

SEVENTY-NINTH DAY

St. Paul, Minnesota, Wednesday, March 24, 2010

The Senate met at 12:30 p.m. and was called to order by the President.

CALL OF THE SENATE

Senator Pogemiller imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Kevin McDonough.

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

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

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 File, herewith returned: S.F. No. 3167.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned March 23, 2010

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. 2596: A bill for an act relating to health occupations; modifying a mental health substance abuse review provision; modifying licensure requirements for psychologists; amending Minnesota Statutes 2008, sections 148.90, subdivision 1; 148.909; 148.915; 148.916, subdivision 1, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 62M.09, subdivision 3a.

Senate File No. 2596 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned March 23, 2010

CONCURRENCE AND REPASSAGE

Senator Prettner Solon moved that the Senate concur in the amendments by the House to S.F. No. 2596 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2596 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 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Fischbach	Koering	Prettner Solon	Skogen
Berglin	Fobbe	Kubly	Rest	Sparks
Betzold	Foley	Langseth	Robling	Stumpf
Bonoff	Frederickson	Latz	Rosen	Tomassoni
Carlson	Gerlach	Lourey	Rummel	Torres Ray
Chaudhary	Gimse	Lynch	Saltzman	Vandever
Clark	Hann	Marty	Saxhaug	Vickerman
Dahle	Higgins	Metzen	Scheid	Wiger
Dibble	Ingebrigtsen	Olseen	Senjem	
Dille	Johnson	Olson, G.	Sheran	
Doll	Jungbauer	Parry	Sieben	
Erickson Ropes	Kelash	Pogemiller	Skoe	

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

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 212, 3143, 1182, 2360, 2786, 3096, 2851, 3460, 2915, 3174, 2881 and 3263.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 23, 2010

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 212: A bill for an act relating to courts; eliminating the prerequisite of pretrial filing of a transcript for admission into evidence of law enforcement vehicle recordings; proposing coding for new law in Minnesota Statutes, chapter 634.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 333, now on the Calendar.

H.F. No. 3143: A bill for an act relating to tourism; amending council membership requirements; amending Minnesota Statutes 2008, section 116U.25.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3013, now on General Orders.

H.F. No. 1182: A bill for an act relating to eminent domain; clarifying use of eminent domain authority by public service corporations; amending Minnesota Statutes 2008, sections 117.225; 216E.03, subdivision 7; Minnesota Statutes 2009 Supplement, section 117.189.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1112, now on General Orders.

H.F. No. 2360: A bill for an act relating to Special School District No. 1, Minneapolis; providing for two members appointed by Special School District No. 1, Minneapolis, on the Minneapolis redistricting commission; establishing standards.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2738, now on the Calendar.

H.F. No. 2786: A bill for an act relating to the city of Duluth; providing for membership of the Spirit Mountain Recreation Area Authority; amending Laws 1973, chapter 327, section 2, subdivision 2, as amended.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2397, now on the Calendar.

H.F. No. 3096: A bill for an act relating to state procurement; modifying provisions governing the provision of services by rehabilitation facilities, extended employment providers, and day training and habilitation service programs; amending Minnesota Statutes 2008, section 16C.155.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2735, now on the Calendar.

H.F. No. 2851: A bill for an act relating to highways; amending description of trunk highway route; removing route from trunk highway system; amending Minnesota Statutes 2008, section 161.115, subdivision 263.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2662, now on General Orders.

H.F. No. 3460: A bill for an act relating to motor vehicles; changing definition to conform to International Registration Plan for commercial motor vehicles; amending Minnesota Statutes 2008, section 168.187, subdivision 5.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3090, now on General Orders.

H.F. No. 2915: A bill for an act relating to bridges; providing for ongoing prioritization of bridge projects; amending Minnesota Statutes 2008, section 165.14, subdivision 4, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2847, now on the Calendar.

H.F. No. 3174: A bill for an act relating to public safety; amending the predatory offender registration law to address registrants living in homeless shelters and to clarify that the registration requirement for offenders who move out of state are suspended not terminated; amending Minnesota Statutes 2008, section 243.166, subdivisions 1a, 3.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2862, now on General Orders.

H.F. No. 2881: A bill for an act relating to public safety; authorizing certain qualified persons with medical training or supervision to take blood samples from DWI offenders; providing legal immunity; amending Minnesota Statutes 2008, section 169A.51, subdivision 7.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2817, now on the Calendar.

H.F. No. 3263: A bill for an act relating to traffic regulations; modifying provisions governing speed limits in highway work zones, operating vehicles on multilane roads, and surcharges on traffic citations; creating traffic safety education account; amending Minnesota Statutes 2008, sections 169.14, subdivision 5d; 169.18, subdivisions 7, 10, by adding a subdivision; 171.12, subdivision 6; 171.13, by adding a subdivision; Minnesota Statutes 2009 Supplement, section 357.021, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3106, now on General Orders.

REPORTS OF COMMITTEES

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

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

S.F. No. 3199: A bill for an act relating to human services; modifying the commissioner's duties related to the state medical review team; amending Minnesota Statutes 2009 Supplement, section 256.01, subdivision 29.

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

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

S.F. No. 3201: A bill for an act relating to health; establishing a controlled substances registration; modifying the controlled substances prescription electronic reporting system; appropriating money; amending Minnesota Statutes 2008, sections 152.01, by adding a subdivision; 152.10; 152.11, subdivisions 1, 2, 2a, 2b, 2c, 2d; 152.12, subdivisions 1, 2, 3; 152.125, subdivisions 2, 3, 4; 152.126, as amended; repealing Minnesota Statutes 2008, section 152.12, subdivisions 4, 5.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

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

S.F. No. 2877: A bill for an act relating to health-related occupations; providing an exception for continuing education requirements for licensed professional counselors; amending Minnesota Statutes 2008, section 148B.54, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 148B.54, is amended by adding a subdivision to read:

Subd. 3. **Relicensure following termination.** An individual whose license was terminated prior to August 1, 2010, and who can demonstrate completion of the graduate credit requirement in subdivision 2, does not need to comply with the continuing education requirement of Minnesota Rules, part 2150.2520, subpart 4, or with the continuing education requirements for relicensure following termination in Minnesota Rules, part 2150.0130, subpart 2. This section does not apply to an individual whose license has been canceled."

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

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

S.F. No. 2815: A bill for an act relating to health; establishing a quality improvement program for physician clinics and hospitals; amending Minnesota Statutes 2008, section 62U.04, subdivisions 3, 6, 9, by adding a subdivision; repealing Minnesota Statutes 2009 Supplement, section 256B.032.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, section 62U.04, subdivision 3, is amended to read:

Subd. 3. **Provider peer grouping.** (a) The commissioner shall develop a peer grouping system for providers based on a combined measure that incorporates both provider risk-adjusted cost of care and quality of care, and for specific conditions as determined by the commissioner. In developing this system, the commissioner shall consult and coordinate with health care providers, health plan companies, state agencies, and organizations that work to improve health care quality in Minnesota. For purposes of the final establishment of the peer grouping system, the commissioner shall not contract with any private entity, organization, or consortium of entities that has or will have a direct financial interest in the outcome of the system.

(b) ~~Beginning June 1~~ By no later than October 15, 2010, the commissioner shall disseminate information to providers on their total cost of care, total resource use, total quality of care, and the total care results of the grouping developed under this subdivision in comparison to an appropriate peer group. Any analyses or reports that identify providers may only be published after the provider has been provided the opportunity by the commissioner to review the underlying data and submit comments. Providers may be given any data for which they are the subject of the data. The provider shall have 21 30 days to review the data for accuracy and initiate an appeal as specified in paragraph (d).

(c) By no later than January 1, 2011, the commissioner shall disseminate information to providers on their condition-specific cost of care, condition-specific resource use, condition-specific quality of care, and the condition-specific results of the grouping developed under this subdivision in comparison to an appropriate peer group. Any analyses or reports that identify providers may only be published after the provider has been provided the opportunity by the commissioner to review the underlying data and submit comments. Providers may be given any data for which they are the subject of the data. The provider shall have 30 days to review the data for accuracy and initiate an appeal as specified in paragraph (d).

(d) The commissioner shall establish an appeals process to resolve disputes from providers regarding the accuracy of the data used to develop analyses or reports. When a provider appeals the accuracy of the data used to calculate the peer grouping system results, the provider shall:

(1) clearly indicate the reason they believe the data used to calculate the peer group system results are not accurate;

(2) provide evidence and documentation to support the reason that data was not accurate; and

(3) cooperate with the commissioner, including allowing the commissioner access to data necessary and relevant to resolving the dispute.

If a provider does not meet the requirements of this paragraph, a provider's appeal shall be considered withdrawn. The commissioner shall not publish results for a specific provider under paragraph (e) or (f) while that provider has an unresolved appeal.

~~(d)~~ (e) Beginning September 1, 2010 January 1, 2011, the commissioner shall, no less than annually, publish information on providers' total cost, total resource use, total quality, and the results of the total care portion of the peer grouping process. The results that are published must be on a risk-adjusted basis.

(f) Beginning March 30, 2011, the commissioner shall no less than annually publish information on providers' condition-specific cost, condition-specific resource use, condition-specific quality,

and the results of the condition-specific portion of the peer grouping process. The results that are published must be on a risk-adjusted basis.

(g) If additional time is needed to establish the scientific validity of the results, the commissioner may delay the dissemination of data to providers under paragraph (b) or (c), or the publication of information under paragraph (e) or (f). If the delay is more than 60 days, the commissioner shall report in writing to the Legislative Commission on Health Care Access the following information:

- (1) the reason for the delay;
- (2) the actions being taken to resolve the delay and establish the scientific validity of the results;
and
- (3) the new dates by which the results shall be disseminated.

If there is a delay under this paragraph, the commissioner must disseminate the information to providers under paragraph (b) or (c) at least 90 days before publishing results under paragraph (e) or (f).

Sec. 2. Minnesota Statutes 2008, section 62U.04, subdivision 9, is amended to read:

Subd. 9. **Uses of information.** (a) By ~~January 1, 2011~~ no later than 12 months after the commissioner publishes the information in section 62U.04, subdivision 3, paragraph (e):

(1) the commissioner of management and budget shall use the information and methods developed under subdivision 3 to strengthen incentives for members of the state employee group insurance program to use high-quality, low-cost providers;

(2) all political subdivisions, as defined in section 13.02, subdivision 11, that offer health benefits to their employees must offer plans that differentiate providers on their cost and quality performance and create incentives for members to use better-performing providers;

(3) all health plan companies shall use the information and methods developed under subdivision 3 to develop products that encourage consumers to use high-quality, low-cost providers; and

(4) health plan companies that issue health plans in the individual market or the small employer market must offer at least one health plan that uses the information developed under subdivision 3 to establish financial incentives for consumers to choose higher-quality, lower-cost providers through enrollee cost-sharing or selective provider networks.

(b) By January 1, 2011, the commissioner of health shall report to the governor and the legislature on recommendations to encourage health plan companies to promote widespread adoption of products that encourage the use of high-quality, low-cost providers. The commissioner's recommendations may include tax incentives, public reporting of health plan performance, regulatory incentives or changes, and other strategies.

Sec. 3. Minnesota Statutes 2008, section 256B.0754, subdivision 2, is amended to read:

Subd. 2. **Payment reform.** By ~~January 1, 2011~~ no later than 12 months after the commissioner of health publishes the information in section 62U.04, subdivision 3, paragraph (e), the commissioner of human services shall use the information and methods developed under section 62U.04 to establish a payment system that:

- (1) rewards high-quality, low-cost providers;
- (2) creates enrollee incentives to receive care from high-quality, low-cost providers; and
- (3) fosters collaboration among providers to reduce cost shifting from one part of the health continuum to another.

Sec. 4. **REPEALER.**

Minnesota Statutes 2009 Supplement, section 256B.032, is repealed."

Delete the title and insert:

"A bill for an act relating to health; modifying the provider peer grouping timelines and system; amending Minnesota Statutes 2008, sections 62U.04, subdivisions 3, 9; 256B.0754, subdivision 2; repealing Minnesota Statutes 2009 Supplement, section 256B.032."

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

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

S.F. No. 2934: A bill for an act relating to human services; modifying personal care assistant services; amending Minnesota Statutes 2009 Supplement, sections 256B.0625, subdivision 6a; 256B.0653, subdivision 3; 256B.0659, subdivisions 1, 3, 4, 11, 13, 14, 18, 19, 20, 21, 27, 29, 30.

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

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 2008, section 144A.071, subdivision 4b, is amended to read:

Subd. 4b. **Licensed beds on layaway status.** A licensed and certified nursing facility may lay away, upon prior written notice to the commissioner of health, ~~up to 50 percent of its~~ licensed and certified beds. A nursing facility may not discharge a resident in order to lay away a bed. Notice to the commissioner shall be given 60 days prior to the effective date of the layaway. Beds on layaway shall have the same status as voluntarily delicensed and decertified beds and shall not be subject to license fees and license surcharge fees. In addition, beds on layaway may be removed from layaway at any time on or after one year after the effective date of layaway in the facility of origin, with a 60-day notice to the commissioner. A nursing facility that removes beds from layaway may not place beds on layaway status for one year after the effective date of the removal from layaway. The commissioner may approve the immediate removal of beds from layaway if necessary to provide access to those nursing home beds to residents relocated from other nursing homes due to emergency situations or closure. In the event approval is granted, the one-year restriction on placing beds on layaway after a removal of beds from layaway shall not apply. Beds may remain on layaway for up to five ten years. The commissioner may approve placing and removing beds on layaway at any time during renovation or construction related to a moratorium project approved under this section or section 144A.073. Nursing facilities are not required to comply with any licensure or certification requirements for beds on layaway status.

Sec. 2. Minnesota Statutes 2008, section 144A.161, subdivision 1a, is amended to read:

Subd. 1a. **Scope.** Where a facility is undertaking closure, curtailment, reduction, or change in operations, or where a housing with services unit registered under chapter 144D is closed because the space that it occupies is being replaced by a nursing facility bed that is being reactivated from layaway status, the facility and the county social services agency must comply with the requirements of this section."

Page 2, line 5, after "256B.0659" insert ", including assuring that the person gets to medical appointments if identified in the written plan of care"

Page 2, line 6, reinstate the stricken language and delete the new language

Page 2, line 15, delete "(s)" and insert "(r)"

Page 2, line 30, delete "256B.049" and insert "256B.49"

Page 3, line 2, after the semicolon, insert "or"

Page 3, line 5, delete "; or" and insert a period

Page 3, delete lines 6 to 9

Page 3, delete lines 33 to 36

Page 4, delete lines 1 to 4

Page 4, line 5, delete "(p)" and insert "(o)"

Page 4, line 7, delete "(q)" and insert "(p)"

Page 4, line 9, delete "(r)" and insert "(q)"

Page 4, line 11, delete "(s)" and insert "(r)"

Page 4, line 14, before "contributions" insert "and"

Page 4, line 15, delete everything after "accounts" and insert a period

Page 5, line 10, delete "unless" and insert "except when immediate attention is needed for health or hygiene reasons integral to the personal care services or when traveling to medical appointments and the need is"

Page 5, line 22, reinstate the stricken "or"

Page 5, line 23, reinstate the stricken "and" and delete "or"

Page 5, delete line 24

Page 7, line 21, reinstate the stricken semicolon and delete the period

Page 7, delete lines 22 to 30

Page 8, line 7, after the period, insert "The training must be available in languages other than English and to those who need accommodations due to disabilities."

Page 8, line 20, after "shall" insert "not" and delete "set by the personal care assistance agency and not"

Page 9, line 22, after "shall" insert "be available in languages other than English and to those who need accommodations due to disabilities, shall"

Page 9, line 23, after "connection" insert a comma and after "and" insert "shall"

Page 15, line 32, delete everything after "not"

Page 15, delete line 33

Page 15, line 34, delete everything before the period and insert "burden recipients' free exercise of their right to choose service providers by requiring personal care assistants to sign an agreement not to work with any particular personal care assistance recipient or for another personal care assistance provider agency after leaving the agency"

Page 16, line 15, delete ", including"

Page 16, delete lines 16 and 17

Page 16, line 18, delete "subjects trained" and after the period, insert "The required training must be available in languages other than English and to those who need accommodations due to disabilities."

Page 16, line 22, reinstate the stricken "owners"

Page 16, line 23, before "employees" insert "or" and delete ", including owners"

Page 16, line 24, delete the comma

Page 16, delete section 13 and insert:

"Sec. 14. Minnesota Statutes 2009 Supplement, section 256B.0659, subdivision 27, is amended to read:

Subd. 27. **Personal care assistance provider agency; ~~ventilator training~~.** (a) The personal care assistance provider agency is required to provide training for the personal care assistant responsible for working with a recipient who is ventilator dependent. All training must be administered by a respiratory therapist, nurse, or physician. Qualified professional supervision by a nurse must be completed and documented on file in the personal care assistant's employment record and the recipient's health record. If offering personal care services to a ventilator-dependent recipient, the personal care assistance provider agency shall demonstrate and document the ability to:

(1) train the personal care assistant;

(2) supervise the personal care assistant in ~~ventilator operation and maintenance~~ the care of a ventilator-dependent recipient; and

(3) supervise the recipient and responsible party in ~~ventilator operation and maintenance~~ the care of a ventilator-dependent recipient; and

(4) provide documentation of training and supervision in clauses (1) to (3) upon request.

(b) A personal care assistant shall not undertake any clinical services, patient assessment, patient evaluation, or clinical education regarding the ventilator or the patient on the ventilator. These services may only be provided by health care professionals licensed or registered in this state.

(c) A personal care assistant may only perform tasks associated with ventilator maintenance that are approved by the Board of Medical Practice in consultation with the Respiratory Care Practitioner Advisory Council and the Department of Human Services."

Page 17, delete section 14

Page 18, line 2, after "level" insert "throughout the appeal process period"

Page 18, delete section 16 and insert:

"Sec. 16. Minnesota Statutes 2009 Supplement, section 256B.0911, subdivision 1a, is amended to read:

Subd. 1a. **Definitions.** For purposes of this section, the following definitions apply:

(a) "Long-term care consultation services" means:

(1) assistance in identifying services needed to maintain an individual in the most inclusive environment;

(2) providing recommendations on cost-effective community services that are available to the individual;

(3) development of an individual's person-centered community support plan;

(4) providing information regarding eligibility for Minnesota health care programs;

(5) face-to-face long-term care consultation assessments, which may be completed in a hospital, nursing facility, intermediate care facility for persons with developmental disabilities (ICF/DDs), regional treatment centers, or the person's current or planned residence;

(6) federally mandated screening to determine the need for a institutional level of care under section 256B.0911, subdivision 4, paragraph (a);

(7) determination of home and community-based waiver service eligibility including level of care determination for individuals who need an institutional level of care as defined under section 144.0724, subdivision 11, or 256B.092, service eligibility including state plan home care services identified in ~~section~~ sections 256B.0625, subdivisions 6, 7, and 19, paragraphs (a) and (c), and 256B.0657, based on assessment and support plan development with appropriate referrals, including the option for consumer directed community supports;

(8) providing recommendations for nursing facility placement when there are no cost-effective community services available; and

(9) assistance to transition people back to community settings after facility admission.

(b) "Long-term care options counseling" means the services provided by the linkage lines as mandated by sections 256.01 and 256.975, subdivision 7, and also includes telephone assistance and follow up once a long-term care consultation assessment has been completed.

(c) "Minnesota health care programs" means the medical assistance program under chapter 256B and the alternative care program under section 256B.0913.

(d) "Lead agencies" means counties or a collaboration of counties, tribes, and health plans administering long-term care consultation assessment and support planning services.

Sec. 17. Minnesota Statutes 2009 Supplement, section 256B.0911, subdivision 2b, is amended to read:

Subd. 2b. **Certified assessors.** (a) Beginning January 1, 2011, each lead agency shall use certified assessors who have completed training and the certification processes determined by the commissioner in subdivision 2c. Certified assessors shall demonstrate best practices in assessment and support planning including person-centered planning principals and have a common set of skills that must ensure consistency and equitable access to services statewide. Assessors must be part of a multidisciplinary team of professionals that includes public health nurses, social workers, and other professionals as defined in paragraph (b). For persons with complex health care needs, a public health nurse or registered nurse from a multidisciplinary team must be consulted. A lead agency may choose, in accordance with departmental policies, to contract with a qualified, certified assessor to conduct assessments and reassessments on behalf of the lead agency.

(b) Certified assessors are persons with a minimum of a bachelor's degree in social work, nursing with a public health nursing certificate, or other closely related field with at least one year of home and community-based experience or a two-year registered nursing degree with at least three years of home and community-based experience that have received training and certification specific to assessment and consultation for long-term care services in the state.

Sec. 18. Minnesota Statutes 2009 Supplement, section 256B.0911, subdivision 3a, is amended to read:

Subd. 3a. **Assessment and support planning.** (a) Persons requesting assessment, services planning, or other assistance intended to support community-based living, including persons who need assessment in order to determine waiver or alternative care program eligibility, must be visited by a long-term care consultation team within 15 calendar days after the date on which an assessment was requested or recommended. After January 1, 2011, these requirements also apply to personal care assistance services, private duty nursing, and home health agency services, on timelines established in subdivision 5. Face-to-face assessments must be conducted according to paragraphs (b) to (i).

(b) The county may utilize a team of either the social worker or public health nurse, or both. After January 1, 2011, lead agencies shall use certified assessors to conduct the assessment in a face-to-face interview. The consultation team members must confer regarding the most appropriate care for each individual screened or assessed.

(c) The assessment must be comprehensive and include a person-centered assessment of the health, psychological, functional, environmental, and social needs of referred individuals and provide information necessary to develop a support plan that meets the consumers needs, using an assessment form provided by the commissioner.

(d) The assessment must be conducted in a face-to-face interview with the person being assessed and the person's legal representative, as required by legally executed documents, and other

individuals as requested by the person, who can provide information on the needs, strengths, and preferences of the person necessary to develop a support plan that ensures the person's health and safety, but who is not a provider of service or has any financial interest in the provision of services.

(e) The person, or the person's legal representative, must be provided with written recommendations for community-based services, including consumer directed options, or institutional care that include documentation that the most cost-effective alternatives available were offered to the individual. For purposes of this requirement, "cost-effective alternatives" means community services and living arrangements that cost the same as or less than institutional care.

(f) If the person chooses to use community-based services, the person or the person's legal representative must be provided with a written community support plan, regardless of whether the individual is eligible for Minnesota health care programs. A person may request assistance in identifying community supports without participating in a complete assessment. Upon a request for assistance identifying community support, the person must be transferred or referred to the services available under sections 256.975, subdivision 7, and 256.01, subdivision 24, for telephone assistance and follow up.

(g) The person has the right to make the final decision between institutional placement and community placement after the recommendations have been provided, except as provided in subdivision 4a, paragraph (c).

(h) The team must give the person receiving assessment or support planning, or the person's legal representative, materials, and forms supplied by the commissioner containing the following information:

(1) the need for and purpose of preadmission screening if the person selects nursing facility placement;

(2) the role of the long-term care consultation assessment and support planning in waiver and alternative care program eligibility determination;

(3) information about Minnesota health care programs;

(4) the person's freedom to accept or reject the recommendations of the team;

(5) the person's right to confidentiality under the Minnesota Government Data Practices Act, chapter 13;

(6) the long-term care consultant's decision regarding the person's need for institutional level of care as determined under criteria established in section 144.0724, subdivision 11, or 256B.092; and

(7) the person's right to appeal the decision regarding the need for nursing facility level of care or the county's final decisions regarding public programs eligibility according to section 256.045, subdivision 3.

(i) Face-to-face assessment completed as part of eligibility determination for the alternative care, elderly waiver, community alternatives for disabled individuals, community alternative care, and traumatic brain injury waiver programs under sections 256B.0915, 256B.0917, and 256B.49 is valid to establish service eligibility for no more than 60 calendar days after the date of assessment. The effective eligibility start date for these programs can never be prior to the date of assessment. If an

assessment was completed more than 60 days before the effective waiver or alternative care program eligibility start date, assessment and support plan information must be updated in a face-to-face visit and documented in the department's Medicaid Management Information System (MMIS). The effective date of program eligibility in this case cannot be prior to the date the updated assessment is completed.

Sec. 19. Minnesota Statutes 2008, section 256B.0911, subdivision 4d, is amended to read:

Subd. 4d. Preadmission screening of individuals under 65 years of age. (a) It is the policy of the state of Minnesota to ensure that individuals with disabilities or chronic illness are served in the most integrated setting appropriate to their needs and have the necessary information to make informed choices about home and community-based service options.

(b) Individuals under 65 years of age who are admitted to a nursing facility from a hospital must be screened prior to admission as outlined in subdivisions 4a through 4c.

(c) Individuals under 65 years of age who are admitted to nursing facilities with only a telephone screening must receive a face-to-face assessment from the long-term care consultation team member of the county in which the facility is located or from the recipient's county case manager within 40 calendar days of admission.

(d) Individuals under 65 years of age who are admitted to a nursing facility without preadmission screening according to the exemption described in subdivision 4b, paragraph (a), clause (3), and who remain in the facility longer than 30 days must receive a face-to-face assessment within 40 days of admission.

(e) At the face-to-face assessment, the long-term care consultation team member or county case manager must perform the activities required under subdivision 3b.

(f) For individuals under 21 years of age, a screening interview which recommends nursing facility admission must be face-to-face and approved by the commissioner before the individual is admitted to the nursing facility.

(g) In the event that an individual under 65 years of age is admitted to a nursing facility on an emergency basis, the county must be notified of the admission on the next working day, and a face-to-face assessment as described in paragraph (c) must be conducted within 40 calendar days of admission.

(h) At the face-to-face assessment, the long-term care consultation team member or the case manager must present information about home and community-based options, including consumer directed options, so the individual can make informed choices. If the individual chooses home and community-based services, the long-term care consultation team member or case manager must complete a written relocation plan within 20 working days of the visit. The plan shall describe the services needed to move out of the facility and a time line for the move which is designed to ensure a smooth transition to the individual's home and community.

(i) An individual under 65 years of age residing in a nursing facility shall receive a face-to-face assessment at least every 12 months to review the person's service choices and available alternatives unless the individual indicates, in writing, that annual visits are not desired. In this case, the individual must receive a face-to-face assessment at least once every 36 months for the same purposes.

(j) Notwithstanding the provisions of subdivision 6, the commissioner may pay county agencies directly for face-to-face assessments for individuals under 65 years of age who are being considered for placement or residing in a nursing facility.

Sec. 20. DIRECTION TO COMMISSIONER; CONSULTATION WITH STAKEHOLDERS.

The commissioner of human services shall consult with stakeholders experienced in using and providing services through the consumer directed community supports option during the identification of data to be used in future development of an individualized budget methodology for the home and community-based waivers under the new comprehensive assessment."

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

S.F. No. 2851: A bill for an act relating to health; making technical changes to licensing provisions; amending Minnesota Statutes 2008, sections 148.5193, subdivision 6; 148.5195, subdivision 3; Minnesota Statutes 2009 Supplement, section 148.6405.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 2008, section 144.55, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For the purposes of this section, the following terms have the meanings given:

(a) "Outpatient surgical center" or "center" means a freestanding facility organized for the specific purpose of providing elective outpatient surgery for preexamined, prediagnosed, low-risk patients. Admissions are limited to procedures that utilize general anesthesia or conscious sedation and that do not require overnight inpatient care. An outpatient surgical center is not organized to provide regular emergency medical services and does not include a physician's or dentist's office or clinic for the practice of medicine, the practice of dentistry, or the delivery of primary care.

(b) "Approved accrediting organization" means ~~the Joint Commission on Accreditation of Health Care Organizations or the American Osteopathic Association~~ any organization recognized as an accreditation organization by the Centers for Medicare and Medicaid Services."

Page 5, after line 19, insert:

"Sec. 5. Minnesota Statutes 2008, section 148.6418, subdivision 1, is amended to read:

Subdivision 1. **Application.** The commissioner shall issue temporary licensure as an occupational therapist or occupational therapy assistant to applicants who ~~have applied for licensure under section 148.6408, subdivisions 1 and 2; 148.6410, subdivisions 1 and 2; 148.6412;~~

~~or 148.6415 and who~~ are not the subject of a disciplinary action or past disciplinary action, nor disqualified on the basis of items listed in section 148.6448, subdivision 1.

Sec. 6. Minnesota Statutes 2008, section 148.6418, subdivision 2, is amended to read:

Subd. 2. **Procedures.** To be eligible for temporary licensure, an applicant must submit ~~the a completed application materials required by section 148.6420, subdivision 1~~ for temporary licensure on forms provided by the commissioner, the fees required by section 148.6445, and one of the following:

- (1) evidence of successful completion of the requirements in section 148.6408, subdivision 1, or 148.6410, subdivision 1;
- (2) a copy of a current and unrestricted credential for the practice of occupational therapy as either an occupational therapist or occupational therapy assistant in another jurisdiction; or
- (3) a copy of a current and unrestricted certificate from the National Board for Certification in Occupational Therapy stating that the applicant is certified as an occupational therapist or occupational therapy assistant."

Renumber the sections in sequence

Amend the title numbers accordingly

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

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

S.F. No. 2511: A bill for an act relating to state government; establishing a collaborative governance council; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 6.

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

Page 1, line 17, after the semicolon, insert "and"

Page 1, line 18, delete the semicolon and insert a period

Page 1, delete lines 19 to 24

Page 2, delete lines 7 to 9

Page 2, line 10, delete "(e)" and insert "(d)"

Page 2, delete lines 12 and 13

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

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

S.F. No. 3002: A bill for an act relating to education; establishing an advisory task force on

school desegregation and integration.

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

Page 1, line 20, after the semicolon, insert "and"

Page 1, delete lines 21 to 24

Page 2, line 1, delete "(5)" and insert "(4)"

Page 2, line 4, delete "; and" and insert a period

Page 2, delete lines 5 to 8

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

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

S.F. No. 2540: A bill for an act relating to transportation; modifying or adding provisions relating to transportation construction impacts on business, rest areas, highways, bridges, deputy registrars, vehicles, impounds, towing, intersection gridlock, bus operation, various traffic regulations, cargo tank vehicle weight exemptions, transportation department goals and mission, a Minnesota Council of Transportation Access, a Commuter Rail Corridor Coordinating Committee, railroad track safety, motor carriers of railroad employees, airport authorities, property acquisition for highways, transit, and town road interest extinguishment nullification; requiring a report; making technical and clarifying changes; amending Minnesota Statutes 2008, sections 161.14, by adding subdivisions; 165.14, subdivisions 4, 5; 168.33, subdivision 2; 168B.06, subdivision 1; 168B.07, subdivision 3; 169.041, subdivision 5; 169.15; 169.306; 169.87, by adding a subdivision; 174.01, subdivisions 1, 2; 174.02, subdivision 1a; 174.86, subdivision 5; 219.01; 221.012, subdivision 38, by adding a subdivision; 360.061, subdivision 3; 473.167, subdivision 2a; 473.411, subdivision 5; 514.18, subdivision 1a; Minnesota Statutes 2009 Supplement, sections 160.165; 161.14, subdivision 62; 169.71, subdivision 1; 169.865, subdivision 1; Laws 2008, chapter 287, article 1, section 122; proposing coding for new law in Minnesota Statutes, chapters 160; 174; 221; repealing Minnesota Statutes 2008, sections 13.721, subdivision 4; 169.041, subdivisions 3, 4; 221.0355, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18.

Reports the same back with the recommendation that the bill be re-referred to the Committee on Finance without recommendation. Report adopted.

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

S.F. No. 2620: A bill for an act relating to state and local government; establishing the Commission on Service Innovation.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

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

S.F. No. 1880: A bill for an act relating to local government; reestablishing the Board of Innovation; imposing powers and duties on the board; appropriating money; amending Minnesota Statutes 2008, section 3.971, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 465.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

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

S.F. No. 1770: A bill for an act relating to poverty; establishing the Ladder Out of Poverty Task Force; providing for its membership and duties; providing legislative appointments.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

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

S.F. No. 2496: A bill for an act relating to state government; establishing the Task Force for Policy Innovation and Research.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

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

H.F. No. 2988 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2988	2327				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

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

H.F. No. 2855 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2855	2726				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 2855 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2855, the first engrossment; and insert the language after the enacting clause of S.F. No. 2726; further, delete the title of H.F. No. 2855, the first engrossment; and insert the title of S.F. No. 2726.

And when so amended H.F. No. 2855 will be identical to S.F. No. 2726, and further recommends that H.F. No. 2855 be given its second reading and substituted for S.F. No. 2726, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H.F. No. 1780 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1780	1682				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1780 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1780, the first engrossment; and insert the language after the enacting clause of S.F. No. 1682, the first engrossment; further, delete the title of H.F. No. 1780, the first engrossment; and insert the title of S.F. No. 1682, the first engrossment.

And when so amended H.F. No. 1780 will be identical to S.F. No. 1682, and further recommends that H.F. No. 1780 be given its second reading and substituted for S.F. No. 1682, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H.F. No. 653 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
653	834				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 653 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 653, the second engrossment; and insert the language after the enacting clause of S.F. No. 834, the second engrossment; further, delete the title of H.F. No. 653, the second engrossment; and insert the title of S.F. No. 834, the second engrossment.

And when so amended H.F. No. 653 will be identical to S.F. No. 834, and further recommends that H.F. No. 653 be given its second reading and substituted for S.F. No. 834, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 3199, 2877, 2934, 2851 and 2511 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 2988, 2855, 1780 and 653 were read the second time.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

Senator Murphy introduced—

S.F. No. 3316: A bill for an act relating to education finance; permitting a onetime transfer of health and safety funds for operating capital expenses.

Referred to the Committee on Finance.

Senator Bonoff introduced—

S.F. No. 3317: A bill for an act relating to education finance; authorizing a discretionary levy

for school districts; proposing coding for new law in Minnesota Statutes, chapter 126C.

Referred to the Committee on Finance.

Senator Dibble introduced—

S.F. No. 3318: A bill for an act relating to state government; changing provisions in the energy improvement financing program; amending Minnesota Statutes 2008, section 16B.322, subdivisions 4, 5; Minnesota Statutes 2009 Supplement, section 16B.322, subdivisions 4a, 4b, 4c.

Referred to the Committee on Finance.

Senator Berglin introduced—

S.F. No. 3319: A bill for an act relating to human services; extending medical assistance coverage to single adults and households without children; amending Minnesota Statutes 2008, section 256B.055, by adding a subdivision.

Referred to the Committee on Health, Housing and Family Security.

Senators Anderson, Dibble and Kubly introduced—

S.F. No. 3320: A bill for an act relating to energy; establishing rate schedules for certain renewable energy projects; establishing surcharge on electricity consumption; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 216B.

Referred to the Committee on Finance.

MOTIONS AND RESOLUTIONS

Senator Doll moved that the name of Senator Higgins be added as a co-author to S.F. No. 1568. The motion prevailed.

Senator Bonoff moved that the name of Senator Higgins be added as a co-author to S.F. No. 2341. The motion prevailed.

Senator Sparks moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Tomassoni be shown as chief author to S.F. No. 2510. The motion prevailed.

Senator Dibble moved that the name of Senator Wiger be added as a co-author to S.F. No. 2990. The motion prevailed.

Senator Marty moved that S.F. No. 1631, No. 2 on General Orders, be stricken and re-referred to the Committee on Health, Housing and Family Security. The motion prevailed.

Senator Doll introduced –

Senate Resolution No. 165: A Senate resolution honoring the veterans at the Realife Cooperative in Burnsville for their service.

Referred to the Committee on Rules and Administration.

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

GENERAL ORDERS

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

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

S.F. Nos. 2625, 2991, 2841, 3040, 3124, 3081, 2826, 2875, 1537, 3080, 3126, 2604, 2339, 2891, 2996, 2952, 2989, 3123, 1246, 2232, 2231, 2925, 1886 and H.F. No. 3017, which the committee recommends to pass.

S.F. No. 2720, which the committee recommends to pass with the following amendment offered by Senator Doll:

Page 1, line 24, after "(2)" insert "permanent"

Page 2, line 26, after the period, insert "A local government may limit the number of qualifying real properties for which a property owner may receive program financing."

Page 2, delete line 33 and insert "(3) require the inspection of all installations and a performance verification of at least ten percent of the energy improvements"

Page 3, line 4, delete "work" and insert "energy improvements" and delete "done" and insert "performed"

The motion prevailed. So the amendment was adopted.

S.F. No. 2971, which the committee recommends to pass, subject to the following motions:

Senator Prettnr Solon moved to amend S.F. No. 2971 as follows:

Page 5, after line 35, insert:

"Sec. 6. Minnesota Statutes 2008, section 216E.03, subdivision 7, is amended to read:

Subd. 7. **Considerations in designating sites and routes.** (a) The commission's site and route permit determinations must be guided by the state's goals to conserve resources, minimize environmental impacts, minimize human settlement and other land use conflicts, and ensure the state's electric energy security through efficient, cost-effective power supply and electric transmission infrastructure.

(b) To facilitate the study, research, evaluation, and designation of sites and routes, the commission shall be guided by, but not limited to, the following considerations:

(1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high-voltage transmission lines and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on

public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

(2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;

(3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;

(4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;

(5) analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;

(6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;

(7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivisions 1 and 2;

(8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;

(9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;

(10) evaluation of the future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;

(11) evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved; and

(12) when appropriate, consideration of problems raised by other state and federal agencies and local entities.

(c) If the commission's rules are substantially similar to existing regulations of a federal agency to which the utility in the state is subject, the federal regulations must be applied by the commission.

(d) No site or route shall be designated which violates state agency rules.

(e) The commission must make specific findings that it has considered locating a route for a high-voltage transmission line on an existing high-voltage transmission route and the use of parallel existing highway right-of-way and, to the extent those are not used for the route, the commission must state the reasons.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to route applications filed on and after that date."

Page 8, after line 28, insert:

"Sec. 12. **TRANSMISSION LINE ROUTING.**

(a) The Public Utilities Commission and the commissioner of transportation must cooperate to implement the policy in Minnesota Statutes, section 216E.03, subdivision 7, paragraph (e).

(b) The commission must report any statutory amendments required for the implementation of Minnesota Statutes, section 216E.03, subdivision 7, paragraph (e) to the chairs and ranking minority members of the energy and transportation policy committees of the legislature by January 15, 2011.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Rosen moved to amend S.F. No. 2971 as follows:

Page 6, after line 21, insert:

"Sec. 7. Minnesota Statutes 2008, section 216H.03, subdivision 3, is amended to read:

Subd. 3. **Long-term increased emissions from power plants prohibited.** Unless preempted by federal law, until a comprehensive and enforceable state law or rule pertaining to greenhouse gases that directly limits and substantially reduces, over time, statewide power sector carbon dioxide emissions is enacted and in effect, and except as allowed in subdivisions 4 to 7, on and after August 1, 2009, no person shall-

~~(1) construct within the state a new large energy facility that would contribute to statewide power sector carbon dioxide emissions;~~

~~(2) import or commit to import from outside the state power from a new large energy facility that would contribute to statewide power sector carbon dioxide emissions; or~~

~~(3) enter into a new long-term power purchase agreement that would increase statewide power sector carbon dioxide emissions. For purposes of this section, a long-term power purchase agreement means an agreement to purchase 50 megawatts of capacity or more for a term exceeding five years."~~

Page 8, after line 28, insert:

"Sec. 12. **NULLIFICATION OF ORDERS.**

Any orders issued by the Public Utilities Commission under the authority of Minnesota Statutes, section 216H.06, are null and void.

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

Page 8, line 30, before "Minnesota" insert "(a)"

Page 8, line 32, before "Minnesota" insert "(b)"

Page 8, after line 32, insert:

"(c) Minnesota Statutes 2008, section 216H.06, is repealed.

EFFECTIVE DATE. Paragraph (c) is effective the day following final enactment."

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 29 and nays 34, as follows:

Those who voted in the affirmative were:

Bakk	Hann	Limmer	Parry	Skogen
Bonoff	Ingebrigtsen	Lynch	Robling	Sparks
Dille	Jungbauer	Michel	Rosen	Stumpf
Fischbach	Koch	Olson, G.	Saxhaug	Vandever
Gerlach	Koering	Ortman	Senjem	Vickerman
Gimse	Langseth	Pariseau	Skoe	

Those who voted in the negative were:

Anderson	Dahle	Kelash	Murphy	Saltzman
Berglin	Dibble	Kubly	Olseen	Scheid
Betzold	Doll	Latz	Pappas	Sheran
Carlson	Erickson Ropes	Lourey	Pogemiller	Sieben
Chaudhary	Fobbe	Marty	Prettner Solon	Torres Ray
Clark	Foley	Metzen	Rest	Wiger
Cohen	Higgins	Moua	Rummel	

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

Senator Dahle moved to amend S.F. No. 2971 as follows:

Page 2, before line 1, insert:

"Sec. 2. Minnesota Statutes 2009 Supplement, section 117.189, is amended to read:

117.189 PUBLIC SERVICE CORPORATION EXCEPTIONS.

Sections 117.031; 117.036; 117.055, subdivision 2, paragraph (b); 117.186; 117.187; 117.188; and 117.52, subdivisions 1a and 4, do not apply to the use of eminent domain authority by public service corporations for any purpose other than construction or expansion of:

(1) a high-voltage transmission line of 100 kilovolts or more, or ancillary substations; or

(2) a natural gas, petroleum, or petroleum products pipeline, or ancillary compressor stations or pumping stations.

For purposes of an award of appraisal fees under section 117.085, the fees awarded may not exceed \$1,500 for all types of property except for a public service corporation's use of eminent domain for a high-voltage transmission line, where the award may not exceed \$3,000.

For purposes of this section, "pipeline" does not include a natural gas distribution line transporting gas to an end user.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to eminent domain proceedings or actions commenced on or after that date. "Commenced" means when service of notice of the petition under Minnesota Statutes, section 117.055, is made.

Sec. 3. Minnesota Statutes 2008, section 117.225, is amended to read:

117.225 EASEMENT DISCHARGE.

Whenever claiming that an easement acquired by condemnation is not being used for the purposes for which it was acquired, the underlying fee owner may apply to the district court of the county in which the land is situated for an order discharging the easement, upon such terms as are just and equitable. Due notice of said application shall be given to all interested parties. Provided, however, this section shall not apply to easements acquired by condemnation by a public service corporation now or hereafter doing business in the state of Minnesota for any purpose other than construction or expansion of:

- (1) a high-voltage transmission line of 100 kilovolts or more, including ancillary substations; or
- (2) a natural gas, petroleum, or petroleum products pipeline, including ancillary compressor stations or pumping stations.

For purposes of this section, "pipeline" does not include a natural gas distribution line transporting gas to an end user.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to eminent domain proceedings or actions commenced on or after that date. "Commenced" means when service of notice of the petition under Minnesota Statutes, section 117.055, is made."

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 54 and nays 10, as follows:

Those who voted in the affirmative were:

Anderson	Erickson Ropes	Koering	Olseen	Saxhaug
Berglin	Fobbe	Kubly	Olson, G.	Scheid
Betzold	Foley	Langseth	Ortman	Senjem
Bonoff	Frederickson	Latz	Pappas	Sheran
Carlson	Gerlach	Limmer	Parry	Sieben
Chaudhary	Gimse	Lourey	Pogemiller	Skogen
Clark	Hann	Lynch	Prettner Solon	Stumpf
Cohen	Higgins	Marty	Rest	Torres Ray
Dahle	Ingebrigtsen	Metzen	Robling	Vickerman
Dibble	Kelash	Michel	Rummel	Wiger
Doll	Koch	Moua	Saltzman	

Those who voted in the negative were:

Bakk	Jungbauer	Pariseau	Skoe	Tomassoni
Dille	Murphy	Rosen	Sparks	Vandever

The motion prevailed. So the amendment was adopted.

S.F. No. 2971 was then recommended to pass.

S.F. No. 2758, which the committee recommends to pass with the following amendment offered by Senator Bonoff:

Delete everything after the enacting clause and insert:

"Section 1. MINNESOTA ENTREPRENEUR RESOURCE VIRTUAL NETWORK (MERNV).

(a) The Office of Entrepreneurship and Small Business Development (OESBD) in the Department of Employment and Economic Development must develop, maintain, and market a virtual network to provide seamless access to statewide resources and expertise for entrepreneurs and existing businesses using private sector funding. The network must connect Minnesota entrepreneurs to available state and nonstate supported services and technical assistance. In developing and maintaining the network, OESBD must ensure that all listed resources meet established standards. The goal of the network is to assist in the creation of new Minnesota ventures, the growth of existing businesses, and the ability of Minnesota entrepreneurs to compete globally. To the greatest extent possible, the network should be built on and linked to existing resources designed to make business assistance resources more accessible to Minnesota business. The commissioner of employment and economic development shall seek sufficient private sector funding to develop and maintain the network.

(b) By September 30, 2010, the commissioner must report to the chairs and the lead minority members of the committees of the legislature with responsibility for economic development on the department's plans and progress towards the development of the network under this section.

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3115, which the committee recommends to pass with the following amendment offered by Senator Dibble:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2008, 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 21 days annually at any one place or is operated in conjunction with a permanent business licensed under this chapter or chapter 28A at the site of the permanent business by the same individual or company, and readily movable, without disassembling, for transport to another location. A local government may provide by ordinance that a mobile food unit may operate for a set number of days greater than 21 days annually at any one place. The ordinance must include any requirements or limitations the local government considers reasonably necessary to protect the health, safety, and general welfare of the public."

Amend the title as follows:

Page 1, line 2, delete "a"

Page 1, line 3, delete "resolution" and insert "an ordinance"

Amend the title numbers accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2519, which the committee recommends to pass with the following amendment offered by Senator Anderson:

Page 2, line 10, delete "two most recent fiscal years" and insert "most recently completed fiscal year"

Page 2, line 15, after the period, insert "For expenses identified in response to paragraph (a), clauses (1) and (2), the utility shall disclose the total amounts for each expense category and provide separate itemization for those expenses incurred by or on behalf of any employee at the level of vice president or higher and for board members."

The motion prevailed. So the amendment was adopted.

S.F. No. 1659, which the committee reports progress, subject to the following motions:

Senator Higgins moved to amend S.F. No. 1659 as follows:

Page 1, line 15, after "means" insert "improved"

Page 1, line 18, before "an" insert "a city in" and after "area" insert "designated by resolution as"

The motion prevailed. So the amendment was adopted.

The question was taken on the recommendation to pass S.F. No. 1659.

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

Those who voted in the affirmative were:

Anderson	Cohen	Latz	Prettner Solon	Stumpf
Berglin	Dibble	Lourey	Rest	Torres Ray
Betzold	Erickson Ropes	Lynch	Rummel	Vickerman
Bonoff	Foley	Marty	Saltzman	Wiger
Carlson	Higgins	Moua	Scheid	
Chaudhary	Kelash	Pappas	Sheran	
Clark	Langseth	Pogemiller	Sieben	

Those who voted in the negative were:

Bakk	Gerlach	Kubly	Pariseau	Skogen
Dahle	Gimse	Limmer	Parry	Sparks
Dille	Hann	Metzen	Robling	Tomassoni
Doll	Ingebrigtsen	Michel	Rosen	Vandever
Fischbach	Jungbauer	Olseen	Saxhaug	
Fobbe	Koch	Olson, G.	Senjem	
Frederickson	Koering	Ortman	Skoe	

The motion did not prevail.

S.F. No. 1659 was then progressed.

S.F. No. 2616, which the committee recommends to pass with the following amendments offered by Senators Sheran and Dibble:

Senator Sheran moved to amend S.F. No. 2616 as follows:

Page 1, delete section 2 and insert:

"Sec. 2. [237.681] PRIVATE SHARED SERVICES.

Subdivision 1. **Definitions.** For the purposes of this section:

(1) "private shared services" means the provision of telephone services and equipment, the provision of video programming services, or the provision of broadband services within a user group located in discrete private premises, in building complexes, campuses, or high-rise buildings, by a commercial shared services provider or by a user association, through privately owned customer premises equipment and associated data processing and information management services and includes the provision of connections to the facilities of a local exchange and to long-distance telephone companies; and

(2) "property owner" means a person who owns or, under a contract with the owner, manages a building, property, complex, or other facility where private shared services are provided.

Subd. 2. **Requirements.** A property owner shall establish a single demarcation point for services and facilities provided by a telephone company providing local exchange service in the area that is mutually agreeable to the property owner, commercial shared services provider, and the telephone company. The obligation of a telephone company to provide service to a customer at a location where private shared services are operating is limited to providing telephone company service and facilities up to the demarcation point established for the property where the private shared services are operating. The property owner may not (1) impose unreasonable restrictions on access to the demarcation point on the premises by a telephone company or (2) discriminate against or in favor of an occupant in any manner, including charging the occupant higher or lower rental charges, because of the occupant's choice of telephone company.

Subd. 3. **Access to alternative provider.** A tenant of a building, property, complex, or other facility where private shared services are operating may establish a direct connection to and receive telephone service from a telephone company providing local exchange service in the area where the private shared services are operating. At the request of a tenant where a private shared system is operated, the property owner shall make its facilities or conduit space available to the tenant to allow the tenant to make separate connection to and to receive telephone service directly from the telephone company operating local exchange service in the area. The tenant has the choice of installing the tenant's own facilities or using the property owner's existing facilities. The property owner must provide its facilities or conduit space to the tenant at a reasonable rate and on reasonable terms and conditions. It is the obligation of the tenant to arrange for premises wire, cable, or other equipment necessary to connect the tenant's telephone equipment with the facilities of the telephone company operating local exchange service at the location of the demarcation point.

Subd. 4. **Enforcement.** If the commission finds that a property owner has failed to comply with a request under this section, the commission may order the property owner to make its facilities or conduit space available sufficient to allow the tenant to make separate connection with the telephone company, and provide the services at reasonable prices and on reasonable terms and conditions.

Subd. 5. **Exemption.** A commercial shared services provider is exempt from section 237.16 if the private shared services are only provided to tenants or for the provider's own use.

Subd. 6. **Service by local telephone company.** A telephone company providing local exchange service shall provide service to any person in a property served by a commercial shared services provider at the demarcation point within a reasonable time upon request.

Subd. 7. **Obligation of property owners.** Nothing in this section requires a commercial shared services provider to share its wiring, cabling, or other facilities unless the commercial shared services provider is the property owner.

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

The motion prevailed. So the amendment was adopted.

Senator Dibble moved to amend S.F. No. 2616 as follows:

Page 3, after line 6, insert:

"Sec. 3. Minnesota Statutes 2008, section 238.08, subdivision 1, is amended to read:

Subdivision 1. **Requirement; conditions.** (a) A municipality shall require a franchise or extension permit of any cable communications system providing service within the municipality.

(b) No municipality shall grant an additional franchise for cable service for an area included in an existing franchise on terms and conditions more favorable or less burdensome than those in the existing franchise pertaining to: (1) the area served; (2) public, educational, or governmental access requirements; or (3) franchise fees. The provisions of this paragraph shall not apply when the area in which the additional franchise is being sought is not actually being served by any existing cable communications system holding a franchise for the area. Nothing in this paragraph prevents a municipality from imposing additional terms and conditions on any additional franchises.

(c) An area for an additional cable franchise is not more favorable or less burdensome if the franchisee is a telephone company, as defined in section 237.01, subdivision 7, and the area of the franchise is no less than the area within the municipality in which the telephone company offers local exchange telephone service. This paragraph is in addition to and not a limit to the authority of a municipality to grant an additional franchise for cable service.

EFFECTIVE DATE. This section is effective August 1, 2010, and does not affect any litigation pending on that date."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 3046, which the committee reports progress, subject to the following motion:

Senator Vandever moved to amend S.F. No. 3046 as follows:

Page 1, after line 23, insert:

"Sec. 2. Minnesota Statutes 2008, section 216B.243, subdivision 3b, is amended to read:

Subd. 3b. **Nuclear power plant; new construction ~~prohibited~~; relicensing.** (a) The commission may not issue a certificate of need for the construction of a new nuclear-powered electric generating plant.

(b) Any certificate of need for additional storage of spent nuclear fuel for a facility seeking a license extension shall address the impacts of continued operations over the period for which approval is sought.

Sec. 3. **NUCLEAR POWER PLANT DESIGN AND SITING COMMISSIONS.**

Subdivision 1. Nuclear Power Plant Design Commission. (a) A Nuclear Power Plant Design Commission is created consisting of the following seven members appointed by the governor by August 1, 2010:

- (1) three members representing electric utilities;
- (2) one member of the Public Utilities Commission, who shall act as the chair; and
- (3) two members from the public.

(b) The commission shall approve a design for a new nuclear power plant, which at a minimum must consider:

- (1) the removal and disposition of plutonium from spent nuclear fuel rods;
- (2) power production required;
- (3) safety, environmental protection, and emergency preparedness and response plans; and
- (4) other considerations the commission determines relevant and necessary to obtain the approval of the Nuclear Regulatory Commission.

(c) The commission shall approve a design and report its decision to the governor and the legislative committees and divisions having jurisdiction over public utilities by December 1, 2010.

(d) This subdivision expires December 2, 2010.

Subd. 2. Nuclear Power Plant Siting Commission. (a) A Nuclear Power Plant Siting Commission is created consisting of the following seven members appointed by the governor by January 1, 2011:

- (1) three members representing electric utilities;
- (2) one member representing environmental organizations or interests;
- (3) one member of the Public Utilities Commission, who shall act as the chair;
- (4) one member representing large consumers of electricity; and
- (5) one member representing small residential consumers of electricity.

(b) The commission shall select a site for a new nuclear power plant that resolves issues of safety, environmental protection, emergency preparedness and response, and community impact, with a view to obtaining an Early Site Permit from the Nuclear Regulatory Commission. The commission shall, as part of its consideration in selecting a site, make an assessment of the access to transmission for movement of the power out of the state and within the state.

(c) The commission shall approve a site and report its decision to the governor and the legislative committees and divisions having jurisdiction over public utilities by July 1, 2011. If the commission fails to approve a site and report its decision, the governor, in consultation with the speaker of the house of representatives and the majority leader of the senate, shall select the site.

(d) This subdivision expires July 2, 2011.

Subd. 3. **Applicability.** Except as specifically provided otherwise in this section, the privileges and requirements of Minnesota Statutes, section 15.059, apply to the commissions created in subdivisions 1 and 2.

Subd. 4. **Retirement of coal plants.** A certificate of need for a new nuclear power plant using a design and site designated under this section must include a related order of the Public Utilities Commission requiring the retirement of up to 50 percent of electric generation capacity of the oldest and most polluting existing coal electric generating plants in the state unless the commission finds that the retirement would jeopardize a reliable supply of electric power.

Sec. 4. REQUEST FOR PROPOSAL PROCESS.

If the utility in whose service territory the site recommended or selected under section 2 is located has not, by January 1, 2012, filed an application with the Public Utilities Commission for a certificate of need for a new nuclear power plant using the design and site selected under sections 1 and 2, the commission shall immediately initiate a request for proposal to build such a plant."

Amend the title accordingly

Senator Anderson questioned whether the amendment was germane.

The Chair ruled that the amendment was germane.

Senator Anderson appealed the decision of the Chair.

The question was taken on "Shall the decision of the Chair be the judgment of the Committee?"

The roll was called, and there were yeas 32 and nays 31, as follows:

Those who voted in the affirmative were:

Bakk	Hann	Michel	Robling	Sparks
Bonoff	Ingebrigtsen	Murphy	Rosen	Stumpf
Dille	Jungbauer	Olson, G.	Saltzman	Vanderveer
Fischbach	Koch	Ortman	Scheid	Vickerman
Fobbe	Koering	Pariseau	Senjem	
Gerlach	Limmer	Parry	Skoe	
Gimse	Lynch	Rest	Skogen	

Those who voted in the negative were:

Anderson	Dibble	Kubly	Olseen	Sieben
Berglin	Doll	Langseth	Pappas	Torres Ray
Betzold	Erickson Ropes	Latz	Pogemiller	Wiger
Carlson	Foley	Lourey	Prettner Solon	
Chaudhary	Frederickson	Marty	Rummel	
Cohen	Higgins	Metzen	Saxhaug	
Dahle	Kelash	Moua	Sheran	

So the decision of the Chair was sustained.

S.F. No. 3046 was then progressed.

S.F. No. 2790, which the committee reports progress, subject to the following motions:

Senator Moua moved to amend S.F. No. 2790 as follows:

Page 6, delete section 7

Page 7, delete section 8

Page 8, line 13, delete the new language and reinstate the stricken language

Page 10, line 21, after the period, insert "This paragraph does not apply to the release of a record for purposes of enlistment in military forces, as defined in section 190.05, subdivision 3."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Rest moved to amend S.F. No. 2790 as follows:

Page 18, after line 18, insert:

"Sec. 22. Minnesota Statutes 2008, section 609.66, subdivision 1d, is amended to read:

Subd. 1d. **Possession on school property; penalty.** (a) Except as provided under paragraphs ~~(e)~~ (d) and ~~(e)~~ (f), whoever possesses, stores, or keeps a dangerous weapon ~~or uses or brandishes a replica firearm or a BB gun~~ while knowingly on school property is guilty of a felony and may be sentenced to imprisonment for not more than ~~two~~ five years or to payment of a fine of not more than ~~\$5,000~~ \$10,000, or both.

(b) Whoever uses or brandishes a replica firearm or a BB gun while knowingly on school property is guilty of a gross misdemeanor.

~~(b)~~ (c) Whoever possesses, stores, or keeps a replica firearm or a BB gun while knowingly on school property is guilty of a ~~gross~~ misdemeanor.

~~(e)~~ (d) Notwithstanding paragraph (a) ~~or~~, (b), or (c), it is a misdemeanor for a person authorized to carry a firearm under the provisions of a permit or otherwise to carry a firearm on or about the person's clothes or person in a location the person knows is school property. Notwithstanding section 609.531, a firearm carried in violation of this paragraph is not subject to forfeiture.

~~(d)~~ (e) As used in this subdivision:

(1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less in diameter;

(2) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;

(3) "replica firearm" has the meaning given it in section 609.713; and

(4) "school property" means:

(i) a public or private elementary, middle, or secondary school building and its improved grounds, whether leased or owned by the school;

(ii) a child care center licensed under chapter 245A during the period children are present and participating in a child care program;

(iii) the area within a school bus when that bus is being used by a school to transport one or more elementary, middle, or secondary school students to and from school-related activities, including curricular, cocurricular, noncurricular, extracurricular, and supplementary activities; and

(iv) that portion of a building or facility under the temporary, exclusive control of a public or private school, a school district, or an association of such entities where conspicuous signs are prominently posted at each entrance that give actual notice to persons of the school-related use.

~~(e)~~ (f) This subdivision does not apply to:

- (1) active licensed peace officers;
- (2) military personnel or students participating in military training, who are on-duty, performing official duties;
- (3) persons authorized to carry a pistol under section 624.714 while in a motor vehicle or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the trunk or rear area of the vehicle;
- (4) persons who keep or store in a motor vehicle pistols in accordance with section 624.714 or 624.715 or other firearms in accordance with section 97B.045;
- (5) firearm safety or marksmanship courses or activities conducted on school property;
- (6) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
- (7) a gun or knife show held on school property;
- (8) possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal or other person having general control and supervision of the school or the director of a child care center; or
- (9) persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity.

~~(f)~~ (g) Notwithstanding section 471.634, a school district or other entity composed exclusively of school districts may not regulate firearms, ammunition, or their respective components, when possessed or carried by nonstudents or nonemployees, in a manner that is inconsistent with this subdivision.

EFFECTIVE DATE. This section is effective August 1, 2010, and applies to crimes committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2790 was then progressed.

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

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 460: A bill for an act relating to health care; establishing mental health urgent care and consultation services; creating a new general assistance medical care program; appropriating money; amending Minnesota Statutes 2008, sections 256.969, subdivision 27; 256B.0625, subdivision 13f, by adding a subdivision; 256B.0644; 256B.69, subdivision 20; 256L.05, subdivisions 1b, 3, 3a, 3c; 517.08, subdivision 1c; Minnesota Statutes 2009 Supplement, sections 256.969, subdivision 3a; 256B.0947, subdivision 1; 256B.196, subdivision 2; 256D.03, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 245; 256B; 256D; repealing Minnesota Statutes 2008, sections 256.742; 256.979, subdivision 8; 256B.195, subdivisions 4, 5; 256D.03, subdivision 9; 256L.07, subdivision 6; 256L.15, subdivision 4; 256L.17, subdivision 7; Minnesota Statutes 2009 Supplement, sections 256B.195, subdivisions 1, 2, 3; 256D.03, subdivision 4.

Senate File No. 460 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned March 24, 2010

CONCURRENCE AND REPASSAGE

Senator Berglin moved that the Senate concur in the amendments by the House to S.F. No. 460 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 460 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 50 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Dahle	Gerlach	Latz	Olseen
Berglin	Dibble	Gimse	Limmer	Olson, G.
Betzold	Dille	Hann	Lourey	Ortman
Bonoff	Doll	Higgins	Lynch	Pappas
Carlson	Erickson Ropes	Ingebrigtsen	Marty	Pariseau
Chaudhary	Fischbach	Kelash	Metzen	Parry
Clark	Foley	Koch	Michel	Pogemiller
Cohen	Frederickson	Kubly	Moua	Robling

Rosen
Rummel

Saltzman
Scheid

Senjem
Sieben

Stumpf
Torres Ray

Vandevier
Wiger

Those who voted in the negative were:

Bakk
Fobbe
Jungbauer

Koering
Murphy
Prettner Solon

Rest
Saxhaug
Sheran

Skoe
Skogen
Sparks

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. 3108:

H.F. No. 3108: A bill for an act relating to elections; changing and clarifying certain provisions; amending Minnesota Statutes 2008, sections 201.016, subdivision 1a; 201.061, subdivision 1; 201.11; 201.12; 201.121, subdivision 3; 201.13; 201.14; 201.15, subdivisions 1, 2; 201.155; 201.171; 203B.02, subdivision 3; 203B.04, subdivision 1; 203B.06, subdivisions 1, as amended, 5; 203B.081, as amended; 203B.16, subdivision 2; 203B.19; 203B.227; 204B.04, subdivision 2; 204B.135, subdivision 4; 204B.14, by adding a subdivision; 204B.18, subdivision 1; 204B.22, subdivisions 1, 2; 204B.24; 204B.27, subdivisions 2, 3; 204B.28, by adding a subdivision; 204B.38; 204C.02; 204C.04, subdivision 1; 204C.06, subdivision 1; 204C.08; 204C.09, subdivision 1; 204C.12, subdivision 2; 204C.13, subdivision 2; 204C.24, subdivision 1; 204C.28, subdivisions 1, 2; 204C.33, subdivision 1; 204C.35, subdivisions 2, 3; 204C.36, subdivisions 3, 4; 204C.37; 204D.04, subdivision 2; 204D.09, subdivision 2; 204D.10, subdivision 1; 204D.17; 204D.19; 204D.20, subdivision 1; 205.065, subdivision 1, as amended; 205.07, subdivision 1, by adding a subdivision; 205.13, subdivisions 1, 2; 205.16, subdivisions 2, 3, 4, as amended, 5, as amended; 205A.03, subdivision 2, as amended; 205A.04, subdivision 1; 205A.05, subdivision 1; 205A.07, subdivisions 3, as amended, 3a, as amended, 3b, as amended; 205A.11, subdivision 3; 206.57, subdivision 6; 208.03; 365.51, subdivision 1; 375.101, subdivisions 1, 2; proposing coding for new law in Minnesota Statutes, chapters 201; 204D; 205; 205A; 373; repealing Minnesota Statutes 2008, sections 3.22; 204B.22, subdivision 3; 204D.10, subdivision 2; 206.57, subdivision 7; 206.805, subdivision 2; 206.91.

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

Winkler, Pelowski and Kiffmeyer have been appointed as such committee on the part of the House.

House File No. 3108 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 24, 2010

Senator Sieben moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3108, and that a Conference Committee of 3 members be appointed by the Subcommittee on Conference Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1692, 776, 2231, 2561, 2907, 3065, 3128, 3277, 3327, 3335, 2639 and 3591.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Transmitted March 24, 2010

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 1692: A bill for an act relating to dispute resolution; providing for arbitration of disputes; adopting the Uniform Arbitration Act; amending Minnesota Statutes 2008, sections 80C.146, subdivision 2; 122A.40, subdivision 15; 122A.41, subdivision 13; 179.09; 325E.37, subdivision 5; 325F.665, subdivision 6; 469.1762; 572A.02, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 572B; repealing Minnesota Statutes 2008, sections 572.08; 572.09; 572.10; 572.11; 572.12; 572.13; 572.14; 572.15; 572.16; 572.17; 572.18; 572.19; 572.20; 572.21; 572.22; 572.23; 572.24; 572.25; 572.26; 572.27; 572.28; 572.29; 572.30.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 891, now on General Orders.

H.F. No. 776: A bill for an act relating to judgments; enacting the Uniform Foreign-Country Money Judgments Recognition Act adopted and recommended for passage by the National Conference of Commissioners on Uniform State Laws; proposing coding for new law in Minnesota Statutes, chapter 548; repealing Minnesota Statutes 2008, section 548.35.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 612, now on the Calendar.

H.F. No. 2231: A bill for an act relating to transportation; allowing road authorities to remove snow from certain roads in uncompleted subdivisions; amending Minnesota Statutes 2008, section 160.21, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2004, now on the Calendar.

H.F. No. 2561: A bill for an act relating to highways; designating a Veterans Memorial Bridge on marked Trunk Highway 95 in the city of North Branch; amending Minnesota Statutes 2008, section 161.14, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2182, now on the Calendar.

H.F. No. 2907: A bill for an act relating to communications; setting state goals for the deployment and speed of high-speed broadband; requiring reports; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2254, now on General Orders.

H.F. No. 3065: A bill for an act relating to local government; providing for securities lending agreements and holding of municipal funds; amending Minnesota Statutes 2008, sections 118A.05, subdivision 3; 118A.06.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2590, now on the Calendar.

H.F. No. 3128: A bill for an act relating to probate; clarifying the powers of health care agents, guardians, and others to make health care decisions for wards and protected persons; modifying provisions governing guardians and conservators; amending Minnesota Statutes 2008, sections 145C.09, subdivision 3; 524.5-303; 524.5-403; 525A.09; Minnesota Statutes 2009 Supplement, sections 524.5-120; 524.5-304; 524.5-309; 524.5-310; 524.5-315; 524.5-316; 524.5-406; 524.5-420.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2796, now on General Orders.

H.F. No. 3277: A bill for an act relating to commerce; specifying that advertising of deceptive local telephone numbers for businesses is a deceptive trade practice; amending Minnesota Statutes 2008, section 325D.46, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3102, now on the Calendar.

H.F. No. 3327: A bill for an act relating to city and county employees; exempting employees of a city-owned or county-owned hospital from certain reporting requirements; amending Minnesota Statutes 2008, section 471.701.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2594, now on the Calendar.

H.F. No. 3335: A bill for an act relating to Mower County; providing a process for making office of county recorder appointive.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2967, now on General Orders.

H.F. No. 2639: A bill for an act relating to public safety; authorizing wireless telecommunications service providers to provide call locations for emergencies; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2470, now on General Orders.

H.F. No. 3591: A bill for an act relating to local government; authorizing the city of Minneapolis

to adopt an ordinance to define the annual duration of operation of mobile food units; amending Minnesota Statutes 2008, section 157.15, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 3115, now on the Calendar.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 3108: Senators Sieben, Gerlach and Rest.

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

MEMBERS EXCUSED

Senator Olson, M. was excused from the Session of today. Senator Ortman was excused from the Session of today from 12:30 to 12:45 p.m. Senator Moua was excused from the Session of today from 12:30 to 1:00 p.m. Senator Murphy was excused from the Session of today from 12:30 to 1:30 and at 5:15 p.m. Senator Bakk was excused from the Session of today from 12:30 to 1:50 p.m. Senator Tomassoni was excused from the Session of today from 1:30 to 3:30 p.m. Senator Johnson was excused from the Session of today at 1:45 p.m. Senator Clark was excused from the Session of today from 1:55 to 2:05 p.m.

ADJOURNMENT

Senator Pogemiller moved that the Senate do now adjourn until 12:30 p.m., Thursday, March 25, 2010. The motion prevailed.

Peter S. Wattson, Secretary of the Senate (Legislative)

