

STATE OF MINNESOTA

# Journal of the Senate

SEVENTY-NINTH LEGISLATURE

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EIGHTY-SEVENTH DAY

St. Paul, Minnesota, Wednesday, February 28, 1996

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

## CALL OF THE SENATE

Mr. Betzold 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. Marilyn Saure Breckenridge.

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

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

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.

February 23, 1996

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. 1909, 1984 and 2514.

Warmest regards,  
Arne H. Carlson, Governor

February 23, 1996

The Honorable Irv Anderson  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1996 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| S.F.<br>No. | H.F.<br>No. | Session Laws<br>Chapter No. | Time and<br>Date Approved<br>1996 | Date Filed<br>1996 |
|-------------|-------------|-----------------------------|-----------------------------------|--------------------|
| 1909        |             | 279                         | 2:12 p.m. February 23             | February 23        |
| 1984        |             | 280                         | 2:15 p.m. February 23             | February 23        |
| 2514        |             | 281                         | 2:18 p.m. February 23             | February 23        |

Sincerely,  
Joan Anderson Growe  
Secretary of State

February 27, 1996

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. 2698, 2019, 1622, 1812 and 2121.

Warmest regards,  
Arne H. Carlson, Governor

February 27, 1996

The Honorable Irv Anderson  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1996 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

| S.F.<br>No. | H.F.<br>No. | Session Laws<br>Chapter No. | Time and<br>Date Approved<br>1996 | Date Filed<br>1996 |
|-------------|-------------|-----------------------------|-----------------------------------|--------------------|
|             | 2355        | 282                         | 10:12 a.m. February 27            | February 27        |
| 2698        |             | 283                         | 10:14 a.m. February 27            | February 27        |
| 2019        |             | 284                         | 10:16 a.m. February 27            | February 27        |
| 1622        |             | 285                         | 10:19 a.m. February 27            | February 27        |

1812  
2121

286  
287

10:25 a.m. February 27  
10:35 a.m. February 27

February 27  
February 27

Sincerely,  
Joan Anderson Growe  
Secretary of State

### 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. 2802 and 2596.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 27, 1996

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 3217, 1404 and 2206.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 27, 1996

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 3217:** A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

Referred to the Committee on Finance.

**H.F. No. 1404:** A bill for an act relating to transportation; allowing commissioner of transportation to act as agent to accept federal money for nonpublic organizations for transportation purposes; increasing maximum lump sum utility adjustment amount allowed for relocating utility facility; eliminating percentage limit for funding transportation research projects and providing for federal research funds and research partnerships; allowing counties more authority in disbursing certain state-aid highway funds; exempting charter buses from certain requirements of truck weight enforcement operations; regulating erection of highway signs identifying entrance into municipality; eliminating requirement to have permit identifying number affixed to highway billboard; providing for use and maintenance of hydrants located within right-of-way of public roads; eliminating legislative route No. 331 from trunk highway system and turning it back to the jurisdiction of Fillmore county; making technical corrections; amending Minnesota Statutes 1994, sections 161.085; 161.36, subdivisions 1, 2, 3, and 4; 161.46, subdivision 3; 161.53; 162.08, subdivisions 4 and 7; 162.14, subdivision 6; 169.85; 173.02, subdivision 6; 173.07, subdivision 1; 174.04; and 222.37, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 173; repealing Minnesota Statutes 1994, sections 161.086; 161.115, subdivision 262.

Referred to the Committee on Finance.

**H.F. No. 2206:** A bill for an act relating to education; removing mandates from higher education; requiring increased accountability and performance for funding; amending Minnesota Statutes 1994, sections 15.43, subdivisions 2 and 3; 16B.01, subdivision 2; 16B.21, subdivisions 1 and 3; 16B.33, subdivisions 1, 3, 4, and by adding a subdivision; 16B.35, by adding a subdivision;

16B.41, subdivision 2; 16B.482; 16B.49; 16B.531; 16B.54, subdivision 1; 16B.85, subdivision 2; 43A.05, subdivision 4; 43A.10, subdivision 3; 123.70, subdivision 10; 135A.033; 135A.14, as amended; 137.37; 169.448, subdivision 2; 201.1611; and 248.07, subdivision 7; Minnesota Statutes 1995 Supplement, sections 16B.17, subdivision 6; 16B.465, subdivision 4; 43A.06, subdivision 1; 135A.181; 136A.101, subdivision 10; 136F.06, subdivisions 1 and 2; 136F.12; 136F.16, subdivision 3; 136F.18; 136F.30; 136F.36, subdivision 2; 136F.44; 136F.50; 136F.53, subdivisions 1 and 3; 136F.58; 136F.71, by adding a subdivision; 136F.72, subdivision 3; 136F.80, subdivision 2; and 169.441, subdivision 5; Laws 1995, chapter 212, article 2, sections 15; and 20, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; and 136F; repealing Minnesota Statutes 1994, sections 137.03; 137.05; 137.06; 137.07; 137.08; 137.11; 137.14; 137.15; and 137.33; Minnesota Statutes 1995 Supplement, sections 135A.08; 136F.25; and 136F.59, subdivision 1; Laws 1995, chapter 212, article 1, section 6, subdivision 1.

Referred to the Committee on Finance.

### MOTIONS AND RESOLUTIONS

Mr. Price moved that the name of Mr. Laidig be added as a co-author to S.F. No. 2815. The motion prevailed.

Mr. Laidig moved that the name of Mr. Price be added as a co-author to S.F. No. 2844. The motion prevailed.

#### **Ms. Reichgott Junge, for Mr. Moe, R.D., introduced--**

**Senate Concurrent Resolution No. 14:** A Senate concurrent resolution relating to adjournment for more than three days.

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon its adjournment on Friday, March 1, 1996, the House of Representatives may set its next day of meeting more than three days after the day of adjournment.

2. Pursuant to the Minnesota Constitution, Article IV, Section 12, the Senate consents to the adjournment of the House of Representatives for more than three days.

Ms. Reichgott Junge moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

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 and referred to the committees indicated.

#### **Mses. Pappas; Johnson, J.B.; Anderson and Mr. Kroening introduced--**

**S.F. No. 2864:** A bill for an act relating to local government; prohibiting permits for heavy industry in part of the Mississippi river critical area; proposing coding for new law in Minnesota Statutes, chapter 116G.

Referred to the Committee on Environment and Natural Resources.

#### **Mr. Morse, Ms. Johnson, J.B.; Messrs. Vickerman, Finn and Sams introduced--**

**S.F. No. 2865:** A bill for an act relating to taxation; providing a temporary exemption from the tax on solid waste collection and disposal services for certain local units of government.

Referred to the Committee on Taxes and Tax Laws.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Beckman moved that S.F. No. 2012 be taken from the table. The motion prevailed.

**S.F. No. 2012:** A bill for an act relating to highways; designating a portion of marked trunk highway No. 22 as Victory Drive; designating a portion of marked trunk highway No. 15 as Veterans Memorial Highway; providing for reimbursement of costs; amending Minnesota Statutes 1994, section 161.14, by adding subdivisions.

### **CONCURRENCE AND REPASSAGE**

Mr. Beckman moved that the Senate concur in the amendments by the House to S.F. No. 2012 and that the bill be placed on its repassage as amended.

Ms. Flynn moved that the Senate do not concur in the amendments by the House to S.F. No. 2012, 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.

### **MOTIONS AND RESOLUTIONS - CONTINUED**

Mr. Murphy moved that H.F. No. 2411 be taken from the table. The motion prevailed.

### **SPECIAL ORDER**

**H.F. No. 2411:** A bill for an act relating to game and fish; prohibiting trespassing on agricultural land for outdoor recreation; prohibiting trespassing on certain private land for outdoor recreation; modifying posting requirements; modifying provisions for retrieving dogs and wounded game; prohibiting hunting in certain areas; providing civil penalties; establishing an appeals procedure; directing the disposition of penalty amounts; amending Minnesota Statutes 1994, section 94B.001, subdivisions 2, 3, 4, 5, 6, 7, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97B.

The question recurred on the Kramer amendment.

Mr. Kramer moved to amend H.F. No. 2411, the unofficial engrossment, as follows:

Page 4, line 33, delete from "every" through page 4, line 36, to "violation,"

Page 5, line 1, before the semicolon, insert "and loss of every license or registration being used"

The motion prevailed. So the amendment was adopted.

Mr. Merriam moved to amend H.F. No. 2411, the unofficial engrossment, as follows:

Page 2, line 13, reinstate the stricken "may not"

Page 2, line 14, reinstate the stricken "enter" and delete the new language

Page 2, lines 17 and 18, delete the new language

Page 2, line 22, reinstate the stricken "may not" and delete "who remains" and insert "remain"

Page 2, lines 25 and 26, delete the new language

Page 2, line 30, reinstate the stricken language and delete the new language

Page 2, line 31, delete the new language and insert "for outdoor recreation purposes,"

Page 2, lines 34 and 35, delete the new language

The motion prevailed. So the amendment was adopted.

H.F. No. 2411 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 0, as follows:

Those who voted in the affirmative were:

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

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Ms. Reichgott Junge 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 Mr. Metzen in the chair.

After some time spent therein, the committee arose, and Mr. Metzen reported that the committee had considered the following:

S.F. Nos. 2317, 2194, 2089, 2322, 1978, 1968, 2624 and 1464, which the committee recommends to pass.

S.F. No. 1844, which the committee recommends to pass with the following amendments offered by Mr. Neuville:

Page 4, line 31, strike "The county auditor shall determine the"

Page 4, line 32, delete the new language and strike the old language

Page 4, line 33, strike everything before "The"

Page 5, delete lines 3 and 4 and insert:

"Subd. 4. The hospital board may levy up to 1.7 percent of the hospital district's net tax capacity without the approval of the Faribault city council and the governing bodies of the other municipalities in the hospital district. Any amount of tax levied by the hospital board in excess of 1.7 percent of the hospital district's"

Page 5, line 14, before the period, insert "and section 4 applies to taxes levied in 1996, payable in 1997, and thereafter"

The motion prevailed. So the amendment was adopted.

Mr. Neuville then moved to amend S.F. No. 1844 as follows:

Page 5, line 13, delete "without" and insert "after"

Page 5, line 14, delete "on the day following final enactment" and insert "by the Rice county board"

The motion prevailed. So the amendment was adopted.

S.F. No. 2385, which the committee recommends to pass with the following amendment offered by Mr. Spear:

Page 2, line 18, after "employees" insert a comma

The motion prevailed. So the amendment was adopted.

S.F. No. 2134, which the committee reports progress, subject to the following motion:

Ms. Kiscaden moved to amend S.F. No. 2134 as follows:

Page 1, after line 10, insert:

"Section 1. Minnesota Statutes 1994, section 357.021, subdivision 1a, is amended to read:

Subd. 1a. (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the state treasurer for deposit in the state treasury and credited to the general fund. In a county in the eighth judicial district which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the state treasurer for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, or child or medical support enforcement conducted by an administrative law judge in an administrative hearing under section 518.5511;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

(5) court relief under chapter 260;

(6) forfeiture of property under section 169.1217 or sections 609.531 to 609.5317;

(7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, and 260.251, or other sections referring to other forms of public assistance; or

(8) restitution under section 611A.04.

(d) The fees collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund. The fees must be used by the county to pay for child support enforcement efforts by county attorneys."

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. 2134 was then progressed.

S.F. No. 2527, which the committee recommends to pass with the following amendments offered by Mr. Marty:

Page 2, line 15, delete from "This" through page 2, line 17, to "disclosed."

The motion prevailed. So the amendment was adopted.

Mr. Marty then moved to amend S.F. No. 2527 as follows:

Page 2, line 13, delete "\$500" and insert "\$200"

The motion prevailed. So the amendment was adopted.

On motion of Ms. Reichgott Junge, the report of the Committee of the Whole, as kept by the Secretary, was adopted.

## MOTIONS AND RESOLUTIONS - CONTINUED

### SUSPENSION OF RULES

Ms. Reichgott Junge moved that the rules of the Senate be so far suspended that S.F. No. 2167, No. 179 on General Orders, be made a Special Order for immediate consideration. The motion prevailed.

### SPECIAL ORDER

**S.F. No. 2167:** A bill for an act relating to the organization and operation of state government; appropriating money and modifying provisions relating to the environment, natural resources, and agriculture; supplementing, reducing, and modifying earlier appropriations; establishing a board; establishing an off-highway vehicle recreation area; providing for reports and fees; amending Minnesota Statutes 1994, sections 17.117, subdivision 3; 17B.15, subdivision 1; 85.052, subdivision 3; 85.054, by adding a subdivision; 85.055, subdivision 1; 94.16, subdivision 3; and 97A.028, subdivision 3; Minnesota Statutes 1995 Supplement, sections 103F.725, subdivision 1a; and 446A.07, subdivision 8; Laws 1995, chapters 207, article 1, section 2, subdivision 7; 220, section 19, subdivisions 4, 6, 10, and 19; and 254, article 1, section 93; proposing coding for new law in Minnesota Statutes, chapter 17; repealing Laws 1995, chapter 224, section 18, subdivision 4.

Mr. Morse moved to amend S.F. No. 2167 as follows:



Page 3, line 46, delete "appropriated"

The motion prevailed. So the amendment was adopted.

Mr. Lessard moved to amend S.F. No. 2167 as follows:

Page 2, line 38, delete "540,000" and insert "440,000"

Page 3, line 5, delete "\$240,000" and insert "\$140,000"

Page 3, line 38, delete "2,100,000" and insert "2,200,000"

Page 3, delete line 40 and insert:

|          |         |          |
|----------|---------|----------|
| "General | 100,000 | 150,000" |
|----------|---------|----------|

Page 4, after line 21, insert:

"\$100,000 is for snowmobile grants-in-aid, to be available until June 30, 1998. The grants must be matched by money from nonstate sources."

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend S.F. No. 2167 as follows:

Page 14, after line 12, insert:

"Sec. 15. Minnesota Statutes 1994, section 18E.02, subdivision 5, is amended to read:

Subd. 5. [ELIGIBLE PERSON.] "Eligible person" means:

(1) a responsible party or an owner of real property, but does not include the state, a state agency, a political subdivision of the state, except as provided in clause (2), the federal government, or an agency of the federal government; ~~or~~

(2) the owners of municipal airports at Perham, Madison, and Hector, Minnesota where a licensed aerial pesticide applicator has caused an incident through storage, handling, or distribution operations for agricultural chemicals if (i) the commissioner has determined that corrective action is necessary and (ii) the commissioner determines, and the agricultural chemical response compensation board concurs, that based on an affirmative showing made by the owner, a responsible party cannot be identified or the identified responsible party is unable to comply with an order for corrective action; or

~~The commissioner and the agricultural chemical response compensation board must study and report to the legislative water commission by January, 1994, the effect on the agricultural chemical response and reimbursement account of including other owners of municipal airports as eligible persons under this chapter.~~

(3) a person involved in a transaction relating to real property who is not a responsible party or owner of the real property and who voluntarily takes corrective action on the property in response to a request or order for corrective action from the commissioner, except an owner of a municipal airport not listed in clause (2).

Sec. 16. [21.901] [BRAND NAME REGISTRATION.]

The owner or originator of a variety of nonhybrid seed that is to be sold in this state must annually register the variety with the commissioner if the variety is to be sold only under a brand name. The registration must include the brand name and the variety of seed. The brand name for a blend or mixture need not be registered.

The fee is \$15 for each variety registered for sale by brand name."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Piper moved to amend S.F. No. 2167 as follows:

Page 16, after line 35, insert:

"Sec. 16. Minnesota Statutes 1995 Supplement, section 85.015, subdivision 7, is amended to read:

Subd. 7. [BLUFFLANDS TRAIL SYSTEM, FILLMORE, OLMSTED, WINONA, AND HOUSTON COUNTIES.] (a) The Root River trail shall originate at Chatfield in Fillmore county, and thence extend easterly in the Root river valley to the intersection of the river with Minnesota trunk highway No. 26 in Houston county, and extend to the Mississippi river.

(b) Additional trails shall be established that extend the Blufflands Trail System to include La Crescent, Hokah, Caledonia, and Spring Grove in Houston county; Preston, Harmony, Fountain, Wykoff, Spring Valley, Mabel, Canton, and Ostrander in Fillmore county; Dover, Eyota, Stewartville, Byron, and Chester Woods county park in Olmsted county; and Winona, Minnesota City, Rollingstone, Altura, Lewiston, Utica, St. Charles, and Elba in Winona county. In addition to the criteria in section 86A.05, subdivision 4, these trails must utilize abandoned railroad rights-of-way where possible.

(c) The trails shall be developed primarily for nonmotorized riding and hiking.

Sec. 17. Minnesota Statutes 1994, section 85.015, is amended by adding a subdivision to read:

Subd. 19. [BLAZING STAR TRAIL, FREEBORN AND MOWER COUNTIES.] (a) The trail shall originate in the city of Albert Lea and extend to the city of Austin.

(b) The trail shall be developed primarily for hiking and nonmotorized riding."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 8, after the first semicolon, insert "authorizing and modifying state trails;"

Page 1, line 10, after the second semicolon, insert "85.015, by adding a subdivision;"

Page 1, line 13, after "sections" insert "85.015, subdivision 7;"

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend S.F. No. 2167 as follows:

Page 4, line 22, delete "235,000" and insert "200,000"

Page 4, delete lines 23 to 52

Page 5, line 22, delete "\$250,000" and insert "\$285,000"

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

### CALL OF THE SENATE

Mr. Morse imposed a call of the Senate for the balance of the proceedings on S.F. No. 2167. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment of Mr. Dille.

The roll was called, and there were yeas 28 and nays 31, as follows:

Those who voted in the affirmative were:

|              |               |          |           |             |
|--------------|---------------|----------|-----------|-------------|
| Belanger     | Hanson        | Kramer   | Oliver    | Sams        |
| Berg         | Johnson, D.E. | Kroening | Olson     | Scheevel    |
| Day          | Johnston      | Langseth | Ourada    | Stevens     |
| Dille        | Kiscaden      | Larson   | Pariseau  | Terwilliger |
| Fischbach    | Kleis         | Lesewski | Robertson |             |
| Frederickson | Knutson       | Limmer   | Runbeck   |             |

Those who voted in the negative were:

|          |               |         |                 |           |
|----------|---------------|---------|-----------------|-----------|
| Anderson | Hottinger     | Marty   | Pogemiller      | Stumpf    |
| Beckman  | Janezich      | Merriam | Price           | Vickerman |
| Berglin  | Johnson, D.J. | Metzen  | Ranum           | Wiener    |
| Betzold  | Johnson, J.B. | Mondale | Reichgott Junge |           |
| Cohen    | Krentz        | Morse   | Riveness        |           |
| Finn     | Laidig        | Pappas  | Samuelson       |           |
| Flynn    | Lessard       | Piper   | Spear           |           |

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

Mr. Berg moved to amend S.F. No. 2167 as follows:

Page 6, delete section 5

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

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 26 and nays 34, as follows:

Those who voted in the affirmative were:

|           |          |         |           |             |
|-----------|----------|---------|-----------|-------------|
| Belanger  | Kleis    | Lessard | Pariseau  | Terwilliger |
| Berg      | Knutson  | Limmer  | Robertson | Wiener      |
| Day       | Kramer   | Merriam | Runbeck   |             |
| Dille     | Krentz   | Oliver  | Samuelson |             |
| Fischbach | Larson   | Olson   | Scheevel  |             |
| Kiscaden  | Lesewski | Ourada  | Stevens   |             |

Those who voted in the negative were:

|          |               |           |            |                 |
|----------|---------------|-----------|------------|-----------------|
| Anderson | Frederickson  | Kelly     | Morse      | Reichgott Junge |
| Beckman  | Hanson        | Kroening  | Neuville   | Riveness        |
| Berglin  | Hottinger     | Laidig    | Pappas     | Sams            |
| Betzold  | Johnson, D.E. | Marty     | Piper      | Spear           |
| Cohen    | Johnson, D.J. | Metzen    | Pogemiller | Stumpf          |
| Finn     | Johnson, J.B. | Moe, R.D. | Price      | Vickerman       |
| Flynn    | Johnston      | Mondale   | Ranum      |                 |

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

Mr. Berg then moved to amend S.F. No. 2167 as follows:

Page 10, delete lines 25 to 44

Pages 10 to 12, delete section 11

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

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 17 and nays 45, as follows:

Those who voted in the affirmative were:

|               |          |         |           |         |
|---------------|----------|---------|-----------|---------|
| Belanger      | Kiscaden | Larson  | Pariseau  | Stevens |
| Berg          | Kleis    | Lessard | Robertson |         |
| Fischbach     | Kramer   | Limmer  | Runbeck   |         |
| Johnson, D.E. | Kroening | Oliver  | Samuelson |         |

Those who voted in the negative were:

|              |               |           |                 |             |
|--------------|---------------|-----------|-----------------|-------------|
| Anderson     | Hanson        | Laidig    | Novak           | Riveness    |
| Beckman      | Hottinger     | Lesewski  | Olson           | Sams        |
| Berglin      | Janezich      | Marty     | Ourada          | Scheevel    |
| Betzold      | Johnson, D.J. | Merriam   | Pappas          | Solon       |
| Cohen        | Johnson, J.B. | Metzen    | Piper           | Spear       |
| Day          | Johnston      | Moe, R.D. | Pogemiller      | Stumpf      |
| Dille        | Kelly         | Mondale   | Price           | Terwilliger |
| Flynn        | Knutson       | Morse     | Ranum           | Vickerman   |
| Frederickson | Krentz        | Neuville  | Reichgott Junge | Wiener      |

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

Ms. Anderson moved to amend the Lessard amendment to S.F. No. 2167, adopted by the Senate February 28, 1996, as follows:

Page 1, delete lines 4 to 11 and insert:

"Page 4, line 22, delete "235,000" and insert "200,000"

Page 4, delete lines 23 to 52

Page 5, line 3, delete "535,000" and insert "495,000"

Page 5, delete lines 53 to 64

Page 6, delete lines 1 to 8

Page 10, line 15, delete "280,000" and insert "255,000"

Page 10, line 16, delete "\$80,000" and insert "\$55,000"

Pages 17 and 18, delete section 18

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

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 41, as follows:

Those who voted in the affirmative were:

|          |           |          |           |          |
|----------|-----------|----------|-----------|----------|
| Anderson | Fischbach | Kramer   | Mondale   | Scheevel |
| Berglin  | Flynn     | Krentz   | Ourada    | Wiener   |
| Betzold  | Kelly     | Kroening | Pappas    |          |
| Cohen    | Kiscaden  | Lesewski | Ranum     |          |
| Dille    | Kleis     | Marty    | Robertson |          |

Those who voted in the negative were:

|          |               |               |          |          |
|----------|---------------|---------------|----------|----------|
| Beckman  | Frederickson  | Johnson, D.J. | Langseth | Metzen   |
| Belanger | Hanson        | Johnson, J.B. | Larson   | Morse    |
| Berg     | Hottinger     | Johnston      | Lessard  | Neuville |
| Day      | Janezich      | Knutson       | Limmer   | Novak    |
| Finn     | Johnson, D.E. | Laidig        | Merriam  | Oliver   |

Olson  
Pariseau  
Piper  
Pogemiller

Price  
Reichgott Junge  
Riveness

Runbeck  
Sams  
Samuelson

Solon  
Spear  
Stevens

Stumpf  
Terwilliger  
Vickerman

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

Mr. Pogemiller moved to amend S.F. No. 2167 as follows:

Page 20, after line 8, insert:

"Sec. 22. [116G.141] [MISSISSIPPI RIVER CRITICAL AREA; CERTAIN FACILITIES PROHIBITED.]

Subdivision 1. [STEAM PRODUCING FACILITIES.] (a) A person may not construct, retrofit, renovate, or begin operation of a steam producing facility with a steam producing capacity in excess of one billion pounds of steam per year, for the primary purpose of space heating, within the portion of the Mississippi river critical area designated in Minnesota Statutes, section 116G.15, that is located within the cities of Minneapolis and St. Paul.

(b) Paragraph (a) does not apply to the University of Minnesota if:

(1) by December 1, 1996, after a good faith effort, the University of Minnesota is unable to obtain an acceptable site for the university's steam generating facility outside the Mississippi river critical area and secure third-party commitments to decommission, preserve, and adapt the existing southeast plant; or

(2) state bonds in the amount of at least \$30 million are not authorized in the 1996 legislative session to pay the increased costs for the university to develop a steam generating facility outside the Mississippi river critical area.

Subd. 2. [METAL SHREDDING FACILITIES.] A person may not construct, retrofit, renovate, or begin operation of a metal materials shredding facility with a processing capacity in excess of 20,000 tons per month within the portion of the Mississippi river critical area designated in Minnesota Statutes, section 116G.15, that is located within the cities of Minneapolis and St. Paul.

Subd. 3. [DEFINITION OF PERSON.] For the purposes of this section, "person" has the meaning given in Minnesota Statutes, section 116.06, subdivision 17, and includes the University of Minnesota."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Pogemiller then moved to amend the Pogemiller amendment to S.F. No. 2167 as follows:

Page 1, line 15, delete "December" and insert "July"

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

Mr. Kramer questioned whether the amendment, as amended, was germane.

The President ruled that the amendment, as amended, was germane.

The question recurred on the Pogemiller amendment, as amended.

The roll was called, and there were yeas 26 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson  
Beckman  
Berglin  
Betzold  
Finn  
Flynn

Hanson  
Hottinger  
Janezich  
Johnson, D.J.  
Johnson, J.B.  
Krentz

Kroening  
Larson  
Marty  
Metzen  
Novak  
Oliver

Pappas  
Pogemiller  
Ranum  
Reichgott Junge  
Robertson  
Solon

Spear  
Stumpf

Those who voted in the negative were:

|              |               |           |          |             |
|--------------|---------------|-----------|----------|-------------|
| Belanger     | Johnson, D.E. | Langseth  | Morse    | Sams        |
| Berg         | Johnston      | Lesewski  | Ourada   | Scheevel    |
| Cohen        | Kiscaden      | Lessard   | Pariseau | Stevens     |
| Day          | Kleis         | Limmer    | Piper    | Terwilliger |
| Dille        | Knutson       | Merriam   | Price    | Vickerman   |
| Fischbach    | Kramer        | Moe, R.D. | Riveness | Wiener      |
| Frederickson | Laidig        | Mondale   | Runbeck  |             |

The motion did not prevail. So the Pogemiller amendment, as amended, was not adopted.

Ms. Krentz moved to amend S.F. No. 2167 as follows:

Page 4, delete lines 61 to 63

Page 5, delete lines 1 and 2

Page 35, after line 17, insert:

"Sec. 29. Laws 1995, chapter 248, article 2, section 6, subdivision 1, is amended to read:

Subdivision 1. [LEGISLATIVE COMMISSIONS; CESSATION.] Each legislative commission as defined in section 2, subdivision 1, of this article, except the legislative water commission, the legislative coordinating commission, the legislative advisory commission, and the legislative audit commission, shall cease operation on July 1, 1996, unless the legislative coordinating commission elects, by affirmative action taken by January 1, 1996, to continue the operation of the commission either alone or in combination with another legislative commission. The statutory functions and duties, if any, of a commission that ceases operation under this provision shall be performed as determined necessary by the legislative coordinating commission."

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

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.

Mr. Ourada moved to amend S.F. No. 2167 as follows:

Page 4, line 22, delete "235,000" and insert "200,000"

Page 4, delete lines 23 to 52

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 33 and nays 27, as follows:

Those who voted in the affirmative were:

|          |           |          |          |           |
|----------|-----------|----------|----------|-----------|
| Anderson | Dille     | Kramer   | Marty    | Robertson |
| Belanger | Fischbach | Krentz   | Merriam  | Runbeck   |
| Berg     | Johnston  | Kroening | Oliver   | Scheevel  |
| Berglin  | Kelly     | Langseth | Olson    | Stevens   |
| Betzold  | Kiscaden  | Larson   | Ourada   | Wiener    |
| Cohen    | Kleis     | Lesewski | Pappas   |           |
| Day      | Knutson   | Limmer   | Pariseau |           |

Those who voted in the negative were:

|               |               |            |                 |             |
|---------------|---------------|------------|-----------------|-------------|
| Beckman       | Johnson, J.B. | Neuville   | Reichgott Junge | Stumpf      |
| Finn          | Laidig        | Novak      | Riveness        | Terwilliger |
| Flynn         | Lessard       | Piper      | Sams            | Vickerman   |
| Frederickson  | Metzen        | Pogemiller | Samuelson       |             |
| Hottinger     | Mondale       | Price      | Solon           |             |
| Johnson, D.J. | Morse         | Ranum      | Spear           |             |

The motion prevailed. So the amendment was adopted.

Ms. Runbeck moved to amend S.F. No. 2167 as follows:

Page 3, delete lines 26 to 37

Renumber the subdivisions in sequence

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

Pages 16 and 17, delete section 16

Pages 17 and 18, delete section 18

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 28 and nays 29, as follows:

Those who voted in the affirmative were:

|               |          |          |           |           |
|---------------|----------|----------|-----------|-----------|
| Anderson      | Johnston | Lesewski | Olson     | Samuelson |
| Berglin       | Kelly    | Limmer   | Ourada    | Scheevel  |
| Cohen         | Kleis    | Metzen   | Pariseau  | Stevens   |
| Dille         | Knutson  | Mondale  | Robertson | Wiener    |
| Fischbach     | Kramer   | Neuville | Runbeck   |           |
| Johnson, D.E. | Krentz   | Oliver   | Sams      |           |

Those who voted in the negative were:

|         |               |         |                 |             |
|---------|---------------|---------|-----------------|-------------|
| Beckman | Frederickson  | Lessard | Piper           | Solon       |
| Berg    | Hanson        | Marty   | Pogemiller      | Spear       |
| Betzold | Johnson, J.B. | Merriam | Price           | Stumpf      |
| Day     | Kroening      | Morse   | Ranum           | Terwilliger |
| Finn    | Laidig        | Novak   | Reichgott Junge | Vickerman   |
| Flynn   | Langseth      | Pappas  | Riveness        |             |

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

Ms. Lesewski moved to amend S.F. No. 2167 as follows:

Page 5, line 3, delete "535,000" and insert "545,000"

Page 5, line 9, delete "\$50,000" and insert "\$100,000"

Page 5, delete lines 53 to 64

Page 6, delete lines 1 to 8

Page 10, line 15, delete "280,000" and insert "270,000"

Page 10, line 25, delete "\$200,000" and insert "\$190,000"

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

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

S.F. No. 2167 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 46 and nays 16, as follows:

Those who voted in the affirmative were:

|           |               |          |                 |           |
|-----------|---------------|----------|-----------------|-----------|
| Beckman   | Frederickson  | Laidig   | Oliver          | Samuelson |
| Belanger  | Hanson        | Langseth | Olson           | Scheevel  |
| Berg      | Hottinger     | Lesewski | Pariseau        | Solon     |
| Betzold   | Janezich      | Lessard  | Piper           | Spear     |
| Cohen     | Johnson, D.E. | Marty    | Pogemiller      | Stumpf    |
| Day       | Johnson, D.J. | Merriam  | Price           | Vickerman |
| Dille     | Johnson, J.B. | Metzen   | Ranum           |           |
| Finn      | Kelly         | Morse    | Reichgott Junge |           |
| Fischbach | Krentz        | Neuville | Riveness        |           |
| Flynn     | Kroening      | Novak    | Sams            |           |

Those who voted in the negative were:

|          |         |         |           |         |
|----------|---------|---------|-----------|---------|
| Anderson | Kleis   | Larson  | Ourada    | Runbeck |
| Berglin  | Knutson | Limmer  | Pappas    | Stevens |
| Johnston | Kramer  | Mondale | Robertson | Wiener  |
| Kiscaden |         |         |           |         |

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

## MOTIONS AND RESOLUTIONS - CONTINUED

### SUSPENSION OF RULES

Ms. Reichgott Junge moved that the rules of the Senate be so far suspended that S.F. No. 2856, No. 178 on General Orders, be made a Special Order for immediate consideration. The motion prevailed.

### SPECIAL ORDER

**S.F. No. 2856:** A bill for an act relating to criminal justice; appropriating money for the judicial branch, public safety, corrections, criminal justice, crime prevention programs, and other related purposes; providing for community notification of the release of certain sex offenders, expanding the sex offender registration act; reconciling various provisions on criminal history background checks; implementing, clarifying, and modifying certain criminal and juvenile provisions; implementing, clarifying, and modifying certain penalty provisions; establishing and expanding pilot programs, grant programs, task forces, committees, and studies; providing for the retention of consultants; amending Minnesota Statutes 1994, sections 8.01; 15.86, by adding a subdivision; 84.91, by adding a subdivision; 86B.331, by adding a subdivision; 144A.46, subdivision 5; 168.041, subdivision 6; 168.042, subdivisions 8, 12, and by adding a subdivision; 169.121, subdivisions 2, 3, and 4; 169.123, subdivision 4; 171.17, subdivision 1; 171.29, subdivision 1; 171.30, subdivisions 1 and 2a; 181.9412; 244.17, subdivision 2, and by adding a subdivision; 244.172, subdivision 2; 268.30, subdivision 2; 299A.35, as amended; 609.115, by adding a subdivision; 609.52, subdivision 2; 611.271; 611A.25, subdivision 3; and 611A.361, subdivision 3; Minnesota Statutes 1995 Supplement, sections 16B.181; 144.057, subdivisions 1, 3, and 4; 171.29, subdivision 2; 243.166, subdivisions 1 and 7; 245A.04, subdivision 3; 299A.326, subdivision 1; 299C.67, subdivision 5; 299C.68, subdivisions 2, 5, and 6; and 609.2325, subdivision 3; Laws 1995, chapter 229, article 3, section 17; proposing coding for new law in Minnesota Statutes, chapters 168; 168A; 244; 299A; and 609.

Mr. Marty moved to amend S.F. No. 2856 as follows:

Page 42, after line 28, insert:

"Sec. 2. [15.87] [VICTIMS OF VIOLENCE.]

In furtherance of the state policy of zero tolerance for violence in section 1.50, the state shall have a goal of providing:

(a) every victim of violence in Minnesota, regardless of the county of residence, access to:



- (1) crisis intervention services, including a 24-hour emergency phone line;
- (2) safe housing;
- (3) counseling and peer support services; and
- (4) assistance in pursuing legal remedies and appropriate medical care; and
- (b) every child who is a witness to abuse or who is a victim of violence, access to:
  - (1) crisis child care;
  - (2) safe supervised child visitation, when needed;
  - (3) age appropriate counseling and support; and
  - (4) assistance with legal remedies, medical care, and needed social services."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Kelly moved to amend S.F. No. 2856 as follows:

Page 5, line 3, delete "negotiations" and insert "a contract"

Page 5, line 4, after "house" insert "at least 200"

Page 5, line 5, after "facility" insert "by April 1, 1997, if the cost does not exceed \$55 per inmate per day." and delete "when beds are needed"

Page 5, delete line 6

The motion prevailed. So the amendment was adopted.

Mr. Kelly then moved to amend S.F. No. 2856 as follows:

Page 6, after line 25, insert:

"Subd. 4. Spending Cap

General fund spending by the department of corrections is limited to \$614,000,000 in the biennium ending June 30, 1999.

The commissioner of corrections shall prepare and submit to the legislature by December 1, 1996, a proposal on how to limit the increase in general fund appropriations to the department of corrections from the 1996-1997 biennium to the 1998-1999 biennium so as not to exceed the spending cap. The commissioner may also submit alternative proposals to accomplish the same goal. The proposal or proposals must include the commissioner's recommendations for changes in administration, programming, staffing, and community services."

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 2856 as follows:

Page 4, delete lines 39 to 55 and insert:

"The commissioner shall attempt to maximize the use of inmate labor throughout the state by entering into negotiations and agreements, where feasible."

### CALL OF THE SENATE

Mr. Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 2856. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Finn moved to amend the Neuville amendment to S.F. No. 2856 as follows:

Page 1, line 2, delete "delete lines 39 to 55 and" and insert "after line 55,"

The question was taken on the adoption of the Finn amendment to the Neuville amendment.

The roll was called, and there were yeas 32 and nays 27, as follows:

Those who voted in the affirmative were:

|              |               |           |                 |           |
|--------------|---------------|-----------|-----------------|-----------|
| Anderson     | Hottinger     | Laidig    | Pappas          | Spear     |
| Berglin      | Janezich      | Lessard   | Pogemiller      | Stumpf    |
| Betzold      | Johnson, D.E. | Marty     | Price           | Vickerman |
| Finn         | Johnson, D.J. | Merriam   | Ranum           | Wiener    |
| Flynn        | Johnson, J.B. | Moe, R.D. | Reichgott Junge |           |
| Frederickson | Krentz        | Morse     | Sams            |           |
| Hanson       | Kroening      | Novak     | Samuelson       |           |

Those who voted in the negative were:

|          |           |          |           |          |
|----------|-----------|----------|-----------|----------|
| Beckman  | Fischbach | Kramer   | Olson     | Runbeck  |
| Belanger | Johnston  | Langseth | Ourada    | Scheevel |
| Berg     | Kelly     | Larson   | Pariseau  | Stevens  |
| Cohen    | Kiscaden  | Lesewski | Piper     |          |
| Day      | Kleis     | Neuville | Riveness  |          |
| Dille    | Knutson   | Oliver   | Robertson |          |

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

Mr. Kleis moved to amend S.F. No. 2856 as follows:

Page 47, after line 29, insert:

"Sec. 5. [243.555] [SMOKING BY INMATES PROHIBITED.]

No inmate in a state correctional facility may possess or use tobacco or a tobacco-related device. For the purposes of this section, "tobacco" and "tobacco-related device" have the meanings given in section 609.685, subdivision 1.

Page 73, line 14, after the period, insert "Section 5 is effective August 1, 1997."

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 28 and nays 31, as follows:

Those who voted in the affirmative were:

|          |              |               |          |        |
|----------|--------------|---------------|----------|--------|
| Beckman  | Day          | Hottinger     | Kiscaden | Kramer |
| Belanger | Fischbach    | Johnson, D.E. | Kleis    | Krentz |
| Berg     | Frederickson | Johnston      | Knutson  | Larson |

Lesewski  
Marty  
Morse

Neuville  
Oliver  
Olson

Ourada  
Pariseau  
Piper

Ranum  
Runbeck  
Scheevel

Stevens

Those who voted in the negative were:

Anderson  
Berglin  
Betzold  
Cohen  
Finn  
Flynn  
Hanson

Janezich  
Johnson, D.J.  
Johnson, J.B.  
Kelly  
Kroening  
Laidig  
Langseth

Lessard  
Limmer  
Merriam  
Moe, R.D.  
Novak  
Pappas  
Pogemiller

Price  
Reichgott Junge  
Riveness  
Robertson  
Sams  
Samuelson  
Spear

Stumpf  
Vickerman  
Wiener

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

Ms. Kiscaden moved to amend S.F. No. 2856 as follows:

Page 3, line 4, delete "\$1,000,000" and insert "\$1,607,000"

Page 6, delete lines 27 to 62

Page 7, delete lines 15 to 20

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

Ms. Kiscaden then moved to amend the Kiscaden amendment to S.F. No. 2856 as follows:

Page 1, delete line 2

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

Ms. Kiscaden then moved to amend the Kiscaden amendment to S.F. No. 2856 as follows:

Page 1, line 3, delete "62" and insert "37"

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

The question recurred on the Kiscaden amendment, as amended. The motion did not prevail. So the amendment, as amended, was not adopted.

Mr. Laidig moved to amend the Kelly amendment to S.F. No. 2856, adopted by the Senate February 28, 1996, as follows:

Page 1, line 6, delete the period and insert "and if beds are needed"

Page 1, delete line 8

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 13 and nays 45, as follows:

Those who voted in the affirmative were:

Belanger  
Berglin  
Day

Finn  
Flynn  
Kleis

Knutson  
Laidig  
Lessard

Merriam  
Oliver  
Samuelson

Terwilliger

Those who voted in the negative were:

Beckman  
Berg  
Betzold  
Cohen  
Fischbach  
Frederickson  
Hanson  
Hottinger  
Janezich

Johnson, D.E.  
Johnson, D.J.  
Johnson, J.B.  
Johnston  
Kelly  
Kiscaden  
Kramer  
Krentz  
Langseth

Larson  
Lesewski  
Limmer  
Marty  
Metzen  
Moe, R.D.  
Morse  
Neuville  
Olson

Ourada  
Pappas  
Pariseau  
Piper  
Pogemiller  
Price  
Ranum  
Reichgott Junge  
Riveness

Robertson  
Runbeck  
Sams  
Scheevel  
Spear  
Stevens  
Stumpf  
Vickerman  
Wiener

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

Mr. Neuville moved to amend S.F. No. 2856 as follows:

Page 73, after line 6, insert:

"Sec. 33. [SENTENCING GUIDELINES MODIFICATIONS.]

Pursuant to Minnesota Statutes, section 244.09, the proposed modifications to the sentencing guidelines regarding the adjustment of increases in durations across criminal history at severity levels I through VI contained on page 11 of the January 1996, Minnesota sentencing guidelines commission's report to the legislature, shall not take effect until August 1, 1997."

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 50 and nays 8, as follows:

Those who voted in the affirmative were:

|           |               |           |                 |             |
|-----------|---------------|-----------|-----------------|-------------|
| Beckman   | Frederickson  | Kleis     | Morse           | Robertson   |
| Belanger  | Hanson        | Knutson   | Neuville        | Runbeck     |
| Berg      | Hottinger     | Kramer    | Oliver          | Sams        |
| Berglin   | Janezich      | Krentz    | Olson           | Samuelson   |
| Betzold   | Johnson, D.E. | Langseth  | Ourada          | Scheevel    |
| Cohen     | Johnson, D.J. | Larson    | Pariseau        | Stevens     |
| Day       | Johnson, J.B. | Lesewski  | Pogemiller      | Stumpf      |
| Finn      | Johnston      | Lessard   | Price           | Terwilliger |
| Fischbach | Kelly         | Metzen    | Ranum           | Vickerman   |
| Flynn     | Kiscaden      | Moe, R.D. | Reichgott Junge | Wiener      |

Those who voted in the negative were:

|          |         |        |          |       |
|----------|---------|--------|----------|-------|
| Anderson | Marty   | Pappas | Riveness | Spear |
| Laidig   | Merriam | Piper  |          |       |

The motion prevailed. So the amendment was adopted.

Mr. Kleis moved to amend S.F. No. 2856 as follows:

Page 47, after line 29, insert:

"Sec. 5. [243.555] [SMOKING BY INMATES PROHIBITED.]

No inmate in a state correctional facility may possess or use tobacco or a tobacco-related device. For the purposes of this section, "tobacco" and "tobacco-related device" have the meanings given in section 609.685, subdivision 1. This section does not prohibit the possession or use of tobacco or a tobacco-related device by an adult as a part of a traditional Indian spiritual or cultural ceremony. For purposes of this section, an Indian is a person who is a member of an Indian tribe as defined in section 257.351, subdivision 9."

Page 73, line 14, after the period, insert "Section 5 is effective August 1, 1997."

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 33 and nays 27, as follows:

Those who voted in the affirmative were:

|           |               |          |          |             |
|-----------|---------------|----------|----------|-------------|
| Beckman   | Flynn         | Knutson  | Neuville | Runbeck     |
| Belanger  | Frederickson  | Kramer   | Oliver   | Sams        |
| Berg      | Hottinger     | Krentz   | Olson    | Scheevel    |
| Berglin   | Johnson, D.E. | Larson   | Ourada   | Stevens     |
| Day       | Johnston      | Lesewski | Pariseau | Terwilliger |
| Finn      | Kiscaden      | Marty    | Piper    |             |
| Fischbach | Kleis         | Morse    | Ranum    |             |

Those who voted in the negative were:

|               |               |            |                 |           |
|---------------|---------------|------------|-----------------|-----------|
| Anderson      | Johnson, J.B. | Limmer     | Price           | Stumpf    |
| Betzold       | Kelly         | Merriam    | Reichgott Junge | Vickerman |
| Cohen         | Kroening      | Metzen     | Riveness        | Wiener    |
| Hanson        | Laidig        | Moe, R.D.  | Robertson       |           |
| Janezich      | Langseth      | Pappas     | Samuelson       |           |
| Johnson, D.J. | Lessard       | Pogemiller | Spear           |           |

The motion prevailed. So the amendment was adopted.

S.F. No. 2856 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 60 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Janezich voted in the negative.

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

### 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 House File, herewith transmitted: H.F. No. 2818.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 27, 1996

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 2818:** A bill for an act relating to human services; changing provisions relating to certain public assistance programs; providing changes to long-term care; adding provisions to health care and health plan regulations; adding provisions for dental services, senior nutrition programs, and kinship caregiver support programs; authorizing studies and reports; appropriating money; amending Minnesota Statutes 1994, sections 62D.04, subdivision 5; 62N.10, subdivision 4; 62Q.075, subdivision 2; 144.0722, by adding a subdivision; 144.551, subdivision 1; 144.71, subdivisions 1 and 2; 144.72, subdivisions 1 and 2; 144.73, subdivision 1; 144.74; 144A.04, by adding a subdivision; 145.61, subdivision 5; 148.235, by adding a subdivision; 148C.01, by adding a subdivision; 148C.09, by adding a subdivision; 157.20, by adding a subdivision; 245.462, subdivision 4; 245.4871, subdivision 4; 245.94, subdivisions 2a and 3; 245.95, subdivision 2; 245.97, subdivision 6; 246.57, by adding a subdivision; 253B.11, subdivision 2; 256.482, by adding a subdivision; 256.73, subdivision 1, and by adding a subdivision; 256B.03, by adding a subdivision; 256B.056, subdivisions 1 and 1a; 256B.058, subdivision 2; 256B.0627, subdivisions 1, as amended, 4, as amended, 5, as amended, and by adding a subdivision; 256B.0913, subdivision 7, and by adding subdivisions; 256B.0915, subdivision 1b, and by adding subdivisions; 256B.15, by adding subdivisions; 256B.35, subdivision 1; 256B.37, subdivision 5; 256B.49, by adding a subdivision; 256B.501, by adding subdivisions; 256B.69, by adding a subdivision; 256D.16; 256I.04, subdivision 1; 256I.05, subdivision 1c, and by adding a subdivision; and 327.14, subdivision 8; Minnesota Statutes 1995 Supplement, sections 62Q.19, subdivisions 1 and 5; 62R.17; 144.122; 144.9503, subdivisions 6, 8, and 9; 144.9504, subdivisions 2, 7, and 8; 144.9505, subdivision 4; 144A.071, subdivision 3; 148C.01, subdivisions 12 and 13; 148C.02, subdivisions 1 and 2; 148C.03, subdivision 1; 148C.04, subdivisions 3, 4, and by adding a subdivision; 148C.05, subdivision 1; 148C.06; 148C.11, subdivisions 1 and 3; 157.011, subdivision 1; 157.15, subdivisions 4, 5, 6, 9, 12, 13, and 14, and by adding subdivisions; 157.16; 157.17, subdivision 2; 157.20, subdivision 1; 157.21; 252.27, subdivision 2a; 256.045, subdivision 3; 256.969, subdivisions 1, 2b, and 10; 256B.0575; 256B.0625, subdivisions 17, 19a, and 30; 256B.0628, subdivision 2; 256B.0913, subdivisions 5 and 15a; 256B.0915, subdivisions 3 and 3a; 256B.093, subdivision 3; 256B.15, subdivision 5; 256B.431, subdivision 25; 256B.432, subdivision 2; 256B.434, subdivision 10; 256B.49, subdivisions 6 and 7; 256B.501, subdivisions 5b and 5c; 256B.69, subdivisions 3a, 4, 5b, 6, and 21; 256D.02, subdivision 12a; 256D.03, subdivision 4; and 256I.04, subdivisions 2b and 3; Laws 1995, chapter 207, articles 1, section 2, subdivision 4; and 8, section 42, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 62J; 144; 145; 157; 252; 256; 256B; and 256E; proposing coding for new law as Minnesota Statutes, chapter 252B; repealing Minnesota Statutes 1994, sections 144.691, subdivision 4; 146.14; 146.20; Minnesota Statutes 1995 Supplement, sections 157.03; 157.15, subdivision 2; 157.18; 157.19; and 256B.69, subdivision 4a; Minnesota Rules, part 9505.5230.

Mr. Moe, R.D. moved that H.F. No. 2818 be laid on the table. The motion prevailed.

## REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

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

**S.F. No. 2308:** A bill for an act relating to human services, including provisions for health and human services administration; life skills self-sufficiency; children's programs; economic self-sufficiency; health care; community mental health and state-operated services; health plan and continuing care relating to medical assistance and general medical assistance care; prohibiting certain asset transfers within 60 months of application for assistance; establishing a penalty period that begins with the month of application; changing the method for determining the length of penalty period; reducing the limit on monthly uncompensated transfers that shall be disregarded; allowing estate claims against the estate of a predeceased spouse in certain situations; creating a cause of action against transferees in certain circumstances; requiring the personal representative to serve notice on the commissioner of human services under certain circumstances; long-term care; technical changes; health plan regulations; permitting the establishment of a medical education and research fund; appropriating money; amending Minnesota Statutes 1994, sections

62D.04, subdivision 5; 62N.10, subdivision 4; 144.0722, by adding subdivisions; 245.462, subdivision 4; 245.4871, subdivision 4; 253B.11, subdivision 2; 256.9355, subdivision 3; 256B.03, by adding a subdivision; 256B.0595, by adding subdivisions; 256B.0627, subdivisions 1, 5, and by adding a subdivision; 256B.0913, subdivision 7; 256B.0915, subdivision 1b; 256B.35, subdivision 1; 256B.37, subdivision 5, and by adding a subdivision; 256B.431, by adding a subdivision; 256B.48, subdivision 1; 256B.49, by adding a subdivision; 256B.501, by adding a subdivision; 256I.04, subdivision 1; and 256I.05, subdivision 1c, and by adding a subdivision; 325F.71, subdivision 2; 524.2-403; and 524.3-801; Minnesota Statutes 1995 Supplement, sections 62Q.19, subdivisions 1 and 5; 144A.071, subdivision 4a; 256.045, subdivision 3; 256.969, subdivisions 1, 2b, and 10; 256B.055, subdivision 12; 256B.0575; 256B.0595, subdivisions 1, 2, 3, and 4; 256B.0625, subdivisions 17 and 30; 256B.0628, subdivision 2; 256B.0913, subdivision 5; 256B.0915, subdivision 3; 256B.093, subdivision 3; 256B.15, subdivision 5, and by adding a subdivision;; 256B.431, subdivisions 2j and 25; 256B.432, subdivision 2; 256B.434, subdivisions 2, 9, and 10; 256B.49, subdivisions 6 and 7; 256B.501, subdivisions 5b and 5c; 256B.69, subdivisions 3a, 4, 5b, 6, and 21; 256D.03, subdivision 4; and 256I.04, subdivisions 2b and 3; Laws 1995, chapters 207, articles 6, section 125, subdivisions 6, 8, 9, 11, and 12; and 8, section 35; proposing coding for new law in Minnesota Statutes, chapters 62A; 144; 252B; 256B; and 256D; repealing Minnesota Statutes 1995 Supplement, sections 256B.15, subdivision 5; and 256B.69, subdivision 4a.

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

Page 2, line 27, delete "APPROPRIATIONS"

Page 2, delete line 29 and insert:

|          |                  |                 |                  |
|----------|------------------|-----------------|------------------|
| "General | \$ (118,332,000) | \$ (53,012,000) | \$(171,344,000)" |
|----------|------------------|-----------------|------------------|

Page 2, delete line 32 and insert:

|        |                  |                 |                  |
|--------|------------------|-----------------|------------------|
| "TOTAL | \$ (118,282,000) | \$ (52,912,000) | \$(171,194,000)" |
|--------|------------------|-----------------|------------------|

Page 2, delete lines 39 and 40 and insert:

"Subdivision 1. Total

|               |               |               |
|---------------|---------------|---------------|
| Appropriation | (118,332,000) | (55,042,000)" |
|---------------|---------------|---------------|

Page 2, line 41, delete "appropriation is added to" and insert "reduction is taken from"

Page 2, delete lines 44 to 47 and insert:

"The amounts that are added to or reduced from the appropriation for each program are specified in the following subdivisions."

Page 3, delete lines 1 to 15 and insert:

"[DHS SPENDING CAP.] General fund spending by the department of human services, net of federal reimbursements, is limited to \$5,000,000,000 in the biennium ending June 30, 1999.

The commissioner of human services shall prepare and submit to the legislature by December 1, 1996, a proposal on how to limit the increase in general fund appropriations to the department of human services from the 1996-1997 biennium to the 1998-1999 biennium so as not to exceed the spending cap. The commissioner may also submit alternative proposals to accomplish the same goal. The

proposal or proposals 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."

Page 4, line 6, delete "may" and insert "shall"

Page 4, line 7, after "a" insert "ten percent"

Page 4, line 16, after the period, insert "A grant to an adult day care nonprofit agency may not exceed \$5,000."

Page 5, line 1, delete "(16,053,000)" and insert "(16,109,000)"

Page 5, line 8, delete "2,597,000" and insert "2,539,000"

Page 5, line 10, delete "(699,000)" and insert "(697,000)"

Page 5, line 20, delete "(38,959,000)" and insert "(38,673,000)"

Page 5, line 28, delete "(3,307,000)" and insert "(3,313,000)"

Page 5, line 38, delete "805,000" and insert "1,097,000"

Page 7, line 11, delete "\$250,000" and insert "\$542,000"

Page 7, line 12, delete "\$50,000" and insert "\$342,000"

Page 7, delete line 13 and insert "for actuarial studies for"

Page 7, line 15, after "plans" insert "and evaluations of county demonstration projects"

Page 7, after line 49, insert:

"Notwithstanding the provisions of Minnesota Statutes, section 256B.495, for a nursing facility where the closure of the facility after resident relocation and the loss of the nursing home beds will significantly decrease the regional average number of long-term care beds per thousand elderly over 65 in the year 2000 to within 11 beds of the hardship standard as referenced in the study, The 1993 Distribution of Nursing Home Beds in Minnesota, prepared by the Interagency Long-Term Care Planning committee in March 1994, the commissioner of human services shall extend the period to recover receivership costs incurred during a department of health receivership of a nursing home beginning on September 15, 1995, over a period of not more



than 60 months. The extension of time for recovery is contingent on the following considerations:

- (1) the purchaser of the facility has demonstrated to the satisfaction of the commissioners of health and human services that the facility will be operated in accordance with the reimbursement system. The purchaser must provide documentation to verify access to funds to purchase the facility, access to appropriate lines of credit to cover anticipated and unanticipated operating costs, cash flow projections which provide a realistic estimate of expenses and income, and other financial information that might be required by the commissioners to determine whether a license should be granted;
- (2) the cost of continued operation under the receivership while residents are relocated has been estimated to equal or exceed \$500,000;
- (3) the purchaser has demonstrated that the purchase of the facility and the ongoing operation of the facility will not occur without the decision to forego the recovery of the receivership funds, that the former owner of the facility does not financially benefit by the sale of the facility, and that the entities with financial interests in the nursing home land and building have taken substantial losses; and
- (4) the closure of the facility will require the relocation of a majority of residents to facilities in different counties."

Page 7, line 53, delete "(740,000)" and insert "(640,000)" and delete "(3,460,000)" and insert "(2,660,000)"

Page 7, line 54, delete "may be spent" and insert "are reduced"

Page 7, line 58, delete "(700,000)" and insert "(600,000)"

Page 7, line 60, delete "(1,160,000)" and insert "(360,000)"

Page 8, after line 17, insert:

"[COMPULSIVE GAMBLING.] For the fiscal year beginning July 1, 1996, the state lottery board shall deposit \$800,000 in the general fund for use by the commissioner of human services to pay for compulsive gambling services. The amount deposited by the board shall be deducted from the lottery prize fund established under Minnesota Statutes, section 349A.10, subdivision 2. The amount deposited is appropriated to the commissioner of human services for this purpose. None of the amount appropriated for compulsive gambling services under this section

may be used to pay administrative costs of the department of human services."

Page 8, delete lines 36 and 37

Page 8, delete lines 41 and 42 and insert:

"The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Health Policy and  
Special Populations

-0-

2,030,000"

Page 9, delete lines 28 to 44 and insert:

"[HEALTH BENEFIT ANALYSIS.] \$30,000 in fiscal year 1997 is for the commissioner of health to conduct a cost-benefit analysis of the social and financial impact of mandating that health plans, as defined in Minnesota Statutes, section 62A.011, subdivision 3, but including coverage listed in subdivision 3, clauses (7) and (10), include coverage for hearing loss screening for newborns, prostate cancer screening, and alternative medicine. The commissioner shall report the results of the analysis to the legislature by December 15, 1996."

Page 9, lines 46 and 47, delete "Subdivision 1. Total Appropriation" and insert "Board of Medical Practice"

Page 10, delete lines 8 and 9

Page 19, line 10, after the first comma, insert "transfers"

Page 21, line 10, delete "furnishes convincing"

Page 21, line 11, delete "evidence to establish" and insert "establishes by a preponderance of the evidence" and delete "exclusively" and insert "primarily"

Page 21, line 35, after the comma, insert "transfers"

Page 24, line 32, after the period, insert "No cause of action exists for a transfer, unless: (1) the transferee knew or should have known that the transfer was being made by a person who was a resident of a long-term care facility or was receiving that level of care in the community at the time of the transfer; (2) the transferee knew or should have known that the transfer was being made to assist the person to qualify for or retain medical assistance eligibility; or (3) the transferee actively solicited the transfer with intent to assist the person to qualify for or retain eligibility for medical assistance."

Page 25, after line 5, insert:

"(c) The provisions of this subdivision also apply to any transfer made prior to the 60-month period referred to in paragraph (a), subject to the provisions of subdivision 1a, paragraph (b)."

Page 30, delete section 13

Page 34, line 18, delete "LIMITATIONS ON CLAIMS" and insert "CLAIMS ON THE ESTATE OF A PREDECEASED SPOUSE"

Page 34, line 26, delete "either" and delete "or survives"

Page 37, line 30, strike from "they" through page 37, line 31, to "unless"

Page 39, delete line 25 and insert:

"Sec. 23. Minnesota Statutes 1995 Supplement, section 256D.045, is amended to read:  
256D.045 [SOCIAL SECURITY NUMBER REQUIRED.]"

Page 39, after line 33, insert:

"Sec. 24. Minnesota Statutes 1994, section 256I.05, is amended by adding a subdivision to read:

Subd. 7c. [DEMONSTRATION PROJECT.] The commissioner is authorized to pursue a demonstration project under federal food stamp regulation for the purpose of gaining federal reimbursement of food and nutritional costs currently paid by the state group residential housing program. Any administrative earnings received from this demonstration project may be retained to offset the costs of development, implementation, administration, and group residential housing expenditures."

Page 44, delete sections 28 and 29

Page 44, lines 32 and 33, delete the new language and reinstate the stricken language

Page 45, line 6, delete "July 1," and reinstate the stricken language

Page 45, line 7, delete "1997"

Page 45, line 35, delete "shall sunset" and insert "expires"

Page 49, line 36, delete "this subdivision" and insert "the county negotiated contracts"

Page 51, line 30, after "plans" insert a comma

Page 51, line 31, delete "amount of expenditures for" and insert "of"

Page 52, line 17, delete "DEMONSTRATION PROJECT" and insert "DEVICES"

Page 52, delete lines 18 to 36

Page 53, delete lines 1 to 19 and insert:

"(a) The commissioner of human services shall facilitate a request for information process to demonstrate the effectiveness of telemedicine devices as a high quality, lower cost alternative to in-person home visits from nurses and other home care personnel. The commissioner shall prepare and publish a request for information by August 31, 1996. The commissioner shall provide a forum for all responders to demonstrate their products for a wide variety of home- and community-based waiver program providers, prepaid medical assistance program providers, and other home care providers. The telemedicine devices must:

(1) be capable of providing video and audio communication between the client's home and a central monitoring station using regular telephone lines; and

(2) be equipped to monitor blood pressure, heart rate, and vital signs.

Responders may demonstrate service to a range of client needs, including clients who need home care following hospital stays, chronic care clients, high users of health care services, persons at risk of nursing home placement, and other persons identified by the commissioner as likely to be served in a cost-effective manner.

(b) The commissioner shall collect any reports, preliminary results, or final recommendations from efforts to evaluate effectiveness of the telemedicine devices, including evidence of improved patient access to care by eliminating or reducing nursing personnel travel time, reduced emergency room visits, reduced hospitalization costs, improved use of home therapies, reduced

nursing home admissions, and early discharge from nursing facilities. This information and a recommendation regarding whether telemedicine devices should be a covered service under medical assistance shall be forwarded to the legislature by December 15, 1996."

Page 53, line 22, after the period, insert "Laws 1995, chapter 207, article 6, section 125, subdivision 6, is repealed."

Page 53, line 24, after "Sections" insert "3 [256B.055, subdivision 12],"

Page 53, line 26, delete "13 [256B.0595, subdivision 7], 17" and insert "16"

Page 53, line 27, before "and" insert "19 [256B.69, subdivision 3a], 20 [256B.69, subdivision 4], 21 [256B.69, subdivision 5b], 28 to 31, 33," and delete "37" and insert "35"

Page 54, line 20, delete "16" and insert "15"

Page 54, line 22, delete "21" and insert "20"

Page 54, line 24, delete "18" and insert "17"

Page 54, after line 28, insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 144A.071, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS AUTHORIZING AN INCREASE IN BEDS.] The commissioner of health, in coordination with the commissioner of human services, may approve the addition of a new certified bed or the addition of a new licensed nursing home bed, under the following conditions:

(a) to license or certify a new bed in place of one decertified after July 1, 1993, as long as the number of certified plus newly certified or recertified beds does not exceed the number of beds licensed or certified on July 1, 1993, or to address an extreme hardship situation, in a particular county that, together with all contiguous Minnesota counties, has fewer nursing home beds per 1,000 elderly than the number that is ten percent higher than the national average of nursing home beds per 1,000 elderly individuals. For the purposes of this section, the national average of nursing home beds shall be the most recent figure that can be supplied by the federal health care financing administration and the number of elderly in the county or the nation shall be determined by the most recent federal census or the most recent estimate of the state demographer as of July 1, of each year of persons age 65 and older, whichever is the most recent at the time of the request for replacement. An extreme hardship situation can only be found after the county documents the existence of unmet medical needs that cannot be addressed by any other alternatives;

(b) to certify or license new beds in a new facility that is to be operated by the commissioner of veterans affairs or when the costs of constructing and operating the new beds are to be reimbursed by the commissioner of veterans affairs or the United States Veterans Administration;

(c) to license or certify beds in a facility that has been involuntarily delicensed or decertified for participation in the medical assistance program, provided that an application for relicensure or recertification is submitted to the commissioner within 120 days after delicensure or decertification; or

(d) to certify two existing beds in a facility with 66 licensed beds on January 1, 1994, that had an average occupancy rate of 98 percent or higher in both calendar years 1992 and 1993, and which began construction of four attached assisted living units in April 1993; or

(e) to certify four existing beds in a facility in Winona with 139 beds, of which 129 beds are certified."

Page 62, line 17, delete "the all" and insert "all the"

Page 85, lines 21 and 24, delete "(3)" and insert "(2)"

Page 85, line 25, after the period, insert:

"(g)"

Page 85, after line 27, insert:

"(h) Notwithstanding paragraphs (a) to (f), the commissioner must also compute nursing facility payment rates based on the laws in effect on March 1, 1996, and use the resulting allowable care-related and other operating cost per diems as the basis for the spend-up limits for the rate year beginning July 1, 1997."

Page 86, after line 16, insert:

"(c) Notwithstanding paragraphs (a) and (b), the commissioner must also compute facility payment rates based on the laws in effect on March 1, 1996, and use the resulting allowable operating cost per diems as the basis for the spend-up limits for the rate year beginning October 1, 1997."

#### Sec. 16. [STUDY ON RESIDENTS RECEIVING LONG-TERM CARE.]

The commissioner of human services shall determine the number of medical assistance recipients receiving long-term care services who became residents of Minnesota within five years prior to eligibility. The commissioner shall also determine the number of private-pay nursing home residents who became residents of Minnesota within five years prior to entering the nursing home. The commissioner shall report to the legislature on the findings of this study by January 15, 1997."

Page 86, line 88, delete section 1

Page 89, line 2, delete "final"

Page 89, delete section 4

Page 90, line 3, delete "a" and insert "an advisory"

Page 90, line 11, after the first "the" insert "advisory"

Page 90, line 16, after "The" insert "advisory"

Page 91, line 9, after the semicolon, insert "and"

Page 91, line 11, delete from "; and" through page 91, line 18, to "requirements"

Page 92, line 10, after "The" insert "advisory"

Page 92, line 14, after the semicolon, insert "and"

Page 92, line 16, delete from "; and" through page 92, line 17, to "priorities"

Page 92, line 35, delete "HMO's" and insert "health maintenance organization's"

Page 92, line 36, delete "HMOs" and insert "health maintenance organizations"

Page 93, line 8, delete the comma

Page 93, line 9, delete everything before "is"

Page 99, line 16, delete "The provisions of" and insert "This section only applies"

Page 99, line 17, delete "this chapter do not apply" and delete "do not"

Page 104, line 10, delete "Indian tribal members" and insert "Indians, as defined under federal law," and after "on" insert "or near"

Page 104, line 17, after the period, insert "Any alternative payment mechanism agreed upon by"

the tribes and the commissioner under this subdivision is not dependent upon county agreement but is intended to create a direct payment mechanism between the state and the tribe for the administration of the medical assistance program and for covered services."

Page 130, line 12, after the period, insert "The commissioner shall not contract with more than 120 facilities prior to July 1, 1997, unless the inclusion of the additional facilities in the demonstration project is budget neutral."

Pages 132 and 133, delete section 29

Pages 145 and 146, delete section 41

Page 146, delete lines 35 and 36

Page 147, delete line 1

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 29, after "1," insert "as amended," and after "5," insert "as amended,"

Page 1, line 35, delete ", 9,"

Page 1, line 39, delete "subdivision" and insert "subdivisions 3 and"

Page 2, line 2, delete ", 9,"

Page 2, line 5, after "4;" insert "256D.045;"

Page 2, line 7, delete "6,"

Page 2, line 9, delete "62A;" and delete "252B;" and insert "and" and delete "and 256D" and insert "proposing coding for new law as Minnesota Statutes, chapter 252B"

Page 2, line 11, before the period, insert "; Laws 1995, chapter 207, article 6, section 125, subdivision 6"

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

**Mr. Johnson, D.J., from the Committee on Taxes and Tax Laws, to which was re-referred**

**S.F. No. 2052:** A bill for an act relating to gambling; allowing a class B licensee of a class A racetrack conducting horse racing to conduct card club activities; amending Minnesota Statutes 1994, sections 240.01, by adding subdivisions; and 240.03; Minnesota Statutes 1995 Supplement, section 240.23; proposing coding for new law in Minnesota Statutes, chapter 240.

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 2308 and 2052 were read the second time.

## MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 891 be withdrawn from the Committee on Rules and Administration and re-referred to the Committee on Finance. The motion prevailed.

**MEMBERS EXCUSED**

Messrs. Chandler and Chmielewski were excused from the Session of today. Mr. Hottinger was excused from the Session of today from 12:00 noon to 1:40 p.m. Mr. Pogemiller was excused from the Session of today from 12:30 to 2:00 p.m. Mr. Novak was excused from the Session of today from 12:00 noon to 1:40 and 2:25 to 4:45 p.m. Mr. Murphy was excused from the Session of today at 2:00 p.m. Mr. Moe, R.D. was excused from the Session of today from 12:00 noon to 3:45 p.m. Mr. Solon was excused from the Session of today at 5:50 p.m. Mr. Mondale was excused from the Session of today at 6:30 p.m. Mr. Dille was excused from the Session of today from 6:40 to 7:55 p.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Thursday, February 29, 1996. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate





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