

**EIGHTEENTH DAY**

St. Paul, Minnesota, Monday, February 21, 2005

The Senate met at 11:00 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 the Chaplain, Pastor Chris Bellefeuille.

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

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

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

The President declared a quorum present.

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

**MEMBERS EXCUSED**

Senators Kelley, Neuville and Saxhaug were excused from the Session of today.

**MESSAGES FROM THE HOUSE**

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 206.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned February 17, 2005

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 378.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted February 17, 2005

### FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred as indicated.

**H.F. No. 378:** A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 2004, sections 4.077, subdivision 1; 10A.04, subdivision 6; 13.32, subdivision 3; 13.321, by adding a subdivision; 13.381, by adding a subdivision; 13.46, subdivision 2; 13.47, subdivision 1; 13.4963, subdivision 2; 15.0591, subdivision 2; 15.39, subdivision 2; 16B.31, subdivision 1; 17.43; 18C.60, subdivision 1; 28.15; 32.645; 47.59, subdivision 2; 62L.13, subdivision 3; 62L.17, subdivision 2a; 64B.37, subdivision 2; 82.33, subdivision 4; 84.8712, subdivisions 2, 3, 4, 6; 85.22, subdivision 2a; 89.01, subdivision 5a; 115B.20, subdivision 2; 116J.871, subdivision 3; 119B.25, subdivision 2; 124D.68, subdivision 2; 127A.10; 137.09; 144.6501, subdivision 1; 145B.04; 152.027, subdivision 4; 155A.03, subdivision 1; 155A.16; 161.1419, subdivision 8; 168.275; 168.33, subdivision 2a; 169.21, subdivision 2; 169.50, subdivision 1; 169.59, subdivision 4; 169A.55, subdivision 3; 171.181, subdivision 1; 177.23, subdivision 7; 181.30; 201.014, subdivision 2; 201.071, subdivision 1; 201.15, subdivision 1; 204B.10, subdivision 6; 216B.61; 219.57, subdivision 6; 234.23; 235.10; 235.13; 237.763; 238.37; 238.38; 238.42; 239.791, subdivision 15; 244.05, subdivisions 4, 5; 245.466, subdivision 1; 245.4875, subdivision 1; 245.75; 246.01; 246B.04, subdivision 2; 252.24, subdivision 5; 252A.03, subdivisions 1, 4; 252A.101, subdivisions 1, 5; 253B.23, subdivision 2; 256.93, subdivision 1; 256B.055, subdivision 12; 256B.0625, subdivision 6a; 256B.0627, subdivisions 1, 5; 256B.0917, subdivisions 4, 5; 256B.0951, subdivision 8; 256B.431, subdivision 14; 256G.01, subdivision 3; 256L.07, subdivision 1; 256L.15, subdivision 2; 256M.10, subdivision 5; 257B.08; 259.21, subdivision 4; 260B.007, subdivision 16; 260C.101, subdivision 2; 276.04, subdivision 2; 290.095, subdivision 1; 299D.07; 299F.051, subdivision 4; 299F.093, subdivision 1; 302A.011, subdivision 16; 303.03; 303.25, subdivision 1; 321.0210; 321.1114; 322B.03, subdivision 27; 325F.40; 325N.15; 329.17; 333.135; 336.4A-105; 343.40, subdivision 3; 345.14; 346.05; 353.01, subdivision 2; 353.34, subdivision 3a; 356.431, subdivision 1; 395.22; 458D.02, subdivision 2; 469.104; 473.845, subdivision 1; 481.05; 501B.18; 501B.19; 514.996, subdivision 3; 515B.4-102; 524.2-114; 525.9212; 525.95, subdivision 1; 527.38; 527.39; 529.12; 540.18, subdivision 1; 580.041, subdivision 2; 624.64; 624.67; 626.84, subdivision 1; 629.11; 631.04; Laws 2003, First Special Session chapter 11, article 2, section 21; Laws 2004, chapter 199, article 12, section 108; Laws 2004, chapter 261, article 6, section 5; repealing Minnesota Statutes 2004, sections 115B.49, subdivision 4a; 306.13; 315.43; 317A.909, subdivision 4; 357.12; 367.40, subdivisions 3, 4; 367.401, subdivision 4; 367.42; 398.35, subdivision 2; Laws 2001, First Special Session chapter 10, article 10, section 1; Laws 2003, chapter 8, section 2; Laws 2004, chapter 219, section 1; Laws 2004, chapter 288, article 3, section 5; Minnesota Rules, parts 6700.0100, subpart 14; 6700.1300; 9055.0125; 9055.0500; 9055.0510; 9055.0520; 9055.0530; 9055.0540; 9055.0550; 9055.0560; 9055.0570; 9055.0580; 9055.0590; 9055.0600; 9055.0610.

Referred to the Committee on Crime Prevention and Public Safety.

**REPORTS OF COMMITTEES**

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

**Senator Pogemiller from the Committee on Taxes, to which was referred**

**S.F. No. 699:** A bill for an act relating to the city of Mounds View; changing certain requirements relating to a tax increment financing district.

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

Page 1, line 10, after "districts" insert "within an area of the city that is currently exempt from taxation and that, because of under use, causes ongoing annual financial losses to the city. Districts created under this section are"

Page 1, line 11, after "2" insert "and must be located"

Page 3, after line 2, insert:

"Sec. 2. [CONVEYANCE OF STATE INTEREST IN REAL PROPERTY TO CITY OF MOUNDS VIEW.]

(a) Notwithstanding Minnesota Statutes, section 16B.281, 16B.282, 92.45, or any other law to the contrary, the commissioner of transportation shall convey to the city of Mounds View all right, title, and interest of the state of Minnesota created by corrective deed dated March 16, 1989, in the land located in Ramsey County, described as:

The South Half of the Northeast Quarter of Section 5, Township 30 North, Range 23 West, Ramsey County, Minnesota; which lies northerly and westerly of the following described line: Commencing at the center of said Section 5; thence north on an azimuth of 359 degrees 23 minutes 10 seconds (azimuth oriented to Minnesota State Plane Coordinate System) along the north and south quarter line of said Section 5 for 781.42 feet to the point of beginning of the line to be described; thence on an azimuth of 108 degrees 12 minutes 41 seconds, 231.14 feet; thence on an azimuth of 98 degrees 27 minutes 03 seconds, 1486.78 feet; thence run northeasterly for 447.16 feet on a nontangential curve, concave to the northwest, having a radius of 720 feet, a delta angle of 35 degrees 35 minutes 02 seconds and a chord azimuth of 76 degrees 55 minutes 11 seconds; thence on an azimuth of 59 degrees 07 minutes 40 seconds, 192.89 feet; thence run northerly 398.14 feet on a nontangential curve, concave to the northwest, having a radius of 850 feet, a delta angle of 26 degrees 50 minutes 15 seconds and a chord azimuth of 29 degrees 26 minutes 05 seconds; thence on an azimuth of 16 degrees 00 minutes 57 seconds, 303.65 feet to the north line of said Tract A and there terminating;

Containing 40.41 acres, more or less.

(b) The conveyance shall be by quit claim deed without consideration in a form approved by the attorney general.

(c) This property was acquired by the Department of Transportation for construction of a new portion of Trunk Highway 10 west of Interstate Highway 35W. The property was not needed for highway purposes. In 1988, the commissioner of transportation deeded the property to the city of Mounds View subject to a right of reverter. The state of Minnesota and the Department of Transportation no longer need the right of reverter.

(d) If the city of Mounds View does not enter into a fully executed development agreement to redevelop the land described in paragraph (a) by January 1, 2007, all right, title, and interest in the land shall revert back to the Department of Transportation unless the land is still used for a public purpose. If the land is not subject to a fully executed development agreement and is still used for a public purpose on or after January 1, 2007, the land may continue to be used for such public

purpose by the city of Mounds View, subject to a right of reverter if the land ceases to be used for a public purpose."

Amend the title as follows:

Page 1, line 4, after "district" insert "; authorizing a conveyance of state interest in property to the city"

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

**Senator Pogemiller from the Committee on Taxes, to which was re-referred**

**S.F. No. 310:** A bill for an act relating to townships; clarifying levy and spending authority; defining total revenue; amending Minnesota Statutes 2004, sections 365.43, subdivision 1; 365.431.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

**Senator Kelley from the Committee on Education, to which was referred**

**S.F. No. 367:** A bill for an act relating to education; requiring notice when a school or district uses certain pools for competitive high school diving; amending Minnesota Statutes 2004, section 123B.492.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

**Senator Lourey from the Committee on Health and Family Security, to which was referred**

**S.F. No. 540:** A bill for an act relating to human services; authorizing a long-term care partnership program; modifying medical assistance eligibility requirements under certain circumstances; defining approved long-term care insurance policies; limiting medical assistance estate recovery under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Page 1, line 24, before the period, insert "regardless of when the policy was first issued"

Page 2, line 33, delete "(g)" and insert "(f)"

Page 2, line 35, delete "two years" and insert "one year" and delete "24" and insert "12"

Page 3, line 3, delete "on the basis of two home health care days for" and insert "with one home health care day benefit worth at least 50 percent of"

Page 3, line 19, after the semicolon, insert "and"

Page 3, line 20, delete "; and" and insert a period

Page 3, delete lines 21 to 24

Page 3, line 25, delete "(g)" and insert "(f)"

Page 3, line 32, delete "not seek" and insert "limit"

Page 3, line 35, before the period, insert "to an amount that exceeds the dollar amount of coverage utilized under the partnership policy"

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

**Senator Lourey from the Committee on Health and Family Security, to which was referred**

**S.F. No. 687:** A bill for an act relating to health; modifying the hospice care bill of rights; requiring hospice providers to complete a specified survey; modifying death report requirements for recipients of hospice care; amending Minnesota Statutes 2004, sections 144A.751, subdivision 1; 144A.755; 383B.225, subdivision 5.

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

Page 2, line 8, after "the" insert "hospice"

Page 2, line 9, strike "are" and insert "may be"

Page 2, line 12, before the semicolon, insert "in which the individual is enrolled"

Page 2, line 27, after the second comma, insert "Medicare,"

Page 3, lines 9 and 10, strike "as specified in the employment contract"

Pages 3 and 4, delete section 2 and insert:

"Sec. 2. Minnesota Statutes 2004, section 144A.751, subdivision 3, is amended to read:

Subd. 3. [DISCLOSURE.] A copy of these rights must be provided to an individual at the time hospice care is initiated. The copy shall contain the address and telephone number of the Office of Health Facility Complaints and the Office of the Ombudsman for Older Minnesotans and a brief statement describing how to file a complaint with these offices. Information about how to contact the Office of the Ombudsman for Older Minnesotans shall be included in notices of change in ~~client~~ provider fees and in notices where hospice providers initiate transfer or discontinuation of services."

Page 5, delete section 4

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete everything after the semicolon

Page 1, line 4, delete "specified survey;"

Page 1, lines 6 and 7, delete "subdivision 1; 144A.755" and insert "subdivisions 1, 3"

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

**Senator Lourey from the Committee on Health and Family Security, to which was referred**

**S.F. No. 811:** A bill for an act relating to human services; requiring the Department of Human Services to increase nursing facility and community services payment rates; appropriating money; amending Minnesota Statutes 2004, sections 256B.431, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256B.

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

Page 1, line 21, delete "or"

Page 1, line 23, after "year" insert "; or

(3) implement any combination of clauses (1) and (2)"

Page 1, line 25, delete "must" and insert "is to"

Page 1, line 26, after "(b)" insert ", clause (1)"

Page 2, line 1, after the second comma, insert "and July 1, 2006, respectively,"

Page 2, line 3, delete "portions of the"

Page 2, lines 4 and 5, delete ", which must be used as provided in paragraph (b)"

Page 2, line 18, before the period, insert ", and December 31, 2006, respectively"

Page 2, line 19, delete "July 1, 2005, the portion of" and insert "the first day of the applicable rate year that the funds are available,"

Page 2, line 20, delete ", which must be used as provided in paragraph (b),"

Page 2, line 26, after "adjustment" insert ", if any,"

Page 3, lines 2 and 3, delete ", which must be used as provided in paragraph (b),"

Pages 3 to 5, delete sections 2 and 3 and insert:

"Sec. 2. Minnesota Statutes 2004, section 256B.5012, is amended by adding a subdivision to read:

Subd. 6. [ICF/MR RATE INCREASES BEGINNING JANUARY 1, 2006, AND JANUARY 1, 2007.] (a) For the rate years beginning January 1, 2006, and January 1, 2007, the commissioner shall make available to each facility reimbursed under this section an adjustment to the total operating payment rate of three percent.

(b) Money resulting from the rate adjustment under paragraph (a) must be used to:

(1) increase wages and benefits and pay associated costs for employees except administrative and central office employees;

(2) add staff, other than administrative personnel, above the facility's average staff complement for the previous year; or

(3) implement any combination of clauses (1) and (2).

(c) Money received by a facility as a result of the rate adjustment provided in paragraph (a), which is to be used as provided in paragraph (b), clause (1), must be used only for wage, benefit, and staff increases implemented on or after January 1, 2006, and January 1, 2007, respectively, and must not be used for increases implemented prior to that date.

(d) For each facility, the commissioner shall make available an adjustment using the percentage specified in paragraph (a) multiplied by the total payment rate, excluding the property-related payment rate, in effect on the preceding December 31. The total payment rate shall include the adjustment provided in section 256B.501, subdivision 12.

(e) A facility whose payment rates are governed by closure agreements, receivership agreements, or Minnesota Rules, part 9553.0075, is not eligible for an adjustment otherwise granted under this subdivision.

(f) A facility may apply for the payment rate adjustment provided under paragraph (a). The application must be made to the commissioner and contain a plan by which the facility will distribute the funds according to paragraph (b). For facilities in which the employees are represented by an exclusive bargaining representative, an agreement negotiated and agreed to by the employer and the exclusive bargaining representative constitutes the plan. A negotiated agreement may constitute the plan only if the agreement is finalized after the date of enactment of

all rate increases for the rate year. The commissioner shall review the plan to ensure that the payment rate adjustment per diem is used as provided in this subdivision. To be eligible, a facility must submit its plan by September 30, 2006, and September 30, 2007, respectively. If a facility's plan is effective for its employees after the first day of the applicable rate year that the funds are available, the payment rate adjustment per diem is effective the same date as its plan.

(g) A copy of the approved distribution plan must be made available to all employees by giving each employee a copy or by posting it in an area of the facility to which all employees have access. If an employee does not receive the wage and benefit adjustment described in the facility's approved plan and is unable to resolve the problem with the facility's management or through the employee's union representative, the employee may contact the commissioner at an address or telephone number provided by the commissioner and included in the approved plan."

Page 6, line 24, delete "or"

Page 6, line 26, after "year" insert "; or

(3) implement any combination of clauses (1) and (2)"

Page 7, line 4, after "adjustment" insert ", if any,"

Page 7, after line 33, insert:

"Sec. 5. [NURSING FACILITY HEALTH INSURANCE STUDY.]

(a) The commissioner of human services shall appoint a ten-member nursing facility health insurance task force, consisting of five representatives of nursing facility operators and five representatives of nursing facility employees. The commissioner shall provide technical support to the task force.

(b) The task force shall:

(1) design a self-insured health insurance purchasing pool that meets the criteria in paragraph (c);

(2) develop a timeline and plan for implementation of the purchasing pool; and

(3) present a report to the legislature by December 15, 2005, on the design, implementation, and administration of a health insurance purchasing pool for nursing facility employees.

(c) The design for the health insurance purchasing pool must:

(1) describe the health insurance coverage to be provided, the estimated cost of coverage to employees, and any cost-sharing requirements;

(2) specify eligibility requirements for employees and nursing facilities;

(3) specify the minimum levels of employer contributions toward the cost of health coverage;

(4) require nursing facilities purchasing coverage through the pool to remain members of the pool for a specified minimum time period;

(5) estimate subsidies for the employee share of health insurance premiums; and

(6) make recommendations to finance the purchasing pool."

Page 8, line 4, delete "is" and insert "hours are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "facility" insert ", intermediate care facility,"

Page 1, line 4, after the semicolon, insert "requiring a nursing facility health insurance study;"

Page 1, line 6, delete everything after the semicolon and insert "256B.5012, by adding a subdivision."

Page 1, delete line 7

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

**Senator Kelley from the Committee on Education, to which was referred**

**S.F. No. 244:** A bill for an act relating to education; providing for consecutive teaching experience for a teacher whose probationary employment is interrupted by military service; amending Minnesota Statutes 2004, section 122A.40, subdivision 5.

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

Page 2, lines 23 and 24, delete "for the period of time the teacher is performing services"

Page 2, after line 24, insert:

"**[EFFECTIVE DATE.]** This section is effective retroactively from September 10, 2001."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

**Senator Lourey from the Committee on Health and Family Security, to which was referred**

**S.F. No. 378:** A bill for an act relating to human services; providing support to caregivers; appropriating money; amending Minnesota Statutes 2004, sections 181.9413; 256B.0917, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 181.9413, is amended to read:

181.9413 ~~[SICK OR INJURED CHILD CARE LEAVE BENEFITS; USE TO CARE FOR CERTAIN RELATIVES.]~~

(a) An employee may use personal sick leave benefits provided by the employer for absences due to an illness of or injury to the employee's child, spouse, sibling, parent, grandparent, or stepparent for such reasonable periods as the employee's attendance ~~with the child~~ may be necessary, on the same terms upon which the employee is able to use sick leave benefits for the employee's own illness or injury. This section applies only to personal sick leave benefits payable to the employee from the employer's general assets.

(b) For purposes of this section, "personal sick leave benefits" means time accrued and available to an employee to be used as a result of absence from work due to personal illness or injury, but does not include short-term or long-term disability or other salary continuation benefits.

**[EFFECTIVE DATE.]** This section is effective August 1, 2005, and applies to sick leave used on or after that date.

Sec. 2. Minnesota Statutes 2004, section 256B.0911, subdivision 3, is amended to read:

Subd. 3. **[LONG-TERM CARE CONSULTATION TEAM.]** (a) A long-term care consultation team shall be established by the county board of commissioners. Each local consultation team



shall consist of at least one social worker and at least one public health nurse from their respective county agencies. The board may designate public health or social services as the lead agency for long-term care consultation services. If a county does not have a public health nurse available, it may request approval from the commissioner to assign a county registered nurse with at least one year experience in home care to participate on the team. Two or more counties may collaborate to establish a joint local consultation team or teams.

(b) The team is responsible for providing long-term care consultation services to all persons located in the county who request the services, regardless of eligibility for Minnesota health care programs.

(c) For applicants for a credit under section 290.0676, the team must certify in accordance with procedures established by the commissioner that the care provided by the caregiver:

- (1) qualifies as personal care assistant services under section 256B.0627, subdivision 4;
- (2) is needed and provided in person on a daily basis;
- (3) is appropriate based on the service recipient's needs and is likely to delay or avoid transferring the person to an out-of-home placement; and
- (4) has been given a score using the caregiver burden scale under section 256B.0917, subdivision 6b.

Sec. 3. Minnesota Statutes 2004, section 256B.0917, is amended by adding a subdivision to read:

Subd. 6a. [INTERNET-BASED CAREGIVER SUPPORT PROGRAM.] The Minnesota Board on Aging shall develop and implement an Internet-based caregiver support program. The goal of the program shall be to provide family caregivers with the information and tools needed to self-manage, plan, purchase, coordinate, monitor, and evaluate the day-to-day activities and care outcomes of family members to whom they provide care. The program must complement Internet-based information services that are currently available. The program must include the following components:

- (1) direct connectivity to statewide systems, including, but not limited to, Senior LinkAge Line, MinnesotaHelp.info, RXConnect, and long-term care consultation and to vendors and providers of goods and services, including, but not limited to, respite care, coach services, pharmaceutical vendors, medical supply vendors, grocers, personal care vendors, and electronic assistive technology vendors;
- (2) access to online resources, including connectivity to daily living and clinical monitoring devices and audio and visual contact between the care recipient, the caregiver, services providers, and others for tracking or conducting service visits, care meetings, and other service provision;
- (3) message boards related to caregiver news, information, and events;
- (4) data collection, including surveys, and reporting and registration functions as required by state and federal programs; and
- (5) an individual data profile accessible by designated parties to view, add, share, or edit information as needed to support informal caregiving.

Sec. 4. Minnesota Statutes 2004, section 256B.0917, is amended by adding a subdivision to read:

Subd. 6b. [DUTIES WITH RESPECT TO HOME CARE CREDIT; APPLICATIONS.] (a) The commissioner shall develop by December 1, 2005, a caregiver burden scale to score applicants for the home care credit under section 290.0676. The score shall measure hours per week of care provided, the volume and types of assistance provided, and other criteria determined by the commissioner to be pertinent.

(b) Each caregiver applying for a credit under section 290.0676 must apply to the commissioner. The commissioner shall rank applicants on the score developed under paragraph (a). The commissioner shall limit approvals under this paragraph in order to keep the credit payments under section 290.0676 within the limits of appropriations made specifically for this purpose.

(c) In each calendar year, the commissioner shall accept until February 15 applications for a caregiver burden scale score for the previous calendar year. By March 15 of each calendar year, the commissioner must issue approvals for credits under section 290.0676, based on each applicant's score on the scale and the appropriations available for credits. The commissioner may develop procedures to delegate to appropriate organizations the responsibility to assign burden scale scores to applicants.

(d) The commissioner shall be exempt from chapter 14 for purposes of this subdivision.

Sec. 5. [290.0676] [MINNESOTA HOME CARE CREDIT.]

Subdivision 1. [DEFINITIONS.] The terms used in this section have the following meanings unless otherwise provided for by text.

Subd. 2. [CAREGIVER.] "Caregiver" means an individual who provides unpaid assistance on a daily basis that qualifies as personal care assistant services under section 256B.0627, subdivision 4, to a service recipient in either the individual's home or the service recipient's home.

Subd. 3. [SERVICE RECIPIENT.] "Service recipient" means an individual age 65 or older who:

(1) is the spouse, parent, stepparent, sibling, stepsibling, child, stepchild, grandparent, or stepgrandparent of the taxpayer;

(2) resides other than in a setting licensed or registered by the commissioner of health or human services; and

(3) has been screened by a county long-term care consultation team and determined by that team to be eligible for placement in a nursing home.

Subd. 4. [CREDIT ALLOWED.] (a) An individual is allowed a credit against the tax imposed by this chapter equal to \$200 for each month during the tax year that the individual is a caregiver for a service recipient. The maximum credit in a tax year shall be \$2,400.

(b) The commissioner shall require individuals claiming the credit to certify that the individual and the service recipient satisfy all the requirements of this section.

(c) An individual may claim only one credit in any tax year. Only one credit may be claimed for each service recipient in any tax year.

(d) For a nonresident or part-year resident, the credit must be allocated based on the percentage calculated under section 290.06, subdivision 2c, paragraph (e).

Subd. 5. [CREDIT LIMITATIONS.] (a) Eligibility for the credit in subdivision 4 is limited to persons with total household income, as defined in section 290A.03, subdivision 5, that does not exceed the maximum household income level eligible for a refund under section 290A.04, subdivision 2.

(b) Eligibility for the credit in subdivision 4 is limited to persons who have been approved by the commissioner of human services under section 256B.0917, subdivision 6b.

(c) The credit in subdivision 4 is reduced to \$100 for any month in which a service recipient receives more than four hours per day on average of federal, state, or county-funded home care services as specified in section 256B.0627, subdivision 2.

Subd. 6. [CREDIT REFUNDABLE.] If the amount of the credit under this section exceeds the

individual's tax liability under this chapter, the commissioner shall refund the excess amount to the claimant.

Subd. 7. [CAREGIVER TRAINING.] For each year in which a credit is claimed under this section, the caregiver must attend at least eight hours of (1) caregiver training, education, or counseling, or (2) caregiver support group sessions.

[EFFECTIVE DATE.] This section is effective for taxable years beginning after December 31, 2004.

Sec. 6. [TELEHOME CARE STUDY.]

(a) The commissioner of human services, in consultation with the commissioner of health, shall convene a work group to study and make recommendations on integrating within the home health care delivery system the delivery of home health care services via an interactive telecommunications system and monitoring technologies to homebound patients with chronic illness or disabilities. The study shall examine the effectiveness of video conferencing, Internet access, and physiological monitoring within a home health care setting in terms of cost, accessibility, health outcomes, and provider and patient satisfaction. The study shall:

(1) identify limitations and barriers and recommend possible solutions to providing telehome care, including provider reimbursement; patient and provider recruitment and training; equipment and technology access and support; and patient privacy;

(2) identify possible populations that may benefit from in-home monitoring and education;

(3) identify best-practices guidelines, policies, and standards for telehome care;

(4) assess the status of current projects providing telehome care in Minnesota; and

(5) identify partnership models and collaboration potential for delivering quality telehome care delivery system.

(b) The work group shall include representatives of health care providers, hospitals, educators, researchers, home health care providers, and home health care recipients.

(c) The commissioner shall submit a report to the legislature by January 15, 2006, on the results of the study, including any recommendations on necessary legislative changes in order to incorporate telehome care into the health care delivery system.

Sec. 7. [APPROPRIATIONS.]

(a) \$..... is appropriated from the general fund to the commissioner of human services for the biennium beginning July 1, 2005, for the purposes of section 2.

(b) \$750,000 in fiscal year 2006 and \$200,000 in fiscal year 2007 is appropriated from the general fund to the commissioner of human services for the purposes of section 3.

(c) \$4,800,000 is appropriated from the general fund to the commissioner of revenue for the biennium beginning July 1, 2005, for purposes of section 5."

Delete the title and insert:

"A bill for an act relating to human services; modifying use of personal sick leave benefits; establishing an Internet-based caregiver support program; establishing a home care tax credit; requiring a telehome care study; appropriating money; amending Minnesota Statutes 2004, sections 181.9413; 256B.0911, subdivision 3; 256B.0917, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 290."

And when so amended the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Amendments adopted. Report adopted.

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred**

**S.F. No. 51:** A bill for an act relating to crime prevention and public safety; regulating the sale of methamphetamine precursor drugs; imposing criminal penalties; amending Minnesota Statutes 2004, section 152.135, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 152.

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

Delete everything after the enacting clause and insert:

"Section 1. [35.051] [EPHEDRINE AND PSEUDOEPHEDRINE PRODUCTS.]

Subdivision 1. [PRESCRIPTION REQUIRED.] Drugs and products for any species of animal that contain ephedrine or pseudoephedrine require a written prescription from a veterinarian to be sold or distributed for lay use.

Subd. 2. [SALE AND PURCHASE RESTRICTIONS.] A drug or product for any species of animal containing ephedrine or pseudoephedrine may only be dispensed, sold, or distributed by a veterinarian or a veterinary assistant under the supervision or direction of a veterinarian. A person who is not a veterinarian may not purchase a drug or product for animal consumption containing ephedrine or pseudoephedrine without a prescription.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2004, section 152.02, subdivision 6, is amended to read:

Subd. 6. [SCHEDULE V; RESTRICTIONS ON METHAMPHETAMINE PRECURSOR DRUGS.] (a) As used in this subdivision, the following terms have the meanings given:

(1) "methamphetamine precursor drug" means any compound, mixture, or preparation intended for human consumption containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients; and

(2) "over-the-counter sale" means a retail sale of a drug or product but does not include the sale of a drug or product pursuant to the terms of a valid prescription.

(b) The following items are listed in Schedule V:

(1) any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone;:

(1) (i) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;:

(2) (ii) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;:

(3) (iii) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit; or

(4) (iv) not more than 15 milligrams of anhydrous morphine per 100 milliliters or per 100 grams; and

(2) any compound, mixture, or preparation containing ephedrine or pseudoephedrine as its sole active ingredient or as one of its active ingredients.

(c) No person may sell in a single over-the-counter sale more than two packages of a methamphetamine precursor drug or a combination of methamphetamine precursor drugs or any combination of packages exceeding a total weight of six grams.

(d) Over-the-counter sales of methamphetamine precursor drugs are limited to:

(1) packages containing not more than a total of three grams of one or more methamphetamine precursor drugs, calculated in terms of ephedrine base or pseudoephedrine base; or

(2) for nonliquid products, sales in blister packs, where each blister contains not more than two dosage units, or, if the use of blister packs is not technically feasible, sales in unit dose packets or pouches.

(e) A business establishment that offers for sale methamphetamine precursor drugs in an over-the-counter sale shall ensure that all packages of the drugs are displayed behind a checkout counter where the public is not permitted and are offered for sale only by a licensed pharmacist, a registered pharmacy technician, or a pharmacy clerk. The establishment shall ensure that the person making the sale requires the buyer:

(1) to provide photographic identification showing the buyer's date of birth; and

(2) to sign a written document detailing the date of the sale, the name and date of birth of the buyer, and the amount of the drug sold. The pharmacy shall maintain the written documents described in clause (2) for audit or examination by law enforcement officials for a period of two years from the date of the transaction and shall provide the documents upon request by a law enforcement official. Nothing in this paragraph requires the buyer to obtain a prescription for the drug's purchase.

(f) No person may acquire through over-the-counter sales more than six grams of methamphetamine precursor drugs within a 30-day period.

(g) No person may sell in an over-the-counter sale a methamphetamine precursor drug to a person under the age of 18 years. It is an affirmative defense to a charge under this paragraph if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in section 340A.503, subdivision 6.

(h) A person who knowingly violates paragraph (c), (d), (e), (f), or (g) is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days, or to payment of a fine of not more than \$1,000, or both.

(i) Paragraphs (c) to (h) do not apply to:

(1) pediatric products labeled pursuant to federal regulation primarily intended for administration to children under 12 years of age according to label instructions;

(2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as being manufactured in a manner that prevents the drug from being used to manufacture methamphetamine;

(3) methamphetamine precursor drugs in gel capsule or liquid form; or

(4) compounds, mixtures, or preparations in powder form where pseudoephedrine constitutes less than one percent of its total weight and is not its sole active ingredient.

(j) The Board of Pharmacy, in consultation with the commissioner of public safety, shall certify methamphetamine precursor drugs that meet the requirements of paragraph (i), clause (2), and publish an annual listing of these drugs.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2004, section 152.027, subdivision 1, is amended to read:

Subdivision 1. [SALE OF SCHEDULE V CONTROLLED SUBSTANCE.] Except as provided in section 152.02, subdivision 6, a person who unlawfully sells one or more mixtures containing a controlled substance classified in schedule V may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2004, section 152.027, subdivision 2, is amended to read:

Subd. 2. [POSSESSION OF SCHEDULE V CONTROLLED SUBSTANCE.] Except as provided in section 152.02, subdivision 6, a person who unlawfully possesses one or more mixtures containing a controlled substance classified in schedule V may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. The court may order that a person who is convicted under this subdivision and placed on probation be required to take part in a drug education program as specified by the court.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2004, section 152.135, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] (a) A drug product containing ephedrine, its salts, optical isomers, and salts of optical isomers is exempt from subdivision 1 if the drug product:

(1) may be lawfully sold over the counter without a prescription under the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section 321, et seq.;

(2) is labeled and marketed in a manner consistent with the pertinent OTC Tentative Final or Final Monograph;

(3) is manufactured and distributed for legitimate medicinal use in a manner that reduces or eliminates the likelihood of abuse;

(4) is not marketed, advertised, or labeled for the indication of stimulation, mental alertness, weight loss, muscle enhancement, appetite control, or energy; and

(5) is in solid oral dosage forms, including soft gelatin caplets, that combine 400 milligrams of guaifenesin and 25 milligrams of ephedrine per dose, according to label instructions; or is an anorectal preparation containing not more than five percent ephedrine; and

(6) is sold in a manner that does not conflict with section 152.02, subdivision 6.

(b) Subdivisions 1 and 3 shall not apply to products containing ephedra or ma huang and lawfully marketed as dietary supplements under federal law.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to public safety; scheduling ephedrine and pseudoephedrine products as Schedule V controlled substances; regulating the sale of methamphetamine precursor drugs; requiring prescriptions from veterinarians for products for animals containing ephedrine or pseudoephedrine; providing criminal penalties; amending Minnesota Statutes 2004, sections 152.02, subdivision 6; 152.027, subdivisions 1, 2; 152.135, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 35."

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

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred**

**S.F. No. 423:** A bill for an act relating to public safety; scheduling ephedrine and pseudoephedrine products as Schedule V controlled substances; regulating the sale of methamphetamine precursor drugs; authorizing reporting of suspicious transactions involving

these drugs and providing civil immunity for so doing; further regulating while recodifying activities involving anhydrous ammonia; requiring courts to order restitution in certain situations involving controlled substances; imposing property restrictions in certain situations involving controlled substances; increasing the criminal penalties for possessing certain substances with the intent to manufacture methamphetamine and recodifying this crime; establishing new methamphetamine-related crimes; clarifying the definition of "narcotic drug"; expanding the definition of "violent crime" for mandatory sentencing purposes; requiring that vehicles and other property used to manufacture methamphetamine indicate this in the title or by an affidavit; requiring notice to schools when children are taken into protective custody after being found at a methamphetamine laboratory; establishing a methamphetamine laboratory cleanup revolving fund and authorizing loans to assist counties and cities in conducting methamphetamine cleanup; imposing criminal penalties; providing for ten new Bureau of Criminal Apprehension agents dedicated to methamphetamine enforcement; appropriating money; amending Minnesota Statutes 2004, sections 152.01, subdivision 10; 152.02, subdivision 6; 152.021, subdivisions 2a, 3; 152.027, subdivisions 1, 2; 152.135, subdivision 2; 168A.05, subdivision 3; 260B.171, by adding a subdivision; 609.1095, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 152; 446A; repealing Minnesota Statutes 2004, sections 18C.005, subdivisions 1a, 35a; 18C.201, subdivisions 6, 7; 18D.331, subdivision 5.

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

Pages 2 to 5, delete section 2

Page 6, line 4, delete the new language and insert "includes any"

Page 6, line 5, after the first comma, insert "or any similar substances that can be used to manufacture methamphetamine," and strike "their" and insert "the"

Page 6, line 6, after "isomers" insert "of a listed or similar substance"

Pages 7 and 8, delete sections 5 and 6

Page 12, delete section 8

Page 17, line 23, delete "260B.171" and insert "260C.171"

Page 17, line 25, delete "9" and insert "6"

Page 22, delete lines 12 to 20 and insert:

"For grants to counties to fund three pilot projects addressing methamphetamine.

A county seeking a grant under this section shall submit a detailed application to the commissioner that specifies how the money will be used. The application must demonstrate a comprehensive countywide plan to combat methamphetamine. At a minimum, this plan must address how the county will handle: (1) methamphetamine-related child endangerment cases; (2) methamphetamine-related cleanup and remediation; (3) enforcing methamphetamine-related criminal laws; and (4) methamphetamine-related treatment. To the extent possible, the commissioner shall ensure that one pilot project has an emphasis on adolescents and one has a maternal/early childhood emphasis."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete lines 3 to 6

Page 1, line 7, delete "immunity for so doing;"

Page 1, line 31, delete "152.02, subdivision 6;"

Page 1, delete line 32

Page 1, line 33, delete "260B.171" and insert "260C.171"

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

**Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred**

**S.F. No. 901:** A bill for an act relating to crimes; regulating the sale of methamphetamine precursor drugs containing ephedrine or pseudoephedrine; further regulating while recodifying activities involving anhydrous ammonia; requiring courts to order restitution in certain situations involving controlled substances; imposing property restrictions in certain situations involving controlled substances; increasing the criminal penalties for possessing certain substances with the intent to manufacture methamphetamine; establishing new methamphetamine-related crimes; expanding the definition of "violent crime" for mandatory sentencing purposes; requiring that property contaminated by methamphetamine manufacturing indicate this in the title or deed; establishing a methamphetamine laboratory cleanup revolving fund and authorizing loans to assist counties and cities in conducting methamphetamine cleanup; providing for the establishment of civil nuisances involving methamphetamine manufacture; requiring that anhydrous ammonia storage tanks be locked when unattended; requiring a toll-free number for citizen reports of methamphetamine laboratories; providing for reports; imposing criminal penalties; appropriating money; amending Minnesota Statutes 2004, sections 152.021, subdivisions 2a, 3; 152.135, subdivision 2; 168A.05, subdivision 3; 609.1095, subdivision 1; 617.81, subdivision 4, by adding a subdivision; 617.85; proposing coding for new law in Minnesota Statutes, chapters 144; 152; 446A; repealing Minnesota Statutes 2004, sections 18C.005, subdivisions 1a, 35a; 18C.201, subdivisions 6, 7; 18D.331, subdivision 5.

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

Pages 2 to 15, delete sections 2 to 8

Page 15, line 36, delete the comma and insert "": (1) "chemical substance" means a substance intended to be used as a precursor in the manufacture of methamphetamine or any other chemical intended to be used in the manufacture of methamphetamine; and (2) "methamphetamine waste product" means a substance, chemical, or item of any kind used in the manufacture or attempted manufacture of methamphetamine or any part of the manufacturing process, or the by-product or degradate of manufacturing or attempting to manufacture methamphetamine."

Page 16, delete lines 1 and 2

Page 16, after line 14, insert:

"Subd. 3. [EXCEPTION.] This section does not apply to:

(1) a peace officer acting in the course of the officer's employment; or

(2) a person who lawfully disposes of any product or substance in a manner approved by the Pollution Control Agency."



Pages 16 to 20, delete sections 11 to 13

Pages 24 to 26, delete sections 19 and 20

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to public safety; establishing a methamphetamine waste disposal crime; creating a methamphetamine awareness and educational account; providing for the establishment of civil nuisances involving methamphetamine manufacture; requiring a toll-free number for citizen reports of methamphetamine laboratories; providing for reports; imposing criminal penalties; amending Minnesota Statutes 2004, sections 617.81, subdivision 4, by adding a subdivision; 617.85; proposing coding for new law in Minnesota Statutes, chapters 144; 152."

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

### **SECOND READING OF SENATE BILLS**

S.F. Nos. 699, 310, 367, 687, 244 and 51 were read the second time.

### **MOTIONS AND RESOLUTIONS**

Senator Larson moved that the name of Senator Bachmann be added as a co-author to S.F. No. 66. The motion prevailed.

Senator Rest moved that the name of Senator Gaither be added as a co-author to S.F. No. 461. The motion prevailed.

Senator Rest moved that the name of Senator Johnson, D.J. be added as a co-author to S.F. No. 645. The motion prevailed.

Senator Bachmann moved that the name of Senator LeClair be added as a co-author to S.F. No. 816. The motion prevailed.

Senator Vickerman moved that the name of Senator Kubly be added as a co-author to S.F. No. 969. The motion prevailed.

Senator Solon moved that the names of Senators Foley, Kiscaden, Koering and Lourey be added as co-authors to S.F. No. 1030. The motion prevailed.

Senator Dille moved that the name of Senator Rest be added as a co-author to S.F. No. 1067. The motion prevailed.

Senator Sams moved that S.F. No. 261 be withdrawn from the Committee on Finance and returned to its author. The motion prevailed.

Senator Wiger moved that S.F. No. 380 be withdrawn from the Committee on Education and re-referred to the Committee on Finance. The motion prevailed.

Senator Bachmann moved that S.F. No. 626 be withdrawn from the Committee on Transportation and returned to its author. The motion prevailed.

Senator Ranum moved that S.F. No. 920 be withdrawn from the Committee on State and Local Government Operations and re-referred to the Committee on Health and Family Security. The motion prevailed.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Senators Murphy, McGinn, Foley, Moua and Senjem introduced--**

**S.F. No. 1070:** A bill for an act relating to traffic regulations; making seat belt violation a primary offense in all seating positions regardless of age; increasing the fine for seat belt violations; making technical changes; amending Minnesota Statutes 2004, sections 169.686, subdivision 1; 171.05, subdivision 2b; 171.055, subdivision 2.

Referred to the Committee on Transportation.

**Senators Higgins, Robling, Wiger and Marko introduced--**

**S.F. No. 1071:** A bill for an act relating to the Metropolitan Council; requiring the Metropolitan Council to carry out metropolitan area water supply planning activities; establishing an advisory committee to assist the council in carrying out the planning activities; abolishing the housing bond credit enhancement program; providing for continued debt reserve and levy authority for bonds issued under the program before its abolishment; providing for the use of available funds from the abolished housing bond credit enhancement program for the council's metropolitan area water supply planning activities; amending Minnesota Statutes 2004, section 473.197, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2004, sections 473.156; 473.197, subdivisions 1, 2, 3, 5.

Referred to the Committee on State and Local Government Operations.

**Senator Hann introduced--**

**S.F. No. 1072:** A bill for an act relating to liquor; authorizing the city of Eden Prairie to issue an on-sale intoxicating liquor license to a caterer for use in connection with city-owned premises.

Referred to the Committee on Commerce.

**Senators Kubly, Dille, Frederickson, Sams and Langseth introduced--**

**S.F. No. 1073:** A bill for an act relating to taxes; providing a credit for a taxpayer that installs equipment to dispense E85 motor vehicle fuel at retail; appropriating money; amending Minnesota Statutes 2004, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes.

**Senators Kelley, Skoglund, Solon and Anderson introduced--**

**S.F. No. 1074:** A bill for an act relating to education; modifying teacher tenure in cities of the first class; authorizing negotiation of a plan for teacher layoffs; amending Minnesota Statutes 2004, section 122A.41, subdivision 14.

Referred to the Committee on Education.

**Senator Dibble introduced--**

**S.F. No. 1075:** A bill for an act relating to financial institutions; providing for reasonable account fees; amending Minnesota Statutes 2004, sections 9.031, subdivision 13; 47.76; 48.512, subdivision 7; 50.17, subdivision 11; 51A.21, subdivision 28; 118A.02, subdivision 1; 427.01; 427.02; proposing coding for new law in Minnesota Statutes, chapters 427; 469.

Referred to the Committee on Commerce.

**Senator Kleis introduced--**

**S.F. No. 1076:** A bill for an act relating to the legislature; providing for even-numbered year sessions convened by the legislature; limiting the agenda; amending Minnesota Statutes 2004, section 3.011.

Referred to the Committee on Rules and Administration.

**Senators Belanger and Sams introduced--**

**S.F. No. 1077:** A bill for an act relating to taxation; property taxes; extending sunset of emergency medical services special taxing districts; amending Laws 2001, First Special Session chapter 5, article 3, section 8.

Referred to the Committee on Taxes.

**Senators Chaudhary, Hottinger and Metzen introduced--**

**S.F. No. 1078:** A bill for an act relating to labor relations; establishing certain rights for workers in the meatpacking industry; proposing coding for new law in Minnesota Statutes, chapter 179.

Referred to the Committee on Jobs, Energy and Community Development.

**Senators Foley, Betzold, Solon and Koering introduced--**

**S.F. No. 1079:** A bill for an act relating to health; providing an exception to the moratorium on nursing home beds by allowing relicensure and recertification of beds placed on layaway; amending Minnesota Statutes 2004, section 144A.071, subdivision 4a.

Referred to the Committee on Health and Family Security.

**Senator Pogemiller introduced--**

**S.F. No. 1080:** A bill for an act relating to taxation; corporate franchise; modifying the definition of foreign operating corporations; amending Minnesota Statutes 2004, sections 290.01, subdivision 6b; 290.17, by adding a subdivision.

Referred to the Committee on Taxes.

**Senator Pogemiller introduced--**

**S.F. No. 1081:** A bill for an act relating to taxation; providing a property tax reduction for certain homesteads contaminated by mold; amending Minnesota Statutes 2004, section 273.123, by adding a subdivision.

Referred to the Committee on Taxes.

**Senator Pogemiller introduced--**

**S.F. No. 1082:** A bill for an act relating to taxation; corporate franchise; modifying the definition of foreign operating corporations; repealing the subtraction for foreign royalties; excluding certain intangible income from the deemed dividend deduction for foreign operating corporation income; amending Minnesota Statutes 2004, sections 290.01, subdivision 6b, 19d; 290.17, subdivision 4.

Referred to the Committee on Taxes.

**Senators Hottinger, Vickerman, Higgins, Dille and Kierlin introduced--**

**S.F. No. 1083:** A bill for an act relating to local government; authorizing the state auditor to waive certain rules and laws applying to local government units; creating a grants board to fund cooperative efforts in public service delivery; proposing coding for new law in Minnesota Statutes, chapter 6.

Referred to the Committee on State and Local Government Operations.

**Senators Ranum, Dibble, Higgins, Vickerman and Lourey introduced--**

**S.F. No. 1084:** A bill for an act relating to public employment; modifying pay equity reporting requirements for political subdivisions; amending Minnesota Statutes 2004, section 471.999.

Referred to the Committee on State and Local Government Operations.

**Senators Higgins, Wiger, Marty, Belanger and Gaither introduced--**

**S.F. No. 1085:** A bill for an act relating to elections; soil and water conservation district supervisors; providing for election of certain supervisors and appointment of certain supervisors; amending Minnesota Statutes 2004, sections 103C.311, by adding a subdivision; 103C.315, subdivision 1.

Referred to the Committee on Elections.

**Senators Higgins, Wiger, Lourey and McGinn introduced--**

**S.F. No. 1086:** A bill for an act relating to elections; authorizing early voting by absentee ballot at certain locations without qualification; amending Minnesota Statutes 2004, section 203B.02, by adding a subdivision.

Referred to the Committee on Elections.

**Senator Moua introduced--**

**S.F. No. 1087:** A bill for an act relating to state aid to cities; correcting the calculation of city aid base; amending Minnesota Statutes 2004, section 477A.011, subdivision 36.

Referred to the Committee on Taxes.

**Senators Stumpf and Kelley introduced--**

**S.F. No. 1088:** A bill for an act relating to natural resources; creating minerals management account; modifying disposition of certain mineral payments; appropriating money; amending Minnesota Statutes 2004, section 93.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 93.

Referred to the Committee on Environment and Natural Resources.

**Senator Murphy introduced--**

**S.F. No. 1089:** A bill for an act relating to transportation; authorizing billing for highway sign program and establishing special account; modifying eligibility criteria for certain business signs; modifying provisions relating to state-aid highways and streets, traffic signals, and railroads in quiet zones; removing expiration for commuter rail corridor coordinating committee; appropriating money; amending Minnesota Statutes 2004, sections 160.80, subdivision 1a; 162.02, subdivisions 2, 3a; 162.06, subdivision 2; 162.09, subdivisions 2, 3a; 162.14, subdivision 6; 169.06, subdivisions 5, 6; 169.28, subdivision 2; 174.86, subdivision 5; 219.166; 219.567; proposing coding for new law in Minnesota Statutes, chapters 160; 162.

Referred to the Committee on Transportation.

**Senators Kiscaden, Kierlin, Senjem, Marko and Foley introduced--**

**S.F. No. 1090:** A bill for an act relating to traffic regulations; clarifying duty of driver when passing parked emergency vehicle; amending Minnesota Statutes 2004, section 169.18, subdivision 11.

Referred to the Committee on Transportation.

**Senator Dille introduced--**

**S.F. No. 1091:** A bill for an act relating to retirement; Public Employees Retirement Association; adding employees of Hutchinson Area Health Care to privatization coverage; amending Minnesota Statutes 2004, section 353F.02, subdivision 4.

Referred to the Committee on State and Local Government Operations.

**Senators Michel, Hann and Gaither introduced--**

**S.F. No. 1092:** A resolution memorializing the Congress of the United States to refrain from expanding No Child Left Behind requirements to high schools.

Referred to the Committee on Education.

**Senators Ortman, Robling, Sams, Tomassoni and Scheid introduced--**

**S.F. No. 1093:** A bill for an act relating to unemployment insurance; modifying filing requirements for wage detail reports; amending Minnesota Statutes 2004, section 268.044, subdivisions 1, 1a, 2, 3.

Referred to the Committee on Jobs, Energy and Community Development.

**Senators Scheid, Reiter, Kiscaden, Murphy and Michel introduced--**

**S.F. No. 1094:** A bill for an act relating to commerce; reforming the Minnesota No-Fault Automobile Insurance Act; tying medical expense benefits to the workers' compensation fee schedule with adjustments; increasing income loss and funeral benefits; modifying the tort threshold; modifying the arbitration process; amending Minnesota Statutes 2004, sections 65B.44, subdivisions 1, 2, 3, 4; 65B.51, subdivision 3; 65B.525, subdivision 1, by adding subdivisions.

Referred to the Committee on Commerce.

**Senators Fischbach, Wergin, Murphy and Vickerman introduced--**

**S.F. No. 1095:** A bill for an act relating to drivers' licenses; authorizing commissioner of public safety to waive road test for licensed military personnel; amending Minnesota Statutes 2004, section 171.13, subdivision 1a.

Referred to the Committee on Transportation.

**Senators Nienow, Fischbach, Wergin, Bachmann and Jungbauer introduced--**

**S.F. No. 1096:** A bill for an act relating to human services; requiring the commissioner to collect residency information on applicants of certain programs; amending Minnesota Statutes 2004, sections 256.01, by adding a subdivision; 462A.07, by adding a subdivision.

Referred to the Committee on Health and Family Security.

**Senator Nienow introduced--**

**S.F. No. 1097:** A bill for an act relating to local government aid; increasing the city aid base for certain cities; amending Minnesota Statutes 2004, section 477A.011, subdivision 36.

Referred to the Committee on Taxes.

**Senators Dibble, Marty and Frederickson introduced--**

**S.F. No. 1098:** A bill for an act relating to natural resources; modifying commercial fishing restrictions in infested waters; providing for a water recreation account; modifying expiration of certain committees; modifying disposition of certain unrefunded tax receipts; modifying terms of certain reports; eliminating commissioner approval of county expenditures of county timber receipts; amending Minnesota Statutes 2004, sections 84D.03, subdivision 4; 97A.055, subdivision 4b; 97A.4742, subdivision 4; 282.08; 282.38, subdivision 1; 296A.18, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 86B.

Referred to the Committee on Environment and Natural Resources.

**Senators Pogemiller, Foley, Metzen and Gaither introduced--**

**S.F. No. 1099:** A bill for an act relating to civil actions; statutory housing warranties; regulating recovery for breaches; amending Minnesota Statutes 2004, section 327A.05.

Referred to the Committee on Judiciary.

**Senators Pogemiller, Foley, Metzen and Gaither introduced--**

**S.F. No. 1100:** A bill for an act relating to civil actions; providing relief and protections for construction and home improvement defects; amending Minnesota Statutes 2004, sections 327A.01, subdivision 2; 327A.03; 327A.04; 327A.08; 514.011, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 337.

Referred to the Committee on Judiciary.

**Senators Bakk, Saxhaug, Skoe and Stumpf introduced--**

**S.F. No. 1101:** A bill for an act relating to health; modifying requirements for the provision of medical assistance swing bed services; amending Minnesota Statutes 2004, section 256B.0625, subdivision 2.

Referred to the Committee on Health and Family Security.

**Senator Saxhaug introduced--**

**S.F. No. 1102:** A bill for an act relating to state lands; authorizing the public sale of tax-forfeited land bordering public waters in Itasca County.

Referred to the Committee on Environment and Natural Resources.

**Senators Ruud and Kleis introduced--**

**S.F. No. 1103:** A bill for an act relating to real estate appraisers; modifying oversight, licensing, and certification provisions; amending Minnesota Statutes 2004, sections 82B.05, subdivisions 1, 5; 82B.06.

Referred to the Committee on Commerce.

**Senators Bachmann and Wiger introduced--**

**S.F. No. 1104:** A bill for an act relating to lawful gambling; modifying definition of lawful purpose; amending Minnesota Statutes 2004, section 349.12, subdivision 25.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senator Bachmann introduced--**

**S.F. No. 1105:** A bill for an act relating to state lands; authorizing the private sale of tax-forfeited land bordering public waters in Washington County.

Referred to the Committee on Environment and Natural Resources.

**Senator Bachmann introduced--**

**S.F. No. 1106:** A bill for an act relating to gambling; prohibiting location of a state-operated or state-licensed gambling facility in a town or city unless the voters of the town or city have approved the facility in a referendum.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senator Bachmann introduced--**

**S.F. No. 1107:** A resolution memorializing the Congressional Delegation of the State of Minnesota to support the President's call for legal reform.

Referred to the Committee on Judiciary.

**Senators Lourey, Solon and Koering introduced--**

**S.F. No. 1108:** A bill for an act relating to health; directing mental health epidemiological studies; providing for a mental health epidemiologist within the Department of Health; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Family Security.

**Senators Kiscaden, Nienow, Wergin and Higgins introduced--**

**S.F. No. 1109:** A bill for an act relating to health occupations; clarifying the scope of practice of occupational therapists; authorizing approval for certain occupational therapists continuing education activities; amending Minnesota Statutes 2004, sections 148.6404; 148.6440, subdivision 7.

Referred to the Committee on Health and Family Security.

**Senators Scheid, Hottinger, Pappas, Sparks and Kierlin introduced--**

**S.F. No. 1110:** A bill for an act relating to human services; modifying the child care assistance income eligibility provisions; establishing a provider rate differential for accreditation; temporarily suspending child care license fees; modifying the child care assistance parent fee schedule; amending Minnesota Statutes 2004, sections 119B.09, subdivision 1; 119B.13, by adding a subdivision; 245A.10, by adding a subdivision; repealing Laws 2003, First Special Session chapter 14, article 9, section 36.

Referred to the Committee on Health and Family Security.

**Senators Pappas, Kleis, Kierlin, Cohen and Solon introduced--**

**S.F. No. 1111:** A bill for an act relating to higher education finance; appropriating money to the Board of Regents of the University of Minnesota and Board of Trustees of the Minnesota State Colleges and Universities.

Referred to the Committee on Finance.

**Senator Marty introduced--**

**S.F. No. 1112:** A bill for an act relating to health; modifying the medical assistance asset limit for persons who are aged, blind, or disabled; amending Minnesota Statutes 2004, section 256B.056, subdivision 3.

Referred to the Committee on Health and Family Security.

**Senators Senjem and Solon introduced--**

**S.F. No. 1113:** A bill for an act relating to special service districts; delaying a special law requirement until 2010; amending Minnesota Statutes 2004, section 428A.101.

Referred to the Committee on State and Local Government Operations.

**Senator Metzen introduced--**

**S.F. No. 1114:** A bill for an act relating to consumer protection; regulating tanning facilities; requiring consent; regulating use by minors; amending Minnesota Statutes 2004, sections 325H.06; 325H.08.

Referred to the Committee on Commerce.

**Senators Fischbach, Lourey, Kelley, Gaither and Moua introduced--**

**S.F. No. 1115:** A bill for an act relating to occupations; requiring plumbers to be licensed; establishing inspection requirements for new plumbing installations; allowing the commissioner to charge fees to hire staff; licensing restricted plumbing contractors; requiring rulemaking; amending Minnesota Statutes 2004, sections 144.122; 326.01, by adding a subdivision; 326.37, subdivision 1, by adding a subdivision; 326.38; 326.40, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 2004, section 326.45.

Referred to the Committee on Health and Family Security.

**Senator Chaudhary introduced--**

**S.F. No. 1116:** A bill for an act relating to natural resources; requiring lifejackets for children aboard watercraft; amending Minnesota Statutes 2004, section 86B.501, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

**Senator Larson introduced--**

**S.F. No. 1117:** A bill for an act relating to higher education; appropriating money to the Board of Trustees of the Minnesota State Colleges and Universities for competitive salaries.

Referred to the Committee on Finance.

**Senator Larson introduced--**

**S.F. No. 1118:** A bill for an act relating to health; extending approval for a nursing facility moratorium exception proposal approved under the competitive exception process; amending Minnesota Statutes 2004, section 144A.073, by adding a subdivision.



Referred to the Committee on Health and Family Security.

**Senator Larson introduced--**

**S.F. No. 1119:** A bill for an act relating to human services; modifying child care assistance provider reimbursement rate categories; amending Minnesota Statutes 2004, section 119B.13, subdivision 1.

Referred to the Committee on Health and Family Security.

**Senators Sams, Frederickson, Dille, Metzen and Bakk introduced--**

**S.F. No. 1120:** A bill for an act relating to economic development; appropriating money for a grant to the Blandin Foundation.

Referred to the Committee on Finance.

**Senators Sams, Chaudhary, Wiger, McGinn and Marko introduced--**

**S.F. No. 1121:** A bill for an act relating to public safety; appropriating money for purchase of automatic external defibrillators for State Patrol vehicles in greater Minnesota.

Referred to the Committee on Finance.

**Senators Solon, Kiscaden, Rosen, Koering and Lourey introduced--**

**S.F. No. 1122:** A bill for an act relating to human services; changing hospital payment adjustment provision for diagnostic-related group payments; amending Minnesota Statutes 2004, sections 256.969, subdivision 26; 256B.195, subdivision 3.

Referred to the Committee on Finance.

**Senators Hottinger, Jungbauer, Chaudhary, Nienow and Metzen introduced--**

**S.F. No. 1123:** A bill for an act relating to the environment; providing specifications for review and waivers of 401 certification under the federal Clean Water Act; establishing fees; amending Minnesota Statutes 2004, section 115.03, subdivision 4a.

Referred to the Committee on Environment and Natural Resources.

**Senators Murphy and McGinn introduced--**

**S.F. No. 1124:** A bill for an act relating to peace officers; providing increased reimbursement for bullet-resistant vests; amending Minnesota Statutes 2004, section 299A.38, subdivisions 2, 2a.

Referred to the Committee on Finance.

**Senators Murphy and McGinn introduced--**

**S.F. No. 1125:** A bill for an act relating to public safety; providing that a peace officer may operate any vehicle or combination of vehicles; making clarifying changes; amending Minnesota Statutes 2004, section 171.02, subdivision 2.

Referred to the Committee on Transportation.

**Senator Vickerman introduced--**

**S.F. No. 1126:** A bill for an act relating to gambling; clarifying the powers and duties of the

Racing Commission to card clubs; establishing a director of card clubs; authorizing rulemaking; amending Minnesota Statutes 2004, sections 240.03; 240.04, by adding a subdivision; 240.23; 240.30, subdivisions 2, 7.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senator Chaudhary introduced--**

**S.F. No. 1127:** A bill for an act relating to transportation; appropriating money for the rail service improvement program to construct a wye in New Brighton; authorizing the issuance of general obligation bonds.

Referred to the Committee on Finance.

**Senator Chaudhary introduced--**

**S.F. No. 1128:** A bill for an act relating to capital investment; authorizing spending to acquire and better public land and buildings and public improvements of a capital nature with conditions; appropriating money for sewer interceptor relocation in New Brighton; authorizing the issuance of general obligation bonds.

Referred to the Committee on Finance.

**Senator Lourey introduced--**

**S.F. No. 1129:** A bill for an act relating to health; providing that WIC coupons may be used to purchase organic food; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Health and Family Security.

**Senator Kierlin introduced--**

**S.F. No. 1130:** A bill for an act relating to liquor; modifying restrictions on importers of wine; prohibiting certain exclusive agreements in the sale of wine; amending Minnesota Statutes 2004, section 340A.307, subdivision 4, by adding a subdivision.

Referred to the Committee on Commerce.

**Senator Ourada introduced--**

**S.F. No. 1131:** A bill for an act relating to liquor; prohibiting the establishment of new municipal liquor stores; amending Minnesota Statutes 2004, section 340A.601, by adding a subdivision.

Referred to the Committee on Commerce.

**Senators Murphy and Dille introduced--**

**S.F. No. 1132:** A bill for an act relating to natural resources; adding soil and water conservation districts to the definition of special taxing district; amending Minnesota Statutes 2004, sections 103C.331, subdivision 16; 275.066; proposing coding for new law in Minnesota Statutes, chapter 103C.

Referred to the Committee on Environment and Natural Resources.

**Senators Dibble, Anderson, Rosen, Sams and Moua introduced--**

**S.F. No. 1133:** A bill for an act relating to appropriations; appropriating money for extended employment services; increasing a reimbursement rate.

Referred to the Committee on Finance.

**Senator Kleis introduced--**

**S.F. No. 1134:** A bill for an act relating to the legislature; prohibiting per diem payments to members during certain special sessions; amending Minnesota Statutes 2004, section 3.099, subdivision 1.

Referred to the Committee on Rules and Administration.

**Senator Frederickson introduced--**

**S.F. No. 1135:** A bill for an act relating to Brown County; permitting the appointment of the county recorder.

Referred to the Committee on State and Local Government Operations.

**Senators Bachmann and Jungbauer introduced--**

**S.F. No. 1136:** A bill for an act relating to adoption; changing certain provisions concerning communication or contact agreements; amending Minnesota Statutes 2004, section 259.58.

Referred to the Committee on Judiciary.

**Senators Bachmann, Jungbauer and Olson introduced--**

**S.F. No. 1137:** A bill for an act relating to education; enacting the American Heritage Education in Minnesota Public Schools Act; proposing coding for new law in Minnesota Statutes, chapter 120B.

Referred to the Committee on Education.

**Senators Ortman, Betzold, Cohen, Moua and Foley introduced--**

**S.F. No. 1138:** A bill for an act relating to public safety; changing criminal sentencing for certain controlled substance possessors; authorizing expungement of conviction records for certain controlled substance possessors; adjusting the terms of imprisonment for certain controlled substance offenders; appropriating money; amending Minnesota Statutes 2004, sections 609A.02, by adding a subdivision; 609A.03, subdivision 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 152; 244.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Anderson introduced--**

**S.F. No. 1139:** A bill for an act relating to crimes; making it a crime for a gang member to commit a crime against a child; imposing criminal penalties; amending Minnesota Statutes 2004, section 609.229, subdivision 3, and by adding a subdivision.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Anderson introduced--**

**S.F. No. 1140:** A bill for an act relating to crimes; modifying where sex offenders may reside upon release from confinement; amending Minnesota Statutes 2004, section 244.052, subdivision 4a.

Referred to the Committee on Crime Prevention and Public Safety.

**Senator Ruud introduced--**

**S.F. No. 1141:** A bill for an act relating to tourism; appropriating money for tourism marketing. Referred to the Committee on Finance.

**Senators Ruud and Wergin introduced--**

**S.F. No. 1142:** A bill for an act relating to taxation; delaying date by which taxes on certain resort property must be paid; amending Minnesota Statutes 2004, sections 278.03, subdivision 1; 279.01, subdivision 1, by adding a subdivision.

Referred to the Committee on Taxes.

**ADJOURNMENT**

Senator Johnson, D.E. moved that the Senate do now adjourn until 9:00 a.m., Thursday, February 24, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

# INDEX TO DAILY JOURNAL

Monday, February 21, 2005

## MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
206	..... 421	378	..... 422	422

## REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
51	..... 432	437			
244	..... 428	437			
310	..... 424	437			
367	..... 424	437			
378	..... 428				
423	..... 434				
540	..... 424				
687	..... 425	437			
699	..... 423	437			
811	..... 425				
901	..... 436				

## MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
66	..... 437		
261	..... 437		
380	..... 437		
461	..... 437		
626	..... 437		
645	..... 437		
816	..... 437		
920	..... 437		
969	..... 437		
1030	..... 437		
1067	..... 437		

## INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 1070 to 1142 ..... Pages 438 to 448

