

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-THIRD LEGISLATURE

---

ONE HUNDRED FOURTH DAY

St. Paul, Minnesota, Friday, May 7, 2004

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

## CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by Senator Steve Dille.

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

|           |               |          |            |           |
|-----------|---------------|----------|------------|-----------|
| Anderson  | Frederickson  | Kubly    | Neuville   | Saxhaug   |
| Bachmann  | Gaither       | Langseth | Nienow     | Scheid    |
| Bakk      | Hann          | Larson   | Ortman     | Senjem    |
| Berglin   | Higgins       | LeClair  | Pappas     | Skoe      |
| Betzold   | Johnson, D.E. | Limmer   | Pariseau   | Skoglund  |
| Chaudhary | Jungbauer     | Lourey   | Pogemiller | Solon     |
| Cohen     | Kelley        | Marty    | Reiter     | Sparks    |
| Day       | Kierlin       | McGinn   | Rest       | Stumpf    |
| Dibble    | Kiscaden      | Metzen   | Robling    | Tomassoni |
| Dille     | Kleis         | Michel   | Rosen      | Vickerman |
| Fischbach | Knutson       | Moua     | Ruud       | Wergin    |
| Foley     | Koering       | Murphy   | Sams       | Wiger     |

The President declared a quorum present.

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

## MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1192, 2065, 2437 and 2222.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 2004

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 1604:** A bill for an act relating to human services; requiring the commissioner of human services to provide rate notices within certain timelines under certain conditions; requiring

a planned nursing facility closure to be budget neutral; amending Minnesota Statutes 2002, sections 256B.431, subdivision 10; 256B.437, subdivision 3.

Senate File No. 1604 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 2004

### CONCURRENCE AND REPASSAGE

Senator Berglin moved that the Senate concur in the amendments by the House to S.F. No. 1604 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1604 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

|              |               |          |            |           |
|--------------|---------------|----------|------------|-----------|
| Anderson     | Gaither       | Langseth | Ortman     | Skoe      |
| Bachmann     | Hann          | Larson   | Pappas     | Skoglund  |
| Bakk         | Higgins       | LeClair  | Pariseau   | Solon     |
| Berglin      | Johnson, D.E. | Limmer   | Pogemiller | Sparks    |
| Betzold      | Jungbauer     | Lourey   | Reiter     | Tomassoni |
| Chaudhary    | Kelley        | Marty    | Rest       | Vickerman |
| Cohen        | Kierlin       | McGinn   | Robling    | Wergin    |
| Dibble       | Kiscaden      | Metzen   | Rosen      | Wiger     |
| Dille        | Kleis         | Michel   | Ruud       |           |
| Fischbach    | Knutson       | Moua     | Sams       |           |
| Foley        | Koering       | Murphy   | Scheid     |           |
| Frederickson | Kubly         | Nienow   | Senjem     |           |

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

**S.F. No. 2181:** A bill for an act relating to the State Lottery; amending provisions relating to the director; creating a task force and requiring a report; amending Minnesota Statutes 2002, section 349A.02, subdivision 1; repealing Minnesota Statutes 2002, section 349A.02, subdivision 2.

Senate File No. 2181 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 2004

Senator Rest moved that the Senate do not concur in the amendments by the House to S.F. No. 2181, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2633, 2027 and 2011.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 6, 2004

### FIRST READING OF HOUSE BILLS

The following bills were read the first time and referred as indicated.

**H.F. No. 2633:** A bill for an act relating to the environment; providing for exemptions from environmental review for ethanol plants; amending Minnesota Statutes 2003 Supplement, section 116D.04, subdivision 2a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2621, now on General Orders.

**H.F. No. 2027:** A bill for an act relating to human services; providing an exemption to the moratorium on nursing home construction; amending Minnesota Statutes 2003 Supplement, section 144A.071, subdivision 4c.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2020, now on General Orders.

**H.F. No. 2011:** A bill for an act relating to gambling; eliminating the maximum table requirement and providing for reasonable accommodation at card clubs; regulating raffles conducted by certain organizations and individuals; amending Minnesota Statutes 2002, section 240.30, subdivision 8, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 349.166, subdivision 1.

Referred to the Committee on Agriculture, Veterans and Gaming.

### REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

**Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2444** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS |          | CONSENT CALENDAR |          | CALENDAR |          |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No.       | S.F. No. | H.F. No.         | S.F. No. | H.F. No. | S.F. No. |
| 2444           | 1976     |                  |          |          |          |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2444 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2444 and insert the language after the enacting clause of S.F. No. 1976; further, delete the title of H.F. No. 2444 and insert the title of S.F. No. 1976.

And when so amended H.F. No. 2444 will be identical to S.F. No. 1976, and further recommends that H.F. No. 2444 be given its second reading and substituted for S.F. No. 1976, and that the Senate File be indefinitely postponed.

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

**Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2246** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS |          | CONSENT CALENDAR |          | CALENDAR |          |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No.       | S.F. No. | H.F. No.         | S.F. No. | H.F. No. | S.F. No. |
| 2246           | 2103     |                  |          |          |          |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2246 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2246 and insert the language after the enacting clause of S.F. No. 2103, the first engrossment; further, delete the title of H.F. No. 2246 and insert the title of S.F. No. 2103, the first engrossment.

And when so amended H.F. No. 2246 will be identical to S.F. No. 2103, and further recommends that H.F. No. 2246 be given its second reading and substituted for S.F. No. 2103, and that the Senate File be indefinitely postponed.

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

**Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2166** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| GENERAL ORDERS |          | CONSENT CALENDAR |          | CALENDAR |          |
|----------------|----------|------------------|----------|----------|----------|
| H.F. No.       | S.F. No. | H.F. No.         | S.F. No. | H.F. No. | S.F. No. |
| 2166           | 2260     |                  |          |          |          |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2166 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2166 and insert the language after the enacting clause of S.F. No. 2260, the first engrossment; further, delete the title of H.F. No. 2166 and insert the title of S.F. No. 2260, the first engrossment.

And when so amended H.F. No. 2166 will be identical to S.F. No. 2260, and further recommends that H.F. No. 2166 be given its second reading and substituted for S.F. No. 2260, and that the Senate File be indefinitely postponed.

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

**Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2799** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

|          |          |
|----------|----------|
| H.F. No. | S.F. No. |
| 2799     | 2646     |

**CONSENT CALENDAR**

|          |          |
|----------|----------|
| H.F. No. | S.F. No. |
|----------|----------|

**CALENDAR**

|          |          |
|----------|----------|
| H.F. No. | S.F. No. |
|----------|----------|

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2799 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2799 and insert the language after the enacting clause of S.F. No. 2646, the first engrossment; further, delete the title of H.F. No. 2799 and insert the title of S.F. No. 2646, the first engrossment.

And when so amended H.F. No. 2799 will be identical to S.F. No. 2646, and further recommends that H.F. No. 2799 be given its second reading and substituted for S.F. No. 2646, and that the Senate File be indefinitely postponed.

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

**Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2258** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

|          |          |
|----------|----------|
| H.F. No. | S.F. No. |
| 2258     | 2587     |

**CONSENT CALENDAR**

|          |          |
|----------|----------|
| H.F. No. | S.F. No. |
|----------|----------|

**CALENDAR**

|          |          |
|----------|----------|
| H.F. No. | S.F. No. |
|----------|----------|

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2258 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2258 and insert the language after the enacting clause of S.F. No. 2587, the first engrossment; further, delete the title of H.F. No. 2258 and insert the title of S.F. No. 2587, the first engrossment.

And when so amended H.F. No. 2258 will be identical to S.F. No. 2587, and further recommends that H.F. No. 2258 be given its second reading and substituted for S.F. No. 2587, and that the Senate File be indefinitely postponed.

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

**Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2175** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

|          |          |
|----------|----------|
| H.F. No. | S.F. No. |
| 2175     | 2351     |

**CONSENT CALENDAR**

|          |          |
|----------|----------|
| H.F. No. | S.F. No. |
|----------|----------|

**CALENDAR**

|          |          |
|----------|----------|
| H.F. No. | S.F. No. |
|----------|----------|

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2175 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2175 and insert the language after the enacting clause of S.F. No. 2351, the second engrossment; further, delete the title of H.F. No. 2175 and insert the title of S.F. No. 2351, the second engrossment.

And when so amended H.F. No. 2175 will be identical to S.F. No. 2351, and further recommends that H.F. No. 2175 be given its second reading and substituted for S.F. No. 2351, and that the Senate File be indefinitely postponed.

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

**Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred**

**H.F. No. 532** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

| <b>GENERAL ORDERS</b> |          | <b>CONSENT CALENDAR</b> |          | <b>CALENDAR</b> |          |
|-----------------------|----------|-------------------------|----------|-----------------|----------|
| H.F. No.              | S.F. No. | H.F. No.                | S.F. No. | H.F. No.        | S.F. No. |
| 532                   | 555      |                         |          |                 |          |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 532 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 532 and insert the language after the enacting clause of S.F. No. 555, the first engrossment; further, delete the title of H.F. No. 532 and insert the title of S.F. No. 555, the first engrossment.

And when so amended H.F. No. 532 will be identical to S.F. No. 555, and further recommends that H.F. No. 532 be given its second reading and substituted for S.F. No. 555, and that the Senate File be indefinitely postponed.

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

**Senator Anderson from the Committee on Jobs, Energy and Community Development, to which were referred the following appointments as reported in the Journal for May 15, 2003:**

DEPARTMENT OF LABOR AND INDUSTRY  
COMMISSIONER

Scott Brener

IRON RANGE RESOURCES AND REHABILITATION  
COMMISSIONER

Sandra K. Layman

Reports the same back with the recommendation that the appointments be confirmed.

Senator Johnson, D.E. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Anderson from the Committee on Jobs, Energy and Community Development, to which were referred the following appointments as reported in the Journal for February 5, 2004:**

BOARD OF INVENTION

William Baker  
Erick L. Lewis  
Milton A. Toratti

DEPARTMENT OF EMPLOYMENT AND ECONOMIC DEVELOPMENT  
COMMISSIONER

Matt Kramer  
MINNESOTA HOUSING FINANCE AGENCY  
COMMISSIONER

Timothy E. Marx  
MINNESOTA HOUSING FINANCE AGENCY

Lee Himle  
Marina Lyon  
PUBLIC UTILITIES COMMISSION

Kenneth A. Nickolai

Reports the same back with the recommendation that the appointments be confirmed.

Senator Johnson, D.E. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Anderson from the Committee on Jobs, Energy and Community Development**, to which were referred the following appointments as reported in the Journal for February 9, 2004:

BOARD OF INVENTION

Keith Dennehy  
Daniel Ferber  
Mary Mathews  
Daniel Pauly  
Andy Wells

PUBLIC UTILITIES COMMISSION

R. Marshall Johnson  
LeRoy Koppendrayner

Reports the same back with the recommendation that the appointments be confirmed.

Senator Johnson, D.E. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Anderson from the Committee on Jobs, Energy and Community Development**, to which was referred the following appointment as reported in the Journal for March 11, 2004:

MINNESOTA HOUSING FINANCE AGENCY

Betty Lou Berg

Reports the same back with the recommendation that the appointment be confirmed.

Senator Johnson, D.E. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Anderson from the Committee on Jobs, Energy and Community Development**, to which was referred the following appointment as reported in the Journal for April 26, 2004:

BUREAU OF MEDIATION SERVICES  
COMMISSIONER

James Cunningham, Jr.

Reports the same back with the recommendation that the appointment be confirmed.

Senator Johnson, D.E. moved that the foregoing committee report be laid on the table. The motion prevailed.

### SECOND READING OF HOUSE BILLS

H.F. Nos. 2444, 2246, 2166, 2799, 2258, 2175 and 532 were read the second time.

### MOTIONS AND RESOLUTIONS

#### Senators Jungbauer; Johnson, D.J. and Scheid introduced--

**Senate Resolution No. 170:** A Senate resolution honoring Sandburg Middle School on its 100th anniversary.

Referred to the Committee on Rules and Administration.

### SPECIAL ORDERS

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

S.F. No. 2869, H.F. No. 2277, S.F. Nos. 3036, 1974 and H.F. No. 2187.

### SPECIAL ORDER

**S.F. No. 2869:** A bill for an act relating to health; modifying fees for radioactive and nuclear material; approving state agreement with the Nuclear Regulatory Commission; amending Minnesota Statutes 2002, section 144.1205, subdivisions 2, 4, 8, 9; repealing Minnesota Statutes 2003 Supplement, section 144.1202, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

|           |               |          |            |           |
|-----------|---------------|----------|------------|-----------|
| Anderson  | Frederickson  | Kubly    | Neuville   | Scheid    |
| Bachmann  | Gaither       | Langseth | Nienow     | Senjem    |
| Bakk      | Hann          | Larson   | Ortman     | Skoe      |
| Berglin   | Higgins       | LeClair  | Pappas     | Skoglund  |
| Betzold   | Johnson, D.E. | Limmer   | Pariseau   | Solon     |
| Chaudhary | Jungbauer     | Lourey   | Pogemiller | Sparks    |
| Cohen     | Kelley        | Marty    | Reiter     | Stumpf    |
| Day       | Kierlin       | McGinn   | Rest       | Tomassoni |
| Dibble    | Kiscaden      | Metzen   | Robling    | Vickerman |
| Dille     | Kleis         | Michel   | Rosen      | Wergin    |
| Fischbach | Knutson       | Moua     | Ruud       | Wiger     |
| Foley     | Koering       | Murphy   | Sams       |           |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 2277:** A bill for an act relating to human services; making changes to licensing provisions; regulating child protection dispositions; clarifying a mental health case management



provision; changing a provision under child welfare targeted case management; regulating child care, long-term care, and health care; amending Minnesota Statutes 2002, sections 119B.011, by adding a subdivision; 119B.03, subdivisions 3, 6a, by adding a subdivision; 245.4881, subdivision 1; 245.814, subdivision 1; 245A.02, subdivisions 2a, 5a, 7, 10, 14, by adding a subdivision; 245A.03, subdivision 3; 245A.04, subdivisions 5, 6, 7, by adding a subdivision; 245A.05; 245A.06, subdivisions 2, 4; 245A.07, subdivisions 2, 2a, 3; 245A.08, subdivision 5; 245A.16, subdivision 4; 245A.22, subdivision 2; 245B.02, by adding a subdivision; 245B.05, subdivision 2; 245B.07, subdivisions 8, 12; 252.28, subdivision 1; 256.01, by adding a subdivision; 256.955, subdivisions 2, 2b; 256B.0625, by adding a subdivision; 256B.0911, subdivision 4a; 256F.10, subdivision 5; 256J.01, subdivision 1; 256J.08, subdivisions 73, 82a; 256J.21, subdivision 3; 256J.415; 256J.425, subdivision 5; 260C.212, subdivision 5; Minnesota Statutes 2003 Supplement, sections 119B.011, subdivisions 8, 10, 20; 119B.03, subdivision 4; 119B.05, subdivision 1; 119B.09, subdivision 7; 119B.12, subdivision 2; 119B.13, subdivisions 1, 1a; 119B.189, subdivisions 2, 4; 119B.19, subdivision 1; 119B.24; 119B.25, subdivision 2; 241.021, subdivision 6; 245.4874; 245A.03, subdivision 2; 245A.04, subdivision 1; 245A.08, subdivisions 1, 2a; 245A.085; 245A.11, subdivisions 2a, 2b; 245A.16, subdivision 1; 245A.22, subdivision 3; 245C.02, subdivision 18; 245C.03, subdivision 1, by adding a subdivision; 245C.05, subdivisions 1, 2, 5, 6; 245C.08, subdivisions 2, 3, 4; 245C.09, subdivision 1; 245C.13, subdivision 1; 245C.14, subdivision 1; 245C.15, subdivisions 2, 3, 4; 245C.16, subdivision 1; 245C.17, subdivisions 1, 3; 245C.18; 245C.20; 245C.21, subdivision 3, by adding a subdivision; 245C.22, subdivisions 3, 4, 5, 6; 245C.23, subdivisions 1, 2; 245C.25; 245C.26; 245C.27, subdivisions 1, 2; 245C.28, subdivisions 1, 2, 3; 245C.29, subdivision 2; 256.01, subdivision 2; 256.045, subdivisions 3, 3b; 256.046, subdivision 1; 256.955, subdivision 2a; 256.98, subdivision 8; 256B.0596; 256B.06, subdivision 4; 256B.0625, subdivision 9; 256B.0915, subdivisions 3a, 3b; 256B.431, subdivision 32; 256B.69, subdivision 6b; 256D.03, subdivisions 3, 4; 256J.09, subdivision 3b; 256J.24, subdivision 5; 256J.32, subdivisions 2, 8; 256J.37, subdivision 9; 256J.425, subdivisions 1, 4, 6; 256J.46, subdivision 1; 256J.49, subdivision 4; 256J.515; 256J.521, subdivisions 1, 2; 256J.53, subdivision 2; 256J.56; 256J.57, subdivision 1; 256J.626, subdivision 2; 256J.751, subdivision 2; 256J.95, subdivisions 1, 3, 11, 12, 19; 626.556, subdivision 10i; 626.557, subdivision 9d; proposing coding for new law in Minnesota Statutes, chapters 245A; 245B; repealing Minnesota Statutes 2002, sections 119B.211; 256D.051, subdivision 17; Minnesota Statutes 2003 Supplement, sections 245C.02, subdivision 17; Laws 2000, chapter 489, article 1, section 36; Laws 2003, First Special Session chapter 14, article 3, section 56; Minnesota Rules, parts 9525.1600; 9543.0040, subpart 3; 9543.1000; 9543.1010; 9543.1020; 9543.1030; 9543.1040; 9543.1050; 9543.1060.

Senator Kiscaden moved to amend H.F. No. 2277, as amended pursuant to Rule 45, adopted by the Senate April 28, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2179.)

Page 23, after line 20, insert:

"Sec. 25. Minnesota Statutes 2003 Supplement, section 245A.11, subdivision 2b, is amended to read:

Subd. 2b. [ADULT FOSTER CARE; FAMILY ADULT DAY CARE SERVICES.] An adult foster care license holder licensed under the conditions in subdivision 2a may also provide family adult day care for adults age 55 or over if no persons in the adult foster or adult family adult day care services program have a serious and persistent mental illness or a developmental disability. ~~The maximum combined capacity for adult foster care and family adult day care is five adults, except that the commissioner may grant a variance for a family adult day care provider to admit up to seven individuals for day care services and one individual for respite care services, if all of the following requirements are met: (1) the variance complies with section 245A.04, subdivision 9; (2) a second caregiver is present whenever six or more clients are being served; and (3) the variance is recommended by the county social service agency in the county where the provider is located. A separate license is not required to provide family adult day care under this subdivision. Family adult day services provided in a licensed adult foster care setting must be provided as specified under section 245A.143. Authorization to provide family adult day services in the adult~~

foster care setting shall be printed on the license certificate by the commissioner. Adult foster care homes providing services to five adults licensed under this section and family adult day services licensed under section 245A.143 shall not be subject to licensure by the commissioner of health under the provisions of chapter 144, 144A, 157, or any other law requiring facility licensure by the commissioner of health."

Page 24, line 19 after "provide" insert "only"

Page 26, line 25, delete "enter"

Page 26, line 26, delete "into a signed service agreement" and insert "develop a service delivery plan"

Page 26, line 27, delete "agreement" and insert "delivery plan"

Page 29, line 15, after the period, insert "License holders with six or more years of licensure under this section or as an adult foster care provider must annually complete six hours of training."

Page 29, line 26, after "the" insert "State Building Code and"

Page 31, after line 17, insert:

"(e) A license issued under this section may be issued for up to two years."

Page 74, after line 8, insert:

"Sec. 78. [DIRECTION TO THE COMMISSIONER; REPORT.]

The commissioner of human services shall report on the number of adult foster care licenses, family adult day services licenses, combined adult foster care and family adult day services, and adult day services center licenses and their capacities with changes in the number of licenses and capacities from August 1, 2004, to August 1, 2006. The commissioner shall provide this report to the chairs of the senate and the house committees with jurisdiction over health and human services policy by September 15, 2006."

Page 74, after line 19, insert:

"Sec. 81. [EFFECTIVE DATE.]

Sections 29, 30, 31, 32, 34, and 36 to 77 are effective the day following final enactment."

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Berglin moved to amend H.F. No. 2277, as amended pursuant to Rule 45, adopted by the Senate April 28, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2179.)

Page 23, after line 20, insert:

"Sec. 25. Minnesota Statutes 2002, section 245A.14, subdivision 4, is amended to read:

Subd. 4. [SPECIAL FAMILY DAY CARE HOMES.] Nonresidential child care programs serving 14 or fewer children that are conducted at a location other than the license holder's own residence shall be licensed under this section and the rules governing family day care or group family day care if:

(a) the license holder is the primary provider of care and the nonresidential child care program is conducted in a dwelling that is located on a residential lot;

(b) the license holder is an employer who may or may not be the primary provider of care, and the purpose for the child care program is to provide child care services to children of the license holder's employees; or

(c) the license holder is a church or religious organization; or

(d) the license holder is a community collaborative child care provider. For purposes of this subdivision, a community collaborative child care provider is a provider participating in a cooperative agreement with a community action agency as defined in section 119A.375."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Foley moved to amend H.F. No. 2277, as amended pursuant to Rule 45, adopted by the Senate April 28, 2004, as follows:

(The text of the amended House File is identical to S.F. No. 2179.)

Page 1, after line 36, insert:

"Section 1. Minnesota Statutes 2002, section 245.4881, subdivision 1, is amended to read:

Subdivision 1. [AVAILABILITY OF CASE MANAGEMENT SERVICES.] (a) ~~By April 1, 1992,~~ The county board shall provide case management services for each child with severe emotional disturbance who is a resident of the county and the child's family who request or consent to the services. Case management services may be continued to be provided for a child with a serious emotional disturbance who is over the age of 18 consistent with section 245.4875, subdivision 8. Staffing ratios must be sufficient to serve the needs of the clients. The case manager must meet the requirements in section 245.4871, subdivision 4.

(b) Except as permitted by law and the commissioner under demonstration projects, case management services provided to children with severe emotional disturbance eligible for medical assistance must be billed to the medical assistance program under sections 256B.02, subdivision 8, and 256B.0625.

(c) Case management services are eligible for reimbursement under the medical assistance program. Costs of mentoring, supervision, and continuing education may be included in the reimbursement rate methodology used for case management services under the medical assistance program.

**[EFFECTIVE DATE.]** This section is effective July 1, 2004."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Berglin questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 2277 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson  
Bachmann  
Bakk

Berglin  
Betzold  
Chaudhary

Cohen  
Day  
Dibble

Dille  
Fischbach  
Foley

Frederickson  
Gaither  
Hann

|               |          |            |         |           |
|---------------|----------|------------|---------|-----------|
| Higgins       | Kubly    | Michel     | Reiter  | Skoe      |
| Johnson, D.E. | Langseth | Moua       | Rest    | Skoglund  |
| Jungbauer     | Larson   | Murphy     | Robling | Solon     |
| Kelley        | LeClair  | Neuville   | Rosen   | Sparks    |
| Kierlin       | Limmer   | Nienow     | Ruud    | Stumpf    |
| Kiscaden      | Lourey   | Ortman     | Sams    | Tomassoni |
| Kleis         | Marty    | Pappas     | Saxhaug | Vickerman |
| Knutson       | McGinn   | Pariseau   | Scheid  | Wergin    |
| Koering       | Metzen   | Pogemiller | Senjem  | Wiger     |

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

### SPECIAL ORDER

**S.F. No. 3036:** A resolution memorializing the Center for Medicaid and Medicare Services to designate the state of Minnesota as a single-state region under the Medicare Modernization Act.

Was read the third time and placed on its final passage.

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

|           |               |          |            |           |
|-----------|---------------|----------|------------|-----------|
| Anderson  | Frederickson  | Kubly    | Neuville   | Saxhaug   |
| Bachmann  | Gaither       | Langseth | Nienow     | Scheid    |
| Bakk      | Hann          | Larson   | Ortman     | Senjem    |
| Berglin   | Higgins       | LeClair  | Pappas     | Skoe      |
| Betzold   | Johnson, D.E. | Limmer   | Pariseau   | Skoglund  |
| Chaudhary | Jungbauer     | Lourey   | Pogemiller | Solon     |
| Cohen     | Kelley        | Marty    | Reiter     | Sparks    |
| Day       | Kierlin       | McGinn   | Rest       | Stumpf    |
| Dibble    | Kiscaden      | Metzen   | Robling    | Tomassoni |
| Dille     | Kleis         | Michel   | Rosen      | Vickerman |
| Fischbach | Knutson       | Moua     | Ruud       | Wergin    |
| Foley     | Koering       | Murphy   | Sams       | Wiger     |

So the resolution passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1974:** A bill for an act relating to natural resources; extending the availability of appropriations from the Minnesota future resources fund and the environment and natural resources trust fund; requiring a study and authorizing funding.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

|           |               |          |            |           |
|-----------|---------------|----------|------------|-----------|
| Anderson  | Frederickson  | Kubly    | Neuville   | Saxhaug   |
| Bachmann  | Gaither       | Langseth | Nienow     | Scheid    |
| Bakk      | Hann          | Larson   | Ortman     | Senjem    |
| Berglin   | Higgins       | LeClair  | Pappas     | Skoe      |
| Betzold   | Johnson, D.E. | Limmer   | Pariseau   | Skoglund  |
| Chaudhary | Jungbauer     | Lourey   | Pogemiller | Solon     |
| Cohen     | Kelley        | Marty    | Reiter     | Sparks    |
| Day       | Kierlin       | McGinn   | Rest       | Stumpf    |
| Dibble    | Kiscaden      | Metzen   | Robling    | Tomassoni |
| Dille     | Kleis         | Michel   | Rosen      | Vickerman |
| Fischbach | Knutson       | Moua     | Ruud       | Wergin    |
| Foley     | Koering       | Murphy   | Sams       | Wiger     |

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**H.F. No. 2187:** A bill for an act relating to commerce; requiring debt collection agency employees to be registered instead of licensed; amending Minnesota Statutes 2002, sections 332.33; 332.335, subdivision 1; 332.35; 332.37; 332.395; 332.40; 332.41; 332.42; 332.43, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 11, as follows:

Those who voted in the affirmative were:

|              |               |          |          |           |
|--------------|---------------|----------|----------|-----------|
| Anderson     | Higgins       | Langseth | Nienow   | Scheid    |
| Bachmann     | Johnson, D.E. | Larson   | Pappas   | Senjem    |
| Bakk         | Jungbauer     | LeClair  | Pariseau | Skoe      |
| Cohen        | Kelley        | Limmer   | Reiter   | Sparks    |
| Day          | Kierlin       | Lourey   | Rest     | Stumpf    |
| Dille        | Kiscaden      | McGinn   | Robling  | Tomassoni |
| Fischbach    | Kleis         | Metzen   | Rosen    | Vickerman |
| Frederickson | Knutson       | Michel   | Ruud     | Wergin    |
| Gaither      | Koering       | Moua     | Sams     | Wiger     |
| Hann         | Kubly         | Murphy   | Saxhaug  |           |

Those who voted in the negative were:

|           |        |          |            |          |
|-----------|--------|----------|------------|----------|
| Berglin   | Dibble | Marty    | Ortman     | Skoglund |
| Betzold   | Foley  | Neuville | Pogemiller | Solon    |
| Chaudhary |        |          |            |          |

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

### REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

#### Senator Cohen from the Committee on Finance, to which was referred

**S.F. No. 1904:** A bill for an act relating to public transit; clarifying railroad grade crossing requirements; clarifying crimes involving public transit; providing penalties; amending Minnesota Statutes 2002, section 609.855, subdivision 1, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 169.28, subdivision 1.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 8, delete everything after "street" and insert "when:"

(1) the crossing occurs within the intersection of two or more public streets;

(2) the intersection is controlled by a traffic control signal; and

(3) the intersection is marked with signs indicating to drivers that the requirements of this subdivision do not apply. Notwithstanding any other provision of law, the owner or operator of the track or tracks is authorized to place, maintain, and display the signs upon and in the view of the public street or streets."

Page 2, delete lines 9 and 10

Page 2, line 24, delete "such a" and insert "the"

Page 2, lines 25, 28, and 31, delete "media" and insert "medium"

Page 2, line 27, after "presents" insert "a"

Page 3, line 2, delete "fare media" and insert "a fare medium"

Page 3, delete lines 27 and 28 and insert:

"(e) "Fare medium" means a ticket, smart card, pass, coupon, token, transfer, or other medium sold or distributed"

Page 3, lines 32, 34, and 36, delete "media" and insert "medium"

Page 4, line 4, delete "media" and insert "medium"

Page 4, delete section 4

Renumber the sections in sequence

And when so amended the bill do pass. Amendments adopted. Report adopted.

### **Senator Cohen from the Committee on Finance, to which was re-referred**

**S.F. No. 401:** A bill for an act relating to natural resources; proposing an amendment to the Minnesota Constitution, article XI; dedicating the sales tax receipts equal to a sales tax of one-fourth of one percent on taxable sales for natural resource purposes; creating a heritage enhancement fund, a parks and trails fund, and a clean water fund; establishing a heritage enhancement council; amending Minnesota Statutes 2002, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

#### "ARTICLE 1

#### CONSTITUTIONAL AMENDMENT

Section 1. [CONSTITUTIONAL AMENDMENT.]

An amendment to the Minnesota Constitution is proposed to the people. If the amendment is adopted, a section will be added to article XI, to read:

Sec. 15. Beginning July 1, 2005, until June 30, 2030, the sales and use tax receipts equal to the state sales and use tax of three-eighths of one percent on sales and uses taxable under the general state sales and use tax law, plus penalties and interest and reduced by any refunds, are dedicated as follows: 34 percent of the receipts shall be deposited in the heritage enhancement fund and may be spent only to improve, enhance, or protect the state's fish, wildlife, habitat, and fish and wildlife tourism; 22 percent of the receipts shall be deposited in the parks and trails fund and may be spent only on parks, trails, and zoos in the state; 22 percent of the receipts shall be deposited in the clean water fund and may be spent only on protection and restoration of the state's lakes, rivers, streams, wetlands, and groundwater; and 22 percent of the receipts shall be deposited in the arts, humanities, museum, and public broadcasting fund and may be spent only on the Minnesota State Arts Board, the Minnesota Historical Society, public broadcasting, the Science Museum of Minnesota, the

Humanities Commission, the Minnesota Film Board, the Minnesota Children's Museum, and the Duluth Children's Museum. An arts, humanities, museum, and public broadcasting fund, a heritage enhancement fund, parks and trails fund, and clean water fund are created in the state treasury. The money dedicated under this section shall be appropriated by law. The money dedicated under this section for fish, wildlife, habitat, fish and wildlife tourism, parks, trails, zoos, protection and restoration of waters, and history shall not be used as a substitute for traditional funding sources for the purposes specified, but the dedicated money shall supplement traditional sources of funding for those purposes. Land acquired by fee with money deposited in the heritage enhancement fund under this section must be open to public taking of fish and game during the open season unless otherwise provided by law.

Sec. 2. [SUBMISSION TO VOTERS.]

The proposed amendment shall be submitted to the people at the 2004 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to provide funding beginning July 1, 2005, to improve, enhance, or protect the state's fish, wildlife, habitat, and fish and wildlife tourism; its parks, trails, and zoos; its lakes, rivers, streams, wetlands, and groundwater; and its arts, humanities, museums, and public broadcasting by dedicating the sales and use tax receipts equal to the state sales and use tax of three-eighths of one percent on taxable sales until the year 2030?

Yes.....  
No....."

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 apply to sales and uses occurring after June 30, 2005.

ARTICLE 2

CONFORMING CHANGES

Section 1. Minnesota Statutes 2002, section 10A.01, subdivision 35, is amended to read:

Subd. 35. [PUBLIC OFFICIAL.] "Public official" means any:

- (1) member of the legislature;
- (2) individual employed by the legislature as secretary of the senate, legislative auditor, chief clerk of the house, revisor of statutes, or researcher, legislative analyst, or attorney in the Office of Senate Counsel and Research or House Research;
- (3) constitutional officer in the executive branch and the officer's chief administrative deputy;
- (4) solicitor general or deputy, assistant, or special assistant attorney general;
- (5) commissioner, deputy commissioner, or assistant commissioner of any state department or agency as listed in section 15.01 or 15.06;
- (6) member, chief administrative officer, or deputy chief administrative officer of a state board or commission that has either the power to adopt, amend, or repeal rules under chapter 14, or the power to adjudicate contested cases or appeals under chapter 14;
- (7) individual employed in the executive branch who is authorized to adopt, amend, or repeal rules under chapter 14 or adjudicate contested cases under chapter 14;
- (8) executive director of the State Board of Investment;
- (9) deputy of any official listed in clauses (7) and (8);
- (10) judge of the Workers' Compensation Court of Appeals;

(11) administrative law judge or compensation judge in the State Office of Administrative Hearings or referee in the Department of Economic Security;

(12) member, regional administrator, division director, general counsel, or operations manager of the metropolitan council;

(13) member or chief administrator of a metropolitan agency;

(14) director of the Division of Alcohol and Gambling Enforcement in the Department of Public Safety;

(15) member or executive director of the Higher Education Facilities Authority;

(16) member of the board of directors or president of Minnesota Technology, Inc.; or

(17) member of the board of directors or executive director of the Minnesota State High School League; or

(18) member of the heritage enhancement council.

Sec. 2. [85.0195] [PARKS AND TRAILS FUND; EXPENDITURES.]

Subdivision 1. [FUND.] The parks and trails fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the parks and trails fund must be credited to the fund.

Subd. 2. [EXPENDITURES.] Money in the parks and trails fund may be spent only on state and regional parks, trails, and zoos. Subject to appropriation by law, receipts to the fund must be allocated in separate accounts as follows:

(1) 38 percent of the receipts may be spent only for state park and recreation area purposes;

(2) 11 percent of the receipts may be spent only for state trail purposes;

(3) 36 percent of the receipts may be spent only for metropolitan area, as defined in section 473.121, regional park and trail grants;

(4) 12 percent of the receipts may be spent only for nonmetropolitan regional parks and trails, outdoor recreation grants, natural and scenic area grants, trail connection grants, regional trail grants, and grant-in-aid trails; and

(5) three percent of the receipts may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

Sec. 3. [97A.056] [HERITAGE ENHANCEMENT FUND; HERITAGE ENHANCEMENT COUNCIL.]

Subdivision 1. [HERITAGE ENHANCEMENT FUND.] The heritage enhancement fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the heritage enhancement fund must be credited to the fund. At least 97 percent of the money appropriated from the fund must be spent on specific fish, wildlife, habitat, and fish and wildlife tourism projects.

Subd. 2. [HERITAGE ENHANCEMENT COUNCIL.] (a) A Heritage Enhancement Council of 11 members is created, on November 15, 2004, consisting of:

(1) two members of the senate appointed by the senate subcommittee on committees of the committee on rules and administration;

(2) two members of the house of representatives appointed by the speaker of the house;

(3) two public members representing hunting, fishing, and wildlife interests appointed by the senate subcommittee on committees of the committee on rules and administration;



(4) two public members representing hunting, fishing, and wildlife interests appointed by the speaker of the house; and

(5) three public members representing hunting, fishing, and wildlife interests appointed by the governor.

(b) Legislative members appointed under paragraph (a), clauses (1) and (2), serve as nonvoting members. One member from the senate and one member from the house of representatives must be from the minority caucus. Legislative members are entitled to reimbursement for per diem expenses plus travel expenses incurred in the services of the council. The removal and, beginning July 1, 2005, the compensation of public members are as provided in section 15.0575.

(c) Members shall elect a chair, vice chair, secretary, and other officers as determined by the council. The chair may convene meetings as necessary to conduct the duties prescribed by this section.

(d) Membership terms are two years, except that members shall serve on the council until their successors are appointed.

(e) Vacancies occurring on the council do not affect the authority of the remaining members of the council to carry out their duties. Vacancies shall be filled in the same manner as under paragraph (a).

Subd. 3. [DUTIES OF THE COUNCIL.] (a) The council, in consultation with statewide and local fishing, forestry, hunting, and wildlife groups, shall develop a biennial budget plan for expenditures from the heritage enhancement fund. The biennial budget plan may include grants to statewide and local fishing, forestry, hunting, and wildlife groups to improve, enhance, or protect fish and wildlife resources.

(b) In the biennial budget submitted to the legislature, the governor shall submit separate budget detail for planned expenditures from the heritage enhancement fund as recommended by the council.

(c) As a condition of acceptance of an appropriation from the heritage enhancement fund, an agency or entity receiving an appropriation shall submit a work program and quarterly progress reports for appropriations from the heritage enhancement fund to the members of the heritage enhancement council in the form determined by the council.

Subd. 4. [COUNCIL ADMINISTRATION.] (a) The council may employ personnel and contract with consultants as necessary to carry out functions and duties of the council. Permanent employees shall be in the unclassified service. The council may request staff assistance, legal opinion, and data from agencies of state government as needed for the execution of the responsibilities of the council.

(b) Beginning July 1, 2005, the administrative expenses of the council shall be paid from the heritage enhancement fund.

(c) A council member or an employee of the council may not participate in or vote on a decision of the council relating to an organization in which the member or employee has either a direct or indirect personal financial interest. While serving on or employed by the council, a person shall avoid any potential conflict of interest.

Subd. 5. [COUNCIL MEETINGS.] Meetings of the council and other groups the council may establish must be conducted in accordance with chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations.

#### Sec. 4. [103F.765] [CLEAN WATER FUND; EXPENDITURES.]

Subdivision 1. [FUND.] The clean water fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the clean water fund must be credited to the fund.

Subd. 2. [EXPENDITURES.] Subject to appropriation, money in the clean water fund may be spent only on:

- (1) monitoring, investigations, and analysis of the quality of Minnesota's water resources;
- (2) state and local activities to protect, preserve, and improve the quality of Minnesota's water resources; and
- (3) assistance to individuals and organizations for water quality improvement projects.

Subd. 3. [CLEAN WATERS COUNCIL; MEMBERSHIP; APPOINTMENT.] A Clean Waters Council of 17 members is created on January 5, 2005. The members of the council shall elect a chair from the nonagency members of the council. The commissioners of natural resources, agriculture, and the Pollution Control Agency, and the executive director of the Board of Water and Soil Resources, shall each appoint one person from their respective agency to serve as a member of the council. The commissioner of the Pollution Control Agency, in consultation with the other state agencies represented on the council, shall appoint 13 additional nonagency members of the council as follows:

- (1) two members representing statewide farm organizations;
- (2) two members representing business organizations;
- (3) two members representing environmental organizations;
- (4) one member representing soil and water conservation districts;
- (5) one member representing watershed districts;
- (6) one member representing organizations focused on improvement of Minnesota lakes or streams;
- (7) one member representing an organization of county governments;
- (8) two members representing organizations of city governments; and
- (9) one member representing the Metropolitan Council established under section 473.123.

Subd. 4. [TERMS; COMPENSATION; REMOVAL.] Terms, compensation, removal, and filling of vacancies for the council shall be as provided in section 15.059, subdivisions 2, 3, and 4.

Subd. 5. [RECOMMENDATIONS ON APPROPRIATION OF FUNDS.] The Clean Waters Council shall recommend to the governor the manner in which money from the clean water fund should be appropriated for the purposes identified in subdivision 2.

Subd. 6. [BIENNIAL REPORT TO LEGISLATURE.] By December 1 of each even-numbered year, the council shall submit a report to the legislature on the activities for which money from the clean water fund has been or will be spent for the current biennium, and the activities for which money from the account is recommended to be spent in the next biennium.

Subd. 7. [COUNCIL MEETINGS.] Meetings of the council and other groups the council may establish must be conducted in accordance with chapter 13D. Except where prohibited by law, the council shall establish additional processes to broaden public involvement in all aspects of its deliberations.

Sec. 5. [129D.17] [ARTS, HUMANITIES, MUSEUM, AND PUBLIC BROADCASTING FUND; EXPENDITURES.]

Subdivision 1. [FUND.] The arts, humanities, museum, and public broadcasting fund is established in the Minnesota Constitution, article XI, section 15. All money earned by the fund must be credited to the fund.

Subd. 2. [EXPENDITURES.] Subject to appropriation, receipts in the fund must be allocated by the commissioner of finance as follows:

- (1) 43 percent to the Minnesota State Arts Board;
- (2) 23 percent to the Minnesota Historical Society;
- (3) 23 percent to public broadcasting;
- (4) 4 percent to the Science Museum of Minnesota;
- (5) 3.5 percent to the Humanities Commission;
- (6) 2.5 percent to the Minnesota Film Board; and
- (7) 1 percent to the Minnesota Children's Museum and the Duluth Children's Museum.

Money allocated to the Minnesota State Arts Board may not be used for administrative purposes. If one of the above entities ceases to exist, then the appropriated money must be allocated proportionally among the remaining entities.

Sec. 6. [EFFECTIVE DATE.]

This article is effective November 15, 2004, if the constitutional amendment proposed in article 1 is adopted by the voters."

Delete the title and insert:

"A bill for an act relating to natural and cultural resources; proposing an amendment to the Minnesota Constitution, article XI; dedicating the sales tax receipts equal to a sales tax of three-eighths of one percent on taxable sales for natural and cultural resource purposes; creating an arts, humanities, museum, and public broadcasting fund; creating a heritage enhancement fund; creating a parks and trails fund; creating a clean water fund; establishing a Heritage Enhancement Council; establishing a Clean Waters Council; amending Minnesota Statutes 2002, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F; 129D."

And when so amended the bill do pass and be re-referred to the Committee on Taxes. Amendments adopted. Report adopted.

## **SECOND READING OF SENATE BILLS**

S.F. No. 1904 was read the second time.

## **MEMBERS EXCUSED**

Senators Belanger; Hottinger; Johnson, D.J.; Marko; Olson; Ourada and Ranum were excused from the Session of today. Senator Stumpf was excused from the Session of today from 10:00 to 10:15 a.m. Senator Saxhaug was excused from the Session of today from 10:15 to 10:30 a.m.

## **ADJOURNMENT**

Senator Johnson, D.E. moved that the Senate do now adjourn until 11:00 a.m., Monday, May 10, 2004. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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Friday, May 7, 2004

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