

NINETY-EIGHTH DAY

St. Paul, Minnesota, Monday, May 1, 2006

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, Rev. Lee Piche.

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 27, 2006

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2006 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2006	Date Filed 2006
	2998	182	9:25 a.m. April 27	April 27
	680	183	9:20 a.m. April 27	April 27
	2645	184	9:30 a.m. April 27	April 27
	3169	185	11:25 a.m. April 27	April 27

Sincerely,
Mary Kiffmeyer,
Secretary of State

May 1, 2006

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

Pursuant to Senate Rule 8.2, the following appointments have been withdrawn from the following committee and placed on the Confirmation Calendar:

From the Committee on Agriculture, Veterans and Gaming, to which were referred the following appointments as reported in the Journal for April 27, 2005:

MINNESOTA VETERANS HOMES BOARD OF DIRECTORS

Dean Ascherman
Jeffery Johnson
Violet Wagoner

Sincerely,
Patrick E. Flahaven
Secretary of the Senate

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2532 and 3615.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 27, 2006

Mr. President:

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

S.F. No. 2646: A bill for an act relating to drivers' licenses; requiring at least 30 minutes of driver

education on organ and tissue donation; permanently suspending statute creating vehicle insurance sampling program; amending Minnesota Statutes 2004, section 171.0701; Laws 2005, First Special Session chapter 6, article 3, section 109.

Senate File No. 2646 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 27, 2006

CONCURRENCE AND REPASSAGE

Senator Wiger moved that the Senate concur in the amendments by the House to S.F. No. 2646 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2646 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 58 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Koering Limmer

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

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.

There has been appointed as such committee on the part of the House:

Hackbarth, Dill, DeLaForest, Cornish and Charron.

Senate File No. 2734 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 27, 2006

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2854, 2500, 2574, 3258, 3477 and 3779.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 27, 2006

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 2854: A bill for an act relating to health; providing an exception to hospital restricted construction or modification; amending Minnesota Statutes 2005 Supplement, section 144.551, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2521, now on General Orders.

H.F. No. 2500: A bill for an act relating to health; regulating the filing and use of individual health insurance policy forms; establishing a minimum loss ratio guarantee; regulating rates and coverages; requiring certain pharmacy cost disclosures; requiring cost estimates from hospitals and outpatient surgical centers; modifying small employer coverage provisions; authorizing service cooperatives to provide certain coverages; authorizing comparative shopping; modifying a report to the legislature; amending Minnesota Statutes 2004, sections 62A.02, by adding a subdivision; 62A.021, subdivision 1; 62A.65, subdivision 3; 62J.81, subdivision 1; 62L.03, subdivision 3; 62L.08, subdivision 4; 123A.21, subdivision 7, by adding a subdivision; Minnesota Statutes 2005 Supplement, sections 62J.052; 62L.12, subdivision 2; Laws 2005, First Special Session chapter 4, article 7, section 59; proposing coding for new law in Minnesota Statutes, chapters 62A; 62J.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2293, now on General Orders.

H.F. No. 2574: A bill for an act relating to health; providing an exception to the hospital construction moratorium for a facility in Cass County; providing for the licensing and certification of certain nursing home or boarding care home beds transferred from a certain existing facility in Cass County to a new facility; amending Minnesota Statutes 2004, section 144A.071, subdivision 4c; Minnesota Statutes 2005 Supplement, section 144.551, subdivision 1.

Referred to the Committee on Finance.

H.F. No. 3258: A bill for an act relating to health; requiring reporting on notification that is required before an abortion is performed on a minor or certain other women; providing civil penalties; appropriating money; amending Minnesota Statutes 2004, section 13.3806, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 144; 145.

Referred to the Committee on Health and Family Security.

H.F. No. 3477: A bill for an act relating to local government; providing for subdivision regulations; modifying the terms; amending Minnesota Statutes 2004, section 462.358, subdivision 2a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3159, now on General Orders.

H.F. No. 3779: A bill for an act relating to adults-only businesses; requiring notice by certified mail to the appropriate statutory or home-rule charter city under certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 617.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3394, now on General Orders.

MOTIONS AND RESOLUTIONS

Senators Johnson, D.E.; Day; Limmer and Rest introduced –

Senate Resolution No. 201: A Senate resolution expressing support for bid proposals for the purpose of securing a national political convention in the year 2008.

Referred to the Committee on Rules and Administration.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senators Rest and Bonoff introduced–

S.F. No. 3791: A bill for an act relating to sales and excise taxes; repealing June accelerated payments; amending Minnesota Statutes 2005 Supplement, section 289A.20, subdivision 4; repealing Minnesota Statutes 2004, sections 289A.60, subdivision 15; 297F.09, subdivision 10; 297G.09, subdivision 9.

Referred to the Committee on Taxes.

Senators Kelley, Belanger and Betzold introduced–

S.F. No. 3792: A bill for an act relating to taxes; income; providing an income tax credit for telecommuting equipment expenses; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

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. 3059, 3146, H.F. Nos. 3771, 3111, S.F. Nos. 3087, 2982, 2660, H.F. No. 3665, S.F. No. 2374, H.F. No. 3449, S.F. No. 3551, H.F. No. 3285 and S.F. No. 2939.

SPECIAL ORDER

S.F. No. 3059: A bill for an act relating to human services; making changes to continuing care provisions and elderly and disabled services; expanding sick leave benefits; amending Minnesota Statutes 2004, sections 144.0724, subdivisions 3, 4; 181.9413; 256B.434, by adding a subdivision; 256B.438, subdivision 4; Minnesota Statutes 2005 Supplement, sections 144A.071, subdivision 1a; 256B.434, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Johnson, D.J.	LeClair	Reiter	Wergin
Gerlach	Koch	Pariseau	Ruud	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 3146: A bill for an act relating to human services; removing the limit on certain nursing facility planned closure rate adjustments; modifying notice requirements for nursing home and board and care home resident relocation; requiring weekly status reports; amending Minnesota Statutes 2004, sections 144A.161; 256B.437, subdivision 3; Minnesota Statutes 2005 Supplement, section 256B.0918, subdivisions 1, 3, 4; Laws 2005, First Special Session chapter 4, article 9, section 5, subdivision 8.

Senator Berglin moved that S.F. No. 3146 be laid on the table. The motion prevailed.

SPECIAL ORDER

H.F. No. 3771: A bill for an act relating to health occupations; modifying Board of Medical Practice examination provision; amending Minnesota Statutes 2004, section 147.02, by adding a subdivision.

Senator Lourey moved to amend H.F. No. 3771 as follows:

Page 1, line 8, delete "Notwithstanding"

Page 1, delete lines 9 to 14 and insert "The board may grant an extension to the time period required to pass the United States Medical Licensing Examination (USMLE) as specified in subdivision 1, paragraph (c), clause (2), if an applicant is mobilized into active military service, as defined in section 190.05, subdivision 5, during the process of taking the USMLE, but before passage of all steps. Proof of active military service must be submitted to the board on the forms and according to the timelines of the board."

The motion prevailed. So the amendment was adopted.

H.F. No. 3771 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 3111: A bill for an act relating to human services; providing for interstate contracts for chemical health services; amending Minnesota Statutes 2004, section 245.50, subdivisions 1, 2, 5.

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 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 3087: A bill for an act relating to child care; changing the requirement for use of child passenger restraint systems; amending Minnesota Statutes 2005 Supplement, section 245A.18, 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2982: A bill for an act relating to public safety; clarifying that unauthorized racing is considered reckless driving; prohibiting exhibition driving; amending Minnesota Statutes 2004, section 169.13.

Senator Frederickson moved to amend S.F. No. 2982 as follows:

Page 1, line 8, strike "such"

Page 1, line 9, after "manner" insert "so"

Page 1, line 19, delete "such"

Page 1, line 20, after "manner" insert "so"

The motion prevailed. So the amendment was adopted.

S.F. No. 2982 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Bonoff	Dille	Higgins	Kierlin
Bachmann	Chaudhary	Fischbach	Hottinger	Kiscaden
Bakk	Clark	Foley	Johnson, D.E.	Koch
Belanger	Cohen	Frederickson	Johnson, D.J.	Koering
Berglin	Day	Gerlach	Jungbauer	Kubly
Betzold	Dibble	Hann	Kelley	Langseth

Larson	Michel	Pogemiller	Scheid	Vickerman
LeClair	Murphy	Reiter	Senjem	Wergin
Limmer	Neuville	Rest	Skoe	Wiger
Lourey	Nienow	Robling	Skoglund	
Marko	Olson	Rosen	Solon	
Marty	Ortman	Ruud	Sparks	
McGinn	Pappas	Sams	Stumpf	
Metzen	Pariseau	Saxhaug	Tomassoni	

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

SPECIAL ORDER

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.

Senator Wergin moved to amend S.F. No. 2660 as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2004, section 462.358, subdivision 2b, is amended to read:

Subd. 2b. **Dedication.** (a) The regulations may require that a reasonable portion of the buildable land, as defined by municipal ordinance, of any proposed subdivision be dedicated to the public or preserved for public use as streets, roads, sewers, electric, gas, and water facilities, storm water drainage and holding areas or ponds and similar utilities and improvements, parks, recreational facilities as defined in section 471.191, playgrounds, trails, wetlands, or open space. The requirement must be imposed by ordinance or under the procedures established in section 462.353, subdivision 4a.

~~(b) In addition, the regulations may require that a reasonable portion of any proposed subdivision be dedicated to the public or preserved for conservation purposes or for public use as parks, recreational facilities as defined and outlined in section 471.191, playgrounds, trails, wetlands, or open space; provided that (1) the municipality may choose to accept an equivalent amount in cash from the applicant for part or all of the portion required to be dedicated to such public uses or purposes based on the fair market value of the land no later than at the time of final approval, (2) any cash payments received shall be placed in a special fund by the municipality used only for the purposes for which the money was obtained, and may not be used for ongoing operation or maintenance, (3) in establishing the reasonable portion to be dedicated, the regulations may consider the open space, park, recreational, or common areas and facilities which the applicant proposes to reserve for the subdivision, and (4) the municipality reasonably determines that it will need to acquire that portion of land for the purposes stated in this paragraph as a result of approval of the subdivision. The basis for calculating the amount to be dedicated or preserved must be established by ordinance or pursuant to the procedures established in section 462.353, subdivision 4a.~~ (b) If a municipality adopts the ordinance or proceeds under section 462.353, subdivision 4a, as required by paragraph (a), the municipality must adopt a capital improvement budget and have a parks and open space plan or have a parks, trails, and open space component in its comprehensive plan subject to the terms and conditions in this paragraph and paragraphs (c) to (i).

(c) The municipality may choose to accept a cash fee as set by ordinance from the applicant for some or all of the new lots created in the subdivision, based on fair market value of the land, no later than at the time of final approval.

(d) In establishing the portion to be dedicated or preserved or the cash fee, the regulations shall give due consideration to the open space, recreational, or common areas and facilities open to the public that the applicant proposes to reserve for the subdivision.

(e) The municipality must reasonably determine that it will need to acquire that portion of land for the purposes stated in this subdivision as a result of approval of the subdivision.

(f) Cash payments received must be placed by the municipality in a special fund to be used only for the purposes for which the money was obtained.

(g) Cash payments received must be used only for the acquisition and development or improvement of parks, recreational facilities, playgrounds, trails, wetlands, or open space based on the approved park systems plan. Cash payments must not be used for ongoing operation or maintenance of parks, recreational facilities, playgrounds, trails, wetlands, or open space.

(h) The municipality must not deny the approval of a subdivision based solely on an inadequate supply of parks, open spaces, trails, or recreational facilities within the municipality.

(i) Previously subdivided property from which a park dedication has been received, being resubdivided with the same number of lots, is exempt from park dedication requirements. If, as a result of resubdividing the property, the number of lots is increased, then the park dedication or per-lot cash fee must apply only to the net increase of lots."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2660 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 53 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Koering	Moua	Senjem
Belanger	Foley	Kubly	Murphy	Skoglund
Berglin	Frederickson	Langseth	Olson	Solon
Betzold	Higgins	Larson	Ortman	Sparks
Bonoff	Hottinger	Limmer	Pappas	Stumpf
Chaudhary	Johnson, D.E.	Lourey	Rest	Tomassoni
Clark	Jungbauer	Marko	Robling	Vickerman
Cohen	Kelley	Marty	Rosen	Wergin
Day	Kierlin	McGinn	Ruud	Wiger
Dibble	Kiscaden	Metzen	Saxhaug	
Dille	Koch	Michel	Scheid	

Those who voted in the negative were:

Bachmann	Hann	Neuville	Pogemiller	Skoe
Bakk	Johnson, D.J.	Nienow	Reiter	
Gerlach	LeClair	Pariseau	Sams	

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

SPECIAL ORDER

H.F. No. 3665: 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.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 2374: A bill for an act relating to dogs; modifying notice requirements for unlicensed dogs that are seized; amending Minnesota Statutes 2004, section 347.14, subdivision 2.

Senator Betzold moved to amend S.F. No. 2374 as follows:

Page 1, line 17, delete the new language and insert "five regular business days of the impounding agency"

Page 1, line 18, delete "in section 35.71, subdivision 3" and after "dog" insert a comma

Page 1, line 19, after the period, insert "For the purpose of this section, "regular business day" means a day during which the establishment having custody of the dog is open to the public at least four consecutive hours between 8:00 a.m. and 7:00 p.m."

The motion prevailed. So the amendment was adopted.

S.F. No. 2374 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

H.F. No. 3449: A bill for an act relating to manufactured homes; regulating manufactured home park conversions; amending Minnesota Statutes 2004, section 327C.095, subdivision 1.

Senator Dibble moved to amend H.F. No. 3449, as amended pursuant to Rule 45, adopted by the Senate April 12, 2006, as follows:

(The text of the amended House File is identical to S.F. No. 2887.)

Page 2, lines 5 to 7, delete the new language and insert "This subdivision does not apply to the conversion of a manufactured home park to a common interest community:

(1) that is a cooperative incorporated under chapter 308A or 308B;

(2) in which at least 90 percent of the cooperative's members are residents of the park at the time of the conversion; and

(3) that does not require persons who are residents of the park at the time of the conversion to become members of the cooperative."

The motion prevailed. So the amendment was adopted.

H.F. No. 3449 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

SPECIAL ORDER

S.F. No. 3551: A bill for an act relating to real estate appraisers; regulating trainees; modifying appraiser education, experience, and examination requirements; amending Minnesota Statutes 2004, section 82B.11, subdivisions 2, 3; Minnesota Statutes 2005 Supplement, sections 82B.095; 82B.13, subdivisions 1, 4, 5, by adding subdivisions; 82B.14.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 3285: A bill for an act relating to metropolitan land use planning; removing the requirement for metropolitan council review of school district capital improvement programs; amending Minnesota Statutes 2004, sections 473.175; 473.851; 473.852, subdivision 4; 473.854; 473.856; 473.857, subdivisions 1, 3; 473.864.

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 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SPECIAL ORDER

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.

Senator Johnson, D.E. moved to amend S.F. No. 2939 as follows:

Page 1, after line 18, insert:

"Sec. 2. **BONDS.**

The city of Pennock may issue general obligation bonds of the city in the aggregate principal amount not to exceed \$250,000 to finance the project authorized by section 1. The bonds must be issued in compliance with Minnesota Statutes, chapter 475, except that a referendum under Minnesota Statutes, section 475.58, is not required. The debt represented by the bonds is not included in computing any debt limitations applicable to the city, and the levy of taxes required by Minnesota Statutes, section 475.61, to pay the principal of and interest on the bonds is not subject to any levy limitation otherwise applicable to the city."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2939 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 53 and nays 13, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kubly	Neuville	Skoe
Bakk	Fischbach	Langseth	Pappas	Skoglund
Belanger	Foley	Larson	Pogemiller	Solon
Berglin	Frederickson	Lourey	Ranum	Sparks
Betzold	Higgins	Marko	Rest	Stumpf
Bonoff	Hottinger	Marty	Robling	Tomassoni
Chaudhary	Johnson, D.E.	McGinn	Rosen	Vickerman
Clark	Kelley	Metzen	Sams	Wergin
Cohen	Kierlin	Michel	Saxhaug	Wiger
Day	Kiscaden	Moua	Scheid	
Dibble	Koering	Murphy	Senjem	

Those who voted in the negative were:

Bachmann	Johnson, D.J.	LeClair	Olson	Ruud
Gerlach	Jungbauer	Limmer	Pariseau	
Hann	Koch	Nienow	Reiter	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Berglin moved that S.F. No. 3146 be taken from the table. The motion prevailed.

S.F. No. 3146: A bill for an act relating to human services; removing the limit on certain nursing facility planned closure rate adjustments; modifying notice requirements for nursing home and board and care home resident relocation; requiring weekly status reports; amending Minnesota Statutes 2004, sections 144A.161; 256B.437, subdivision 3; Minnesota Statutes 2005 Supplement, section 256B.0918, subdivisions 1, 3, 4; Laws 2005, First Special Session chapter 4, article 9, section 5, subdivision 8.

Senator Berglin moved to amend S.F. No. 3146 as follows:

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 2005 Supplement, section 144A.071, subdivision 1a, is amended to read:

Subd. 1a. **Definitions.** For purposes of sections 144A.071 to 144A.073, the following terms have the meanings given them:

(a) "Attached fixtures" has the meaning given in Minnesota Rules, part 9549.0020, subpart 6.

(b) "Buildings" has the meaning given in Minnesota Rules, part 9549.0020, subpart 7.

(c) "Capital assets" has the meaning given in section 256B.421, subdivision 16.

(d) "Commenced construction" means that all of the following conditions were met: the final working drawings and specifications were approved by the commissioner of health; the construction contracts were let; a timely construction schedule was developed, stipulating dates for beginning, achieving various stages, and completing construction; and all zoning and building permits were applied for.

(e) "Completion date" means the date on which ~~a certificate of occupancy clearance for the construction project~~ is issued ~~for a construction project~~, or if a ~~certificate of occupancy clearance for the construction project~~ is not required, the date on which the construction project ~~is~~ assets are available for facility use.

(f) "Construction" means any erection, building, alteration, reconstruction, modernization, or improvement necessary to comply with the nursing home licensure rules.

(g) "Construction project" means:

(1) a capital asset addition to, or replacement of a nursing home or certified boarding care home that results in new space or the remodeling of or renovations to existing facility space; and

(2) the remodeling or renovation of existing facility space the use of which is modified as a result of the project described in clause (1). This existing space and the project described in clause (1) must be used for the functions as designated on the construction plans on completion of the project described in clause (1) for a period of not less than 24 months.

(h) "Depreciation guidelines" means the most recent publication of "The Estimated Useful Lives of Depreciable Hospital Assets," issued by the American Hospital Association, 840 North Lake Shore Drive, Chicago, Illinois, 60611.

(i) "New licensed" or "new certified beds" means:

(1) newly constructed beds in a facility or the construction of a new facility that would increase the total number of licensed nursing home beds or certified boarding care or nursing home beds in the state; or

(2) newly licensed nursing home beds or newly certified boarding care or nursing home beds that result from remodeling of the facility that involves relocation of beds but does not result in an increase in the total number of beds, except when the project involves the upgrade of boarding care beds to nursing home beds, as defined in section 144A.073, subdivision 1. "Remodeling" includes any of the type of conversion, renovation, replacement, or upgrading projects as defined in section 144A.073, subdivision 1.

(j) "Project construction costs" means the cost of the following items that have a completion date within 12 months before or after the completion date of the project described in item (g), clause (1):

(1) facility capital asset additions;

(2) replacements;

(3) renovations;

(4) remodeling projects;

(5) construction site preparation costs;

(6) related soft costs; and

(7) the cost of new technology implemented as part of the construction project and depreciable equipment directly identified to the project, if the construction costs for clauses (1) to (6) exceed the threshold for additions and replacements stated in section 256B.431, subdivision 16. Technology and depreciable equipment shall be included in the project construction costs unless a written election is made by the facility, to not include it in the facility's appraised value for purposes of Minnesota Rules, part 9549.0020, subpart 5. Debt incurred for purchase of technology and depreciable equipment shall be included as allowable debt for purposes of Minnesota Rules, part 9549.0060, subpart 5, items A and C, unless the written election is to not include it. Any new technology and depreciable equipment included in the project construction costs that the facility elects not to include in its appraised value and allowable debt shall be treated as provided in section 256B.431, subdivision 17, paragraph (b). Written election under this paragraph must be included in the facility's request for the rate change related to the project, and this election may not be changed.

(k) "Technology" means information systems or devices that make documentation, charting, and staff time more efficient or encourage and allow for care through alternative settings including, but not limited to, touch screens, monitors, hand-helds, swipe cards, motion detectors, pagers, telemedicine, medication dispensers, and equipment to monitor vital signs and self-injections, and to observe skin and other conditions."

Page 11, after line 11, insert:

"Sec. 6. Minnesota Statutes 2005 Supplement, section 256B.434, subdivision 4, is amended to read:

Subd. 4. **Alternate rates for nursing facilities.** (a) For nursing facilities which have their payment rates determined under this section rather than section 256B.431, the commissioner shall establish a rate under this subdivision. The nursing facility must enter into a written contract with the commissioner.

(b) A nursing facility's case mix payment rate for the first rate year of a facility's contract under this section is the payment rate the facility would have received under section 256B.431.

(c) A nursing facility's case mix payment rates for the second and subsequent years of a facility's contract under this section are the previous rate year's contract payment rates plus an inflation adjustment and, for facilities reimbursed under this section or section 256B.431, an adjustment to include the cost of any increase in Health Department licensing fees for the facility taking effect on or after July 1, 2001. The index for the inflation adjustment must be based on the change in the Consumer Price Index-All Items (United States City average) (CPI-U) forecasted by the commissioner of finance's national economic consultant, as forecasted in the fourth quarter of the calendar year preceding the rate year. The inflation adjustment must be based on the 12-month period from the midpoint of the previous rate year to the midpoint of the rate year for which the rate is being determined. For the rate years beginning on July 1, 1999, July 1, 2000, July 1, 2001, July 1, 2002, July 1, 2003, July 1, 2004, July 1, 2005, July 1, 2006, July 1, 2007, and July 1, 2008, this paragraph shall apply only to the property-related payment rate, except that adjustments to include the cost of any increase in Health Department licensing fees taking effect on or after July 1, 2001, shall be provided. Beginning in 2005, adjustment to the property payment rate under this section and section 256B.431 shall be effective on October 1. In determining the amount of the property-related payment rate adjustment under this paragraph, the commissioner shall determine the proportion of the facility's rates that are property-related based on the facility's most recent cost report. ~~Beginning October 1, 2006, facilities reimbursed under this section shall be allowed to receive a property rate adjustment for building projects under section 144A.071, subdivision 2.~~

Sec. 7. Minnesota Statutes 2004, section 256B.434, is amended by adding a subdivision to read:

Subd. 4f. **Construction project rate adjustments effective October 1, 2006.** (a) Effective October 1, 2006, facilities reimbursed under this section may receive a property rate adjustment for

construction projects exceeding the threshold in section 256B.431, subdivision 16, and below the threshold in section 144A.071, subdivision 2, clause (a). For these projects, capital assets purchased shall be counted as construction project costs for a rate adjustment request made by a facility if they are:

- (1) purchased within 24 months of the completion of the construction project;
- (2) purchased after the completion date of any prior construction project; and
- (3) not purchased prior to July 14, 2005.

Except as otherwise provided in this subdivision, the definitions, rate calculation methods, and principles in sections 144A.071 and 256B.431, and Minnesota Rules, parts 9549.0010 to 9549.0080, shall be used to calculate rate adjustments for allowable construction projects under this subdivision and section 144A.073. Facilities completing construction projects between October 1, 2005, and October 1, 2006, are eligible to have a property rate adjustment effective October 1, 2006. Facilities completing projects after October 1, 2006, are eligible for a property rate adjustment effective on the first of the month following the completion date.

(b) Notwithstanding subdivision 18, as of July 14, 2005, facilities with rates set under section 256B.431 and Minnesota Rules, parts 9549.0010 to 9549.0080, that commenced a construction project on or after October 1, 2004, and do not have a contract under subdivision 3 by September 30, 2006, are eligible to request a rate adjustment under section 256B.431, subdivision 10, through September 30, 2006. If the request results in the commissioner determining a rate adjustment is allowable, the rate adjustment is effective on the first of the month following project completion. These facilities shall be allowed to accumulate construction project costs for the period October 1, 2004, to September 30, 2006.

(c) Facilities shall be allowed construction project rate adjustments no sooner than 12 months after completing a previous construction project. Facilities must request the rate adjustment according to section 256B.431, subdivision 10.

(d) Capacity days shall be computed according to Minnesota Rules, part 9549.0060, subpart 11. For rate calculations under this section, the number of licensed beds in the nursing facility shall be the number existing after the construction project is completed and the number of days in the nursing facility's reporting period shall be 365.

(e) The value of assets to be recognized for a total replacement project as defined in section 256B.431, subdivision 17d, shall be computed as described in clause (1). The value of assets to be recognized for all other projects shall be computed as described in clause (2):

(1) Replacement-cost-new limits under section 256B.431, subdivision 17e, and the number of beds allowed under subdivision 3a, paragraph (c), shall be used to compute the maximum amount of assets allowable in a facility's property rate calculation. If a facility's current request for a rate adjustment results from the completion of a construction project that was previously approved under section 144A.073, the assets to be used in the rate calculation cannot exceed the lesser of the amount determined under sections 144A.071, subdivision 2, and 144A.073, subdivision 3b, or the actual allowable costs of the construction project. A current request that is not the result of a project under section 144A.073 cannot exceed the limit under section 144A.071, subdivision 2, paragraph (a). Applicable credits must be deducted from the cost of the construction project.

(2) (i) Replacement-cost-new limits under section 256B.431, subdivision 17e, and the number of beds allowed under section 256B.431, subdivision 3a, paragraph (c), shall be used to compute the maximum amount of assets allowable in a facility's property rate calculation.

(ii) The value of a facility's assets to be compared to the amount in (i) begins with the total appraised value from the last rate notice a facility received when its rates were set under section 256B.431 and Minnesota Rules, parts 9549.0010 to 9549.0080. This value shall be indexed by the

factor in section 256B.431, subdivision 3f, paragraph (a), for each rate year the facility received an inflation factor on its property-related rate when its rates were set under this section. The value of assets listed as previous capital additions, capital additions, and special projects on the facility's base year rate notice and the value of assets related to a construction project for which the facility received a rate adjustment when its rates were determined under this section shall be added to the indexed appraised value.

(iii) The maximum amount of assets to be recognized in computing a facility's rate adjustment after a project is completed is the lesser of the aggregate replacement-cost-new limit computed in (i) minus the assets recognized in (ii) or the actual allowable costs of the construction project.

(iv) If a facility's current request for a rate adjustment results from the completion of a construction project that was previously approved under section 144A.073, the assets to be added to the rate calculation cannot exceed the lesser of the amount determined under sections 144A.071, subdivision 2, and 144A.073, subdivision 3b, or the actual allowable costs of the construction project. A current request that is not the result of a project under section 144A.073 cannot exceed the limit stated in section 144A.071, subdivision 2, paragraph (a). Assets disposed of as a result of a construction project and applicable credits must be deducted from the cost of the construction project.

(f) For construction projects approved under section 144A.073, allowable debt may never exceed the lesser of the cost of the assets purchased, the threshold limit in section 144A.071, subdivision 2, or the replacement-cost-new limit less previously existing capital debt.

(g) For construction projects that were not approved under section 144A.073, allowable debt is limited to the lesser of the threshold in section 144A.071, subdivision 2, for such construction projects or the applicable limit in paragraph (e), clause (1) or (2), less previously existing capital debt. Amounts of debt taken out that exceed the costs of a construction project shall not be allowed regardless of the use of the funds.

For all construction projects being recognized, interest expense and average debt shall be computed based on the first 12 months following project completion. "Previously existing capital debt" means capital debt recognized on the last rate determined under section 256B.431 and Minnesota Rules, parts 9549.0010 to 9549.0080, and the amount of debt recognized for a construction project for which the facility received a rate adjustment when its rates were determined under this section.

For a total replacement project as defined in section 256B.431, subdivision 17d, the value of previously existing capital debt shall be zero.

(h) In addition to the interest expense allowed from the application of paragraph (f), the amounts allowed under section 256B.431, subdivision 17a, paragraph (a), clauses (2) and (3), will be added to interest expense.

(i) The equity portion of the construction project shall be computed as the allowable assets in paragraph (e), less the average debt in paragraph (f). The equity portion must be multiplied by 5.66 percent and the allowable interest expense in paragraph (f) must be added. This sum must be divided by 95 percent of capacity days to compute the construction project rate adjustment.

(j) For projects that are not a total replacement of a nursing facility, the amount in paragraph (i) is adjusted for nonreimbursable areas and then added to the current property-related per diem of the facility.

(k) For projects that are a total replacement of a nursing facility, the amount in paragraph (i) becomes the new property-related per diem after being adjusted for nonreimbursable areas. Any amounts existing in a facility's rate before the effective date of the construction project for equity incentives under section 256B.431, subdivision 16; capital repairs and replacements under section 256B.431, subdivision 15; or refinancing incentives under section 256B.431, subdivision 19, shall

be removed from the facility's rates.

(l) No additional equipment allowance is allowed under Minnesota Rules, part 9549.0060, subpart 10, as the result of construction projects under this section. Allowable equipment shall be included in the construction project costs.

(m) Capital assets purchased after the completion date of a construction project shall be counted as construction project costs for any future rate adjustment request made by a facility under section 144A.071, subdivision 2, clause (a), if they are purchased within 24 months of the completion of the future construction project.

(n) In subsequent rate years, the property-related rate for a facility that results from the application of this subdivision shall be the amount inflated in subdivision 4.

(o) Construction projects are eligible for an equity incentive under section 256B.431, subdivision 16. When computing the equity incentive for a construction project under this subdivision, only the allowable costs and allowable debt related to the construction project shall be used. The equity incentive shall not be a part of the property-related per diem and not inflated under subdivision 4.

(p) At the time of completion of a building project resulting in a rate increase under this subdivision or section 144A.073, a facility may change its single-bed election for use in calculating capacity days under Minnesota Rules, part 9549.0060, subpart 11. The facility shall notify the commissioner of its desire to change its single-bed election at the time the final cost of the project is submitted to the commissioner, and the change in the election shall be effective the same date as the rate increase related to the building project."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3146 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 5.1, Senator Michel, chief author, moved that H.F. No. 263 be withdrawn from the Committee on Finance, given a second reading, and placed on General Orders.

H.F. No. 263: A bill for an act relating to a University of Minnesota football stadium; providing a process for state support of a football stadium at the University of Minnesota; transferring land in Dakota County from the University to the Department of Natural Resources; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 473.

CALL OF THE SENATE

Senator Cohen imposed a call of the Senate for the balance of the proceedings on H.F. No. 263. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Michel motion.

The roll was called, and there were yeas 27 and nays 40, as follows:

Those who voted in the affirmative were:

Belanger	Hann	Larson	Olson	Ruud
Day	Johnson, D.J.	Limmer	Ortman	Senjem
Dille	Jungbauer	McGinn	Pariseau	Wergin
Fischbach	Kierlin	Michel	Reiter	
Frederickson	Koch	Neuville	Robling	
Gerlach	Koering	Nienow	Rosen	

Those who voted in the negative were:

Anderson	Cohen	Kubly	Murphy	Skoe
Bachmann	Dibble	Langseth	Pappas	Skoglund
Bakk	Foley	LeClair	Pogemiller	Solon
Berglin	Higgins	Lourey	Ranum	Sparks
Betzold	Hottinger	Marko	Rest	Stumpf
Bonoff	Johnson, D.E.	Marty	Sams	Tomassoni
Chaudhary	Kelley	Metzen	Saxhaug	Vickerman
Clark	Kiscaden	Moua	Scheid	Wiger

The motion did not prevail.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2985, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2985 is herewith transmitted to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted May 1, 2006

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2985

A bill for an act relating to funerals; prohibiting the disruption of a funeral, burial service, or memorial service; creating penalties and providing civil remedy; proposing coding for new law in Minnesota Statutes, chapter 609.

April 27, 2006

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

We, the undersigned conferees for H. F. No. 2985 report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2985 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [609.501] FUNERAL OR BURIAL SERVICE; PROHIBITED ACTS.

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

(b) "Family or household" has the meaning given to family or household member in section 518B.01, subdivision 2.

(c) "Funeral ceremony" has the meaning given in section 149A.02, subdivision 18.

(d) "Funeral procession" means two or more motor vehicles that identify themselves by using regular lights and by keeping themselves in close formation, one of which contains the body of a deceased person, enroute to or from a funeral ceremony or a graveside service.

(e) "Graveside service" has the meaning given in section 149A.02, subdivision 24.

(f) "Memorial service" has the meaning given in section 149A.02, subdivision 28.

(g) "Targeted residential picketing" has the meaning given in section 609.748, subdivision 1, paragraph (c), but does not require more than one act or that acts be committed on more than one occasion.

Subd. 2. **Crime to disrupt.** (a) Whoever does any of the following is guilty of a misdemeanor:

(1) with intent to disrupt a funeral ceremony, graveside service, or memorial service, protests or pickets within 500 feet of the burial site or the entrance to a facility or location being used for the service or ceremony, within one hour prior to, during, or one hour following the service or ceremony;

(2) with intent to disrupt a funeral procession, impedes or attempts to impede a vehicle that is part of the procession;

(3) intentionally blocks or attempts to block access to a funeral ceremony, graveside service, or memorial service; or

(4) knowingly engages in targeted residential picketing at the home or domicile of any surviving member of the deceased person's family or household on the date of the funeral ceremony, graveside service, or memorial service.

(b) Whoever is convicted of a violation of paragraph (a) following a previous conviction for a

violation of paragraph (a) or a similar statute from another state or the United States is guilty of a gross misdemeanor.

Subd. 3. **Civil remedy.** A person who violates subdivision 2 is liable to a surviving member of the deceased person's family or household for damages caused by the violation. A surviving member of the deceased person's family or household may also bring an action for injunctive relief and other appropriate relief or remedial compensation. In an action brought under this subdivision, a prevailing plaintiff may recover attorney fees.

EFFECTIVE DATE. This section is effective the day following final enactment, and applies to acts committed on or after that date."

We request the adoption of this report and repassage of the bill.

House Conferees: (Signed) Steve Smith, Marty Seifert, Mary Murphy

Senate Conferees: (Signed) Don Betzold, Wesley J. Skoglund, Thomas M. Neuville

Senator Betzold moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2985 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2985 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 66 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Lourey

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Cohen moved that S.F. No. 3781, No. 146 on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Senator Larson was excused from the Session of today from 11:00 to 11:25 a.m. Senator Kiscaden was excused from the Session of today from 11:00 to 11:30 a.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 10:00 a.m., Tuesday, May 2, 2006. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

