

ONE HUNDRED FOURTH DAY

St. Paul, Minnesota, Thursday, April 17, 2008

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Pogemiller 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. Paul Harrington.

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

Anderson	Doll	Kubly	Olson, M.	Senjem
Bakk	Erickson Ropes	Langseth	Ortman	Sheran
Berglin	Fischbach	Larson	Pappas	Sieben
Betzold	Foley	Latz	Pariseau	Skoe
Bonoff	Frederickson	Limmer	Pogemiller	Skogen
Carlson	Gerlach	Lourey	Prettner Solon	Sparks
Chaudhary	Gimse	Lynch	Rest	Stumpf
Clark	Higgins	Marty	Robling	Tomassoni
Cohen	Ingebrigtsen	Metzen	Rosen	Torres Ray
Dahle	Johnson	Michel	Rummel	Vandever
Day	Jungbauer	Moua	Saltzman	Vickerman
Dibble	Koch	Murphy	Saxhaug	Wergin
Dille	Koering	Olseen	Scheid	Wiger

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 3474, 2930, 2024, 2377, 2399, 2828, 3225, 3286, 2936, 3021, 3647 and 3571.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 16, 2008

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. 2642: A bill for an act relating to data practices; modifying provisions of the safe at home program; amending Minnesota Statutes 2006, sections 5B.02; 5B.03, subdivision 1; 5B.07; 13.805, subdivision 2; 171.06, subdivision 3; 171.07, subdivisions 1, 3.

Senate File No. 2642 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 16, 2008

CONCURRENCE AND REPASSAGE

Senator Moua moved that the Senate concur in the amendments by the House to S.F. No. 2642 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2642 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Koering	Murphy	Scheid
Bakk	Doll	Kubly	Olseen	Sheran
Berglin	Erickson Ropes	Langseth	Olson, M.	Sieben
Betzold	Fischbach	Larson	Pappas	Skoe
Bonoff	Foley	Latz	Pariseau	Skogen
Carlson	Frederickson	Limmer	Pogemiller	Sparks
Chaudhary	Gerlach	Lourey	Prettner Solon	Tomassoni
Clark	Higgins	Lynch	Rest	Vandever
Cohen	Ingebrigtsen	Marty	Robling	Vickerman
Dahle	Johnson	Metzen	Rosen	Wergin
Day	Jungbauer	Michel	Rummel	Wiger
Dibble	Koch	Moua	Saxhaug	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 3263: A bill for an act relating to health; permitting hospital records to be transferred to electronic image; amending Minnesota Statutes 2006, sections 145.30; 145.31; Minnesota Statutes

2007 Supplement, section 145.32, subdivision 1.

Senate File No. 3263 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 16, 2008

CONCURRENCE AND REPASSAGE

Senator Prettner Solon moved that the Senate concur in the amendments by the House to S.F. No. 3263 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 3263: A bill for an act relating to health; permitting hospital records to be transferred to electronic image; changing provisions for advance directive and will of decedent regarding transport of body to place of final disposition; amending Minnesota Statutes 2006, sections 145.30; 145.31; Minnesota Statutes 2007 Supplement, sections 145.32, subdivision 1; 149A.80, subdivision 1; 149A.93, subdivision 6.

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	Dille	Koering	Olseen	Scheid
Bakk	Doll	Kubly	Olson, M.	Sheran
Berglin	Erickson Ropes	Langseth	Pappas	Sieben
Betzold	Fischbach	Larson	Pariseau	Skoe
Bonoff	Foley	Latz	Pogemiller	Skogen
Carlson	Frederickson	Lourey	Prettner Solon	Sparks
Chaudhary	Gerlach	Lynch	Rest	Tomassoni
Clark	Higgins	Marty	Robling	Vickerman
Cohen	Ingebrigtsen	Metzen	Rosen	Wergin
Dahle	Johnson	Michel	Rummel	Wiger
Day	Jungbauer	Moua	Saltzman	
Dibble	Koch	Murphy	Saxhaug	

Those who voted in the negative were:

Limmer Vandever

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

S.F. No. 2605: A bill for an act relating to the Metropolitan Council; providing for staggered terms of Metropolitan Council members; amending Minnesota Statutes 2006, section 473.123, subdivision 2a.

Senate File No. 2605 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 16, 2008

Senator Saltzman moved that the Senate do not concur in the amendments by the House to S.F. No. 2605, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 2390: A bill for an act relating to consumer protection; modifying restrictions on the collection and use of Social Security numbers; amending Minnesota Statutes 2006, section 325E.59, subdivision 3; Minnesota Statutes 2007 Supplement, section 325E.59, subdivision 1.

Senate File No. 2390 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 16, 2008

Senator Betzold moved that the Senate do not concur in the amendments by the House to S.F. No. 2390, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 2368: A bill for an act relating to human services; requiring the commissioner to notify the legislature prior to the closure or transfer of an enterprise activity; amending Minnesota Statutes 2006, section 246.0136, by adding a subdivision.

Senate File No. 2368 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 16, 2008

Senator Koering moved that the Senate do not concur in the amendments by the House to S.F. No. 2368, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 3235: A bill for an act relating to data practices; classifying data and authorizing data sharing; making technical changes; regulating practices of business screening services; providing for civil penalties and remedies; amending Minnesota Statutes 2006, sections 6.715, by adding a subdivision; 13.03, subdivision 3; 13.32, by adding a subdivision; 123B.03, subdivisions 2, 3, by adding a subdivision; 260B.171, subdivision 5; 518.10; Minnesota Statutes 2007 Supplement, section 13.39, subdivisions 2, 2a; proposing coding for new law in Minnesota Statutes, chapter 332.

Senate File No. 3235 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 16, 2008

Senator Olson, M. moved that the Senate do not concur in the amendments by the House to S.F. No. 3235, and that a Conference Committee of 5 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3477:

H.F. No. 3477: A bill for an act relating to manufactured housing; providing for regulation of lending practices and default; providing notices and remedies; amending Minnesota Statutes 2006, sections 327.64, subdivision 2; 327.65; 327.66; 327B.01, by adding subdivisions; 327B.08, by adding a subdivision; 327B.09, by adding a subdivision; 327B.12; proposing coding for new law in Minnesota Statutes, chapters 327; 327B.

The House respectfully requests that a Conference Committee of 3 members be appointed thereon.

Gardner, Davnie and Berns have been appointed as such committee on the part of the House.

House File No. 3477 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 16, 2008

Senator Marty moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3477, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3577.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 16, 2008

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 3577: A bill for an act relating to counties; providing a process for making certain county offices appointive in Houston County.

Referred to the Committee on State and Local Government Operations and Oversight.

REPORTS OF COMMITTEES

Senator Pogemiller moved that the Committee Report at the Desk be now adopted. The motion prevailed.

Senator Pogemiller, from the Committee on Rules and Administration, to which was referred

H.F. No. 2837 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.
				2837	3258

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2837 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2837, the first engrossment; and insert the language after the enacting clause of S.F. No. 3258; further, delete the title of H.F. No. 2837, the first engrossment; and insert the title of S.F. No. 3258.

And when so amended H.F. No. 2837 will be identical to S.F. No. 3258, and further recommends that H.F. No. 2837 be given its second reading and substituted for S.F. No. 3258, 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.

SECOND READING OF HOUSE BILLS

H.F. No. 2837 was read the second time.

MOTIONS AND RESOLUTIONS

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.

Senator Pappas introduced—

S.F. No. 3838: A bill for an act relating to elections; city elections in cities of the first class; providing for the election of certain council members elected by ward after reapportionment; amending Minnesota Statutes 2006, section 205.84, subdivision 1.

Referred to the Committee on State and Local Government Operations and Oversight.

Senator Pappas introduced—

S.F. No. 3839: A bill for an act relating to elections; requiring an affidavit of candidacy to state the candidate's residence address and telephone number; prohibiting placement of a candidate on the ballot if residency requirements are not met; amending Minnesota Statutes 2006, section 204B.06, subdivision 1.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Moua, Pappas, Anderson and Cohen introduced—

S.F. No. 3840: A bill for an act relating to local government; authorizing collection of delinquent vacant building registration fees as special assessment; amending Minnesota Statutes 2006, section 429.101, subdivision 1.

Referred to the Committee on State and Local Government Operations and Oversight.

Senators Saltzman and Sieben introduced—

S.F. No. 3841: A bill for an act relating to capital improvements; appropriating money for a veterans memorial in Woodbury; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senators Moua, Cohen, Dibble and Prettnner Solon introduced—

S.F. No. 3842: A bill for an act relating to convention and events centers in the cities of the first class; requiring a study and report to the 2009 legislature.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the Calendar. The motion prevailed.

CALENDAR**SUSPENSION OF RULES**

Senator Pogemiller moved that Rule 24.2 be suspended as to the lie-over requirement on S.F. No. 3001. The motion prevailed.

S.F. No. 3001: A bill for an act relating to education; providing for prekindergarten through grade 12 education; including general education, education excellence, special programs, libraries, state agencies, and self-sufficiency and lifelong learning; amending Minnesota Statutes 2006, sections 13.32, by adding a subdivision; 120A.05, subdivision 10a; 120A.22, subdivision 5; 120A.24, subdivisions 1, 2; 120B.02; 120B.021, subdivision 1a; 120B.023, subdivision 2; 121A.035, subdivision 2; 121A.037; 122A.06, subdivision 4; 122A.07, subdivisions 2, 3; 122A.09, subdivision 4; 122A.18, subdivisions 2, 2a, by adding a subdivision; 123B.14, subdivision 7; 123B.36, subdivision 1; 123B.37, subdivision 1; 123B.77, subdivision 3; 123B.81, subdivisions 3, 5; 123B.83, subdivision 3; 123B.88, subdivision 3; 124D.10, subdivisions 2a, 4a, 6, 6a, 7, 8, 20, 23; 124D.19, subdivision 14; 124D.522; 124D.55; 124D.60, subdivision 1; 124D.68, subdivision 2; 124D.86, by adding a subdivision; 125A.02, subdivision 1; 125A.15; 125A.51; 125A.65, subdivision 4, by adding a subdivision; 125A.744, subdivision 3; 125B.07, by adding a subdivision; 126C.40, subdivision 6; 134.31, subdivision 6, by adding a subdivision; 260C.007, subdivision 19; 299F.30, subdivision 1; Minnesota Statutes 2007 Supplement, sections 120B.021, subdivision 1; 120B.024; 120B.30; 123B.81, subdivision 4; 124D.10, subdivisions 4, 23a; 134.31, subdivision 4a; proposing coding for new law in Minnesota Statutes, chapters 1; 121A; 125B; 127A; 134; repealing Minnesota Statutes 2006, sections 120A.22, subdivision 8; 121A.23; 121A.67; Laws 2006, chapter 263, article 3, section 16.

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 47 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Latz	Pogemiller	Skoe
Bakk	Dille	Lourey	Prettner Solon	Sparks
Berglin	Doll	Lynch	Rest	Stumpf
Betzold	Erickson Ropes	Marty	Robling	Tomassoni
Bonoff	Foley	Metzen	Rummel	Torres Ray
Carlson	Frederickson	Moua	Saltzman	Vickerman
Chaudhary	Higgins	Murphy	Saxhaug	Wiger
Clark	Kubly	Olseen	Scheid	
Cohen	Langseth	Olson, M.	Sheran	
Dahle	Larson	Pappas	Sieben	

Those who voted in the negative were:

Day	Ingebrigtsen	Koering	Pariseau	Wergin
Fischbach	Johnson	Limmer	Rosen	
Gerlach	Jungbauer	Michel	Skogen	
Gimse	Koch	Ortman	Vandever	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Senator Pogemiller moved that the Senate take up the General Orders Calendar. The motion prevailed.

GENERAL ORDERS

SUSPENSION OF RULES

Senator Pogemiller moved that Rule 22.3 be suspended as to the lie-over requirement on S.F. No. 3683. The motion prevailed.

The Senate resolved itself into a Committee of the Whole, with Senator Metzen in the chair.

After some time spent therein, the committee arose, and Senator Rest reported that the committee had considered the following:

H.F. No. 2904, which the committee recommends to pass.

S.F. No. 651, which the committee recommends to pass with the following amendment offered by Senator Tomassoni:

Page 2, after line 33, insert:

"Subd. 4. **Alternatives Assessment.** By January 15, 2011, the commissioner of the Pollution Control Agency, in consultation with the commissioner of the Department of Health and the commissioner of the Department of Commerce, the state fire marshal, firefighters, and fire chiefs, shall assess and report to the senate and house of representatives committees having jurisdiction

over environment and natural resources, health, public safety, and commerce policy, whether there are technical and economic equivalents to decabromodiphenyl ether that have less of a health risk than decabromodiphenyl ether and meet fire safety standards for use in:

- (1) the exterior casing of a television or computer monitor;
- (2) upholstered furniture or textiles intended for indoor residential use; or
- (3) mattresses and mattress pads.

The prohibition in subdivision 3 shall not take effect unless the Pollution Control Agency report identifies a technical and economic equivalent alternative that has less of a health risk than decabromodiphenyl ether, meets fire safety standards, and is commercially available for use in the products identified in this subdivision."

Renumber the subdivisions in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3683, which the committee recommends to pass with the following amendments offered by Senators Rest, Dille, Skoe and Kubly:

Senator Rest moved to amend S.F. No. 3683 as follows:

Page 30, after line 8, insert:

"Sec. 42. Minnesota Statutes 2006, section 240.06, subdivision 5a, is amended to read:

Subd. 5a. **Additional license; metropolitan area.** (a) Notwithstanding subdivision 5, the commission may issue one additional class A license within the seven-county metropolitan area, provided that the additional license may only be issued for a facility:

- (1) located more than 20 miles from any other racetrack in existence on January 1, 1987;
- (2) containing a track no larger than five-eighths of a mile in circumference;
- (3) ~~used exclusively for~~ at which standardbred racing is the only form of live horse racing conducted;
- (4) not owned or operated by a governmental entity or a nonprofit organization; and
- (5) that has a current road or highway system adequate to facilitate present and future vehicular traffic expeditiously to and from the facility.

The consideration of clause (5) shall prevail when two competing licensees are relatively equal regarding other considerations mandated by law or rule.

(b) An application for an additional class A license within the seven-county metropolitan area may not delay or adversely affect an application for a class A license for a facility to be located outside the seven-county metropolitan area.

Sec. 43. Minnesota Statutes 2006, section 240.06, is amended by adding a subdivision to read:

Subd. 5b. **Sharing of purse set-aside and breeders fund revenue.** Notwithstanding subdivision 5, a class A licensed racetrack operating within the seven-county metropolitan area may:

(1) enter into an agreement with a horsepersons' organization that represents a breed other than the breed racing at the licensee's racetrack under which the licensee agrees to pay a percentage of simulcasting or card club revenues to the purse set-aside account of another class A licensed racetrack operating within the seven-county metropolitan area. The licensee may only enter into such an agreement with a horsepersons' organization that represents a breed other than the breed racing at the licensee's racetrack. All amounts contributed to a class A racetrack under such an agreement must go to purses for races run at that racetrack; and

(2) conduct simulcasting on all breeds of horses if it:

(i) enters into an agreement with another class A licensed racetrack within the seven-county metropolitan area regarding simulcasting of any breed of horses raced at such other class A licensed racetrack that the class A racetrack elects to simulcast; and

(ii) contributes to the purse set-aside account of another class A licensed racetrack operating within the seven-county metropolitan area, and to the breeders fund, an amount equal to the amount that would have been contributed to the set-aside account and the breeders fund, as required by statute, if the simulcast had been conducted at such other class A licensed racetrack. The percentages used to determine the amount of the simulcast contribution to the purse set-aside account and the breeders fund will be the percentage required under law. Contributions to the purse set-aside account shall be used by such other class A licensed racetrack for purses for races conducted by that racetrack in the same manner as if the simulcast had occurred at that racetrack.

Sec. 44. Minnesota Statutes 2006, section 240.13, subdivision 6, is amended to read:

Subd. 6. **Simulcasting.** (a) The commission may permit an authorized licensee to conduct simulcasting at the licensee's facility on any day authorized by the commission. All simulcasts must comply with the Interstate Horse Racing Act of 1978, United States Code, title 15, sections 3001 to 3007.

(b) The commission may not authorize any day for simulcasting at a class A facility during the racing season, and a licensee may not be allowed to transmit out-of-state telecasts of races the licensee conducts, unless the licensee has obtained the approval of the horsepersons' organization representing the majority of the horsepersons racing the breed involved at the licensed racetrack during the preceding 12 months. In the case of a class A facility licensed under section 240.06, subdivision 5a, the approval applicable to the first year of the racetrack's operation may be obtained from the horsepersons' organization that represents the majority of horsepersons who will race the breed involved at the licensed racetrack during the first year of the racetrack's operation.

(c) The licensee may pay fees and costs to an entity transmitting a telecast of a race to the licensee for purposes of conducting pari-mutuel wagering on the race. The licensee may deduct fees and costs related to the receipt of televised transmissions from a pari-mutuel pool on the televised race, provided that one-half of any amount recouped in this manner must be added to the amounts required to be set aside for purses.

(d) With the approval of the commission and subject to the provisions of this subdivision, a licensee may transmit telecasts of races it conducts, for wagering purposes, to locations outside the

state, and the commission may allow this to be done on a commingled pool basis.

(e) Except as otherwise provided in this section, simulcasting may be conducted on a separate pool basis or, with the approval of the commission, on a commingled pool basis. All provisions of law governing pari-mutuel betting apply to simulcasting except as otherwise provided in this subdivision or in the commission's rules. If pools are commingled, wagering at the licensed facility must be on equipment electronically linked with the equipment at the licensee's class A facility or with the sending racetrack via the totalizator computer at the licensee's class A facility. Subject to the approval of the commission, the types of betting, takeout, and distribution of winnings on commingled pari-mutuel pools are those in effect at the sending racetrack. Breakage for pari-mutuel pools on a televised race must be calculated in accordance with the law or rules governing the sending racetrack for these pools, and must be distributed in a manner agreed to between the licensee and the sending racetrack. Notwithstanding subdivision 7 and section 240.15, subdivision 5, the commission may approve procedures governing the definition and disposition of unclaimed tickets that are consistent with the law and rules governing unclaimed tickets at the sending racetrack. For the purposes of this section, "sending racetrack" is either the racetrack outside of this state where the horse race is conducted or, with the consent of the racetrack, an alternative facility that serves as the racetrack for the purpose of commingling pools.

(f) Except as otherwise provided in section 240.06, subdivision 5b, paragraph (2), if there is more than one class B licensee conducting racing within the seven-county metropolitan area, simulcasting may be conducted only on races run by a breed that ran at the licensee's class A facility within the 12 months preceding the event."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Dille moved to amend S.F. No. 3683 as follows:

Page 17, line 15, delete ", but are not limited to"

Page 17, line 19, after the period, insert "The board shall consult with the State Board of Veterinary Medicine in preparing proposed rules on animal chiropractic."

Page 17, line 32, delete "the approved" and insert "a" and after "study" insert "approved"

Page 19, line 14, after "veterinarian" insert "if requested by the patient's owner"

The motion prevailed. So the amendment was adopted.

Senator Skoe moved to amend S.F. No. 3683 as follows:

Page 14, line 28, after the second comma, insert "goats,"

Page 14, line 32, delete "300" and insert "325"

Page 15, lines 3, 5, 7, 14, and 16, after the second comma, insert "goats,"

Page 15, after line 8, insert:

"(4) require a whole-herd tuberculosis test on each herd of cattle, bison, goats, or farmed cervidae when any of the animals is kept on premises within the zone;"

Page 15, line 9, delete "(4)" and insert "(5)"

Page 15, line 10, after the second comma, insert "goats," and delete "leaving the zone" and insert "moved from premises within the zone to another location in Minnesota,"

Page 15, line 12, delete "(5)" and insert "(6)" and delete "breeding"

Page 15, delete line 13 and insert "cattle, bison, goats, or farmed cervidae from premises in the zone to another location in Minnesota;"

Page 15, line 14, delete "(6)" and insert "(7)"

Page 15, line 15, delete "(7)" and insert "(8)"

The motion prevailed. So the amendment was adopted.

Senator Kubly moved to amend S.F. No. 3683 as follows:

Page 5, line 16, delete "Other laws and rules to the contrary notwithstanding."

Page 52, line 12, before "Minnesota" insert "(a)"

The motion prevailed. So the amendment was adopted.

S.F. No. 2942, which the committee recommends to pass with the following amendment offered by Senator Lynch:

Page 12, after line 24, insert:

"Sec. 17. **[150A.061] ORAL HEALTH PRACTITIONER.**

Subdivision 1. **Oral health practitioner requirements.** The board shall authorize a person to practice as an oral health practitioner if that person is qualified under this section, works under the supervision of a Minnesota-licensed dentist pursuant to a written collaborative management agreement, is licensed by the board, and practices in compliance with this section and rules adopted by the board. No oral health practitioner shall be authorized to practice prior to January 1, 2011. To be qualified to practice under this section, the person must:

(1) be a graduate of an oral health practitioner education program that is accredited by a national accreditation organization to the extent required under subdivision 2;

(2) pass a comprehensive, competency-based clinical examination that is approved by the board and administered independently of an institution providing oral health practitioner education; and

(3) satisfy the requirements established in this section and by the board.

Subd. 2. **Education program approval.** If a national accreditation program for midlevel practitioners is established by the Commission on Dental Accreditation or another national accreditation organization, the board shall require that an oral health practitioner be a graduate of an accredited education program.

Subd. 3. **Requirement to practice in underserved areas.** As a condition of being granted authority to practice as an oral health practitioner under this section, the practitioner must agree to practice in settings serving low-income, uninsured, and underserved patients or in a dental health professional shortage area as determined by the commissioner of health.

Subd. 4. **Application of other laws.** An oral health practitioner authorized to practice under this section is not in violation of section 150A.05, pertaining to the unauthorized practice of dentistry and chapter 151, pertaining to authority to prescribe, dispense, or administer drugs.

Subd. 5. **Rulemaking.** The Board of Dentistry may adopt rules to implement this section.

EFFECTIVE DATE. This section is effective July 1, 2009."

Page 16, after line 17, insert:

"Sec. 21. **ORAL PRACTITIONER WORK GROUP.**

Subdivision 1. **Oral health practitioner work group.** By August 1, 2008, the commissioner of health, or the commissioner's designee, in consultation with the Board of Dentistry, shall convene the first meeting of the work group appointed under subdivision 2 to develop recommendations and proposed legislation for the education and regulation of oral health practitioners. The work group's recommendations must include an implementation schedule that allows for enrollment of students in oral health practitioner educational programs by the fall of 2009. The work group shall provide recommendations and proposed legislation on the following issues:

(1) necessary education and competencies, including clinical training requirements, faculty expertise, and facilities;

(2) the appropriate program accreditation;

(3) scope of practice that reflects the education and training of the oral health practitioner and includes the following services: preventive, primary diagnostic, educational, palliative, therapeutic, and restorative oral health services, including preparation of cavities and restoration of primary and permanent teeth using direct placement of appropriate dental materials, temporary placement of crowns and restorations and placement of preformed crowns; pulpotomies on primary teeth; direct and indirect pulp capping in primary and permanent teeth; extractions of primary and permanent teeth; placing and removing sutures; and providing reparative services to patients with defective prosthetic appliances. In recommending scope of practice for the oral health practitioner, the work group may consider which services may be provided to children and which services may be more appropriately provided to adults;

(4) the level of supervision required by a licensed dentist, including any limitations, restrictions, or dentist supervision requirements the work group recommends that should be applied to any of the services or procedures listed in clause (3);

(5) the medications that may be prescribed, administered, and dispensed by an oral health practitioner if authorized by the supervising dentist in a collaborative agreement. These may be limited to medications for anti-infective therapies, nonnarcotic pain management, and prevention;

(6) extractions that may be performed by an oral health practitioner if authorized by the supervising dentist in a collaborative agreement and are within any limitations, restrictions, and

level of supervision requirements recommended by the work group;

(7) criteria for determining in which practice settings oral health practitioners should be authorized to practice in order to improve access to dental care for low-income, uninsured, and underserved populations, including a definition of "underserved;"

(8) an assessment of the economic impact of oral health practitioners to the provision of dental services and access to these services;

(9) an evaluation process that includes clearly defined outcomes and a process for assessing whether these outcomes were successfully met; and

(10) licensure and regulatory requirements, including licensing fees.

Subd. 2. **Membership and operation of work group.** (a) The work group shall consist of the following members:

(1) one dentist and one dental hygienist appointed by the University of Minnesota School of Dentistry;

(2) two persons appointed by the Minnesota State Colleges and Universities, at least one of whom must be a dentist;

(3) one representative appointed by the Board of Dentistry;

(4) two dentists appointed by the Minnesota Dental Association;

(5) one dental hygienist appointed by the Minnesota Dental Hygienists Association;

(6) two persons representing safety net dental providers serving low-income and uninsured patients appointed by the Minnesota Safety Net Coalition at least one of whom must be a dentist;

(7) a pediatric dentist appointed by the Minnesota Association of Pediatric Dentists;

(8) a representative of the commissioner of health; and

(9) a representative of the commissioner of human services.

(b) The appointing authorities under paragraph (a) must complete their appointments no later than July 15, 2008. The work group must elect a chair from its membership at the first meeting. The commissioner shall provide staff support and meeting space for the work group. The members serve without compensation or reimbursement for any expenses.

Subd. 3. **Research and recommendations.** In developing its recommendations, the work group shall review existing midlevel dental practitioner programs in other countries and in Alaska and proposals for dental therapists, advanced practice dental hygienists, and other models. The work group shall review research on midlevel practitioners and, to the extent possible, base its recommendations on evidence-based strategies that are most likely to: (1) improve access to needed oral health services for low-income, uninsured, and underserved patients; (2) control the costs of education and dental services; (3) preserve quality of care; and (4) protect patients from harm. The work group shall complete its recommendations by December 15, 2008, and the commissioner and Board of Dentistry shall submit a report containing the work group's recommendations and draft legislation to the chairs and ranking minority members of the legislative committees with

jurisdiction over health care and higher education issues by January 15, 2009.

Subd. 4. **Costs of implementation.** The commissioner of health may seek private funding or grants to support the activities of the oral health practitioner work group, and any money received is appropriated to the commissioner of health for that purpose. To the extent the costs cannot be covered with grants and external funding, the commissioner of health may charge a fee to the Minnesota State Colleges and Universities and the University of Minnesota Dental School proposing to develop oral health practitioner education programs to cover the remaining costs. Any fees collected shall be deposited in the state government special revenue fund and appropriated to the commissioner for the activities of the work group.

Subd. 5. **Expiration.** This section expires on the date the report required under subdivision 3 is submitted to the specified legislative members.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

H.F. No. 3569, which the committee recommends to pass with the following amendment offered by Senator Tomassoni:

Amend H.F. No. 3569, as amended pursuant to Rule 45, adopted by the Senate April 16, 2008, as follows:

(The text of the amended House File is identical to S.F. No. 3300)

Page 1, delete lines 7 to 10 and insert:

"(a) \$4,900,000 in fiscal year 2008 is appropriated from the general fund to the Board of Regents of the University of Minnesota for"

Page 1, line 11, delete "of workers"

Page 1, line 12, delete everything before the period

Page 2, after line 2, insert:

"Sec. 2. **TRANSFER.**

By June 30, 2008, the commissioner of finance shall transfer \$4,900,000 in assets of the workers' compensation assigned risk plan created under Minnesota Statutes, section 79.252, to the general fund."

Page 2, line 4, delete "Section 1" and insert "This act"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

On motion of Senator Pogemiller, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

RECESS

Senator Pogemiller moved that the Senate do now recess subject to the call of the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 4075.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted April 17, 2008

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 4075: A bill for an act relating to agriculture; providing for control of bovine tuberculosis in certain areas; appropriating money; amending Minnesota Statutes 2006, section 97A.045, subdivision 11, by adding a subdivision; Minnesota Statutes 2007 Supplement, section 35.244; proposing coding for new law in Minnesota Statutes, chapter 35.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3728, now on General Orders.

APPOINTMENTS

Senator Pogemiller from the Subcommittee on Conference Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 3477: Senators Marty, Jungbauer and Scheid.

S.F. No. 3235: Senators Olson, M; Moua; Betzold; Scheid and Limmer.

S.F. No. 2368: Senators Koering, Berglin and Lourey.

S.F. No. 2390: Senators Betzold, Scheid and Pariseau.

Senator Pogemiller moved that the foregoing appointments be approved. The motion prevailed.

MEMBERS EXCUSED

Senators Hann and Olson, G. were excused from the Session of today. Senators Gimse, Ortman and Stumpf were excused from the Session of today from 11:00 to 11:30 a.m. Senator Senjem was excused from the Session of today from 11:00 a.m. to 12:45 p.m. Senator Saltzman was excused from the Session of today from 11:05 to 11:25 a.m. Senator Sheran was excused from the Session of today from 12:20 to 12:30 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 2:00 p.m., Monday, April 21, 2008. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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