Subd. 18. **Early childhood literacy programs.** For early childhood literacy
26.15 programs under Minnesota Statutes, section 119A.50, subdivision 3:

26.16 \$ 1,375,000 2010

26.17 \$ 1,375,000 2011

26.18 Up to \$1,375,000 each year is for leveraging federal and private funding to support
26.19 AmeriCorps members serving in the Minnesota Reading Corps program established by
26.20 Serve Minnesota, including costs associated with the training and teaching of early literacy
26.21 skills to children age three to grade 3 and the evaluation of the impact of the program
26.22 under Minnesota Statutes, sections 124D.38, subdivision 2, and 124D.42, subdivision 6.

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

26.24 Subd. 19. **Math and science teacher centers.** For math and science teacher centers
26.25 under Minnesota Statutes, section 122A.72:

26.26 \$ 750,000 2010

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

26.28 This is a onetime appropriation.

26.29 Sec. 9. Laws 2009, chapter 96, article 3, section 21, is amended to read:

26.30 Sec. 21. **APPROPRIATIONS.**

26.31 Subdivision 1. **Department of Education.** The sums indicated in this section are
26.32 appropriated from the general fund to the Department of Education for the fiscal years
26.33 designated.

26.34 Subd. 2. **Special education; regular.** For special education aid under Minnesota
26.35 Statutes, section 125A.75:

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27.1 ~~734,071,000~~
27.2 \$ 609,003,000 2010
27.3 ~~781,497,000~~
27.4 \$ 772,845,000 2011

27.5 The 2010 appropriation includes \$71,947,000 for 2009 and ~~\$662,124,000~~
27.6 \$537,056,000 for 2010.

27.7 The 2011 appropriation includes ~~\$73,569,000~~ \$198,637,000 for 2010 and
27.8 ~~\$707,928,000~~ \$574,208,000 for 2011.

27.9 Subd. 3. **Aid for children with disabilities.** For aid under Minnesota Statutes,
27.10 section 125A.75, subdivision 3, for children with disabilities placed in residential facilities
27.11 within the district boundaries for whom no district of residence can be determined:

27.12 ~~1,717,000~~
27.13 \$ 1,109,000 2010
27.14 ~~1,895,000~~
27.15 \$ 1,176,000 2011

27.16 If the appropriation for either year is insufficient, the appropriation for the other
27.17 year is available.

27.18 Subd. 4. **Travel for home-based services.** For aid for teacher travel for home-based
27.19 services under Minnesota Statutes, section 125A.75, subdivision 1:

27.20 ~~258,000~~
27.21 \$ 214,000 2010
27.22 ~~282,000~~
27.23 \$ 276,000 2011

27.24 The 2010 appropriation includes \$24,000 for 2009 and ~~\$234,000~~ \$190,000 for 2010.

27.25 The 2011 appropriation includes ~~\$26,000~~ \$69,000 for 2010 and ~~\$256,000~~ \$207,000
27.26 for 2011.

27.27 Subd. 5. **Special education; excess costs.** For excess cost aid under Minnesota
27.28 Statutes, section 125A.79, subdivision 7:

27.29 ~~110,871,000~~
27.30 \$ 96,926,000 2010
27.31 ~~110,877,000~~
27.32 \$ 110,871,000 2011

27.33 The 2010 appropriation includes \$37,046,000 for 2009 and ~~\$73,825,000~~ \$59,880,000
27.34 for 2010.

27.35 The 2011 appropriation includes ~~\$37,022,000~~ \$50,967,000 for 2010 and ~~\$73,855,000~~
27.36 \$59,904,000 for 2011.

27.37 Subd. 6. **Court-placed special education revenue.** For reimbursing serving
27.38 school districts for unreimbursed eligible expenditures attributable to children placed in

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28.1 the serving school district by court action under Minnesota Statutes, section 125A.79,
28.2 subdivision 4:

28.3 \$ 76,000 2010

28.4 \$ 78,000 2011

28.5 Subd. 7. **Special education out-of-state tuition.** For special education out-of-state
28.6 tuition according to Minnesota Statutes, section 125A.79, subdivision 8:

28.7 \$ 250,000 2010

28.8 \$ 250,000 2011

28.9 Sec. 10. Laws 2009, chapter 96, article 4, section 12, is amended to read:

28.10 Sec. 12. **APPROPRIATIONS.**

28.11 Subdivision 1. **Department of Education.** The sums indicated in this section are
28.12 appropriated from the general fund to the Department of Education for the fiscal years
28.13 designated.

28.14 Subd. 2. **Health and safety revenue.** For health and safety aid according to
28.15 Minnesota Statutes, section 123B.57, subdivision 5:

28.16 ~~161,000~~
28.17 \$ 131,000 2010

28.18 ~~160,000~~
28.19 \$ 139,000 2011

28.20 The 2010 appropriation includes \$10,000 for 2009 and ~~\$151,000~~ \$121,000 for 2010.

28.21 The 2011 appropriation includes ~~\$16,000~~ \$44,000 for 2010 and ~~\$144,000~~ \$95,000
28.22 for 2011.

28.23 Subd. 3. **Debt service equalization.** For debt service aid according to Minnesota
28.24 Statutes, section 123B.53, subdivision 6:

28.25 ~~7,948,000~~
28.26 \$ 6,608,000 2010

28.27 ~~9,275,000~~
28.28 \$ 8,466,000 2011

28.29 The 2010 appropriation includes \$851,000 for 2009 and ~~\$7,097,000~~ \$5,757,000
28.30 for 2010.

28.31 The 2011 appropriation includes ~~\$788,000~~ \$2,128,000 for 2010 and ~~\$8,487,000~~
28.32 \$6,338,000 for 2011.

28.33 Subd. 4. **Alternative facilities bonding aid.** For alternative facilities bonding aid,
28.34 according to Minnesota Statutes, section 123B.59, subdivision 1:

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29.1 ~~19,287,000~~
29.2 \$ 16,008,000 2010
29.3 \$ 19,287,000 2011

29.4 The 2010 appropriation includes \$1,928,000 for 2009 and ~~\$17,359,000~~ \$14,080,000
29.5 for 2010.

29.6 The 2011 appropriation includes ~~\$1,928,000~~ \$5,207,000 for 2010 and ~~\$17,359,000~~
29.7 \$14,080,000 for 2011.

29.8 Subd. 5. **Equity in telecommunications access.** For equity in telecommunications
29.9 access:

29.10 \$ 3,750,000 2010
29.11 \$ 3,750,000 2011

29.12 If the appropriation amount is insufficient, the commissioner shall reduce the
29.13 reimbursement rate in Minnesota Statutes, section 125B.26, subdivisions 4 and 5, and the
29.14 revenue for fiscal years 2010 and 2011 shall be prorated.

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

29.16 Subd. 6. **Deferred maintenance aid.** For deferred maintenance aid, according to
29.17 Minnesota Statutes, section 123B.591, subdivision 4:

29.18 ~~2,302,000~~
29.19 \$ 1,931,000 2010
29.20 ~~2,073,000~~
29.21 \$ 2,191,000 2011

29.22 The 2010 appropriation includes \$260,000 for 2009 and ~~\$2,042,000~~ \$1,671,000
29.23 for 2010.

29.24 The 2011 appropriation includes ~~\$226,000~~ \$617,000 for 2010 and ~~\$1,847,000~~
29.25 \$1,574,000 for 2011.

29.26 Sec. 11. Laws 2009, chapter 96, article 5, section 13, is amended to read:

29.27 Sec. 13. **APPROPRIATIONS.**

29.28 Subdivision 1. **Department of Education.** The sums indicated in this section are
29.29 appropriated from the general fund to the Department of Education for the fiscal years
29.30 designated.

29.31 Subd. 2. **School lunch.** For school lunch aid according to Minnesota Statutes,
29.32 section 124D.111, and Code of Federal Regulations, title 7, section 210.17:

29.33 ~~12,688,000~~
29.34 \$ 12,296,000 2010
29.35 ~~13,069,000~~
29.36 \$ 12,665,000 2011

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30.1 Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota
30.2 Statutes, section 124D.1158:

30.3 ~~4,978,000~~
30.4 \$ 4,773,000 2010
30.5 ~~5,147,000~~
30.6 \$ 4,936,000 2011

30.7 Subd. 4. **Kindergarten milk.** For kindergarten milk aid under Minnesota Statutes,
30.8 section 124D.118:

30.9 ~~1,098,000~~
30.10 \$ 1,103,000 2010
30.11 ~~1,120,000~~
30.12 \$ 1,126,000 2011

30.13 Subd. 5. **Summer school service replacement aid.** For summer food service
30.14 replacement aid under Minnesota Statutes, section 124D.119:

30.15 \$ 150,000 2010
30.16 \$ 150,000 2011

30.17 Subd. 6. **Basic system support.** For basic system support grants under Minnesota
30.18 Statutes, section 134.355:

30.19 ~~13,570,000~~
30.20 \$ 11,264,000 2010
30.21 \$ 13,570,000 2011

30.22 The 2010 appropriation includes \$1,357,000 for 2009 and ~~\$12,213,000~~ \$9,907,000
30.23 for 2010.

30.24 The 2011 appropriation includes ~~\$1,357,000~~ \$3,663,000 for 2010 and ~~\$12,213,000~~
30.25 \$9,907,000 for 2011.

30.26 Subd. 7. **Multicounty, multitype library systems.** For grants under Minnesota
30.27 Statutes, sections 134.353 and 134.354, to multicounty, multitype library systems:

30.28 ~~1,300,000~~
30.29 \$ 1,079,000 2010
30.30 \$ 1,300,000 2011

30.31 The 2010 appropriation includes \$130,000 for 2009 and ~~\$1,170,000~~ \$949,000 for
30.32 2010.

30.33 The 2011 appropriation includes ~~\$130,000~~ \$351,000 for 2010 and ~~\$1,170,000~~
30.34 \$949,000 for 2011.

30.35 Subd. 8. **Electronic library for Minnesota.** For statewide licenses to online
30.36 databases selected in cooperation with the Minnesota Office of Higher Education for
30.37 school media centers, public libraries, state government agency libraries, and public
30.38 or private college or university libraries:

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31.1 \$ 900,000 2010

31.2 \$ 900,000 2011

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

31.4 Subd. 9. **Regional library telecommunications aid.** For regional library

31.5 telecommunications aid under Minnesota Statutes, section 134.355:

31.6 ~~2,300,000~~

31.7 \$ 1,909,000 2010

31.8 \$ 2,300,000 2011

31.9 The 2010 appropriation includes \$230,000 for 2009 and ~~\$2,070,000~~ \$1,679,000

31.10 for 2010.

31.11 The 2011 appropriation includes ~~\$230,000~~ \$621,000 for 2010 and ~~\$2,070,000~~

31.12 \$1,679,000 for 2011.

31.13 Sec. 12. Laws 2009, chapter 96, article 6, section 11, is amended to read:

31.14 Sec. 11. **APPROPRIATIONS.**

31.15 Subdivision 1. **Department of Education.** The sums indicated in this section are

31.16 appropriated from the general fund to the Department of Education for the fiscal years

31.17 designated.

31.18 Subd. 2. **School readiness.** For revenue for school readiness programs under

31.19 Minnesota Statutes, sections 124D.15 and 124D.16:

31.20 ~~10,095,000~~

31.21 \$ 8,379,000 2010

31.22 \$ 10,095,000 2011

31.23 The 2010 appropriation includes \$1,009,000 for 2009 and ~~\$9,086,000~~ \$7,370,000

31.24 for 2010.

31.25 The 2011 appropriation includes ~~\$1,009,000~~ \$2,725,000 for 2010 and ~~\$9,086,000~~

31.26 \$7,370,000 for 2011.

31.27 Subd. 3. **Early childhood family education aid.** For early childhood family

31.28 education aid under Minnesota Statutes, section 124D.135:

31.29 ~~22,955,000~~

31.30 \$ 19,131,000 2010

31.31 ~~22,547,000~~

31.32 \$ 22,418,000 2011

31.33 The 2010 appropriation includes \$3,020,000 for 2009 and ~~\$19,935,000~~ \$16,111,000

31.34 for 2010.

31.35 The 2011 appropriation includes ~~\$2,214,000~~ \$5,958,000 for 2010 and ~~\$20,333,000~~

31.36 \$16,460,000 for 2011.

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32.1 Subd. 4. **Health and developmental screening aid.** For health and developmental
32.2 screening aid under Minnesota Statutes, sections 121A.17 and 121A.19:

32.3 ~~3,694,000~~
32.4 \$ 2,904,000 2010
32.5 ~~3,800,000~~
32.6 \$ 3,518,000 2011

32.7 The 2010 appropriation includes \$367,000 for 2009 and ~~\$3,327,000~~ \$2,537,000
32.8 for 2010.

32.9 The 2011 appropriation includes ~~\$369,000~~ \$938,000 for 2010 and ~~\$3,431,000~~
32.10 \$2,580,000 for 2011.

32.11 Subd. 5. **Head Start program.** For Head Start programs under Minnesota Statutes,
32.12 section 119A.52:

32.13 \$ 20,100,000 2010
32.14 \$ 20,100,000 2011

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

32.16 Subd. 6. **Educate parents partnership.** For the educate parents partnership under
32.17 Minnesota Statutes, section 124D.129:

32.18 ~~50,000~~
32.19 \$ 48,900 2010
32.20 ~~50,000~~
32.21 \$ 48,900 2011

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

32.23 Subd. 7. **Kindergarten entrance assessment initiative and intervention**
32.24 **program.** For the kindergarten entrance assessment initiative and intervention program
32.25 under Minnesota Statutes, section 124D.162:

32.26 ~~287,000~~
32.27 \$ 280,500 2010
32.28 ~~287,000~~
32.29 \$ 280,500 2011

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

32.31 Subd. 8. **Community education aid.** For community education aid under
32.32 Minnesota Statutes, section 124D.20:

32.33 ~~585,000~~
32.34 \$ 487,000 2010
32.35 ~~467,000~~
32.36 \$ 502,000 2011

32.37 The 2010 appropriation includes \$73,000 for 2009 and ~~\$512,000~~ \$414,000 for 2010.

32.38 The 2011 appropriation ~~included \$56,000~~ includes \$153,000 for 2010 and ~~\$411,000~~
32.39 \$349,000 for 2011.

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33.1 Subd. 9. **Adults with disabilities program aid.** For adults with disabilities
33.2 programs under Minnesota Statutes, section 124D.56:

33.3 ~~710,000~~
33.4 \$ 590,000 2010
33.5 \$ 710,000 2011

33.6 The 2010 appropriation includes \$71,000 for 2009 and ~~\$639,000~~ \$519,000 for 2010.

33.7 The 2011 appropriation includes ~~\$71,000~~ \$191,000 for 2010 and ~~\$639,000~~ \$519,000
33.8 for 2011.

33.9 Subd. 10. **Hearing-impaired adults.** For programs for hearing-impaired adults
33.10 under Minnesota Statutes, section 124D.57:

33.11 \$ 70,000 2010
33.12 \$ 70,000 2011

33.13 Subd. 11. **School-age care revenue.** For extended day aid under Minnesota
33.14 Statutes, section 124D.22:

33.15 \$ 1,000 2010
33.16 \$ 1,000 2011

33.17 The 2010 appropriation includes \$0 for 2009 and \$1,000 for 2010.

33.18 The 2011 appropriation includes \$0 for 2010 and \$1,000 for 2011.

33.19 Subd. 12. **Adult basic education aid.** For adult basic education aid under
33.20 Minnesota Statutes, section 124D.531:

33.21 ~~42,975,000~~
33.22 \$ 35,671,000 2010
33.23 ~~44,258,000~~
33.24 \$ 44,049,000 2011

33.25 The 2010 appropriation includes \$4,187,000 for 2009 and ~~\$38,788,000~~ \$31,484,000
33.26 for 2010.

33.27 The 2011 appropriation includes ~~\$4,309,000~~ \$11,644,000 for 2010 and ~~\$39,949,000~~
33.28 \$32,405,000 for 2011.

33.29 Subd. 13. **GED tests.** For payment of 60 percent of the costs of GED tests under
33.30 Minnesota Statutes, section 124D.55:

33.31 \$ 125,000 2010
33.32 \$ 125,000 2011

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

33.34 Sec. 13. Laws 2009, chapter 96, article 7, section 3, subdivision 2, is amended to read:

33.35 Subd. 2. **Department.** (a) For the Department of Education:

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34.1 ~~20,943,000~~
34.2 \$ 20,505,600 2010
34.3 ~~20,943,000~~
34.4 \$ 20,453,600 2011

34.5 Any balance in the first year does not cancel but is available in the second year. The
34.6 base appropriation for fiscal year 2012 and later is \$20,479,600.

34.7 (b) \$260,000 each year is for the Minnesota Children's Museum.

34.8 (c) \$41,000 each year is for the Minnesota Academy of Science.

34.9 (d) ~~\$632,000~~ \$618,000 each year is for the Board of Teaching. Any balance in the
34.10 first year does not cancel but is available in the second year.

34.11 (e) ~~\$171,000~~ \$167,200 each year is for the Board of School Administrators. Any
34.12 balance in the first year does not cancel but is available in the second year.

34.13 (f) ~~\$40,000 each year~~ \$10,000 is for an early hearing loss intervention coordinator
34.14 under Minnesota Statutes, section 125A.63, subdivision 5. This appropriation is for
34.15 fiscal year 2010 only. If the department expends federal funds to employ a hearing
34.16 loss coordinator under Minnesota Statutes, section 125A.63, subdivision 5, then the
34.17 appropriation under this paragraph is reallocated for purposes of employing a world
34.18 languages coordinator.

34.19 (g) \$50,000 each year is for the Duluth Children's Museum.

34.20 (h) None of the amounts appropriated under this subdivision may be used for
34.21 Minnesota's Washington, D.C., office.

34.22 (i) The expenditures of federal grants and aids as shown in the biennial budget
34.23 document and its supplements are approved and appropriated and shall be spent as
34.24 indicated. The commissioner must provide, to the K-12 Education Finance Division in
34.25 the house of representatives and the E-12 Budget Division in the senate, details about the
34.26 distribution of state incentive grants, education technology state grants, teacher incentive
34.27 funds, and statewide data system funds as outlined in the supplemental federal funds
34.28 submission dated March 25, 2009.

34.29 Sec. 14. **APPROPRIATION REDUCTIONS.**

34.30 The appropriation reductions in this article include, and are not in addition to,
34.31 appropriation changes and reductions that have been implemented under the commissioner
34.32 of management and budget's unallotment actions that commenced in July 2009.

ARTICLE 10

STATE AIDS, CREDITS, PAYMENTS, AND REFUNDS

Section 1. Minnesota Statutes 2008, section 270A.03, subdivision 7, is amended to read:

Subd. 7. **Refund.** "Refund" means an individual income tax refund ~~or political contribution refund~~, pursuant to chapter 290, or a property tax credit or refund, pursuant to chapter 290A, or a sustainable forest tax payment to a claimant under chapter 290C.

For purposes of this chapter, lottery prizes, as set forth in section 349A.08, subdivision 8, and amounts granted to persons by the legislature on the recommendation of the joint senate-house of representatives Subcommittee on Claims shall be treated as refunds.

In the case of a joint property tax refund payable to spouses under chapter 290A, the refund shall be considered as belonging to each spouse in the proportion of the total refund that equals each spouse's proportion of the total income determined under section 290A.03, subdivision 3. In the case of a joint income tax refund under chapter 289A, the refund shall be considered as belonging to each spouse in the proportion of the total refund that equals each spouse's proportion of the total taxable income determined under section 290.01, subdivision 29. The commissioner shall remit the entire refund to the claimant agency, which shall, upon the request of the spouse who does not owe the debt, determine the amount of the refund belonging to that spouse and refund the amount to that spouse. For court fines, fees, and surcharges and court-ordered restitution under section 611A.04, subdivision 2, the notice provided by the commissioner of revenue under section 270A.07, subdivision 2, paragraph (b), serves as the appropriate legal notice to the spouse who does not owe the debt.

EFFECTIVE DATE. This section is effective for political contribution refund claims based on contributions that are made after June 30, 2009.

Sec. 2. Minnesota Statutes 2008, section 273.1384, is amended by adding a subdivision to read:

Subd. 6. **Credit reduction.** In 2011 and thereafter, the annual market value credit reimbursement amount for each taxing jurisdiction determined under this section is reduced by the dollar amount of the reduction in market value credit reimbursements for that taxing jurisdiction in 2010 due to the reductions under section 477A.0133. No taxing jurisdiction's market value credit reimbursements are reduced to less than zero under this subdivision. The commissioner of revenue shall pay the annual market value credit

36.1 reimbursement amounts, after reduction under this subdivision, to the affected taxing
36.2 jurisdictions as provided in this section.

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

36.4 Sec. 3. Minnesota Statutes 2008, section 289A.50, subdivision 1, is amended to read:

36.5 Subdivision 1. **General right to refund.** (a) Subject to the requirements of this
36.6 section and section 289A.40, a taxpayer who has paid a tax in excess of the taxes lawfully
36.7 due and who files a written claim for refund will be refunded or credited the overpayment
36.8 of the tax determined by the commissioner to be erroneously paid.

36.9 (b) The claim must specify the name of the taxpayer, the date when and the period
36.10 for which the tax was paid, the kind of tax paid, the amount of the tax that the taxpayer
36.11 claims was erroneously paid, the grounds on which a refund is claimed, and other
36.12 information relative to the payment and in the form required by the commissioner. An
36.13 income tax, estate tax, or corporate franchise tax return, or amended return claiming an
36.14 overpayment constitutes a claim for refund.

36.15 (c) When, in the course of an examination, and within the time for requesting a
36.16 refund, the commissioner determines that there has been an overpayment of tax, the
36.17 commissioner shall refund or credit the overpayment to the taxpayer and no demand
36.18 is necessary. If the overpayment exceeds \$1, the amount of the overpayment must
36.19 be refunded to the taxpayer. If the amount of the overpayment is less than \$1, the
36.20 commissioner is not required to refund. In these situations, the commissioner does not
36.21 have to make written findings or serve notice by mail to the taxpayer.

36.22 (d) If the amount allowable as a credit for withholding, estimated taxes, or dependent
36.23 care exceeds the tax against which the credit is allowable, the amount of the excess is
36.24 considered an overpayment. ~~The refund allowed by section 290.06, subdivision 23, is also~~
36.25 ~~considered an overpayment.~~ The requirements of section 270C.33 do not apply to the
36.26 refunding of such an overpayment shown on the original return filed by a taxpayer.

36.27 (e) If the entertainment tax withheld at the source exceeds by \$1 or more the taxes,
36.28 penalties, and interest reported in the return of the entertainment entity or imposed by
36.29 section 290.9201, the excess must be refunded to the entertainment entity. If the excess is
36.30 less than \$1, the commissioner need not refund that amount.

36.31 (f) If the surety deposit required for a construction contract exceeds the liability of
36.32 the out-of-state contractor, the commissioner shall refund the difference to the contractor.

36.33 (g) An action of the commissioner in refunding the amount of the overpayment does
36.34 not constitute a determination of the correctness of the return of the taxpayer.

37.1 (h) There is appropriated from the general fund to the commissioner of revenue the
37.2 amount necessary to pay refunds allowed under this section.

37.3 EFFECTIVE DATE. This section is effective for political contribution refund
37.4 claims based on contributions that are made after June 30, 2009.

37.5 Sec. 4. Minnesota Statutes 2008, section 290.01, subdivision 6, is amended to read:

37.6 Subd. 6. **Taxpayer.** The term "taxpayer" means any person or corporation subject to
37.7 a tax imposed by this chapter. ~~For purposes of section 290.06, subdivision 23, the term~~
37.8 ~~"taxpayer" means an individual eligible to vote in Minnesota under section 201.014.~~

37.9 EFFECTIVE DATE. This section is effective for political contribution refund
37.10 claims based on contributions that are made after June 30, 2009.

37.11 Sec. 5. Minnesota Statutes 2008, section 290A.03, subdivision 11, is amended to read:

37.12 Subd. 11. **Rent constituting property taxes.** "Rent constituting property taxes"
37.13 means ~~19~~15 percent of the gross rent actually paid in cash, or its equivalent, or the portion
37.14 of rent paid in lieu of property taxes, in any calendar year by a claimant for the right
37.15 of occupancy of the claimant's Minnesota homestead in the calendar year, and which
37.16 rent constitutes the basis, in the succeeding calendar year of a claim for relief under this
37.17 chapter by the claimant.

37.18 EFFECTIVE DATE. This section is effective retroactively for property tax refunds
37.19 based on rent paid after December 31, 2008.

37.20 Sec. 6. Minnesota Statutes 2008, section 290A.03, subdivision 13, is amended to read:

37.21 Subd. 13. **Property taxes payable.** "Property taxes payable" means the property tax
37.22 exclusive of special assessments, penalties, and interest payable on a claimant's homestead
37.23 after deductions made under sections 273.135, 273.1384, 273.1391, 273.42, subdivision 2,
37.24 and any other state paid property tax credits in any calendar year, and after any refund
37.25 claimed and allowable under section 290A.04, subdivision 2h, that is first payable in
37.26 the year that the property tax is payable. In the case of a claimant who makes ground
37.27 lease payments, "property taxes payable" includes the amount of the payments directly
37.28 attributable to the property taxes assessed against the parcel on which the house is located.
37.29 No apportionment or reduction of the "property taxes payable" shall be required for the
37.30 use of a portion of the claimant's homestead for a business purpose if the claimant does not
37.31 deduct any business depreciation expenses for the use of a portion of the homestead in the
37.32 determination of federal adjusted gross income. For homesteads which are manufactured

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38.1 homes as defined in section 273.125, subdivision 8, and for homesteads which are park
38.2 trailers taxed as manufactured homes under section 168.012, subdivision 9, "property
38.3 taxes payable" shall also include ~~19~~ 15 percent of the gross rent paid in the preceding
38.4 year for the site on which the homestead is located. When a homestead is owned by
38.5 two or more persons as joint tenants or tenants in common, such tenants shall determine
38.6 between them which tenant may claim the property taxes payable on the homestead. If
38.7 they are unable to agree, the matter shall be referred to the commissioner of revenue
38.8 whose decision shall be final. Property taxes are considered payable in the year prescribed
38.9 by law for payment of the taxes.

38.10 In the case of a claim relating to "property taxes payable," the claimant must have
38.11 owned and occupied the homestead on January 2 of the year in which the tax is payable
38.12 and (i) the property must have been classified as homestead property pursuant to section
38.13 273.124, on or before December 15 of the assessment year to which the "property taxes
38.14 payable" relate; or (ii) the claimant must provide documentation from the local assessor
38.15 that application for homestead classification has been made on or before December 15
38.16 of the year in which the "property taxes payable" were payable and that the assessor has
38.17 approved the application.

38.18 **EFFECTIVE DATE.** This section is effective retroactively for property tax refunds
38.19 based upon rent paid after December 31, 2008, and upon property taxes payable in 2010
38.20 and thereafter.

38.21 Sec. 7. Minnesota Statutes 2009 Supplement, section 290C.07, is amended to read:

38.22 **290C.07 CALCULATION OF INCENTIVE PAYMENT.**

38.23 An approved claimant under the sustainable forest incentive program is eligible to
38.24 receive an annual payment. The payment shall equal the greater of:

38.25 (1) the difference between the property tax that would be paid on the land using the
38.26 previous year's statewide average total township tax rate and a class rate of one percent, if
38.27 the land were valued at (i) the average statewide managed forest land market value per
38.28 acre calculated under section 290C.06, and (ii) the average statewide managed forest land
38.29 current use value per acre calculated under section 290C.02, subdivision 5; or

38.30 (2) two-thirds of the property tax amount determined by using the previous year's
38.31 statewide average total township tax rate, the estimated market value per acre as calculated
38.32 in section 290C.06, and a class rate of one percent, provided that the payment shall be no
38.33 less than \$7 per acre for each acre enrolled in the sustainable forest incentive program and

39.1 the maximum payment per each Social Security number or state or federal business tax
39.2 identification number must not exceed \$100,000.

39.3 **EFFECTIVE DATE.** This section is effective for payments made after June 30,
39.4 2010, based on certifications due in 2010 and thereafter.

39.5 Sec. 8. **[477A.0133] 2009 AND 2010 AID REDUCTIONS.**

39.6 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms
39.7 have the meanings given them in this subdivision.

39.8 (b) The "2009 revenue base" for a statutory or home rule charter city is the sum of
39.9 the city's certified property tax levy for taxes payable in 2009, plus the amount of local
39.10 government aid under Minnesota Statutes, section 477A.013, subdivision 9, that the city
39.11 was certified to receive in 2009, plus the amount of taconite aids under Minnesota Statutes,
39.12 sections 298.28 and 298.282, that the city was certified to receive in 2009, including any
39.13 amounts required to be placed in a special fund for distribution in a later year.

39.14 (c) The "2009 revenue base" for a county is the sum of the county's certified
39.15 property tax levy for taxes payable in 2009, plus the amount of county program aid under
39.16 Minnesota Statutes, section 477A.0124, that the county was certified to receive in 2009,
39.17 plus the amount of taconite aids under Minnesota Statutes, sections 298.28 and 298.282,
39.18 that the county was certified to receive in 2009, including any amounts required to be
39.19 placed in a special fund for distribution in a later year.

39.20 (d) The "2009 revenue base" for a town is the sum of the town's certified property
39.21 tax levy for taxes payable in 2009, plus the amount of aid under Minnesota Statutes,
39.22 section 477A.013, that the town was certified to receive in 2009, plus the amount of
39.23 taconite aids under Minnesota Statutes, section 298.28 and 298.282, that the town was
39.24 certified to receive in 2009, including any amounts required to be placed in a special
39.25 fund for distribution in a later year.

39.26 (e) "Population" means the population of the county, city, or town for 2007 based on
39.27 information available to the commissioner of revenue in July 2009.

39.28 (f) "Adjusted net tax capacity" means the amount of net tax capacity for the county,
39.29 city, or town, computed using equalized market values according to Minnesota Statutes,
39.30 section 477A.011, subdivision 20, for aid payable in 2009.

39.31 (g) "Adjusted net tax capacity per capita" means the jurisdiction's adjusted net tax
39.32 capacity divided by its population.

39.33 Subd. 2. **2009 aid reductions.** (a) The commissioner of revenue must compute a
39.34 2009 aid reduction amount for each county.

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40.1 The aid reduction amount is zero for a county with a population of less than 5,000,
40.2 and is zero for a county containing the Shooting Star Casino property that was removed
40.3 from the tax rolls in 2009.

40.4 For all other counties, the aid reduction amount is equal to 1.189 percent of the
40.5 county's 2009 revenue base.

40.6 The reduction amount is limited to the sum of the amount of county program aid
40.7 under Minnesota Statutes, section 477A.0124, that the county was certified to receive in
40.8 2009, plus the amount of market value credit reimbursements under Minnesota Statutes,
40.9 section 273.1384, payable to the county in 2009 before the reductions in this section.

40.10 The reduction amount is applied first to reduce the amount payable to the county
40.11 in 2009 as county program aid under Minnesota Statutes, section 477A.013, and then,
40.12 if necessary, to reduce the amount payable to the county in 2009 as market value credit
40.13 reimbursements under Minnesota Statutes, section 273.1384.

40.14 No county's aid or reimbursements are reduced to less than zero under this section.

40.15 (b) The commissioner of revenue must compute a 2009 aid reduction amount for
40.16 each city.

40.17 The aid reduction amount is zero for any city with a population of less than 1,000
40.18 that has an adjusted net tax capacity per capita amount less than the statewide average
40.19 adjusted net tax capacity amount per capita for all cities. The aid reduction amount is
40.20 also zero for a city located outside the seven-county metropolitan area, with a 2006
40.21 population greater than 3,500, a pre-1940 housing percentage greater than 29 percent,
40.22 a commercial-industrial percentage less than nine percent, and a population decline
40.23 percentage of zero based on the data used to certify the 2009 local government aid
40.24 distribution under Minnesota Statutes, section 477A.013.

40.25 For all other cities, the aid reduction amount is equal to 3.313 percent of the city's
40.26 2009 revenue base.

40.27 The reduction amount is limited to the sum of the amount of local government aid
40.28 under Minnesota Statutes, section 477A.013, subdivision 9, that the city was certified to
40.29 receive in 2009, plus the amount of market value credit reimbursements under Minnesota
40.30 Statutes, section 273,1384, payable to the city in 2009 before the reductions in this section.

40.31 The reduction amount for a city is further limited to \$22 per capita.

40.32 The reduction amount is applied first to reduce the amount payable to the city in
40.33 2009 as local government aid under Minnesota Statutes, section 477A.013, and then,
40.34 if necessary, to reduce the amount payable to the city in 2009 as market value credit
40.35 reimbursements under Minnesota Statutes, section 273.1384.

40.36 No city's aid or reimbursements are reduced to less than zero under this section.

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41.1 (c) The commissioner of revenue must compute a 2009 aid reduction amount for
41.2 each town.

41.3 The aid reduction amount is zero for any town with a population of less than 1,000
41.4 that has an adjusted net tax capacity per capita amount less than the statewide average
41.5 adjusted net tax capacity amount per capita for all towns.

41.6 For all other towns, the aid reduction amount is equal to 1.735 percent of the town's
41.7 2009 revenue base.

41.8 The reduction amount is limited to \$5 per capita.

41.9 The reduction amount is applied to reduce the amount payable to the town in 2009
41.10 as market value credit reimbursements under Minnesota Statutes, section 273.1384.

41.11 No town's reimbursements are reduced to less than zero under this section.

41.12 Subd. 3. **2010 aid reductions.** (a) The commissioner of revenue must compute a
41.13 2010 aid reduction amount for each county.

41.14 The aid reduction amount is zero for a county with a population of less than 5,000,
41.15 and is zero for a county containing the Shooting Star Casino property that was removed
41.16 from the tax rolls in 2009.

41.17 For all other counties, the aid reduction amount is equal to 2.414 percent of the
41.18 county's 2009 revenue base.

41.19 The reduction amount is limited to the sum of the amount of county program aid
41.20 under Minnesota Statutes, section 477A.0124, that the county was certified to receive in
41.21 2009, plus the amount of market value credit reimbursements under Minnesota Statutes,
41.22 section 273.1384, payable to the county in 2009 before the reductions in this section.

41.23 The reduction amount is applied first to reduce the amount payable to the county
41.24 in 2010 as county program aid under Minnesota Statutes, section 477A.013, and then,
41.25 if necessary, to reduce the amount payable to the county in 2010 as market value credit
41.26 reimbursements under Minnesota Statutes, section 273.1384.

41.27 No county's aid or reimbursements are reduced to less than zero under this section.

41.28 (b) The commissioner of revenue must compute a 2010 aid reduction amount for
41.29 each city.

41.30 The aid reduction amount is zero for any city with a population of less than 1,000
41.31 that has an adjusted net tax capacity per capita amount less than the statewide average
41.32 adjusted net tax capacity amount per capita for all cities.

41.33 For all other cities, the aid reduction amount is equal to 7.644 percent of the city's
41.34 2009 revenue base.

41.35 The reduction amount is limited to the sum of the amount of local government aid
41.36 under Minnesota Statutes, section 477A.013, subdivision 9, that the city was certified to

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42.1 receive in 2010, plus the amount of market value credit reimbursements under Minnesota
42.2 Statutes, section 273.1384, payable to the city in 2010 before the reductions in this section.

42.3 The reduction amount for a city is further limited to \$55 per capita.

42.4 The reduction amount is applied first to reduce the amount payable to the city in
42.5 2010 as local government aid under Minnesota Statutes, section 477A.013, and then,
42.6 if necessary, to reduce the amount payable to the city in 2010 as market value credit
42.7 reimbursements under Minnesota Statutes, section 273.1384.

42.8 No city's aid or reimbursements are reduced to less than zero under this section.

42.9 (c) The commissioner of revenue must compute a 2010 aid reduction amount for
42.10 each town.

42.11 The aid reduction amount is zero for any town with a population of less than 1,000
42.12 that has an adjusted net tax capacity per capita amount less than the statewide average
42.13 adjusted net tax capacity amount per capita for all towns.

42.14 For all other towns, the aid reduction amount is equal to 3.661 percent of the town's
42.15 2009 revenue base.

42.16 The reduction amount is limited to \$10 per capita.

42.17 The reduction amount is applied to reduce the amount payable to the town in 2010
42.18 as market value credit reimbursements under Minnesota Statutes, section 273.1384.

42.19 No town's reimbursements are reduced to less than zero under this section.

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

42.21 Sec. 9. Minnesota Statutes 2008, section 477A.03, subdivision 2a, is amended to read:

42.22 Subd. 2a. **Cities.** For aids payable in ~~2009~~ 2011 and thereafter, the total aid
42.23 paid under section 477A.013, subdivision 9, is ~~\$526,148,487, subject to adjustment in~~
42.24 ~~subdivision 5~~ \$455,754,327.

42.25 **EFFECTIVE DATE.** This section is effective for aids payable in 2011 and
42.26 thereafter.

42.27 Sec. 10. Minnesota Statutes 2008, section 477A.03, subdivision 2b, is amended to read:

42.28 Subd. 2b. **Counties.** (a) For aids payable in ~~2009~~ 2011 and thereafter, the total aid
42.29 payable under section 477A.0124, subdivision 3, is ~~\$111,500,000~~ \$85,544,131 minus
42.30 one-half of the total aid amount determined under section 477A.0124, subdivision 5,
42.31 paragraph (b), ~~subject to adjustment in subdivision 5.~~ Each calendar year, \$500,000 shall
42.32 be retained by the commissioner of revenue to make reimbursements to the commissioner
42.33 of management and budget for payments made under section 611.27. For calendar

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43.1 year 2004, the amount shall be in addition to the payments authorized under section
43.2 477A.0124, subdivision 1. For calendar year 2005 and subsequent years, the amount shall
43.3 be deducted from the appropriation under this paragraph. The reimbursements shall be to
43.4 defray the additional costs associated with court-ordered counsel under section 611.27.
43.5 Any retained amounts not used for reimbursement in a year shall be included in the next
43.6 distribution of county need aid that is certified to the county auditors for the purpose of
43.7 property tax reduction for the next taxes payable year.

43.8 (b) For aids payable in ~~2009~~ 2011 and thereafter, the total aid under section
43.9 477A.0124, subdivision 4, is ~~\$116,132,923~~ \$89,392,742 minus one-half of the total aid
43.10 amount determined under section 477A.0124, subdivision 5, paragraph (b), ~~subject to~~
43.11 ~~adjustment in subdivision 5~~. The commissioner of management and budget shall bill the
43.12 commissioner of revenue for the cost of preparation of local impact notes as required by
43.13 section 3.987, not to exceed \$207,000 in fiscal year 2004 and thereafter. The commissioner
43.14 of education shall bill the commissioner of revenue for the cost of preparation of local
43.15 impact notes for school districts as required by section 3.987, not to exceed \$7,000 in fiscal
43.16 year 2004 and thereafter. The commissioner of revenue shall deduct the amounts billed
43.17 under this paragraph from the appropriation under this paragraph. The amounts deducted
43.18 are appropriated to the commissioner of management and budget and the commissioner of
43.19 education for the preparation of local impact notes.

43.20 **EFFECTIVE DATE.** This section is effective for aids payable in 2011 and
43.21 thereafter.

43.22 Sec. 11. Laws 2009, chapter 88, article 12, section 21, is amended to read:

43.23 Sec. 21. **SPECIAL ACCOUNT; TIMING DIFFERENCES.**

43.24 Notwithstanding the provisions of Minnesota Statutes, section 290.62, the
43.25 commissioner of revenue shall deposit the additional income tax and corporate franchise
43.26 tax revenues collected as a result of the combination of: (1) the additions under Minnesota
43.27 Statutes, section 290.01, subdivision 19a, clauses (7) and (8), and subdivision 19c, clauses
43.28 (15) and (16); and (2) adopting the provisions of American Recovery and Reinvestment
43.29 Act of 2009, in a special timing account in the general fund, but not to exceed ~~\$10,149,000~~
43.30 \$6,279,000. On July 11, 2011, the commissioner of revenue shall transfer the money in
43.31 the account to the general fund to offset the reduction in revenues resulting from the
43.32 subtractions under Minnesota Statutes, section 290.01, subdivision 19b, clauses (9) and
43.33 (14), and subdivision 19d, clauses (18) and (19).

43.34 Sec. 12. **REPEALER.**

44.1 (a) Minnesota Statutes 2008, sections 10A.322, subdivision 4; and 13.4967,
44.2 subdivision 2, are repealed.

44.3 (b) Minnesota Statutes 2008, section 290.06, subdivision 23, is repealed.

44.4 (c) Minnesota Statutes 2008, section 477A.03, subdivision 5, is repealed.

44.5 **EFFECTIVE DATE.** Paragraph (a) is effective the day following final enactment.

44.6 Paragraph (b) is effective retroactively for refund claims based on contributions made after

44.7 June 30, 2009. Paragraph (c) is effective for aids payable in 2011 and thereafter.

44.8 **ARTICLE 11**

44.9 **HEALTH AND HUMAN SERVICES POLICY**

44.10 Section 1. Minnesota Statutes 2009 Supplement, section 252.025, subdivision 7,

44.11 is amended to read:

44.12 Subd. 7. **Minnesota extended treatment options.** The commissioner shall develop
44.13 by July 1, 1997, the Minnesota extended treatment options to serve Minnesotans who
44.14 have developmental disabilities and exhibit severe behaviors which present a risk to
44.15 public safety. This program is statewide and must provide specialized residential services
44.16 in Cambridge and an array of community-based services with sufficient levels of care
44.17 and a sufficient number of specialists to ensure that individuals referred to the program
44.18 receive the appropriate care. The individuals working in the community-based services
44.19 under this section are state employees supervised by the commissioner of human services.

44.20 ~~No layoffs shall occur as a result of restructuring under this section.~~

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

44.22 Sec. 2. Minnesota Statutes 2009 Supplement, section 256B.056, subdivision 3c,

44.23 is amended to read:

44.24 Subd. 3c. **Asset limitations for families and children.** A household of two or
44.25 more persons must not own more than ~~\$20,000~~ \$6,000 in total net assets, plus \$200 for
44.26 each additional legal dependent, and a household of one person must not own more than
44.27 ~~\$10,000~~ \$3,000 in total net assets. In addition to these maximum amounts, an eligible
44.28 individual or family may accrue interest on these amounts, but they must be reduced to
44.29 the maximum at the time of an eligibility redetermination. The value of assets that are
44.30 not considered in determining eligibility for medical assistance for families and children
44.31 is the value of those assets excluded under the AFDC state plan as of July 16, 1996, as
44.32 required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996
44.33 (PRWORA), Public Law 104-193, with the following exceptions:

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- 45.1 (1) household goods and personal effects are not considered;
- 45.2 (2) capital and operating assets of a trade or business up to \$200,000 are not
45.3 considered, except that a bank account that contains personal income or assets, or is used to
45.4 pay personal expenses, is not considered a capital or operating asset of a trade or business;
- 45.5 (3) one motor vehicle is excluded for each person of legal driving age who is
45.6 employed or seeking employment;
- 45.7 (4) assets designated as burial expenses are excluded to the same extent they are
45.8 excluded by the Supplemental Security Income program;
- 45.9 (5) court-ordered settlements up to \$10,000 are not considered;
- 45.10 (6) individual retirement accounts and funds are not considered; and
- 45.11 (7) assets owned by children are not considered.

45.12 The assets specified in clause (2) must be disclosed to the local agency at the time of
45.13 application and at the time of an eligibility redetermination, and must be verified upon
45.14 request of the local agency.

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

45.16 Sec. 3. Minnesota Statutes 2009 Supplement, section 256B.0659, subdivision 11,
45.17 is amended to read:

45.18 Subd. 11. **Personal care assistant; requirements.** (a) A personal care assistant
45.19 must meet the following requirements:

45.20 (1) be at least 18 years of age with the exception of persons who are 16 or 17 years
45.21 of age with these additional requirements:

45.22 (i) supervision by a qualified professional every 60 days; and

45.23 (ii) employment by only one personal care assistance provider agency responsible
45.24 for compliance with current labor laws;

45.25 (2) be employed by a personal care assistance provider agency;

45.26 (3) enroll with the department as a personal care assistant after clearing a background
45.27 study. Before a personal care assistant provides services, the personal care assistance
45.28 provider agency must initiate a background study on the personal care assistant under
45.29 chapter 245C, and the personal care assistance provider agency must have received a
45.30 notice from the commissioner that the personal care assistant is:

45.31 (i) not disqualified under section 245C.14; or

45.32 (ii) is disqualified, but the personal care assistant has received a set aside of the
45.33 disqualification under section 245C.22;

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46.1 (4) be able to effectively communicate with the recipient and personal care
46.2 assistance provider agency;

46.3 (5) be able to provide covered personal care assistance services according to the
46.4 recipient's personal care assistance care plan, respond appropriately to recipient needs,
46.5 and report changes in the recipient's condition to the supervising qualified professional
46.6 or physician;

46.7 (6) not be a consumer of personal care assistance services;

46.8 (7) maintain daily written records including, but not limited to, time sheets under
46.9 subdivision 12;

46.10 (8) effective January 1, 2010, complete standardized training as determined by the
46.11 commissioner before completing enrollment. Personal care assistant training must include
46.12 successful completion of the following training components: basic first aid, vulnerable
46.13 adult, child maltreatment, OSHA universal precautions, basic roles and responsibilities of
46.14 personal care assistants including information about assistance with lifting and transfers
46.15 for recipients, emergency preparedness, orientation to positive behavioral practices, fraud
46.16 issues, and completion of time sheets. Upon completion of the training components,
46.17 the personal care assistant must demonstrate the competency to provide assistance to
46.18 recipients;

46.19 (9) complete training and orientation on the needs of the recipient within the first
46.20 seven days after the services begin; and

46.21 (10) be limited to providing and being paid for up to ~~310~~ 275 hours per month of
46.22 personal care assistance services regardless of the number of recipients being served or the
46.23 number of personal care assistance provider agencies enrolled with.

46.24 (b) A legal guardian may be a personal care assistant if the guardian is not being paid
46.25 for the guardian services and meets the criteria for personal care assistants in paragraph (a).

46.26 (c) Effective January 1, 2010, persons who do not qualify as a personal care assistant
46.27 include parents and stepparents of minors, spouses, paid legal guardians, family foster
46.28 care providers, except as otherwise allowed in section 256B.0625, subdivision 19a, or
46.29 staff of a residential setting.

46.30 **EFFECTIVE DATE.** This section is effective retroactively from July 1, 2009.

46.31 Sec. 4. Minnesota Statutes 2009 Supplement, section 256B.441, subdivision 55,
46.32 is amended to read:

46.33 Subd. 55. **Phase-in of rebased operating payment rates.** (a) For the rate years
46.34 beginning October 1, 2008, to October 1, 2015, the operating payment rate calculated
46.35 under this section shall be phased in by blending the operating rate with the operating

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47.1 payment rate determined under section 256B.434. For purposes of this subdivision, the
47.2 rate to be used that is determined under section 256B.434 shall not include the portion of
47.3 the operating payment rate related to performance-based incentive payments under section
47.4 256B.434, subdivision 4, paragraph (d). For the rate year beginning October 1, 2008, the
47.5 operating payment rate for each facility shall be 13 percent of the operating payment rate
47.6 from this section, and 87 percent of the operating payment rate from section 256B.434.
47.7 ~~For the rate year beginning October 1, 2009, the operating payment rate for each facility~~
47.8 ~~shall be 14 percent of the operating payment rate from this section, and 86 percent of the~~
47.9 ~~operating payment rate from section 256B.434.~~ For rate years beginning October 1, 2009;
47.10 October 1, 2010; October 1, 2011; and October 1, 2012, no rate adjustments shall be
47.11 implemented under this section, but shall be determined under section 256B.434. For the
47.12 rate year beginning October 1, 2013, the operating payment rate for each facility shall be
47.13 65 percent of the operating payment rate from this section, and 35 percent of the operating
47.14 payment rate from section 256B.434. For the rate year beginning October 1, 2014, the
47.15 operating payment rate for each facility shall be 82 percent of the operating payment rate
47.16 from this section, and 18 percent of the operating payment rate from section 256B.434. For
47.17 the rate year beginning October 1, 2015, the operating payment rate for each facility shall
47.18 be the operating payment rate determined under this section. The blending of operating
47.19 payment rates under this section shall be performed separately for each RUG's class.

47.20 (b) For the rate year beginning October 1, 2008, the commissioner shall apply limits
47.21 to the operating payment rate increases under paragraph (a) by creating a minimum
47.22 percentage increase and a maximum percentage increase.

47.23 (1) Each nursing facility that receives a blended October 1, 2008, operating payment
47.24 rate increase under paragraph (a) of less than one percent, when compared to its operating
47.25 payment rate on September 30, 2008, computed using rates with RUG's weight of 1.00,
47.26 shall receive a rate adjustment of one percent.

47.27 (2) The commissioner shall determine a maximum percentage increase that will
47.28 result in savings equal to the cost of allowing the minimum increase in clause (1). Nursing
47.29 facilities with a blended October 1, 2008, operating payment rate increase under paragraph
47.30 (a) greater than the maximum percentage increase determined by the commissioner, when
47.31 compared to its operating payment rate on September 30, 2008, computed using rates with
47.32 a RUG's weight of 1.00, shall receive the maximum percentage increase.

47.33 (3) Nursing facilities with a blended October 1, 2008, operating payment rate
47.34 increase under paragraph (a) greater than one percent and less than the maximum
47.35 percentage increase determined by the commissioner, when compared to its operating
47.36 payment rate on September 30, 2008, computed using rates with a RUG's weight of 1.00,

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48.1 shall receive the blended October 1, 2008, operating payment rate increase determined
48.2 under paragraph (a).

48.3 (4) The October 1, 2009, through October 1, 2015, operating payment rate for
48.4 facilities receiving the maximum percentage increase determined in clause (2) shall be
48.5 the amount determined under paragraph (a) less the difference between the amount
48.6 determined under paragraph (a) for October 1, 2008, and the amount allowed under clause
48.7 (2). This rate restriction does not apply to rate increases provided in any other section.

48.8 (c) A portion of the funds received under this subdivision that are in excess of
48.9 operating payment rates that a facility would have received under section 256B.434, as
48.10 determined in accordance with clauses (1) to (3), shall be subject to the requirements in
48.11 section 256B.434, subdivision 19, paragraphs (b) to (h).

48.12 (1) Determine the amount of additional funding available to a facility, which shall be
48.13 equal to total medical assistance resident days from the most recent reporting year times
48.14 the difference between the blended rate determined in paragraph (a) for the rate year being
48.15 computed and the blended rate for the prior year.

48.16 (2) Determine the portion of all operating costs, for the most recent reporting year,
48.17 that are compensation related. If this value exceeds 75 percent, use 75 percent.

48.18 (3) Subtract the amount determined in clause (2) from 75 percent.

48.19 (4) The portion of the fund received under this subdivision that shall be subject to
48.20 the requirements in section 256B.434, subdivision 19, paragraphs (b) to (h), shall equal
48.21 the amount determined in clause (1) times the amount determined in clause (3).

48.22 **EFFECTIVE DATE.** This section is effective retroactively from October 1, 2009.

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

48.25 Subd. 5a. **Managed care contracts.** (a) Managed care contracts under this section
48.26 and sections 256L.12 and 256D.03, shall be entered into or renewed on a calendar year
48.27 basis beginning January 1, 1996. Managed care contracts which were in effect on June
48.28 30, 1995, and set to renew on July 1, 1995, shall be renewed for the period July 1, 1995
48.29 through December 31, 1995 at the same terms that were in effect on June 30, 1995. The
48.30 commissioner may issue separate contracts with requirements specific to services to
48.31 medical assistance recipients age 65 and older.

48.32 (b) A prepaid health plan providing covered health services for eligible persons
48.33 pursuant to chapters 256B, 256D, and 256L, is responsible for complying with the terms
48.34 of its contract with the commissioner. Requirements applicable to managed care programs

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49.1 under chapters 256B, 256D, and 256L, established after the effective date of a contract
49.2 with the commissioner take effect when the contract is next issued or renewed.

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

49.21 (d) Effective for services rendered on or after January 1, 2009, through December 31,
49.22 2009, the commissioner shall withhold three percent of managed care plan payments under
49.23 this section and county-based purchasing plan payments under section 256B.692 for the
49.24 prepaid medical assistance and general assistance medical care programs. The withheld
49.25 funds must be returned no sooner than July 1 and no later than July 31 of the following
49.26 year. The commissioner may exclude special demonstration projects under subdivision 23.

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

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

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50.1 (f) Effective for services rendered on or after January 1, 2010, through December
50.2 31, ~~2010~~ 2013, the commissioner shall withhold ~~3.5~~ 4.5 percent of managed care plan
50.3 payments under this section and county-based purchasing plan payments under section
50.4 256B.692 for the prepaid medical assistance program. The withheld funds must be
50.5 returned no sooner than July 1 and no later than July 31 of the following year. The
50.6 commissioner may exclude special demonstration projects under subdivision 23.

50.7 ~~(g) Effective for services rendered on or after January 1, 2011, through December~~
50.8 ~~31, 2011, the commissioner shall withhold four percent of managed care plan payments~~
50.9 ~~under this section and county-based purchasing plan payments under section 256B.692~~
50.10 ~~for the prepaid medical assistance program. The withheld funds must be returned no~~
50.11 ~~sooner than July 1 and no later than July 31 of the following year. The commissioner may~~
50.12 ~~exclude special demonstration projects under subdivision 23.~~

50.13 ~~(h) Effective for services rendered on or after January 1, 2012, through December~~
50.14 ~~31, 2012, the commissioner shall withhold 4.5 percent of managed care plan payments~~
50.15 ~~under this section and county-based purchasing plan payments under section 256B.692~~
50.16 ~~for the prepaid medical assistance program. The withheld funds must be returned no~~
50.17 ~~sooner than July 1 and no later than July 31 of the following year. The commissioner may~~
50.18 ~~exclude special demonstration projects under subdivision 23.~~

50.19 ~~(i) Effective for services rendered on or after January 1, 2013, through December 31,~~
50.20 ~~2013, the commissioner shall withhold 4.5 percent of managed care plan payments under~~
50.21 ~~this section and county-based purchasing plan payments under section 256B.692 for the~~
50.22 ~~prepaid medical assistance program. The withheld funds must be returned no sooner than~~
50.23 ~~July 1 and no later than July 31 of the following year. The commissioner may exclude~~
50.24 ~~special demonstration projects under subdivision 23.~~

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

50.31 ~~(k)~~ (h) A managed care plan or a county-based purchasing plan under section
50.32 256B.692 may include as admitted assets under section 62D.044 any amount withheld
50.33 under this section that is reasonably expected to be returned.

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

51.1 **EFFECTIVE DATE.** The additional withhold percentage in this section is effective
51.2 retroactively from January 1, 2010, and it includes, and is not in addition to, withhold
51.3 percentage changes that have been implemented under the commissioner of management
51.4 and budget's unallotment actions that commenced in July 2009.

51.5 Sec. 6. Minnesota Statutes 2009 Supplement, section 256B.76, subdivision 1, is
51.6 amended to read:

51.7 Subdivision 1. **Physician reimbursement.** (a) Effective for services rendered on
51.8 or after October 1, 1992, the commissioner shall make payments for physician services
51.9 as follows:

51.10 (1) payment for level one Centers for Medicare and Medicaid Services' common
51.11 procedural coding system codes titled "office and other outpatient services," "preventive
51.12 medicine new and established patient," "delivery, antepartum, and postpartum care,"
51.13 "critical care," cesarean delivery and pharmacologic management provided to psychiatric
51.14 patients, and level three codes for enhanced services for prenatal high risk, shall be paid
51.15 at the lower of (i) submitted charges, or (ii) 25 percent above the rate in effect on June
51.16 30, 1992. If the rate on any procedure code within these categories is different than the
51.17 rate that would have been paid under the methodology in section 256B.74, subdivision 2,
51.18 then the larger rate shall be paid;

51.19 (2) payments for all other services shall be paid at the lower of (i) submitted charges,
51.20 or (ii) 15.4 percent above the rate in effect on June 30, 1992; and

51.21 (3) all physician rates shall be converted from the 50th percentile of 1982 to the 50th
51.22 percentile of 1989, less the percent in aggregate necessary to equal the above increases
51.23 except that payment rates for home health agency services shall be the rates in effect
51.24 on September 30, 1992.

51.25 (b) Effective for services rendered on or after January 1, 2000, payment rates for
51.26 physician and professional services shall be increased by three percent over the rates
51.27 in effect on December 31, 1999, except for home health agency and family planning
51.28 agency services. The increases in this paragraph shall be implemented January 1, 2000,
51.29 for managed care.

51.30 (c) Effective for services rendered on or after July 1, 2009, payment rates for
51.31 physician and professional services shall be reduced by five percent for the MinnesotaCare
51.32 program and by 6.5 percent for the Medical Assistance and General Assistance Medical
51.33 Care programs over the rates in effect on June 30, 2009. This reduction does not apply
51.34 to office or other outpatient visits, preventive medicine visits and family planning visits
51.35 billed by physicians, advanced practice nurses, or physician assistants in a family planning

52.1 agency or in one of the following primary care practices: general practice, general internal
52.2 medicine, general pediatrics, general geriatrics, and family medicine. This reduction
52.3 does not apply to federally qualified health centers, rural health centers, and Indian
52.4 health services. Effective October 1, 2009, payments made to managed care plans and
52.5 county-based purchasing plans under sections 256B.69, 256B.692, and 256L.12 shall
52.6 reflect the payment reduction described in this paragraph.

52.7 **EFFECTIVE DATE.** The additional rate reductions in this section are effective
52.8 retroactively from July 1, 2009, and include, and are not in addition to, reductions that
52.9 have been applied under the commissioner of management and budget's unallotment
52.10 actions that commenced on July 1, 2009.

52.11 Sec. 7. Minnesota Statutes 2008, section 256B.76, subdivision 4, is amended to read:

52.12 Subd. 4. **Critical access dental providers.** (a) Effective for dental services rendered
52.13 on or after January 1, 2002, the commissioner shall increase reimbursements to dentists
52.14 and dental clinics deemed by the commissioner to be critical access dental providers.
52.15 For dental services rendered on or after July 1, 2007, the commissioner shall increase
52.16 reimbursement by 30 percent above the reimbursement rate that would otherwise be paid to
52.17 the critical access dental provider. The commissioner shall pay the health plan companies
52.18 in amounts sufficient to reflect increased reimbursements to critical access dental providers
52.19 as approved by the commissioner. In determining which dentists and dental clinics shall
52.20 be deemed critical access dental providers, the commissioner shall review:

52.21 (1) the utilization rate in the service area in which the dentist or dental clinic operates
52.22 for dental services to patients covered by medical assistance, general assistance medical
52.23 care, or MinnesotaCare as their primary source of coverage;

52.24 (2) the level of services provided by the dentist or dental clinic to patients covered
52.25 by medical assistance, general assistance medical care, or MinnesotaCare as their primary
52.26 source of coverage; and

52.27 (3) whether the level of services provided by the dentist or dental clinic is critical to
52.28 maintaining adequate levels of patient access within the service area.

52.29 In the absence of a critical access dental provider in a service area, the commissioner may
52.30 designate a dentist or dental clinic as a critical access dental provider if the dentist or
52.31 dental clinic is willing to provide care to patients covered by medical assistance, general
52.32 assistance medical care, or MinnesotaCare at a level which significantly increases access
52.33 to dental care in the service area.

53.1 (b) Notwithstanding paragraph (a), critical access payments must not be made for
53.2 dental services provided from April 1, 2010, to March 31, 2011.

53.3 Sec. 8. Minnesota Statutes 2009 Supplement, section 256B.766, is amended to read:

53.4 **256B.766 REIMBURSEMENT FOR BASIC CARE SERVICES.**

53.5 (a) Effective for services provided on or after July 1, 2009, total payments for basic
53.6 care services, shall be reduced by three percent for the MinnesotaCare program and by 4.5
53.7 percent for the medical assistance and general assistance medical care programs, prior to
53.8 third-party liability and spenddown calculation. Payments made to managed care plans
53.9 and county-based purchasing plans shall be reduced for services provided on or after
53.10 October 1, 2009, to reflect this reduction.

53.11 (b) This section does not apply to physician and professional services, inpatient
53.12 hospital services, family planning services, mental health services, dental services,
53.13 prescription drugs, medical transportation, federally qualified health centers, rural health
53.14 centers, Indian health services, and Medicare cost-sharing.

53.15 **EFFECTIVE DATE.** The additional rate reductions in this section are effective
53.16 retroactively from July 1, 2009, and include, and are not in addition to, reductions that
53.17 have been applied under the commissioner of management and budget's unallotment
53.18 actions that commenced on July 1, 2009.

53.19 Sec. 9. Minnesota Statutes 2009 Supplement, section 256D.44, subdivision 5, is
53.20 amended to read:

53.21 Subd. 5. **Special needs.** (a) In addition to the state standards of assistance
53.22 established in subdivisions 1 to 4, payments are allowed for the following special needs
53.23 of recipients of Minnesota supplemental aid who are not residents of a nursing home, a
53.24 regional treatment center, or a group residential housing facility.

53.25 ~~(a) The county agency shall pay a monthly allowance for medically prescribed~~
53.26 ~~diets if the cost of those additional dietary needs cannot be met through some other~~
53.27 ~~maintenance benefit. The need for special diets or dietary items must be prescribed by~~
53.28 ~~a licensed physician. Costs for special diets shall be determined as percentages of the~~
53.29 ~~allotment for a one-person household under the thrifty food plan as defined by the United~~
53.30 ~~States Department of Agriculture. The types of diets and the percentages of the thrifty~~
53.31 ~~food plan that are covered are as follows:~~

53.32 ~~(1) high protein diet, at least 80 grams daily, 25 percent of thrifty food plan;~~

54.1 ~~(2) controlled protein diet, 40 to 60 grams and requires special products, 100 percent~~
54.2 ~~of thrifty food plan;~~

54.3 ~~(3) controlled protein diet, less than 40 grams and requires special products, 125~~
54.4 ~~percent of thrifty food plan;~~

54.5 ~~(4) low cholesterol diet, 25 percent of thrifty food plan;~~

54.6 ~~(5) high residue diet, 20 percent of thrifty food plan;~~

54.7 ~~(6) pregnancy and lactation diet, 35 percent of thrifty food plan;~~

54.8 ~~(7) gluten-free diet, 25 percent of thrifty food plan;~~

54.9 ~~(8) lactose-free diet, 25 percent of thrifty food plan;~~

54.10 ~~(9) antidumping diet, 15 percent of thrifty food plan;~~

54.11 ~~(10) hypoglycemic diet, 15 percent of thrifty food plan; or~~

54.12 ~~(11) ketogenic diet, 25 percent of thrifty food plan.~~

54.13 (b) Payment for nonrecurring special needs must be allowed for necessary home
54.14 repairs or necessary repairs or replacement of household furniture and appliances using
54.15 the payment standard of the AFDC program in effect on July 16, 1996, for these expenses,
54.16 as long as other funding sources are not available.

54.17 (c) A fee for guardian or conservator service is allowed at a reasonable rate
54.18 negotiated by the county or approved by the court. This rate shall not exceed five percent
54.19 of the assistance unit's gross monthly income up to a maximum of \$100 per month. If the
54.20 guardian or conservator is a member of the county agency staff, no fee is allowed.

54.21 (d) The county agency shall continue to pay a monthly allowance of \$68 for
54.22 restaurant meals for a person who was receiving a restaurant meal allowance on June 1,
54.23 1990, and who eats two or more meals in a restaurant daily. The allowance must continue
54.24 until the person has not received Minnesota supplemental aid for one full calendar month
54.25 or until the person's living arrangement changes and the person no longer meets the criteria
54.26 for the restaurant meal allowance, whichever occurs first.

54.27 (e) A fee of ten percent of the recipient's gross income or \$25, whichever is less,
54.28 is allowed for representative payee services provided by an agency that meets the
54.29 requirements under SSI regulations to charge a fee for representative payee services. This
54.30 special need is available to all recipients of Minnesota supplemental aid regardless of
54.31 their living arrangement.

54.32 (f)(1) Notwithstanding the language in this subdivision, an amount equal to the
54.33 maximum allotment authorized by the federal Food Stamp Program for a single individual
54.34 which is in effect on the first day of July of each year will be added to the standards of
54.35 assistance established in subdivisions 1 to 4 for adults under the age of 65 who qualify
54.36 as shelter needy and are: (i) relocating from an institution, or an adult mental health

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55.1 residential treatment program under section 256B.0622; (ii) eligible for the self-directed
55.2 supports option as defined under section 256B.0657, subdivision 2; or (iii) home and
55.3 community-based waiver recipients living in their own home or rented or leased apartment
55.4 which is not owned, operated, or controlled by a provider of service not related by blood
55.5 or marriage.

55.6 (2) Notwithstanding subdivision 3, paragraph (c), an individual eligible for the
55.7 shelter needy benefit under this paragraph is considered a household of one. An eligible
55.8 individual who receives this benefit prior to age 65 may continue to receive the benefit
55.9 after the age of 65.

55.10 (3) "Shelter needy" means that the assistance unit incurs monthly shelter costs that
55.11 exceed 40 percent of the assistance unit's gross income before the application of this
55.12 special needs standard. "Gross income" for the purposes of this section is the applicant's or
55.13 recipient's income as defined in section 256D.35, subdivision 10, or the standard specified
55.14 in subdivision 3, paragraph (a) or (b), whichever is greater. A recipient of a federal or
55.15 state housing subsidy, that limits shelter costs to a percentage of gross income, shall not be
55.16 considered shelter needy for purposes of this paragraph.

55.17 (g) Notwithstanding this subdivision, to access housing and services as provided in
55.18 paragraph (f), the recipient may choose housing that may or may not be owned, operated,
55.19 or controlled by the recipient's service provider if the housing is located in a multifamily
55.20 building of six or more units. The maximum number of units that may be used by
55.21 recipients of this program shall be 50 percent of the units in a building. The department
55.22 shall develop an exception process to the 50 percent maximum. This paragraph expires
55.23 on June 30, 2011.

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

55.25 Sec. 10. Minnesota Statutes 2008, section 256D.47, is amended to read:

55.26 **256D.47 PAYMENT METHODS.**

55.27 Minnesota supplemental aid payments must be issued to the recipient, a protective
55.28 payee, or a conservator or guardian of the recipient's estate in the form of county warrants
55.29 immediately redeemable in cash, electronic benefits transfer, or by direct deposit into the
55.30 recipient's account in a financial institution. Minnesota supplemental aid payments must
55.31 be issued regularly on the first day of the month. The supplemental aid warrants must be
55.32 mailed only to the address at which the recipient resides, unless another address has been
55.33 approved in advance by the county agency. Vendor payments must not be issued by the
55.34 county agency except for nonrecurring emergency need payments; at the request of the

56.1 recipient; for special needs, ~~other than special diets~~; or when the agency determines the
56.2 need for protective payments exist.

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

56.4 Sec. 11. Laws 2009, chapter 79, article 3, section 18, is amended to read:

56.5 Sec. 18. **REQUIRING THE DEVELOPMENT OF COMMUNITY-BASED**
56.6 **MENTAL HEALTH SERVICES FOR PATIENTS COMMITTED TO THE**
56.7 **ANOKA-METRO REGIONAL TREATMENT CENTER.**

56.8 In consultation with community partners, the commissioner of human services
56.9 shall develop an array of community-based services to transform the current services
56.10 now provided to patients at the Anoka-Metro Regional Treatment Center. The
56.11 community-based services may be provided in facilities with 16 or fewer beds, and must
56.12 provide the appropriate level of care for the patients being admitted to the facilities.
56.13 The planning for this transition must be completed by October 1, 2009, with an initial
56.14 report to the committee chairs of health and human services by November 30, 2009, and
56.15 a semiannual report on progress until the transition is completed. The commissioner of
56.16 human services shall solicit interest from stakeholders and potential community partners.
56.17 The individuals working in the community-based services facilities under this section are
56.18 state employees supervised by the commissioner of human services. ~~No layoffs shall~~
56.19 ~~occur as a result of restructuring under this section.~~

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

56.21 Sec. 12. **REDUCTION OF GROUP RESIDENTIAL HOUSING**
56.22 **SUPPLEMENTAL SERVICE RATE.**

56.23 Effective retroactively from November 1, 2009, the commissioner of human services
56.24 shall decrease the group residential housing (GRH) supplementary service rate under
56.25 Minnesota Statutes, section 256I.05, subdivision 1a, by five percent for services rendered
56.26 on or after that date, except that reimbursement rates for a GRH facility reimbursed as a
56.27 nursing facility shall not be reduced. The reduction in this paragraph is in addition to the
56.28 reduction under Laws 2009, chapter 79, article 8, section 79, paragraph (b), clause (11).

56.29 Sec. 13. **REVISOR'S INSTRUCTION.**

56.30 The revisor of statutes shall prepare draft legislation for the 2011 legislative session
56.31 with cross-reference changes to Minnesota Statutes necessary because of the repeal in
56.32 section 14. The Department of Health shall assist the revisor in making these changes.

57.1 The revisor may make changes to punctuation, grammar, or sentence structure to preserve
57.2 the integrity of statutes and effectuate the intent of section 14.

57.3 Sec. 14. **REPEALER.**

57.4 Minnesota Statutes 2008, sections 146A.01; 146A.02; 146A.025; 146A.03; 146A.04;
57.5 146A.05; 146A.06; 146A.07; 146A.08; 146A.09; 146A.10; and 146A.11, are repealed.

57.6 **ARTICLE 12**

57.7 **HEALTH AND HUMAN SERVICES**

57.8 Section 1. **SUMMARY OF APPROPRIATIONS.**

57.9 The amounts shown in this section summarize direct appropriations, by fund, made
57.10 in this article.

	<u>2010</u>		<u>2011</u>		<u>Total</u>
57.11					
57.12	<u>General</u>	\$	<u>(74,698,000)</u>	\$	<u>(131,573,000)</u>
			\$		<u>(206,271,000)</u>

57.13 Sec. 2. **APPROPRIATIONS.**

57.14 The sums shown in the columns marked "Appropriations" are added to or, if shown
57.15 in parentheses, subtracted from the appropriations in Laws 2009, chapter 79, article 13,
57.16 as amended by Laws 2009, chapter 173, article 2, to the agencies and for the purposes
57.17 specified in this article. The appropriations are from the general fund and are available
57.18 for the fiscal years indicated for each purpose. The figures "2010" and "2011" used in
57.19 this article mean that the addition to or subtraction from the appropriation listed under
57.20 them is available for the fiscal year ending June 30, 2010, or June 30, 2011, respectively.
57.21 Supplemental appropriations and reductions to appropriations for the fiscal year ending
57.22 June 30, 2010, are effective the day following final enactment unless a different effective
57.23 date is explicit. The appropriation reductions in this article include, and are not in
57.24 addition to, appropriation changes and reductions that have been implemented under
57.25 the commissioner of management and budget's unallotment actions that commenced
57.26 in July 2009.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2010</u>	<u>2011</u>
57.27		
57.28		
57.29		
57.30		

57.31 Sec. 3. **DEPARTMENT OF HUMAN**
57.32 **SERVICES**

57.33 Subdivision 1. **Total Appropriation** **(74,171,000)** **(131,048,000)**

58.1	<u>The appropriation reductions for each</u>		
58.2	<u>purpose are shown in the following</u>		
58.3	<u>subdivisions.</u>		
58.4	<u>Subd. 2. Agency Management; Financial</u>		
58.5	<u>Operations</u>	<u>(3,289,000)</u>	<u>(3,282,000)</u>
58.6	<u>Subd. 3. Children and Economic Assistance</u>		
58.7	<u>Grants</u>		
58.8	<u>(a) Child Support Enforcement Grants</u>	<u>(3,400,000)</u>	<u>(3,400,000)</u>
58.9	<u>Base Adjustment.</u> <u>The general fund base for</u>		
58.10	<u>child support enforcement grants is increased</u>		
58.11	<u>by \$45,000 in fiscal year 2012 and \$45,000</u>		
58.12	<u>in fiscal year 2013.</u>		
58.13	<u>(b) Children's Services Grants</u>	<u>(600,000)</u>	<u>-0-</u>
58.14	<u>American Indian Child Welfare Projects.</u>		
58.15	<u>Notwithstanding Laws 2009, chapter 79,</u>		
58.16	<u>article 2, section 35, \$600,000 of the fiscal</u>		
58.17	<u>year 2009 funds extended in fiscal year 2010</u>		
58.18	<u>cancel to the general fund.</u>		
58.19	<u>(c) Children and Community Services Grants</u>	<u>(16,900,000)</u>	<u>(22,500,000)</u>
58.20	<u>(d) General Assistance Grants</u>	<u>(5,267,000)</u>	<u>(7,890,000)</u>
58.21	<u>Emergency General Assistance.</u> <u>The</u>		
58.22	<u>amount appropriated for emergency general</u>		
58.23	<u>assistance funds is limited to no more than</u>		
58.24	<u>\$2,622,812 in fiscal year 2010 and to \$0 in</u>		
58.25	<u>fiscal year 2011.</u>		
58.26	<u>(e) Minnesota Supplemental Aid Grants</u>	<u>(733,000)</u>	<u>(4,300,000)</u>
58.27	<u>Emergency Minnesota Supplemental</u>		
58.28	<u>Aid Funds.</u> <u>The amount appropriated for</u>		
58.29	<u>emergency Minnesota Supplemental Aid</u>		
58.30	<u>funds is limited to no more than \$367,000</u>		
58.31	<u>in fiscal year 2010 and to \$0 in fiscal year</u>		
58.32	<u>2011. Funds to counties must be allocated</u>		
58.33	<u>by the commissioner using the allocation</u>		

59.1 method specified in Minnesota Statutes,
 59.2 section 256D.46.

59.3 **(f) Group Residential Housing Grants** (467,000) (706,000)

59.4 **Subd. 4. Basic Health Care Grants**

59.5 **(a) Medical Assistance Basic Health Care**
 59.6 **Grants - Families and Children** (5,599,000) (37,749,000)

59.7 **(b) Medical Assistance Basic Health Care**
 59.8 **Grants - Elderly and Disabled** (2,325,000) (23,136,000)

59.9 **Hospital Fee-for-Service Payment Delay.**

59.10 Payments from the Medicaid Management
 59.11 Information System that would otherwise
 59.12 have been made for inpatient hospital
 59.13 services for Minnesota health care program
 59.14 enrollees must be delayed as follows: for
 59.15 fiscal year 2011, June payments must be
 59.16 included in the first payments in fiscal
 59.17 year 2012. The provisions of Minnesota
 59.18 Statutes, section 16A.124, do not apply
 59.19 to these delayed payments. This payment
 59.20 delay includes, and is not in addition to, the
 59.21 payment delay for inpatient hospital services
 59.22 in Laws 2009, chapter 79, article 13, section
 59.23 3, subdivision 6, paragraph (c).

59.24 **Nonhospital Fee-for-Service Payment**

59.25 **Delay.** Payments from the Medicaid
 59.26 Management Information System that would
 59.27 otherwise have been made for nonhospital
 59.28 acute care services for Minnesota health
 59.29 care program enrollees must be delayed as
 59.30 follows: for fiscal year 2011, June payments
 59.31 must be included in the first payments in
 59.32 fiscal year 2012. This payment delay must
 59.33 not include nursing facilities, intermediate
 59.34 care facilities for persons with developmental
 59.35 disabilities, home and community-based

60.1 services, prepaid health plans, personal care
 60.2 provider organizations, and home health
 60.3 agencies. The provisions of Minnesota
 60.4 Statutes, section 16A.124, do not apply
 60.5 to these delayed payments. This payment
 60.6 delay includes, and is not in addition to, the
 60.7 payment delay for nonhospital acute care
 60.8 services in Laws 2009, chapter 79, article 13,
 60.9 section 3, paragraph (c).

60.10 <u>(c) General Assistance Medical Care Grants</u>	<u>(15,879,000)</u>	<u>-0-</u>
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60.11 <u>Subd. 5. Health Care Management;</u>		
60.12 <u>Administration</u>	<u>(180,000)</u>	<u>(360,000)</u>

60.13 **Incentive Program and Outreach Grants.**
 60.14 The general fund appropriation for the
 60.15 incentive program under Laws 2008, chapter
 60.16 358, article 5, section 3, subdivision 4,
 60.17 paragraph (b), is canceled. This paragraph is
 60.18 effective retroactively from January 1, 2010.

60.19 **Base Adjustment.** The general fund base
 60.20 for the incentive program under Minnesota
 60.21 Statutes, section 256.962, subdivision 5, is
 60.22 \$0 in fiscal year 2011.

60.23 **Subd. 6. Continuing Care Grants**

60.24 <u>(a) Aging and Adult Services Grants</u>	<u>(3,600,000)</u>	<u>(4,517,000)</u>
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60.25 **Community Service/Service Development**
 60.26 **Grants Reduction.** Effective retroactively
 60.27 from July 1, 2009, funding for grants made
 60.28 under Minnesota Statutes, sections 256.9754
 60.29 and 256B.0917, subdivision 13, is reduced
 60.30 by \$3,600,000 for each year of the biennium.
 60.31 Grants made during the biennium under
 60.32 Minnesota Statutes, section 256.9754, shall
 60.33 not be used for new construction or building
 60.34 renovation.

61.1 **Base Adjustment.** The general fund base for
61.2 Community Service/Service Development
61.3 grants is increased by \$3,600,000 in fiscal
61.4 year 2012 and \$3,600,000 in fiscal year 2013.

61.5 **Aging Grants Delay.** Aging grants must be
61.6 reduced by \$917,000 in fiscal year 2011 and
61.7 increased by \$917,000 in fiscal year 2012.

61.8 These adjustments are onetime and must not
61.9 be applied to the base. This provision expires
61.10 June 30, 2012.

61.11 **(b) Medical Assistance Long-Term Care**
61.12 **Facilities Grants**

(3,827,000)

(3,445,000)

61.13 **ICF/MR Variable Rates Suspension.**

61.14 Effective retroactively from July 1, 2009, to
61.15 June 30, 2011, no new variable rates shall
61.16 be authorized for intermediate care facilities
61.17 for people with mental retardation under
61.18 Minnesota Statutes, section 256B.5013,
61.19 subdivision 1.

61.20 **ICF/MR Occupancy Rate Adjustment**

61.21 **Suspension.** Effective retroactively from
61.22 July 1, 2009, to June 30, 2011, approval
61.23 of new applications for occupancy rate
61.24 adjustments for unoccupied short-term
61.25 beds under Minnesota Statutes, section
61.26 256B.5013, subdivision 7, is suspended.

61.27 **(c) Medical Assistance Long-Term Care**
61.28 **Waivers and Home Care Grants**

(2,318,000)

(5,807,000)

61.29 **Developmental Disability Waiver Acuity**

61.30 **Factor.** Effective retroactively from January
61.31 1, 2010, the January 1, 2010, one percent
61.32 growth factor in the developmental disability
61.33 waiver allocations under Minnesota Statutes,
61.34 section 256B.092, subdivisions 4 and 5,

62.1 that is attributable to changes in acuity, is
 62.2 suspended to June 30, 2011.

62.3 **(d) Adult Mental Health Grants** (5,000,000) (3,770,000)

62.4 **Base Adjustment.** The general fund base
 62.5 for adult mental health grants is increased
 62.6 by \$3,770,000 in fiscal year 2012 and
 62.7 \$3,770,000 in fiscal year 2013.

62.8 **(e) Deaf and Hard-of-Hearing Grants** -0- (169,000)

62.9 **Deaf and Hard-of-Hearing Services**

62.10 **Grants Delay.** Deaf and hard-of-hearing
 62.11 services grants must be reduced by \$169,000
 62.12 in fiscal year 2011 and increased by \$169,000
 62.13 in fiscal year 2012. These adjustments are
 62.14 onetime and must not be applied to the base.
 62.15 This provision expires June 30, 2012.

62.16 **(f) Chemical Dependency Entitlement Grants** (3,622,000) (3,622,000)

62.17 **(g) Chemical Dependency Nonentitlement**
 62.18 **Grants** (393,000) (393,000)

62.19 **(h) Other Continuing Care Grants** -0- (1,414,000)

62.20 **Other Continuing Care Grants Delay.**

62.21 Other continuing care grants must be reduced
 62.22 by \$1,414,000 in fiscal year 2011 and
 62.23 increased by \$1,414,000 in fiscal year 2012.
 62.24 These adjustments are onetime and must not
 62.25 be applied to the base. This provision expires
 62.26 June 30, 2012.

62.27 **Subd. 7. Continuing Care Management** (350,000) -0-

62.28 **County Maintenance of Effort.** The general
 62.29 fund appropriation for the State-County
 62.30 Results Accountability and Service Delivery
 62.31 Reform under Minnesota Statutes, chapter
 62.32 402A, is canceled. This paragraph is
 62.33 effective retroactively from July 1, 2009.

63.1	<u>Subd. 8. State-Operated Services; Adult</u>		
63.2	<u>Mental Health Services</u>	<u>(422,000)</u>	<u>(4,588,000)</u>
63.3	Sec. 4. <u>DEPARTMENT OF HEALTH</u>		
63.4	<u>Subdivision. 1. Total Appropriation</u>	<u>(527,000)</u>	<u>(525,000)</u>
63.5	<u>The appropriation reductions for each</u>		
63.6	<u>purpose are shown in the following</u>		
63.7	<u>subdivisions.</u>		
63.8	<u>Subd. 2. Community and Family Health</u>		
63.9	<u>Promotion</u>	<u>(53,000)</u>	<u>(355,000)</u>
63.10	<u>Subd. 3. Policy Quality and Compliance</u>	<u>(118,000)</u>	<u>(74,000)</u>
63.11	<u>Subd. 4. Health Protection</u>	<u>(225,000)</u>	<u>(74,000)</u>
63.12	<u>Subd. 5. Administrative Support Services</u>	<u>(131,000)</u>	<u>(22,000)</u>
63.13	Sec. 5. Laws 2009, chapter 79, article 13, section 3, subdivision 8, as amended by		
63.14	Laws 2009, chapter 173, article 2, section 1, subdivision 8, is amended to read:		
63.15	Subd. 8. Continuing Care Grants		
63.16	The amounts that may be spent from the		
63.17	appropriation for each purpose are as follows:		
63.18	(a) Aging and Adult Services Grants	13,499,000	15,805,000
63.19	Base Adjustment. The general fund base is		
63.20	increased by \$5,751,000 in fiscal year 2012		
63.21	and \$6,705,000 in fiscal year 2013.		
63.22	Information and Assistance		
63.23	Reimbursement. Federal administrative		
63.24	reimbursement obtained from information		
63.25	and assistance services provided by the		
63.26	Senior LinkAge or Disability Linkage lines		
63.27	to people who are identified as eligible for		
63.28	medical assistance shall be appropriated to		
63.29	the commissioner for this activity.		
63.30	Community Service Development Grant		
63.31	Reduction. Funding for community service		

64.1 development grants must be reduced by
 64.2 \$260,000 for fiscal year 2010; \$284,000 in
 64.3 fiscal year 2011; \$43,000 in fiscal year 2012;
 64.4 and \$43,000 in fiscal year 2013. Base level
 64.5 funding shall be restored in fiscal year 2014.

64.6 **Community Service Development Grant**

64.7 **Community Initiative.** Funding for
 64.8 community service development grants shall
 64.9 be used to offset the cost of aging support
 64.10 grants. Base level funding shall be restored
 64.11 in fiscal year 2014.

64.12 **Senior Nutrition Use of Federal Funds.**

64.13 For fiscal year 2010, general fund grants
 64.14 for home-delivered meals and congregate
 64.15 dining shall be reduced by \$500,000. The
 64.16 commissioner must replace these general
 64.17 fund reductions with equal amounts from
 64.18 federal funding for senior nutrition from the
 64.19 American Recovery and Reinvestment Act
 64.20 of 2009.

64.21	(b) Alternative Care Grants	50,234,000	48,576,000
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64.22 **Base Adjustment.** The general fund base is
 64.23 decreased by \$3,598,000 in fiscal year 2012
 64.24 and \$3,470,000 in fiscal year 2013.

64.25 **Alternative Care Transfer.** Any money
 64.26 allocated to the alternative care program that
 64.27 is not spent for the purposes indicated does
 64.28 not cancel but must be transferred to the
 64.29 medical assistance account.

64.30	(c) Medical Assistance Grants; Long-Term		
64.31	Care Facilities.	367,444,000	419,749,000

64.32	(d) Medical Assistance Long-Term Care		
64.33	Waivers and Home Care Grants	853,567,000	1,039,517,000

64.34 **Manage Growth in TBI and CADI**

64.35 **Waivers.** During the fiscal years beginning

65.1 on July 1, 2009, and July 1, 2010, the
65.2 commissioner shall allocate money for home
65.3 and community-based waiver programs
65.4 under Minnesota Statutes, section 256B.49,
65.5 to ensure a reduction in state spending that is
65.6 equivalent to limiting the caseload growth of
65.7 the TBI waiver to 12.5 allocations per month
65.8 each year of the biennium and the CADI
65.9 waiver to 95 allocations per month each year
65.10 of the biennium. Limits do not apply: (1)
65.11 when there is an approved plan for nursing
65.12 facility bed closures for individuals under
65.13 age 65 who require relocation due to the
65.14 bed closure; (2) to fiscal year 2009 waiver
65.15 allocations delayed due to unallotment; or (3)
65.16 to transfers authorized by the commissioner
65.17 from the personal care assistance program
65.18 of individuals having a home care rating
65.19 of "CS," "MT," or "HL." Priorities for the
65.20 allocation of funds must be for individuals
65.21 anticipated to be discharged from institutional
65.22 settings or who are at imminent risk of a
65.23 placement in an institutional setting.

65.24 **Manage Growth in DD Waiver.** The
65.25 commissioner shall manage the growth in
65.26 the DD waiver by limiting the allocations
65.27 included in the February 2009 forecast to 15
65.28 additional diversion allocations each month
65.29 for the calendar years that begin on January
65.30 1, 2010, and January 1, 2011. Additional
65.31 allocations must be made available for
65.32 transfers authorized by the commissioner
65.33 from the personal care program of individuals
65.34 having a home care rating of "CS," "MT,"
65.35 or "HL."

66.1 **Adjustment to Lead Agency Waiver**

66.2 **Allocations.** Prior to the availability of the
 66.3 alternative license defined in Minnesota
 66.4 Statutes, section 245A.11, subdivision 8,
 66.5 the commissioner shall reduce lead agency
 66.6 waiver allocations for the purposes of
 66.7 implementing a moratorium on corporate
 66.8 foster care.

66.9 **Alternatives to Personal Care Assistance**

66.10 **Services.** Base level funding of \$3,237,000
 66.11 in fiscal year 2012 and \$4,856,000 in
 66.12 fiscal year 2013 is to implement alternative
 66.13 services to personal care assistance services
 66.14 for persons with mental health and other
 66.15 behavioral challenges who can benefit
 66.16 from other services that more appropriately
 66.17 meet their needs and assist them in living
 66.18 independently in the community. These
 66.19 services may include, but not be limited to, a
 66.20 1915(i) state plan option.

66.21 **(e) Mental Health Grants**

66.22	Appropriations by Fund		
66.23	General	77,739,000	77,739,000
66.24	Health Care Access	750,000	750,000
66.25	Lottery Prize	1,508,000	1,508,000

66.26 **Funding Usage.** Up to 75 percent of a fiscal
 66.27 year's appropriation for adult mental health
 66.28 grants may be used to fund allocations in that
 66.29 portion of the fiscal year ending December
 66.30 31.

66.31 **(f) Deaf and Hard-of-Hearing Grants** 1,930,000 1,917,000

66.32 **(g) Chemical Dependency Entitlement Grants** 111,303,000 122,822,000

66.33 **Payments for Substance Abuse Treatment.**

66.34 For services provided during fiscal years
 66.35 2010 and 2011, county-negotiated rates and

67.1 provider claims to the consolidated chemical
67.2 dependency fund must not exceed rates
67.3 charged for these services on January 1,
67.4 2009; and rates for fiscal years 2010 and
67.5 2011 must not exceed 160 percent of the
67.6 average rate on January 1, 2009, for each
67.7 group of vendors with similar attributes. For
67.8 services provided in fiscal years 2012 and
67.9 2013, statewide average rates under the new
67.10 rate methodology to be developed under
67.11 Minnesota Statutes, section 254B.12, must
67.12 not exceed the average rates charged for
67.13 these services on January 1, 2009, plus a state
67.14 share increase of ~~\$3,787,000~~ \$165,000 for
67.15 fiscal year 2012 and ~~\$5,023,000~~ \$1,401,000
67.16 for fiscal year 2013. Notwithstanding any
67.17 provision to the contrary in this article, this
67.18 provision expires on June 30, 2013.

67.19 **Chemical Dependency Special Revenue**
67.20 **Account.** For fiscal year 2010, \$750,000
67.21 must be transferred from the consolidated
67.22 chemical dependency treatment fund
67.23 administrative account and deposited into the
67.24 general fund.

67.25 **County CD Share of MA Costs for**
67.26 **ARRA Compliance.** Notwithstanding the
67.27 provisions of Minnesota Statutes, chapter
67.28 254B, for chemical dependency services
67.29 provided during the period October 1, 2008,
67.30 to December 31, 2010, and reimbursed by
67.31 medical assistance at the enhanced federal
67.32 matching rate provided under the American
67.33 Recovery and Reinvestment Act of 2009, the
67.34 county share is 30 percent of the nonfederal
67.35 share. This provision is effective the day
67.36 following final enactment.

68.1	(h) Chemical Dependency Nonentitlement		
68.2	Grants	1,729,000	1,729,000
68.3	(i) Other Continuing Care Grants	19,201,000	17,528,000

68.4 **Base Adjustment.** The general fund base is
 68.5 increased by \$2,639,000 in fiscal year 2012
 68.6 and increased by \$3,854,000 in fiscal year
 68.7 2013.

68.8 **Technology Grants.** \$650,000 in fiscal
 68.9 year 2010 and \$1,000,000 in fiscal year
 68.10 2011 are for technology grants, case
 68.11 consultation, evaluation, and consumer
 68.12 information grants related to developing and
 68.13 supporting alternatives to shift-staff foster
 68.14 care residential service models.

68.15 **Other Continuing Care Grants; HIV**
 68.16 **Grants.** Money appropriated for the HIV
 68.17 drug and insurance grant program in fiscal
 68.18 year 2010 may be used in either year of the
 68.19 biennium.

68.20 **Quality Assurance Commission.** Effective
 68.21 July 1, 2009, state funding for the quality
 68.22 assurance commission under Minnesota
 68.23 Statutes, section 256B.0951, is canceled.

68.24 Sec. 6. Laws 2009, chapter 79, article 13, section 4, subdivision 4, as amended by
 68.25 Laws 2009, chapter 173, article 2, section 2, subdivision 4, is amended to read:

68.26 Subd. 4. **Health Protection**

68.27	Appropriations by Fund		
68.28	General	9,871,000	9,780,000
68.29	State Government		
68.30	Special Revenue	30,209,000	30,209,000

68.31 **Base Adjustment.** The general fund base is
 68.32 reduced by \$50,000 in each of fiscal years
 68.33 2012 and 2013.

69.1 **Health Protection Appropriations. (a)**

69.2 \$163,000 each year is for the lead abatement
69.3 grant program.

69.4 (b) \$100,000 each year is for emergency
69.5 preparedness and response activities.

69.6 (c) \$50,000 each year is for tuberculosis
69.7 prevention and control. This is a onetime
69.8 appropriation.

69.9 ~~(d) \$55,000 in fiscal year 2010 is for~~
69.10 ~~pentachlorophenol.~~

69.11 ~~(e) \$20,000 in fiscal year 2010 is for a PFC~~
69.12 ~~Citizens Advisory Group.~~

69.13 **American Recovery and Reinvestment**

69.14 **Act Funds.** Federal funds received
69.15 by the commissioner for immunization
69.16 operations from the American Recovery
69.17 and Reinvestment Act of 2009, Public Law
69.18 111-5, are appropriated to the commissioner
69.19 for the purposes of the grant.

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10A.322 SPENDING LIMIT AGREEMENTS.

Subd. 4. **Refund receipt forms; penalty.** The board must make available to a political party on request and to any candidate for whom an agreement under this section is effective, a supply of official refund receipt forms that state in boldface type that (1) a contributor who is given a receipt form is eligible to claim a refund as provided in section 290.06, subdivision 23, and (2) if the contribution is to a candidate, that the candidate has signed an agreement to limit campaign expenditures as provided in this section. The forms must provide duplicate copies of the receipt to be attached to the contributor's claim. A candidate who does not sign an agreement under this section and who willfully issues an official refund receipt form or a facsimile of one to any of the candidate's contributors is guilty of a misdemeanor.

13.4967 OTHER TAX DATA CODED ELSEWHERE.

Subd. 2. **Political contribution refund.** Certain political contribution refund data in the Revenue Department are classified under section 290.06, subdivision 23.

146A.01 DEFINITIONS.

Subdivision 1. **Terms.** As used in this chapter, the following terms have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of health or the commissioner's designee.

Subd. 3. **Complementary and alternative health care client.** "Complementary and alternative health care client" means an individual who receives services from an unlicensed complementary and alternative health care practitioner.

Subd. 4. **Complementary and alternative health care practices.** (a) "Complementary and alternative health care practices" means the broad domain of complementary and alternative healing methods and treatments, including but not limited to: (1) acupressure; (2) anthroposophy; (3) aroma therapy; (4) ayurveda; (5) cranial sacral therapy; (6) culturally traditional healing practices; (7) detoxification practices and therapies; (8) energetic healing; (9) polarity therapy; (10) folk practices; (11) healing practices utilizing food, food supplements, nutrients, and the physical forces of heat, cold, water, touch, and light; (12) Gerson therapy and colostrum therapy; (13) healing touch; (14) herbology or herbalism; (15) homeopathy; (16) nondiagnostic iridology; (17) body work, massage, and massage therapy; (18) meditation; (19) mind-body healing practices; (20) naturopathy; (21) noninvasive instrumentalities; and (22) traditional Oriental practices, such as Qi Gong energy healing.

(b) Complementary and alternative health care practices do not include surgery, x-ray radiation, administering or dispensing legend drugs and controlled substances, practices that invade the human body by puncture of the skin, setting fractures, the use of medical devices as defined in section 147A.01, any practice included in the practice of dentistry as defined in section 150A.05, subdivision 1, or the manipulation or adjustment of articulations of joints or the spine as described in section 146.23 or 148.01.

(c) Complementary and alternative health care practices do not include practices that are permitted under section 147.09, clause (11), or 148.271, clause (5).

(d) This chapter does not apply to, control, prevent, or restrict the practice, service, or activity of lawfully marketing or distributing food products, including dietary supplements as defined in the federal Dietary Supplement Health and Education Act, educating customers about such products, or explaining the uses of such products. Under Minnesota law, an unlicensed complementary and alternative health care practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments.

Subd. 5. **Office of Unlicensed Complementary and Alternative Health Care Practice or office.** "Office of Unlicensed Complementary and Alternative Health Care Practice" or "office" means the Office of Unlicensed Complementary and Alternative Health Care Practice established in section 146A.02.

Subd. 6. **Unlicensed complementary and alternative health care practitioner.** (a) "Unlicensed complementary and alternative health care practitioner" means a person who:

(1) either:

(i) is not licensed or registered by a health-related licensing board or the commissioner of health; or

(ii) is licensed or registered by the commissioner of health or a health-related licensing board other than the Board of Medical Practice, the Board of Dentistry, the Board of Chiropractic

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Examiners, or the Board of Podiatric Medicine, but does not hold oneself out to the public as being licensed or registered by the commissioner or a health-related licensing board when engaging in complementary and alternative health care;

(2) has not had a license or registration issued by a health-related licensing board or the commissioner of health revoked or has not been disciplined in any manner at any time in the past, unless the right to engage in complementary and alternative health care practices has been established by order of the commissioner of health;

(3) is engaging in complementary and alternative health care practices; and

(4) is providing complementary and alternative health care services for remuneration or is holding oneself out to the public as a practitioner of complementary and alternative health care practices.

(b) A health care practitioner licensed or registered by the commissioner or a health-related licensing board, who engages in complementary and alternative health care while practicing under the practitioner's license or registration, shall be regulated by and be under the jurisdiction of the applicable health-related licensing board with regard to the complementary and alternative health care practices.

146A.02 OFFICE OF UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTICE.

Subdivision 1. **Creation.** The Office of Unlicensed Complementary and Alternative Health Care Practice is created in the Department of Health to investigate complaints and take and enforce disciplinary actions against all unlicensed complementary and alternative health care practitioners for violations of prohibited conduct, as defined in section 146A.08. The office shall also serve as a clearinghouse on complementary and alternative health care practices and unlicensed complementary and alternative health care practitioners through the dissemination of objective information to consumers and through the development and performance of public education activities, including outreach, regarding the provision of complementary and alternative health care practices and unlicensed complementary and alternative health care practitioners who provide these services.

Subd. 2. **Rulemaking.** The commissioner shall adopt rules necessary to implement, administer, or enforce provisions of this chapter pursuant to chapter 14.

146A.025 MALTREATMENT OF MINORS.

Nothing in this chapter shall restrict the ability of a local welfare agency, local law enforcement agency, the commissioner of human services, or the state to take action regarding the maltreatment of minors under section 609.378 or 626.556. A parent who obtains complementary and alternative health care for the parent's minor child is not relieved of the duty to seek necessary medical care consistent with the requirements of sections 609.378 and 626.556. A complementary or alternative health care practitioner who is providing services to a child who is not receiving necessary medical care must make a report under section 626.556. A complementary or alternative health care provider is a mandated reporter under section 626.556, subdivision 3.

146A.03 REPORTING OBLIGATIONS.

Subdivision 1. **Permission to report.** A person who has knowledge of any conduct constituting grounds for disciplinary action relating to complementary and alternative health care practices under this chapter may report the violation to the office.

Subd. 2. **Institutions.** A state agency, political subdivision, agency of a local unit of government, private agency, hospital, clinic, prepaid medical plan, or other health care institution or organization located in this state shall report to the office any action taken by the agency, institution, or organization or any of its administrators or medical or other committees to revoke, suspend, restrict, or condition an unlicensed complementary and alternative health care practitioner's privilege to practice or treat complementary and alternative health care clients in the institution or, as part of the organization, any denial of privileges or any other disciplinary action for conduct that might constitute grounds for disciplinary action by the office under this chapter. The institution, organization, or governmental entity shall also report the resignation of any unlicensed complementary and alternative health care practitioners prior to the conclusion of any disciplinary action proceeding for conduct that might constitute grounds for disciplinary action under this chapter or prior to the commencement of formal charges but after the practitioner had knowledge that formal charges were contemplated or were being prepared.

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Subd. 3. **Professional societies.** A state or local professional society for unlicensed complementary and alternative health care practitioners shall report to the office any termination, revocation, or suspension of membership or any other disciplinary action taken against an unlicensed complementary and alternative health care practitioner. If the society has received a complaint that might be grounds for discipline under this chapter against a member on which it has not taken any disciplinary action, the society shall report the complaint and the reason why it has not taken action on it or shall direct the complainant to the office.

Subd. 4. **Licensed professionals.** A licensed health professional shall report to the office personal knowledge of any conduct that the licensed health professional reasonably believes constitutes grounds for disciplinary action under this chapter by any unlicensed complementary and alternative health care practitioner, including conduct indicating that the individual may be incompetent or may be mentally or physically unable to engage safely in the provision of services. If the information was obtained in the course of a client relationship, the client is an unlicensed complementary and alternative health care practitioner, and the treating individual successfully counsels the other practitioner to limit or withdraw from practice to the extent required by the impairment, the office may deem this limitation of or withdrawal from practice to be sufficient disciplinary action.

Subd. 5. **Insurers.** Four times each year as prescribed by the commissioner, each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to unlicensed complementary and alternative health care practitioners or the medical Joint Underwriting Association under chapter 62F shall submit to the office a report concerning the unlicensed complementary and alternative health care practitioners against whom malpractice settlements or awards have been made. The response must contain at least the following information:

- (1) the total number of malpractice settlements or awards made;
- (2) the date the malpractice settlements or awards were made;
- (3) the allegations contained in the claim or complaint leading to the settlements or awards made;
- (4) the dollar amount of each malpractice settlement or award;
- (5) the regular address of the practice of the unlicensed complementary and alternative health care practitioner against whom an award was made or with whom a settlement was made; and
- (6) the name of the unlicensed complementary and alternative health care practitioner against whom an award was made or with whom a settlement was made.

The insurance company shall, in addition to the above information, submit to the office any information, records, and files, including clients' charts and records, it possesses that tend to substantiate a charge that an unlicensed complementary and alternative health care practitioner may have engaged in conduct violating this chapter.

Subd. 6. **Courts.** The court administrator of district court or any other court of competent jurisdiction shall report to the office any judgment or other determination of the court that adjudges or includes a finding that an unlicensed complementary and alternative health care practitioner is mentally ill, mentally incompetent, guilty of a felony, guilty of a violation of federal or state narcotics laws or controlled substances act, or guilty of abuse or fraud under Medicare or Medicaid; or that appoints a guardian of the unlicensed complementary and alternative health care practitioner under sections 524.5-101 to 524.5-502 or commits an unlicensed complementary and alternative health care practitioner under chapter 253B.

Subd. 7. **Self-reporting.** An unlicensed complementary and alternative health care practitioner shall report to the office any personal action that would require that a report be filed with the office by any person, health care facility, business, or organization pursuant to subdivisions 2 to 5. The practitioner shall also report the revocation, suspension, restriction, limitation, or other disciplinary action against the practitioner's license, certificate, registration, or right of practice in another state or jurisdiction for offenses that would be subject to disciplinary action in this state and also report the filing of charges regarding the practitioner's license, certificate, registration, or right of practice in another state or jurisdiction.

Subd. 8. **Deadlines; forms.** Reports required by subdivisions 2 to 7 must be submitted not later than 30 days after the reporter learns of the occurrence of the reportable event or transaction. The office may provide forms for the submission of reports required by this section, may require that reports be submitted on the forms provided, and may adopt rules necessary to ensure prompt and accurate reporting.

146A.04 IMMUNITY.

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Subdivision 1. **Reporting.** Any person, other than the unlicensed complementary and alternative health care practitioner who committed the violation, health care facility, business, or organization is immune from civil liability or criminal prosecution for submitting a report to the office, for otherwise reporting to the office violations or alleged violations of this chapter, or for cooperating with an investigation of a report, except as provided in this subdivision. Any person who knowingly or recklessly makes a false report is liable in a civil suit for any damages suffered by the person or persons so reported and for any punitive damages set by the court or jury. An action requires clear and convincing evidence that the defendant made the statement with knowledge of falsity or with reckless disregard for its truth or falsity. The report or statement or any statement made in cooperation with an investigation or as part of a disciplinary proceeding is privileged except in an action brought under this subdivision.

Subd. 2. **Investigation.** The commissioner and employees of the Department of Health and other persons engaged in the investigation of violations and in the preparation, presentation, and management of and testimony pertaining to charges of violations of this chapter are immune from civil liability and criminal prosecution for any actions, transactions, or publications in the execution of, or relating to, their duties under this chapter.

146A.05 DISCIPLINARY RECORD ON JUDICIAL REVIEW.

Upon judicial review of any disciplinary action taken by the commissioner under this chapter, the reviewing court shall seal the portions of the administrative record that contain data on a complementary and alternative health care client or a complainant under section 146A.03, and shall not make those portions of the administrative record available to the public.

146A.06 PROFESSIONAL COOPERATION; UNLICENSED PRACTITIONER.

Subdivision 1. **Cooperation.** An unlicensed complementary and alternative health care practitioner who is the subject of an investigation, or who is questioned in connection with an investigation, by or on behalf of the office, shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the office relating to the subject of the investigation, whether tape recorded or not; providing copies of client records, as reasonably requested by the office, to assist the office in its investigation; and appearing at conferences or hearings scheduled by the commissioner. If the office does not have a written consent from a client permitting access to the client's records, the unlicensed complementary and alternative health care practitioner shall delete in the record any data that identifies the client before providing it to the office. If an unlicensed complementary and alternative health care practitioner refuses to give testimony or produce any documents, books, records, or correspondence on the basis of the fifth amendment to the Constitution of the United States, the commissioner may compel the unlicensed complementary and alternative health care practitioner to provide the testimony or information; however, the testimony or evidence may not be used against the practitioner in any criminal proceeding. Challenges to requests of the office may be brought before the appropriate agency or court.

Subd. 2. **Data.** (a) Data relating to investigations of complaints and disciplinary actions involving unlicensed complementary and alternative health care practitioners are governed by this subdivision and section 13.41 does not apply. Except as provided in section 13.39, subdivision 2, and paragraph (b), data relating to investigations of complaints and disciplinary actions involving unlicensed complementary and alternative health care practitioners are public data, regardless of the outcome of any investigation, action, or proceeding.

(b) The following data are private data on individuals, as defined in section 13.02:

- (1) data on a complementary and alternative health care client;
- (2) data on a complainant under section 146A.03; and
- (3) data on the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action.

Subd. 3. **Exchanging information.** (a) The office shall establish internal operating procedures for:

(1) exchanging information with state boards; agencies, including the Office of Ombudsman for Mental Health and Developmental Disabilities; health-related and law enforcement facilities; departments responsible for licensing health-related occupations, facilities, and programs; and law enforcement personnel in this and other states; and

(2) coordinating investigations involving matters within the jurisdiction of more than one regulatory agency.

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(b) The procedures for exchanging information must provide for the forwarding to the entities described in paragraph (a), clause (1), of information and evidence, including the results of investigations, that are relevant to matters within the regulatory jurisdiction of the organizations in paragraph (a). The data have the same classification in the hands of the agency receiving the data as they have in the hands of the agency providing the data.

(c) The office shall establish procedures for exchanging information with other states regarding disciplinary action against unlicensed complementary and alternative health care practitioners.

(d) The office shall forward to another governmental agency any complaints received by the office that do not relate to the office's jurisdiction but that relate to matters within the jurisdiction of the other governmental agency. The agency to which a complaint is forwarded shall advise the office of the disposition of the complaint. A complaint or other information received by another governmental agency relating to a statute or rule that the office is empowered to enforce must be forwarded to the office to be processed in accordance with this section.

(e) The office shall furnish to a person who made a complaint a description of the actions of the office relating to the complaint.

146A.07 PROFESSIONAL ACCOUNTABILITY.

The office shall maintain and keep current a file containing the reports and complaints filed against unlicensed complementary and alternative health care practitioners within the commissioner's jurisdiction. Each complaint filed with the office must be investigated. If the files maintained by the office show that a malpractice settlement or award has been made against an unlicensed complementary and alternative health care practitioner, as reported by insurers under section 146A.03, subdivision 5, the commissioner may authorize a review of the practitioner's practice by the staff of the office.

146A.08 PROHIBITED CONDUCT.

Subdivision 1. **Prohibited conduct.** The commissioner may impose disciplinary action as described in section 146A.09 against any unlicensed complementary and alternative health care practitioner. The following conduct is prohibited and is grounds for disciplinary action:

(a) Conviction of a crime, including a finding or verdict of guilt, an admission of guilt, or a no-contest plea, in any court in Minnesota or any other jurisdiction in the United States, reasonably related to engaging in complementary and alternative health care practices. Conviction, as used in this subdivision, includes a conviction of an offense which, if committed in this state, would be deemed a felony, gross misdemeanor, or misdemeanor, without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered.

(b) Conviction of any crime against a person. For purposes of this chapter, a crime against a person means violations of the following: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.215; 609.221; 609.222; 609.223; 609.224; 609.2242; 609.23; 609.231; 609.2325; 609.233; 609.2335; 609.235; 609.24; 609.245; 609.25; 609.255; 609.26, subdivision 1, clause (1) or (2); 609.265; 609.342; 609.343; 609.344; 609.345; 609.365; 609.498, subdivision 1; 609.50, subdivision 1, clause (1); 609.561; 609.562; 609.595; and 609.72, subdivision 3.

(c) Failure to comply with the self-reporting requirements of section 146A.03, subdivision 7.

(d) Engaging in sexual contact with a complementary and alternative health care client, engaging in contact that may be reasonably interpreted by a client as sexual, engaging in any verbal behavior that is seductive or sexually demeaning to the client, or engaging in sexual exploitation of a client or former client.

(e) Advertising that is false, fraudulent, deceptive, or misleading.

(f) Conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a complementary and alternative health care client; or any other practice that may create danger to any client's life, health, or safety, in any of which cases, proof of actual injury need not be established.

(g) Adjudication as mentally incompetent or as a person who is dangerous to self or adjudication pursuant to chapter 253B as chemically dependent, mentally ill, developmentally disabled, mentally ill and dangerous to the public, or as a sexual psychopathic personality or sexually dangerous person.

(h) Inability to engage in complementary and alternative health care practices with reasonable safety to complementary and alternative health care clients.

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- (i) The habitual overindulgence in the use of or the dependence on intoxicating liquors.
 - (j) Improper or unauthorized personal or other use of any legend drugs as defined in chapter 151, any chemicals as defined in chapter 151, or any controlled substance as defined in chapter 152.
 - (k) Revealing a communication from, or relating to, a complementary and alternative health care client except when otherwise required or permitted by law.
 - (l) Failure to comply with a complementary and alternative health care client's request made under sections 144.291 to 144.298 or to furnish a complementary and alternative health care client record or report required by law.
 - (m) Splitting fees or promising to pay a portion of a fee to any other professional other than for services rendered by the other professional to the complementary and alternative health care client.
 - (n) Engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws.
 - (o) Failure to make reports as required by section 146A.03 or cooperate with an investigation of the office.
 - (p) Obtaining money, property, or services from a complementary and alternative health care client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud.
 - (q) Failure to provide a complementary and alternative health care client with a copy of the client bill of rights or violation of any provision of the client bill of rights.
 - (r) Violating any order issued by the commissioner.
 - (s) Failure to comply with any provision of sections 146A.01 to 146A.11 and the rules adopted under those sections.
 - (t) Failure to comply with any additional disciplinary grounds established by the commissioner by rule.
 - (u) Revocation, suspension, restriction, limitation, or other disciplinary action against any health care license, certificate, registration, or right to practice of the unlicensed complementary and alternative health care practitioner in this or another state or jurisdiction for offenses that would be subject to disciplinary action in this state or failure to report to the office that charges regarding the practitioner's license, certificate, registration, or right of practice have been brought in this or another state or jurisdiction.
 - (v) Use of the title "doctor," "Dr.," or "physician" alone or in combination with any other words, letters, or insignia to describe the complementary and alternative health care practices the practitioner provides.
 - (w) Failure to provide a complementary and alternative health care client with a recommendation that the client see a health care provider who is licensed or registered by a health-related licensing board or the commissioner of health, if there is a reasonable likelihood that the client needs to be seen by a licensed or registered health care provider.
- Subd. 2. **Less customary approach.** The fact that a complementary and alternative health care practice may be a less customary approach to health care shall not constitute the basis of a disciplinary action per se.
- Subd. 3. **Evidence.** In disciplinary actions alleging a violation of subdivision 1, paragraph (a), (b), (c), or (g), a copy of the judgment or proceeding under the seal of the court administrator or of the administrative agency that entered the same is admissible into evidence without further authentication and constitutes prima facie evidence of its contents.
- Subd. 4. **Examination; access to medical data.** (a) If the commissioner has probable cause to believe that an unlicensed complementary and alternative health care practitioner has engaged in conduct prohibited by subdivision 1, paragraph (g), (h), (i), or (j), the commissioner may issue an order directing the practitioner to submit to a mental or physical examination or chemical dependency evaluation. For the purpose of this subdivision, every unlicensed complementary and alternative health care practitioner is deemed to have consented to submit to a mental or physical examination or chemical dependency evaluation when ordered to do so in writing by the commissioner and further to have waived all objections to the admissibility of the testimony or examination reports of the health care provider performing the examination or evaluation on the grounds that the same constitute a privileged communication. Failure of an unlicensed complementary and alternative health care practitioner to submit to an examination or evaluation when ordered, unless the failure was due to circumstances beyond the practitioner's control, constitutes an admission that the unlicensed complementary and alternative health care practitioner violated subdivision 1, paragraph (g), (h), (i), or (j), based on the factual specifications in the examination or evaluation order and may result in a default and final disciplinary order being entered after a contested case hearing. An unlicensed complementary and alternative health

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care practitioner affected under this paragraph shall at reasonable intervals be given an opportunity to demonstrate that the practitioner can resume the provision of complementary and alternative health care practices with reasonable safety to clients. In any proceeding under this paragraph, neither the record of proceedings nor the orders entered by the commissioner shall be used against an unlicensed complementary and alternative health care practitioner in any other proceeding.

(b) In addition to ordering a physical or mental examination or chemical dependency evaluation, the commissioner may, notwithstanding section 13.384; 144.651; 595.02; or any other law limiting access to medical or other health data, obtain medical data and health records relating to an unlicensed complementary and alternative health care practitioner without the practitioner's consent if the commissioner has probable cause to believe that a practitioner has engaged in conduct prohibited by subdivision 1, paragraph (g), (h), (i), or (j). The medical data may be requested from a provider as defined in section 144.291, subdivision 2, paragraph (h), an insurance company, or a government agency, including the Department of Human Services. A provider, insurance company, or government agency shall comply with any written request of the commissioner under this subdivision and is not liable in any action for damages for releasing the data requested by the commissioner if the data are released pursuant to a written request under this subdivision, unless the information is false and the person or organization giving the information knew or had reason to believe the information was false. Information obtained under this subdivision is private data under section 13.41.

146A.09 DISCIPLINARY ACTIONS.

Subdivision 1. **Forms of disciplinary action.** When the commissioner finds that an unlicensed complementary and alternative health care practitioner has violated any provision of this chapter, the commissioner may take one or more of the following actions, only against the individual practitioner:

- (1) revoke the right to practice;
- (2) suspend the right to practice;
- (3) impose limitations or conditions on the practitioner's provision of complementary and alternative health care practices, impose rehabilitation requirements, or require practice under supervision;
- (4) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the practitioner of any economic advantage gained by reason of the violation charged or to reimburse the office for all costs of the investigation and proceeding;
- (5) censure or reprimand the practitioner;
- (6) impose a fee on the practitioner to reimburse the office for all or part of the cost of the proceedings resulting in disciplinary action including, but not limited to, the amount paid by the office for services from the Office of Administrative Hearings, attorney fees, court reports, witnesses, reproduction of records, staff time, and expense incurred by the staff of the Office of Unlicensed Complementary and Alternative Health Care Practice; or
- (7) any other action justified by the case.

Subd. 2. **Discovery; subpoenas.** In all matters relating to the lawful activities of the office, the commissioner may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary material. Any person failing or refusing to appear or testify regarding any matter about which the person may be lawfully questioned or failing to produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the commissioner or by a subpoena of the commissioner to do so may, upon application to the district court in any district, be ordered to comply with the order or subpoena. The commissioner may administer oaths to witnesses or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process may be served upon a person it names anywhere within the state by any officer authorized to serve subpoenas or other process in civil actions in the same manner as prescribed by law for service of process issued out of the district court of this state.

Subd. 3. **Hearings.** If the commissioner proposes to take action against the practitioner as described in subdivision 1, the commissioner must first notify the practitioner against whom the action is proposed to be taken and provide the practitioner with an opportunity to request a hearing under the contested case provisions of chapter 14. If the practitioner does not request a hearing by notifying the commissioner within 30 days after service of the notice of the proposed action, the commissioner may proceed with the action without a hearing.

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Subd. 4. **Reinstatement.** The commissioner may at the commissioner's discretion reinstate the right to practice and may impose any disciplinary measure listed under subdivision 1.

Subd. 5. **Temporary suspension.** In addition to any other remedy provided by law, the commissioner may, acting through a person to whom the commissioner has delegated this authority and without a hearing, temporarily suspend the right of an unlicensed complementary and alternative health care practitioner to practice if the commissioner's delegate finds that the practitioner has violated a statute or rule that the commissioner is empowered to enforce and continued practice by the practitioner would create a serious risk of harm to others. The suspension is in effect upon service of a written order on the practitioner specifying the statute or rule violated. The order remains in effect until the commissioner issues a final order in the matter after a hearing or upon agreement between the commissioner and the practitioner. Service of the order is effective if the order is served on the practitioner or counsel of record personally or by first class mail. Within ten days of service of the order, the commissioner shall hold a hearing on the sole issue of whether there is a reasonable basis to continue, modify, or lift the suspension. Evidence presented by the office or practitioner shall be in affidavit form only. The practitioner or the counsel of record may appear for oral argument. Within five working days after the hearing, the commissioner shall issue the commissioner's order and, if the suspension is continued, schedule a contested case hearing within 45 days after issuance of the order. The administrative law judge shall issue a report within 30 days after closing of the contested case hearing record. The commissioner shall issue a final order within 30 days after receipt of that report.

Subd. 6. **Automatic suspension.** The right of an unlicensed complementary and alternative health care practitioner to practice is automatically suspended if (1) a guardian of an unlicensed complementary and alternative health care practitioner is appointed by order of a court under sections 524.5-101 to 524.5-502, or (2) the practitioner is committed by order of a court pursuant to chapter 253B. The right to practice remains suspended until the practitioner is restored to capacity by a court and, upon petition by the practitioner, the suspension is terminated by the commissioner after a hearing or upon agreement between the commissioner and the practitioner.

Subd. 7. **Licensed or regulated practitioners.** If a practitioner investigated under this section is licensed or registered by the commissioner of health or a health-related licensing board, is subject to the jurisdiction of the commissioner under section 146A.01, subdivision 6, paragraph (a), clause (1), item (ii), and the commissioner determines that the practitioner has violated any provision of this chapter, the commissioner, in addition to taking disciplinary action under this section:

(1) may, if the practitioner is licensed or regulated in another capacity by the commissioner, take further disciplinary action against the practitioner in that capacity; or

(2) shall, if the practitioner is licensed or registered in another capacity by a health-related licensing board, report the commissioner's findings under this section, and may make a nonbinding recommendation that the board take further action against the practitioner in that capacity.

146A.10 ADDITIONAL REMEDIES.

Subdivision 1. **Cease and desist.** (a) The commissioner may issue a cease and desist order to stop a person from violating or threatening to violate a statute, rule, or order which the office has issued or is empowered to enforce. The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under sections 14.57 to 14.62. If, within 15 days of service of the order, the subject of the order fails to request a hearing in writing, the order is the final order of the commissioner and is not reviewable by a court or agency.

(b) A hearing must be initiated by the office not later than 30 days from the date of the office's receipt of a written hearing request. Within 30 days of receipt of the administrative law judge's report, the commissioner shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require. The final order remains in effect until modified or vacated by the commissioner.

(c) When a request for a stay accompanies a timely hearing request, the commissioner may, in the commissioner's discretion, grant the stay. If the commissioner does not grant a requested stay, the commissioner shall refer the request to the Office of Administrative Hearings within three working days of receipt of the request. Within ten days after receiving the request from the commissioner, an administrative law judge shall issue a recommendation to grant or deny the stay. The commissioner shall grant or deny the stay within five days of receiving the administrative law judge's recommendation.

(d) In the event of noncompliance with a cease and desist order, the commissioner may institute a proceeding in Hennepin County District Court to obtain injunctive relief or other

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appropriate relief, including a civil penalty payable to the office not exceeding \$10,000 for each separate violation.

Subd. 2. **Injunctive relief.** In addition to any other remedy provided by law, including the issuance of a cease and desist order under subdivision 1, the commissioner may in the commissioner's own name bring an action in Hennepin County District Court for injunctive relief to restrain an unlicensed complementary and alternative health care practitioner from a violation or threatened violation of any statute, rule, or order which the commissioner is empowered to regulate, enforce, or issue. A temporary restraining order must be granted in the proceeding if continued activity by a practitioner would create a serious risk of harm to others. The commissioner need not show irreparable harm.

Subd. 3. **Additional powers.** The issuance of a cease and desist order or injunctive relief granted under this section does not relieve a practitioner from criminal prosecution by a competent authority or from disciplinary action by the commissioner.

146A.11 COMPLEMENTARY AND ALTERNATIVE HEALTH CARE CLIENT BILL OF RIGHTS.

Subdivision 1. **Scope.** (a) All unlicensed complementary and alternative health care practitioners shall provide to each complementary and alternative health care client prior to providing treatment a written copy of the complementary and alternative health care client bill of rights. A copy must also be posted in a prominent location in the office of the unlicensed complementary and alternative health care practitioner. Reasonable accommodations shall be made for those clients who cannot read or who have communication impairments and those who do not read or speak English. The complementary and alternative health care client bill of rights shall include the following:

(1) the name, complementary and alternative health care title, business address, and telephone number of the unlicensed complementary and alternative health care practitioner;

(2) the degrees, training, experience, or other qualifications of the practitioner regarding the complimentary and alternative health care being provided, followed by the following statement in bold print:

"THE STATE OF MINNESOTA HAS NOT ADOPTED ANY EDUCATIONAL AND TRAINING STANDARDS FOR UNLICENSED COMPLEMENTARY AND ALTERNATIVE HEALTH CARE PRACTITIONERS. THIS STATEMENT OF CREDENTIALS IS FOR INFORMATION PURPOSES ONLY.

Under Minnesota law, an unlicensed complementary and alternative health care practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments. If a client desires a diagnosis from a licensed physician, chiropractor, or acupuncture practitioner, or services from a physician, chiropractor, nurse, osteopath, physical therapist, dietitian, nutritionist, acupuncture practitioner, athletic trainer, or any other type of health care provider, the client may seek such services at any time.";

(3) the name, business address, and telephone number of the practitioner's supervisor, if any;

(4) notice that a complementary and alternative health care client has the right to file a complaint with the practitioner's supervisor, if any, and the procedure for filing complaints;

(5) the name, address, and telephone number of the office of unlicensed complementary and alternative health care practice and notice that a client may file complaints with the office;

(6) the practitioner's fees per unit of service, the practitioner's method of billing for such fees, the names of any insurance companies that have agreed to reimburse the practitioner, or health maintenance organizations with whom the practitioner contracts to provide service, whether the practitioner accepts Medicare, medical assistance, or general assistance medical care, and whether the practitioner is willing to accept partial payment, or to waive payment, and in what circumstances;

(7) a statement that the client has a right to reasonable notice of changes in services or charges;

(8) a brief summary, in plain language, of the theoretical approach used by the practitioner in providing services to clients;

(9) notice that the client has a right to complete and current information concerning the practitioner's assessment and recommended service that is to be provided, including the expected duration of the service to be provided;

(10) a statement that clients may expect courteous treatment and to be free from verbal, physical, or sexual abuse by the practitioner;

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(11) a statement that client records and transactions with the practitioner are confidential, unless release of these records is authorized in writing by the client, or otherwise provided by law;

(12) a statement of the client's right to be allowed access to records and written information from records in accordance with sections 144.291 to 144.298;

(13) a statement that other services may be available in the community, including where information concerning services is available;

(14) a statement that the client has the right to choose freely among available practitioners and to change practitioners after services have begun, within the limits of health insurance, medical assistance, or other health programs;

(15) a statement that the client has a right to coordinated transfer when there will be a change in the provider of services;

(16) a statement that the client may refuse services or treatment, unless otherwise provided by law; and

(17) a statement that the client may assert the client's rights without retaliation.

(b) This section does not apply to an unlicensed complementary and alternative health care practitioner who is employed by or is a volunteer in a hospital or hospice who provides services to a client in a hospital or under an appropriate hospice plan of care. Patients receiving complementary and alternative health care services in an inpatient hospital or under an appropriate hospice plan of care shall have and be made aware of the right to file a complaint with the hospital or hospice provider through which the practitioner is employed or registered as a volunteer.

Subd. 2. Acknowledgment by client. Prior to the provision of any service, a complementary and alternative health care client must sign a written statement attesting that the client has received the complementary and alternative health care client bill of rights.

290.06 RATES OF TAX; CREDITS.

Subd. 23. Refund of contributions to political parties and candidates. (a) A taxpayer may claim a refund equal to the amount of the taxpayer's contributions made in the calendar year to candidates and to a political party. The maximum refund for an individual must not exceed \$50 and for a married couple, filing jointly, must not exceed \$100. A refund of a contribution is allowed only if the taxpayer files a form required by the commissioner and attaches to the form a copy of an official refund receipt form issued by the candidate or party and signed by the candidate, the treasurer of the candidate's principal campaign committee, or the chair or treasurer of the party unit, after the contribution was received. The receipt forms must be numbered, and the data on the receipt that are not public must be made available to the campaign finance and public disclosure board upon its request. A claim must be filed with the commissioner no sooner than January 1 of the calendar year in which the contribution was made and no later than April 15 of the calendar year following the calendar year in which the contribution was made. A taxpayer may file only one claim per calendar year. Amounts paid by the commissioner after June 15 of the calendar year following the calendar year in which the contribution was made must include interest at the rate specified in section 270C.405.

(b) No refund is allowed under this subdivision for a contribution to a candidate unless the candidate:

(1) has signed an agreement to limit campaign expenditures as provided in section 10A.322;

(2) is seeking an office for which voluntary spending limits are specified in section 10A.25; and

(3) has designated a principal campaign committee.

This subdivision does not limit the campaign expenditures of a candidate who does not sign an agreement but accepts a contribution for which the contributor improperly claims a refund.

(c) For purposes of this subdivision, "political party" means a major political party as defined in section 200.02, subdivision 7, or a minor political party qualifying for inclusion on the income tax or property tax refund form under section 10A.31, subdivision 3a.

A "major party" or "minor party" includes the aggregate of that party's organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, legislative districts, municipalities, and precincts.

"Candidate" means a candidate as defined in section 10A.01, subdivision 10, except a candidate for judicial office.

"Contribution" means a gift of money.

(d) The commissioner shall make copies of the form available to the public and candidates upon request.

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(e) The following data collected or maintained by the commissioner under this subdivision are private: the identities of individuals claiming a refund, the identities of candidates to whom those individuals have made contributions, and the amount of each contribution.

(f) The commissioner shall report to the campaign finance and public disclosure board by each August 1 a summary showing the total number and aggregate amount of political contribution refunds made on behalf of each candidate and each political party. These data are public.

(g) The amount necessary to pay claims for the refund provided in this section is appropriated from the general fund to the commissioner of revenue.

(h) For a taxpayer who files a claim for refund via the Internet or other electronic means, the commissioner may accept the number on the official receipt as documentation that a contribution was made rather than the actual receipt as required by paragraph (a).

477A.03 APPROPRIATION.

Subd. 5. **Aid adjustments.** For aids payable in 2010, the aid amounts contained in subdivisions 2a and 2b are increased by two percent. For aids payable in 2011 and thereafter, the aids amounts contained in subdivisions 2a and 2b are equal to 104 percent of the amounts for aids payable in 2010 under this section.