

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

SECOND SPECIAL SESSION

FIRST DAY

St. Paul, Minnesota, Tuesday, August 19, 1997

The Senate met at 10:30 a.m. and was called to order by the President.

### CALL OF THE SENATE

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

Prayer was offered by Senator Pat Piper.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

The Secretary called the roll by legislative districts in numerical order as follows:

First District . . . . .	LeRoy A. Stumpf
Second District . . . . .	Roger D. Moe
Third District . . . . .	Bob Lessard
Fourth District . . . . .	David J. Ten Eyck
Fifth District . . . . .	Jerry R. Janezich
Sixth District . . . . .	Douglas J. Johnson
Seventh District . . . . .	Sam G. Solon
Eighth District . . . . .	Becky Lourey
Ninth District . . . . .	Keith Langseth
Tenth District . . . . .	Cal Larson
Eleventh District . . . . .	Dallas C. Sams
Twelfth District . . . . .	Don Samuelson
Thirteenth District . . . . .	Charles A. Berg
Fourteenth District . . . . .	Michelle L. Fischbach
Fifteenth District . . . . .	Dean E. Johnson
Sixteenth District . . . . .	Dave Kleis
Seventeenth District . . . . .	Dan Stevens
Eighteenth District . . . . .	Janet B. Johnson
Nineteenth District . . . . .	Mark Ourada
Twentieth District . . . . .	Steve Dille
Twenty-first District . . . . .	Arlene J. Lesewski
Twenty-second District . . . . .	Jim Vickerman
Twenty-third District . . . . .	Dennis R. Frederickson
Twenty-fourth District . . . . .	John C. Hottinger
Twenty-fifth District . . . . .	Thomas M. Neuville
Twenty-sixth District . . . . .	Tracy L. Beckman

Twenty-seventh District . . . . .	Pat Piper
Twenty-eighth District . . . . .	Dick Day
Twenty-ninth District . . . . .	Steve Murphy
Thirtieth District . . . . .	Sheila M. Kiscaden
Thirty-first District . . . . .	Kenric J. Scheevel
Thirty-second District . . . . .	Steven Morse
Thirty-third District . . . . .	Warren Limmer
Thirty-fourth District . . . . .	Gen Olson
Thirty-fifth District . . . . .	Claire Robling
Thirty-sixth District . . . . .	David L. Knutson
Thirty-seventh District . . . . .	Pat Pariseau
Thirty-eighth District . . . . .	Deanna Wiener
Thirty-ninth District . . . . .	James P. Metzen
Fortieth District . . . . .	Dave H. Johnson
Forty-first District . . . . .	William V. Belanger, Jr.
Forty-second District . . . . .	Roy Terwilliger
Forty-third District . . . . .	Edward C. Oliver
Forty-fourth District . . . . .	Steve P. Kelley
Forty-fifth District . . . . .	Martha R. Robertson
Forty-sixth District . . . . .	Ember R. Junge
Forty-seventh District . . . . .	Linda Scheid
Forty-eighth District . . . . .	Don Betzold
Forty-ninth District . . . . .	Leo Foley
Fiftieth District . . . . .	Paula E. Hanson
Fifty-first District . . . . .	Jane Krentz
Fifty-second District . . . . .	Steven G. Novak
Fifty-third District . . . . .	Linda Runbeck
Fifty-fourth District . . . . .	John Marty
Fifty-fifth District . . . . .	Charles "Chuck" Wiger
Fifty-sixth District . . . . .	Gary W. Laidig
Fifty-seventh District . . . . .	Leonard R. Price
Fifty-eighth District . . . . .	Linda Higgins
Fifty-ninth District . . . . .	Lawrence J. Pogemiller
Sixtieth District . . . . .	Allan H. Spear
Sixty-first District . . . . .	Linda Berglin
Sixty-second District . . . . .	Carol Flynn
Sixty-third District . . . . .	Jane B. Ranum
Sixty-fourth District . . . . .	Richard J. Cohen
Sixty-fifth District . . . . .	Sandra L. Pappas
Sixty-sixth District . . . . .	Ellen R. Anderson
Sixty-seventh District . . . . .	Randy C. Kelly

The President declared a quorum present.

#### MEMBERS EXCUSED

Ms. Robertson and Mr. Wiger were excused from the Session of today.

**STATE OF MINNESOTA****PROCLAMATION**

WHEREAS: Article IV, Section 12 of the Constitution of the State of Minnesota provides that a Special Session of the Legislature may be called by the Governor on extraordinary occasions; and

WHEREAS: The Eightieth Legislature adjourned without enacting legislation to provide relief in response to the 1997 flood in Northwestern Minnesota; and

WHEREAS: The Eightieth Legislature adjourned without enacting legislation to resolve the issue of compensation adjustments for certain positions within the Executive, Legislative and Judicial branches of state government; and

WHEREAS: The time permitted by law for passage of such legislation during the 1997 Session for the Legislature has expired, and an extraordinary occasion is thereby created; and

WHEREAS: The people of Minnesota are best served by a prompt conclusion of legislative business, with a limited agenda and, to the extent possible, prior agreement on laws to be enacted;

NOW, THEREFORE I, Arne H. Carlson, Governor of the State of Minnesota, do hereby summon you, members of the Legislature, to convene in Special Session on August 19, 1997 at 10:30 a.m. at the Capitol in Saint Paul, Minnesota.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Minnesota to be affixed at the State Capitol this thirteenth day of August in the year of our Lord one thousand nine hundred and ninety-seven, and of the State the one hundred thirty-ninth.

Arne H. Carlson  
GOVERNOR

Joan Anderson Growe  
SECRETARY OF STATE

**MOTIONS AND RESOLUTIONS****Messrs. Moe, R.D. and Day introduced--**

**Senate Resolution No. 1:** A Senate resolution relating to organization and operation of the Senate during the Special Session.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Senate is organized under Minnesota Statutes, sections 3.073 and 3.103.

The Rules of the Senate for the 80th Legislature are the Rules for the Special Session, except that Rules 33, 40, and 57 are not operative other than as provided in this resolution.

The Committee on Rules and Administration is established in the same manner and with the same powers as in the 80th Legislature.

With respect to Rule 31, Reconsideration, a notice of intention to move for reconsideration is not in order, but a motion to reconsider may be made, and when made has priority over other business except a motion to adjourn.

Mr. Moe, R.D. moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Knutson	Novak	Sams
Beckman	Higgins	Krentz	Oliver	Samuelson
Berg	Hottinger	Laidig	Olson	Scheevel
Berglin	Janezich	Langseth	Ourada	Scheid
Betzold	Johnson, D.E.	Larson	Pappas	Solon
Cohen	Johnson, D.J.	Lesewski	Pariseau	Stevens
Day	Johnson, J.B.	Lessard	Piper	Stumpf
Dille	Junge	Lourey	Pogemiller	Ten Eyck
Fischbach	Kelley, S.P.	Marty	Price	Terwilliger
Flynn	Kelly, R.C.	Metzen	Ranum	Vickerman
Foley	Kiscaden	Moe, R.D.	Robling	Wiener
Frederickson	Kleis	Neuville	Runbeck	

The motion prevailed. So the resolution was adopted.

### MOTIONS AND RESOLUTIONS - CONTINUED

#### Messrs. Moe, R.D. and Day introduced--

**Senate Resolution No. 2:** A Senate resolution naming a Majority Leader and a Minority Leader.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Senate Majority Leader is Roger D. Moe. The Senate Minority Leader is Dick Day.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

#### Messrs. Moe, R.D. and Day introduced--

**Senate Resolution No. 3:** A Senate resolution relating to notifying the House of Representatives and the Governor that the Senate is organized.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the House of Representatives and the Governor that the Senate is now duly organized under the Minnesota Constitution and Minnesota Statutes.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time.

#### Mr. Kelly, R.C.; Ms. Berglin, Messrs. Marty and Moe, R.D. introduced--

**S.F. No. 1:** A bill for an act relating to employment; raising the minimum wage; amending Minnesota Statutes 1996, section 177.24, subdivision 1.

Mr. Moe, R.D. moved that S.F. No. 1 be laid on the table. The motion prevailed.

**Messrs. Terwilliger; Moe, R.D.; Cohen and Metzen introduced--**

**S.F. No. 2:** A bill for an act relating to employment; regulating public employee and official compensation; amending Minnesota Statutes 1996, sections 3.855, subdivision 3; 15A.081, subdivisions 7b, 8, and 9; 15A.083, subdivisions 5, 6a, and 7; 43A.17, subdivisions 1 and 3; 43A.18, subdivisions 4 and 5; 85A.02, subdivision 5a; 298.22, subdivision 1; and 349A.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1996, section 15A.081, subdivisions 1 and 7.

Mr. Moe, R.D. moved that S.F. No. 2 be laid on the table. The motion prevailed.

**Messrs. Knutson and Betzold introduced--**

**S.F. No. 3:** A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amending Minnesota Statutes 1996, section 403.02, subdivision 2, as amended.

Mr. Moe, R.D. moved that S.F. No. 3 be laid on the table. The motion prevailed.

**Messrs. Stumpf; Moe, R.D.; Langseth; Ms. Lesewski and Mr. Day introduced--**

**S.F. No. 4:** A bill for an act relating to flood relief; appropriating money; authorizing the sale of state bonds; providing for temporary waivers of certain programs and other relief; canceling certain appropriations; amending Minnesota Statutes 1996, sections 41B.04, by adding a subdivision; 41B.043, by adding a subdivision; 103F.105; 268.073, subdivisions 1 and 3; 273.124, subdivision 14; and 462A.202, subdivision 7, and by adding a subdivision; Laws 1997, chapter 105, section 3; Laws 1997, chapter 202, article 1, section 35, as amended; repealing Minnesota Statutes 1996, sections 103F.141, subdivision 2; and Laws 1997, chapter 203, article 3, section 16.

Mr. Moe, R.D. moved that S.F. No. 4 be laid on the table. The motion prevailed.

**Mr. Foley introduced--**

**S.F. No. 5:** A bill for an act relating to telecommunications; correcting the definition of "metropolitan area" for purposes of 911 emergency telephone service; amending Minnesota Statutes 1996, section 403.02, subdivision 2, as amended.

Mr. Moe, R.D. moved that S.F. No. 5 be laid on the table. The motion prevailed.

**Messrs. Pogemiller, Sams, Ourada, Beckman and Mrs. Robling introduced--**

**S.F. No. 6:** A bill for an act relating to education finance; providing an effective date for a requirement that contracts relating to construction or improvement of educational facilities are subject to prevailing wage requirements; amending Laws 1997, chapter 231, article 16, section 31.

Mr. Moe, R.D. moved that S.F. No. 6 be laid on the table. The motion prevailed.

**Messrs. Ourada and Stevens introduced--**

**S.F. No. 7:** A bill for an act relating to education; appropriating money to independent school district Nos. 727, Big Lake, and 882, Monticello, for storm damage.

Mr. Moe, R.D. moved that S.F. No. 7 be laid on the table. The motion prevailed.

**Messrs. Scheevel, Ourada, Dille, Mrs. Robling and Ms. Olson introduced--**

**S.F. No. 8:** A bill for an act relating to education; repealing the designation of the construction, remodeling, or improvement of an educational facility as a project under Minnesota Statutes, section 177.42; repealing Laws 1997, chapter 231, article 16, section 4.

Mr. Moe, R.D. moved that S.F. No. 8 be laid on the table. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to inform you that the House of Representatives of the State of Minnesota is now duly organized for the 1997 Second Special Session pursuant to law.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted August 19, 1997

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 1 be taken from the table. The motion prevailed.

**S.F. No. 1:** A bill for an act relating to employment; raising the minimum wage; amending Minnesota Statutes 1996, section 177.24, subdivision 1.

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 1 and that the rules of the Senate be so far suspended as to give S.F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 1 was read the second time.

Mr. Dille moved to amend S.F. No. 1 as follows:

Page 1, after line 25, insert:

"(c) Every large employer must pay each tipped employee who works in a restaurant or food service establishment at a rate of at least \$4.65 an hour. Every small employer must pay each tipped employee at a rate of at least \$4.40 an hour. If a tipped employee for a large employer does not report sufficient tips during the employer's pay period to equal the difference between the above stated hourly rate of pay and \$7 an hour, then the employer must pay the tipped employee the current minimum wage for nontipped employees. If a tipped employee for a small employer does not report sufficient tips during the employer's pay period to equal the difference between the above stated hourly rate of pay and \$6 an hour, then the employer must pay the tipped employee the current minimum wage rate for nontipped employees."

Page 2, line 1, strike "(c)"

Page 2, line 4, before "Notwithstanding" insert "(d)"

Page 2, after line 10, insert:

"Sec. 2. [REPEALER.]

Minnesota Statutes 1996, section 177.24, subdivision 2, is repealed."

Page 2, line 12, delete "Section 1" and insert "This act"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

Mr. Kelly, R.C. imposed a call of the Senate for the balance of the proceedings on the Dille amendment to S.F. No. 1. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 35, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Lesewski	Ourada	Solon
Berg	Kiscaden	Lessard	Pariseau	Stevens
Day	Kleis	Limmer	Robling	Terwilliger
Dille	Knutson	Neuville	Runbeck	Wiener
Fischbach	Laidig	Oliver	Scheevel	
Frederickson	Larson	Olson	Scheid	

Those who voted in the negative were:

Anderson	Hanson	Junge	Metzen	Price
Beckman	Higgins	Kelley, S.P.	Moe, R.D.	Ranum
Berglin	Hottinger	Kelly, R.C.	Morse	Sams
Betzold	Janezich	Krentz	Novak	Samuelson
Cohen	Johnson, D.H.	Langseth	Pappas	Stumpf
Flynn	Johnson, D.J.	Lourey	Piper	Ten Eyck
Foley	Johnson, J.B.	Marty	Pogemiller	Vickerman

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

Ms. Runbeck moved to amend S.F. No. 1 as follows:

Page 1, line 25, delete "\$4.90" and insert "\$4.50" and after "1997" insert "," and at least \$4.90 an hour beginning September 1, 1998"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 39, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Laidig	Neuville	Robling
Berg	Johnson, D.E.	Larson	Oliver	Runbeck
Day	Kiscaden	Lesewski	Olson	Scheevel
Dille	Kleis	Lessard	Ourada	Stevens
Fischbach	Knutson	Limmer	Pariseau	Terwilliger

Those who voted in the negative were:

Anderson	Higgins	Kelly, R.C.	Novak	Scheid
Beckman	Hottinger	Krentz	Pappas	Solon
Berglin	Janezich	Langseth	Piper	Spear
Betzold	Johnson, D.H.	Lourey	Pogemiller	Stumpf
Cohen	Johnson, D.J.	Marty	Price	Ten Eyck
Flynn	Johnson, J.B.	Metzen	Ranum	Vickerman
Foley	Junge	Moe, R.D.	Sams	Wiener
Hanson	Kelley, S.P.	Morse	Samuelson	

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

Ms. Lesewski moved to amend S.F. No. 1 as follows:

Page 2, after line 10, insert:

"Sec. 2. [PHASE-IN FOR FLOOD AREA EMPLOYERS.]

The increase in minimum wage provided by this act shall be implemented for employers located in a county bordering another state that is also included in the area covered by the Presidential Declaration of Major Disaster, DL-1175, in the following manner for employees whose principal work location is also in the described area.

(a) For the first 12-month period after the effective date of the increase, there will be no increase in the minimum wage.

(b) For the second 12-month period after the effective date of the increase, 50 percent of the state minimum wage increase will be in effect.

(c) For the third 12-month period after the effective date of the increase, 100 percent of the state minimum wage increase will be in effect."

Page 2, line 12, delete "Section 1" and insert "This act"

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 23 and nays 41, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Larson	Olson	Scheevel
Day	Kiscaden	Lesewski	Ourada	Stevens
Dille	Kleis	Limmer	Pariseau	Terwilliger
Fischbach	Knutson	Neuville	Robling	
Frederickson	Laidig	Oliver	Runbeck	

Those who voted in the negative were:

Anderson	Higgins	Krentz	Pappas	Spear
Beckman	Hottinger	Langseth	Piper	Stumpf
Berg	Janezich	Lessard	Pogemiller	Ten Eyck
Berglin	Johnson, D.H.	Lourey	Price	Vickerman
Betzold	Johnson, D.J.	Marty	Ranum	Wiener
Cohen	Johnson, J.B.	Metzen	Sams	
Flynn	Junge	Moe, R.D.	Samuelson	
Foley	Kelley, S.P.	Morse	Scheid	
Hanson	Kelly, R.C.	Novak	Solon	

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

Mr. Scheevel moved to amend S.F. No. 1 as follows:

Page 2, after line 10, insert:

"Sec. 2. [REPEALER.]

Minnesota Statutes 1996, section 121.15, subdivision 1a, as amended by Laws 1997, chapter 231, article 16, section 4, is repealed."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly



Mr. Kelly, R.C. questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Mr. Marty moved to amend S.F. No. 1 as follows:

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 1996, section 177.24, subdivision 1, is amended to read:

Subdivision 1. [AMOUNT.] (a) For purposes of this subdivision, the terms defined in this paragraph have the meanings given them.

(1) "Large employer" means an enterprise whose annual gross volume of sales made or business done is not less than ~~\$362,500~~ \$500,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota fair labor standards act, sections 177.21 to 177.35.

(2) "Small employer" means an enterprise whose annual gross volume of sales made or business done is less than ~~\$362,500~~ \$500,000 (exclusive of excise taxes at the retail level that are separately stated) and covered by the Minnesota fair labor standards act, sections 177.21 to 177.35.

(3) "Compensation rate of the governor" means an hourly amount determined by dividing the compensation set by law for the governor by 2,080.

(b) Except as otherwise provided in sections 177.21 to 177.35, every large employer must pay each employee wages at a rate of at least ~~\$4.25 an hour~~ ten percent of the compensation rate of the governor beginning September 1, 1997. ~~Every small employer must pay each employee at a rate of at least \$4 an hour.~~

(c) A large employer must pay each employee at a rate of at least the minimum wage set by this section or federal law without the reduction for training wage or full-time student status allowed under federal law."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 7 and nays 56, as follows:

Those who voted in the affirmative were:

Belanger	Larson	Marty	Neuville	Runbeck
Day	Limmer			

Those who voted in the negative were:

Beckman	Hottinger	Krentz	Ourada	Solon
Berg	Janezich	Laidig	Pappas	Spear
Berglin	Johnson, D.E.	Langseth	Pariseau	Stevens
Betzold	Johnson, D.H.	Lesewski	Piper	Stumpf
Cohen	Johnson, D.J.	Lessard	Pogemiller	Ten Eyck
Dille	Johnson, J.B.	Lourey	Price	Terwilliger
Fischbach	Junge	Metzen	Ranum	Vickerman
Flynn	Kelley, S.P.	Moe, R.D.	Robling	Wiener
Foley	Kelly, R.C.	Morse	Sams	
Frederickson	Kiscaden	Novak	Samuelson	
Hanson	Kleis	Oliver	Scheevel	
Higgins	Knutson	Olson	Scheid	

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

Ms. Kiscaden moved to amend S.F. No. 1 as follows:

Page 1, line 25, delete "September 1, 1997" and insert "January 1, 1998"

The motion prevailed. So the amendment was adopted.

S.F. No. 1 was read the third time, as amended, and placed on its final passage.

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

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 46 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kiscaden	Novak	Spear
Beckman	Hottinger	Kleis	Pappas	Stevens
Berg	Janezich	Krentz	Piper	Stumpf
Berglin	Johnson, D.E.	Langseth	Pogemiller	Ten Eyck
Betzold	Johnson, D.H.	Lourey	Price	Vickerman
Cohen	Johnson, D.J.	Marty	Ranum	Wiener
Dille	Johnson, J.B.	Metzen	Sams	
Flynn	Junge	Moe, R.D.	Samuelson	
Foley	Kelley, S.P.	Morse	Scheid	
Hanson	Kelly, R.C.	Neuville	Solon	

Those who voted in the negative were:

Belanger	Knutson	Limmer	Pariseau	Terwilliger
Day	Laidig	Oliver	Robling	
Fischbach	Larson	Olson	Runbeck	
Frederickson	Lesewski	Ourada	Scheevel	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 2 be taken from the table. The motion prevailed.

**S.F. No. 2:** A bill for an act relating to employment; regulating public employee and official compensation; amending Minnesota Statutes 1996, sections 3.855, subdivision 3; 15A.081, subdivisions 7b, 8, and 9; 15A.083, subdivisions 5, 6a, and 7; 43A.17, subdivisions 1 and 3; 43A.18, subdivisions 4 and 5; 85A.02, subdivision 5a; 298.22, subdivision 1; and 349A.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 15A; repealing Minnesota Statutes 1996, section 15A.081, subdivisions 1 and 7.

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 2 and that the rules of the Senate be so far suspended as to give S.F. No. 2 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 2 was read the second time.

Mr. Foley moved to amend S.F. No. 2 as follows:

Page 12, after line 34, insert:

"Sec. 16. Minnesota Statutes 1996, section 490.123, subdivision 1a, is amended to read:

Subd. 1a. [MEMBER CONTRIBUTION RATES.] (a) A judge who is covered by the federal old age, survivors, disability, and health insurance program shall contribute to the fund from each salary payment a sum equal to ~~6.27~~ 8.00 percent of salary.

(b) A judge not so covered shall contribute to the fund from each salary payment a sum equal to 8.15 percent of salary.

(c) The contribution under this subdivision is payable by salary deduction.

Sec. 17. Minnesota Statutes 1996, section 490.123, subdivision 1b, is amended to read:

Subd. 1b. [EMPLOYER CONTRIBUTION RATE.] The employer contribution rate on behalf of a judge is ~~22~~ 20.5 percent of salary.

The employer contribution must be paid by the state court administrator and is payable at the same time as member contributions under subdivision 1a are remitted."

Page 14, after line 28, insert:

"Sec. 20. [ADDITIONAL JUDICIAL SALARY INCREASE.]

Effective retroactive to July 1, 1997, in addition to the judicial salary increase provided for in section 18, the salaries of the supreme court, the court of appeals, and the district courts are increased by 1.5 percent."

Page 15, line 2, after the period, insert "To accommodate pension plan contribution overpayments or underpayments resulting from sections 16 and 17, the state court administrator shall make necessary and appropriate adjustments to member and employer contribution amounts during the period ending December 31, 1997."

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. 2 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 46 and nays 19, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Knutson	Novak	Solon
Beckman	Hottinger	Laidig	Oliver	Spear
Belanger	Janezich	Langseth	Olson	Stevens
Berg	Johnson, D.H.	Larson	Ourada	Stumpf
Betzold	Johnson, D.J.	Lessard	Pariseau	Terwilliger
Cohen	Johnson, J.B.	Lourey	Piper	Wiener
Day	Junge	Metzen	Pogemiller	
Flynn	Kelley, S.P.	Moe, R.D.	Price	
Foley	Kelly, R.C.	Morse	Ranum	
Frederickson	Kiscaden	Neuville	Scheid	

Those who voted in the negative were:

Berglin	Johnson, D.E.	Limmer	Robling	Scheevel
Dille	Kleis	Marty	Runbeck	Ten Eyck
Fischbach	Krentz	Murphy	Sams	Vickerman
Hanson	Lesewski	Pappas	Samuelson	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 6 be taken from the table. The motion prevailed.

**S.F. No. 6:** A bill for an act relating to education finance; providing an effective date for a requirement that contracts relating to construction or improvement of educational facilities are subject to prevailing wage requirements; amending Laws 1997, chapter 231, article 16, section 31.

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 6 and that the rules of the Senate be so far suspended as to give S.F. No. 6 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 6 was read the second time.

Mr. Scheevel moved to amend S.F. No. 6 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [REPEALER.]

Minnesota Statutes 1996, section 121.15, subdivision 1a, as amended by Laws 1997, chapter 231, article 16, section 4, is repealed."

Amend the title accordingly

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

Mr. Scheevel then moved to amend S.F. No. 6 as follows:

Page 1, after line 23, insert:

"Sec. 2. [EXEMPTION.]

Notwithstanding Minnesota Statutes, section 177.43, any public school district project financed by the 1997 Second Special Session, S.F. No. 4, is exempt from the prevailing wage rate."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Larson	Ourada	Stumpf
Berg	Kiscaden	Lesewski	Pariseau	Terwilliger
Day	Kleis	Limmer	Robling	
Dille	Knutson	Neuville	Runbeck	
Fischbach	Laidig	Oliver	Scheevel	
Frederickson	Langseth	Olson	Stevens	

Those who voted in the negative were:

Beckman	Hottinger	Krentz	Novak	Scheid
Berglin	Janezich	Lessard	Pappas	Solon
Betzold	Johnson, D.H.	Lourey	Piper	Spear
Cohen	Johnson, D.J.	Marty	Pogemiller	Ten Eyck
Flynn	Johnson, J.B.	Metzen	Price	Vickerman
Foley	Junge	Moe, R.D.	Ranum	Wiener
Hanson	Kelley, S.P.	Morse	Sams	
Higgins	Kelly, R.C.	Murphy	Samuelson	

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

S.F. No. 6 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Knutson	Murphy	Runbeck
Beckman	Higgins	Krentz	Neuville	Sams
Belanger	Hottinger	Laidig	Novak	Samuelson
Berg	Janezich	Langseth	Oliver	Scheevel
Berglin	Johnson, D.E.	Larson	Olson	Scheid
Betzold	Johnson, D.H.	Lesewski	Ourada	Solon
Cohen	Johnson, D.J.	Lessard	Pappas	Spear
Day	Johnson, J.B.	Limmer	Pariseau	Stevens
Dille	Junge	Lourey	Piper	Stumpf
Fischbach	Kelley, S.P.	Marty	Pogemiller	Ten Eyck
Flynn	Kelly, R.C.	Metzen	Price	Terwilliger
Foley	Kiscaden	Moe, R.D.	Ranum	Vickerman
Frederickson	Kleis	Morse	Robling	Wiener

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

#### RECONSIDERATION

Having voted on the prevailing side, Mr. Moe, R.D. moved that the vote whereby S.F. No. 2 was passed by the Senate on August 19, 1997, be now reconsidered. The motion prevailed. So the vote was reconsidered.

#### RECONSIDERATION

Having voted on the prevailing side, Mr. Moe, R.D. moved that the vote whereby the Foley amendment to S.F. No. 2 was adopted on August 19, 1997, be now reconsidered. The motion prevailed. So the vote was reconsidered.

Mr. Foley withdrew his amendment.

S.F. No. 2 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Beckman	Higgins	Knutson	Novak	Scheid
Belanger	Hottinger	Laidig	Oliver	Solon
Berg	Janezich	Langseth	Olson	Spear
Betzold	Johnson, D.H.	Larson	Ourada	Stevens
Cohen	Johnson, J.B.	Lessard	Pariseau	Stumpf
Day	Junge	Lourey	Piper	Terwilliger
Flynn	Kelley, S.P.	Metzen	Pogemiller	Wiener
Foley	Kelly, R.C.	Moe, R.D.	Price	
Frederickson	Kiscaden	Neuville	Ranum	

Those who voted in the negative were:

Berglin	Johnson, D.J.	Marty	Runbeck	Vickerman
Dille	Kleis	Morse	Sams	
Fischbach	Krentz	Murphy	Samuelson	
Hanson	Lesewski	Pappas	Scheevel	
Johnson, D.E.	Limmer	Robling	Ten Eyck	

So the bill passed and its title was agreed to.

**MOTIONS AND RESOLUTIONS - CONTINUED**

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House 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 House File, herewith transmitted: H.F. No. 1.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted August 19, 1997

**FIRST READING OF HOUSE BILLS**

The following bill was read the first time.

**H.F. No. 1:** A bill for an act relating to flood relief; appropriating money; authorizing the sale of state bonds; providing for temporary waivers of certain programs and other relief; canceling certain appropriations; amending Minnesota Statutes 1996, sections 41B.04, by adding a subdivision; 41B.043, by adding a subdivision; 103F.105; 268.073, subdivisions 1 and 3; 273.124, subdivision 14; and 462A.202, subdivision 7, and by adding a subdivision; Laws 1997, chapter 105, section 3; Laws 1997, chapter 202, article 1, section 35, as amended; repealing Minnesota Statutes 1996, sections 103F.141, subdivision 2; and Laws 1997, chapter 203, article 3, section 16.

**SUSPENSION OF RULES**

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1 and that the rules of the Senate be so far suspended as to give H.F. No. 1 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1 was read the second time.

Mr. Oliver moved to amend H.F. No. 1 as follows:

Page 15, after line 39, insert:

"Sec. 25. Laws 1997, chapter 227, section 6, subdivision 1, is amended to read:

Subdivision 1. [SELF-SERVICE SALES OF SINGLE PACKAGES RESTRICTED.] (a) No person shall offer for sale single packages of cigarettes packaged in units smaller than a carton containing ten packages or single packages of smokeless tobacco in open displays which are accessible to the public without the intervention of a store employee.

(b) ~~Cartons and other multipack units~~ may be offered and sold through open displays accessible to the public.

(c) Paragraph (b) expires on the effective date of subdivision 3.

(d) This subdivision shall not apply to retail stores which derive at least 90 percent of their revenue from tobacco and tobacco-related products and which cannot be entered at any time by persons younger than 18 years of age."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Vickerman questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 1 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Hanson	Knutson	Murphy	Runbeck
Beckman	Higgins	Krentz	Neuville	Sams
Belanger	Hottinger	Laidig	Novak	Samuelson
Berg	Janezich	Langseth	Oliver	Scheevel
Berglin	Johnson, D.E.	Larson	Olson	Scheid
Betzold	Johnson, D.H.	Lesewski	Ourada	Solon
Cohen	Johnson, D.J.	Lessard	Pappas	Spear
Day	Johnson, J.B.	Limmer	Pariseau	Stevens
Dille	Junge	Lourey	Piper	Stumpf
Fischbach	Kelley, S.P.	Marty	Pogemiller	Ten Eyck
Flynn	Kelly, R.C.	Metzen	Price	Terwilliger
Foley	Kiscaden	Moe, R.D.	Ranum	Vickerman
Frederickson	Kleis	Morse	Robling	Wiener

So the bill passed and its title was agreed to.

#### MOTIONS AND RESOLUTIONS - CONTINUED

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

#### 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. 1.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned August 19, 1997

#### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

#### INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time.

**Ms. Berglin, Mrs. Lourey, Ms. Kiscaden, Messrs. Samuelson and Dille introduced--**

**S.F. No. 9:** A bill for an act relating to human services; modifying the calculation of food stamp benefits for certain noncitizen families; amending Laws 1997, chapter 85, article 1, section 7, subdivision 2, as amended.

Mr. Moe, R.D. moved that S.F. No. 9 be laid on the table. The motion prevailed.

### RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 4:00 p.m. The motion prevailed.  
The hour of 4:00 p.m. having arrived, the President called the Senate to order.

### CALL OF THE SENATE

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 9 be taken from the table. The motion prevailed.

**S.F. No. 9:** A bill for an act relating to human services; modifying the calculation of food stamp benefits for certain noncitizen families; amending Laws 1997, chapter 85, article 1, section 7, subdivision 2, as amended.

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 9 and that the rules of the Senate be so far suspended as to give S.F. No. 9 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 9 was read the second time.

Ms. Berglin moved to amend S.F. No. 9 as follows:

Page 1, line 20, delete "The"

Page 1, delete lines 21 to 25

Page 2, delete line 1

The motion prevailed. So the amendment was adopted.

S.F. No. 9 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Beckman	Frederickson	Kelly, R.C.	Marty	Piper
Belanger	Hanson	Kiscaden	Metzen	Pogemiller
Berg	Higgins	Kleis	Moe, R.D.	Price
Berglin	Hottinger	Knutson	Morse	Ranum
Betzold	Janezich	Krentz	Murphy	Robling
Cohen	Johnson, D.E.	Laidig	Neuville	Runbeck
Day	Johnson, D.H.	Langseth	Novak	Sams
Dille	Johnson, D.J.	Larson	Oliver	Samuelson
Fischbach	Johnson, J.B.	Lesewski	Ourada	Scheevel
Flynn	Junge	Limmer	Pappas	Scheid
Foley	Kelley, S.P.	Lourey	Pariseau	Solon



Spear  
Stumpf

Ten Eyck

Terwilliger

Vickerman

Wiener

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Moe, R.D. moved that S.F. No. 3 be taken from the table. The motion prevailed.

**S.F. No. 3:** A bill for an act relating to legislative enactments; providing for the correction of miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors of a noncontroversial nature; amending Minnesota Statutes 1996, section 403.02, subdivision 2, as amended.

### SUSPENSION OF RULES

Mr. Moe, R.D. moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 3 and that the rules of the Senate be so far suspended as to give S.F. No. 3 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 3 was read the second time.

Mr. Knutson moved to amend S.F. No. 3 as follows:

Page 1, after line 18, insert:

"Sec. 2. [CORRECTION 103.]

Laws 1997, chapter 222, sections 37 to 41, take effect January 1, 1998.

Sec. 3. [CORRECTION 104.] Minnesota Statutes 1996, section 80A.04, subdivision 5, as added by Laws 1997, chapter 222, section 12, is amended to read:

Subd. 5. Except with respect to advisers whose only clients are those described in subdivision 3, ~~clause (2),~~ it is unlawful for a federal covered adviser to conduct advisory business in this state unless the person complies with section 80A.05, subdivision 1a.

Sec. 4. [CORRECTION 105.] Laws 1997, chapter 143, section 21, is amended to read:

Sec. 21. [APPLICATION.]

Section ~~11~~ 17 applies in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties.

Sec. 5. [CORRECTION 106.] Minnesota Statutes 1996, section 144D.01, subdivision 4, as amended by Laws 1997, chapter 113, section 7, is amended to read:

Subd. 4. [HOUSING WITH SERVICES ESTABLISHMENT OR ESTABLISHMENT.] "Housing with services establishment" or "establishment" means an establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment.

Housing with services establishment does not include:

(1) a nursing home licensed under chapter 144A;

(2) a hospital, boarding care home, or supervised living facility licensed under sections 144.50 to 144.56;

(3) a board and lodging establishment licensed under chapter 157 and Minnesota Rules, parts 9520.0500 to 9520.0670, 9525.0215 to 9525.0355, 9525.0500 to 9525.0660, or 9530.4100 to 9530.4450, or under chapter 245B;

(4) a board and lodging establishment which serves as a shelter for battered women or other similar purpose;

(5) a family adult foster care home licensed by the department of human services;

(6) private homes in which the residents are related by kinship, law, or affinity with the providers of services;

(7) a home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent, or both;

(8) a duly organized condominium, cooperative, common interest community, or owners' association of the foregoing where at least 80 percent of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units; or

(9) services for persons with developmental disabilities that are provided under a license according to Minnesota Rules, parts 9525.2000 to 9525.2140 in effect until January 1, 1998, or under chapter 245B.

Sec. 6. [CORRECTION 107.] Laws 1997, chapter 248, section 41, subdivision 5, is amended to read:

Subd. 5. [STAFF ORIENTATION.] (a) Within 60 days of hiring staff who provide direct service, the license holder must provide 30 hours of staff orientation. Direct care staff must complete 15 of the 30 hours orientation before providing any unsupervised direct service to a consumer. If the staff person has received orientation training from a license holder licensed under this chapter, or provides semi-independent living services only, the 15-hour requirement may be reduced to eight hours. The total orientation of 30 hours may be reduced to 15 hours if the staff person has previously received orientation training from a license holder licensed under this chapter.

(b) The 30 hours of orientation must combine supervised on-the-job training with coverage of the following material:

(1) review of the consumer's service plans and risk management plan to achieve an understanding of the consumer as a unique individual;

(2) review and instruction on the license holder's policies and procedures, including their location and access;

(3) emergency procedures;

(4) explanation of specific job functions, including implementing objectives from the consumer's individual service plan;

(5) explanation of responsibilities related to ~~chapter 245C~~ section 245A.65; sections 626.556 and 626.557, governing maltreatment reporting and service planning for children and vulnerable adults; and section 245.825, governing use of aversive and deprivation procedures;

(6) medication administration as it applies to the individual consumer, from a training curriculum developed by a health services professional described in section 245B.05, subdivision 5, and when the consumer meets the criteria of having overriding health care needs, then medication administration taught by a health services professional. Once a consumer with overriding health care needs is admitted, staff will be provided with remedial training as deemed necessary by the license holder and the health professional to meet the needs of that consumer.

For purposes of this section, overriding health care needs means a health care condition that affects the service options available to the consumer because the condition requires:

- (i) specialized or intensive medical or nursing supervision; and
  - (ii) nonmedical service providers to adapt their services to accommodate the health and safety needs of the consumer;
  - (7) consumer rights; and
  - (8) other topics necessary as determined by the consumer's individual service plan or other areas identified by the license holder.
- (c) The license holder must document each employee's orientation received.

Sec. 7. [CORRECTION 107A.] Laws 1997, chapter 248, section 41, subdivision 9, is amended to read:

Subd. 9. [AVAILABILITY OF CURRENT WRITTEN POLICIES AND PROCEDURES.] The license holder shall:

- (1) review and update, as needed, the written policies and procedures in this ~~subdivision~~ chapter and inform all consumers or the consumer's legal representatives, case managers, and employees of the revised policies and procedures when they affect the service provision;
- (2) inform consumers or the consumer's legal representatives of the written policies and procedures in this ~~subdivision~~ chapter upon service initiation. Copies must be available to consumers or the consumer's legal representatives, case managers, the county where services are located, and the commissioner upon request; and
- (3) document and maintain relevant information related to the policies and procedures in this ~~subdivision~~ chapter.

Sec. 8. [CORRECTION 108.] Minnesota Statutes 1996, section 256B.0627, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] (a) "Assessment" means a review and evaluation of a recipient's need for home care services conducted in person. Assessments for private duty nursing shall be conducted by a private duty nurse. Assessments for home health agency services shall be conducted by a home health agency nurse. Assessments for personal care services shall be conducted by the county public health nurse or a certified public health nurse under contract with the county. An initial assessment for personal care services is conducted on individuals who are requesting personal care services or for those consumers who have never had a public health nurse assessment. The initial assessment must include: a face-to-face health status assessment and determination of baseline need, collection of initial case data, identification of appropriate services and service plan development, coordination of initial services, referrals and follow-up to appropriate payers and community resources, completion of required reports, obtaining service authorization, and consumer education. A reassessment visit for personal care services is conducted at least annually or when there is a significant change in consumer condition and need for services. The reassessment visit includes a review of initial baseline data, evaluation of service outcomes, redetermination of service need, modification of service plan and appropriate referrals, update of initial forms, obtaining service authorization, and on going consumer education. Assessments for medical assistance home care services for mental retardation or related conditions and alternative care services for developmentally disabled home and community-based waived recipients may be conducted by the county public health nurse to ensure coordination and avoid duplication. Assessments must be completed on forms provided by the commissioner within 30 days of a request for home care services by a recipient or responsible party.

(b) "Care plan" means a written description of personal care assistant services developed by the agency nurse with the recipient or responsible party to be used by the personal care assistant with a copy provided to the recipient or responsible party.

(c) "Home care services" means a health service, determined by the commissioner as medically necessary, that is ordered by a physician and documented in a service plan that is reviewed by the physician at least once every 60 days for the provision of home health services, or private duty nursing, or at least once every 365 days for personal care. Home care services are provided to the recipient at the recipient's residence that is a place other than a hospital or long-term care facility or as specified in section 256B.0625.

(d) "Medically necessary" has the meaning given in Minnesota Rules, parts 9505.0170 to 9505.0475.

(e) "Personal care assistant" means a person who: (1) is at least 18 years old, except for persons 16 to 18 years of age who participated in a related school-based job training program or have completed a certified home health aide competency evaluation; (2) is able to effectively communicate with the recipient and personal care provider organization; (3) effective July 1, 1996, has completed one of the training requirements as specified in Minnesota Rules, part 9505.0335, subpart 3, items A to D; (4) has the ability to, and provides covered personal care services according to the recipient's care plan, responds appropriately to recipient needs, and reports changes in the recipient's condition to the supervising registered nurse; (5) is not a consumer of personal care services; and (6) is subject to criminal background checks. An individual who has been convicted of a crime specified in Minnesota Rules, part 4668.0020, subpart 14, or a comparable crime in another jurisdiction is disqualified from being a personal care assistant, unless the individual meets the rehabilitation criteria specified in Minnesota Rules, part 4668.0020, subpart 15.

(f) "Personal care provider organization" means an organization enrolled to provide personal care services under the medical assistance program that complies with the following: (1) owners who have a five percent interest or more, and managerial officials are subject to a background study as provided in section 245A.04. This applies to currently enrolled personal care provider organizations and those agencies seeking enrollment as a personal care provider organization. An organization will be barred from enrollment if an owner or managerial official of the organization has been convicted of a crime specified in Minnesota Rules, part 4668.0020, subpart 14 section 245A.04, or a comparable crime in another jurisdiction, unless the owner or managerial official meets the rehabilitation reconsideration criteria specified in Minnesota Rules, part 4668.0020, subpart 15 section 245A.04; (2) the organization must maintain a surety bond and liability insurance throughout the duration of enrollment and provides proof thereof. The insurer must notify the department of human services of the cancellation or lapse of policy; and (3) the organization must maintain documentation of services as specified in Minnesota Rules, part 9505.2175, subpart 7, as well as evidence of compliance with personal care assistant training requirements.

(g) "Responsible party" means an individual residing with a recipient of personal care services who is capable of providing the supportive care necessary to assist the recipient to live in the community, is at least 18 years old, and is not a personal care assistant. Responsible parties who are parents of minors or guardians of minors or incapacitated persons may delegate the responsibility to another adult during a temporary absence of at least 24 hours but not more than six months. The person delegated as a responsible party must be able to meet the definition of responsible party, except that the delegated responsible party is required to reside with the recipient only while serving as the responsible party. Foster care license holders may be designated the responsible party for residents of the foster care home if case management is provided as required in section 256B.0625, subdivision 19a. For persons who, as of April 1, 1992, are sharing personal care services in order to obtain the availability of 24-hour coverage, an employee of the personal care provider organization may be designated as the responsible party if case management is provided as required in section 256B.0625, subdivision 19a.

(h) "Service plan" means a written description of the services needed based on the assessment developed by the nurse who conducts the assessment together with the recipient or responsible party. The service plan shall include a description of the covered home care services, frequency and duration of services, and expected outcomes and goals. The recipient and the provider chosen by the recipient or responsible party must be given a copy of the completed service plan within 30 calendar days of the request for home care services by the recipient or responsible party.

(i) "Skilled nurse visits" are provided in a recipient's residence under a plan of care or service plan that specifies a level of care which the nurse is qualified to provide. These services are:

(1) nursing services according to the written plan of care or service plan and accepted standards of medical and nursing practice in accordance with chapter 148;

(2) services which due to the recipient's medical condition may only be safely and effectively provided by a registered nurse or a licensed practical nurse;

(3) assessments performed only by a registered nurse; and

(4) teaching and training the recipient, the recipient's family, or other caregivers requiring the skills of a registered nurse or licensed practical nurse.

Sec. 9. [CORRECTION 109.] Minnesota Statutes 1996, section 626.556, subdivision 10f, as amended by Laws 1997, chapter 203, article 5, section 28, is amended to read:

Subd. 10f. [NOTICE OF DETERMINATIONS.] Within ten working days of the conclusion of an assessment, the local welfare agency shall notify the parent or guardian of the child, the person determined to be maltreating the child, and if applicable, the director of the facility, of the determination and a summary of the specific reasons for the determination. The notice must also include a certification that the information collection procedures under subdivision 10, paragraphs (h), (i), and (j), were followed and a notice of the right of a data subject to obtain access to other private data on the subject collected, created, or maintained under this section. In addition, the notice shall include the length of time that the records will be kept under subdivision 11c. When there is no determination of either maltreatment or a need for services, the notice shall also include the alleged perpetrator's right to have the records destroyed. The investigating agency shall notify the designee parent or guardian of the child who is the subject of the report, and any person or facility determined to have maltreated a child, of their appeal rights under this section.

Sec. 10. [CORRECTION 110.] Laws 1997, chapter 231, article 1, section 16, as amended by Laws 1997, First Special Session chapter 5, section 35, is amended to read:

Sec. 16. [PROPERTY TAX REBATE.]

(a) A credit is allowed against the tax imposed ~~on an individual~~ under Minnesota Statutes, chapter 290, to an individual, other than as a dependent, as defined in sections 151 and 152 of the Internal Revenue Code, ~~disregarding section 152(b)(3) of the Internal Revenue Code, equal to 20 percent of the qualified property tax paid in calendar year 1997 for taxes assessed in 1996. The credit is allowed only to the individual and spouse, if any, who paid the tax, whether directly, through an escrow arrangement, or under a contractual agreement for the purchase or sale of the property, and without regard to whether the individual qualifies as a claimant under Minnesota Statutes, chapter 290A.~~

(b) For property owned and occupied by the taxpayer during 1997, qualified tax means property taxes payable as defined in Minnesota Statutes, section 290A.03, subdivision 13, assessed in 1996 and payable in 1997, except the requirement that the taxpayer own and occupy the property on January 2, 1997, does not apply. The credit is allowed only to the individual and spouse, if any, who paid the tax, whether directly, through an escrow arrangement, or under a contractual agreement for the purchase or sale of the property.

(c) For a renter, the qualified property tax means the amount of rent constituting property taxes under Minnesota Statutes, section 290A.03, subdivision 11, based on rent paid in 1997. If two or more renters could be claimants under Minnesota Statutes, chapter 290A with regard to the rent constituting property taxes, the rules under Minnesota Statutes, section 290A.03, subdivision 8, paragraph (f), applies to determine the amount of the credit for the individual.

(d) For an individual who both owned and rented principal residences in calendar year 1997, qualified taxes are the sum of the amounts under paragraphs (a) and (b).

(e) If the amount of the credit under this subdivision exceeds the taxpayer's tax liability under this chapter, the commissioner shall refund the excess.

(f) To claim a credit under this subdivision, the taxpayer must attach a copy of the property tax statement and certificate of rent paid, as applicable, and provide any additional information the commissioner requires.

(g) An amount sufficient to pay refunds under this subdivision is appropriated to the commissioner from the general fund.

(h) This credit applies to taxable years beginning after December 31, 1996, and before January 1, 1998.

(i) Payment of the credit under this section is subject to Minnesota Statutes, chapter 270A, and any other provision applicable to refunds under Minnesota Statutes, chapter 290.

Sec. 11. [CORRECTION 111B.] Minnesota Statutes 1996, section 115.55, subdivision 6, as amended by Laws 1997, chapter 235, section 5, is amended to read:

Subd. 6. [DISCLOSURE OF INDIVIDUAL SEWAGE TREATMENT SYSTEM TO BUYER.] (a) Before signing an agreement to sell or transfer real property, the seller or transferor must disclose in writing to the buyer or transferee information on how sewage generated at the property is managed. The disclosure must be made by delivering a statement to the buyer or transferee that either:

(1) the sewage goes to a facility permitted by the agency; or

(2) the sewage does not go to a permitted facility, is therefore subject to applicable requirements, and describes the system in use, including the legal description of the property, the county in which the property is located, and a map drawn from available information showing the location of the system on the property to the extent practicable. If the seller or transferor has knowledge that an abandoned individual sewage treatment system exists on the property, the disclosure must include a map showing its location. In the disclosure statement the seller or transferor must indicate whether the individual sewage treatment system is in use and, to the seller's or transferor's knowledge, in compliance with applicable sewage treatment laws and rules.

(b) Unless the buyer or transferee and seller or transferor agree to the contrary in writing before the closing of the sale, a seller or transferor who fails to disclose the existence or known status of an individual sewage treatment system at the time of sale, and who knew or had reason to know of the existence or known status of the system:

~~(b) A seller or transferor who fails to meet the requirements of this section, is liable to the buyer or transferee for costs relating to bringing the system into compliance with the individual sewage treatment system rules and for reasonable attorney fees for collection of costs from the seller or transferor. An action under this subdivision must be commenced within two years after the date on which the buyer or transferee closed the purchase or transfer of the real property where the system is located.~~

Sec. 12. [CORRECTION 113.] Minnesota Statutes 1996, section 524.3-1201, as amended by Laws 1997, chapter 217, article 2, section 18, is amended to read:

524.3-1201 [COLLECTION OF PERSONAL PROPERTY BY AFFIDAVIT.]

(a) Thirty days after the death of a decedent, (i) any person indebted to the decedent, (ii) any person having possession of tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action belonging to the decedent, or (iii) any safe deposit company, as defined in section 55.01, controlling the right of access to decedent's safe deposit box shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock or chose in action or deliver the entire contents of the safe deposit box to a person claiming to be the successor of the decedent, or a state or county agency with a claim authorized by section 256B.15, upon being presented a certified death certificate of the decedent and an affidavit, in duplicate, made by or on behalf of the successor stating that:

(1) the value of the entire probate estate, wherever located, including specifically any contents of a safe deposit box, less liens and encumbrances, does not exceed \$20,000;

(2) 30 days have elapsed since the death of the decedent or, in the event the property to be delivered is the contents of a safe deposit box, 30 days have elapsed since the filing of an inventory of the contents of the box pursuant to section 55.10, paragraph (h);

(3) no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction;

(4) if presented, by a state or county agency with a claim authorized by section 256B.15, to a financial institution with a multiple-party account in which the decedent had an interest at the time of death, the amount of the affiant's claim and a good faith estimate of the extent to which the decedent was the source of funds or beneficial owner of the account; and

(5) the claiming successor is entitled to payment or delivery of the property.

(b) A transfer agent of any security shall change the registered ownership on the books of a corporation from the decedent to the successor or successors upon the presentation of an affidavit as provided in subsection (a).

(c) The claiming successor or state or county agency shall disburse the proceeds collected under this section to any person with a superior claim under section 524.2-403 or 524.3-805.

(d) A motor vehicle registrar shall issue a new certificate of title in the name of the successor upon the presentation of an affidavit as provided in subsection (a).

(e) The person controlling access to decedent's safe deposit box need not open the box or deliver the contents of the box if:

(1) the person has received notice of a written or oral objection from any person or has reason to believe that there would be an objection; or

(2) the lessee's key or combination is not available.

Sec. 13. [CORRECTION 116.] Laws 1997, First Special Session chapter 4, article 1, section 64, is amended to read:

Sec. 64. [EFFECTIVE DATE.]

(a) Sections 2, 11, 29, 30, 32, and 43, 47, and 48 are effective for revenue for fiscal year 1997.

(b) Sections 42 and 45 are effective for fiscal year 1999.

(c) If this act is enacted on or after July 1, 1997, all sections in this article except for those sections listed in paragraphs (a) and (b) are effective the day following final enactment.

Sec. 14. [CORRECTION 119.] Laws 1997, chapter 203, article 3, section 19, is amended to read:

Sec. 19. [ICF/MR REIMBURSEMENT OCTOBER 1, 1997, TO OCTOBER 1, 1999.]

(a) Notwithstanding any contrary provision in Minnesota Statutes, section 256B.501, for the rate years beginning October 1, 1997, and October 1, 1998, the commissioner of human services shall, for purposes of the spend-up limit, array facilities within each grouping established under Minnesota Statutes, section 256B.501, subdivision 5b, paragraph (d), clause (4), by each facility's cost per resident day. A facility's cost per resident day shall be determined by dividing its allowable historical general operating cost for the reporting year by the facility's resident days for the reporting year. Notwithstanding Laws 1996, chapter 451, article 3, section 12, paragraph (c), for purposes of computing the spend-up limits for the rate year beginning October 1, 1997, the facility's prior cost report year's allowable general operating cost base shall be either the facility's allowed general operating costs used to set the payment rate paid for the rate year beginning October 1, 1996, or the general operating cost base determined using Laws 1996, chapter 451, article 3, section 12, paragraph (c), for October 1, 1996, whichever results in the highest payment rate effective October 1, 1997. Facilities with a cost per resident day at or above the median shall be limited to the lesser of:

(1) the current reporting year's cost per resident day; or

(2) the prior report year's cost per resident day plus the inflation factor established under Minnesota Statutes, section 256B.501, subdivision 3c, clause (2), increased by three percentage points.

In no case shall the amount of this reduction exceed: three percent for a facility with a licensed capacity greater than 16 beds; two percent for a facility with a licensed capacity of nine to 16 beds; and one percent for a facility with a licensed capacity of eight or fewer beds.

(b) The commissioner shall not apply the limits established under Minnesota Statutes, section 256B.501, subdivision 5b, paragraph (d), clause (8), for the rate years beginning October 1, 1997, and October 1, 1998.

Sec. 15. [CORRECTION 121.] Laws 1997, chapter 203, article 3, section 18, is amended to read:

Sec. 18. [RATE CLARIFICATION.]

For the rate years beginning October 1, ~~1997, and October 1, 1998~~ of 1997, 1998, 1999, and 2000, the commissioner of human services shall exempt intermediate care facilities for persons with mental retardation (ICF/MR) from reductions to the payment rates under Minnesota Statutes, section 256B.501, subdivision 5b, paragraph (d), clause (6), if the facility:

(1) has had a settle-up payment rate established in the reporting year preceding the rate year for the one-time rate adjustment;

(2) is a newly established facility;

(3) is an A to B conversion that has been converted under Minnesota Statutes, section 252.292, since rate year 1990;

(4) has a payment rate subject to a community conversion project under Minnesota Statutes, section 252.292;

(5) has a payment rate established under Minnesota Statutes, section 245A.12 or 245A.13; or

(6) is a facility created by the relocation of more than 25 percent of the capacity of a related facility during the reporting year.

Sec. 16. [CORRECTION 122.] Laws 1997, chapter 200, article 1, section 1, is amended to read:

Section 1. [ECONOMIC DEVELOPMENT; APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1998" and "1999," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1998, or June 30, 1999, respectively. The term "first year" means the fiscal year ending June 30, 1998, and "second year" means the fiscal year ending June 30, 1999.

#### SUMMARY BY FUND

	1998	1999	TOTAL
General	\$195,977,000 <u>\$195,962,000</u>	\$163,741,000 <u>\$163,756,000</u>	\$359,718,000
Petroleum Tank Cleanup	957,000	969,000	1,926,000
Trunk Highway	706,000	723,000	1,429,000
Workers' Compensation	23,095,000	23,130,000	46,225,000



1ST DAY]

TUESDAY, AUGUST 19, 1997

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Special Revenue	1,120,000	1,125,000	2,245,000
Taconite Environmental Protection	1,410,000	-0-	1,410,000
TOTAL	<u>\$223,265,000</u> <u>\$223,250,000</u>	<u>\$189,688,000</u> <u>\$189,703,000</u>	\$412,953,000

APPROPRIATIONS  
Available for the Year  
Ending June 30  
1998 1999

Sec. 17. [CORRECTION 122A.] Laws 1997, chapter 200, article 1, section 5, subdivision 1, is amended to read:

Subdivision 1. Total Appropriation		42,067,000	34,110,000
		<u>42,052,000</u>	<u>34,125,000</u>

Summary by Fund

General	41,292,000	33,335,000
	<u>41,277,000</u>	<u>33,350,000</u>
Special Revenue	775,000	775,000

Sec. 18. [CORRECTION 122B.] Laws 1997, chapter 200, article 1, section 5, subdivision 4, as amended by Laws 1997, First Special Session chapter 5, section 22, is amended to read:

Subd. 4. Workforce Preparation

16,922,000	9,079,000
<u>16,907,000</u>	<u>9,094,000</u>

Summary by Fund

General	16,147,000	8,304,000
	<u>16,132,000</u>	<u>8,319,000</u>
Special Revenue	775,000	775,000

\$775,000 the first year and \$775,000 the second year is for job training programs under Minnesota Statutes, sections 268.60 to 268.64. Notwithstanding Minnesota Statutes, section 268.022, this appropriation is from the workforce investment fund. Of this amount, \$250,000 each year is for grants to the Ramsey county opportunities industrialization center. The grants are to be used to (1) offer prevocational training programs and specific vocational training programs involving intensive English as a second language in instruction, and (2) train for and locate entry level jobs including, without limitation, clerical, building maintenance, manufacturing, home maintenance and repair, and certified nursing assistance.

\$1,815,000 the first year and \$1,817,000 the second year is for displaced homemaker programs under Minnesota Statutes, section 268.96.

\$1,050,000 the first year and \$1,050,000 the second year is for youth intervention programs under Minnesota Statutes, section 268.30. Funding from this appropriation may be used to expand existing programs to serve unmet needs and to create new programs in underserved areas. This appropriation is available until spent.

\$1,500,000 the first year and \$1,500,000 the second year is to supplement the activities of the Job Training Partnership Act Title II-A program as described in United States Code, title 29, sections 1501 to 1792. The commissioner may use up to five percent of this amount of state operations. The balance of the amount is for services to temporary assistance for needy families (TANF) recipients. This is a one-time appropriation and may not be included in the budget base for the biennium ending June 30, 2001.

\$75,000 the first year is for the PLATO education partnership pilot program. If the commissioner favorably evaluates the demonstration implementation of PLATO in Fairmont and Owatonna, the commissioner shall select two other communities in which PLATO will be implemented. Of this amount, not more than \$10 is for the demonstration implementations. This appropriation is available until June 30, 1999. This is a one-time appropriation and may not be included in the agency's budget base for the biennium ending June 30, 2001.

\$250,000 the first year and \$250,000 the second year is for the learn to earn summer youth employment program established under Laws 1995, chapter 224, sections 5 and 39. This appropriation is available until spent.

\$10,000 the first year and \$10,000 the second year are for one-time grants to independent school district No. 2752, Fairmont, for community initiatives.

Of the money appropriated for the summer youth program for the first year, \$750,000 is immediately available. Any remaining balance of the immediately available money is available for the year in which it is appropriated. In addition to the base appropriation, \$6,000,000 the first year is for the summer youth program. If the appropriation in either year is insufficient, the appropriation for the other year is available.

\$700,000 the first year and \$700,000 the second

year is for the Youthbuild program under Minnesota Statutes, sections 268.361 to 268.366. A Minnesota YOUTHBUILD program funded under this section as authorized in Minnesota Statutes, sections 268.361 to 268.367, qualifies as an approved training program under Minnesota Rules, part 5200.0930, subpart 1.

\$250,000 the first year is for a one-time grant to the displaced homemaker program in the department of economic security and \$125,000 the first year and \$125,000 the second year are for one-time grants to the St. Paul district 5 planning council. These grants are to operate a community work empowerment support group demonstration project. A project consists of empowerment groups of individuals that are in the process of obtaining or have obtained jobs, including those in the welfare-to-work programs, or are working out problems of attaining self-sufficiency. The groups must separately meet at least monthly for at least two hours. Each group meeting must include empower mentors whose responsibility will be to conduct the meeting. Group members must be paid at least \$20 for each meeting attended. The sites will report to the commissioner on a semiannual basis regarding the progress achieved at the meetings. The purpose of the group is to:

- (1) share information among group members as to the successes and problems encountered in the individual's employment goals;
- (2) provide a forum for individuals involved in moving to self-sufficiency to share their experiences and strategies and to support and empower each other; and
- (3) to provide feedback to the commissioner concerning the best strategies to achieve the empowerment support group's objectives.

Notwithstanding Minnesota Statutes, section 268.022, subdivision 2, the commissioner of finance shall transfer to the general fund from the dedicated fund \$3,500,000 in the first year and \$3,500,000 in the second year of the money collected through the special assessment established in Minnesota Statutes, section 268.022, subdivision 1.

\$15,000 the first year and \$15,000 the second year is for a grant to the city of Champlin for creating and expanding curfew enforcement. The program must have clearly established neighborhood, community, and family measures

of success and must report to the commissioner of economic security on the achievement of these outcomes on or before June 30, 1998.

\$250,000 the first year is for a one-time grant to Ramsey county to expand the sister-to-sister mentoring, support, and training network program countywide. This appropriation is in addition to money appropriated under Minnesota Statutes, sections 256J.62 and 256J.76.

\$500,000 is for a grant to the center for victims of torture to design and develop training to educate health care and human service workers on levels of sensitive care and how to make referrals and to establish a network of care providers to do pro bono care for torture survivors so as to enable a rapid integration into communities and labor markets by torture victims. This is a one-time appropriation requiring a one-to-one nonstate, in-kind match, and is available until expended."

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Knutson then moved to amend S.F. No. 3 as follows:

Page 1, after line 18, insert:

"Sec. 2. [CORRECTION 102.] Laws 1997, chapter 250, section 18, is amended to read:

Sec. 18. [EFFECTIVE DATE.]

Sections 9; 10, subdivisions 5 and 6; 14; and 15 are effective the day following final enactment. Sections 9; 10, subdivisions 1 to 4; 11; 12; 16; and 17 are effective January 1, 1999."

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. 3 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

Beckman	Frederickson	Kelly, R.C.	Marty	Piper
Belanger	Hanson	Kiscaden	Metzen	Pogemiller
Berg	Higgins	Kleis	Moe, R.D.	Price
Berglin	Hottinger	Knutson	Morse	Ranum
Betzold	Janezich	Krentz	Murphy	Robling
Cohen	Johnson, D.E.	Laidig	Neuville	Runbeck
Day	Johnson, D.H.	Langseth	Novak	Sams
Dille	Johnson, D.J.	Larson	Oliver	Samuelson
Fischbach	Johnson, J.B.	Lesewski	Ourada	Scheevel
Flynn	Junge	Limmer	Pappas	Scheid
Foley	Kelley, S.P.	Lourey	Pariseau	Solon

Spear  
Stevens

Stumpf  
Ten Eyck

Terwilliger

Vickerman

Wiener

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

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

**Messrs. Moe, R.D. and Day introduced--**

**Senate Resolution No. 4:** A Senate resolution relating to adjournment of the Special Session.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The Secretary of the Senate shall notify the Governor and the House of Representatives that the Senate is about to adjourn the Special Session sine die.

The Secretary of the Senate may correct and approve the Journal of the Senate for the Special Session.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

### **RECESS**

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

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

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

### **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. 2.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned August 19, 1997

### **MEMBERS EXCUSED**

Mr. Murphy was excused from the Session of today from 11:00 a.m. to 1:00 p.m. Ms. Anderson, Mr. Lessard and Ms. Olson were excused from the Session of today at 4:20 p.m.

### **ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn sine die. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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Senate documents can be made available in alternative formats by calling:  
(612) 296-0504 (voice) or (612) 296-0250 (TDD)