

EIGHTY-SECOND DAY

St. Paul, Minnesota, Thursday, March 30, 2006

The Senate met at 9:00 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, Rev. James Haun.

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

Anderson	Foley	Kubly	Olson	Skoe
Bachmann	Frederickson	Langseth	Ortman	Skoglund
Bakk	Gerlach	Larson	Pariseau	Solon
Belanger	Hann	LeClair	Pogemiller	Sparks
Berglin	Higgins	Limmer	Ranum	Stumpf
Betzold	Johnson, D.E.	Lourey	Reiter	Tomassoni
Bonoff	Johnson, D.J.	Marko	Robling	Vickerman
Chaudhary	Jungbauer	Marty	Rosen	Wergin
Clark	Kelley	McGinn	Ruud	Wiger
Cohen	Kierlin	Metzen	Sams	
Day	Kiscaden	Michel	Saxhaug	
Dibble	Koch	Neuville	Scheid	
Dille	Koering	Nienow	Senjem	

The President declared a quorum present.

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

REPORTS OF COMMITTEES

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

Senator Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

H.F. No. 3243: A bill for an act relating to the military; providing certain protections to persons ordered into active military service; amending Minnesota Statutes 2004, section 190.055.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 3244: A bill for an act relating to employment; requiring employers to notify employees of their right to access and review personnel records; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Page 1, line 7, after "employer" insert "as defined under section 181.960" and delete "to all employees, and"

Page 1, line 8, delete the comma

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

Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was re-referred

S.F. No. 776: A bill for an act relating to commerce; imposing certain customer sales or service call center requirements; prescribing a criminal penalty; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Page 2, line 19, delete "2005" and insert "2006"

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

Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 3465: A bill for an act relating to workers' compensation; modifying appeal procedures; modifying notice of coverage provisions; amending Minnesota Statutes 2004, section 176.421, subdivision 4; Minnesota Statutes 2005 Supplement, section 176.185, subdivision 1.

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

Senator Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

S.F. No. 3437: A bill for an act relating to agriculture; providing an income tax credit for sales or rentals of agricultural assets to beginning farmers; providing an income tax credit for beginning farmer financial management programs; modifying the beginning farmer program administered by the Rural Finance Authority; amending Minnesota Statutes 2004, section 290.06, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 41B.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes. Report adopted.

Senator Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

S.F. No. 2562: A bill for an act relating to veterans affairs; providing a health screening benefit for eligible members of the armed forces; requiring a report; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 197.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Senator Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

S.F. No. 2728: A resolution memorializing the President and the United States Congress to name the Rochester Veterans Outpatient Clinic the Corporal Chuck Lindberg Clinic.

Reports the same back with the recommendation that the resolution 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. 3265: A bill for an act relating to health; creating a state-level methamphetamine coordinator; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

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

S.F. No. 2751: A bill for an act relating to human services; allowing persons with life-threatening medical conditions to spend down excess income under MinnesotaCare; amending Minnesota Statutes 2004, section 256L.07, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 256L.07, subdivision 1.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

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

S.F. No. 3208: A bill for an act relating to human services; developing training requirements for postadoption search services; requiring reports; directing the commissioner of human services to promulgate rules relating to postadoption search services; amending Minnesota Statutes 2004, section 259.87; proposing coding for new law in Minnesota Statutes, chapter 259.

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

Page 1, line 17, delete "eight" and insert "six" and after "training" insert a period

Page 1, delete lines 18 to 25

Page 2, delete lines 1 to 5

Amend the title accordingly

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

Senator Higgins from the Committee on State and Local Government Operations, to which was referred

S.F. No. 3404: A bill for an act relating to state government; requiring the Legislative Coordinating Commission to oversee legislative training forums; establishing a schedule for consideration of legislation; limiting the content of budget bills; specifying conference committee procedures; appropriating money for expenses of a governor-elect, and for 2007 legislative forums; proposing coding for new law in Minnesota Statutes, chapters 3; 4.

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

Page 1, line 14, after "including" insert "executive or " and delete "or executive "

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

Senator Higgins from the Committee on State and Local Government Operations, to which was re-referred

S.F. No. 979: A bill for an act relating to health; establishing a healthy biomonitoring program; requiring reports; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Finance without recommendation. Report adopted.

Senator Higgins from the Committee on State and Local Government Operations, to which was referred

S.F. No. 3459: A bill for an act relating to state government; creating a task force to study the design of the state flag.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Higgins from the Committee on State and Local Government Operations, to which was referred

S.F. No. 3410: A bill for an act relating to veterans; authorizing the placement of a plaque on the Capitol grounds honoring the nation's war dogs and their handlers.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Higgins from the Committee on State and Local Government Operations, to which was re-referred

S.F. No. 2319: A bill for an act relating to securities; enacting and modifying the 2002 Uniform Securities Act of the National Conference of Commissioners on Uniform State Laws; prescribing criminal penalties; amending Minnesota Statutes 2004, sections 60A.077, subdivision 9; 82.23; 82.43, subdivision 7; 144A.01, subdivision 4; 245A.02, subdivision 5a; 302A.011, subdivision 26; 302A.251, subdivision 4; 308A.505; 308B.465, subdivision 2; 322B.03, subdivision 43; 322B.663, subdivision 4; 356A.06, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 80A; repealing Minnesota Statutes 2004, sections 80A.01; 80A.02; 80A.03; 80A.04; 80A.041; 80A.05; 80A.06; 80A.07; 80A.08; 80A.09; 80A.10; 80A.11; 80A.115; 80A.12; 80A.122; 80A.125; 80A.13; 80A.14; 80A.15; 80A.16; 80A.17; 80A.18; 80A.19; 80A.22; 80A.23; 80A.24; 80A.25; 80A.26; 80A.27; 80A.28; 80A.29; 80A.30; 80A.31.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Higgins from the Committee on State and Local Government Operations, to which was referred

S.F. No. 2906: A bill for an act relating to state government; compensating state employees for time they were not able to work due to the 2005 partial government shutdown.

Reports the same back with the recommendation that the bill do pass and be re-referred to the

Committee on Finance. Report adopted.

Senator Higgins from the Committee on State and Local Government Operations, to which was referred

S.F. No. 2939: A bill for an act relating to the city of Pennock; authorizing the city to acquire a certain parcel of real estate and appurtenant building and to expend city funds to improve the building; authorizing the city to convey the parcel to a private entity to be operated as a commercial establishment.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Higgins from the Committee on State and Local Government Operations, to which was re-referred

S.F. No. 3250: A bill for an act relating to coroners; modifying and updating the coroner and medical examiners law; providing criminal penalties; amending Minnesota Statutes 2004, sections 390.005; 390.01; 390.04; 390.11; 390.111; 390.15; 390.21; 390.221; 390.23; 390.25; 390.31, subdivision 1; Minnesota Statutes 2005 Supplement, section 390.05; proposing coding for new law in Minnesota Statutes, chapter 390; repealing Minnesota Statutes 2004, sections 383A.36; 383B.225; 390.006; 390.06; 390.07; 390.16; 390.17; 390.19; 390.20; 390.24; 390.31, subdivisions 2, 3; 390.32; 390.33; 390.34; 390.35; 390.36.

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

Page 1, line 18, delete "five" and insert "four"

Page 5, line 10, delete "same time as" and insert "pleasure of"

Page 8, line 11, after "hospital" insert "or"

Page 16, delete section 21

Renumber the sections in sequence

Amend the title accordingly

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

Senator Higgins from the Committee on State and Local Government Operations, to which was referred

S.F. No. 3403: A bill for an act relating to state government; requiring the Legislative Coordinating Commission to oversee legislative training forums; appropriating money for 2007 legislative forums; proposing coding for new law in Minnesota Statutes, chapter 3.

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

Page 1, line 11, after "including" insert "executive or" and delete "or executive"

Page 1, delete lines 19 to 21

Page 1, line 22, delete "(c)" and insert "(b)"

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

Senator Higgins from the Committee on State and Local Government Operations, to which was referred

S.F. No. 3482: A bill for an act relating to historic preservation; creating an implementation and steering task force to develop strategies for the restoration of the Victory Memorial Drive Historic District in Hennepin County; requiring reports to the legislature.

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

Page 2, delete section 5

Page 2, line 15, delete "20." and insert "2009."

Renumber the sections in sequence

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

Senator Higgins from the Committee on State and Local Government Operations, to which was re-referred

S.F. No. 3096: A bill for an act relating to the Minnesota Veterans Homes Board; authorizing the board to conduct certain meetings by telephone or other electronic means; amending Minnesota Statutes 2004, section 198.003, by adding a subdivision.

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

Page 2, after line 7, insert:

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

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

Senator Higgins from the Committee on State and Local Government Operations, to which was referred

S.F. No. 2660: A bill for an act relating to local government; permitting the Minneapolis Park and Recreation Board and the Minneapolis City Council to impose a park dedication fee on new housing units.

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

Page 1, line 9, after "to" insert "requiring that a reasonable portion of land be dedicated to the public or"

Page 1, line 11, before "dedication" insert "dedication of land or"

Page 1, line 12, delete "The park dedication fee may not exceed \$3,000 per new housing unit."

Page 1, line 13, before the period, insert "or the dedication of land"

Page 1, line 15, after "dedication" insert "of land or the dedication"

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

Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 3528: A bill for an act relating to utilities; regulating rate recovery for income taxes; amending Minnesota Statutes 2004, section 216B.16, by adding a subdivision.

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 216B.16, is amended by adding a subdivision to read:

Subd. 6e. **Income taxes.** (a) For purposes of setting an allowance in rates for income or corporate franchise taxes, the commission may base the allowance on an estimate of what the public utility will pay as a stand-alone taxpaying entity or an estimate of the tax liability of the public utility if it files tax returns on a consolidated basis with other related business entities. The commission must utilize the estimate that it determines will provide the most accurate estimate of future tax liability.

(b) A public utility must annually file with the commission a statement showing:

(1) the amount of income and corporate franchise taxes collected by the utility in rates in the immediately preceding year; and

(2) the amount of income and corporate franchise taxes it paid in the immediate preceding year, minus any refunds received.

(c) If the commission determines that the amount allowed by the commission for income and corporate franchise taxes in the public utility's rates for a calendar year exceeded the amount actually paid for that year, the commission shall order the utility to refund the excess to ratepayers by credit posted as a separate item on customer bills in the billing cycle next following the commission's order.

(d) A public utility may not receive rate recovery for the cost of payments required by this section.

EFFECTIVE DATE. Paragraph (a) is effective the day following final enactment and applies to rate hearings pending or commenced on and after that date. Paragraphs (b) and (c) are effective the day following final enactment and apply to a particular public utility on and after January 1 of the year following the year in which a utility puts into effect a general rate adjustment approved under Minnesota Statutes, section 216B.16. Paragraph (d) is effective the day following final enactment."

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

Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2832: A bill for an act relating to employment; requiring employers to allow unpaid leave for employees to perform volunteer firefighter duties; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Delete everything after the enacting clause and insert:

"Section 1. **EMERGENCY PERSONNEL RECRUITMENT AND RETENTION STUDY.**

The commissioner of public safety must coordinate the formation of a task force to study issues surrounding recruitment and retention of volunteer firefighters, volunteer ambulance personnel, and volunteer emergency responders. Task force membership is open to all stakeholders demonstrating an interest. The commissioner may limit the number of individuals representing organizations. The task force, once convened, is responsible for any costs, selecting a chair, and reporting back to the commissioner its findings and recommendations, if any, by December 15, 2006."

Amend the title accordingly

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

Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2882: A bill for an act relating to employment; prohibiting employers from requiring employees to attend certain mandatory meetings; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Page 2, delete lines 10 to 18

Page 2, line 19, delete "(d)" and insert "(c)"

Page 2, line 22, delete "(e)" and insert "(d)"

Page 2, after line 30, insert:

"Subd. 3. **Enforcement.** The Department of Labor and Industry shall enforce this section. The department may assess a fine of up to \$5,000 for a violation. The fine, together with costs and attorney fees, may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or where the commission has an office. The fine provided by this section is in addition to any other remedy provided by law."

Amend the title accordingly

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

Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 3516: A bill for an act relating to housing; adjusting deed tax percentage; providing rental housing assistance; establishing a housing account for leverage opportunity; appropriating money; amending Minnesota Statutes 2004, sections 462A.201, by adding a subdivision; 462A.33, by adding a subdivision; Minnesota Statutes 2005 Supplement, section 287.21, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 462A.

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

Page 2, line 6, strike ".0033" and insert ".005"

Page 3, line 32, after "funds" insert "", donations, including donations of building materials, the value of any fee reduction granted by an eligible recipient for a housing project,"

Page 4, delete lines 10 and 11 and insert:

"Subd. 5. **Application process.** Eligible recipients must submit applications by April 15 of each year and funds will be allocated from available state funds on a pro rata basis to eligible recipients whose applications satisfy matching requirements and income limits provided in this section."

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

Senator Anderson from the Committee on Jobs, Energy and Community Development, to

which was referred

S.F. No. 3308: A bill for an act relating to energy; providing tax refunds to electric utilities that transition to soy-based transformer fluid; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 216B.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes. Report adopted.

Senator Anderson from the Committee on Jobs, Energy and Community Development, to which was re-referred

S.F. No. 2840: A bill for an act relating to employment; providing paid organ donation leave for certain public employees; proposing coding for new law in Minnesota Statutes, chapter 181.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S.F. No. 3395: A bill for an act relating to state government; establishing the Center for Health Care Purchasing Improvement; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 43A.

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

Delete everything after the enacting clause and insert:

"Section 1. [43A.312] CENTER FOR HEALTH CARE PURCHASING IMPROVEMENT.

Subdivision 1. Establishment; administration. The commissioner shall establish and administer the Center for Health Care Purchasing Improvement as an administrative unit within the Department of Employee Relations. The Center for Health Care Purchasing Improvement shall support the state in its efforts to be a more prudent and efficient purchaser of quality health care services. The center shall aid the state in developing and using more common strategies and approaches for health care performance measurement and health care purchasing. The common strategies and approaches shall promote greater transparency of health care costs and quality, and greater accountability for health care results and improvement. The center shall also identify barriers to more efficient, effective, quality health care and options for overcoming the barriers.

Subd. 2. Staffing; duties; scope. (a) The commissioner may appoint a director, and up to three additional senior-level staff or codirectors, and other staff as needed who shall be under the direction of the commissioner. The staff of the center shall be unclassified.

(b) With the authorization of the commissioner of the Department of Employee Relations, and in consultation or interagency agreement with the appropriate commissioners of state agencies, the director, or codirectors, may:

- (1) initiate projects for development of plan designs for state health care purchasing;
- (2) require reports or surveys to evaluate the performance of current health care purchasing strategies;
- (3) calculate fiscal impacts, including net savings and return on investment, of health care purchasing strategies and initiatives;
- (4) conduct policy audits of state programs to measure conformity to state statute or other purchasing initiatives or objectives;
- (5) support the Administrative Uniformity Committee under section 62J.50 and other relevant

groups or activities to advance agreement on health care administrative process streamlining;

(6) consult with the Health Economics Unit of the Department of Health regarding reports and assessments of the health care marketplace;

(7) consult with the departments of Health and Commerce regarding health care regulatory issues and legislative initiatives;

(8) work with appropriate Department of Human Services staff and the Centers for Medicare and Medicaid Services to address federal requirements and conformity issues for health care purchasing;

(9) assist the Minnesota Comprehensive Health Association in health care purchasing strategies;

(10) convene medical directors of agencies engaged in health care purchasing for advice, collaboration, and exploring possible synergies;

(11) contact and participate with other relevant health care task forces, study activities, and similar efforts with regard to health care performance measurement and performance-based purchasing; and

(12) assist in seeking external funding through appropriate grants or other funding opportunities and may administer grants and externally funded projects.

Subd. 3. **Report.** The commissioner must report annually to the legislature and the governor on the operations, activities, and impacts of the center. The report must be posted on the Department of Employee Relations Web site and must be available to the public. The report shall include a description of the state's efforts to develop and use more common strategies for health care performance measurement and health care purchasing. The report shall also include an assessment of the impacts of these efforts, especially in promoting greater transparency of health care costs and quality, and greater accountability for health care results and improvement.

Sec. 2. **APPROPRIATION.**

\$100,000 is appropriated in fiscal year 2007 from the general fund to the commissioner of employee relations for the purposes in section 1."

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

Senator Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

S.F. No. 2953: A bill for an act relating to gambling; making various clarifying, technical, and conforming changes to lawful gambling provisions; modifying expenditure restriction requirements; amending Minnesota Statutes 2004, sections 349.12, subdivisions 4, 18, 21; 349.1635, subdivision 3; 349.168, subdivision 10; 349.17, subdivision 6; 349.19, subdivisions 2, 3; Minnesota Statutes 2005 Supplement, sections 349.12, subdivisions 12a, 25; 349.15, subdivision 1; 349.151, subdivisions 4, 4c; 349.153; 349.16, subdivision 2; 349.162, subdivisions 4, 5; 349.1635, subdivision 4; 349.166, subdivisions 1, 2; 349.167, subdivision 1; 349.17, subdivision 5; 349.173; 349.18, subdivision 1; 349.213, subdivision 1.

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

Page 6, line 24, delete everything after the period

Page 6, delete lines 25 to 31 and insert "For licenses renewed with an effective date between July 1, 2006, and June 30, 2008, an organization shall carry forward an amount equal to 15 percent of any positive allowable expense carryover amount. This balance must be used to offset any future negative expense balance at the time of license renewal."

Pages 6 to 8, delete section 7

Page 10, line 15, delete everything after "renewal" and insert a period

Page 10, delete line 16 and insert "The board may by rule impose sanctions or penalties on organizations that exceed the expenditure restrictions under section 349.15, subdivision 1."

Page 16, after line 20, insert:

"Sec. 20. Minnesota Statutes 2005 Supplement, section 349.17, subdivision 7, is amended to read:

Subd. 7. **Bar bingo.** An organization may conduct bar bingo subject to the following restrictions:

(1) the bingo is conducted at a site the organization owns or leases and which has a license for the sale of intoxicating beverages on the premises under chapter 340A;

(2) the bingo is conducted using only bingo paper sheets purchased from a licensed distributor; and

(3) no rent may be paid for a bar bingo occasion; ~~and~~

~~(4) linked bingo games may not be conducted at a bar bingo occasion.~~

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

Sec. 21. ~~[349.1721]~~ **CONDUCT OF PULL-TABS.**

Subdivision 1. **Cumulative or carryover games.** The board shall by rule permit pull-tab games with multiple seals. The board shall also adopt rules for pull-tab games with cumulative or carryover prizes.

Subd. 2. **Event games.** The board shall by rule permit pull-tab games in which certain winners are determined by the random selection of one or more bingo numbers or by another method approved by the board.

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

Page 19, line 1, strike "No"

Page 19, line 3, strike "activity other than"

Page 19, line 4, delete the new language and strike the old language

Page 19, line 5, delete the new language and insert "No person, distributor, manufacturer, lessor, linked bingo game provider, or organizational entity other than the licensed organization leasing the space may conduct any activity other than the sale or serving of food and beverages on the leased premises during times when lawful gambling is being conducted within a booth operation on the leased"

Page 21, after line 13, insert:

"Sec. 26. Minnesota Statutes 2004, section 349.211, subdivision 2a, is amended to read:

Subd. 2a. **Pull-tab prizes.** The maximum prize which may be awarded for any single pull-tab is \$599, not including any cumulative or carryover prizes. Cumulative or carryover prizes in a pull-tab game shall not exceed \$2,500. An organization may not sell any pull-tab for more than \$2.

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

Page 22, after line 20, insert:

"Sec. 28. **EFFECTIVE DATE.**

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title accordingly

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. 3098: A bill for an act relating to human services; establishing a process to evaluate certain hospital construction proposals; amending Minnesota Statutes 2004, section 144.552; Minnesota Statutes 2005 Supplement, section 144.551, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 144.

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 2005 Supplement, section 144.551, subdivision 1, is amended to read:

Subdivision 1. **Restricted construction or modification.** (a) The following construction or modification may not be commenced:

(1) any erection, building, alteration, reconstruction, modernization, improvement, extension, lease, or other acquisition by or on behalf of a hospital that increases the bed capacity of a hospital, relocates hospital beds from one physical facility, complex, or site to another, or otherwise results in an increase or redistribution of hospital beds within the state; and

(2) the establishment of a new hospital.

(b) This section does not apply to:

(1) construction or relocation within a county by a hospital, clinic, or other health care facility that is a national referral center engaged in substantial programs of patient care, medical research, and medical education meeting state and national needs that receives more than 40 percent of its patients from outside the state of Minnesota;

(2) a project for construction or modification for which a health care facility held an approved certificate of need on May 1, 1984, regardless of the date of expiration of the certificate;

(3) a project for which a certificate of need was denied before July 1, 1990, if a timely appeal results in an order reversing the denial;

(4) a project exempted from certificate of need requirements by Laws 1981, chapter 200, section 2;

(5) a project involving consolidation of pediatric specialty hospital services within the Minneapolis-St. Paul metropolitan area that would not result in a net increase in the number of pediatric specialty hospital beds among the hospitals being consolidated;

(6) a project involving the temporary relocation of pediatric-orthopedic hospital beds to an existing licensed hospital that will allow for the reconstruction of a new philanthropic, pediatric-orthopedic hospital on an existing site and that will not result in a net increase in the number of hospital beds. Upon completion of the reconstruction, the licenses of both hospitals must be reinstated at the capacity that existed on each site before the relocation;

(7) the relocation or redistribution of hospital beds within a hospital building or identifiable complex of buildings provided the relocation or redistribution does not result in: (i) an increase in the overall bed capacity at that site; (ii) relocation of hospital beds from one physical site or complex to another; or (iii) redistribution of hospital beds within the state or a region of the state;

(8) relocation or redistribution of hospital beds within a hospital corporate system that involves the transfer of beds from a closed facility site or complex to an existing site or complex provided that: (i) no more than 50 percent of the capacity of the closed facility is transferred; (ii) the capacity of the site or complex to which the beds are transferred does not increase by more than 50 percent; (iii) the beds are not transferred outside of a federal health systems agency boundary in place on July 1, 1983; and (iv) the relocation or redistribution does not involve the construction of a new hospital building;

(9) a construction project involving up to 35 new beds in a psychiatric hospital in Rice County that primarily serves adolescents and that receives more than 70 percent of its patients from outside the state of Minnesota;

(10) a project to replace a hospital or hospitals with a combined licensed capacity of 130 beds or less if: (i) the new hospital site is located within five miles of the current site; and (ii) the total licensed capacity of the replacement hospital, either at the time of construction of the initial building or as the result of future expansion, will not exceed 70 licensed hospital beds, or the combined licensed capacity of the hospitals, whichever is less;

(11) the relocation of licensed hospital beds from an existing state facility operated by the commissioner of human services to a new or existing facility, building, or complex operated by the commissioner of human services; from one regional treatment center site to another; or from one building or site to a new or existing building or site on the same campus;

(12) the construction or relocation of hospital beds operated by a hospital having a statutory obligation to provide hospital and medical services for the indigent that does not result in a net increase in the number of hospital beds, notwithstanding section 144.552, 27 beds, of which 12 serve mental health needs, may be transferred from Hennepin County Medical Center to Regions Hospital under this clause;

(13) a construction project involving the addition of up to 31 new beds in an existing nonfederal hospital in Beltrami County;

(14) a construction project involving the addition of up to eight new beds in an existing nonfederal hospital in Otter Tail County with 100 licensed acute care beds;

(15) a construction project involving the addition of 20 new hospital beds used for rehabilitation services in an existing hospital in Carver County serving the southwest suburban metropolitan area. Beds constructed under this clause shall not be eligible for reimbursement under medical assistance, general assistance medical care, or MinnesotaCare;

(16) a project for the construction or relocation of up to 20 hospital beds for the operation of up to two psychiatric facilities or units for children provided that the operation of the facilities or units have received the approval of the commissioner of human services;

(17) a project involving the addition of 14 new hospital beds to be used for rehabilitation services in an existing hospital in Itasca County;

(18) a project to add 20 licensed beds in existing space at a hospital in Hennepin County that closed 20 rehabilitation beds in 2002, provided that the beds are used only for rehabilitation in the hospital's current rehabilitation building. If the beds are used for another purpose or moved to another location, the hospital's licensed capacity is reduced by 20 beds; ~~or~~

(19) a critical access hospital established under section 144.1483, clause (9), and section 1820

of the federal Social Security Act, United States Code, title 42, section 1395i-4, that delicensed beds since enactment of the Balanced Budget Act of 1997, Public Law 105-33, to the extent that the critical access hospital does not seek to exceed the maximum number of beds permitted such hospital under federal law; or

(20) a project approved under section 144.553.

Sec. 2. Minnesota Statutes 2004, section 144.552, is amended to read:

144.552 PUBLIC INTEREST REVIEW.

(a) The following entities must submit a plan to the commissioner:

(1) a hospital seeking to increase its number of licensed beds; or

(2) an organization seeking to obtain a hospital license ~~must submit a plan to the commissioner of health~~ and notified by the commissioner under section 144.553, subdivision 1, paragraph (c), that it is subject to this section.

The plan must include information that includes an explanation of how the expansion will meet the public's interest. When submitting a plan to the commissioner, an applicant shall pay the commissioner for the commissioner's cost of reviewing the plan, as determined by the commissioner and notwithstanding section 16A.1283. Money received by the commissioner under this section is appropriated to the commissioner for the purpose of administering this section.

(b) Plans submitted under this section shall include detailed information necessary for the commissioner to review the plan and reach a finding. The commissioner may request additional information from the hospital submitting a plan under this section and from others affected by the plan that the commissioner deems necessary to review the plan and make a finding.

(c) The commissioner shall review the plan and, within 90 days, but no more than six months if extenuating circumstances apply, issue a finding on whether the plan is in the public interest. In making the recommendation, the commissioner shall consider issues including but not limited to:

(1) whether the new hospital or hospital beds are needed to provide timely access to care or access to new or improved services;

(2) the financial impact of the new hospital or hospital beds on existing acute-care hospitals that have emergency departments in the region;

(3) how the new hospital or hospital beds will affect the ability of existing hospitals in the region to maintain existing staff;

(4) the extent to which the new hospital or hospital beds will provide services to nonpaying or low-income patients relative to the level of services provided to these groups by existing hospitals in the region; and

(5) the views of affected parties.

Prior to making a recommendation, the commissioner shall conduct a public hearing in the affected hospital service area to take testimony from interested persons.

(d) Upon making a recommendation under paragraph (c), the commissioner shall provide a copy of the recommendation to the chairs of the house and senate committees having jurisdiction over health and human services policy and finance.

Sec. 3. [144.553] ALTERNATIVE APPROVAL PROCESS FOR NEW HOSPITAL CONSTRUCTION.

Subdivision 1. Letter of intent; publication; acceptance of additional proposals. (a) An

organization seeking to obtain a hospital license must submit a letter of intent to the commissioner, specifying the community in which the proposed hospital would be located and the number of beds proposed for the new hospital. When multiple letters of intent are received, the commissioner shall determine whether they constitute requests for separate projects or are competing proposals to serve the same or a similar service area.

(b) Upon receipt of a letter under paragraph (a), the commissioner shall publish a notice in the State Register that includes the information received from the organization under paragraph (a). The notice must state that another organization interested in seeking a hospital license to serve the same or a similar service area must notify the commissioner within 30 days.

(c) If no responses are received from additional organizations under paragraph (b), the commissioner shall notify the entity seeking a license that it is required to submit a plan under section 144.552 and shall notify the chairs of the house of representatives and senate committees having jurisdiction over health and human services policy and finance that the project is subject to sections 144.551 and 144.552.

Subd. 2. **Needs assessment.** (a) If one or more responses are received by the commissioner under subdivision 1, paragraph (b), the commissioner shall complete within 90 days a needs assessment to determine if a new hospital is needed in the proposed service area.

(b) The organizations that have filed or responded to a letter of intent under subdivision 1 shall provide to the commissioner within 30 days of a request from the commissioner a statement justifying the need for a new hospital in the service area and sufficient information, as determined by the commissioner, to allow the commissioner to determine the need for a new hospital. The information may include, but is not limited to, a demographic analysis of the proposed service area, the number of proposed beds, the types of hospital services to be provided, and distances and travel times to existing hospitals currently providing services in the service area.

(c) The commissioner shall make a determination of need for the new hospital. If the commissioner determines that a new hospital in the service area is not justified, the commissioner shall notify the applicants in writing, stating the reasons for the decision.

Subd. 3. **Process when hospital need is determined.** (a) If the commissioner determines that a new hospital is needed in the proposed service area, the commissioner shall notify the applicants of that finding and shall select the applicant determined under the process established in this subdivision to be best able to provide services consistent with the review criteria established in this subdivision.

(b) The commissioner shall:

(1) determine market-specific criteria that shall be used to evaluate all proposals. The criteria must include standards regarding:

(i) access to care;

(ii) quality of care;

(iii) cost of care; and

(iv) overall project feasibility;

(2) establish additional criteria at the commissioner's discretion. In establishing the criteria, the commissioner shall consider the need for:

(i) mental health services in the service area, including both inpatient and outpatient services for adults, adolescents, and children;

(ii) a significant commitment to providing uncompensated care, including discounts for uninsured patients and coordination with other providers of care to low-income uninsured persons;

and

(iii) coordination with other hospitals so that specialized services are not unnecessarily duplicated and are provided in sufficient volume to ensure the maintenance of high-quality care. The criteria determined under this paragraph shall constitute the sole criteria under which the competing proposals shall be evaluated; and

(3) define a service area for the proposed hospital. The service area shall consist of:

(i) in the 11-county metropolitan area, in St. Cloud, and in Duluth, the zip codes located within a 20-mile radius of the proposed new hospital location; and

(ii) in the remainder of the state, the zip codes within a 30-mile radius of the proposed new hospital location.

(c) The commissioner shall publish the criteria determined under paragraph (b) in the State Register within 60 days of the determination under subdivision 2. Once published, the criteria shall not be modified with respect to the particular project and applicants to which they apply. The commissioner shall publish with the criteria guidelines for a proposal and submission review process.

(d) For 60 days after the publication under paragraph (c), the commissioner shall accept proposals to construct a hospital from organizations that have submitted a letter of intent under subdivision 1, paragraph (a), or have notified the commissioner under subdivision 1, paragraph (b). The proposal must include a plan for the new hospital and evidence of compliance with the criteria specified under paragraph (b). Once submitted, the proposal may not be revised except:

(1) to submit corrections of material facts; or

(2) in response to a request from the commissioner to provide clarification or further information.

(e) The commissioner shall determine within 90 days of the deadline for applications under paragraph (d), which applicant has demonstrated that it is best able to provide services consistent with the published criteria. The commissioner shall make this determination by order following a hearing according to this paragraph. The hearing shall not constitute or be considered to be a contested case hearing under chapter 14 and shall be conducted solely under the procedures specified in this paragraph. The hearing shall commence upon at least 30 days' notice to the applicants by the commissioner. The hearing may be conducted by the commissioner or by a person designated by the commissioner. The designee may be an administrative law judge. The purpose of the hearing shall be to receive evidence to assist the commissioner in determining which applicant has demonstrated that it best meets the published criteria.

The parties to the hearing shall consist only of those applicants who have submitted a completed application. Each applicant shall have the right to be represented by counsel, to present evidence deemed relevant by the commissioner, and to examine and cross-examine witnesses. Persons who are not parties to the proceeding but who wish to present comments or submit information may do so in the manner determined by the commissioner or the commissioner's designee. Any person who is not a party shall have no right to examine or cross-examine witnesses. The commissioner may participate as an active finder of fact in the hearing and may ask questions to elicit information or clarify answers or responses.

(f) Prior to making a determination selecting an application, the commissioner shall hold a public hearing in the proposed hospital service area to accept comments from members of the public. The commissioner shall take this information into consideration in making the determination. The commissioner must also consider the input and preferences of legislators and local elected officials who represent the service area regarding the selection of the hospital provider. The commissioner shall issue an order selecting an application following the closing of the record of the hearing as determined by the hearing officer. The commissioner's order shall include a statement of the reasons

the selected application best meets the published criteria.

(g) Following the determination under paragraph (e), the commissioner shall recommend the selected proposal to the legislature on or before March 1 in an odd-numbered year and within 15 days of the first day of the regular session in an even-numbered year to be accepted or rejected. Legislative acceptance of the commissioner's recommendation constitutes approval of the proposal under section 144.551. Legislative rejection of the recommendation concludes the process but does not prohibit a new application under this section and section 144.552.

(h) In the event of legislative failure to act on the recommendation made under this subdivision, upon the conclusion of the legislative session the commissioner shall make the commissioner's recommendation the final approval of the project. The commissioner's decision to grant final approval to the commissioner's recommendation constitutes approval of the proposal under section 144.551.

(i) For purposes of this subdivision, "legislative acceptance" means the recommended project is approved by law; "legislative rejection" means the recommended project is rejected by law; and "legislative failure to act" means any other action or lack of action taken by the legislature.

Subd. 4. **Payment of commissioner's expenses.** Notwithstanding section 16A.1283, applicants who are a party at any stage of the administrative process established in this section shall pay the cost of that stage of the process, as determined by the commissioner. The cost of the needs assessment, criteria development, and hearing shall be divided equally among the applicants. Money received by the commissioner under this subdivision is appropriated to the commissioner for the purpose of administering this section."

Amend the title accordingly

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. 3322: A bill for an act relating to human services; establishing a reverse mortgage incentive program; establishing eligibility standards, benefits, and other requirements; appropriating money; amending Minnesota Statutes 2004, sections 47.58, subdivision 8; 256.01, by adding a subdivision; 256.975, subdivision 7; 256B.0911, subdivision 3a; 256B.0913, by adding a subdivision; 462A.05, by adding subdivisions; Minnesota Statutes 2005 Supplement, sections 256B.0911, subdivision 1a; 287.04.

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

Page 2, line 1, delete "; 287.04"

Page 2, line 2, delete "paragraph (k);"

Page 2, line 15, delete the semicolon and insert a comma

Page 2, line 16, delete "287.04, paragraph (k);"

Page 3, line 10, delete "287.04,"

Page 3, line 11, delete "paragraph (k);"

Page 5, line 1, before "as" insert "under section 47.58"

Page 5, line 8, delete "287.04, paragraph"

Page 5, line 9, delete "(k);"

Page 5, delete lines 23 and 24 and insert "(b), clauses (1) to (5), and has otherwise obtained a

reverse mortgage and payments from the reverse mortgage for a period of at least 24 months or in an amount of at least \$15,000 are used for services"

Page 5, line 30, before the period, insert "if one has been established"

Page 6, delete section 7 and insert:

"Sec. 7. Minnesota Statutes 2004, section 256B.15, is amended by adding a subdivision to read:

Subd. 9. Recovery of alternative care and certain reverse mortgages. The state and a county agency shall not recover alternative care paid for a person under section 256B.0913, subdivision 17, under this section."

Page 7, line 16, delete "makes" and insert "agrees to make"

Page 7, line 19, delete everything after "(i)" and insert "payments received under the loan for a period of at least 24 months or in an amount of at least \$15,000 are used for"

Page 8, delete section 9

Page 8, line 21, after the semicolon, insert "and"

Page 8, line 23, delete "7; and" and insert "8."

Page 8, delete lines 24 and 25

Renumber the sections in sequence

Amend the title accordingly

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

Senator Scheid from the Committee on Commerce, to which was referred

S.F. No. 1674: A bill for an act relating to insurance; regulating certain rental vehicle coverage; amending Minnesota Statutes 2004, section 65B.49, subdivision 5a.

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 2005 Supplement, section 65B.49, subdivision 5a, is amended to read:

Subd. 5a. **Rental vehicles.** (a) Every plan of reparation security, wherever issued, insuring a natural person as named insured, covering private passenger vehicles as defined under section 65B.001, subdivision 3, and pickup trucks and vans as defined under section 168.011 must: (1) provide that all of the obligation for damage and loss of use to a rented private passenger vehicle, including pickup trucks and vans as defined under section 168.011, and rented trucks with a registered gross vehicle weight of 26,000 pounds or less would be covered by the property damage liability portion of the plan; and (2) extend the plan's basic economic loss benefits, residual liability insurance, and uninsured and underinsured motorist coverages to the operation or use of the rented motor vehicle. This subdivision does not apply to plans of reparation security covering only motor vehicles registered under section 168.10, subdivision 1a, 1b, 1c, or 1d, or recreational equipment as defined under section 168.011. The obligation of the plan must not be contingent on fault or negligence. In all cases where the plan's property damage liability coverage is less than \$35,000, the coverage available under the subdivision must be \$35,000. Other than as described in this paragraph ~~or in~~; paragraph (i), clause (2); or paragraph (j), nothing in this section amends or alters the provisions of the plan of reparation security as to primacy of the coverages in this section.

(b) A vehicle is rented for purposes of this subdivision:

- (1) if the rate for the use of the vehicle is determined on a monthly, weekly, or daily basis; or
- (2) during the time that a vehicle is loaned as a replacement for a vehicle being serviced or repaired regardless of whether the customer is charged a fee for the use of the vehicle.

A vehicle is not rented for the purposes of this subdivision if the rate for the vehicle's use is determined on a period longer than one month or if the term of the rental agreement is longer than one month. A vehicle is not rented for purposes of this subdivision if the rental agreement has a purchase or buyout option or otherwise functions as a substitute for purchase of the vehicle.

(c) The policy or certificate issued by the plan must inform the insured of the application of the plan to private passenger rental vehicles, including pickup trucks and vans as defined under section 168.011, and that the insured may not need to purchase additional coverage from the rental company.

(d) Where an insured has two or more vehicles covered by a plan or plans of reparation security containing the rented motor vehicle coverage required under paragraph (a), the insured may select the plan the insured wishes to collect from and that plan is entitled to a pro rata contribution from the other plan or plans based upon the property damage limits of liability. If the person renting the motor vehicle is also covered by the person's employer's insurance policy or the employer's automobile self-insurance plan, the reparation obligor under the employer's policy or self-insurance plan has primary responsibility to pay claims arising from use of the rented vehicle.

(e) A notice advising the insured of rental vehicle coverage must be given by the reparation obligor to each current insured with the first renewal notice after January 1, 1989. The notice must be approved by the commissioner of commerce. The commissioner may specify the form of the notice.

(f) When a motor vehicle is rented in this state, ~~there must be attached to the rental contract a separate form containing~~ must contain a written notice in at least 10-point bold type, if printed, or in capital letters, if typewritten, which states:

Under Minnesota law, a personal automobile insurance policy issued in Minnesota must: (1) cover the rental of this motor vehicle against damage to the vehicle and against loss of use of the vehicle; and (2) extend the policy's basic economic loss benefits, residual liability insurance, and uninsured and underinsured motorist coverages to the operation or use of a rented motor vehicle. Therefore, purchase of any collision damage waiver or similar insurance affected in this rental contract is not necessary if your policy was issued in Minnesota. In addition, purchase of any additional liability insurance is not necessary if your policy was issued in Minnesota unless you wish to have coverage for liability that exceeds the amount specified in your personal automobile insurance policy.

No collision damage waiver or other insurance offered as part of or in conjunction with a rental of a motor vehicle may be sold unless the person renting the vehicle provides a written acknowledgment that the above consumer protection notice has been read and understood.

(g) When damage to a rented vehicle is covered by a plan of reparation security as provided under paragraph (a), the rental contract must state that payment by the reparation obligor within the time limits of section 72A.201 is acceptable, and prior payment by the renter is not required.

(h) Compensation for the loss of use of a damaged rented motor vehicle is limited to a period no longer than 14 days.

(i)(1) For purposes of this ~~paragraph subdivision~~, "rented motor vehicle" means a rented vehicle described in paragraph (a), using the definition of "rented" provided in paragraph (b).

(2) Notwithstanding section 169.09, subdivision 5a, an owner of a rented motor vehicle is not vicariously liable for legal damages resulting from the operation of the rented motor vehicle in an

amount greater than \$100,000 because of bodily injury to one person in any one accident and, subject to the limit for one person, \$300,000 because of injury to two or more persons in any one accident, and \$50,000 because of injury to or destruction of property of others in any one accident, if the owner of the rented motor vehicle has in effect, at the time of the accident, a policy of insurance or self-insurance, as provided in section 65B.48, subdivision 3, covering losses up to at least the amounts set forth in this paragraph. Nothing in this paragraph alters or affects the obligations of an owner of a rented motor vehicle to comply with the requirements of compulsory insurance through a policy of insurance as provided in section 65B.48, subdivision 2, or through self-insurance as provided in section 65B.48, subdivision 3, which policy of insurance or self-insurance must apply whenever the operator is not covered by a plan of reparation security as provided under paragraph (a); or with the obligations arising from section 72A.125 for products sold in conjunction with the rental of a motor vehicle. Nothing in this paragraph alters or affects liability, other than vicarious liability, of an owner of a rented motor vehicle.

(3) The dollar amounts stated in this paragraph shall be adjusted for inflation based upon the Consumer Price Index for all urban consumers, known as the CPI-U, published by the United States Bureau of Labor Statistics. The dollar amounts stated in this paragraph are based upon the value of that index for July 1995, which is the reference base index for purposes of this paragraph. The dollar amounts in this paragraph shall change effective January 1 of each odd-numbered year based upon the percentage difference between the index for July of the preceding year and the reference base index, calculated to the nearest whole percentage point. The commissioner shall announce and publish, on or before September 30 of the preceding year, the changes in the dollar amounts required by this paragraph to take effect on January 1 of each odd-numbered year. The commissioner shall use the most recent revision of the July index available as of September 1. Changes in the dollar amounts must be in increments of \$5,000, and no change shall be made in a dollar amount until the change in the index requires at least a \$5,000 change. If the United States Bureau of Labor Statistics changes the base year upon which the CPI-U is based, the commissioner shall make the calculations necessary to convert from the old base year to the new base year. If the CPI-U is discontinued, the commissioner shall use the available index that is most similar to the CPI-U.

(j) The plan of reparation security covering the owner of a rented motor vehicle is excess of any residual liability coverage insuring an operator of a rented motor vehicle ~~if the vehicle is loaned as a replacement for a vehicle being serviced or repaired, regardless of whether a fee is charged for use of the vehicle, provided that the vehicle so loaned is owned by the service or repair business.~~

(k) Notwithstanding any other law to the contrary, the owner of a rented private passenger vehicle is responsible for all damages and loss of use to a rented private passenger vehicle, which is caused directly by weather-related natural phenomena."

Amend the title accordingly

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 re-referred

S.F. No. 3039: A bill for an act relating to elections; prohibiting deceptive practices regarding the time, place, or manner of conducting an election; providing a criminal penalty; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 204C.

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

Page 1, delete lines 11 to 14

Page 1, line 15, delete "3" and insert "2"

Page 1, line 21, delete "or 2"

Page 2, line 2, delete "or 2"

Page 2, line 4, delete "offenses" and insert "crimes"

Amend the title accordingly

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 re-referred

S.F. No. 3252: A bill for an act relating to elections; facilitating registering to vote and voting; clarifying documents acceptable to prove residence; making it easier to vote by absentee ballot; requiring translation of voting materials; providing for notice of restoration of civil rights and eligibility to vote; requiring voting assistance to inmates; amending Minnesota Statutes 2004, sections 135A.17, subdivision 2; 201.014, subdivision 2; 201.061, by adding a subdivision; 203B.02, subdivision 1; 203B.06, subdivision 3; 203B.11, subdivision 4; 204B.27, subdivision 11; Minnesota Statutes 2005 Supplement, sections 201.061, subdivision 3; 203B.04, subdivision 1; 203B.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 243; 609; 641.

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

Page 2, delete section 2

Page 8, delete sections 11 to 12

Page 8, line 33, delete "how to vote" and insert "voting eligibility"

Renumber the sections in sequence

Amend the title accordingly

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

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

S.F. No. 2734: A bill for an act relating to natural and cultural resources; proposing an amendment to the Minnesota Constitution, article XI; increasing the sales tax rate by three-eighths of one percent and dedicating the receipts 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 Water Council; amending Minnesota Statutes 2004, sections 297A.62, subdivision 1; 297A.94; 297B.02, subdivision 1; Minnesota Statutes 2005 Supplement, section 10A.01, subdivision 35; proposing coding for new law in Minnesota Statutes, chapters 85; 97A; 103F; 129D.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Senator Johnson, D.E. from the Committee on Rules and Administration, to which was referred under Rule 21, together with the committee report thereon,

S.F. No. 2625: A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, by adding a section; affirming that every resident of Minnesota has the right to affordable health care.

Reports the same back with the recommendation that the report from the Committee on Health and Family Security, shown in the Journal for March 8, 2006, be adopted; that committee recommendation being:

"the bill do pass and be re-referred to the Committee on Rules and Administration" and that the bill be further amended as follows:

Page 2, line 3, delete "2008" and insert "2009"

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

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

H.F. No. 3670 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.
3670	3334				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3670 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3670 and insert the language after the enacting clause of S.F. No. 3334, the first engrossment; further, delete the title of H.F. No. 3670 and insert the title of S.F. No. 3334, the first engrossment.

And when so amended H.F. No. 3670 will be identical to S.F. No. 3334, and further recommends that H.F. No. 3670 be given its second reading and substituted for S.F. No. 3334, 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. 3039 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its 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.
		3039	2632		

and that the above 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. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 3244, 776, 3465, 2728, 3459, 3410, 2319, 2939, 3482, 3096, 2660, 2832, 2882, 2840, 2953, 3098, 1674, 3039, 2734 and 2625 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 3243, 3670 and 3039 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Clark moved that the name of Senator Sparks be added as a co-author to S.F. No. 2867. The motion prevailed.

Senator Metzen moved that the name of Senator Koering be added as a co-author to S.F. No. 3388. The motion prevailed.

Senator Metzen moved that the name of Senator Koering be added as a co-author to S.F. No. 3389. The motion prevailed.

Senator Higgins moved that the names of Senators Rest, Ruud, Clark and Lourey be added as co-authors to S.F. No. 3482. The motion prevailed.

Senator Anderson moved that the name of Senator Berglin be added as a co-author to S.F. No. 3545. The motion prevailed.

Senator McGinn introduced –

Senate Resolution No. 171: A Senate resolution honoring Matt Simpson for receiving a Minnesota "Star of Life" award for 2006.

Referred to the Committee on Rules and Administration.

Senator Fischbach introduced –

Senate Resolution No. 172: A Senate resolution congratulating Sawyer Buttweiler for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

SUSPENSION OF RULES

Senator Johnson, D.E. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 3039 and that the rules of the Senate be so far suspended as to give H.F. No. 3039, now on the Consent Calendar, its third reading and place it on its final passage. The motion prevailed.

H.F. No. 3039: A bill for an act relating to natural resources; providing for extension of timber permits in the event of adverse surface conditions; amending Minnesota Statutes 2004, section 90.041, by adding a subdivision.

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	Dille	Koch	Michel	Saxhaug
Bachmann	Foley	Koering	Neuville	Scheid
Bakk	Frederickson	Kubly	Nienow	Senjem
Belanger	Gerlach	Langseth	Olson	Skoe
Berglin	Hann	Larson	Ortman	Skoglund
Betzold	Higgins	LeClair	Pariseau	Solon
Bonoff	Johnson, D.E.	Limmer	Ranum	Sparks
Chaudhary	Johnson, D.J.	Lourey	Reiter	Tomassoni
Clark	Jungbauer	Marko	Robling	Vickerman
Cohen	Kelley	Marty	Rosen	Wergin
Day	Kierlin	McGinn	Ruud	Wiger
Dibble	Kiscaden	Metzen	Sams	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

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. Nos. 2726 and 2793.

SPECIAL ORDER

S.F. No. 2726: A bill for an act relating to health; extending the essential community provider designation to a mental health provider located in Hennepin County; amending Minnesota Statutes 2004, section 62Q.19, subdivision 2.

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 55 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Koering	Neuville	Scheid
Bakk	Foley	Kubly	Nienow	Senjem
Belanger	Frederickson	Langseth	Olson	Skoe
Berglin	Hann	Larson	Ortman	Skoglund
Betzold	Higgins	Limmer	Pariseau	Solon
Bonoff	Johnson, D.E.	Lourey	Ranum	Sparks
Chaudhary	Johnson, D.J.	Marko	Robling	Stumpf
Clark	Jungbauer	Marty	Rosen	Tomassoni
Cohen	Kelley	McGinn	Ruud	Vickerman
Day	Kierlin	Metzen	Sams	Wergin
Dibble	Kiscaden	Michel	Saxhaug	Wiger

Those who voted in the negative were:

Bachmann	Gerlach	Koch	LeClair	Reiter
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So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2793: A bill for an act relating to health; modifying essential community provider designation; amending Minnesota Statutes 2004, section 62Q.19, subdivision 2.

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 55 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Koch	Neuville	Scheid
Bakk	Foley	Koering	Nienow	Senjem
Belanger	Frederickson	Kubly	Olson	Skoe
Berglin	Hann	Langseth	Ortman	Skoglund
Betzold	Higgins	Limmer	Pariseau	Solon
Bonoff	Johnson, D.E.	Lourey	Ranum	Sparks
Chaudhary	Johnson, D.J.	Marko	Robling	Stumpf
Clark	Jungbauer	Marty	Rosen	Tomassoni
Cohen	Kelley	McGinn	Ruud	Vickerman
Day	Kierlin	Metzen	Sams	Wergin
Dibble	Kiscaden	Michel	Saxhaug	Wiger

Those who voted in the negative were:

Bachmann	Gerlach	Larson	LeClair	Reiter
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So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pariseau moved that S.F. No. 1003 be withdrawn from the Committee on Finance, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 1003 was read the second time.

Senator Wergin moved that S.F. No. 3103 be withdrawn from the Committee on Finance and re-referred to the Committee on Health and Family Security.

Pursuant to Rule 5.1, the President ruled the Wergin motion was not in order without the concurrence of the chief author.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Koch introduced—

S.F. No. 3658: A bill for an act relating to retirement; allowing extension of Rule of 90 eligibility and additional service credit purchase.

Referred to the Committee on State and Local Government Operations.

Senators Nienow, LeClair and Wergin introduced—

S.F. No. 3659: A bill for an act proposing an amendment to the Minnesota Constitution by

adding a section to article XI; restricting the use of state funds for abortion services.

Referred to the Committee on Health and Family Security.

Senators Michel and Hann introduced—

S.F. No. 3660: A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 12; including certain special session days as legislative days; amending Minnesota Statutes 2004, sections 3.011; 3.012.

Referred to the Committee on Rules and Administration.

Senator Tomassoni introduced—

S.F. No. 3661: A bill for an act relating to state government; appropriating money for purposes of the Nongovernmental Pharmaceutical Contracting Alliance.

Referred to the Committee on Finance.

Senator Tomassoni introduced—

S.F. No. 3662: A bill for an act relating to housing; requiring carbon monoxide alarms in all rental dwellings.

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

Senator Tomassoni introduced—

S.F. No. 3663: A bill for an act relating to health; providing public access to quality medical imaging procedures and radiation therapy procedures; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

Senators Tomassoni, Bakk, Limmer and Cohen introduced—

S.F. No. 3664: A bill for an act relating to taxation; providing for a sales tax exemption for personal property used in the preproduction, production, and postproduction of movies, television shows, documentaries, and music videos; amending Minnesota Statutes 2004, section 297A.68, by adding a subdivision.

Referred to the Committee on Taxes.

Senator Rest introduced—

S.F. No. 3665: A bill for an act relating to capital improvements; appropriating money for a flood hazard mitigation grant for the city of Golden Valley; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Sparks introduced—

S.F. No. 3666: A bill for an act relating to child care; modifying training requirements; amending Minnesota Statutes 2004, sections 245A.023; 245A.14, by adding a subdivision; Minnesota Statutes

2005 Supplement, section 245A.14, subdivision 12.

Referred to the Committee on Health and Family Security.

Senators Tomassoni and Saxhaug introduced—

S.F. No. 3667: A bill for an act relating to taxes; extending the eligibility period for the commencement of construction of biomass electric generation facilities that qualify for property tax exemptions; amending Minnesota Statutes 2004, section 272.02, subdivision 45.

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

Senator Murphy introduced—

S.F. No. 3668: A bill for an act relating to animals; specifying criteria for animal cruelty investigations; amending Minnesota Statutes 2004, section 343.22, subdivision 2, by adding a subdivision.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senator Hottinger introduced—

S.F. No. 3669: A bill for an act relating to landlord and tenant; allowing tenant enforcement of no smoking lease provisions; proposing coding for new law in Minnesota Statutes, chapter 504B.

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

Senator Koering introduced—

S.F. No. 3670: A bill for an act relating to commerce; eliminating a limiting date for application of a premium rate increase regulation for long-term care insurance; amending Minnesota Statutes 2004, section 62S.265, subdivision 1.

Referred to the Committee on Commerce.

Senator Hottinger introduced—

S.F. No. 3671: A bill for an act relating to education; creating a unified administrative structure for early learning opportunities; amending Minnesota Statutes 2004, section 124D.02, subdivision 1.

Referred to the Committee on Education.

Senators Rosen, Hann and Larson introduced—

S.F. No. 3672: A bill for an act relating to labor; modifying the prevailing wage determination method; instructing the commissioner of employment and economic development to complete a benefits survey as part of its Occupational Employment Statistics survey; amending Minnesota Statutes 2004, section 177.42, subdivision 6.

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

Senator Senjem introduced—

S.F. No. 3673: A bill for an act relating to education; providing nonpublic school student health

services.

Referred to the Committee on Finance.

Senators Belanger, Limmer, McGinn and Michel introduced—

S.F. No. 3674: A bill for an act relating to taxation; abolishing the metropolitan fiscal disparities law; repealing Minnesota Statutes 2004, sections 473F.001; 473F.01; 473F.02, subdivisions 1, 3, 4, 5, 6, 8, 10, 12, 13, 14, 15, 21, 22, 23, 24; 473F.03; 473F.05; 473F.06; 473F.07; 473F.08, subdivisions 1, 2, 3, 3b, 4, 5, 5a, 6, 7a, 8a, 10; 473F.09; 473F.10; 473F.11; 473F.13; Minnesota Statutes 2005 Supplement, sections 473F.02, subdivisions 2, 7; 473F.08, subdivision 3a.

Referred to the Committee on Taxes.

Senators Kubly, Cohen, Stumpf, Ranum and Frederickson introduced—

S.F. No. 3675: A bill for an act relating to education finance; replacing federal comprehensive school reform funds that have been reduced; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124D.

Referred to the Committee on Finance.

Senators Rosen, Nienow, Higgins and Koering introduced—

S.F. No. 3676: A bill for an act relating to health; requiring the commissioner of health to conduct a study to determine the extent of prenatal drug exposure in babies born in Minnesota.

Referred to the Committee on Health and Family Security.

Senators Rosen and Berglin introduced—

S.F. No. 3677: A bill for an act relating to human services; expanding eligibility for the chemical dependency treatment fund; amending Minnesota Statutes 2004, section 254B.04, subdivision 1.

Referred to the Committee on Health and Family Security.

Senators Sams; Vickerman; Dille; Johnson, D.E. and Koering introduced—

S.F. No. 3678: A bill for an act relating to energy; requiring any person selling three or more fuel octane grades to replace the middle grade with E85; amending Minnesota Statutes 2004, section 239.751, by adding a subdivision.

Referred to the Committee on Commerce.

Senator Sams introduced—

S.F. No. 3679: A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land in Stevens County.

Referred to the Committee on Taxes.

MEMBERS EXCUSED

Senators Fischbach, Hottinger, Moua, Pappas and Rest were excused from the Session of today. Senator Stumpf was excused from the Session of today from 9:00 to 9:15 a.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 11:00 a.m., Monday, April 3, 2006. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

