

FORTY-THIRD DAY

St. Paul, Minnesota, Thursday, April 20, 1995

The Senate met at 12:00 noon and was called to order by the President.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 1:00 p.m. The motion prevailed. The hour of 1:00 p.m. having arrived, the President called the Senate to order.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 2:00 p.m. The motion prevailed. The hour of 2:00 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by Senator Pat Piper.

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

Anderson	Frederickson	Kroening	Neuville	Runbeck
Beckman	Hanson	Laidig	Novak	Sams
Belanger	Hottinger	Langseth	Oliver	Samuelson
Berg	Janezich	Larson	Olson	Scheevel
Berglin	Johnson, D.E.	Lesewski	Ourada	Solon
Bertram	Johnson, D.J.	Lessard	Pappas	Spear
Betzold	Johnson, J.B.	Limmer	Pariseau	Stevens
Chandler	Johnston	Marty	Piper	Stumpf
Chmielewski	Kelly	Merriam	Pogemiller	Terwilliger
Cohen	Kiscaden	Metzen	Price	Vickerman
Day	Kleis	Moe, R.D.	Ranum	Wiener
Dille	Knutson	Mondale	Reichgott Junge	
Finn	Kramer	Morse	Riveness	
Flynn	Krentz	Murphy	Robertson	

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 and referred to the committee indicated.

April 17, 1995

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

BOARD ON JUDICIAL STANDARDS

Toby Berman, 5331 Evanswood Ln., Edina, Hennepin County, effective April 22, 1995, for a term expiring on the first Monday in January, 1997.

Harriette Burkhalter, 5 W. St. Albans Rd., Hopkins, Hennepin County, effective April 22, 1995, for a term expiring on the first Monday in January, 1999.

Peter H. Watson, 2428 W. 22nd St., Minneapolis, Hennepin County, effective April 22, 1995, for a term expiring on the first Monday in January, 1999.

(Referred to the Committee on Judiciary.)

Warmest regards,
Arne H. Carlson, Governor

April 18, 1995

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 335, 194, 1176, 574, 1060, 320, 204, 838, 856 and 239.

Warmest regards,
Arne H. Carlson, Governor

MESSAGES FROM THE HOUSE

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. 1144: A bill for an act relating to the city of Minneapolis; authorizing the Minneapolis city council to delegate to the city engineer certain authority over traffic and parking; authorizing the council to delegate certain authority to contract for professional services.

Senate File No. 1144 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1995

CONCURRENCE AND REPASSAGE

Ms. Flynn moved that the Senate concur in the amendments by the House to S.F. No. 1144 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1144 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 50 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kleis	Moe, R.D.	Riveness
Belanger	Finn	Kramer	Mondale	Runbeck
Berg	Flynn	Kroening	Morse	Sams
Berglin	Frederickson	Laidig	Murphy	Samuelson
Bertram	Hottinger	Lesewski	Neuville	Solon
Betzold	Johnson, D.E.	Lessard	Oliver	Spear
Chandler	Johnson, D.J.	Limmer	Ourada	Stevens
Chmielewski	Johnston	Marty	Pariseau	Terwilliger
Cohen	Kelly	Merriam	Piper	Vickerman
Day	Kiscaden	Metzen	Price	Wiener

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. 375: A bill for an act relating to energy; adding pumped hydropower to the list of preferred alternative energy sources; providing for incentive payments to pumped hydropower facilities; amending Minnesota Statutes 1994, sections 216C.051, subdivision 7; and 216C.41, subdivision 1.

Senate File No. 375 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1995

Mr. Lessard moved that the Senate do not concur in the amendments by the House to S.F. No. 375, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be 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. 965: A bill for an act relating to transportation; authorizing issuance of permits for 12-foot wide loads of baled straw; changing classification and endorsement requirements to operate a vehicle carrying liquid fertilizer; amending Minnesota Statutes 1994, sections 169.851, subdivision 1; 169.862; and 171.02, subdivision 2a.

Senate File No. 965 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1995

Mr. Moe, R.D., for Mr. Langseth, moved that the Senate do not concur in the amendments by the House to S.F. No. 965, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be 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 Files, herewith transmitted: H.F. Nos. 787, 927, 1478 and 1626.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1995

FIRST READING OF HOUSE BILLS

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

H.F. No. 787: A bill for an act relating to water; wetland protection and management; amending Minnesota Statutes 1994, sections 103F.612, subdivisions 2, 3, 5, 6, and 7; 103G.127; 103G.222; 103G.2241; 103G.2242, subdivisions 1, 6, 7, 9, and 12; 103G.237, subdivision 4; 103G.2372, subdivision 1; and 103G.2373; repealing Minnesota Statutes 1994, section 103G.2242, subdivision 13.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 483, now on General Orders.

H.F. No. 927: A bill for an act relating to domestic abuse; eliminating hearing requirements in certain cases; providing for notices; amending Minnesota Statutes 1994, section 518B.01, subdivisions 4, 5, and 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 864, now on General Orders.

H.F. No. 1478: A bill for an act relating to state government; requiring notice to the commissioner of agriculture and certain other actions before an agency adopts or repeals rules that affect farming operations; amending Minnesota Statutes 1994, sections 14.11, by adding a subdivision; 14.14, by adding a subdivision; and 116.07, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1159, now on General Orders.

H.F. No. 1626: A bill for an act relating to state government; prohibiting investment of public funds in certain assets; amending Minnesota Statutes 1994, sections 11A.24, subdivision 1; 356A.06, by adding a subdivision; and 475.66, subdivision 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1572, now on General Orders.

REPORTS OF COMMITTEES

Mr. Spear from the Committee on Crime Prevention, to which was referred the following appointment as reported in the Journal for February 16, 1995:

DEPARTMENT OF CORRECTIONS COMMISSIONER

Frank W. Wood

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

Mr. Laidig moved that the name of Mr. Frederickson be added as a co-author to S.F. No. 1671. The motion prevailed.

Mr. Dille moved that S.F. No. 839 be taken from the table. The motion prevailed.

S.F. No. 839: A bill for an act relating to agriculture; modifying pesticide posting requirements; changing certain pesticide dealer requirements; changing expiration of pesticide applicator certifications; requiring consideration of passive bioremediation in certain cases; changing classification and endorsement requirements to operate a vehicle carrying liquid fertilizer; amending Minnesota Statutes 1994, sections 18B.07, subdivision 3; 18B.31; 18B.36, subdivision 2; 18D.105, subdivision 3a; and 171.02, subdivision 2a.

CONCURRENCE AND REPASSAGE

Mr. Dille moved that the Senate concur in the amendments by the House to S.F. No. 839 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 839 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 49 and nays 3, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kramer	Morse	Runbeck
Beckman	Finn	Kroening	Murphy	Sams
Belanger	Frederickson	Laidig	Neuville	Samuelson
Berg	Johnson, D.E.	Lesewski	Novak	Solon
Bertram	Johnson, D.J.	Lessard	Oliver	Spear
Betzold	Johnson, J.B.	Limmer	Ourada	Stevens
Chandler	Johnston	Marty	Pariseau	Terwilliger
Chmielewski	Kelly	Metzen	Piper	Vickerman
Cohen	Kiscaden	Moe, R.D.	Price	Wiener
Day	Kleis	Mondale	Riveness	

Mses. Berglin, Flynn and Mr. Merriam voted in the negative.

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 1670 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 1670: A bill for an act relating to the organization and operation of state government; appropriating money for community development and certain agencies of state government, with certain conditions; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; requiring studies and reports; amending Minnesota Statutes 1994, sections 116J.873, subdivision 3, and by adding a subdivision; 116M.16, subdivision 2; 116M.18, subdivisions 4, 5, and by adding a subdivision; 116N.03, subdivision 2; 116N.08, subdivisions 5, 6, and by adding a subdivision; 124.85, by adding a subdivision; 175.171; 268A.01, subdivisions 4, 5, 6, 9, and 10; 268A.03; 268A.06, subdivision 1; 268A.07; 268A.08, subdivisions 1 and 2; 268A.13; 462A.201, subdivision 2; 462A.204, subdivision 1; 462A.206, subdivisions 2 and 5; and 462A.21, subdivisions 3b, 8b, 21, and by adding a subdivision; Laws 1994, chapter 643, section 19, subdivision 9; proposing coding for new law in Minnesota Statutes, chapters 177; 178; 268A; and 462A; repealing Minnesota Statutes 1994, sections 116J.874, subdivision 6; 268A.01, subdivisions 7, 11, and 12; and 268A.09.

Mr. Kroening moved to amend S.F. No. 1670 as follows:

Page 8, line 29, delete everything after the comma and insert "this appropriation shall be used so that an approximately equal number of housing units are financed in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2, and in the nonmetropolitan area."

Page 8, delete lines 30 to 35

Page 9, line 5, after "be" insert "used"

Page 9, line 21, delete "In" and insert "At least 20 percent of this appropriation must be used in census tracts and the surrounding eight blocks of cities of the first class located in the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2"

Page 9, delete lines 22 to 31

Page 9, line 32, delete "unit of government"

Page 9, line 33, delete "four" and insert "three" and delete "five" and insert "four"

Page 9, line 35, delete "are at least 35 years old" and insert "were built before 1960"

Page 9, delete line 47

Page 9, line 48, delete everything before "and"

Page 9, line 49, delete "(5)" and insert "(4)" and delete "number" and insert "rate of owner-occupancy of"

Page 9, line 50, delete "of owner-occupied"

Page 9, line 52, delete everything after the first "percent"

Page 9, delete line 53

Page 9, line 54, delete "rental properties"

Page 9, line 55, before "The" insert "In cities of the first class located in the metropolitan area"

Page 9, line 58, delete "where the" and insert "that meets all four of the criteria"

Page 9, delete lines 59 to 61

Page 10, line 1, delete "federal decennial census"

Page 10, after line 6, insert:

"In distributing funds available from the 1994 Series E bond sale, the agency, in accordance with the terms of that sale, shall give priority to requests for use of the funds in cities which receive funding from this appropriation to the community rehabilitation program."

Page 10, delete lines 21 to 23 and insert:

"\$200,000 is for capacity building grants to nonprofit organizations under Minnesota Statutes, section 462A.21, subdivision 3b, to provide or to develop the capacity to provide some or all phases of full cycle home ownership services."

Pages 41 to 43, delete sections 64 to 66

Page 43, line 34, delete "four of the following five" and insert "three of the following four"

Page 43, line 35, delete "are at" and insert "were built before 1960"

Page 43, line 36, delete "least 35 years old"

Page 44, delete line 8

Page 44, line 9, delete "land;"

Page 44, line 10, delete "(5)" and insert "(4)"

Page 44, line 14, delete "where the median household" and insert "that meet all four criteria."

Page 44, delete lines 15 and 16

Page 44, line 25, delete "pre and post"

Page 44, line 26, delete everything before the comma and insert "the provision of full cycle home ownership services"

Page 44, after line 34, insert:

"For the purpose of this subdivision, "full cycle home ownership services" means supporting eligible home buyers and owners through all phases of purchasing and keeping a home, by providing prepurchase home buyer education, prepurchase counseling and credit repair, prepurchase property inspection and technical and financial assistance to buyers in rehabilitating the home, postpurchase and mortgage default counseling, postpurchase assistance with home maintenance, entry cost assistance, and access to flexible loan products."

Page 45, line 35, delete "shall" and insert "may"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Oliver moved to amend S.F. No. 1670 as follows:

Page 46, delete section 73

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Ms. Lesewski moved to amend S.F. No. 1670 as follows:

Pages 25 to 28, delete section 45

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate for the balance of the day's proceedings. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Lesewski amendment.

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Belanger	Janezich	Kramer	Neuville	Sams
Berg	Johnson, D.E.	Laidig	Oliver	Scheevel
Bertram	Johnson, D.J.	Langseth	Olson	Stevens
Day	Johnston	Larson	Ourada	Stumpf
Dille	Kiscaden	Lesewski	Pariseau	Terwilliger
Frederickson	Kleis	Limmer	Robertson	Vickerman
Hanson	Knutson	Morse	Runbeck	

Those who voted in the negative were:

Anderson	Finn	Lessard	Novak	Riveness
Beckman	Flynn	Marty	Pappas	Samuelson
Berglin	Hottinger	Merriam	Piper	Solon
Betzold	Johnson, J.B.	Metzen	Pogemiller	Spear
Chandler	Kelly	Moe, R.D.	Price	Wiener
Chmielewski	Krentz	Mondale	Ranum	
Cohen	Kroening	Murphy	Reichgott Junge	

The motion prevailed. So the amendment was adopted.

Mr. Hottinger moved to amend S.F. No. 1670 as follows:

Page 20, after line 18, insert:

"Sec. 35. Minnesota Statutes 1994, section 116J.873, is amended by adding a subdivision to read:

Subd. 6. [REPORT.] When an economic recovery grant is used by a local community or recognized Indian tribal government to pay money directly to a business corporation, within 30 days of having received its first payment of economic recovery grant money, the business corporation shall file with the ethical practices board a campaign contributions report. The report shall list contributions made by the chief executive officer, chief financial officer, and members of the board of directors of the corporation to candidates for state elective office who are required to report their campaign contribution receipts to the board under chapter 10A. The contributions that must be listed are those of more than \$100 made within the 24 months before the grant money was received. The report must be made in the form prescribed by the board. The penalties for failure to timely file the report are those prescribed by section 10A.20, subdivision 12."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Neuville questioned whether the amendment was germane.

The President ruled that the amendment was germane.

The question recurred on the adoption of the Hottinger amendment. The motion prevailed. So the amendment was adopted.

S.F. No. 1670 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 57 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Knutson	Morse	Sams
Beckman	Flynn	Krentz	Murphy	Samuelson
Belanger	Frederickson	Kroening	Neuville	Scheevel
Berg	Hanson	Laidig	Novak	Solon
Berglin	Hottinger	Langseth	Olson	Spear
Bertram	Janezich	Larson	Ourada	Stumpf
Betzold	Johnson, D.E.	Lesewski	Pariseau	Terwilliger
Chandler	Johnson, D.J.	Lessard	Piper	Vickerman
Chmielewski	Johnson, J.B.	Marty	Pogemiller	Wiener
Cohen	Johnston	Metzen	Price	
Day	Kelly	Moe, R.D.	Ranum	
Dille	Kleis	Mondale	Riveness	

Those who voted in the negative were:

Kiscaden
Kramer

Limmer
Merriam

Oliver
Robertson

Runbeck

Stevens

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

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 106 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 106: A bill for an act relating to the organization and operation of state government; appropriating money for environmental, natural resource, and agricultural purposes; modifying provisions relating to disposition of certain revenues from state trust lands, sales of software, agricultural and environmental loans, food handlers, ethanol and oxygenated fuels, the citizen's council on Voyageurs National Park, local recreation grants, zoo admission charges, watercraft surcharge, water information, well sealing grants, pollution control agency fees, sale of tax-forfeited lands, and payments in lieu of taxes; establishing the Passing on the Farm Center; establishing special critical habitat license plates; authorizing establishment of a shooting area in Sand Dunes State Forest; abolishing the harmful substance compensation board and account; extending performance reporting requirements; providing for easements across state trails in certain circumstances; amending Minnesota Statutes 1994, sections 15.91, subdivision 1; 16A.125; 16B.405, subdivision 2; 17.117, subdivisions 2, 4, 6, 7, 8, 9, 10, 11, 14, 16, and by adding subdivisions; 28A.03; 28A.08; 41A.09, by adding subdivisions; 41B.02, subdivision 20; 41B.043, subdivisions 1b, 2, and 3; 41B.045, subdivision 2; 41B.046, subdivision 1, and by adding a subdivision; 84.631; 84.943, subdivision 3; 84B.11, subdivision 1; 85.015, by adding a subdivision; 85.019; 85A.02, subdivision 17; 86.72, subdivision 1; 86B.415, subdivision 7; 92.46, subdivision 1; 93.22; 103A.43; 103F.725, subdivision 1a; 103H.151, by adding a subdivision; 103I.331, subdivision 4; 115A.03, subdivision 29; 115A.908, subdivision 3; 115B.20, subdivision 1; 115B.25, subdivision 1a; 115B.26, subdivision 2; 115B.41, subdivision 1; 115B.42; 115C.03, subdivision 9; 116.07, subdivision 4d, and by adding a subdivision; 116.12, subdivision 1; 116.96, subdivision 5; 116C.69, subdivision 3; 116P.11; 239.791, subdivision 8; 282.01, subdivisions 2 and 3; 282.011, subdivision 1; 282.02; 282.04, subdivision 1; 296.02, by adding a subdivision; 446A.07, subdivision 8; 446A.071, subdivision 2; 473.845, subdivision 2; 477A.11, subdivision 4; 477A.12; 477A.14; proposing coding for new law in Minnesota Statutes, chapters 17; 28A; 89; 116; 168; repealing Minnesota Statutes 1994, sections 28A.08, subdivision 2; 41A.09, subdivisions 2, 3, and 5; 115B.26, subdivision 1; 239.791, subdivisions 4, 5, 6, and 9; 282.018; 296.02, subdivision 7; 325E.0951, subdivision 5; 446A.071, subdivision 7; and Laws 1993, chapter 172, section 10.

Mr. Morse moved to amend S.F. No. 106 as follows:

Page 2, delete line 18 and insert:

"General	\$140,000	\$159,743,000	\$152,092,000	\$311,975,000"
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Page 2, delete line 20 and insert:

"Solid Waste	155,000	5,819,000	5,743,000	11,717,000"
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Page 2, delete line 24 and insert:

"Special Revenue		11,005,000	10,954,000	21,959,000"
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Page 2, after line 29, insert:

"Oil Overcharge		2,055,000	-0-	2,055,000"
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Page 2, after line 31, insert:

"Highway User Tax Distribution		50,000	-0-	50,000"
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Page 2, delete line 32 and insert:

"TOTAL	295,000	306,048,000	263,640,000	569,983,000"
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Page 2, delete lines 33 to 36 and insert:

		"APPROPRIATIONS Available for the Year Ending June 30	
	1995	1996	1997"

Page 2, delete lines 39 and 40 and insert:

"Subdivision 1.

Total Appropriation	155,000	41,058,000	37,908,000"
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Page 3, delete line 3 and insert:

"Solid

Waste	155,000	5,679,000	5,643,000"
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Page 3, line 6, delete "1,243,000" and insert "1,113,000"

Page 3, line 12, delete "11,575,000" and insert "11,445,000"

Page 3, delete line 16

Page 7, delete lines 43 and 44 and insert:

"Subdivision 1. Total

Appropriation	140,000	158,707,000	154,450,000"
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Page 7, delete line 46 and insert:

"General	140,000	87,356,000	83,948,000"
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Page 13, delete line 41 and insert:

"26,688,000	20,465,000"
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Page 13, delete line 43 and insert:

"General	15,373,000	9,840,000"
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Page 15, delete lines 59 and 60 and insert:

"Subdivision 1. Total

Appropriation		24,421,000	23,975,000"
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Page 16, delete line 1 and insert:

"General	14,540,000	14,022,000"
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Page 18, delete line 22 and insert:

"6,005,000	5,830,000"
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Page 81, line 6, delete "[89.021] [Subd. 45.]" and insert "[89.027]"

Page 81, line 7, before "The" insert paragraph coding

Page 114, line 27, delete "powers and duties" and insert "responsibilities"

Page 114, line 28, after the period, insert "Minnesota Statutes, section 15.039, subdivisions 6 and 7, do not apply to this transfer."

Page 115, line 21, after "Sections" insert "2, subdivision 7;" and after "52;" insert "73; 74;"

The motion prevailed. So the amendment was adopted.

Mr. Morse then moved to amend S.F. No. 106 as follows:

Page 14, line 30, after the comma, insert "the"

Page 14, line 31, delete "and"

Page 14, line 32, after "health" insert ", and local governmental units"

The motion prevailed. So the amendment was adopted.

Mr. Stumpf moved to amend S.F. No. 106 as follows:

Page 4, after line 50, insert:

"By February 1, 1996, the commissioner of the pollution control agency shall publish in the State Register and provide to the chairs of the senate environment and natural resources finance division and the house of representatives environment and natural resources finance committee the following information:

- (1) a list of all wastewater treatment facility upgrade and construction projects the commissioner has identified as necessary to meet existing and proposed water quality standards;
- (2) for each project listed under clause (1), estimates of the total project cost and the resulting increase in sewer service rates;
- (3) a list of existing and proposed state water quality standards that are not required under federal law; and
- (4) a list of existing and proposed state water quality standards that are more stringent than is necessary to comply with federal law."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 31, as follows:

Those who voted in the affirmative were:

Beckman	Hanson	Kramer	Neuville	Solon
Belanger	Hottinger	Kroening	Olson	Stevens
Berg	Janezich	Langseth	Ourada	Stumpf
Bertram	Johnson, D.E.	Lesewski	Pariseau	Terwilliger
Day	Johnson, D.J.	Lessard	Runbeck	Vickerman
Dille	Kiscaden	Limmer	Sams	
Finn	Kleis	Murphy	Scheevel	

Those who voted in the negative were:

Anderson	Johnson, J.B.	Merriam	Pappas	Samuelson
Berglin	Johnston	Metzen	Piper	Spear
Betzold	Knutson	Moe, R.D.	Pogemiller	Wiener
Chandler	Krentz	Mondale	Price	
Cohen	Laidig	Morse	Ranum	
Flynn	Larson	Novak	Riveness	
Frederickson	Marty	Oliver	Robertson	

The motion prevailed. So the amendment was adopted.

Mr. Stumpf then moved to amend S.F. No. 106 as follows:

Page 85, after line 33, insert:

"Sec. 68. Minnesota Statutes 1994, section 115.03, subdivision 5, is amended to read:

Subd. 5. [AGENCY AUTHORITY; NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.] (a) Notwithstanding any other provisions prescribed in or pursuant to this chapter and, with respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall have the authority to perform any and all acts minimally necessary including, but not limited to, the establishment and application of standards, procedures, rules, orders, variances, stipulation agreements, schedules of compliance, and permit conditions, consistent with and, therefore not less stringent than the provisions of the Federal Water Pollution Control Act, as amended, applicable to the participation by the state of Minnesota in the National Pollutant Discharge Elimination System (NPDES); provided that this provision shall not be construed as a limitation on any powers or duties otherwise residing with the agency pursuant to any provision of law.

(b) Beginning July 1, 1995, unless specifically required or approved by the legislature, the agency may not adopt or enforce a new water quality standard that is:

(1) more stringent than is necessary to comply with federal law; or

(2) not required under federal law."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 16, after the semicolon, insert "prohibiting the adoption or enforcement of water quality standards that are not necessary to comply with federal law;"

Page 1, line 33, after the first semicolon, insert "115.03, subdivision 5;"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 31, as follows:

Those who voted in the affirmative were:

Beckman	Flynn	Kroening	Oliver	Samuelson
Belanger	Hanson	Langseth	Olson	Scheevel
Berg	Hottinger	Lesewski	Ourada	Stevens
Bertram	Janezich	Lessard	Pariseau	Stumpf
Day	Johnson, D.E.	Limmer	Robertson	Vickerman
Dille	Kleis	Murphy	Runbeck	
Finn	Kramer	Neuville	Sams	

Those who voted in the negative were:

Anderson	Johnson, J.B.	Larson	Novak	Spear
Berglin	Johnston	Marty	Pappas	Terwilliger
Betzold	Kelly	Merriam	Piper	Wiener
Chandler	Kiscaden	Metzen	Pogemiller	
Cohen	Knutson	Moe, R.D.	Price	
Frederickson	Krentz	Mondale	Ranum	
Johnson, D.J.	Laidig	Morse	Riveness	

The motion prevailed. So the amendment was adopted.

Mr. Berg moved to amend S.F. No. 106 as follows:

Page 3, line 15, delete "3,176,000" and insert "3,074,000" and delete "3,190,000" and insert "2,986,000"

Correct the subdivision and section totals and the summaries by fund accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 43 and nays 21, as follows:

Those who voted in the affirmative were:

Belanger	Janezich	Kroening	Oliver	Samuelson
Berg	Johnson, D.E.	Langseth	Olson	Scheevel
Berglin	Johnson, D.J.	Lesewski	Ourada	Stevens
Bertram	Johnson, J.B.	Lessard	Pappas	Stumpf
Day	Kelly	Limmer	Pariseau	Terwilliger
Dille	Kiscaden	Metzen	Ranum	Vickerman
Flynn	Kleis	Mondale	Robertson	Wiener
Hanson	Knutson	Murphy	Runbeck	
Hottinger	Kramer	Neuville	Sams	

Those who voted in the negative were:

Anderson	Finn	Larson	Novak	Spear
Beckman	Frederickson	Marty	Piper	
Betzold	Johnston	Merriam	Pogemiller	
Chandler	Krentz	Moe, R.D.	Price	
Cohen	Laidig	Morse	Riveness	

The motion prevailed. So the amendment was adopted.

Mr. Berg then moved to amend S.F. No. 106 as follows:

Page 93, delete lines 23 to 29 and insert:

"Subd. 4l. [LIMIT ON ANNUAL INCREASE OF CERTAIN FEES.] The agency may not increase a permittee's wastewater discharge permit fee established under subdivision 4d, paragraph (a), by more than 15 percent per year per unit of volume discharged."

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

Mr. Dille moved to amend S.F. No. 106 as follows:

Page 17, after line 48, insert:

"The unexpended balance appropriated for farm safety projects and programs at the discretion of the commissioner in Laws 1993, chapter 172, section 7, subdivision 2, does not cancel and is reappropriated to the commissioner for the biennium ending June 30, 1997, to carry out farm safety projects and programs. These funds can be used in either year of the biennium."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 32 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, D.E.	Langseth	Olson	Scheevel
Berg	Johnston	Larson	Ourada	Stevens
Bertram	Kelly	Lesewski	Pappas	Terwilliger
Day	Kiscaden	Limmer	Pariseau	Vickerman
Dille	Kleis	Murphy	Robertson	
Frederickson	Knutson	Neuville	Runbeck	
Hanson	Kroening	Oliver	Sams	

Those who voted in the negative were:

Beckman	Flynn	Laidig	Morse	Samuelson
Belanger	Hottinger	Lessard	Novak	Spear
Berglin	Janezich	Marty	Piper	Stumpf
Betzold	Johnson, D.J.	Merriam	Pogemiller	Wiener
Chandler	Johnson, J.B.	Metzen	Price	
Cohen	Kramer	Moe, R.D.	Ranum	
Finn	Krentz	Mondale	Riveness	

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

Mr. Lessard moved to amend S.F. No. 106, as amended by the Morse amendment, adopted by the Senate April 20, 1995, as follows:

Page 9, line 7, delete "7,543,000" and insert "8,465,000"

Page 9, line 41, delete "28,646,000" and insert "30,132,000"

Page 10, line 28, delete "18,285,000" and insert "23,197,000"

Page 11, line 21, delete "902,000" and insert "1,177,000"

Page 11, line 22, delete "930,000" and insert "1,021,000"

Page 11, line 23, delete "7,374,000" and insert "8,888,000"

Page 12, line 2, delete "2,611,000" and insert "2,859,000"

Page 12, line 3, delete "23,482,000" and insert "30,700,000"

Page 12, line 4, delete "1,904,000" and insert "2,034,000"

Page 13, line 21, delete "2,890,000" and insert "3,185,000"

Page 13, line 22, delete "8,762,000" and insert "11,039,000"

Page 13, line 23, delete "2,788,000" and insert "3,083,000"

Page 13, line 43, delete "9,840,000" and insert "11,746,000"

Page 13, line 44, delete "7,367,000" and insert "7,857,000"

Page 14, delete lines 13 to 48

Correct the subdivision and section totals and the summaries by fund accordingly

Mr. Lessard moved to amend the Lessard amendment to S.F. No. 106 as follows:

Page 1, line 17, after "delete" insert ""15,373,000" and insert "15,746,000" and delete"

The motion prevailed. So the amendment to the amendment was adopted.

Ms. Robertson requested division of the first Lessard amendment as follows:

First portion:

Page 9, line 7, delete "7,543,000" and insert "8,465,000"

Page 9, line 41, delete "28,646,000" and insert "30,132,000"

Page 10, line 28, delete "18,285,000" and insert "23,197,000"

Page 11, line 21, delete "902,000" and insert "1,177,000"

Page 11, line 22, delete "930,000" and insert "1,021,000"

Page 11, line 23, delete "7,374,000" and insert "8,888,000"

Page 12, line 2, delete "2,611,000" and insert "2,859,000"

Page 12, line 3, delete "23,482,000" and insert "30,700,000"

Page 12, line 4, delete "1,904,000" and insert "2,034,000"

Page 13, line 21, delete "2,890,000" and insert "3,185,000"

Page 13, line 22, delete "8,762,000" and insert "11,039,000"

Page 13, line 23, delete "2,788,000" and insert "3,083,000"

Page 13, line 43, delete "15,373,000" and insert "15,746,000" and delete "9,840,000" and insert "11,746,000"

Page 13, line 44, delete "7,367,000" and insert "7,857,000"

Correct the subdivision and section totals and the summaries by fund accordingly

Second portion:

Page 14, delete lines 13 to 48

Correct the subdivision and section totals and the summaries by fund accordingly

The question was taken on the adoption of the first portion of the Lessard amendment, as amended.

The roll was called, and there were yeas 35 and nays 29, as follows:

Those who voted in the affirmative were:

Beckman	Janezich	Kroening	Murphy	Sams
Belanger	Johnson, D.E.	Langseth	Neuville	Samuelson
Berg	Johnson, D.J.	Larson	Olson	Scheevel
Bertram	Kiscaden	Lesewski	Ourada	Stevens
Day	Kleis	Lessard	Pariseau	Stumpf
Dille	Knutson	Limmer	Robertson	Terwilliger
Hanson	Kramer	Metzen	Runbeck	Vickerman

Those who voted in the negative were:

Anderson	Flynn	Krentz	Morse	Price
Berglin	Frederickson	Laidig	Novak	Ranum
Betzold	Hottinger	Marty	Oliver	Riveness
Chandler	Johnson, J.B.	Merriam	Pappas	Spear
Cohen	Johnston	Moe, R.D.	Piper	Wiener
Finn	Kelly	Mondale	Pogemiller	

The motion prevailed. So the first portion of the Lessard amendment, as amended, was adopted.

Mr. Morse moved that S.F. No. 106 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Messages From the House, First Reading of House Bills, Reports of Committees and Second Reading of Senate Bills. The motion prevailed.

MESSAGES FROM THE HOUSE

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. 830: A bill for an act relating to state lands; allowing the sale of certain state forest lands; requiring the commissioner of natural resources to convey certain land to the city of Akeley for public purposes; proposing coding for new law in Minnesota Statutes, chapter 89.

Senate File No. 830 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 20, 1995

Mr. Finn moved that the Senate do not concur in the amendments by the House to S.F. No. 830, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be 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 Files, herewith transmitted: H.F. Nos. 877 and 217.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 20, 1995

FIRST READING OF HOUSE BILLS

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

H.F. No. 877: A bill for an act relating to insurance; private passenger vehicle insurance; providing for a premium reduction for vehicles having antitheft alarms or devices; defining terms; proposing coding for new law in Minnesota Statutes, chapter 65B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 949, now on General Orders.

H.F. No. 217: A bill for an act relating to insurance; life; regulating living benefits settlements; adopting the NAIC viatical settlements model act; prescribing powers and duties; amending Minnesota Statutes 1994, section 13.71, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 60A.

Referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1089 and reports pertaining to appointments. The motion prevailed.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was re-referred

S.F. No. 1089: A bill for an act relating to traffic regulations; exempting highways, freeways, and expressways from noise limits; requiring noise abatement study and measures for freeways and expressways contingent on available funding; requiring annual noise abatement report; providing for disposition of proceeds of fines collected for violation of work zone speed limits; amending Minnesota Statutes 1994, sections 116.07, subdivision 2a; 160.02, by adding a subdivision; 161.125, subdivision 1; and 169.14, subdivision 5d.

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

Page 1, lines 18 to 24, delete the new language and reinstate the stricken language

Page 1, line 26, after the comma, insert "provided that all reasonably available noise mitigation measures, as approved by the commissioners of the department of transportation and pollution control agency, are employed to abate noise,"

Page 2, line 34, delete "of" and insert ", 1997,"

Page 2, line 35, delete "each year"

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

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Mr. Merriam from the Committee on Finance, to which was re-referred

S.F. No. 1110: A bill for an act relating to human services; appropriating money for the department of human services and health, for the veterans nursing homes board, for the health-related boards, for the council on disability, for the ombudsman for mental health and mental retardation, and for the ombudsman for families; modifying day training and habilitation services; creating the consumer support program; modifying child care programs; defining and including essential persons in determining AFDC eligibility; modifying the Minnesota Supplemental Aid program by making it consistent with the federal SSI program; modifying group residential housing; limiting the admission of certain high-functioning persons to nursing facilities; modifying hospital inflation and requiring inflation adjustments to reflect prior overpayments; modifying medical assistance disproportionate share payments; establishing hospital peer groups; establishing long-term hospital rates; modifying treatment of certain trusts; modifying treatment of assets and income for institutionalized persons; reducing the pharmacy dispensing fee; establishing pharmacy copayments in medical assistance and general assistance medical care; establishing a service allowance for certain persons denied admission to a nursing facility; increasing reimbursement rates for certain home care services provided in Anoka county; modifying certain intergovernmental transfers; clarifying the county nursing home payment adjustment; requiring a discount in general assistance medical care prepaid contracts; eliminating payment for gender reassignment services under general assistance medical care; providing a two percent rate increase for certain providers; authorizing certain demonstration projects; modifying certain parental fees; modifying medical assistance eligibility criteria for certain disabled children; modifying requirements for personal care assistants and personal care assistant organizations; modifying coverage for personal care services and reducing maximum hours of service; expanding certain services under medical assistance managed care for disabled children; authorizing certain studies; authorizing exceptions to the nursing home moratorium and modifying reimbursements for legislatively-approved exceptions; modifying requirements for hospital-attached nursing facility status; modifying nursing facility reimbursement and inflationary adjustments; establishing a contractual alternative payment system for nursing facilities; modifying reimbursement for intermediate care facilities for persons with mental retardation or related conditions; establishing transition mental health services; modifying chemical dependency treatment programs; providing Faribault and Cambridge regional human services center downsizing agreements; decreasing certain license and permit fees; modifying the licensing and inspecting of hotel, restaurant, and other food and lodging establishments; amending Minnesota Statutes 1994, sections 144.0721, by adding subdivisions; 144.122; 144.226, subdivision 1; 144A.071, subdivision 4a; 144A.33, subdivision 3; 144A.43, subdivision 3; 144A.47; 147.01, subdivision 6; 157.03; 198.003, subdivisions 3 and 4; 245.4882, subdivision 5; 245.4886, by adding a subdivision; 246.18, subdivision 4, and by adding a subdivision; 246.23, subdivision 2; 252.27, subdivision 2a; 252.292, subdivision 4; 252.46, subdivision 6, and by adding a subdivision; 254A.17, subdivision 3; 254B.05, subdivision 4; 256.025, subdivisions 1 and 2; 256.026; 256.73, subdivision 3a; 256.736, subdivision 3; 256.74, subdivision 1; 256.9365; 256.9657, subdivision 3; 256.9685, subdivision 1b, and by adding subdivisions; 256.969, subdivisions 1, 9, 24, and by adding subdivisions; 256B.055, subdivision 12; 256B.056, by adding a subdivision; 256B.0575; 256B.0625, subdivisions 8, 8a, 13, 19a, and by adding subdivisions; 256B.0627, subdivisions 1, 2, 4, and 5; 256B.0641, subdivision 1; 256B.0911, subdivisions 4 and 7; 256B.0913, by adding subdivisions; 256B.0915, subdivision 2, and by adding a subdivision; 256B.092, subdivision 4; 256B.15, subdivisions 1a, 2, and by adding a subdivision; 256B.19, subdivisions 1c and 1d; 256B.431, subdivisions 2b, 2j, 17, 23, and by adding subdivisions; 256B.49, subdivision 1, and by adding subdivisions; 256B.501, subdivisions 3, 3c, and by adding a subdivision; 256B.69, subdivisions 4, 5, 6, 9, and by adding subdivisions; 256D.03, subdivisions 3b, 4, and by adding a subdivision; 256D.051, subdivision 6; 256D.36, subdivision 1; 256D.385; 256D.405, subdivision 3; 256D.425, subdivision 1, and by adding a subdivision; 256D.435, subdivisions 1, 3, 4, 5, 6, and by adding a subdivision; 256D.44, subdivisions 1, 2, 3, 4, 5, and 6; 256D.45, subdivision 1;

256H.03, subdivision 4; 256H.05, subdivision 6; 256I.04, subdivision 3; 256I.05, subdivision 1a; 357.021, subdivisions 2 and 2a; 393.07, subdivision 10; 501B.89, subdivision 1, and by adding a subdivision; and Laws 1990, chapter 610, article 1, section 12, 8; Laws 1993, First Special Session chapter 1, article 8, section 51, subdivisions 5 and 6; proposing coding for new law in Minnesota Statutes, chapters 144D; 157; 256; and 256B; repealing Minnesota Statutes 1994, sections 38.161; 38.162; 144.0723, subdivision 5; 157.01; 157.02; 157.031; 157.04; 157.045; 157.05; 157.08; 157.12; 157.13; 157.14; 252.47; 256.851; 256B.501, subdivisions 3d, 3e, and 3f; 256D.35, 14 and 19; 256D.36, subdivision 1a; 256D.37; 256D.425, subdivision 3; 256D.435, subdivisions 2, 7, 8, 9, and 10; 256D.44, subdivision 7; 256I.04, subdivision 1b; and Minnesota Rules, part 9500.1452, subpart 2, item B.

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

Page 3, delete lines 13 to 35 and insert:

"SUMMARY BY FUND

APPROPRIATIONS	1996	1997	BIENNIAL TOTAL
General	\$2,410,165,000	\$2,598,027,000	\$5,008,192,000
Local Government			
Trust Fund	50,499,000	-0-	50,499,000
State Government			
Special Revenue	24,052,000	24,562,000	48,614,000
Metropolitan Landfill			
Contingency Action Fund	193,000	193,000	386,000
Trunk Highway	1,513,000	1,513,000	3,026,000
Special Revenue	8,000	8,000	16,000
TOTAL	2,486,430,000	2,624,303,000	5,110,733,000

APPROPRIATIONS

Available for the Year
Ending June 30

1996 1997

**Sec. 2. COMMISSIONER OF
HUMAN SERVICES**

**Subdivision 1. Total
Appropriation**

2,402,619,000 2,539,160,000

Summary by Fund

General	2,352,120,000	2,539,160,000
Local Government		
Trust Fund	50,499,000	-0- "

Page 3, line 42, delete "social services,"

Page 4, lines 18 and 19, delete "special revenue fund account" and insert "department of human services communication systems account"

Page 4, lines 41 and 45, delete "state" and insert "department of human services"

Page 4, delete lines 65 and 66 and insert:

"114,652,000 120,946,000

Summary by Fund

General	64,153,000	120,946,000
Local Government		
Trust	50,499,000	-0-

The amounts that may be spent from this appropriation for each purpose are as follows:

(a) Semi-Independent Living
Services (SILS) Grants

4,818,000	4,819,000
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(b) Chemical Dependency
Consolidated Treatment

41,230,000	45,080,000
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(c) Deaf and Hard of Hearing
Services Grants

501,000	501,000
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(d) Community Social Services Grants

51,676,000	53,102,000
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Summary by Fund

General	1,177,000	53,102,000
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Local Government
Trust

50,499,000	-0-
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The increased appropriation available in fiscal year 1996 and thereafter must be used to increase each county's aid proportionately over the aid received in calendar year 1994.

(e) Consumer Support

125,000	1,832,000
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(f) Developmental Disabilities
Family Support Grants

1,599,000	1,074,000
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(g) Aging Ombudsman

166,000	166,000
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(h) Aging Grants

4,128,000	4,128,000
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(i) American Indian Chemical
Dependency Grants and Chemical
Dependency Special Grants

2,265,000	2,265,000
-----------	-----------

(j) Chemical Dependency
Consolidated Treatment - Nonentitled

2,100,000	2,100,000
-----------	-----------

(k) Administration and Other Grants

6,044,000	5,879,000"
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Page 7, line 19, delete "20,369,000" and insert "20,177,000" and delete "18,470,000" and insert "18,278,000"

Page 7, delete lines 20 to 23 and insert:

"The amounts that may be spent from this appropriation for each purpose are as follows:

(a) Children's Trust Fund Grants

372,000	372,000
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(b) Families With Children
Services Grants

1,010,000	1,010,000
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(c) Family Service Collaborative Grants

2,500,000	-0-
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(d) Family Preservation, Family Support,
and Child Protection Grants

8,573,000	8,573,000
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(e) Subsidized Adoption Grants

5,587,000	6,188,000
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(f) Other Families with Children
Services Grants

2,135,000	2,135,000"
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Page 7, after line 59, insert:

"The amounts that may be spent from this appropriation for each purpose are as follows:

(a) STRIDE Grants

8,939,000	8,211,000
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(b) AFDC Grants

143,679,000	149,089,000
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(c) General Assistance Grants

43,757,000	45,216,000
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(d) Work Readiness Grants

5,334,000	4,388,000
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(e) Minnesota Supplemental Aid

22,493,000	25,757,000
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(f) Minnesota Family Investment
Plan (MFIP) Grants

21,307,000	15,150,000
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(g) Child-Care Fund Entitlement Grants

17,208,000	19,780,000
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(h) Child Support Enforcement Grants

9,785,000	9,785,000
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(i) Child Care Fund - Nonentitled

15,526,000	18,926,000
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(j) Administration and Other Grants

31,556,000	31,193,000"
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Page 10, delete line 9 and insert:

"1,671,491,000 1,791,407,000

The amounts that may be spent from this appropriation for each purpose are as follows:

(a) Group Residential Housing Grants

48,284,000 54,990,000

(b) MA Long-Term Care Facilities

541,674,000 555,935,000

(c) MA Long-Term Care Waivers
and Home Care

203,964,000 219,164,000

(d) MA Managed Care and
Fee-for-Service

586,802,000 655,585,000

(e) General Assistance Medical Care

219,702,000 230,738,000

(f) Alternative Care

37,321,000 41,133,000

(g) Medicaid Management
Information System

10,657,000 10,657,000

(h) Administration and Other Grants

23,015,000 23,205,000"

Page 10, line 58, delete "5.4" and insert "5.13"

Page 11, lines 3 and 4, delete "physicians prescribing" and insert "medical professionals authorized to prescribe pharmaceuticals"

Page 11, lines 29 and 30, delete "services that are provided on an outpatient basis" and insert "outpatient hospital services"

Page 12, line 57, delete "254,932,000" and insert "255,292,000" and delete "259,069,000" and insert "258,899,000"

Page 12, after line 57, insert:

"The amounts that may be spent from this appropriation for each purpose are as follows:

(a) Mental Health Grants - Children

7,441,000 11,686,000

(b) Mental Health Grants - Adults

38,567,000 40,318,000

(c) Residential Treatment
Center Facilities

194,921,000 192,265,000

(d) Developmental Disability
and Mentally Ill (DD and MI)
State-Operated Community Services (SOCS)

13,075,000

13,342,000

(e) Administration and Other Grants

1,288,000

1,288,000"

Page 13, after line 21, insert:

"[PLAN FOR ADOLESCENT TREATMENT EXPANSION.] The commissioner shall report to the legislature by January 15, 1996, with a cost-neutral plan to add up to 20 beds to each of the two existing adolescent treatment facilities at the regional treatment centers in order to reduce or eliminate out-of-state placement of adolescents who have serious emotional disturbance and exhibit violent behavior. Cost neutrality shall be determined by comparing the costs of program expansion with the projected costs of out-of-state placements."

Page 14, after line 55, insert:

"Subd. 8. Budget for 1998-1999

The commissioner of human services shall prepare and submit to the legislature a plan to limit the increase in general fund appropriations to the department of human services from the 1996-1997 biennium to the 1998-1999 biennium to no more than \$500,000,000. The plan must include the commissioner's recommendations for changes in services to be provided and any necessary changes in program content, coverage, and reimbursement rates, including any recommendations the commissioner may have for changes in copayment requirements or annual or lifetime payment limitations. The commissioner shall give particular attention to services that are not required as a condition of federal participation and to services that are not provided by neighboring states, including Illinois, Indiana, and Michigan, as well as those that border Minnesota. The commissioner shall submit preliminary recommendations to the legislature by September 1, 1995, and the final plan by January 15, 1996."

Page 21, delete lines 18 to 23

Page 22, line 14, delete the new language and insert a comma

Page 24, after line 5, insert:

"Sec. 4. Minnesota Statutes 1994, section 256.736, subdivision 13, is amended to read:

Subd. 13. [STATE SHARE.] The state must pay 75 percent of the nonfederal share of costs incurred by counties under subdivision 11.

Beginning July 1, 1991, the state will reimburse counties, up to the limit of state appropriations, according to the payment schedule in section 256.025, for the county share of county agency expenditures made under subdivision 11 from January 1, 1991, ~~on~~ to June 30, 1995. Payment to counties under this subdivision is subject to the provisions of section 256.017.

Beginning July 1, 1995, the state must pay 100 percent of the nonfederal share incurred by counties under subdivision 11, up to the limit of state appropriations. If the state appropriation is not sufficient to fund the cost of case management services for all caretakers identified in subdivision 2a, the commissioner must define a statewide subgroup of caretakers which includes all caretakers in subdivision 2a, clause (1), and as many caretakers as possible from subdivision 2a, clauses (2) and (3).

Sec. 5. [256.986] [ASSISTANCE TRANSACTION CARD FEE.]

Subdivision 1. [REPLACEMENT CARD.] The commissioner of human services may charge a cardholder, defined as a person in whose name an assistance transaction card is issued, a \$2 fee to replace an assistance transaction card. The fees shall be appropriated to the commissioner and used for electronic benefit purposes.

Subd. 2. [TRANSACTION FEE.] Contingent upon the results of a state study to determine the cost-effectiveness of a transaction fee, the commissioner may charge a transaction fee of up to \$1 for each automated teller machine transaction in excess of four per month, up to a cap of \$10 in transaction fees per cardholder, per month. A transaction fee subsequently set by the federal government may supersede a fee established under this subdivision. The fees shall be appropriated to the commissioner and used for electronic benefit purposes."

Page 39, line 7, delete "and 252.47" and insert "252.47; and 256E.06, subdivisions 12 and 13"

Pages 41 and 42, delete sections 3 and 4

Page 50, line 28, delete the first "supplemental"

Page 50, line 30, delete everything after the period

Page 50, delete lines 31 and 32

Page 50, line 33, delete everything before "who" and insert "Persons who are not receiving supplemental security income benefits under Title XVI of the Social Security Act or disability insurance benefits under Title II of the Social Security Act due to exhausting time limited benefits, are not eligible to receive benefits under the MSA program. Persons who are not receiving social security or other maintenance benefits, for failure to meet or comply with the social security or other maintenance program requirements, are not eligible to receive benefits under the MSA program. Persons"

Page 50, line 34, delete "SSI" and insert "supplemental security income"

Page 54, line 14, delete "INSTITUTIONALIZATION" and insert "PLACEMENT IN A GROUP RESIDENTIAL HOUSING FACILITY"

Page 55, line 3, after "assistance" insert "home- and community-based services"

Page 55, line 4, delete "require" and insert "meet the plan requirements for"

Page 55, line 5, after "facility" insert "under section 256I.04, subdivision 1a,"

Page 57, after line 35, insert:

"Sec. 20. Minnesota Statutes 1994, section 256D.48, subdivision 1, is amended to read:

Subdivision 1. [NEED FOR PROTECTIVE PAYEE.] The county agency shall determine whether a recipient needs a protective payee when a physical or mental condition renders the recipient unable to manage funds and when payments to the recipient would be contrary to the recipient's welfare. Protective payments must be issued when there is evidence of: (1) repeated inability to plan the use of income to meet necessary expenditures; (2) repeated observation that the recipient is not properly fed or clothed; (3) repeated failure to meet obligations for rent, utilities, food, and other essentials; (4) evictions or a repeated incurrence of debts; or (5) lost or stolen checks; or (6) use of emergency Minnesota supplemental aid more than twice in a calendar year. The determination of representative payment by the Social Security Administration for the recipient is sufficient reason for protective payment of Minnesota supplemental aid payments."

Page 62, after line 27, insert:

"Section 1. Minnesota Statutes 1994, section 62A.045, is amended to read:

62A.045 [PAYMENTS ON BEHALF OF WELFARE RECIPIENTS.]

(a) ~~No policy of accident and sickness insurance regulated under this chapter, vendor of risk management services regulated under section 60A.23, nonprofit health service plan corporation regulated under chapter 62C, health maintenance organization regulated under chapter 62D, or self-insured plan regulated under chapter 62E health plan issued or renewed to provide coverage to a Minnesota resident shall contain any provision denying or reducing benefits because services are rendered to a person who is eligible for or receiving medical benefits pursuant to title XIX of the Social Security Act (Medicaid) in this or any other state; chapter 256; 256B; or 256D or services pursuant to section 252.27; 256.9351 to 256.9361; 260.251, subdivision 1a; or 393.07, subdivision 1 or 2. No insurer health carrier providing benefits under policies plans covered by this section shall use eligibility for medical programs named in this section as an underwriting guideline or reason for nonacceptance of the risk.~~

(b) If payment for covered expenses has been made under state medical programs for health care items or services provided to an individual, and a third party has a legal liability to make payments, the rights of payment and appeal of an adverse coverage decision for the individual, or in the case of a child their responsible relative or caretaker, will be subrogated to the state and/or its authorized agent.

(c) Notwithstanding any law to the contrary, when a person covered under by a policy of accident and sickness insurance, risk management plan, nonprofit health service plan, health maintenance organization, or self-insured health plan receives medical benefits according to any statute listed in this section, payment for covered services or notice of denial for services billed by the provider must be issued directly to the provider. If a person was receiving medical benefits through the department of human services at the time a service was provided, the provider must indicate this benefit coverage on any claim forms submitted by the provider to the insurer health carrier for those services. If the commissioner of human services notifies the insurer health carrier that the commissioner has made payments to the provider, payment for benefits or notices of denials issued by the insurer health carrier must be issued directly to the commissioner. Submission by the department to the insurer health carrier of the claim on a department of human services claim form is proper notice and shall be considered proof of payment of the claim to the provider and supersedes any contract requirements of the insurer health carrier relating to the form of submission. Liability to the insured for coverage is satisfied to the extent that payments for those benefits are made by the insurer health carrier to the provider or the commissioner as required by this section.

(d) When a state agency has acquired the rights of an individual eligible for medical programs named in this section and has health benefits coverage through a health carrier, the health carrier shall not impose requirements that are different from requirements applicable to an agent or assignee of any other individual covered.

(e) For the purpose of this section, health plan includes coverage offered by integrated service networks or community integrated service networks; any plan governed under the federal Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, sections 1001 to 1461; and coverage offered under the exclusions listed in section 62A.011, subdivision 3, clauses (2), (6), (9), (10), and (12).

Sec. 2. Minnesota Statutes 1994, section 62A.046, is amended to read:

62A.046 [COORDINATION OF BENEFITS.]

~~(1) Subdivision 1. [LIMITATION ON DENIAL OF COVERAGE; PAYMENT.] No group contract providing coverage for hospital and medical treatment or expenses issued or renewed after August 1, 1984, which is responsible for secondary coverage for services provided, may deny coverage or payment of the amount it owes as a secondary payor solely on the basis of the failure of another group contract, which is responsible for primary coverage, to pay for those services.~~

(2) Subd. 2. [DEPENDENT COVERAGE.] A group contract which provides coverage of a claimant as a dependent of a parent who has legal responsibility for the dependent's medical care pursuant to a court order under section 518.171 must make payments directly to the provider of care, the custodial parent, or the department of human services pursuant to section 62A.045. In such cases, liability to the insured is satisfied to the extent of benefit payments made to the provider under this section.

(3) Subd. 3. [APPLICATION.] This section applies to an insurer, a vendor of risk management services regulated under section 60A.23, a nonprofit health service plan corporation regulated under chapter 62C and a health maintenance organization regulated under chapter 62D. Nothing in this section shall require a secondary payor to pay the obligations of the primary payor nor shall it prevent the secondary payor from recovering from the primary payor the amount of any obligation of the primary payor that the secondary payor elects to pay.

(4) Subd. 4. [DEDUCTIBLE PROVISION.] Payments made by an enrollee or by the commissioner on behalf of an enrollee in the children's health plan under sections 256.9351 to 256.9361, or a person receiving benefits under chapter 256B or 256D, for services that are covered by the policy or plan of health insurance shall, for purposes of the deductible, be treated as if made by the insured.

(5) Subd. 5. [PAYMENT RECOVERY.] The commissioner of human services shall recover payments made by the children's health plan from the responsible insurer, for services provided by the children's health plan and covered by the policy or plan of health insurance.

(6) Subd. 6. [COORDINATION OF BENEFITS.] Insurers, vendors of risk management services, nonprofit health service plan corporations, fraternal, and health maintenance organizations may coordinate benefits to prohibit greater than 100 percent coverage when an insured, subscriber, or enrollee is covered by both an individual and a group contract providing coverage for hospital and medical treatment or expenses. Benefits coordinated under this paragraph must provide for 100 percent coverage of an insured, subscriber, or enrollee. To the extent appropriate, all coordination of benefits provisions currently applicable by law or rule to insurers, vendors of risk management services, nonprofit health service plan corporations, fraternal, and health maintenance organizations, shall apply to coordination of benefits between individual and group contracts, except that the group contract shall always be the primary plan. This paragraph does not apply to specified accident, hospital indemnity, specified disease, or other limited benefit insurance policies.

Sec. 3. Minnesota Statutes 1994, section 62A.048, is amended to read:

62A.048 [DEPENDENT COVERAGE.]

(a) ~~A policy of accident and sickness insurance health plan that covers an employee who is a Minnesota resident must, if it provides dependent coverage, allow dependent children who do not reside with the covered employee participant to be covered on the same basis as if they reside with the covered employee participant. Neither the amount of support provided by the employee to the dependent child nor the residency of the child may be used as an excluding or limiting factor for coverage or payment for health care. Enrollment of a child cannot be denied on the basis that the child was born out of wedlock, the child is not claimed as a dependent on a parent's federal income tax return, or the child does not reside with the parent or in the health carrier's service area. Every health plan must provide coverage in accordance with section 518.171 to dependents covered by a qualified court or administrative order meeting the requirements of section 518.171.~~

(b) For the purpose of this section, health plan includes coverage offered by integrated service networks or community integrated service networks; coverage designed solely to provide dental or vision care; and any plan governed under the federal Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, sections 1001 to 1461.

Sec. 4. Minnesota Statutes 1994, section 62A.27, is amended to read:

62A.27 [COVERAGE FOR ADOPTED CHILDREN.]

~~An individual or group policy or plan of health and accident insurance regulated under this~~

~~chapter or chapter 64B, subscriber contract regulated under chapter 62C, or health maintenance contract regulated under chapter 62D;~~ (a) A health plan that provides coverage to a Minnesota resident must cover adopted children of the insured, subscriber, participant, or enrollee on the same basis as other dependents. Consequently, the ~~policy or plan~~ shall not contain any provision concerning preexisting condition limitations, insurability, eligibility, or health underwriting approval concerning adopted children placed for adoption with the participant.

(b) The coverage required by this section is effective from the date of placement for ~~the purpose of adoption and continues unless the placement is disrupted prior to legal adoption and the child is removed from placement~~. For purposes of this section, placement for adoption means the assumption and retention by a person of a legal obligation for total or partial support of a child in anticipation of adoption of the child. The child's placement with a person terminates upon the termination of the legal obligation for total or partial support.

(c) For the purpose of this section, health plan includes coverage offered by integrated service networks or community integrated service networks; coverage that is designed solely to provide dental or vision care; and any plan under the federal Employee Retirement Income Security Act of 1974 (ERISA), United States Code, title 29, sections 1001 to 1461."

Page 68, line 20, delete "transfer" and insert "transfers"

Page 85, line 10, after "(b)" insert "A copayment shall not be required for family planning services or supplies or emergency services;

(c) A provider may not deny a prescription to a recipient because the recipient is unable to pay the copayment;

(d)"

Page 85, line 13, delete "(c)" and insert "(e)"

Page 85, line 15, delete "(d)" and insert "(f)"

Page 85, after line 28, insert:

"Sec. 25. Minnesota Statutes 1994, section 256B.0625, is amended by adding a subdivision to read:

Subd. 39. [PAYMENTS FOR MENTAL HEALTH SERVICES.] Payments for mental health services covered under the medical assistance program that are provided by masters-prepared mental health professionals shall be 80 percent of the rate paid to doctoral-prepared professionals. Payments for mental health services covered under the medical assistance program that are provided by masters-prepared mental health professionals employed by community mental health centers shall be 100 percent of the rate paid to doctoral-prepared professionals."

Page 93, line 21, delete "from the estate" and insert "in order to avoid"

Page 93, line 22, delete everything before the period

Page 98, line 25, delete "1995" and insert "1996"

Page 108, line 21, delete "general" and insert "gender"

Page 109, line 29, delete "two" and insert "1.5" and delete "January" and insert "July" and delete "1996" and insert "1995"

Page 113, line 28, delete "14, 43, and 44" and insert "18, 48, and 49"

Page 114, line 1, delete "5" and insert "9" and delete "20" and insert "24"

Page 114, line 2, delete "32" and insert "37" and delete "34" and insert "39"

Page 114, line 36, delete the new language

Page 115, line 1, delete the new language

Page 117, line 1, after the period, insert "Eligibility under this section must be determined annually."

Page 117, line 9, delete "team"

Page 117, line 14, before "emotional" insert "persistent"

Page 127, line 19, after the stricken "(d)" insert "(c)" and reinstate the stricken "[RETROACTIVE AUTHORIZATION.]"

Page 127, line 30, delete "(c)" and insert "(d)"

Page 128, line 25, delete "(d)" and insert "(e)"

Page 133, line 17, delete "(e)" and insert "(f)"

Page 133, line 33, delete "(f)" and insert "(g)"

Page 134, line 8, delete "(g)" and insert "(h)"

Page 134, line 19, delete "(h)" and insert "(i)"

Page 135, lines 19, 21, 25, 28, and 31, delete "in-patient" and insert "inpatient"

Page 136, lines 27 to 30, delete the new language

Page 141, delete lines 16 to 36 and insert:

"Subd. 3. Section 3 (256B.0625, subdivision 19a); that portion of section 4 (256B.0627, subdivision 1), paragraph (c), deleting references to "responsible party" and all of the deletions in paragraph (d); changes to section 6 (256B.0627, subdivision 4) paragraphs (a) and (b), clause (1), and the deletions in paragraph (b), clause (4), of references to foster care; and that portion of section 7 (256B.0627, subdivision 5) deleting paragraph (e), clause (2), item (i), subitem (C), and renumbering subitems (D) to (F); all the deletions in clause (2), item (iii), except the deletion of the reference to "personal care provider"; the deletion of clause (2), items (v) to (viii); and the deletion of paragraph (i), clauses (2) and (3), are effective July 1, 1996.

Subd. 4. Section 4 (256B.0627, subdivision 1), paragraph (c), except the deletion of references to "responsible party"; section 5 (256B.0627, subdivision 2); that portion of section 6 (256B.0627, subdivision 4) amending paragraph (b), clauses (2) and (3); and section 7 (256B.0627, subdivision 5) amending paragraph (a), clause (2); amending paragraph (d); amending the first paragraph of paragraph (e), clause (2), subitem (i); the deletion of the reference to personal care provider and the addition of the reference to county public health nurse in paragraph (e), clause (2), item (iii); and amendments to paragraph (h), are effective January 1, 1996."

Page 148, line 19, before the period, insert ", contingent on approval by the interagency committee on long-term care planning"

Page 149, after line 15, insert:

"(2) the hospital and nursing facility are physically attached or connected by a tunnel or skyway on or after January 1, 1995; and"

Page 149, line 16, delete "(2)" and insert "(3)"

Page 149, line 19, delete "(3)" and insert "(4)"

Page 149, line 20, delete "(3)" and insert "(4)"

Page 149, line 23, delete "; and"

Page 149, lines 24 to 26, delete the new language

Page 152, line 17, delete "residents" and insert "license"

Page 156, line 22, delete "October 1" and insert "November 15"

Page 158, line 10, delete "1" and insert "4"

Page 161, line 23, delete "completion" and insert "competition"

Page 169, line 28, delete ", (d),"

Page 178, delete section 9

Page 178, delete section 11

Page 179, line 18, delete "14" and insert "12"

Page 182, line 19, delete from "Those" through page 182, line 21, to "homes."

Page 184, line 5, delete "12 to 14" and insert "10 to 12"

Page 198, line 22, delete "Notwithstanding any law to the contrary,"

Page 198, line 23, after "identified" insert "under clause (5)"

Renumber the sections in sequence

Amend the title as follows:

Page 2, line 14, after "sections" insert "62A.045; 62A.046; 62A.048; 62A.27;"

Page 2, line 25, delete "subdivision 3" and insert "subdivisions 3 and 13"

Page 2, line 49, after "1;" insert "256D.48, subdivision 1;"

Page 2, line 51, delete "357.021, subdivisions 2 and 2a;"

Page 2, line 53, delete "Laws 1990, chapter 610,"

Page 2, line 54, delete everything before "Laws"

Page 2, line 56, delete "subdivisions 5 and 6" and insert "subdivision 5"

Page 2, line 65, after "7;" insert "256E.06, subdivisions 12 and 13;"

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

Ms. Flynn from the Committee on Judiciary, to which were referred the following appointments as reported in the Journal for March 30, 1995:

HARMFUL SUBSTANCE COMPENSATION BOARD

Bob Deem
Debra L. McBride

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Ms. Flynn from the Committee on Judiciary, to which were referred the following appointments as reported in the Journal for January 12, 1995:

BOARD ON JUDICIAL STANDARDS

Robert W. Johnson
Verna Kelly

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Ms. Flynn from the Committee on Judiciary, to which was referred the following appointment as reported in the Journal for March 22, 1995:

**DEPARTMENT OF HUMAN RIGHTS
COMMISSIONER**

David L. Beaulieu

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

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

Mr. Spear from the Committee on Crime Prevention, to which was referred the following appointment as reported in the Journal for February 21, 1995:

**DEPARTMENT OF PUBLIC SAFETY
COMMISSIONER**

Michael S. Jordan

Reports the same back with the recommendation that the appointment not be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. No. 1110 was read the second time.

RECESS

Mr. Moe, R.D. 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.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 281: Ms. Flynn, Mr. Mondale and Mrs. Pariseau.

S.F. No. 257: Messrs. Morse, Laidig and Sams.

S.F. No. 188: Messrs. Samuelson, Stumpf and Laidig.

S.F. No. 224: Mr. Samuelson, Ms. Lesewski and Mr. Langseth.

S.F. No. 16: Mr. Betzold, Ms. Kiscaden and Mr. Finn.

S.F. No. 308: Mr. Marty, Ms. Ranum and Mr. Knutson.

S.F. No. 1520: Messrs. Lessard, Chandler and Mrs. Pariseau.

S.F. No. 381: Messrs. Betzold, Metzen and Kleis.

S.F. No. 155: Messrs. Stumpf, Morse and Frederickson.

S.F. No. 375: Messrs. Lessard, Novak and Frederickson.

S.F. No. 965: Messrs. Langseth, Vickerman and Dille.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Ms. Olson, Mrs. Pariseau, Mr. Neuville, Ms. Runbeck and Mr. Kleis introduced--

S.F. No. 1673: A bill for an act relating to human services; establishing medical savings accounts for medical assistance recipients.

Referred to the Committee on Health Care.

Mr. Morse introduced--

S.F. No. 1674: A bill for an act relating to the environment; modifying matching money for environmental learning centers; amending Laws 1994, chapter 643, section 23, subdivision 28.

Referred to the Committee on Environment and Natural Resources.

Mrs. Pariseau, Ms. Olson, Johnston, Pappas and Mr. Langseth introduced--

S.F. No. 1675: A bill for an act relating to highways; designating Mendota bridge as Purple Heart bridge; amending Minnesota Statutes 1994, section 161.14, by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

MEMBERS EXCUSED

Mr. Beckman was excused from the Session of today from 2:00 to 2:15 p.m. Ms. Krentz, Hanson, Olson, Pappas, Ranum, Robertson, Messrs. Janezich, Knutson, Langseth, Larson and Pogemiller were excused from the Session of today from 2:00 to 2:50 p.m. Ms. Reichgott Junge was excused from the Session of today at 3:15 p.m. Mr. Solon was excused from the Session of today at 5:00 p.m. Ms. Berglin was excused from the Session of today at 6:10 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Friday, April 21, 1995. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate