

STATE OF MINNESOTA

Journal of the Senate

SEVENTY-NINTH LEGISLATURE

EIGHTY-EIGHTH DAY

St. Paul, Minnesota, Thursday, February 29, 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, Sister Marie Theresa Belanger.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1925, 2020 and 2166.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 28, 1996

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. 2849: A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, the board of trustees of the Minnesota

state colleges and universities, and the board of regents of the University of Minnesota; amending Laws 1994, chapter 643, section 69, subdivision 1.

Senate File No. 2849 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 28, 1996

Mr. Stumpf moved that the Senate do not concur in the amendments by the House to S.F. No. 2849, and that a Conference Committee of 5 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. 2857: A bill for an act relating to the organization and operation of state government; appropriating money for the general administrative expenses of state government; amending Minnesota Statutes 1994, sections 8.15, by adding a subdivision; 16D.02, subdivision 2; 16D.03, subdivisions 2 and 3; 16D.04, subdivision 2; 16D.09; 69.021, subdivision 4, and by adding subdivisions; 69.031, subdivisions 1 and 5; 144C.03, subdivision 2; 363.071, subdivision 7; and 423A.02, by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 16D.02, subdivision 8; 16D.04, subdivision 1; 16D.06, subdivision 2; 16D.08, subdivision 2; 16D.11, subdivisions 1 and 7; and 16D.12; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Minnesota Statutes 1995 Supplement, section 353.65, subdivision 7.

Senate File No. 2857 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 28, 1996

Mr. Cohen moved that the Senate do not concur in the amendments by the House to S.F. No. 2857, and that a Conference Committee of 5 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. 1800: A bill for an act relating to the military; changing procedures for disposition of closed armories; amending Minnesota Statutes 1995 Supplement, section 193.36, subdivision 2.

Senate File No. 1800 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 28, 1996

CONCURRENCE AND REPASSAGE

Mr. Stevens moved that the Senate concur in the amendments by the House to S.F. No. 1800 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1800 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

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

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. 2009: A bill for an act relating to electric utilities; allowing the city of Willmar to enter into a joint venture with the Kandiyohi cooperative electric power association for the provision of electric power.

Senate File No. 2009 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 28, 1996

CONCURRENCE AND REPASSAGE

Mr. Johnson, D.E. moved that the Senate concur in the amendments by the House to S.F. No. 2009 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2009 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Krentz	Mondale	Reichgott Junge
Beckman	Frederickson	Kroening	Morse	Riveness
Belanger	Hanson	Laidig	Neuville	Robertson
Berg	Hottinger	Langseth	Novak	Runbeck
Berglin	Janezich	Larson	Oliver	Sams
Betzold	Johnson, D.E.	Lesewski	Olson	Samuelson
Chandler	Johnson, J.B.	Lessard	Ourada	Scheevel
Cohen	Johnston	Limmer	Pappas	Spear
Day	Kelly	Marty	Pariseau	Stevens
Dille	Kleis	Merriam	Piper	Stumpf
Finn	Knutson	Metzen	Pogemiller	Vickerman
Fischbach	Kramer	Moe, R.D.	Ranum	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 that the House refuses to concur in the Senate amendments to House File No. 2008:

H.F. No. 2008: A bill for an act relating to insurance; health; regulating childbirth and postpartum care benefits; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Opatz, McCollum and Davids have been appointed as such committee on the part of the House.

House File No. 2008 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 28, 1996

Mr. Betzold moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 2008, 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 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. 1540, 2858, 2115, 2298, 2322, 2670, 2752 and 3243.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 28, 1996

FIRST READING OF HOUSE BILLS

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

H.F. No. 1540: A bill for an act relating to retirement; the Minneapolis teachers retirement fund association; providing for purchase of allowable service credit for public school employment outside the state of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 354A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2461, now on General Orders.

H.F. No. 2858: A bill for an act relating to Camp Ripley; providing for use of the National Guard Education Center as the state education and training center; proposing coding for new law in Minnesota Statutes, chapter 15.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2564, now on General Orders.

H.F. No. 2115: A bill for an act relating to agriculture; adjusting certain net worth definitions for certain rural finance agency programs; amending Minnesota Statutes 1994, section 41C.02, subdivision 12.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2301, now on General Orders.

H.F. No. 2298: A bill for an act relating to government efficiency; extending the effective period of certain exemptions granted by the board of government innovation and cooperation;

granting independent school district No. 2134, United South Central, a waiver from a law related to elections; amending Minnesota Statutes 1995 Supplement, section 465.797, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2529, now on General Orders.

H.F. No. 2322: A bill for an act relating to motor carriers; authorizing the transportation regulation board to issue charter carrier permits for operation within the city of St. Paul; amending Minnesota Statutes 1994, section 221.121, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2063, now on General Orders.

H.F. No. 2670: A bill for an act relating to the Minnesota municipal board; clarifying authority and procedures; amending Minnesota Statutes 1994, sections 414.01, subdivisions 1, 2, 6a, 7a, 8, 12, and 16; 414.02, subdivision 3; 414.031, subdivision 4; 414.0325, subdivisions 1, 1a, and 3; 414.033, subdivision 5, and by adding a subdivision; 414.041, subdivisions 3 and 5; and 414.061, subdivisions 4 and 5; repealing Minnesota Statutes 1994, sections 414.01, subdivisions 3, 3a, and 4; and 414.061, subdivision 4a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2189, now on General Orders.

H.F. No. 2752: A bill for an act relating to consumer protection; providing for the licensing and regulation of pawnbrokers; providing penalties; amending Minnesota Statutes 1994, sections 471.924, subdivision 1; 471.925; and 471.927; proposing coding for new law as Minnesota Statutes, chapter 325J; repealing Minnesota Statutes 1994, section 609.81.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2472, now on General Orders.

H.F. No. 3243: A bill for an act relating to the organization and operation of state government; appropriating money for economic development and other purposes; providing for assessments against utilities; amending Minnesota Statutes 1994, sections 116G.151; 138.664, by adding a subdivision; 138.763, subdivision 1; 168.33, subdivision 2; and 469.303; Minnesota Statutes 1995 Supplement, sections 79.561, subdivision 3; 138.01, by adding a subdivision; Laws 1994, chapter 573, sections 1, subdivisions 6 and 7; 4; and 5, subdivisions 1 and 2; Laws 1995, chapters 231, article 1, section 33; and 224, sections 2, subdivision 2; and 5, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 116J; repealing Minnesota Statutes 1994, sections 116J.873, subdivisions 1, 2, and 4; 138.662, subdivision 5; and 268.9783, subdivision 8; Minnesota Statutes 1995 Supplement, section 116J.873, subdivisions 3 and 5.

Mr. Moe, R.D. moved that H.F. No. 3243 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, with the exception of the report pertaining to appointments. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

H.F. No. 1704: A bill for an act relating to commerce; making various technical and conforming changes related to limited liability companies; regulating investment securities; amending Minnesota Statutes 1994, sections 322B.105; 322B.115, subdivisions 2, 3, and 4; 322B.125, subdivision 1; 322B.135, subdivision 3; 322B.145; 322B.15, subdivisions 1, 3, and 4; 322B.155; 322B.175; 322B.20, subdivision 2; 322B.30, subdivision 3; 322B.313, subdivision 2; 322B.33, subdivisions 4 and 9; 322B.34, subdivisions 1 and 3; 322B.346, subdivision 2; 322B.36, subdivisions 2 and 3; 322B.363, subdivision 1; 322B.373, subdivision 2; 322B.376; 322B.383,

subdivision 1; 322B.386, subdivisions 4 and 7; 322B.40, subdivision 6; 322B.42, subdivisions 2 and 4; 322B.54, subdivision 1; 322B.56, subdivision 1; 322B.60, subdivision 2; 322B.643, subdivision 3; 322B.646; 322B.653; 322B.666, subdivision 2; 322B.693, subdivision 1; 322B.699, subdivision 6; 322B.72, subdivisions 2 and 3; 322B.75, subdivision 1; 322B.77, subdivision 1; 322B.803, subdivisions 1 and 2; 322B.813, subdivision 5; 322B.833, subdivisions 1, 2, and 4; Minnesota Statutes 1995 Supplement, sections 322B.12, subdivision 1; 336.8-103; and 336.8-603.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for February 19, 1996, be amended to read:

"the bill do pass". Report adopted.

Mr. Price from the Committee on Commerce and Consumer Protection, to which was referred the following appointment as reported in the Journal for January 29, 1996:

DEPARTMENT OF COMMERCE
COMMISSIONER

Dave Gruenes

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.

SECOND READING OF HOUSE BILLS

H.F. No. 1704 was read the second time.

MOTIONS AND RESOLUTIONS

Ms. Hanson moved that S.F. No. 2676 be withdrawn from the Committee on Finance and returned to its author. The motion prevailed.

SUSPENSION OF RULES

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Calendar and that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

S.F. No. 2317: A bill for an act relating to group residential housing; clarifying a rate exception; amending Minnesota Statutes 1994, section 256I.05, subdivision 2.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 1, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Finn	Hottinger	Kiscaden
Beckman	Chandler	Fischbach	Janezich	Kleis
Belanger	Cohen	Flynn	Johnson, J.B.	Knutson
Berg	Day	Frederickson	Johnston	Kramer
Berglin	Dille	Hanson	Kelly	Krentz

Kroening	Marty	Olson	Reichgott Junge	Spear
Laidig	Metzen	Ourada	Riveness	Stevens
Langseth	Moe, R.D.	Pappas	Robertson	Stumpf
Larson	Mondale	Pariseau	Runbeck	Terwilliger
Lesewski	Morse	Piper	Sams	Vickerman
Lessard	Neuville	Pogemiller	Samuelson	Wiener
Limmer	Novak	Ranum	Scheevel	

Mr. Merriam voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1844: A bill for an act relating to the reorganization, administration, and operation of a hospital district in Rice county; amending Laws 1963, chapter 118, sections 1, subdivision 3; 2; 4; and 6.

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

Page 5, lines 15 and 16, delete "645.023, subdivision 1" and insert "645.021, subdivision 3"

The motion prevailed. So the amendment was adopted.

S.F. No. 1844 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	Laidig	Novak	Sams
Beckman	Hanson	Larson	Olson	Samuelson
Belanger	Hottinger	Lesewski	Ourada	Scheevel
Berg	Janezich	Lessard	Pappas	Spear
Berglin	Johnson, J.B.	Limmer	Pariseau	Stevens
Betzold	Johnston	Marty	Piper	Stumpf
Chandler	Kiscaden	Merriam	Pogemiller	Terwilliger
Cohen	Kleis	Metzen	Ranum	Vickerman
Day	Knutson	Moe, R.D.	Reichgott Junge	Wiener
Dille	Kramer	Mondale	Riveness	
Finn	Krentz	Morse	Robertson	
Flynn	Kroening	Neuville	Runbeck	

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

S.F. No. 2194: A bill for an act relating to metropolitan government; allowing the metropolitan council to determine an allocation method for wastewater services; amending Minnesota Statutes 1994, sections 473.511, subdivision 4; 473.517; and 473.519.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1968: A bill for an act relating to crime; increasing penalties for assaulting a firefighter or a provider of emergency medical services; amending Minnesota Statutes 1994, section 609.2231, subdivision 2, and by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2322: A bill for an act relating to crime prevention; limiting the right to possess a pistol for persons convicted of violating an order for protection; limiting the right to possess a pistol for persons convicted of a stalking or harassment crime; requiring domestic abuse assessments; increasing the penalty for committing domestic assault in the presence of a minor; amending Minnesota Statutes 1994, sections 609.224, subdivision 4; 609.5316, subdivision 3; 609.749, by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 518B.01, subdivision 14; 609.224, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518B.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2089: A bill for an act relating to corrections; authorizing peace officers and probation officers to detain probationers based on an order from the court services director of county probation agencies not organized under chapter 401; amending Minnesota Statutes 1994, section 260.311, subdivision 3a.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2385: A bill for an act relating to crime prevention; defining probation; clarifying jurisdiction of probation service providers; requiring reports and reviews; requiring policies to be adopted; requiring probation service providers to collect and maintain certain information; creating a work group; amending Minnesota Statutes 1994, sections 260.311, subdivision 1; and 609.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 244.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2624: A bill for an act relating to insurance; clarifying coverage under homeowner's insurance for day care services; amending Minnesota Statutes 1994, section 65A.27, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 65A.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Berg	Chandler	Finn	Frederickson
Beckman	Berglin	Cohen	Fischbach	Hanson
Belanger	Betzold	Day	Flynn	Hottinger

Janezich	Kroening	Moe, R.D.	Piper	Spear
Johnson, D.E.	Laidig	Mondale	Pogemiller	Stevens
Johnson, J.B.	Langseth	Morse	Ranum	Stumpf
Johnston	Larson	Neuville	Reichgott Junge	Terwilliger
Kelly	Lesewski	Novak	Riveness	Vickerman
Kiscaden	Lessard	Oliver	Robertson	Wiener
Kleis	Limmer	Olson	Runbeck	
Knutson	Marty	Ourada	Sams	
Kramer	Merriam	Pappas	Samuelson	
Krentz	Metzen	Pariseau	Scheevel	

So the bill passed and its title was agreed to.

S.F. No. 1978: A bill for an act relating to game and fish; allowing nonresidents under age 16 to take small game under certain conditions; amending Minnesota Statutes 1994, sections 97A.015, by adding a subdivision; 97A.451, by adding a subdivision; 97B.021, subdivision 1; and Minnesota Statutes 1995 Supplement, section 97A.451, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 2, as follows:

Those who voted in the affirmative were:

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

Mses. Pappas and Robertson voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1464: A bill for an act relating to water; modifying provisions relating to certain water level control permits; amending Minnesota Statutes 1994, section 103G.405.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2527: A bill for an act relating to elections; exempting certain campaign materials from disclaimer requirements; amending Minnesota Statutes 1994, section 211B.04.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

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	Spear
Betzold	Johnson, J.B.	Lessard	Pappas	Stevens
Chandler	Johnston	Limmer	Pariseau	Stumpf
Cohen	Kelly	Marty	Piper	Terwilliger
Day	Kiscaden	Merriam	Pogemiller	Vickerman
Dille	Kleis	Metzen	Ranum	Wiener
Finn	Knutson	Moe, R.D.	Reichgott Junge	
Fischbach	Kramer	Mondale	Riveness	
Flynn	Krentz	Morse	Robertson	

So the bill passed 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. 2308 a Special Order to be heard immediately.

SPECIAL ORDER

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, as amended, 5, as amended, 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; 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, subdivisions 3 and 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 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; 256D.045; and 256I.04, subdivisions 2b and 3; Laws 1995, chapters 207, articles 6, section 125, subdivisions 8, 9, 11, and 12; and 8, section 35; proposing coding for new law in Minnesota Statutes, chapters 144; and 256B; proposing coding for new law as Minnesota Statutes, chapter 252B; repealing Minnesota Statutes 1995 Supplement, sections 256B.15, subdivision 5; and 256B.69, subdivision 4a; Laws 1995, chapter 207, article 6, section 125, subdivision 6.

Mr. Samuelson moved to amend S.F. No. 2308 as follows:

Page 8, line 9, before "Notwithstanding" insert "[NURSING FACILITY RECEIVERSHIP COSTS.]"

Page 33, line 22, after "services" insert a comma

Page 33, line 23, after "waivered" insert "services" and after "program" insert "services"

Page 35, line 19, delete "Maximization Program" and insert " maximization program"

Page 108, line 36, strike "criminal history check" and insert "background study"

The motion prevailed. So the amendment was adopted.

Mr. Samuelson moved to amend S.F. No. 2308 as follows:

Page 92, after line 19, insert:

"Sec. 4. [STUDY; PRICE CONTRACT FOR PRESCRIPTION DRUGS.]

The commissioners of health, human services, and administration shall develop a plan to provide prescription drugs at significantly discounted prices to individuals whose income is below 200 percent of the current federal poverty level. The commissioners shall submit a report detailing the plan by October 1, 1996, to the chairs of the house of representatives governmental operations committee, the house of representatives state government finance division, the house of representatives health and human services committee, the senate governmental operations and veterans committee, the state government division of the senate finance committee, the senate health care committee, and the senate health care and family services finance division.

Sec. 5. [EFFECTIVE DATE.]

Section 4 is effective the day following final enactment."

Amend the title accordingly

CALL OF THE SENATE

Mr. Samuelson imposed a call of the Senate for the balance of the proceedings on S.F. No. 2308. The Sergeant at Arms was instructed to bring in the absent members.

Mr. Samuelson then moved to amend the Samuelson amendment to S.F. No. 2308 as follows:

Page 1, line 6, after "individuals" insert "65 years or older"

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

The question recurred on the Samuelson amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Mr. Vickerman moved to amend S.F. No. 2308 as follows:

Page 89, after line 18, insert:

"Sec. 2. Minnesota Statutes 1994, section 144A.04, is amended by adding a subdivision to read:

Subd. 7a. [DIRECTOR OF NURSING SERVICES.] Except as otherwise provided by this

subdivision, a nursing home must have a full-time director of nursing services who is assigned full time to the nursing services of the nursing home. For purposes of this requirement, "full time" means working at least 35 hours per week. The director of nursing services of a nursing home may also serve as the director of nursing services of a physically attached hospital if:

(1) the hospital has an average daily census of ten patients or less in the most recent reporting year for which data is available;

(2) the total combined beds of the hospital and nursing home do not exceed 100; and

(3) the management of the two facilities is under the control and direction of the same governing body."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Berglin moved to amend the Vickerman amendment to S.F. No. 2308 as follows:

Page 1, line 5, before "Except" insert "(a)"

Page 1, after line 19, insert:

"(b) For a nursing home where the director of nursing services is shared between the nursing home and hospital in accordance with paragraph (a), for rate years beginning on or after July 1, 1996, the facility shall not be considered a hospital-attached facility for the purposes of section 256B.431, subdivision 2j."

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

The question recurred on the Vickerman amendment. The motion prevailed. So the amendment was adopted.

Ms. Robertson moved to amend S.F. No. 2308 as follows:

Page 80, after line 9, insert:

"(g) For rate years beginning on or after October 1, 1996, the commissioner shall exempt a facility from the reductions in this subdivision if the facility is involved in a bed relocation project where more than 25 percent of the facility's beds are transferred to another facility, the relocated beds are six or fewer, there is no change in the total number of ICF/MR beds for the parent organization of the facility, and the relocation is not part of an interim or settle-up rate."

Ms. Robertson then moved to amend the Robertson amendment to S.F. No. 2308 as follows:

Page 1, line 3, delete "rate years beginning on or after" and insert "the rate year beginning on"

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

The question recurred on the Robertson amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Ms. Piper moved to amend S.F. No. 2308 as follows:

Page 9, line 36, before the period, insert "as follows: \$500,000 is allocated for treatment of compulsive gamblers; \$150,000 is allocated for the compulsive gambling treatment pilot project for treating individual compulsive gamblers; and \$150,000 is allocated for education and prevention efforts"

Page 54, after line 15, insert:

"Sec. 35. [INDIVIDUAL COMPULSIVE GAMBLING TREATMENT PILOT PROJECT.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of human services shall establish a

pilot project in the southeast area of the state to provide compulsive gambling treatment services to individuals seeking treatment. The pilot project shall directly reimburse qualified providers for treatment to individuals on a case-by-case basis. The pilot project shall seek to utilize existing qualified providers and shall provide treatment reimbursement to the maximum number of persons who qualify for treatment.

Subd. 2. [PLAN.] The commissioner shall submit to the legislature by December 15, 1996, a plan for expansion of the treatment pilot project to all areas of the state. The plan shall include the necessary legislative changes needed to move from a treatment center model to a provider reimbursement model."

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 34 and nays 23, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Kroening	Piper	Sams
Berglin	Hottinger	Marty	Pogemiller	Samuelson
Betzold	Johnson, D.J.	Morse	Price	Scheevel
Chandler	Johnson, J.B.	Murphy	Ranum	Spear
Cohen	Kelly	Novak	Reichgott Junge	Vickerman
Day	Kiscaden	Oliver	Riveness	Wiener
Dille	Krentz	Pappas	Runbeck	

Those who voted in the negative were:

Beckman	Johnston	Larson	Metzen	Robertson
Berg	Kleis	Lesewski	Neuville	Stevens
Fischbach	Knutson	Lessard	Olson	Terwilliger
Frederickson	Kramer	Limmer	Ourada	
Johnson, D.E.	Laidig	Merriam	Pariseau	

The motion prevailed. So the amendment was adopted.

Mr. Stevens moved to amend S.F. No. 2308 as follows:

Page 54, after line 15, insert:

"Sec. 35. [EXTENSION OF TIME REQUIREMENT FOR CLAIM SUBMITTAL.]

The commissioner of human services shall provide vendors of medical care, as defined in Minnesota Statutes, section 256B.02, subdivision 7, with a 120-day extension to the 12-month time requirement for submission of claims in accordance with the general billing procedures of health care programs, for all claims for which the vendor delayed submittal at the request of the commissioner due to the phase in of the upgrade to the Medicaid management information system. This 120-day extension for claim submittal shall apply regardless of the date of service of the claim."

Page 55, line 16, after the period, insert "Section 35 (claim submittal) is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved to amend S.F. No. 2308 as follows:

Page 89, after line 9, insert:

"DIRECT PROVIDER CONTRACTING

Section 1. [62S.01] [ACCREDITED PROVIDER GUARANTEED NETWORKS.]

An accredited provider guaranteed network that meets the requirements of sections 62S.01 to 62S.09 may directly contract with qualified employers for the provision of health care services. The accredited provider guaranteed network or the qualified employer shall not, solely on the basis of that contract, be subject to any provision relating to health carriers except as provided in section 62S.05. The grant of contracting power under this section shall not be interpreted to permit or prohibit any other lawful arrangement between a health care provider and a qualified employer.

Sec. 2. [62S.02] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] For purposes of sections 62S.01 to 62S.09, the terms defined in this section have the meanings given.

Subd. 2. [ACCREDITED PROVIDER GUARANTEED NETWORK.] "Accredited provider guaranteed network" means a corporation consisting of providers organized under this chapter and operated to market health care services to purchasers of those services.

Subd. 3. [QUALIFIED EMPLOYER.] "Qualified employer" means an employer sponsoring or maintaining a health insurance plan who meets the requirements of section 62S.05.

Subd. 4. [GUARANTEEING ORGANIZATION.] "Guaranteeing organization" means an organization meeting the requirements of 62S.03, and which consists of one or more of the 87 Minnesota counties.

Subd. 5. [COMMISSIONER.] "Commissioner" means the commissioner of the department of commerce.

Subd. 6. [NETWORK.] "Network" means an accredited provider guaranteed network.

Subd. 7. [PLAN PARTICIPANT.] "Plan participant" means a person eligible to be covered under the health care services of a network.

Sec. 3. [62S.03] [GUARANTEEING ORGANIZATION.]

Subdivision 1. [REQUIREMENTS.] An accredited provider guarantee network must have a contractual relationship with one or more guaranteeing organizations. The contract must include a commitment on the part of the guaranteeing organization to guarantee the duties, responsibilities, and obligations of the network for a specified time period in the event of an insolvency or bankruptcy by the network. The contract must specify the financial obligations of the guaranteeing organization and the network, and the role of the guaranteeing organization in the event of financial insolvency. The contract shall specify the period of time, in excess of 30 days, during which the network and its member providers is required to continue to provide services under existing contracts with qualified employers in the event of the insolvency or bankruptcy of the network.

Subd. 2. [APPROVAL.] The commissioner shall review the proposed contract between a network and its guaranteeing organizations. The commissioner may reject a submission or require modifications prior to approval. If the commissioner has not acted within 90 days of submission, the contracts are considered to be approved.

Sec. 4. [62S.04] [STOP LOSS INSURANCE.]

A network shall not contract with a qualified employer unless the qualified employer maintains a policy of stop loss or excess loss insurance from an insurance company licensed to do business in this state in accordance with the following:

(1) a qualified employer with more than 750 employees as defined in section 62L.02 must not maintain a policy of stop loss, excess loss, or similar coverage with an attachment point less than 120 percent of the employer plan's annual expected benefit costs;

(2) a qualified employer with 200 or more but fewer than 750 employees as defined in section 62L.02 must maintain a policy providing aggregate stop loss insurance with an annual attachment point of no less than 120 percent of the employer plan's annual expected benefit costs and providing individual stop loss coverage with a deductible of no less than \$10,000; and

(3) a qualified employer with fewer than 200 employees as defined in section 62L.02 must maintain a policy meeting the requirements of section 60A.235.

This section does not apply if a qualified employer is a county government.

Sec. 5. [62S.05] [CONTRACT REQUIREMENTS.]

A contract for health care services described in section 62S.01 is subject to the following requirements:

(1) the contract must not be effective prior to January 1, 1997;

(2) the plan shall not exclude any eligible employees or their dependents, both as defined in section 62L.02, from coverage offered by the qualified employer, under this paragraph or any other health coverage, insured, or self-insured, offered by the qualified employer, on the basis of the health status or health history of the person;

(3) contributions to the cost of the employer plan from plan participants must not be based upon the gender of the plan participant; and

(4) the contract must require the provision of all state mandated benefits.

Sec. 6. [62S.06] [REGISTRATION.]

The commissioner shall register all networks established under section 62S.01, on forms designed by the commissioner, on an annual basis, and may charge an appropriate fee to cover the costs of registration. Networks must comply with all information and registration requirements of the commissioner.

Sec. 7. [62S.07] [PARTICIPANT HOLD HARMLESS.]

A network and its members and patrons must not have recourse against the plan participants of any qualified employer, except for the collection of premiums, copayments, coinsurance, or deductibles, or for health care services rendered that are not covered by the qualified employer plan or that are in excess of the maximum lifetime benefit limit. This requirement applies to, but is not limited to, nonpayment of the network by the qualified employer, insolvency of the qualified employer, insolvency of the network, or nonpayment by the network to a network member or patron.

Sec. 8. [62S.08] [CONTINUATION OF CARE.]

In the event of an insolvency or bankruptcy of a qualified employer, a network and its members shall continue to deliver the contracted health care services to plan participants for a period of 30 days, whether or not the network receives payment from the qualified employer, its estate, or the employer plan. Nothing in this section limits the right of the network to seek payment from the qualified employer, its estate, or the employer plan for services so rendered.

Sec. 9. [62S.09] [TAXES AND ASSESSMENTS.]

Effective January 1, 1997, as a condition of entering a contract described in section 62S.01, a qualified employer must pay the one percent premium tax imposed in section 60A.15, subdivision 1, paragraph (d), and assessments by the Minnesota comprehensive health association."

Page 92, after line 19, insert:

"Sec. 13. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Robertson moved to amend S.F. No. 2308 as follows:

Page 16, after line 32, insert:

"Sec. 4. Minnesota Statutes 1994, section 256B.057, subdivision 1, is amended to read:

Subdivision 1. [PREGNANT WOMEN AND INFANTS.] An infant less than one year of age or a pregnant woman who has written verification of a positive pregnancy test from a physician or licensed registered nurse, is eligible for medical assistance if countable family income is equal to or less than 275 percent of the federal poverty guideline for the same family size. For purposes of this subdivision, "countable family income" means the amount of income considered available using the methodology of the AFDC program, except for the earned income disregard and employment deductions. An amount equal to the amount of earned income exceeding 275 percent of the federal poverty guideline, up to a maximum of the amount by which the combined total of 185 percent of the federal poverty guideline plus the earned income disregards and deductions of the AFDC program exceeds 275 percent of the federal poverty guideline will be deducted for pregnant women and infants less than one year of age. ~~Eligibility for a pregnant woman or infant less than one year of age under this subdivision must be determined without regard to asset standards established in section 256B.056, subdivision 3.~~

An infant born on or after January 1, 1991, to a woman who was eligible for and receiving medical assistance on the date of the child's birth shall continue to be eligible for medical assistance without redetermination until the child's first birthday, as long as the child remains in the woman's household.

Sec. 5. Minnesota Statutes 1995 Supplement, section 256B.057, subdivision 1b, is amended to read:

Subd. 1b. [PREGNANT WOMEN AND INFANTS; EXPANSION.] This subdivision supersedes subdivision 1 as long as the Minnesota health care reform waiver remains in effect. When the waiver expires, the commissioner of human services shall publish a notice in the State Register and notify the revisor of statutes. An infant less than two years of age or a pregnant woman who has written verification of a positive pregnancy test from a physician or licensed registered nurse, is eligible for medical assistance if countable family income is equal to or less than 275 percent of the federal poverty guideline for the same family size. For purposes of this subdivision, "countable family income" means the amount of income considered available using the methodology of the AFDC program, except for the earned income disregard and employment deductions. An amount equal to the amount of earned income exceeding 275 percent of the federal poverty guideline, up to a maximum of the amount by which the combined total of 185 percent of the federal poverty guideline plus the earned income disregards and deductions of the AFDC program exceeds 275 percent of the federal poverty guideline will be deducted for pregnant women and infants less than two years of age. ~~Eligibility for a pregnant woman or infant less than two years of age under this subdivision must be determined without regard to asset standards established in section 256B.056, subdivision 3.~~

An infant born on or after January 1, 1991, to a woman who was eligible for and receiving medical assistance on the date of the child's birth shall continue to be eligible for medical assistance without redetermination until the child's second birthday, as long as the child remains in the woman's household.

Sec. 6. Minnesota Statutes 1994, section 256B.057, subdivision 2, is amended to read:

Subd. 2. [CHILDREN.] A child one through five years of age in a family whose countable income is less than 133 percent of the federal poverty guidelines for the same family size, is eligible for medical assistance. A child six through 18 years of age, who was born after September

30, 1983, in a family whose countable income is less than 100 percent of the federal poverty guidelines for the same family size is eligible for medical assistance. ~~Eligibility for children under this subdivision must be determined without regard to asset standards established in section 256B.056, subdivision 3.~~"

Page 40, after line 32, insert:

"Sec. 26. Minnesota Statutes 1995 Supplement, section 256D.03, subdivision 3, is amended to read:

Subd. 3. [GENERAL ASSISTANCE MEDICAL CARE; ELIGIBILITY.] (a) General assistance medical care may be paid for any person who is not eligible for medical assistance under chapter 256B, including eligibility for medical assistance based on a spenddown of excess income according to section 256B.056, subdivision 5, and:

(1) who is receiving assistance under section 256D.05 or 256D.051, or who is having a payment made on the person's behalf under sections 256I.01 to 256I.06; or

(2)(i) who is a resident of Minnesota; and whose equity in assets is not in excess of \$1,000 per assistance unit. ~~No asset test shall be applied to children and their parents living in the same household.~~ Exempt assets, the reduction of excess assets, and the waiver of excess assets must conform to the medical assistance program in chapter 256B, with the following exception: the maximum amount of undistributed funds in a trust that could be distributed to or on behalf of the beneficiary by the trustee, assuming the full exercise of the trustee's discretion under the terms of the trust, must be applied toward the asset maximum; and

(ii) who has countable income not in excess of the assistance standards established in section 256B.056, subdivision 4, or whose excess income is spent down pursuant to section 256B.056, subdivision 5, using a six-month budget period, except that a one-month budget period must be used for recipients residing in a long-term care facility. The method for calculating earned income disregards and deductions for a person who resides with a dependent child under age 21 shall be as specified in section 256.74, subdivision 1. However, if a disregard of \$30 and one-third of the remainder described in section 256.74, subdivision 1, clause (4), has been applied to the wage earner's income, the disregard shall not be applied again until the wage earner's income has not been considered in an eligibility determination for general assistance, general assistance medical care, medical assistance, or aid to families with dependent children for 12 consecutive months. The earned income and work expense deductions for a person who does not reside with a dependent child under age 21 shall be the same as the method used to determine eligibility for a person under section 256D.06, subdivision 1, except the disregard of the first \$50 of earned income is not allowed; or

(3) who would be eligible for medical assistance except that the person resides in a facility that is determined by the commissioner or the federal health care financing administration to be an institution for mental diseases.

(b) Eligibility is available for the month of application, and for three months prior to application if the person was eligible in those prior months. A redetermination of eligibility must occur every 12 months.

(c) General assistance medical care is not available for a person in a correctional facility unless the person is detained by law for less than one year in a county correctional or detention facility as a person accused or convicted of a crime, or admitted as an inpatient to a hospital on a criminal hold order, and the person is a recipient of general assistance medical care at the time the person is detained by law or admitted on a criminal hold order and as long as the person continues to meet other eligibility requirements of this subdivision.

(d) General assistance medical care is not available for applicants or recipients who do not cooperate with the county agency to meet the requirements of medical assistance.

(e) In determining the amount of assets of an individual, there shall be included any asset or interest in an asset, including an asset excluded under paragraph (a), that was given away, sold, or

disposed of for less than fair market value within the 60 months preceding application for general assistance medical care or during the period of eligibility. Any transfer described in this paragraph shall be presumed to have been for the purpose of establishing eligibility for general assistance medical care, unless the individual furnishes convincing evidence to establish that the transaction was exclusively for another purpose. For purposes of this paragraph, the value of the asset or interest shall be the fair market value at the time it was given away, sold, or disposed of, less the amount of compensation received. For any uncompensated transfer, the number of months of ineligibility, including partial months, shall be calculated by dividing the uncompensated transfer amount by the average monthly per person payment made by the medical assistance program to skilled nursing facilities for the previous calendar year. The individual shall remain ineligible until this fixed period has expired. The period of ineligibility may exceed 30 months, and a reapplication for benefits after 30 months from the date of the transfer shall not result in eligibility unless and until the period of ineligibility has expired. The period of ineligibility begins in the month the transfer was reported to the county agency, or if the transfer was not reported, the month in which the county agency discovered the transfer, whichever comes first. For applicants, the period of ineligibility begins on the date of the first approved application.

(f)(1) Beginning October 1, 1993, an undocumented alien or a nonimmigrant is ineligible for general assistance medical care other than emergency services. For purposes of this subdivision, a nonimmigrant is an individual in one or more of the classes listed in United States Code, title 8, section 1101(a)(15), and an undocumented alien is an individual who resides in the United States without the approval or acquiescence of the Immigration and Naturalization Service.

(2) This subdivision does not apply to a child under age 18, to a Cuban or Haitian entrant as defined in Public Law Number 96-422, section 501(e)(1) or (2)(a), or to an alien who is aged, blind, or disabled as defined in United States Code, title 42, section 1382c(a)(1).

(3) For purposes of paragraph (f), "emergency services" has the meaning given in Code of Federal Regulations, title 42, section 440.255(b)(1), except that it also means services rendered because of suspected or actual pesticide poisoning."

Page 54, line 17, delete "section" and insert "sections 256B.057, subdivisions 2a and 2b; and"

Page 54, line 18, delete "is" and insert "are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Sams moved to amend S.F. No. 2308 as follows:

Page 90, line 24, after "nursing," insert "medical product manufacturers,"

The motion prevailed. So the amendment was adopted.

Mr. Oliver moved to amend S.F. No. 2308 as follows:

Page 16, after line 32, insert:

"Sec. 4. Minnesota Statutes 1994, section 256B.056, subdivision 1, is amended to read:

Subdivision 1. [RESIDENCY.] To be eligible for medical assistance, a person must reside have resided in Minnesota for at least 30 days, or, if absent from the state, be deemed to be a resident of Minnesota in accordance with the rules of the state agency.

A person who has resided in the state for less than 30 days is considered to a be a Minnesota resident if the person:

(1) was born in the state;

(2) has in the past resided in the state for at least 365 consecutive days;

(3) has come to the state to join a close relative, which, for purposes of this subdivision means a parent, grandparent, brother, sister, spouse, or child; or

(4) has come to this state to accept a bona fide offer of employment for which the person is eligible. A county agency may waive the 30-day residency requirement in cases of medical emergency or where unusual hardship would result from denial of assistance. The county agency must report to the commissioner within 30 days on any waiver granted under this section."

Page 40, after line 32, insert:

"Sec. 24. Minnesota Statutes 1995 Supplement, section 256D.02, subdivision 12a, is amended to read:

Subd. 12a. [RESIDENT.] For purposes of eligibility for general assistance ~~under section 256D.05, and payments under section 256D.054~~ and general assistance medical care, a "resident" is a person living in the state for at least 30 days with the intention of making the person's home here and not for any temporary purpose. All applicants for these programs are required to demonstrate the requisite intent and can do so ~~in any of the following ways:~~

(1) by showing that the applicant maintains a residence at a verified address, other than a place of public accommodation. An applicant may verify a residence address by presenting a valid state driver's license, a state identification card, a voter registration card, a rent receipt, a statement by the landlord, apartment manager, or homeowner verifying that the individual is residing at the address, or other form of verification approved by the commissioner; An applicant who has been in the state for less than 30 days shall be considered a resident if the applicant can provide documentation

~~(2) by providing written documentation that the applicant came to the state in response to an offer of employment;~~

~~(3) by providing verification (1) that the applicant has been a long-time resident of the state or was formerly a resident of the state for at least 365 days and is returning to the state from a temporary absence, as those terms are defined in rules to be adopted by the commissioner; or~~

(4) by providing other persuasive evidence to show that the applicant is a resident of the state, according to rules adopted by the commissioner (2) that the applicant has come to this state to accept a bona fide offer of employment for which the applicant is eligible. A county agency may waive the 30-day residency requirement in cases of emergencies, including medical emergencies, or where unusual hardship would result from denial of assistance. The county agency must report to the commissioner within 30 days on any waiver granted under this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Berglin moved to amend the Oliver amendment to S.F. No. 2308 as follows:

Page 2, line 20, delete "may" and insert "shall"

The motion prevailed. So the amendment was adopted.

Ms. Berglin then moved to amend the Oliver amendment to S.F. No. 2308 as follows:

Page 1, line 20 delete "may" and insert "shall"

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

Mr. Oliver moved to amend the Oliver amendment to S.F. No. 2308 as follows:

Page 1, line 11, delete the first "a"

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

Ms. Berglin moved to amend the Oliver amendment to S.F. No. 2308 as follows:

Page 1, after line 23, insert:

"Any administrative cost incurred by the county implementing this subdivision shall be reimbursed by the state."

Page 2, after line 25, insert:

"Any administrative cost incurred by the county implementing this subdivision shall be reimbursed by the state."

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

The question recurred on the Oliver amendment, as amended.

The roll was called, and there were yeas 53 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Krentz	Murphy	Sams
Beckman	Hottinger	Kroening	Neuville	Samuelson
Berg	Janezich	Laidig	Oliver	Scheevel
Betzold	Johnson, D.J.	Langseth	Ourada	Spear
Chandler	Johnson, J.B.	Larson	Pariseau	Stevens
Cohen	Johnston	Lesewski	Price	Stumpf
Day	Kelly	Lessard	Ranum	Terwilliger
Dille	Kiscaden	Limmer	Reichgott Junge	Vickerman
Fischbach	Kleis	Marty	Riveness	Wiener
Flynn	Knutson	Metzen	Robertson	
Frederickson	Kramer	Morse	Runbeck	

Those who voted in the negative were:

Berglin	Finn	Merriam	Pappas	Piper
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The motion prevailed. So the Oliver amendment, as amended, was adopted.

Mr. Kramer moved to amend S.F. No. 2308 as follows:

Page 108, line 12, delete "a" and insert "an applicable"

Page 108, line 13, delete from "other" through page 108, line 14, to "organization" and insert "a certified home health aide competency evaluation"

Page 124, line 4, after the period, insert "Reimbursement for delegated functions as identified under this subdivision may not exceed 60 percent of the case management reimbursement rate."

Page 125, line 8, after the period, insert "Reimbursement for delegated functions as identified under this subdivision may not exceed 60 percent of the case management reimbursement rate."

Page 134, line 33, after the period, insert "Reimbursement for delegated functions as identified under this subdivision may not exceed 60 percent of the case management reimbursement rate."

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 2308 as follows:

Page 55, line 6, after the period, insert "If the commissioner applies for a waiver of the lookback period, the commissioner shall seek the longest lookback period the health care financing administration will approve, not to exceed 84 months."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 40 and nays 22, as follows:

Those who voted in the affirmative were:

Beckman	Frederickson	Kramer	Limmer	Robertson
Belanger	Hanson	Krentz	Metzen	Runbeck
Berg	Johnson, D.E.	Kroening	Murphy	Sams
Cohen	Johnson, J.B.	Laidig	Neuville	Scheevel
Day	Johnston	Langseth	Oliver	Stevens
Dille	Kelly	Larson	Olson	Stumpf
Finn	Kleis	Lesewski	Ourada	Terwilliger
Fischbach	Knutson	Lessard	Pariseau	Vickerman

Those who voted in the negative were:

Anderson	Janezich	Moe, R.D.	Price	Spear
Berglin	Johnson, D.J.	Morse	Ranum	Wiener
Betzold	Kiscaden	Pappas	Reichgott Junge	
Chandler	Marty	Piper	Riveness	
Flynn	Merriam	Pogemiller	Samuelson	

The motion prevailed. So the amendment was adopted.

Mr. Neuville then moved to amend S.F. No. 2308 as follows:

Page 22, line 3, delete "regardless of when the transfer occurred" and insert "if the transfer occurred within 60 months before the person applies for medical assistance"

Page 22, delete lines 22 to 29

Page 22, line 30, delete "(c)" and insert "(b)"

Page 23, line 3, delete "(d)" and insert "(c)"

Page 23, line 11, delete "(e)" and insert "(d)"

Page 25, delete lines 27 and 28

Page 25, line 29, delete everything before the period and insert "assets were transferred"

Page 26, delete lines 31 to 34

Page 54, line 30, after the period, insert "The amendments made by those provisions apply to applications submitted and transfers made on or after the effective date of those provisions."

Ms. Berglin requested division of the amendment as follows:

First portion:

Page 22, line 3, delete "regardless of when the transfer occurred" and insert "if the transfer occurred within 60 months before the person applies for medical assistance"

Page 22, delete lines 22 to 29

Page 22, line 30, delete "(c)" and insert "(b)"

Page 23, line 3, delete "(d)" and insert "(c)"

Page 23, line 11, delete "(e)" and insert "(d)"

Page 25, delete lines 27 and 28

Page 26, delete lines 31 to 34

Second portion:

Page 25, line 29, delete everything before the period and insert "assets were transferred"

Page 54, line 30, after the period, insert "The amendments made by those provisions apply to applications submitted and transfers made on or after the effective date of those provisions."

The question was taken on the adoption of the first portion of the amendment. The motion prevailed. So the first portion of the amendment was adopted.

Mr. Neuville withdrew the second portion of the amendment.

Ms. Berglin moved to amend the Robertson amendment to S.F. No. 2308, adopted by the Senate February 29, 1996, as follows:

Page 1, line 21, reinstate the stricken language

Page 1, line 22, reinstate the stricken language and after the reinstated "subdivision" insert "and who is eligible through a spenddown"

Page 1, lines 23 and 24, reinstate the stricken language

Page 2, line 16, reinstate the stricken language

Page 2, line 17, reinstate the stricken language and after the reinstated "subdivision" insert "and who is eligible through a spenddown"

Page 2, lines 18 and 19, reinstate the stricken language

Page 2, line 34, reinstate the stricken language and after the reinstated "subdivision" insert "and who is eligible through a spenddown"

Page 2, lines 35 and 36, reinstate the stricken language

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved to amend S.F. No. 2308 as follows:

Page 89, after line 9, insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 62Q.03, subdivision 8, is amended to read:

Subd. 8. [GOVERNANCE.] (a) ~~The association shall be governed by an interim 19-member board as follows: one provider member appointed by the Minnesota Hospital Association; one provider member appointed by the Minnesota Medical Association; one provider member appointed by the governor; three members appointed by the Minnesota Council of HMOs to include an HMO with at least 50 percent of total membership enrolled through a public program; three members appointed by Blue Cross and Blue Shield of Minnesota, to include a member from a Blue Cross and Blue Shield of Minnesota affiliated health plan with fewer than 50,000 enrollees and located outside the Minneapolis-St. Paul metropolitan area; two members appointed by the Insurance Federation of Minnesota; one member appointed by the Minnesota Association of Counties; and three public members appointed by the governor, to include at least one representative of a public program. The commissioners of health, commerce, human services, and employee relations shall be nonvoting ex-officio members.~~

~~(b) The board may elect officers and establish committees as necessary.~~

~~(c) A majority of the members of the board constitutes a quorum for the transaction of business.~~

~~(d) Approval by a majority of the board members present is required for any action of the board.~~

~~(e) Interim board members shall be appointed by July 1, 1994, and shall serve until a new board is elected according to the plan of operation developed by the association.~~

~~(f) A member may designate a representative to act as a member of the interim board in the member's absence according to the plan of operation as established in subdivision 8a of this section.~~

Sec. 2. Minnesota Statutes 1994, section 62Q.075, subdivision 2, is amended to read:

Subd. 2. [REQUIREMENT.] Beginning ~~July 1, 1995~~ October 31, 1997, all managed care organizations shall ~~annually~~ biennially with the action plans required under section 62Q.07 a plan describing the actions the managed care organization has taken and those it intends to take to contribute to achieving public health goals for each service area in which an enrollee of the managed care organization resides. This plan must be jointly developed in collaboration with the local public health units, appropriate regional coordinating boards, and other community organizations providing health services within the same service area as the managed care organization. Local government units with responsibilities and authority defined under chapters 145A and 256E may designate individuals to participate in the collaborative planning with the managed care organization to provide expertise and represent community needs and goals as identified under chapters 145A and 256E."

Page 89, after line 18, insert:

"Sec. 4. Minnesota Statutes 1994, section 144.572, is amended to read:

144.572 [INSTITUTIONS EXCEPTED.]

No rule nor requirement shall be made, nor standard established under sections 144.50 to 144.56 for any sanitarium, ~~conducted in accordance with the practice and principles of the body known as the Church of Christ, Scientist by and for the adherents of any recognized church or religious denomination for the purpose of providing care and treatment for those who select and depend upon spiritual means through prayer alone, in lieu of medical care, for healing, except as to the sanitary and safe condition of the premises, cleanliness of operation, and its physical equipment.~~

Sec. 5. Minnesota Statutes 1994, section 144.71, subdivision 1, is amended to read:

Subdivision 1. [HEALTH AND SAFETY.] The purpose of sections 144.71 to 144.74 is to protect the health and safety of ~~children~~ persons in attendance at ~~children's~~ youth camps.

Sec. 6. Minnesota Statutes 1994, section 144.71, subdivision 2, is amended to read:

Subd. 2. [DEFINITION.] For the purpose of such sections a ~~children's~~ youth camp is defined as a parcel or parcels of land with permanent buildings, tents or other structures together with appurtenances thereon, established or maintained as living quarters where both food and beverage service and lodging or the facilities therefor are provided for ten or more people, operated continuously for a period of five days or more each year for educational, recreational or vacation purposes, and the use of the camp is offered to minors free of charge or for payment of a fee.

Sec. 7. Minnesota Statutes 1994, section 144.72, subdivision 1, is amended to read:

Subdivision 1. [PERMITS.] The state commissioner of health is authorized to issue permits for the operation of ~~such children's~~ youth camps and ~~such camps~~ which are required to obtain ~~such~~ the permits.

Sec. 8. Minnesota Statutes 1994, section 144.72, subdivision 2, is amended to read:

Subd. 2. [APPLICATION.] On or before June first annually, every person, partnership, limited liability company or corporation, operating or seeking to operate a ~~children's~~ youth camp, shall make application in writing to the commissioner for a permit to conduct a ~~children's~~ youth camp. Such application shall be in such form and shall contain such information as the commissioner may find necessary to determine that the ~~children's~~ youth camp will be operated and maintained in such a manner as to protect and preserve the health and safety of the persons using the camp. Where a person, partnership, limited liability company or corporation operates or is seeking to operate more than one ~~children's~~ youth camp, a separate application shall be made for each camp.

Sec. 9. Minnesota Statutes 1994, section 144.73, subdivision 1, is amended to read:

Subdivision 1. [INSPECTION OF CAMPS.] It shall be the duty of the state commissioner of

health to make an annual inspection of each ~~children's~~ youth camp, and where, upon inspection it is found that there is a failure to protect the health and safety of the persons using the camp, or a failure to comply with the camp rules prescribed by the commissioner, the commissioner shall give notice to the camp operator of such failure, which notice shall set forth the reason or reasons for such failure.

Sec. 10. Minnesota Statutes 1994, section 144.74, is amended to read:

144.74 [RULES, STANDARDS.]

The state commissioner of health is authorized to adopt and enforce such reasonable rules and standards as the commissioner determines necessary to protect the health and safety of ~~children~~ persons in attendance at ~~children's~~ youth camps. Such rules and standards may include reasonable restrictions and limitations on the following:

(1) Camp sites and buildings, including location, layout, lighting, ventilation, heating, plumbing, drainage and sleeping quarters;

(2) Sanitary facilities, including water supply, toilet and shower facilities, sewage and excreta disposal, waste and garbage disposal, and the control of insects and rodents, and

(3) Food service, including storage, refrigeration, sanitary preparation and handling of food, the cleanliness of kitchens and the proper functioning of equipment.

Sec. 11. Minnesota Statutes 1994, section 144A.09, subdivision 1, is amended to read:

Subdivision 1. [~~CHURCH OF CHRIST, SCIENTIST SPIRITUAL MEANS FOR HEALING.~~] No rule established under sections 144A.01 to 144A.16 other than a rule relating to sanitation and safety of premises, to cleanliness of operation or to physical equipment, shall apply to a nursing home conducted ~~in accordance with the teachings of the body known as the Church of Christ, Scientist by and for the adherents of any recognized church or religious denomination for the purpose of providing care and treatment for those who select and depend upon spiritual means through prayer alone, in lieu of medical care, for healing.~~

Sec. 12. Minnesota Statutes 1994, section 144A.20, subdivision 2, is amended to read:

Subd. 2. [EXCEPTION.] Notwithstanding any law to the contrary, no person desiring to be licensed to administer a nursing home operated ~~exclusively in accordance with the teachings of the body known as the Church of Christ, Scientist by and for the adherents of any recognized church or religious denomination for the purpose of providing care and treatment for those who select and depend upon spiritual means through prayer alone, in lieu of medical care, for healing,~~ shall be required to demonstrate proficiency in any medical technique or meet any medical educational qualification or medical standard which is not in accord with the type of remedial care and treatment provided in a nursing home operated exclusively in accordance with the teachings of that body.

Sec. 13. Minnesota Statutes 1995 Supplement, section 148C.01, subdivision 12, is amended to read:

Subd. 12. [SUPERVISED ALCOHOL AND DRUG COUNSELING EXPERIENCE.] Except during the transition period, "supervised alcohol and drug counseling experience" means practical experience gained by a student, volunteer, or intern, and supervised by a person either licensed under this chapter or exempt under its provisions; either before, during, or after the student completes a program from an accredited school or ~~education~~ educational program of alcohol and drug counseling.

Sec. 14. Minnesota Statutes 1995 Supplement, section 148C.01, subdivision 13, is amended to read:

Subd. 13. [ALCOHOL AND DRUG COUNSELING PRACTICUM.] "Alcohol and drug counseling practicum" means formal experience gained by a student and supervised by a person either licensed under this chapter or exempt under its provisions, in an accredited school or

educational program of alcohol and drug counseling as part of the education requirements of this chapter.

Sec. 15. Minnesota Statutes 1995 Supplement, section 148C.02, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP.] The alcohol and drug counselors licensing advisory council consists of 13 members. The commissioner shall appoint:

(1) except for those members initially appointed, seven members who must be licensed alcohol and drug dependency counselors;

(2) three members who must be public members as defined by section 214.02;

(3) one member who must be a director or coordinator of an accredited alcohol and drug dependency training program; and

(4) one member who must be a former consumer of alcohol and drug dependency counseling service and who must have received the service more than three years before the person's appointment.

The American Indian advisory committee to the department of human services chemical dependency office shall appoint the remaining member.

Sec. 16. Minnesota Statutes 1995 Supplement, section 148C.02, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] (a) The advisory council shall:

(1) provide advice and recommendations to the commissioner on the development of rules for the licensure of alcohol and drug counselors;

(2) provide advice and recommendations to the commissioner on the development of standards and procedures for the competency testing, licensing, and review of alcohol and drug counselors' professional conduct;

(3) provide advice and recommendations to the commissioner in disciplinary cases in the areas of counselor competency issues, counselor practice issues, and counselor impairment issues.

(b) The advisory council shall form an education committee, including a chair, ~~and~~ which shall advise the commissioner on the review and administration of the education requirements in ~~section~~ sections 148C.04 and 148C.05, subdivision 2.

Sec. 17. Minnesota Statutes 1995 Supplement, section 148C.03, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] The commissioner shall, after consultation with the advisory council or a subcommittee or the special licensing criteria committee established under section 148C.11, subdivision 3, paragraph (b):

(a) adopt and enforce rules for licensure of alcohol and drug counselors, including establishing standards and methods of determining whether applicants and licensees are qualified under section 148C.04. The rules must provide for examinations and establish standards for the regulation of professional conduct. The rules must be designed to protect the public;

(b) hold or contract for the administration of examinations at least twice a year to assess applicants' knowledge and skills. The examinations must be written and oral and may be administered by the commissioner or by a private organization under contract with the commissioner to administer the licensing examinations. Examinations must minimize cultural bias and must be balanced in various theories relative to practice of alcohol and drug counseling;

(c) issue licenses to individuals qualified under sections 148C.01 to 148C.11;

- (d) issue copies of the rules for licensure to all applicants;
- (e) adopt rules to establish and implement procedures, including a standard disciplinary process and rules of professional conduct;
- (f) carry out disciplinary actions against licensees;
- (g) establish, with the advice and recommendations of the advisory council, written internal operating procedures for receiving and investigating complaints and for taking disciplinary actions as appropriate. Establishment of the operating procedures are not subject to rulemaking procedures under chapter 14;
- (h) educate the public about the existence and content of the rules for ~~chemical dependency~~ alcohol and drug counselor licensing to enable consumers to file complaints against licensees who may have violated the rules;
- (i) evaluate the rules in order to refine and improve the methods used to enforce the commissioner's standards;
- (j) set, collect, and adjust license fees for alcohol and drug counselors so that the total fees collected will as closely as possible equal anticipated expenditures during the biennium, as provided in section 16A.1285; fees for initial and renewal application and examinations; late fees for counselors who submit license renewal applications after the renewal deadline; and a surcharge fee. The surcharge fee must include an amount necessary to recover, over a five-year period, the commissioner's direct expenditures for the adoption of the rules providing for the licensure of alcohol and drug counselors. All fees received shall be deposited in the state treasury and credited to the special revenue fund; and
- (k) prepare reports on activities related to the licensure of alcohol and drug counselors according to this subdivision by October 1 of each even-numbered year. Copies of the reports shall be delivered to the legislature in accordance with section 3.195 and to the governor. The reports shall contain the following information on the commissioner's activities relating to the licensure of ~~chemical dependency~~ alcohol and drug counselors, for the two-year period ending the previous June 30:
 - (1) a general statement of the activities;
 - (2) the number of staff hours spent on the activities;
 - (3) the receipts and disbursements of funds;
 - (4) the names of advisory council members and their addresses, occupations, and dates of appointment and reappointment;
 - (5) the names and job classifications of employees;
 - (6) a brief summary of rules proposed or adopted during the reporting period with appropriate citations to the State Register and published rules;
 - (7) the number of persons having each type of license issued by the commissioner as of June 30 in the year of the report;
 - (8) the locations and dates of the administration of examinations by the commissioner;
 - (9) the number of persons examined by the commissioner with the persons subdivided into groups showing age categories, sex, and states of residency;
 - (10) the number of persons licensed by the commissioner after taking the examinations referred to in clause (8) with the persons subdivided by age categories, sex, and states of residency;
 - (11) the number of persons not licensed by the commissioner after taking the examinations referred to in clause (8) with the persons subdivided by age categories, sex, and states of residency;

(12) the number of persons not taking the examinations referred to in clause (8) who were licensed by the commissioner or who were denied licensing, the reasons for the licensing or denial, and the persons subdivided by age categories, sex, and states of residency;

(13) the number of persons previously licensed by the commissioner whose licenses were revoked, suspended, or otherwise altered in status with brief statements of the reasons for the revocation, suspension, or alteration;

(14) the number of written and oral complaints and other communications received by the commissioner which allege or imply a violation of a statute or rule which the commissioner is empowered to enforce;

(15) a summary, by specific category, of the substance of the complaints and communications referred to in clause (14) and, for each specific category, the responses or dispositions; and

(16) any other objective information which the commissioner believes will be useful in reviewing the commissioner's activities.

Sec. 18. Minnesota Statutes 1995 Supplement, section 148C.04, subdivision 3, is amended to read:

Subd. 3. ~~[LICENSING REQUIREMENTS FOR ALCOHOL AND DRUG COUNSELORS; EVIDENCE FOR THE FIRST FIVE YEARS.]~~ (a) For five years after the effective date of the rules authorized in section 148C.03, the applicant, unless qualified for initial licensure under this subdivision under section 148C.06 during the two-year period authorized therein, under section 148C.07, or under subdivision 4, must furnish evidence satisfactory to the commissioner that the applicant has met all the requirements in clauses (1) to (3). The applicant must have:

(1) ~~Except as provided in subdivision 4, the applicant must have received an associate degree including 270 clock hours of alcohol and drug counseling education from an accredited school or educational program and 880 clock hours of chemical dependency alcohol and drug counseling practicum;~~

(2) ~~The applicant must have completed a written case presentation and satisfactorily passed an oral examination that demonstrates competence in the core functions; and~~

(3) ~~The applicant must have satisfactorily passed a written examination as established by the commissioner.~~

(b) ~~Unless the applicant qualifies for licensure under this subdivision, an applicant must furnish evidence satisfactory to the commissioner that the applicant has met the requirements of paragraph (a), clauses (1) to (3).~~

~~Beginning two years after the effective date of the rules authorized in section 148C.03, subdivision 1, no person may be licensed without meeting the requirements in section 148C.04, subdivision 4, paragraph (a), clauses (2) and (3), or the special licensing criteria established pursuant to section 148C.11, subdivision 4.~~

Sec. 19. Minnesota Statutes 1995 Supplement, section 148C.04, subdivision 4, is amended to read:

Subd. 4. ~~[ADDITIONAL LICENSING REQUIREMENTS AFTER FIVE YEARS.]~~ Beginning five years after the effective date of the rules authorized in section 148C.03, subdivision 1, an applicant for licensure must ~~have received~~ submit evidence to the commissioner that the applicant has met one of the following requirements:

(1) The applicant must have:

(i) received a bachelor's degree from an accredited school or educational program, and must have completed including 480 clock hours of alcohol and drug counseling education from an accredited school or educational program and 880 clock hours of alcohol and drug counseling practicum,

(ii) completed a written case presentation and satisfactorily passed an oral examination that demonstrates competence in the core functions, and

(iii) satisfactorily passed a written examination as established by the commissioner; or

(2) The applicant must meet the requirements of section 148C.07.

Sec. 20. Minnesota Statutes 1995 Supplement, section 148C.04, is amended by adding a subdivision to read:

Subd. 5. [ADDITIONAL LICENSING REQUIREMENTS.] Applicants must also meet the special licensing requirements in section 148C.11, subdivision 4, and in the rules authorized in section 148C.03, subdivision 1, when applicable.

Sec. 21. Minnesota Statutes 1995 Supplement, section 148C.05, subdivision 1, is amended to read:

Subdivision 1. [RENEWAL REQUIREMENTS.] To renew a license, an applicant must:

(1) ~~annually~~ complete a renewal application every two years on a form provided by the commissioner and submit the ~~annual~~ biennial renewal fee by the deadline; and

(2) submit additional information if requested by the commissioner to clarify information presented in the renewal application. This information must be submitted within 30 days of the commissioner's request.

Sec. 22. Minnesota Statutes 1995 Supplement, section 148C.06, is amended to read:

148C.06 [TRANSITION PERIOD.]

For two years from the effective date of the rules authorized in section 148C.03, subdivision 1, the commissioner shall issue a license to an applicant if the applicant meets one of the following qualifications:

(a) is credentialed as a certified chemical dependency counselor (CCDC) or certified chemical dependency counselor reciprocal (CCDCR) by the Institute for Chemical Dependency Professionals of Minnesota, Inc.;

(b) has 6,000 hours of supervised alcohol and drug counselor experience as defined by the core functions, 270 clock hours of alcohol and drug training with a minimum of 60 hours of this training occurring within the past five years, 300 hours of alcohol and drug ~~practicum~~ internship, and has successfully completed the requirements in section 148C.04, subdivision 3, paragraph (a), clauses (2) and (3);

(c) has 10,000 hours of supervised alcohol and drug counselor experience as defined by the core functions, 270 clock hours of alcohol and drug training with a minimum of 60 hours of this training occurring within the past five years, and has successfully completed the requirements in section 148C.04, subdivision 3, paragraph (a), clause (2) or (3), or is credentialed as a certified chemical dependency practitioner (CCDP) by the Institute for Chemical Dependency Professionals of Minnesota, Inc.;

(d) has 14,000 hours of supervised alcohol and drug counselor experience as defined by the core functions and 270 clock hours of alcohol and drug training with a minimum of 60 hours of this training occurring within the past five years; or

(e) has met the special licensing criteria established pursuant to section 148C.11.

Sec. 23. Minnesota Statutes 1994, section 148C.09, is amended by adding a subdivision to read:

Subd. 1a. [BACKGROUND INVESTIGATION.] The applicant must sign a release authorizing the commissioner to obtain information from the bureau of criminal apprehension, the Federal Bureau of Investigation, the office of mental health practice, the department of human services, the office of health facilities complaints, and other agencies specified in the rules. After the

commissioner has given written notice to an individual who is the subject of a background investigation, the agencies shall assist the commissioner with the investigation by giving the commissioner criminal conviction data, reports about abuse or neglect of clients, and other information specified in the rules.

Sec. 24. Minnesota Statutes 1995 Supplement, section 148C.11, subdivision 1, is amended to read:

Subdivision 1. [OTHER PROFESSIONALS.] Nothing in sections 148C.01 to 148C.10 shall prevent members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes, but is not limited to, licensed physicians, registered nurses, licensed practical nurses, psychological practitioners, members of the clergy, attorneys, probation officers, marriage and family therapists, social workers, licensed professional counselors, school counselors employed by a school district while acting within the scope of their employment as a school counselor, and registered occupational therapists or certified occupational therapist assistants. These persons must not, however, use a title incorporating the words "alcohol and drug counselor" or "licensed alcohol and drug counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are licensed to engage in the practice of alcohol and drug counseling.

Sec. 25. Minnesota Statutes 1995 Supplement, section 148C.11, subdivision 3, is amended to read:

Subd. 3. [FEDERALLY RECOGNIZED TRIBES.] (a) Alcohol and drug counselors licensed to practice alcohol and drug counseling according to standards established by federally recognized tribes, while practicing under tribal jurisdiction, are exempt from the requirements of this chapter. In practicing alcohol and drug counseling under tribal jurisdiction, individuals licensed under that authority shall be afforded the same rights, responsibilities, and recognition as persons licensed pursuant to this chapter.

(b) The commissioner shall develop special licensing criteria for issuance of a license to alcohol and drug counselors who: (1) are members of ethnic minority groups; or (2) are employed by private, nonprofit agencies, including agencies operated by private, nonprofit hospitals, whose primary agency service focus addresses ethnic minority populations. These licensing criteria may differ from the licensing criteria specified in section 148C.04. To develop these criteria, the commissioner shall establish a committee comprised of but not limited to representatives from the council on hearing impaired, the council on affairs of Spanish-speaking people, the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, and the Indian affairs council.

Sec. 26. Minnesota Statutes 1995 Supplement, section 157.011, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENTS.] The commissioner shall adopt rules establishing standards for food; and beverage service establishments, and hotels, motels, lodging establishments, and resorts.

Sec. 27. Minnesota Statutes 1995 Supplement, section 157.15, subdivision 4, is amended to read:

Subd. 4. [BOARDING ESTABLISHMENT.] "~~Boarding establishment~~" means a ~~building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place~~ food and beverage service establishment where food or ~~nonalcoholic~~ beverages, or both, are furnished to five or more regular boarders, whether with or without sleeping accommodations, for periods of one week or more.

Sec. 28. Minnesota Statutes 1995 Supplement, section 157.15, subdivision 5, is amended to read:

Subd. 5. [FOOD AND BEVERAGE SERVICE ESTABLISHMENT.] "~~Food and beverage service establishment~~" means a ~~restaurant, alcoholic beverage establishment, boarding establishment, mobile food unit, seasonal food stand, food cart, or special event food stand~~

building, structure, enclosure, or any part of a building, structure, or enclosure used as, maintained as, advertised as, or held out to be an operation that prepares, serves, or otherwise provides food or beverages, or both, for human consumption.

Sec. 29. Minnesota Statutes 1995 Supplement, section 157.15, subdivision 6, is amended to read:

Subd. 6. [FOOD CART.] "Food cart" means a food and beverage service establishment that is a nonmotorized vehicle ~~limited to serving food that is not defined by rule as potentially hazardous food, except precooked frankfurters and other ready-to-eat link sausages~~ self-propelled by the operator.

Sec. 30. Minnesota Statutes 1995 Supplement, section 157.15, subdivision 9, is amended to read:

Subd. 9. [MOBILE FOOD UNIT.] "Mobile food unit" means a food and beverage service establishment that is a vehicle mounted unit, either motorized or trailered, operating no more than 14 days annually at any one place, and readily movable, without disassembling, for transport to another location and remaining for no more than 14 days, annually, at any one place.

Sec. 31. Minnesota Statutes 1995 Supplement, section 157.15, is amended by adding a subdivision to read:

Subd. 10a. [POTENTIALLY HAZARDOUS FOOD.] "Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, mollusk, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free, shell eggs or foods which have a pH level of 4.6 or below or a water activity (aW) value of 0.85 or less.

Sec. 32. Minnesota Statutes 1995 Supplement, section 157.15, subdivision 12, is amended to read:

Subd. 12. [RESTAURANT.] "Restaurant" means a ~~building, structure, enclosure, or any part thereof used as, maintained as, advertised as, or held out to be a place where food or nonalcoholic beverages are served or prepared for service to the public~~ food and beverage service establishment, whether the establishment serves alcoholic or nonalcoholic beverages, which operates from a location for more than 14 days annually. Restaurant does not include a food cart.

Sec. 33. Minnesota Statutes 1995 Supplement, section 157.15, is amended by adding a subdivision to read:

Subd. 12a. [SEASONAL PERMANENT FOOD STAND.] "Seasonal permanent food stand" means a food and beverage service establishment which is a permanent food service stand or building, but which operates no more than 14 days annually.

Sec. 34. Minnesota Statutes 1995 Supplement, section 157.15, subdivision 13, is amended to read:

Subd. 13. [SEASONAL TEMPORARY FOOD STAND.] "Seasonal temporary food stand" means a food and beverage service establishment that is a food stand ~~that which is disassembled and moved from location to location, remaining but which operates no more than 14 days, annually, at any one place; or a permanent food service stand or building that operates no more than 14 days annually~~ location.

Sec. 35. Minnesota Statutes 1995 Supplement, section 157.15, subdivision 14, is amended to read:

Subd. 14. [SPECIAL EVENT FOOD STAND.] "Special event food stand" means a food and beverage service establishment which is used in conjunction with celebrations and special events, ~~used not more than twice annually, and remaining and which operates once or twice annually for no more than three consecutive seven total days at any one location.~~

Sec. 36. Minnesota Statutes 1995 Supplement, section 157.16, is amended to read:

157.16 [LICENSES REQUIRED; FEES.]

Subdivision 1. [LICENSE REQUIRED ANNUALLY.] A license is required annually for every person, firm, or corporation engaged in the business of conducting a food and beverage service establishment hotel, motel, restaurant, alcoholic beverage establishment, boarding establishment, lodging establishment, or resort, mobile food unit, seasonal food stand, food cart, or special event food stand or who thereafter engages in conducting any such business. Any person wishing to operate a place of business licensed in this section shall first make application, pay the required fee specified in this section, and receive approval for operation, including plan review approval. Application shall be made on forms provided by the commissioner and shall require the applicant to state the full name and address of the owner of the building, structure, or enclosure, the lessee and manager of the food and beverage service establishment, hotel, motel, ~~restaurant, alcoholic beverage establishment, boarding establishment, lodging establishment, or resort, mobile food unit, seasonal food stand, food cart, or special event food stand;~~ the name under which the business is to be conducted; and any other information as may be required by the commissioner to complete the application for license.

Subd. 2. [LICENSE RENEWAL.] Initial and renewal licenses for all food and beverage service establishments, hotels, motels, restaurants, ~~alcoholic beverage establishments, lodging establishments, boarding establishments, and resorts, mobile food units, seasonal food stands, and food carts~~ shall be issued for the calendar year for which application is made and shall expire on December 31 of such year. Any person who operates a place of business after the expiration date of a license or without having submitted an application and paid the fee shall be deemed to have violated the provisions of this chapter and shall be subject to enforcement action, as provided in the health enforcement consolidation act, sections 144.989 to 144.993. In addition, a penalty of \$25 shall be added to the total of the license fee for any food and beverage service establishment operating without a license as a mobile food unit, a seasonal temporary or seasonal permanent food stand, and food cart operating without a license or a special event food stand, and a penalty of \$50 shall be added to the total of the license fee for all ~~other food, beverage, and restaurants, food carts, hotels, motels, lodging establishments, and resorts~~ operating without a license.

Subd. 3. [ESTABLISHMENT FEES; DEFINITIONS.] ~~For the purposes of establishing food, beverage, and lodging establishment fees, the following definitions have the meanings given them.~~
(a) The following fees are required for food and beverage service establishments, hotels, motels, lodging establishments, and resorts licensed under this chapter. Food and beverage service establishments must pay the highest applicable fee under paragraph (d), clause (1), (2), (3), or (4), and establishments serving alcohol must pay the highest applicable fee under paragraph (d), clause (6) or (7).

(b) All food and beverage service establishments, except special event food stands, and all hotels, motels, lodging establishments, and resorts shall pay an annual base fee of \$100.

(c) A special event food stand shall pay a flat fee of \$60 annually. "Special event food stand" means a fee category where food is prepared or served in conjunction with celebrations or special events from a special event food stand as defined in section 157.15.

(d) In addition to the base fee in paragraph (b), each food and beverage service establishment, other than a special event food stand, and each hotel, motel, lodging establishment, and resort shall pay an additional annual fee for each fee category as specified in this paragraph:

(1) Limited food menu selection, \$30.

(a) "Limited food menu selection" means a fee category that provides one or more of the following:

(4) (i) prepackaged food that receives heat treatment and is served in the package;

(2) (ii) frozen pizza that is heated and served;

(3) (iii) a continental breakfast such as rolls, coffee, juice, milk, and cold cereal;

(4) (iv) soft drinks, coffee, or nonalcoholic beverages; or

~~(5) does not prepare food on site, however serves food that was prepared elsewhere and provides (v) cleaning of for eating, drinking, or cooking utensils, when the only food served is prepared off site.~~

(2) Small menu selection with limited equipment, including boarding establishments, \$55.

~~(b)~~ "Small menu selection with limited equipment" means a fee category that has no salad bar and provides meets one or more of the following:

~~(1) (i) possesses food service equipment that is limited to consists of no more than a deep fat fryer, a grill, two hot holding containers, and one or more microwave ovens;~~

~~(2) service of (ii) serves~~ dipped ice cream or soft serve frozen desserts;

~~(3) service of (iii) serves~~ breakfast in an owner-occupied bed and breakfast establishment; or

~~(4) (iv)~~ is a boarding establishment.

(3) Small establishment with full menu selection, \$150.

~~(c)~~ "Small establishment with full menu selection" means a fee category that ~~provides~~ meets one or more of the following:

~~(1) (i) possesses food service equipment that includes a range, oven, steam table, salad bar, or salad preparation area;~~

~~(2) (ii) possesses food service equipment that includes more than one deep fat fryer, one grill, or two hot holding containers; or~~

~~(3) (iii) is an establishment where food is prepared at one location and served at one or more separate locations.~~

(4) Large establishment with full menu selection, \$250.

~~(d)~~ "Large establishment with full menu selection" means either

~~(i) a fee category that (1) meets the criteria in paragraph (c), clause (1) or (2) clause (3), item (i) or (ii), for a small establishment with full menu selection and: (1), (2) seats more than 175 people; (2), and (3) offers the full menu selection an average of five or more days a week during the weeks of operation; or means~~

~~(ii) a service fee category that (1) meets the criteria in paragraph (c), clause (3), item (iii), for a small establishment with full menu selection; and (3) (2) prepares and serves 500 or more meals per day.~~

~~(e) "Temporary food service" means a fee category where food is prepared and served from a mobile food unit, seasonal food stand, or food cart.~~

~~(f) "Alcohol service from bar" means a fee category where alcoholic mixed drinks are served, or where beer or wine are served from a bar.~~

(5) Other food and beverage service, including food carts, mobile food units, seasonal temporary food stands, and seasonal permanent food stands, \$30.

(6) Beer or wine table service, \$30.

~~(g)~~ "Beer or wine table service" means a fee category where the only alcoholic beverage service is beer or wine, served to customers seated at tables.

~~(h) "Individual water" means a fee category with a water supply other than a community public water supply as defined in Minnesota Rules, chapter 4720.~~

~~(i) "Individual sewer" means a fee category with an individual sewage treatment system which uses subsurface treatment and disposal.~~

(7) Alcoholic beverage service, other than beer or wine table service, \$75.

"Alcohol service other than beer or wine table service" means a fee category where alcoholic mixed drinks are served or where beer or wine are served from a bar.

(8) Lodging per sleeping accommodation unit, \$4, including hotels, motels, lodging establishments, and resorts, up to a maximum of \$400.

(j) "Lodging per sleeping accommodation unit" means a fee category including the number of guest rooms, cottages, or other rental units of a hotel, motel, lodging establishment, or resort; or the number of beds in a dormitory.

(9) First public swimming pool, \$100; each additional public swimming pool, \$50.

(k) "Public swimming pool" means a fee category that has the meaning given in Minnesota Rules, part 4717.0250, subpart 8.

(10) First spa, \$50; each additional spa, \$25.

(l) "Spa pool" means a fee category that has the meaning given in Minnesota Rules, part 4717.0250, subpart 9.

~~(m) "Special event food stand" means a fee category where food is prepared and served in conjunction with celebrations or special events, but not more than twice annually, and where the facility is used no more than three consecutive days per event.~~

(11) Private sewer or water, \$30.

"Individual private water" means a fee category with a water supply other than a community public water supply as defined in Minnesota Rules, chapter 4720. "Individual private sewer" means a fee category with an individual sewage treatment system which uses subsurface treatment and disposal.

(e) A fee is not required for a food and beverage service establishment operated by a school as defined in sections 120.05 and 120.101.

(f) A fee of \$150 for review of the construction plans must accompany the initial license application for food and beverage service establishments, hotels, motels, lodging establishments, or resorts.

(g) When existing food and beverage service establishments, hotels, motels, lodging establishments, or resorts are extensively remodeled, a fee of \$150 must be submitted with the remodeling plans.

(h) Seasonal temporary food stands and special event food stands are not required to pay a fee for either an initial construction plan review or a remodeling plan review.

Subd. 4. [POSTING REQUIREMENTS.] Every food and beverage service establishment, hotel, motel, lodging establishment, or resort must have the license posted in a conspicuous place at the establishment.

Sec. 37. Minnesota Statutes 1995 Supplement, section 157.17, subdivision 2, is amended to read:

Subd. 2. [REGISTRATION.] At the time of licensure or license renewal, a ~~board~~ boarding and lodging establishment or a lodging establishment that provides supportive services or health supervision services must ~~register~~ be registered with the commissioner, and must register annually thereafter. The registration must include the name, address, and telephone number of the establishment, the name of the operator, the types of services that are being provided, a description of the residents being served, the type and qualifications of staff in the facility, and other

information that is necessary to identify the needs of the residents and the types of services that are being provided. The commissioner shall develop and furnish to the boarding and lodging establishment or lodging establishment the necessary form for submitting the registration. The requirement for registration is effective until the rules required by sections 144B.01 to 144B.17 are effective.

Sec. 38. Minnesota Statutes 1995 Supplement, section 157.20, subdivision 1, is amended to read:

Subdivision 1. [INSPECTIONS.] It shall be the duty of the commissioner to inspect, or cause to be inspected, every food and beverage service establishment, hotel, motel, restaurant, alcoholic beverage establishment, boarding establishment, lodging establishment, or resort, mobile food unit, seasonal food stand, food cart, and special event food stand in this state. For the purpose of conducting inspections, the commissioner shall have the right to enter and have access thereto at any time during the conduct of business.

Sec. 39. Minnesota Statutes 1995 Supplement, section 157.20, is amended by adding a subdivision to read:

Subd. 2a. [RISK CATEGORIES.] (a) [HIGH-RISK ESTABLISHMENT.] "High-risk establishment" means any food and beverage service establishment, hotel, motel, lodging establishment, or resort that:

(1) serves potentially hazardous foods that require extensive processing on the premises, including manual handling, cooling, reheating, or holding for service;

(2) prepares foods several hours or days before service;

(3) serves menu items that epidemiologic experience has demonstrated to be common vehicles of food-borne illness;

(4) has a public swimming pool; or

(5) draws its drinking water from a surface water supply.

(b) [MEDIUM-RISK ESTABLISHMENT.] "Medium-risk establishment" means a food and beverage service establishment, hotel, motel, lodging establishment, or resort that:

(1) serves potentially hazardous foods but with minimal holding between preparation and service; or

(2) serves foods, such as pizza, that require extensive handling followed by heat treatment.

(c) [LOW-RISK ESTABLISHMENT.] "Low-risk establishment" means a food and beverage service establishment, hotel, motel, lodging establishment, or resort that is not a high-risk or medium-risk establishment.

(d) [RISK EXCEPTIONS.] Mobile food units, seasonal permanent and seasonal temporary food stands, food carts, and special event food stands are not inspected on an established schedule and therefore are not defined as high-risk, medium-risk, or low-risk establishments.

Sec. 40. Minnesota Statutes 1995 Supplement, section 157.21, is amended to read:

157.21 [INSPECTION RECORDS.]

The commissioner shall keep inspection records for all food and beverage service establishments, hotels, motels, ~~restaurants, alcoholic beverage establishments, boarding establishments,~~ lodging establishments, and resorts, ~~mobile food units, seasonal food stands, food carts, and special event food stands,~~ together with the name of the owner and operator.

Sec. 41. Minnesota Statutes 1994, section 327.14, subdivision 8, is amended to read:

Subd. 8. [RECREATIONAL CAMPING AREA.] "Recreational camping area" means any

area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more tents or recreational camping vehicles free of charge or for compensation. "Recreational camping area" excludes children's camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and state commissioner of health rules, United States forest service camps, state forest service camps, state wildlife management areas or state-owned public access areas which are restricted in use to picnicking and boat landing, and a temporary holding area for self-contained recreational camping vehicles created by and adjacent to a motor sports facility if the area is ordered by the chief law enforcement officer of the jurisdiction in the interest of public safety.

Sec. 42. [REPORT ON IMMUNIZATION LAW AND POLICY.]

By January 15, 1997, the commissioner of health shall report recommendations to the legislature and governor relating to Minnesota immunization law and policy regarding vaccine-preventable diseases for which immunization is not currently required by law, including, but not limited to, hepatitis A, hepatitis B, varicella, and other vaccine- preventable diseases identified by the commissioner."

Page 92, after line 19, insert:

"Sec. 45. [INSTRUCTION TO REVISOR.]

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B and insert the reference in column C. The references in column C may be changed by the revisor to the section of Minnesota Statutes in which the bill sections are compiled.

<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
<u>28A.15, subdivision 5</u>	<u>157.03</u>	<u>157.16</u>
<u>157.15, subdivision 1</u>	<u>157.03</u>	<u>157.011</u>
<u>160.295, subdivision 3</u>	<u>157.03</u>	<u>157.16</u>
<u>256B.0913, subdivision 5</u>	<u>157.03</u>	<u>157.011</u>
<u>299F.46, subdivision 1</u>	<u>157.03</u>	<u>157.011</u>

Sec. 46. [REPEALER.]

Minnesota Statutes 1994, sections 144.691, subdivision 4; 146.14; and 146.20; Minnesota Statutes 1995 Supplement, sections 157.03; 157.15, subdivision 2; 157.18; and 157.19, are repealed.

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Ms. Kiscaden then moved to amend the Kiscaden amendment to S.F. No. 2308 as follows:

Page 15, line 14, before the first comma, insert "or is operated in conjunction with a permanent business at the site of the permanent business by the same individual or company"

Page 16, line 1, before the period, insert "or a mobile food unit"

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

Mr. Finn moved to amend the Kiscaden amendment to S.F. No. 2308 as follows:

Page 21, after line 27, insert:

"Sec. 37. [157.166] [CAP ON INCREASED FEES.]

The amount of the fee as amended in Laws 1995, chapter 207, article 9, sections 40 to 48, must not increase more than 25 percent over the prior year's fee for an establishment unless the increase results from new or expanded services or facilities provided by the licensee. This section is effective retroactive to July 1, 1995."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

The roll was called, and there were yeas 6 and nays 54, as follows:

Those who voted in the affirmative were:

Anderson	Finn	Johnson, D.J.	Morse	Stumpf
Chandler				

Those who voted in the negative were:

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

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

Ms. Ranum moved to amend the Kiscaden amendment to S.F. No. 2308 as follows:

Page 2, lines 18 to 30, delete section 4

Page 4, lines 25 to 36, delete section 11

Page 5, lines 1 to 15, delete section 12

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

Ms. Kiscaden moved to amend the Kiscaden amendment to S.F. No. 2308 as follows:

Pages 12 and 13, delete section 23

Renumber the sections in sequence and correct the internal references

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

The question recurred on the Kiscaden amendment, as amended. The motion prevailed. So the Kiscaden amendment, as amended, was adopted.

Mr. Marty moved to amend S.F. No. 2308 as follows:

Page 89, after line 9, insert:

"Section 1. [16B.93] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For purposes of sections 16B.93 to 16B.97, the following definitions apply.

Subd. 2. [CONTRACTOR.] "Contractor" means the individual, business entity, or other private organization who is awarded the contract by the commissioner to negotiate the prices for prescription drugs pursuant to section 16B.94, subdivision 1.

Subd. 3. [MULTISTATE PHARMACEUTICAL CONTRACTING ALLIANCE OR ALLIANCE.] "Multistate pharmaceutical contracting alliance" or "alliance" means the alliance established and administered by the commissioner of administration under the authority granted in section 471.59.

Subd. 4. [MANUFACTURER.] "Manufacturer" means a manufacturer as defined in section 151.44, paragraph (c).

Subd. 5. [PRESCRIPTION DRUG.] "Prescription drug" means a drug as defined in section 151.44, paragraph (d).

Subd. 6. [PURCHASER.] "Purchaser" means a pharmacy as defined in section 151.01, subdivision 2, and includes health maintenance organizations and hospitals.

Subd. 7. [REBATE.] "Rebate" means any money, incentives, or credits given to a purchaser by a manufacturer or seller for purchasing a prescription drug.

Subd. 8. [SELLER.] "Seller" means any person, other than a manufacturer, who sells or distributes drugs to purchasers or other sellers within the state.

Subd. 9. [SINGLE SOURCE DRUG.] "Single source drug" means a prescription drug for which there is no other drug product sold or marketed in the state which the FDA has rated as therapeutically equivalent and has determined is pharmaceutically equivalent and bioequivalent.

Subd. 10. [STATE DRUG FORMULARY.] "State drug formulary" means a listing of drugs of proven safety, efficacy, and cost-effectiveness established by the commissioner of human services under section 256.996.

Sec. 2. [16B.94] [PRICE CONTRACT FOR PRESCRIPTION DRUGS ON THE STATE FORMULARY.]

Subdivision 1. [MINNESOTA POOLED CONTRACT FOR PRESCRIPTION DRUG DISCOUNTS.] (a) The commissioner shall negotiate price contracts for prescription drugs listed on the state drug formulary. The commissioner may contract with an individual, business entity, or other private organization to negotiate the contract price as required under this subdivision. The commissioner may negotiate a price differential based on volume purchasing.

(b) The contract price for each drug on the state drug formulary, with the exception of single source drugs, shall be based on the average manufacturer's price minus 15 percent, the best competitive bid price, or a negotiated price, whichever is lowest. In the case of single source drugs, the contract price shall be negotiated. The initial average manufacturer's price is the purchaser's actual acquisition cost as of March 1, 1996. For purposes of computing the contract price in 1997 and each year thereafter for those drugs on the state drug formulary, the commissioner or contractor shall not recognize increases in the average manufacturer's contracted price that exceed the rate of increase in the Consumer Price Index for All Items (U.S. city average) (CPI-U).

(c) Nothing in this section shall prohibit the commissioner or contractor from granting multiple awards.

Subd. 2. [ADMINISTRATIVE COSTS.] The commissioner may charge a fee to any business entity with whom the commissioner negotiates a contract under subdivision 1 sufficient to cover the commissioner's expenses in negotiating and administering the contract. The amount of the fee need not be set by rule. Fee receipts must be deposited in the state treasury and credited to a special account. Money in the account is appropriated to the commissioner to pay the costs incurred.

Sec. 3. [16B.95] [STATE CONTRACT PRICE.]

Subdivision 1. [MANUFACTURER REQUIREMENT.] The contract price for all prescription drugs listed on the state formulary that the commissioner has negotiated shall be made available to any Minnesota purchaser by any manufacturer or seller who participates in the alliance. Any manufacturer who does not extend the negotiated contract price to a Minnesota purchaser shall be prohibited from participating in the alliance.

Subd. 2. [PURCHASER REQUIREMENT.] The commissioner of administration may require any Minnesota purchaser who plans on purchasing prescription drugs at the contract price

negotiated by the commissioner of administration to submit any information deemed necessary by the commissioner regarding prescription drug purchase projections to assist the commissioner in the contract price negotiations.

Subd. 3. [PURCHASING PRESCRIPTION DRUGS NOT INCLUDED ON THE STATE DRUG FORMULARY.] Nothing in this section shall prevent a purchaser from purchasing a prescription drug that is not included on the state drug formulary.

Sec. 4. [16B.96] [NONDISCRIMINATION.]

No insurer or health plan company shall discriminate against a purchaser for participating in the multistate pharmaceutical contracting alliance or for taking advantage of the alliance contracting price."

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 32 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Krentz	Pappas	Samuelson
Beckman	Frederickson	Kroening	Piper	Spear
Berglin	Hanson	Langseth	Pogemiller	Stumpf
Betzold	Hottinger	Marty	Price	Vickerman
Chandler	Janezich	Metzen	Ranum	
Finn	Johnson, D.J.	Morse	Reichgott Junge	
Fischbach	Johnson, J.B.	Murphy	Sams	

Those who voted in the negative were:

Belanger	Kiscaden	Lessard	Oliver	Runbeck
Berg	Kleis	Limmer	Olson	Scheevel
Day	Knutson	Merriam	Ourada	Stevens
Dille	Kramer	Moe, R.D.	Pariseau	Terwilliger
Johnson, D.E.	Laidig	Neuville	Riveness	Wiener
Johnston	Larson	Novak	Robertson	

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved to amend S.F. No. 2308 as follows:

Page 145, after line 6, insert:

"Sec. 40. [HEALTH CARE DELIVERY SYSTEM.]

Subdivision 1. [OBJECTIVES.] It is the intent of the legislature to re-evaluate the current public assistance health care programs established under Minnesota Statutes, chapters 256, 256B, and 256D, and to determine whether there is a more efficient and cost-effective way to provide quality health care services to families and individuals who do not have access to or cannot pay for health care coverage. In re-evaluating the current system, it is the legislature's intent to encourage individuals to obtain health care and maintain health; to emphasize the provision of primary and preventive care; to allow access to health care by those who require it; to promote competition and cost-efficiency and to reduce incentives among providers and payers to shift costs; to provide incentives for care management and coordination; to provide incentives to maintain individuals in family and community settings; and to accommodate changes in available funding and to facilitate the development of new strategies in the purchasing and delivery of health care services.

Subd. 2. [STUDY.] The commissioner of human services, in conjunction with the legislative oversight commission on health care access, shall study the following issues:

(1) eligibility requirements, including insurance barriers and other methods to prevent the erosion of private coverage;

(2) income and asset limits;

(3) benefit sets, including acute, chronic, and long-term care services;

(4) recommendations on whether the system should be based on premiums or whether spenddowns should continue;

(5) enrollee cost sharing and its effect on affordability and access;

(6) retroactive eligibility and coverage of uncompensated health care;

(7) performance standards and outcome measurements; and

(8) consumer protections, including appeals process and accountability.

The commissioner shall provide progress reports to the legislative oversight commission on health care access on a monthly basis. A final report, including draft legislation, shall be submitted to the legislative oversight committee by November 15, 1996."

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 16 and nays 44, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Krentz	Pappas	Robertson
Berg	Kiscaden	Merriam	Piper	Terwilliger
Berglin	Knutson	Oliver	Ranum	Wiener
Cohen				

Those who voted in the negative were:

Beckman	Hottinger	Kroening	Morse	Runbeck
Belanger	Janezich	Laidig	Murphy	Sams
Betzold	Johnson, D.E.	Larson	Neuville	Samuelson
Day	Johnson, D.J.	Lesewski	Novak	Scheevel
Dille	Johnson, J.B.	Lessard	Olson	Spear
Finn	Johnston	Limmer	Pariseau	Stevens
Fischbach	Kelly	Marty	Pogemiller	Stumpf
Frederickson	Kleis	Metzen	Price	Vickerman
Hanson	Kramer	Moe, R.D.	Riveness	

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

Mr. Marty moved to amend S.F. No. 2308 as follows:

Page 89, after line 9, insert:

"Section 1. [62J.67] [PRESCRIPTION DRUG PRICE DISCLOSURE.]

Each health plan company and hospitals licensed under chapter 144 must annually submit to the commissioner of health the contract price paid for each prescription drug listed on its drug formulary. The contract price submitted must include any discount or rebate, including any fee associated with education, data collection, research, training, or market share movement, received from a manufacturer as defined under section 151.44, paragraph (c), or wholesale drug distributor as defined under section 151.44, paragraph (b). The commissioner shall make this information available to the public through the information clearinghouse."

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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 2308 as follows:

Page 22, line 3, before the period, insert ", except that this subdivision does not apply to transfers made prior to March 1, 1996"

Page 25, line 16, before the period, insert ", except that this subdivision does not apply to transfers made prior to March 1, 1996"

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden moved to amend S.F. No. 2308 as follows:

Page 47, line 15, after the semicolon, insert "and"

Page 47, line 16, delete from "; develop" through page 47, line 20, to "investment"

Page 51, line 11, after the semicolon, insert "and"

Page 51, line 14, delete everything after "evaluation"

Page 51, line 15, delete "options"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 33, as follows:

Those who voted in the affirmative were:

Berg	Kiscaden	Lesewski	Olson	Terwilliger
Fischbach	Kleis	Limmer	Pariseau	
Johnson, D.E.	Knutson	Merriam	Robertson	
Johnston	Kramer	Neuville	Scheevel	
Kelly	Larson	Oliver	Stevens	

Those who voted in the negative were:

Beckman	Hanson	Langseth	Pappas	Sams
Berglin	Hottinger	Lessard	Piper	Samuelson
Betzold	Janezich	Metzen	Pogemiller	Spear
Cohen	Johnson, D.J.	Moe, R.D.	Price	Stumpf
Day	Johnson, J.B.	Morse	Ranum	Vickerman
Finn	Krentz	Murphy	Reichgott Junge	
Flynn	Kroening	Novak	Riveness	

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

Ms. Kiscaden then moved to amend S.F. No. 2308 as follows:

Page 53, line 14, delete the second "and"

Page 53, line 18, before the period, insert ";

(7) comply with all requirements of section 256B.69 and all applicable terms and conditions of the federal waiver; and

(8) obtain and maintain a certificate of authority as a health maintenance organization under chapter 62D or licensure as an integrated service network or community integrated service network under chapter 62N"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 35, as follows:

Those who voted in the affirmative were:

Berg	Johnston	Laidig	Neuville	Runbeck
Day	Kiscaden	Larson	Oliver	Scheevel
Fischbach	Kleis	Lesewski	Olson	Stevens
Frederickson	Knutson	Limmer	Pariseau	Terwilliger
Johnson, D.E.	Kramer	Merriam	Robertson	Wiener

Those who voted in the negative were:

Anderson	Hanson	Kroening	Murphy	Reichgott Junge
Beckman	Hottinger	Langseth	Novak	Riveness
Berglin	Janezich	Lessard	Pappas	Sams
Betzold	Johnson, D.J.	Marty	Piper	Samuelson
Cohen	Johnson, J.B.	Metzen	Pogemiller	Spear
Finn	Kelly	Moe, R.D.	Price	Stumpf
Flynn	Krentz	Morse	Ranum	Vickerman

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

Ms. Kiscaden then moved to amend S.F. No. 2308 as follows:

Page 9, after line 2, insert:

"[PREPAID MEDICAL PROGRAMS.] Of this appropriation, \$1,515,000 in fiscal year 1997 is for administrative costs related to enrollment and advocacy services to prepaid medical assistance and general assistance medical care program enrollees. Administrative money appropriated for the prepaid medical assistance program and the prepaid general assistance medical care program may be transferred between grants and nongrant administration costs."

Page 38, line 8, delete from "The" through page 38, line 22, to "effective."

Page 47, line 28, after the period, insert "A demonstration project shall not be conducted in counties in which the prepaid medical assistance or prepaid general assistance medical care program is in operation on March 1, 1996."

Page 49, line 32, delete from "In" through page 50, line 7, to "period."

Page 50, line 11, delete "February 1, 1997" and insert "July 1, 1996" and delete "By"

Page 50, delete lines 12 to 14 and insert "For any county and for any population for which the state has not received a notice of intent in accordance with this paragraph, nothing shall prohibit the implementation of the prepaid medical assistance program or general assistance medical care program."

Page 50, line 15, delete "wishing to" and insert "that has submitted a letter of intent in accordance with paragraph (a)"

Page 50, line 16, delete everything before "must"

Page 50, line 31, delete from "In" through page 50, line 35, to "begins."

Page 51, line 1, delete "programs are" and insert "program is"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 8 and nays 50, as follows:

Those who voted in the affirmative were:

Belanger	Knutson	Oliver	Runbeck	Terwilliger
Kiscaden	Limmer	Robertson		

Those who voted in the negative were:

Anderson	Frederickson	Krentz	Murphy	Reichgott Junge
Beckman	Hanson	Kroening	Neuville	Riveness
Berg	Janezich	Langseth	Novak	Sams
Berglin	Johnson, D.E.	Larson	Olson	Samuelson
Betzold	Johnson, D.J.	Lesewski	Pappas	Scheevel
Cohen	Johnson, J.B.	Lessard	Pariseau	Spear
Day	Johnston	Marty	Piper	Stevens
Finn	Kelly	Merriam	Pogemiller	Stumpf
Fischbach	Kleis	Metzen	Price	Vickerman
Flynn	Kramer	Moe, R.D.	Ranum	Wiener

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

Ms. Kiscaden then moved to amend S.F. No. 2308 as follows:

Page 89, after line 9, insert:

"Section 1. Minnesota Statutes 1994, section 148C.09, is amended by adding a subdivision to read:

Subd. 1a. [BACKGROUND INVESTIGATION.] The applicant must sign a release authorizing the commissioner to obtain information from the bureau of criminal apprehension, the Federal Bureau of Investigation, the office of mental health practice, the department of human services, and the office of health facilities complaints. After the commissioner has given written notice to an individual who is the subject of a background investigation, the agencies shall assist the commissioner with the investigation by giving the commissioner criminal conviction data, and reports about abuse or neglect of clients."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Ms. Kiscaden then moved to amend S.F. No. 2308 as follows:

Page 89, after line 9, insert:

"Section 1. Minnesota Statutes 1995 Supplement, section 62R.17, is amended to read:

62R.17 [PROVIDER COOPERATIVE DEMONSTRATION.]

(a) A health provider cooperative incorporated and having adopted bylaws before May 1, 1995, that has members who provide services in Sibley, Nicollet, Blue Earth, Brown, Watonwan, Martin, Faribault, Waseca, and LeSueur counties, may contract with a qualified employer or self-insured employer plan to provide health care services in accordance with sections 62R.17 to 62R.26.

(b) A health provider cooperative incorporated and having adopted bylaws before July 1, 1995,

that has members who provide services in Big Stone, Chippewa, Cottonwood, Jackson, Kandiyohi, Lac Qui Parle, Lincoln, Lyon, McLeod, Meeker, Murray, Nobles, Pipestone, Redwood, Renville, Rock, Swift, and Yellow Medicine counties, may contract with a qualified employer or self-insured employer plan to provide health care services in accordance with sections 62R.17 to 62R.26.

(c) A health provider cooperative incorporated and having adopted bylaws before March 1, 1995, that has members who provide services in Big Stone, Chippewa, Cottonwood, Jackson, Kandiyohi, Lac Qui Parle, Lincoln, Lyon, Murray, Nobles, Pipestone, Redwood, Renville, Rock, Swift, and Yellow Medicine counties, may contract with a qualified employer or self-insured employer plan to provide health care services in accordance with sections 62R.17 to 62R.26.

(d) The health provider cooperative, the qualified employer, or the self-insured employer plan shall not, solely on account of that contract, be subject to any provision of Minnesota Statutes relating to health carriers except as provided in section 62R.21. The grant of contracting power under this section shall not be interpreted to permit or prohibit any other lawful arrangement between a health care provider and a self-insured employee welfare benefit plan or its sponsor."

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. 2308 as follows:

Page 89, after line 9, insert:

"Section 1. Minnesota Statutes 1994, section 62D.02, subdivision 4, is amended to read:

Subd. 4. (a) "Health maintenance organization" means a ~~nonprofit corporation organized under chapter 317A~~ business entity, or a local governmental unit as defined in subdivision 11, controlled and operated as provided in sections 62D.01 to 62D.30, which provides, either directly or through arrangements with providers or other persons, comprehensive health maintenance services, or arranges for the provision of these services, to enrollees on the basis of a fixed prepaid sum without regard to the frequency or extent of services furnished to any particular enrollee.

(b) Notwithstanding paragraph (a), an organization licensed as a health maintenance organization that accepts payments for health care services on a capitated basis, or under another similar risk sharing agreement, from a program of self-insurance as described in section 60A.02, subdivision 3, paragraph (b), shall not be regulated as a health maintenance organization with respect to the receipt of the payments. The payments are not premium revenues for the purpose of calculating the health maintenance organization's liability for otherwise applicable state taxes, assessments, or surcharges, with the exception of:

- (1) the MinnesotaCare provider tax;
- (2) the one percent premium tax imposed in section 60A.15, subdivision 1, paragraph (d); and
- (3) effective July 1, 1995, assessments by the Minnesota comprehensive health association.

This paragraph applies only where:

- (1) the health maintenance organization does not bear risk in excess of 110 percent of the self-insurance program's expected costs;
- (2) the employer does not carry stop loss, excess loss, or similar coverage with an attachment point lower than 120 percent of the self-insurance program's expected costs;
- (3) the health maintenance organization and the employer comply with the data submission and administrative simplification provisions of chapter 62J;
- (4) the health maintenance organization and the employer comply with the provider tax pass-through provisions of section 295.582;

(5) the health maintenance organization's required minimum reserves reflect the risk borne by the health maintenance organization under this paragraph, with an appropriate adjustment for the 110 percent limit on risk borne by the community network;

(6) on or after July 1, 1994, but prior to January 1, 1995, the employer has at least 1,500 current employees, as defined in section 62L.02, or, on or after January 1, 1995, the employer has at least 750 current employees, as defined in section 62L.02;

(7) the employer does not exclude any eligible employees or their dependents, both as defined in section 62L.02, from coverage offered by the employer, under this paragraph or any other health coverage, insured or self-insured, offered by the employer, on the basis of the health status or health history of the person.

This paragraph expires December 31, 1997.

Sec. 2. Minnesota Statutes 1994, section 62D.03, subdivision 1, is amended to read:

Subdivision 1. Notwithstanding any law of this state to the contrary, any ~~nonprofit corporation~~ business entity organized to do so or a local governmental unit may apply to the commissioner of health commerce for a certificate of authority to establish and operate a health maintenance organization in compliance with sections 62D.01 to 62D.30. No person shall establish or operate a health maintenance organization in this state, nor sell or offer to sell, or solicit offers to purchase or receive advance or periodic consideration in conjunction with a health maintenance organization or health maintenance contract unless the organization has a certificate of authority under sections 62D.01 to 62D.30.

Sec. 3. Minnesota Statutes 1994, section 62D.05, subdivision 1, is amended to read:

Subdivision 1. Any ~~nonprofit corporation~~ business entity or local governmental unit may, upon obtaining a certificate of authority as required in sections 62D.01 to 62D.30, operate as a health maintenance organization.

Sec. 4. Minnesota Statutes 1994, section 62D.06, subdivision 1, is amended to read:

Subdivision 1. The governing body of any health maintenance organization ~~which is a nonprofit corporation~~ may include enrollees, providers, or other individuals; provided, however, that after a health maintenance organization ~~which is a nonprofit corporation~~ has been authorized under sections 62D.01 to 62D.30 for one year, at least 40 percent of the governing body shall be composed of consumers elected by the enrollees from among the enrollees.

After a health maintenance organization which is a local governmental unit has been authorized under sections 62D.01 to 62D.30 for one year, an enrollee advisory body shall be established. The enrollees who make up this advisory body shall be elected by the enrollees from among the enrollees.

Sec. 5. Minnesota Statutes 1994, section 62D.19, is amended to read:

62D.19 [UNREASONABLE EXPENSES.]

No health maintenance organization shall incur or pay for any expense of any nature which is unreasonably high in relation to the value of the service or goods provided. The commissioner of health shall implement and enforce this section by rules adopted under this section.

In an effort to achieve the stated purposes of sections 62D.01 to 62D.30; ~~in order to safeguard the underlying nonprofit status of health maintenance organizations;~~ and to ensure that the payment of health maintenance organization money to major participating entities results in a corresponding benefit to the health maintenance organization and its enrollees, when determining whether an organization has incurred an unreasonable expense in relation to a major participating entity, due consideration shall be given to, in addition to any other appropriate factors, whether the officers and trustees of the health maintenance organization have acted with good faith and in the best interests of the health maintenance organization in entering into, and performing under, a contract under which the health maintenance organization has incurred an expense. The

commissioner has standing to sue, on behalf of a health maintenance organization, officers or trustees of the health maintenance organization who have breached their fiduciary duty in entering into and performing such contracts.

Sec. 6. Minnesota Statutes 1994, section 62E.02, subdivision 3, is amended to read:

Subd. 3. [HEALTH MAINTENANCE ORGANIZATION.] "Health maintenance organization" means a ~~nonprofit corporation~~ business entity licensed and operated as provided in chapter 62D."

Page 92, after line 19, insert:

"Sec. 10. [REPEALER.]

Minnesota Statutes 1994, section 62D.12, subdivision 9, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Berglin questioned whether the amendment was germane.

The President ruled that the amendment was germane.

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

The roll was called, and there were yeas 18 and nays 41, as follows:

Those who voted in the affirmative were:

Berg	Kleis	Limmer	Olson	Scheevel
Day	Kramer	Merriam	Pariseau	Stevens
Fischbach	Larson	Neuville	Robertson	
Johnston	Lesewski	Oliver	Runbeck	

Those who voted in the negative were:

Anderson	Hanson	Kroening	Pappas	Spear
Beckman	Hottinger	Langseth	Piper	Stumpf
Belanger	Janezich	Lessard	Pogemiller	Terwilliger
Berglin	Johnson, D.E.	Marty	Price	Vickerman
Betzold	Johnson, D.J.	Metzen	Ranum	Wiener
Cohen	Johnson, J.B.	Moe, R.D.	Reichgott Junge	
Finn	Kiscaden	Morse	Riveness	
Flynn	Knutson	Murphy	Sams	
Frederickson	Krentz	Novak	Samuelson	

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

Mr. Sams moved to amend S.F. No. 2308 as follows:

Page 41, after line 7, insert:

"Sec. 24. Minnesota Statutes 1994, section 256G.01, subdivision 3, is amended to read:

Subd. 3. [PROGRAM COVERAGE.] This chapter applies to all social service programs administered by the commissioner in which residence is the determining factor in establishing financial responsibility. These include, but are not limited to: ~~aid to families with dependent children; medical assistance; general assistance; work readiness; general assistance medical care; Minnesota supplemental aid; commitment proceedings, including voluntary admissions; emergency holds under sections 253B.05, subdivisions 1 and 2, and 253B.07, subdivision 6; poor relief funded wholly through local agencies; and social services, including title XX, IV-E and other components of the community social services act, sections 256E.01 to 256E.12; social services programs funded wholly through the resources of county agencies; social services provided under the Minnesota Indian family preservation act, sections 257.35 to 257.356; costs for delinquency confinement under section 393.07, subdivision 2; and service responsibility for these programs.~~

Sec. 25. Minnesota Statutes 1994, section 256G.01, is amended by adding a subdivision to read:

Subd. 4. [ADDITIONAL COVERAGE.] The provisions in sections 256G.02, subdivision 4, paragraphs (a) to (d); 256G.02, subdivisions 5 to 8; 256G.03; 256G.04; 256G.05; and 256G.07, subdivisions 1 to 3 apply to the following programs: aid to families with dependent children; medical assistance; general assistance; family general assistance; work readiness; general assistance medical care; and Minnesota supplemental aid.

Sec. 26. Minnesota Statutes 1994, section 256G.01, is amended by adding a subdivision to read:

Subd. 5. [SCOPE AND EFFECT.] Unless stated otherwise, the provisions of this chapter also apply to disputes involving financial responsibility for social services when another definition of the county of financial responsibility has been created in Minnesota Statutes.

Sec. 27. Minnesota Statutes 1994, section 256G.02, subdivision 4, is amended to read:

Subd. 4. [COUNTY OF FINANCIAL RESPONSIBILITY.] (a) "County of financial responsibility" has the meanings in paragraphs (b) to (h).

(b) For an applicant who resides in the state and is not in a facility described in subdivision 6, it means the county in which the applicant resides at the time of application.

(c) For an applicant who resides in a facility described in subdivision 6, it means the county in which the applicant last resided in nonexcluded status immediately before entering the facility.

(d) For an applicant who has not resided in this state for any time other than the excluded time, and subject to the limitations in section 256G.03, subdivision 2, it means the county in which the applicant resides at the time of making application.

~~(e) For medical assistance purposes only, and for an infant who has resided only in an excluded time facility, it means the county that would have been responsible for the infant if eligibility had been established, based on that of the birth mother, at the time of application.~~

~~(f) Notwithstanding paragraphs (b) to (d), the county of financial responsibility for medical assistance recipients is the county from which a recipient is receiving a maintenance grant or money payment under the program of aid to families with dependent children or Minnesota supplemental aid.~~

~~(g) Notwithstanding paragraphs (b) to (f), the county of financial responsibility for social services for a person receiving aid to families with dependent children, general assistance, general assistance medical care, medical assistance, or Minnesota supplemental aid is the county from which that person is receiving the aid or assistance. If more than one named program is open concurrently For an individual already having a social service case open in one county, financial responsibility for any additional social services attaches to the program case that has the earliest date of application and has been open without interruption.~~

~~(h) (f) Notwithstanding paragraphs (b) to (g) (e), the county of financial responsibility for semi-independent living services provided under section 252.275, and Minnesota Rules, parts 9525.0500 to 9525.0660, is the county of residence in nonexcluded status immediately before the placement into or request for those services.~~

Sec. 28. Minnesota Statutes 1994, section 256G.02, subdivision 6, is amended to read:

Subd. 6. [EXCLUDED TIME.] "Excluded time" means:

(a) any period an applicant spends in a hospital, sanitarium, nursing home, shelter other than an emergency shelter, halfway house, foster home, semi-independent living domicile or services program, residential facility offering care, board and lodging facility or other institution for the hospitalization or care of human beings, as defined in section 144.50, 144A.01, or 245A.02, subdivision 14; or in a maternity home, battered women's shelter, or correctional facility;

~~"Excluded time" also means that time during which an applicant participates in a rehabilitation facility as defined in section 268A.01, or is receiving personal care assistant services pursuant to section 256B.0625, subdivision 19.; or any facility based on an emergency hold under sections 253B.05, subdivisions 1 and 2, and 253B.07, subdivision 6;~~

(b) any period an applicant spends on a placement basis in a training and habilitation program, including a rehabilitation facility or work or employment program as defined in section 268A.01; or receiving personal care assistant services pursuant to section 256B.0627, subdivision 4; semi-independent living services provided under section 252.275, and Minnesota Rules, parts 9525.0500 to 9525.0660; day training and habilitation programs, and community-based services for mentally retarded and mentally ill individuals and individuals receiving assisted living service facilities; and

(c) any placement for a person with an indeterminate commitment, including independent living.

Sec. 29. Minnesota Statutes 1994, section 256G.03, is amended to read:

256G.03 [ESTABLISHING RESIDENCE.]

Subdivision 1. [STATE RESIDENCE.] For purposes of this chapter, a resident of any Minnesota county is considered a state resident. ~~For purposes of eligibility for general assistance or work readiness, residency must be substantiated according to section 256D.02, subdivision 12a.~~

Subd. 2. [NO DURATIONAL TEST.] For purposes of this chapter, no waiting period is required before securing county or state residence. Notwithstanding any other provision of this chapter, a person cannot, however, gain county or state residence by entering an excluded time facility or excluded time program while physically present in an excluded time facility unless otherwise specified in this chapter or in a specifically mandated by federal regulation controlling a federally funded human service program.

Sec. 30. Minnesota Statutes 1994, section 256G.06, is amended to read:

256G.06 [DETOXIFICATION SERVICES.]

The county of financial responsibility for detoxification services is the county where the client is physically present when the need for services is identified. If that need is identified while the client is a resident of a chemical dependency facility, the provisions of section 256G.02, subdivision 4, paragraphs (b), (c), and (e) (d) apply.

Sec. 31. Minnesota Statutes 1994, section 256G.07, subdivision 1, is amended to read:

Subdivision 1. [EFFECT OF MOVING.] Except as provided in subdivision 4, a person who has applied for and is receiving services or assistance under a program governed by this chapter, in any county in this state, and who moves to another county in this state, is entitled to continue to receive that assistance service from the county from which that person has moved until that person has resided in nonexcluded status for two full calendar months in the county to which that person has moved. ~~For purposes of general assistance and general assistance medical care, this time period is, however, one full calendar month.~~

Sec. 32. Minnesota Statutes 1994, section 256G.07, subdivision 2, is amended to read:

Subd. 2. [TRANSFER OF RECORDS.] Before the person has resided in nonexcluded status for two calendar months ~~or one calendar month in the case of general assistance and general assistance medical care,~~ in the county to which that person has moved, the local agency of the county from which the person has moved shall complete an eligibility review and transfer all necessary records relating to that person to the local agency of the county to which the person has moved.

Sec. 33. Minnesota Statutes 1994, section 256G.09, subdivision 2, is amended to read:

Subd. 2. [FINANCIAL DISPUTES.] (a) If the county receiving the transmittal does not believe

it is financially responsible, it should provide to the department and the initially responsible county a statement of all facts and documents necessary for the department to make the requested determination of financial responsibility. The submission must clearly state the program area in dispute and must state the specific basis upon which the submitting county is denying financial responsibility.

(b) The initially responsible county then has 15 calendar days to submit its position and any supporting evidence to the department. The absence of a submission by the initially responsible county does not limit the right of the department to issue a binding opinion based on the evidence actually submitted.

(c) A case must not be submitted until the local agency taking the application or making the commitment has made an initial determination about eligibility and financial responsibility, and services ~~or assistance~~ has have been initiated. This paragraph does not prohibit the submission of closed cases that otherwise meet the applicable statute of limitations.

Sec. 34. Minnesota Statutes 1994, section 256G.09, subdivision 5, is amended to read:

Subd. 5. [PAYMENT PENDING APPEAL.] After the department issues an opinion in any submission under this section, the service ~~or assistance~~ covered by the submission must be provided or paid pending or during an appeal to the district court.

Sec. 35. Minnesota Statutes 1994, section 256G.10, is amended to read:

256G.10 [DERIVATIVE SETTLEMENT ELIMINATED.]

~~Except as described in section 256G.02, subdivision 4, paragraph (e), residence under this chapter must be determined independently for each applicant. The residence of the parent of a minor child, with whom that child last lived in a nonexcluded time setting, or guardian does not of a ward shall~~ determine the residence of the child or ward for all social services governed by this chapter.

For purposes of this chapter, a minor child is defined as being under 18 years of age unless otherwise specified in a program administered by the commissioner.

Physical or legal custody has no bearing on residence determinations. This section does not, however, apply to situations involving another state ~~or~~, limit the application of an interstate compact, or apply to situations involving state wards where the commissioner is defined by law as the guardian."

Page 54, line 18, delete "is" and insert "; 256G.05, subdivision 1; and 256G.07, subdivision 3a, are"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Samuelson moved that S.F. No. 2308 be laid on the table. The motion prevailed.

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

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.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 2818 and that the rules of the Senate be so far suspended as to give H.F. No. 2818 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 2818 was read the second time.

Mr. Samuelson moved to amend H.F. No. 2818 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 2818, and insert the language after the enacting clause, and the title, of S.F. No. 2308, the second engrossment, as amended by the Senate February 29, 1996.

The motion prevailed. So the amendment was adopted.

H.F. No. 2818 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 43 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Kroening	Murphy	Sams
Beckman	Hottinger	Laidig	Novak	Samuelson
Berglin	Janezich	Langseth	Pappas	Spear
Betzold	Johnson, D.J.	Larson	Piper	Stumpf
Cohen	Johnson, J.B.	Lessard	Pogemiller	Terwilliger
Day	Johnston	Marty	Price	Vickerman
Finn	Kelly	Metzen	Ranum	Wiener
Flynn	Kiscaden	Moe, R.D.	Reichgott Junge	
Frederickson	Krentz	Morse	Riveness	

Those who voted in the negative were:

Belanger	Kleis	Limmer	Olson	Scheevel
Berg	Knutson	Merriam	Pariseau	Stevens
Fischbach	Kramer	Neuville	Robertson	
Johnson, D.E.	Lesewski	Oliver	Runbeck	

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, Reports of Committees and Second Reading of Senate Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following Senate Concurrent Resolution, herewith returned:

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

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 29, 1996

REPORTS OF COMMITTEES

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

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 236: A bill for an act relating to civil actions; including occupational therapists in the limitation period for bringing suit against health care professionals; amending Minnesota Statutes 1994, section 541.07.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for February 16, 1996, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2810: A bill for an act relating to capital improvements; appropriating money for a grant to Farmamerica; authorizing the sale of state bonds.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Veterans, shown in the Journal for February 19, 1996, be adopted; that committee recommendation being:

"the bill do pass and be re-referred to the Committee on Finance". Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 1997: A bill for an act relating to economic development; requiring private businesses with state financial assistance to pay at least a poverty level wage and increase employment; proposing coding for new law in Minnesota Statutes, chapter 177.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for February 19, 1996, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 1662: A bill for an act relating to alcoholic beverages; requiring retail establishments to post signs warning of the dangers of alcohol consumption by pregnant women; amending Minnesota Statutes 1994, section 340A.410, by adding a subdivision; repealing Minnesota Statutes 1994, section 144.3871.

Reports the same back with the recommendation that the report from the Committee on Health Care, shown in the Journal for February 19, 1996, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2457: A bill for an act relating to public employees; regulating the salaries of certain higher education officers; ratifying certain labor agreements and compensation plans; amending Minnesota Statutes 1994, sections 43A.17, subdivision 1; and 179A.03, subdivision 4; Minnesota Statutes 1995 Supplement, sections 15A.081, subdivision 7b; and 43A.18, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Governmental Operations and Veterans, shown in the Journal for February 19, 1996, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 489: A bill for an act relating to civil actions; regulating punitive damages; amending Minnesota Statutes 1994, section 549.20, subdivisions 3, 4, 5, and by adding subdivisions.

Reports the same back with the recommendation that the report from the Committee on Judiciary, shown in the Journal for February 19, 1996, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2203: A bill for an act relating to waters; establishing the Minnesota river basin joint powers board to coordinate cleanup efforts; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 103F.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for February 21, 1996, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 1927: A bill for an act relating to health; modifying the provisions related to managed care organizations; modifying the provisions related to children's camps; modifying the licensing provisions for alcohol and drug counselors; modifying the regulatory provisions for food and beverage establishments, hotels, motels, lodging establishments, and resorts; removing certain reporting requirements for hospitals and surgical centers; eliminating the directory of the healing arts; amending Minnesota Statutes 1994, sections 62Q.075, subdivision 2; 144.71, subdivisions 1 and 2; 144.72, subdivisions 1 and 2; 144.73, subdivision 1; 144.74; 148C.09, by adding a subdivision; and 157.20, by adding a subdivision; Minnesota Statutes 1995 Supplement, sections 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, 14, and by adding subdivisions; 157.16; 157.17, subdivision 2; 157.20, subdivision 1; and 157.21; repealing Minnesota Statutes 1994, sections 144.691, subdivision 4; 146.14; and 146.20; Minnesota Statutes 1995 Supplement, sections 157.03; 157.15, subdivision 2; 157.18; and 157.19.

Reports the same back with the recommendation that the report from the Committee on Health Care, shown in the Journal for February 23, 1996, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2468: A bill for an act relating to economic development; creating a geographic zone; establishing a board.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for February 16, 1996, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Governmental Operations and Veterans". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 2196: A bill for an act relating to housing; permitting a mortgagee to provide a resident caretaker for a premises; amending Minnesota Statutes 1994, section 582.031, subdivision 2.

Reports the same back with the recommendation that the report from the Committee on Jobs, Energy and Community Development, shown in the Journal for February 19, 1996, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

S.F. No. 1905: A bill for an act relating to parks and recreation; adding to and deleting from state parks.

Reports the same back with the recommendation that the report from the Committee on Environment and Natural Resources, shown in the Journal for February 19, 1996, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Joint Rule 2.03, together with the committee report thereon,

H.F. No. 2321: A bill for an act relating to the metropolitan airports commission; prohibiting free parking; amending Minnesota Statutes 1994, section 473.608, by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Metropolitan and Local Government, shown in the Journal for February 26, 1996, be amended to read:

"the bill be amended and when so amended the bill do pass and be re-referred to the Committee on Finance". Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 236, 1997, 1662, 489, 2203, 1927, 2196 and 1905 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Morse, Merriam and Ms. Johnson, J.B. introduced--

S.F. No. 2866: A bill for an act relating to public utilities; modifying provisions relating to dry cask storage of nuclear waste; exempting certain property from taxation; appropriating money; amending Minnesota Statutes 1994, section 116C.771; Minnesota Statutes 1995 Supplement, section 272.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 116C; repealing Minnesota Statutes 1994, section 116C.80.

Referred to the Committee on Environment and Natural Resources.

Mses. Runbeck and Lesewski introduced--

S.F. No. 2867: A bill for an act relating to employment; providing for a study of the dislocated worker program; eliminating the special assessment for the workforce investment fund; repealing Minnesota Statutes 1994, section 268.022, subdivision 1.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Johnson, D.J.; Price; Ms. Reichgott Junge and Mr. Hottinger introduced--

S.F. No. 2868: A bill for an act relating to taxation; proposing an amendment to the Constitution limiting the use of property taxes to fund education; providing property tax reform; providing for education aids; providing for local government aids; providing county program reform aid; changing property class rates on nonhomestead and commercial industrial property; increasing property tax refunds for homeowners and renters; providing a property tax refund for cabins; imposing the sales tax on sewer and water services, motor vehicle services, and sales of used clothing; appropriating money; amending Minnesota Statutes 1994, sections 124.2716, subdivision 3; 124.2727, subdivision 6b; 162.081, subdivision 4; 273.13, subdivision 32; 273.1398, subdivision 2; 273.1399, subdivision 5; 275.07, subdivision 1a; 290A.03, by adding a subdivision; 290A.04, subdivisions 1, 2, and by adding a subdivision; 290A.10; 290A.23, subdivision 3; 297A.25, subdivision 8; 477A.011, subdivisions 27, 34, and by adding subdivisions; and 477A.013, subdivisions 8 and 9; Minnesota Statutes 1995 Supplement, sections 124.226, subdivision 10; 124.2711, subdivision 2a; 124.83, subdivision 4; 124.95, subdivision 4; 124A.23, subdivision 1; 273.13, subdivision 25; 273.1398, subdivisions 1, 6, and 8; 276.04, subdivision 2; 290A.03, subdivision 13; 290A.04, subdivision 6; 297A.01, subdivision 3; 473.253, subdivision 1; 473.711, subdivision 2; 477A.0132, subdivision 3; and 477A.03, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 477A; repealing Minnesota Statutes 1994, sections 290A.04, subdivisions 2a and 2b; 290A.23, subdivision 1; 477A.011, subdivisions 35 and 37; 477A.013, subdivision 6; and 477A.014, subdivision 1a; Minnesota Statutes 1995 Supplement, section 477A.011, subdivision 36.

Referred to the Committee on Taxes and Tax Laws.

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:

H.F. No. 2207: Messrs. Novak, Finn and Dille.

S.F. No. 2849: Messrs. Stumpf, Murphy, Solon, Larson and Ms. Wiener.

S.F. No. 2012: Messrs. Beckman, Metzen and Belanger.

S.F. No. 2857: Messrs. Cohen, Riveness, Merriam, Kelly and Frederickson.

H.F. No. 2008: Mr. Betzold, Ms. Wiener and Mr. Limmer.

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

MEMBERS EXCUSED

Messrs. Chmielewski and Solon were excused from the Session of today. Mr. Mondale was excused from the Session of today at 1:45 p.m. Messrs. Murphy and Price were excused from the Session of today from 12:00 noon to 2:15 p.m. Mr. Johnson, D.J. was excused from the Session of today from 1:00 to 1:30 p.m. Mr. Novak was excused from the Session of today from 2:40 to 4:45 p.m. Mr. Ourada was excused from the Session of today at 5:10 p.m. Mr. Chandler was excused from the Session of today at 5:15 p.m. Mr. Terwilliger was excused from the Session of today from 12:00 noon to 1:00 p.m. Ms. Reichgott Junge was excused from the Session of today from 4:00 to 4:30 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Friday, March 1, 1996.
The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Thursday, February 29, 1996

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
1800	6624	1540	6626	
1925	6623	2008	6626	
2009	6625	2115	6626	
2020	6623	2298	6627	
2166	6623	2322	6627	
2849	6623	2670	6627	
2857	6624	2752	6627	
		2858	6626	
		3243	6627	
Sen .Con				
Res.No.14	6673			

CONCURRENCE AND REPASSAGE

S.F. Nos.	Page	H.F. Nos.	Page
1800	6624		
2009	6625		

SUSPENSION OF RULES

S.F. Nos.	Page	H.F. Nos.	Page
		2818	6672

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
236	6673	6676	1704	6627	6628
489	6674	6676	2321	6676	
1662	6674	6676			
1905	6676	6676			
1927	6675	6676			
1997	6674	6676			
2196	6675	6676			
2203	6675	6676			
2457	6674				
2468	6675				
2810	6673				

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
2676	6628	2818	6671

APPOINTMENTS TO CONFERENCE COMMITTEES

S.F. Nos.	Page	H.F. Nos.	Page
2012	6677	2008	6677
2849	6677	2207	6677
2857	6677		

CALENDAR

S.F. Nos.	Page	H.F. Nos.	Page
1464	6632		
1844	6629		
1968	6630		
1978	6632		
2089	6630		
2194	6629		
2317	6628		
2322	6630		
2385	6631		
2527	6633		
2624	6631		

SPECIAL ORDERS

S.F. Nos.	Page	H.F. Nos.	Page
2308	6633		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 2866 to 2868 Pages 6676 to 6677