

NINETY-SEVENTH DAY

St. Paul, Minnesota, Tuesday, April 1, 2008

The Senate met at 10:00 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. Victoria Safford.

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	Olseen	Saxhaug	Wergin
Dille	Koering	Olson, G.	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.

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. 3708 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.
3708	3427				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 3708 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3708, the second engrossment; and insert the language after the enacting clause of S.F. No. 3427, the first engrossment; further, delete the title of H.F. No. 3708, the second engrossment; and insert the title of S.F. No. 3427, the first engrossment.

And when so amended H.F. No. 3708 will be identical to S.F. No. 3427, and further recommends that H.F. No. 3708 be given its second reading and substituted for S.F. No. 3427, 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 SENATE BILLS

S.F. No. 3813 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 3708 was read the second time.

MOTIONS AND RESOLUTIONS

Senator Rummel introduced –

Senate Resolution No. 167: A Senate resolution expressing the sense of the Senate in establishing a world-class school vision statement.

Referred to the Committee on Rules and Administration.

Senator Wiger introduced –

Senate Resolution No. 168: A Senate resolution honoring Specialist Gregory B. Rundell, a soldier from North St. Paul, Minnesota, who was killed in Iraq.

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.

Senator Langseth introduced—

S.F. No. 3814: A bill for an act relating to capital improvements; appropriating money for public facilities; authorizing the sale and issuance of state bonds.

Referred to the Committee on Finance.

Senator Langseth introduced—

S.F. No. 3815: A bill for an act relating to capital improvements; appropriating money for asset preservation at the University of Minnesota and Minnesota State Colleges and Universities; authorizing the sale and issuance of state bonds.

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 General Orders Calendar. The motion prevailed.

GENERAL ORDERS

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 Betzold reported that the committee had considered the following:

S.F. Nos. 1018, 3202, 2765, 3672, 3098, 2597, 1406, 3137, 3474, 2996, 2806, 3070, 3203, 3342, 3130, 2533, 3003, 2775, 3282, 3263, 3473, 2990, 3412, 2642, 3225, 3563, 3446, 1578, 2980, 3341, 2942, 2936, 3756, 3450, 3000, 2399, 960, 3417, 3571, 3201, 3021, 3362, 3336, 2919, 2368, 2403, 2576, 3647, 3486, 2866, 3061, 3135, 3502, 3576, 3397, 3082, 3508, 3622, 3581, 3372, 3174, 2408, 3224, 3350, 3129, 2645 and H.F. Nos. 1314, 2599, 2788, 3240, 117, 2602, 2932, 3114, which the committee recommends to pass.

S.F. No. 3138, which the committee recommends to pass, after the following motions:

Senator Wergin moved to amend S.F. No. 3138 as follows:

Page 2, line 13, before the first semicolon, insert "but only upon the written consent of the parents or legal guardians of the infant"

Page 2, line 23, delete the second "that" and insert "does not provide written consent for"

Page 2, line 24, delete "not" and insert "to"

Page 2, line 26, after "objects" insert "or fails to provide written consent as required under subdivision 4"

Page 2, after line 33, insert:

"Sec. 4. Minnesota Statutes 2007 Supplement, section 144.125, is amended by adding a subdivision to read:

Subd. 4. **Informed consent to test.** The Department of Health may not retain infant blood samples or test results for use in public health studies and research unless the parents or legal guardians of the infant provide express written consent after having received the document described in subdivision 3."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 35, as follows:

Those who voted in the affirmative were:

Day	Gimse	Limmer	Robling	Vickerman
Dille	Ingebrigtsen	Michel	Rosen	Wergin
Fischbach	Johnson	Olson, G.	Senjem	
Frederickson	Jungbauer	Ortman	Sheran	
Gerlach	Koch	Pariseau	Sparks	

Those who voted in the negative were:

Anderson	Cohen	Larson	Olson, M.	Saxhaug
Bakk	Dibble	Latz	Pappas	Scheid
Berglin	Doll	Lourey	Pogemiller	Sieben
Betzold	Foley	Lynch	Prettner Solon	Skoe
Bonoff	Higgins	Marty	Rest	Stumpf
Carlson	Kubly	Metzen	Rummel	Tomassoni
Clark	Langseth	Moua	Saltzman	Torres Ray

The motion did not prevail. So the amendment was not adopted.

Senator Wergin moved to amend S.F. No. 3138 as follows:

Page 2, after line 33, insert:

"Sec. 4. **COMMISSIONER DIRECTED TO DESTROY BLOOD SAMPLES.**

The commissioner of health is directed to destroy all infant blood samples collected under Minnesota Statutes, section 144.125, that have been found to be in violation of the Report of the Chief Administrative Law Judge, Office of Administrative Hearings, Number 11-0900-17586-1, dated March 23, 2007."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 38, as follows:

Those who voted in the affirmative were:

Day	Gimse	Koch	Ortman	Wergin
Fischbach	Ingebrigtsen	Limmer	Pariseau	
Frederickson	Johnson	Michel	Senjem	
Gerlach	Jungbauer	Olson, G.	Vickerman	

Those who voted in the negative were:

Anderson	Cohen	Larson	Pogemiller	Sieben
Bakk	Dibble	Latz	Prettner Solon	Skoe
Berglin	Dille	Lourey	Rest	Skogen
Betzold	Doll	Lynch	Rummel	Stumpf
Bonoff	Foley	Metzen	Saltzman	Tomassoni
Carlson	Higgins	Moua	Saxhaug	Torres Ray
Chaudhary	Kubly	Olson, M.	Scheid	
Clark	Langseth	Pappas	Sheran	

The motion did not prevail. So the amendment was not adopted.

S.F. No. 3138 was then recommended to pass.

S.F. No. 2024, which the committee recommends to pass with the following amendment offered by Senator Senjem:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2006, section 256B.055, subdivision 12, is amended to read:

Subd. 12. **Disabled children.** (a) A person is eligible for medical assistance if the person is under age 19 and qualifies as a disabled individual under United States Code, title 42, section 1382c(a), and would be eligible for medical assistance under the state plan if residing in a medical institution, and the child requires a level of care provided in a hospital, nursing facility, or intermediate care facility for persons with developmental disabilities, for whom home care is appropriate, provided that the cost to medical assistance under this section is not more than the amount that medical assistance would pay for if the child resides in an institution. After the child is determined to be eligible under this section, the commissioner shall review the child's disability under United States Code, title 42, section 1382c(a) and level of care defined under this section no more often than annually and may elect, based on the recommendation of health care professionals under contract with the state medical review team, to extend the review of disability and level of care up to a maximum of four years. The commissioner's decision on the frequency of continuing review of disability and level of care is not subject to administrative appeal under section 256.045. The county agency shall send a notice of disability review to the enrollee six months prior to the date the recertification of disability is due. Nothing in this subdivision shall be construed as affecting other redeterminations of medical assistance eligibility under this chapter and annual cost-effective reviews under this section.

(b) For purposes of this subdivision, "hospital" means an institution as defined in section 144.696, subdivision 3, 144.55, subdivision 3, or Minnesota Rules, part 4640.3600, and licensed pursuant to sections 144.50 to 144.58. For purposes of this subdivision, a child requires a level of care provided in a hospital if the child is determined by the commissioner to need an extensive array of health services, including mental health services, for an undetermined period of time, whose health condition requires frequent monitoring and treatment by a health care professional or by a person supervised by a health care professional, who would reside in a hospital or require frequent hospitalization if these services were not provided, and the daily care needs are more complex than a nursing facility level of care.

A child with serious emotional disturbance requires a level of care provided in a hospital if the commissioner determines that the individual requires 24-hour supervision because the person exhibits recurrent or frequent suicidal or homicidal ideation or behavior, recurrent or frequent psychosomatic disorders or somatopsychic disorders that may become life threatening, recurrent or frequent severe socially unacceptable behavior associated with psychiatric disorder, ongoing and chronic psychosis or severe, ongoing and chronic developmental problems requiring continuous skilled observation, or severe disabling symptoms for which office-centered outpatient treatment is not adequate, and which overall severely impact the individual's ability to function.

(c) For purposes of this subdivision, "nursing facility" means a facility which provides nursing care as defined in section 144A.01, subdivision 5, licensed pursuant to sections 144A.02 to 144A.10, which is appropriate if a person is in active restorative treatment; is in need of special treatments provided or supervised by a licensed nurse; or has unpredictable episodes of active disease processes requiring immediate judgment by a licensed nurse. For purposes of this subdivision, a child requires the level of care provided in a nursing facility if the child is determined by the commissioner to meet the requirements of the preadmission screening assessment document under section 256B.0911 and the home care independent rating document under section 256B.0655, subdivision 4, clause (3), adjusted to address age-appropriate standards for children age 18 and under, pursuant to section 256B.0655, subdivision 3.

(d) For purposes of this subdivision, "intermediate care facility for persons with developmental disabilities" or "ICF/MR" means a program licensed to provide services to persons with developmental disabilities under section 252.28, and chapter 245A, and a physical plant licensed as a supervised living facility under chapter 144, which together are certified by the Minnesota Department of Health as meeting the standards in Code of Federal Regulations, title 42, part 483, for an intermediate care facility which provides services for persons with developmental disabilities who require 24-hour supervision and active treatment for medical, behavioral, or habilitation needs. For purposes of this subdivision, a child requires a level of care provided in an ICF/MR if the commissioner finds that the child has a developmental disability in accordance with section 256B.092, is in need of a 24-hour plan of care and active treatment similar to persons with developmental disabilities, and there is a reasonable indication that the child will need ICF/MR services.

(e) For purposes of this subdivision, a person requires the level of care provided in a nursing facility if the person requires 24-hour monitoring or supervision and a plan of mental health treatment because of specific symptoms or functional impairments associated with a serious mental illness or disorder diagnosis, which meet severity criteria for mental health established by the commissioner and published in March 1997 as the Minnesota Mental Health Level of Care for Children and Adolescents with Severe Emotional Disorders.

(f) The determination of the level of care needed by the child shall be made by the commissioner based on information supplied to the commissioner by the parent or guardian, the child's physician or physicians, and other professionals as requested by the commissioner. The commissioner shall establish a screening team to conduct the level of care determinations according to this subdivision.

(g) If a child meets the conditions in paragraph (b), (c), (d), or (e), the commissioner must assess the case to determine whether:

(1) the child qualifies as a disabled individual under United States Code, title 42, section

1382c(a), and would be eligible for medical assistance if residing in a medical institution; and

(2) the cost of medical assistance services for the child, if eligible under this subdivision, would not be more than the cost to medical assistance if the child resides in a medical institution to be determined as follows:

(i) for a child who requires a level of care provided in an ICF/MR, the cost of care for the child in an institution shall be determined using the average payment rate established for the regional treatment centers that are certified as ICF's/MR;

(ii) for a child who requires a level of care provided in an inpatient hospital setting according to paragraph (b), cost-effectiveness shall be determined according to Minnesota Rules, part 9505.3520, items F and G; and

(iii) for a child who requires a level of care provided in a nursing facility according to paragraph (c) or (e), cost-effectiveness shall be determined according to Minnesota Rules, part 9505.3040, except that the nursing facility average rate shall be adjusted to reflect rates which would be paid for children under age 16. The commissioner may authorize an amount up to the amount medical assistance would pay for a child referred to the commissioner by the preadmission screening team under section 256B.0911.

(h) Children eligible for medical assistance services under section 256B.055, subdivision 12, as of June 30, 1995, must be screened according to the criteria in this subdivision prior to January 1, 1996. Children found to be ineligible may not be removed from the program until January 1, 1996."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3049, which the committee recommends to pass with the following amendment offered by Senator Berglin:

Page 8, line 20, after "room" insert "or inpatient hospital"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2914, which the committee recommends to pass with the following amendment offered by Senator Rest:

Page 2, line 27, delete "drafting" and insert "proposed"

The motion prevailed. So the amendment was adopted.

S.F. No. 2449, which the committee recommends to pass with the following amendment offered by Senator Sieben:

Page 2, line 28, after "(h)" insert "Notwithstanding that the application is done in a manner consistent with the label or labeling,"

Page 2, delete lines 29 to 31 and insert "application has not been: (1) requested, ordered, contracted for, or permitted; or (2) performed pursuant to paragraph (c), clause (2), (3), or (4)."

The motion prevailed. So the amendment was adopted.

S.F. No. 3268, which the committee recommends to pass with the following amendment offered by Senator Wergin:

Page 2, after line 33, insert:

"Sec. 3. **EFFECTIVE DATE.**

This act is effective the day following final enactment."

The motion prevailed. So the amendment was adopted.

S.F. No. 3132, which the committee recommends to pass with the following amendment offered by Senator Scheid:

Page 2, after line 9, insert:

"Subd. 5. **Financial review.** Nothing in this section prevents a health care provider from initiating a financial review, including patient financial information, for the sole purpose of determining eligibility for public programs or other state or federal reimbursement or charity care if this information is not used, directly or indirectly, to deny care and does not delay care."

The motion prevailed. So the amendment was adopted.

S.F. No. 3326, which the committee recommends to pass with the following amendment offered by Senator Lourey:

Page 1, line 21, strike everything after "(b)"

Page 1, strike line 22

Page 1, line 23, strike "(c)"

Page 2, line 3, strike "(d)" and insert "(c)"

The motion prevailed. So the amendment was adopted.

S.F. No. 3214, which the committee recommends to pass with the following amendments offered by Senators Higgins and Frederickson:

Senator Higgins moved to amend S.F. No. 3214 as follows:

Page 1, after line 18, insert:

"Sec. 3. Minnesota Statutes 2006, section 58.14, subdivision 3, is amended to read:

Subd. 3. **Documentation and resolution of complaints.** A licensee or exempt person must investigate and attempt to resolve complaints made regarding acts or practices subject to the provisions of this chapter. If a complaint is received in writing, the licensee or exempt person must maintain a file containing all materials relating to the complaint and subsequent investigation for a period of ~~26~~ 60 months.

Sec. 4. Minnesota Statutes 2006, section 58.14, subdivision 4, is amended to read:

Subd. 4. **Trust account records for mortgage originators.** A residential mortgage originator shall keep and maintain for ~~26~~ 60 months a record of all trust funds, sufficient to identify the transaction, date and source of receipt, and date and identification of disbursement.

Sec. 5. Minnesota Statutes 2006, section 58.14, subdivision 5, is amended to read:

Subd. 5. **Record retention.** A licensee or exempt person must keep and maintain for ~~26~~ 60 months the business records, including advertisements, regarding residential mortgage loans applied for, originated, or serviced in the course of its business."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Frederickson moved to amend S.F. No. 3214 as follows:

Page 1, line 18, delete "such" and insert "the"

The motion prevailed. So the amendment was adopted.

S.F. No. 3213, which the committee recommends to pass with the following amendment offered by Senator Higgins:

Page 15, delete section 3

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. 2654, which the committee recommends to pass with the following amendment offered by Senator Betzold:

Page 1, delete section 2

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. 3455, which the committee recommends to pass, after to the following motion:

Senator Koering moved to amend S.F. No. 3455 as follows:

Page 1, line 11, after the period, insert "Any scrap metal purchases under \$150 may be paid in cash."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 36, as follows:

Those who voted in the affirmative were:

Frederickson	Koering	Moua	Skogen	Wergin
Gerlach	Kubly	Olson, M.	Sparks	
Gimse	Langseth	Rosen	Stumpf	
Johnson	Limmer	Saxhaug	Tomassoni	
Koch	Michel	Skoe	Vickerman	

Those who voted in the negative were:

Anderson	Cohen	Jungbauer	Ortman	Saltzman
Bakk	Dahle	Larson	Pappas	Scheid
Berglin	Dibble	Latz	Pariseau	Sieben
Betzold	Dille	Lynch	Pogemiller	Wiger
Bonoff	Doll	Marty	Prettner Solon	
Carlson	Foley	Metzen	Rest	
Chaudhary	Higgins	Olseen	Robling	
Clark	Ingebrigtsen	Olson, G.	Rummel	

The motion did not prevail. So the amendment was not adopted.

S.F. No. 3455 was then recommended to pass.

S.F. No. 3303, which the committee recommends to pass with the following amendment offered by Senator Higgins:

Page 2, after line 5, insert:

"Subd. 3. **Open meeting law; data practices.** The Minnesota Open Meeting Law in Minnesota Statutes, chapter 13D, and the Minnesota Government Data Practices Act in Minnesota Statutes, chapter 13, apply to the corporation created under this section."

The motion prevailed. So the amendment was adopted.

S.F. No. 3235, which the committee recommends to pass with the following amendment offered by Senator Betzold:

Page 8, line 17, delete "30 days" and insert "month"

The motion prevailed. So the amendment was adopted.

S.F. No. 2876, which the committee recommends to pass with the following amendments offered by Senators Anderson, Dille and Dibble:

Senator Anderson moved to amend S.F. No. 2876 as follows:

Page 5, line 11, delete "14" and insert "seven"

Page 6, line 21, delete the second "the" and insert "a"

The motion prevailed. So the amendment was adopted.

Senator Dille moved to amend S.F. No. 2876 as follows:

Page 6, line 21, before "no" insert "unless specifically approved by an animal control authority,"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 36 and nays 24, as follows:

Those who voted in the affirmative were:

Bonoff	Ingebrigtsen	Limmer	Prettner Solon	Sparks
Carlson	Johnson	Metzen	Rest	Stumpf
Dille	Jungbauer	Michel	Robling	Vanderveer
Doll	Koch	Moua	Rosen	Wergin
Fischbach	Koering	Olseen	Scheid	
Frederickson	Kubly	Olson, G.	Sheran	
Gerlach	Langseth	Ortman	Skoe	
Gimse	Latz	Pariseau	Skogen	

Those who voted in the negative were:

Anderson	Clark	Higgins	Pappas	Tomassoni
Bakk	Cohen	Larson	Pogemiller	Torres Ray
Berglin	Dahle	Lynch	Rummel	Vickerman
Betzold	Dibble	Marty	Saxhaug	Wiger
Chaudhary	Foley	Olson, M.	Sieben	

The motion prevailed. So the amendment was adopted.

Senator Anderson moved to amend the Dille amendment to S.F. No. 2876, adopted by the Senate April 1, 2008, as follows:

Page 1, line 2, after "approved" insert "with or without restrictions"

The motion prevailed. So the amendment was adopted.

Senator Dibble moved to amend S.F. No. 2876 as follows:

Page 1, after line 7, insert:

"Section 1. [157.175] DOGS; OUTDOOR FOOD AND BEVERAGE SERVICE ESTABLISHMENTS.

A municipality as defined under section 414.011, subdivision 2, may adopt an ordinance to permit dogs to accompany persons patronizing outdoor areas of food and beverage service establishments.

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.

S.F. No. 3166, which the committee recommends to pass with the following amendment offered by Senator Torres Ray:

Page 67, after line 21, insert:

"Sec. 56. **TARGETED CASE MANAGEMENT SERVICES FOR CHILDREN.**

The commissioner of human services shall seek an amendment to the state plan to provide targeted case management services to children with developmental disabilities who are in need of activities that coordinate and link social and other services designed to help children gain access to needed medical, social, educational, and other services under Minnesota Statutes, section

256B.092."

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. 3227, which the committee recommends to pass with the following amendment offered by Senator Wergin:

Page 11, after line 14, insert:

"Sec. 6. Minnesota Statutes 2006, section 144A.46, subdivision 1, is amended to read:

Subdivision 1. **License required.** (a) A home care provider may not operate in the state without a current license issued by the commissioner of health. A home care provider may hold a separate license for each class of home care licensure.

(b) Within ten days after receiving an application for a license, the commissioner shall acknowledge receipt of the application in writing. The acknowledgment must indicate whether the application appears to be complete or whether additional information is required before the application will be considered complete. Within 90 days after receiving a complete application, the commissioner shall either grant or deny the license. If an applicant is not granted or denied a license within 90 days after submitting a complete application, the license must be deemed granted. An applicant whose license has been deemed granted must provide written notice to the commissioner before providing a home care service.

(c) Each application for a home care provider license, or for a renewal of a license, shall be accompanied by a fee to be set by the commissioner under section 144.122.

(d) The commissioner of health, in consultation with the commissioner of human services, shall provide recommendations to the legislature by February 15, 2009, for provider standards for personal care assistant services as described in section 256B.0655.

Sec. 7. Minnesota Statutes 2006, section 144A.46, subdivision 2, is amended to read:

Subd. 2. **Exemptions.** The following individuals or organizations are exempt from the requirement to obtain a home care provider license:

(1) a person who is licensed as a registered nurse under sections 148.171 to 148.285 and who independently provides nursing services in the home without any contractual or employment relationship to a home care provider or other organization;

(2) a personal care assistant who provides services to only one individual under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, and 256B.04, subdivision 16;

(3) a person or organization that ~~exclusively~~ offers, provides, or arranges for personal care assistant services ~~to only one individual~~ under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, and 256B.04, subdivision 16, until provider standards are implemented based on the recommendations in section 144A.46, subdivision 1, paragraph (d);

(4) a person who is licensed under sections 148.65 to 148.78 and who independently provides physical therapy services in the home without any contractual or employment relationship to a home care provider or other organization;

(5) a provider that is licensed by the commissioner of human services to provide semi-independent living services under Minnesota Rules, parts 9525.0500 to 9525.0660 when providing home care services to a person with a developmental disability;

(6) a provider that is licensed by the commissioner of human services to provide home and community-based services under Minnesota Rules, parts 9525.2000 to 9525.2140 when providing home care services to a person with a developmental disability;

(7) a person or organization that provides only home management services, if the person or organization is registered under section 144A.461; or

(8) a person who is licensed as a social worker under chapter 148D and who provides social work services in the home independently and not through any contractual or employment relationship with a home care provider or other organization.

An exemption under this subdivision does not excuse the individual from complying with applicable provisions of the home care bill of rights."

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.

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, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills.

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. 2688, 3147 and 3555.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned March 31, 2008

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith

returned: S.F. Nos. 2262 and 2910.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned April 1, 2008

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3089, 3662, 3357 and 3500.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 31, 2008

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 3089: A bill for an act relating to motor vehicles; allowing use of temporary permit while awaiting delivery of license plates; amending Minnesota Statutes 2006, section 168.09, subdivision 7.

Referred to the Committee on Finance.

H.F. No. 3662: A bill for an act relating to local government; providing for a public hearing and public testimony before making an appointment to fill a vacancy on a county board; amending Minnesota Statutes 2006, section 375.101, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3378, now on General Orders.

H.F. No. 3357: A bill for an act relating to municipal boundary adjustments; providing for changes in municipal boundaries; imposing powers and duties on the chief administrative law judge; amending Minnesota Statutes 2006, sections 4A.02; 40A.121, subdivision 1; 272.67, subdivision 1; 276A.09; 365.46, subdivision 2; 379.05; 412.021, subdivision 1; 412.091; 414.01, subdivisions 1, 1a, 8a, 16; 414.011, by adding a subdivision; 414.02, subdivision 1a; 414.031, subdivisions 1a, 4, by adding a subdivision; 414.0325, subdivisions 1, 5; 414.0333; 414.035; 414.067, subdivision 1; 414.12, subdivisions 1, 3, 4, by adding subdivisions; 462.3535, subdivision 5; 473F.13, subdivision 1; 473H.14; 572A.01, subdivision 2; 572A.015, subdivision 2; 572A.02, subdivision 6; Minnesota Statutes 2007 Supplement, section 414.0325, subdivision 1b; Laws 2006, chapter 270, article 2, section 1, as amended; repealing Minnesota Statutes 2006, sections 414.01, subdivision 7a; 414.011, subdivision 11; 414.12, subdivision 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3208, now on General Orders.

H.F. No. 3500: A bill for an act relating to business organizations; proposing technical amendments to the Business Corporations Act, the Limited Liability Company Act, and the Uniform Limited Partnership Act of 2001; authorizing the formation of nonprofit limited liability

companies; amending Minnesota Statutes 2006, sections 302A.011, subdivisions 17, 50; 302A.111, subdivisions 2, 3, 4; 302A.231, subdivisions 2, 3; 302A.237; 302A.241, subdivision 1; 302A.255, subdivision 1; 302A.449, subdivision 3; 302A.471, subdivision 3; 302A.521, subdivision 1; 302A.553, subdivision 1; 302A.701; 302A.721; 321.1206; 322B.03, subdivisions 20, 32, by adding a subdivision; 322B.10; 322B.11; 322B.35, subdivision 3; 322B.363, subdivision 3; 322B.643, subdivisions 2, 3; 322B.66, subdivision 1; 322B.666, subdivision 1; 322B.699, subdivision 1; 322B.78; 322B.80, subdivision 1; 322B.806; 322B.90, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 322B.

Referred to the Committee on Taxes.

REPORTS OF COMMITTEES

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

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

S.F. No. 3631: A bill for an act relating to education; providing for prekindergarten through grade 12 education, including general education, education excellence, and state agencies; appropriating money; amending Minnesota Statutes 2006, sections 120B.31, as amended; 120B.35, as amended; 120B.36, as amended; 120B.362; 121A.19; 122A.21; 122A.415, by adding subdivisions; 122A.72, by adding a subdivision; 123B.62; 124D.04, subdivisions 6, 8, 9; 124D.05, by adding a subdivision; 124D.09, subdivision 5; 124D.095, subdivision 10; 124D.118, subdivision 4; 125A.76, by adding a subdivision; 126C.10, subdivisions 1, 31, 35, 36, by adding a subdivision; 126C.40, subdivision 1; 126C.45; 126C.51; 126C.52, subdivision 2, by adding a subdivision; 126C.53; 126C.55; 127A.45, subdivision 16; Minnesota Statutes 2007 Supplement, sections 120B.30, subdivision 1a; 123B.143, subdivision 1; 123B.54; 124D.095, subdivisions 3, 4, 7; 124D.531, subdivision 1; 126C.10, subdivision 34; 127A.49, subdivisions 2, 3; Laws 2007, chapter 146, article 1, section 24, subdivisions 2, 3, 4, 5, 6, 7, 8; article 2, section 46, subdivisions 2, 3, 4, 6, 9, 11, 13, 19, 20; article 3, sections 23, subdivision 2; 24, subdivisions 3, 4, 9; article 4, section 16, subdivisions 2, 3, 6, 8; article 5, sections 11, subdivision 1; 13, subdivisions 2, 3, 4; article 7, section 4; article 9, section 17, subdivisions 2, 3, 4, 8, 9, 13; Laws 2007, First Special Session chapter 2, article 1, section 11, subdivisions 1, 2, 6; proposing coding for new law in Minnesota Statutes, chapters 1; 120B; 124D; repealing Minnesota Statutes 2006, sections 126C.10, subdivisions 35, 36; 126C.21, subdivision 1; 127A.45, subdivision 7a; Minnesota Statutes 2007 Supplement, section 126C.10, subdivision 34; Laws 2007, First Special Session chapter 2, article 1, section 11, subdivisions 3, 4.

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

Page 5, delete lines 14 to 18 and insert:

"(d) Notwithstanding paragraph (b), sections 124D.04, subdivision 6, paragraph (b), and 124D.05, subdivision 2a, the provisions of this section and the agreement shall not apply to:

(1) enrollment transfers between Minnesota and a school district in an adjoining state enrolling fewer than 150 pupils that is exempted from participation in the program under the laws of the

adjoining state; or

(2) enrollment transfers between Minnesota and a school district in an adjoining state under a board agreement initiated in fiscal year 2009 to serve students in grade levels discontinued by the resident district."

Page 8, after line 24, insert:

"Sec. 14. Minnesota Statutes 2006, section 126C.17, subdivision 9, is amended to read:

Subd. 9. **Referendum revenue.** (a) The revenue authorized by section 126C.10, subdivision 1, may be increased in the amount approved by the voters of the district at a referendum called for the purpose. The referendum may be called by the board or shall be called by the board upon written petition of qualified voters of the district. The referendum must be conducted one or two calendar years before the increased levy authority, if approved, first becomes payable. Only one election to approve an increase may be held in a calendar year. Unless the referendum is conducted by mail under paragraph (g), the referendum must be held on the first Tuesday after the first Monday in November. The ballot must state the maximum amount of the increased revenue per resident marginal cost pupil unit. The ballot may state a schedule, determined by the board, of increased revenue per resident marginal cost pupil unit that differs from year to year over the number of years for which the increased revenue is authorized or may state that the amount shall increase annually by the rate of inflation. For this purpose, the rate of inflation shall be the annual inflationary increase calculated under subdivision 2, paragraph (b). The ballot may state that existing referendum levy authority is expiring. In this case, the ballot may also compare the proposed levy authority to the existing expiring levy authority, and express the proposed increase as the amount, if any, over the expiring referendum levy authority. The ballot must designate the specific number of years, not to exceed ten, for which the referendum authorization applies. The ballot, including a ballot on the question to revoke or reduce the increased revenue amount under paragraph (c), must abbreviate the term "per resident marginal cost pupil unit" as "per pupil." The notice required under section 275.60 may be modified to read, in cases of renewing existing levies at the same amount per pupil as in the previous year:

"BY VOTING "YES" ON THIS BALLOT QUESTION, YOU MAY ~~BE VOTING FOR A PROPERTY TAX INCREASE~~ ARE VOTING TO EXTEND AN EXISTING PROPERTY TAX REFERENDUM THAT IS SCHEDULED TO EXPIRE."

The ballot may contain a textual portion with the information required in this subdivision and a question stating substantially the following:

"Shall the increase in the revenue proposed by (petition to) the board of, School District No. ..., be approved?"

If approved, an amount equal to the approved revenue per resident marginal cost pupil unit times the resident marginal cost pupil units for the school year beginning in the year after the levy is certified shall be authorized for certification for the number of years approved, if applicable, or until revoked or reduced by the voters of the district at a subsequent referendum.

(b) The board must prepare and deliver by first class mail at least 15 days but no more than 30 days before the day of the referendum to each taxpayer a notice of the referendum and the proposed revenue increase. The board need not mail more than one notice to any taxpayer. For the purpose of

giving mailed notice under this subdivision, owners must be those shown to be owners on the records of the county auditor or, in any county where tax statements are mailed by the county treasurer, on the records of the county treasurer. Every property owner whose name does not appear on the records of the county auditor or the county treasurer is deemed to have waived this mailed notice unless the owner has requested in writing that the county auditor or county treasurer, as the case may be, include the name on the records for this purpose. The notice must project the anticipated amount of tax increase in annual dollars for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the school district.

The notice for a referendum may state that an existing referendum levy is expiring and project the anticipated amount of increase over the existing referendum levy in the first year, if any, in annual dollars for typical residential homesteads, agricultural homesteads, apartments, and commercial-industrial property within the district.

The notice must include the following statement: "Passage of this referendum will result in an increase in your property taxes." However, in cases of renewing existing levies, the notice may include the following statement: "~~Passage of this referendum may result in an increase in your property taxes~~ extends an existing operating referendum at the same amount per pupil as in the previous year."

(c) A referendum on the question of revoking or reducing the increased revenue amount authorized pursuant to paragraph (a) may be called by the board and shall be called by the board upon the written petition of qualified voters of the district. A referendum to revoke or reduce the revenue amount must state the amount per resident marginal cost pupil unit by which the authority is to be reduced. Revenue authority approved by the voters of the district pursuant to paragraph (a) must be available to the school district at least once before it is subject to a referendum on its revocation or reduction for subsequent years. Only one revocation or reduction referendum may be held to revoke or reduce referendum revenue for any specific year and for years thereafter.

(d) A petition authorized by paragraph (a) or (c) is effective if signed by a number of qualified voters in excess of 15 percent of the registered voters of the district on the day the petition is filed with the board. A referendum invoked by petition must be held on the date specified in paragraph (a).

(e) The approval of 50 percent plus one of those voting on the question is required to pass a referendum authorized by this subdivision.

(f) At least 15 days before the day of the referendum, the district must submit a copy of the notice required under paragraph (b) to the commissioner and to the county auditor of each county in which the district is located. Within 15 days after the results of the referendum have been certified by the board, or in the case of a recount, the certification of the results of the recount by the canvassing board, the district must notify the commissioner of the results of the referendum.

EFFECTIVE DATE. This section is effective for elections conducted on or after July 1, 2008."

Page 10, line 13, strike "\$25" and insert "\$37"

Page 21, after line 29, insert:

"Sec. 31. **SPARSITY TRANSPORTATION LEVY.**

A school district that is eligible to receive elementary or secondary sparsity revenue, under Minnesota Statutes, section 126C.10, subdivisions 7 and 8, may levy to pay for transportation costs. The total amount of the levy must not exceed \$80 times the adjusted marginal cost pupil units in the district for the year in which the levy is certified.

EFFECTIVE DATE. This section is effective for taxes payable in 2009 only."

Page 22, line 5, delete "and aid for increased costs of transporting students"

Page 22, line 6, delete "equal to \$7,152 times the number of pupils lost"

Page 22, line 11, before "number" insert "additional pupil transportation costs and the"

Page 35, after line 2, insert:

"Sec. 14. **[123B.881] REGIONAL PUPIL TRANSPORTATION SERVICES.**

Three or more contiguous school districts in Hennepin County may enter into a cooperative agreement to provide pupil transportation services upon a majority vote of the school board. School districts that choose to participate in a cooperative agreement under this section must agree to jointly provide transportation services to all students who attend school in the participating school districts. School districts that choose to participate in a cooperative agreement under this section may jointly operate bus garages and maintenance facilities. School districts that agree to enter a cooperative agreement under this section must report to the legislature by January 15 on the third year after the inception of the cooperative agreement. The report must analyze the cost savings and operating efficiencies to the districts, as well as the impacts on school bus drivers, school bus maintenance workers, clerical workers, administrative workers, and technical workers assigned to school bus duties."

Page 49, line 31, after "undesignated" insert "general fund"

Page 50, line 1, after "in" insert "Minnesota Statutes,"

Page 54, line 23, delete "16-member" and insert "12-member"

Renumber the sections in sequence

Amend the title numbers accordingly

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

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred the following appointment:

WORKERS' COMPENSATION COURT OF APPEALS

Thomas L. Johnson

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Metzen from the Committee on Business, Industry and Jobs, to which was referred the following appointment:

DEPARTMENT OF LABOR AND INDUSTRY
COMMISSIONER
Steve Sviggum

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Metzen from the Committee on Business, Industry and Jobs, to which were referred the following appointments:

BOARD OF ELECTRICITY
Douglas Fingerson
James D. Freichels
Kim M. Huxford
Daniel R. Klein
Jay A. Lewis
Timothy R. Malooly
John L. McConnell
Richard P. Owen
Thomas L. Seanger
Anthony C. Toft
Joseph S. Vespa

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Metzen from the Committee on Business, Industry and Jobs, to which were referred the following appointments:

PLUMBING BOARD
Karl D. Abrahamson
Rebecca L. Ames
Steven Christenson
Jim Gander
Lawrence G. Justin
Kenneth Kammerer
James Kittelson
Allen J. Lamm
Michael McGowan
Rick Palmateer
John A. Parizek
Paul A. Sullwold

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Metzen from the Committee on Business, Industry and Jobs, to which were referred the following appointments:

BOARD OF HIGH PRESSURE PIPING SYSTEMS

James J. Andrie
Robert R. Bastianelli
Therese M. Bozicevich
Patrick Galatz
Mark Geisenhoff
David H. Grong
Maureen Hanson
Larry Jordan
Mark R. Kincs
Margaret Larsen
Vicki Sandberg
Larry Stevens, Jr.

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Marty from the Committee on Health, Housing and Family Security, to which was referred the following appointment:

**DEPARTMENT OF HEALTH
COMMISSIONER
Dr. Sanne Dail Jones Magnan**

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

Senator Pogemiller moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. No. 3631 was read the second time.

CONFERENCE COMMITTEE EXCUSED

Pursuant to Rule 12, Senator Langseth moved that the following members be excused for a Conference Committee on H.F. No. 380 at 3:15 p.m.:

Senators Langseth, Tomassoni, Pappas, Scheid and Koering. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Rest moved that S.F. No. 2804, No. 20 on General Orders, be stricken and re-referred to the Committee on State and Local Government Operations and Oversight. The motion prevailed.

Senator Olson, M. moved that S.F. No. 3444, No. 58 on General Orders, be stricken and re-referred to the Committee on Judiciary. The motion prevailed.

MEMBERS EXCUSED

Senators Hann and Murphy were excused from the Session of today. Senators Carlson and Limmer were excused from the Session of today from 10:00 to 11:00 a.m. Senator Chaudhary was excused from the Session of today from 10:00 to 11:30 a.m. Senator Vandever was excused from the Session of today from 10:00 a.m. to 2:30 p.m. Senator Koering was excused from the Session of today from 11:20 to 11:50 a.m. Senator Senjem was excused from the Session of today at 12:30 p.m. Senator Day was excused from the Session of today at 1:00 p.m. Senator Pariseau was excused from the Session of today from 1:45 to 2:00 p.m. Senator Sheran was excused from the Session of today from 2:45 to 3:30 p.m. Senator Anderson was excused from the Session of today at 3:30 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 12:00 noon, Wednesday, April 2, 2008. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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