

TWENTY-SIXTH DAY

St. Paul, Minnesota, Monday, March 14, 2005

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Johnson, D.E. 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. Sandra K. Johnson.

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

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

Anderson	Gaither	Langseth	Olson	Senjem
Bachmann	Gerlach	Larson	Ortman	Skoe
Bakk	Hann	LeClair	Pappas	Skoglund
Belanger	Higgins	Limmer	Pariseau	Solon
Berglin	Hottinger	Lourey	Pogemiller	Sparks
Betzold	Johnson, D.E.	Marko	Ranum	Stumpf
Chaudhary	Johnson, D.J.	Marty	Reiter	Tomassoni
Cohen	Jungbauer	McGinn	Rest	Vickerman
Day	Kelley	Metzen	Robling	Wergin
Dibble	Kierlin	Michel	Rosen	Wiger
Dille	Kiscaden	Moua	Ruud	
Fischbach	Kleis	Murphy	Sams	
Foley	Koering	Neuville	Saxhaug	
Frederickson	Kubly	Nienow	Scheid	

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, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 75: A bill for an act relating to motor carriers; exempting household goods movers from fixed compensation requirement when doing certain charitable work; amending Minnesota Statutes 2004, section 221.171, subdivision 2.

Senate File No. 75 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives
Returned March 10, 2005

CONCURRENCE AND REPASSAGE

Senator Belanger moved that the Senate concur in the amendments by the House to S.F. No. 75 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 75 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Gerlach	Langseth	Olson	Scheid
Bakk	Hann	Larson	Ortman	Senjem
Belanger	Higgins	LeClair	Pappas	Skoglund
Berglin	Hottinger	Limmer	Pariseau	Solon
Betzold	Johnson, D.E.	Lourey	Pogemiller	Sparks
Chaudhary	Johnson, D.J.	Marko	Ranum	Stumpf
Cohen	Jungbauer	Marty	Reiter	Tomassoni
Day	Kelley	McGinn	Rest	Vickerman
Dibble	Kierlin	Metzen	Robling	Wergin
Dille	Kiscaden	Michel	Rosen	Wiger
Fischbach	Kleis	Moua	Ruud	
Frederickson	Koering	Murphy	Sams	
Gaither	Kubly	Neuville	Saxhaug	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 47, 487, 925 and 1036.

Albin A. Mathiowetz, Chief Clerk, House of Representatives
Transmitted March 10, 2005

FIRST READING OF HOUSE BILLS

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

H.F. No. 47: A bill for an act relating to state aid to cities; correcting the calculation of city aid base; amending Minnesota Statutes 2004, section 477A.011, subdivision 36.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1087, now on General Orders.

H.F. No. 487: A bill for an act relating to state government; changing terminology for mentally retarded, mental retardation, physically handicapped, and similar terms.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 525, now on General Orders.

H.F. No. 925: A bill for an act relating to insurance; making federally conforming changes in

Medicare-related coverage; providing financial solvency regulation for stand-alone Medicare Part D prescription drug plans; making related technical changes; amending Minnesota Statutes 2004, sections 62A.31, subdivisions 1f, 1k, 1n, 1s, 1t, 1u, 3, 4, 7; 62A.315; 62A.316; 62A.318; 62A.36, subdivision 1; 62L.12, subdivision 2; 62Q.01, subdivision 6; 256.9657, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 880.

H.F. No. 1036: A bill for an act relating to state government; the Office of Administrative Hearings; providing state copies of Minnesota Rules to the office; regulating hearings and cases; providing rulemaking; assessing costs; amending Minnesota Statutes 2004, sections 14.47, subdivision 8; 14.50; 14.51; 14.53; 14.62, subdivision 2a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1158, now on the Consent Calendar.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Foley from the Committee on Crime Prevention and Public Safety, to which was referred

S.F. No. 778: A bill for an act relating to crimes; exempting law enforcement agency that forfeits a vehicle involved in impaired driving offense from requirement to obtain vehicle title in its name before transferring vehicle; permitting Bureau of Criminal Apprehension to certify chemical test results directly to commissioner of public safety for driver's license action; further limiting scope of judicial review of license plate impoundment order; expanding proof of service requirement for petitioner appealing license plate impoundment or vehicle forfeiture order; clarifying conditions under which new license plates may be issued following plate impoundment; amending Minnesota Statutes 2004, sections 168A.12, by adding a subdivision; 169A.52, subdivision 4; 169A.60, subdivisions 10, 11; 169A.63, subdivision 8.

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 2004, section 169A.52, subdivision 4, is amended to read:

Subd. 4. [TEST FAILURE; LICENSE REVOCATION.] (a) Upon certification by the peace officer that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 (driving while impaired) and that the person submitted to a test and the test results indicate an alcohol concentration of 0.08 or more or the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, then the commissioner shall revoke the person's license or permit to drive, or nonresident operating privilege:

- (1) for a period of 90 days;
- (2) if the person is under the age of 21 years, for a period of six months;
- (3) for a person with a qualified prior impaired driving incident within the past ten years, for a period of 180 days; or
- (4) if the test results indicate an alcohol concentration of 0.20 or more, for twice the applicable period in clauses (1) to (3).

(b) On certification by the peace officer that there existed probable cause to believe the person

had been driving, operating, or in physical control of a commercial motor vehicle with any presence of alcohol and that the person submitted to a test and the test results indicated an alcohol concentration of 0.04 or more, the commissioner shall disqualify the person from operating a commercial motor vehicle under section 171.165 (commercial driver's license disqualification).

(c) If the test is of a person's blood or urine by a laboratory operated by the Bureau of Criminal Apprehension, or authorized by the bureau to conduct the analysis of a blood or urine sample, the laboratory may directly certify to the commissioner the test results, and the peace officer shall certify to the commissioner that there existed probable cause to believe the person had been driving, operating, or in physical control of a motor vehicle in violation of section 169A.20 and that the person submitted to a test. Upon receipt of both certifications, the commissioner shall undertake the license actions described in paragraphs (a) and (b).

[EFFECTIVE DATE.] This section is effective August 1, 2006, and applies to blood and urine test samples analyzed on or after that date.

Sec. 2. Minnesota Statutes 2004, section 169A.60, subdivision 10, is amended to read:

Subd. 10. [PETITION FOR JUDICIAL REVIEW.] (a) Within 30 days following receipt of a notice and order of impoundment under this section, a person may petition the court for review. The petition must include proof of service of a copy of the petition on the commissioner. The petition must include the petitioner's date of birth, driver's license number, and date of the plate impoundment violation, as well as the name of the violator and the law enforcement agency that issued the plate impoundment order. The petition must state with specificity the grounds upon which the petitioner seeks rescission of the order for impoundment. The petition may be combined with any petition filed under section 169A.53 (administrative and judicial review of license revocation).

(b) Except as otherwise provided in this section, the judicial review and hearing are governed by section 169A.53 and must take place at the same time as any judicial review of the person's license revocation under section 169A.53. The filing of the petition does not stay the impoundment order. The reviewing court may order a stay of the balance of the impoundment period if the hearing has not been conducted within 60 days after filing of the petition upon terms the court deems proper. The court shall order either that the impoundment be rescinded or sustained, and forward the order to the commissioner. The court shall file its order within 14 days following the hearing.

(c) In addition to the issues described in section 169A.53, subdivision 3 (judicial review of license revocation), the scope of a hearing under this subdivision is limited to:

~~(1) whether the violator owns, is the registered owner of, possesses, or has access to the vehicle used in the plate impoundment violation;~~

~~(2) whether a member of the violator's household has a valid driver's license, the violator or registered owner has a limited license issued under section 171.30, the registered owner is not the violator, and the registered owner has a valid or limited driver's license, or a member of the registered owner's household has a valid driver's license; and~~

~~(3) if the impoundment is based on a plate impoundment violation described in subdivision 1, paragraph (e) (d), clause (3) or (4), whether the peace officer had probable cause to believe the violator committed the plate impoundment violation and whether the evidence demonstrates that the plate impoundment violation occurred; and~~

(2) for all other cases, whether the peace officer had probable cause to believe the violator committed the plate impoundment violation.

(d) In a hearing under this subdivision, the following records are admissible in evidence:

(1) certified copies of the violator's driving record; and

(2) certified copies of vehicle registration records bearing the violator's name.

[EFFECTIVE DATE.] This section is effective August 1, 2005.

Sec. 3. Minnesota Statutes 2004, section 169A.60, subdivision 11, is amended to read:

Subd. 11. **[RESCISSION OF REVOCATION; AND DISMISSAL OR ACQUITTAL; NEW PLATES.]** If:

- (1) the driver's license revocation that is the basis for an impoundment order is rescinded; and
- (2) the charges for the plate impoundment violation have been dismissed with prejudice; or
- (~~3~~) the violator has been acquitted of the plate impoundment violation;

then the registrar of motor vehicles shall issue new registration plates for the vehicle at no cost, when the registrar receives an application that includes a copy of the order rescinding the driver's license revocation, and either the order dismissing the charges, or the judgment of acquittal.

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

Sec. 4. Minnesota Statutes 2004, section 169A.63, subdivision 8, is amended to read:

Subd. 8. **[ADMINISTRATIVE FORFEITURE PROCEDURE.]** (a) A motor vehicle used to commit a designated offense or used in conduct resulting in a designated license revocation is subject to administrative forfeiture under this subdivision.

(b) When a motor vehicle is seized under subdivision 2, or within a reasonable time after seizure, the appropriate agency shall serve the driver or operator of the vehicle with a notice of the seizure and intent to forfeit the vehicle. Additionally, when a motor vehicle is seized under subdivision 2, or within a reasonable time after that, all persons known to have an ownership, possessory, or security interest in the vehicle must be notified of the seizure and the intent to forfeit the vehicle. For those vehicles required to be registered under chapter 168, the notification to a person known to have a security interest in the vehicle is required only if the vehicle is registered under chapter 168 and the interest is listed on the vehicle's title. Notice mailed by certified mail to the address shown in Department of Public Safety records is sufficient notice to the registered owner of the vehicle. For motor vehicles not required to be registered under chapter 168, notice mailed by certified mail to the address shown in the applicable filing or registration for the vehicle is sufficient notice to a person known to have an ownership, possessory, or security interest in the vehicle. Otherwise, notice may be given in the manner provided by law for service of a summons in a civil action.

(c) The notice must be in writing and contain:

- (1) a description of the vehicle seized;
- (2) the date of seizure; and

(3) notice of the right to obtain judicial review of the forfeiture and of the procedure for obtaining that judicial review, printed in English, Hmong, and Spanish. Substantially the following language must appear conspicuously: "IF YOU DO NOT DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN MINNESOTA STATUTES, SECTION 169A.63, SUBDIVISION 8, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE-DESCRIBED PROPERTY. YOU MAY NOT HAVE TO PAY THE FILING FEE FOR THE DEMAND IF DETERMINED YOU ARE UNABLE TO AFFORD THE FEE. IF THE PROPERTY IS WORTH \$7,500 OR LESS, YOU MAY FILE YOUR CLAIM IN CONCILIATION COURT. YOU DO NOT HAVE TO PAY THE CONCILIATION COURT FILING FEE IF THE PROPERTY IS WORTH LESS THAN \$500."

(d) Within 30 days following service of a notice of seizure and forfeiture under this subdivision, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in

the county in which the seizure occurred, together with proof of service of a copy of the complaint on the prosecuting authority having jurisdiction over the forfeiture, and the appropriate agency that initiated the forfeiture, including the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01. If the value of the seized property is \$7,500 or less, the claimant may file an action in conciliation court for recovery of the seized vehicle. A copy of the conciliation court statement of claim must be served personally or by mail on the prosecuting authority having jurisdiction over the forfeiture, as well as on the appropriate agency that initiated the forfeiture, within 30 days following service of the notice of seizure and forfeiture under this subdivision. If the value of the seized property is less than \$500, the claimant does not have to pay the conciliation court filing fee.

No responsive pleading is required of the prosecuting authority and no court fees may be charged for the prosecuting authority's appearance in the matter. The prosecuting authority may appear for the appropriate agency. Pleadings, filings, and methods of service are governed by the Rules of Civil Procedure.

(e) The complaint must be captioned in the name of the claimant as plaintiff and the seized vehicle as defendant, and must state with specificity the grounds on which the claimant alleges the vehicle was improperly seized, the claimant's interest in the vehicle seized, and any affirmative defenses the claimant may have. Notwithstanding any law to the contrary, an action for the return of a vehicle seized under this section may not be maintained by or on behalf of any person who has been served with a notice of seizure and forfeiture unless the person has complied with this subdivision.

(f) If the claimant makes a timely demand for a judicial determination under this subdivision, the forfeiture proceedings must be conducted as provided under subdivision 9.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to forfeiture actions initiated on or after that date.

Sec. 5. Minnesota Statutes 2004, section 169A.70, subdivision 3, is amended to read:

Subd. 3. [ASSESSMENT REPORT.] (a) The assessment report must be on a form prescribed by the commissioner and shall contain an evaluation of the convicted defendant concerning the defendant's prior traffic and criminal record, characteristics and history of alcohol and chemical use problems, and amenability to rehabilitation through the alcohol safety program. The report is classified as private data on individuals as defined in section 13.02, subdivision 12.

(b) The assessment report must include:

- (1) a diagnosis of the nature of the offender's chemical and alcohol involvement;
- (2) an assessment of the severity level of the involvement;
- (3) a recommended level of care for the offender in accordance with the criteria contained in rules adopted by the commissioner of human services under section 254A.03, subdivision 3 (chemical dependency treatment rules);
- (4) an assessment of the offender's placement needs;
- (2) (5) recommendations for other appropriate remedial action or care, including aftercare services in section 254B.01, subdivision 3, that may consist of educational programs, one-on-one counseling, a program or type of treatment that addresses mental health concerns, or a combination of them; ~~or~~ and
- (3) (6) a specific explanation why no level of care or action was recommended, if applicable.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to chemical use assessments made on or after that date.

Sec. 6. Minnesota Statutes 2004, section 169A.70, is amended by adding a subdivision to read:

Subd. 6. [METHOD OF ASSESSMENT.] (a) As used in this subdivision, "collateral contact" means an oral or written communication initiated by an assessor for the purpose of gathering information from an individual or agency, other than the offender, to verify or supplement information provided by the offender during an assessment under this section. The term includes contacts with family members, criminal justice agencies, educational institutions, and employers.

(b) An assessment conducted under this section must include at least one personal interview with the offender designed to make a determination about the extent of the offender's past and present chemical and alcohol use or abuse. It must also include collateral contacts and a review of relevant records or reports regarding the offender including, but not limited to, police reports, arrest reports, driving records, chemical testing records, and test refusal records. If the offender has a probation officer, the officer must be the subject of a collateral contact under this subdivision. If an assessor is unable to make collateral contacts, the assessor shall specify why collateral contacts were not made.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to chemical use assessments made on or after that date.

Sec. 7. Minnesota Statutes 2004, section 169A.70, is amended by adding a subdivision to read:

Subd. 7. [PRECONVICTION ASSESSMENT.] (a) The court may not accept a chemical use assessment conducted before conviction as a substitute for the assessment required by this section unless the court ensures that the preconviction assessment meets the standards described in this section.

(b) If the commissioner of public safety is making a decision regarding reinstating a person's driver's license based on a chemical use assessment, the commissioner shall ensure that the assessment meets the standards described in this section.

[EFFECTIVE DATE.] This section is effective August 1, 2005, and applies to chemical use assessments made on or after that date."

Delete the title and insert:

"A bill for an act relating to crimes; permitting Bureau of Criminal Apprehension to certify chemical test results directly to commissioner of public safety for driver's license action; further limiting scope of judicial review of license plate impoundment order; expanding proof of service requirement for petitioner appealing license plate impoundment or vehicle forfeiture order; clarifying conditions under which new license plates may be issued following plate impoundment; strengthening the process for assessing chemical dependency of impaired driving violators; amending Minnesota Statutes 2004, sections 169A.52, subdivision 4; 169A.60, subdivisions 10, 11; 169A.63, subdivision 8; 169A.70, subdivision 3, by adding subdivisions."

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 1090: A bill for an act relating to traffic regulations; clarifying duty of driver when passing parked emergency vehicle; amending Minnesota Statutes 2004, section 169.18, subdivision 11.

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

Page 1, line 9, after "VEHICLE" insert "; CITATION; PROBABLE CAUSE"

Page 1, after line 21, insert:

"(c) A peace officer may issue a citation to the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of this subdivision within the four-hour period following the termination of the incident or a receipt of a report under

paragraph (d). The citation may be issued even though the violation was not committed in the presence of the peace officer.

(d) Although probable cause may be otherwise satisfied by other evidentiary elements or factors, probable cause is sufficient for purposes of this subdivision when the person cited is operating the vehicle described by a member of the crew of an authorized emergency vehicle responding to an incident in a timely report of the violation of this subdivision, which includes a description of the vehicle used to commit the offense and the vehicle's license plate number. For the purposes of issuance of a citation under paragraph (c), "timely" means that the report must be made within a four-hour period following the termination of the incident."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "authorizing issuance of citation within four hours after violation;"

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 1017: A bill for an act relating to transportation; requiring deactivation of 100 access ramp meters in metropolitan area.

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 605: A bill for an act relating to veterans; authorizing license plates for veterans of global war on terrorism; amending Minnesota Statutes 2004, section 168.123, subdivisions 1, 2.

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 422: A bill for an act relating to drivers' licenses; reallocating fees to motorcycle safety fund and removing funding cap; amending Minnesota Statutes 2004, section 171.06, subdivision 2a.

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 594: A bill for an act relating to traffic regulations; restricting differential between maximum and minimum speed limits on controlled-access highways; amending Minnesota Statutes 2004, section 169.14, subdivision 8.

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

Page 1, line 15, delete "controlled-access" and insert "interstate"

Page 1, line 17, delete "ten" and insert "15" and before the period, insert ", except in designated truck lanes where a lower minimum may be needed to accommodate long grades"

Amend the title as follows:

Page 1, line 4, delete "controlled-access" and insert "interstate"

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 950: A bill for an act relating to motor vehicles; allowing special veterans license plates to be displayed on certain one-ton trucks; making clarifying changes; amending Minnesota Statutes 2004, section 168.123, subdivisions 1, 4.

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 1294: A bill for an act relating to drivers' licenses; clarifying authority of commissioner of public safety to deny limited driver's license; amending Minnesota Statutes 2004, section 171.30, subdivision 1.

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 757: A bill for an act relating to motor vehicles; authorizing personalized veterans license plates; amending Minnesota Statutes 2004, section 168.12, subdivision 2a.

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 1293: A bill for an act relating to drivers' licenses; conforming definition of commercial motor vehicle to federal law; amending Minnesota Statutes 2004, section 171.01, subdivision 22.

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 2004, section 169.01, subdivision 75, is amended to read:

Subd. 75. [COMMERCIAL MOTOR VEHICLE.] (a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

- (1) has a gross vehicle weight of more than 26,000 pounds;
- (2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;
- (3) is a bus;
- (4) is of any size and is used in the transportation of hazardous materials, ~~except for those vehicles having a gross vehicle weight of 26,000 pounds or less while carrying in bulk tanks a total of not more than 200 gallons of petroleum products and liquid fertilizer that are required to be placarded under Code of Federal Regulations, title 49, parts 100-185;~~ or
- (5) is outwardly equipped and identified as a school bus, except for type A-I and type III school buses as defined in subdivision 6.

(b) For purposes of chapter 169A:

(1) a commercial motor vehicle does not include a farm truck, fire-fighting equipment, or recreational equipment being operated by a person within the scope of section 171.02, subdivision 2, paragraph (b); and

(2) a commercial motor vehicle includes a vehicle capable of or designed to meet the standards described in paragraph (a), clause (2), whether or not the towed unit is attached to the truck-tractor at the time of the violation or stop.

Sec. 2. Minnesota Statutes 2004, section 171.01, subdivision 22, is amended to read:

Subd. 22. [COMMERCIAL MOTOR VEHICLE.] "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:

(1) has a gross vehicle weight of more than 26,000 pounds;

(2) has a towed unit with a gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds;

(3) is a bus;

(4) is of any size and is used in the transportation of hazardous materials, ~~except for those vehicles having a gross vehicle weight of 26,000 pounds or less and carrying in bulk tanks a total of not more than 200 gallons of liquid fertilizer and petroleum products that are required to be placarded under Code of Federal Regulations, title 49, parts 100-185;~~ or

(5) is outwardly equipped and identified as a school bus, except for school buses defined in section 169.01, subdivision 6, clause (5).

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment.

Delete the title and insert:

"A bill for an act relating to motor vehicles; conforming definition of commercial motor vehicle to federal law; amending Minnesota Statutes 2004, sections 169.01, subdivision 75; 171.01, subdivision 22."

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 931: A bill for an act relating to motor vehicles; specifying that members of Disabled American Veterans are eligible for special veterans service group license plates; amending Minnesota Statutes 2004, section 168.1235, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. [168.1251] [DISABLED VETERANS OF AMERICA PLATES.]

Subdivision 1. [ISSUANCE AND DESIGN.] The registrar of motor vehicles shall issue special license plates bearing the inscription "DISABLED AMERICAN VETERAN" to an applicant who is certified in writing by the United States Department of Veterans Affairs or the state commissioner of veterans affairs as having a permanent and total service-connected disability, who complies with all laws relating to the registration and licensing of motor vehicles and drivers, and who pays a fee of \$10 for each set of license plates applied for. The special license plates must be of a design and size determined by the registrar.

Subd. 2. [APPLICATION.] Application for issuance of these plates may be made only at the time of renewal or first application for registration.

Subd. 3. [TRANSFER.] On payment of a fee of \$5, special plates issued under this section may be transferred to another personal motor vehicle owned or jointly owned by the disabled veteran upon notification to the registrar of motor vehicles.

Subd. 4. [MOTOR VEHICLE; SPECIAL DEFINITION.] For purposes of this section, "motor vehicle" means a vehicle for personal use, not used for commercial purposes, and may include a passenger automobile, van, pickup truck, motorcycle, or recreational vehicle.

Subd. 5. [FEES CREDITED.] Fees paid under this section must be credited to the highway user tax distribution fund.

Sec. 2. Minnesota Statutes 2004, section 168.1293, subdivision 5, is amended to read:

Subd. 5. [DISCONTINUANCE OF PLATE.] (a) The department shall discontinue the issuance or renewal of any special license plate if (1) fewer than 1,000 sets of those plates are currently registered at the end of the first six years during which the plates are available, or (2) fewer than 1,000 sets of those plates are currently registered at the end of any subsequent two-year period following the first six years of availability.

(b) The department may discontinue the issuance or renewal of any special license plate, and distribution of any contributions resulting from that plate, if the department determines that (1) the fund or requester receiving the contributions no longer exists, (2) the requester has stopped providing services that are authorized to be funded from the contribution proceeds, (3) the requester has requested discontinuance, or (4) contributions have been used in violation of subdivision 6.

(c) Nothing in this subdivision applies to license plates issued under section 168.123, 168.124, 168.125, 168.1251, or 168.1255."

Amend the title as follows:

Page 1, line 5, delete "168.1235" and insert "168.1293"

Page 1, line 6, delete "1" and insert "5; proposing coding for new law in Minnesota Statutes, chapter 168"

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

Senator Murphy from the Committee on Transportation, to which was referred

S.F. No. 729: A bill for an act relating to traffic regulations; authorizing issuance of annual permit for transportation of oversize load consisting of storage sheds; amending Minnesota Statutes 2004, sections 169.80, subdivision 2; 169.86, subdivision 5.

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 2004, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEE; PROCEEDS DEPOSITED; APPROPRIATION.] The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1a;

(4) special pulpwood vehicles described in section 169.863;

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width; and

(6) noncommercial transportation of a boat by the owner or user of the boat.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes and manufactured storage buildings;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling; and

(7) three-vehicle combinations consisting of two empty, newly manufactured trailers for cargo, horses, or livestock, not to exceed 28-1/2 feet per trailer; provided, however, the permit allows the vehicles to be moved from a trailer manufacturer to a trailer dealer only while operating on twin-trailer routes designated under section 169.81, subdivision 3, paragraph (c).

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11

14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

- (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;
- (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;
- (3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;
- (4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and
- (5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways.

(j) \$300 for a motor vehicle described in section 169.8261. The fee under this paragraph must be deposited as follows:

(1) in fiscal years 2005 through 2010:

(i) the first \$50,000 in each fiscal year must be deposited in the trunk highway fund for costs related to administering the permit program and inspecting and posting bridges;

(ii) all remaining money in each fiscal year must be deposited in a bridge inspection and signing account in the special revenue fund. Money in the account is appropriated to the commissioner for:

(A) inspection of local bridges and identification of local bridges to be posted, including contracting with a consultant for some or all of these functions; and

(B) erection of weight-posting signs on local bridges; and

(2) in fiscal year 2011 and subsequent years must be deposited in the trunk highway fund.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to traffic regulations; authorizing issuance of annual permit for transportation of oversize load consisting of manufactured storage buildings; amending Minnesota Statutes 2004, section 169.86, subdivision 5."

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

Senator Scheid from the Committee on Commerce, to which was re-referred

S.F. No. 880: A bill for an act relating to insurance; making federally conforming changes in Medicare-related coverage; providing financial solvency regulation for stand-alone Medicare Part D prescription drug plans; making related technical changes; amending Minnesota Statutes 2004, sections 62A.31, subdivisions 1f, 1k, 1n, 1s, 1t, 1u, 3, 4, 7; 62A.315; 62A.316; 62A.318; 62A.36, subdivision 1; 62L.12, subdivision 2; 62Q.01, subdivision 6; 256.9657, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 62A.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Senator Scheid from the Committee on Commerce, to which was referred

S.F. No. 1164: A bill for an act relating to health; changing the governance structure of the Minnesota Comprehensive Health Association; increasing the cigarette tax; conforming to federal law on health savings accounts; providing a health insurance exemption from the insurance premiums tax; repealing the assessment for the Minnesota Comprehensive Health Association; appropriating money; amending Minnesota Statutes 2004, sections 62A.02, by adding a subdivision; 62E.02, subdivision 23; 62E.091; 62E.10, subdivisions 1, 2, 3, 6, 7; 62E.11, subdivisions 9, 10; 62E.13, subdivisions 2, 3a, by adding a subdivision; 62E.14, subdivisions 1, 6; 290.01, subdivisions 19, 31; 297F.05, subdivision 1; 297F.10, subdivision 1; 297I.15, subdivision 4; repealing Minnesota Statutes 2004, sections 62E.02, subdivision 23; 62E.11, subdivisions 5, 6, 13; 62E.13, subdivision 1; 297I.01, subdivision 10; 297I.05, subdivision 5.

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

Page 4, line 27, before the period, insert "and at least six of whom have a working knowledge of health insurance"

Page 18, line 30, delete "(a)"

Page 19, delete lines 6 to 10

Page 19, line 12, delete "(a)"

Page 19, delete lines 15 and 16

Page 19, line 17, delete "Paragraph (a) of"

Page 19, line 18, delete everything after the period

Page 19, delete line 19

Amend the title as follows:

Page 1, line 18, delete everything after "1" and insert a period

Page 1, delete line 19

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

Senator Marty from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1098: A bill for an act relating to natural resources; modifying commercial fishing restrictions in infested waters; providing for a water recreation account; modifying expiration of certain committees; modifying disposition of certain unrefunded tax receipts; modifying terms of certain reports; eliminating commissioner approval of county expenditures of county timber receipts; amending Minnesota Statutes 2004, sections 84D.03, subdivision 4; 97A.055, subdivision 4b; 97A.4742, subdivision 4; 282.08; 282.38, subdivision 1; 296A.18, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 86B.

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

Page 2, line 18, delete "such"

Page 3, line 7, delete "and"

Page 3, line 9, before the period, insert "; and

(6) fees for permits issued to control or harvest aquatic plants other than wild rice under section 103G.615, subdivision 2"

Page 3, line 26, delete "and"

Page 3, line 27, delete "nonnative" and insert "invasive"

Page 3, line 28, delete "enforcement" and insert "implementation" and delete "nonnative" and insert "invasive"

Page 3, line 29, before the period, insert ", including control, public awareness, law enforcement, assessment and monitoring, management planning, and research; and

(5) for management of aquatic plants and the implementation of section 103G.615 as it pertains to aquatic plants, including plant removal permitting, control, public awareness, law enforcement, assessment and monitoring, management planning, and research"

Page 5, after line 33, insert:

"Sec. 5. Minnesota Statutes 2004, section 103G.615, subdivision 2, is amended to read:

Subd. 2. [FEES.] (a) The commissioner shall establish a fee schedule for permits to control or harvest aquatic plants other than wild rice. The fees must be set by rule, and section 16A.1283 does not apply. The fees may not exceed \$750 per permit based upon the cost of receiving, processing, analyzing, and issuing the permit, and additional costs incurred after the application to inspect and monitor the activities authorized by the permit, and enforce aquatic plant management rules and permit requirements.

(b) The fee for a permit for the control of rooted aquatic vegetation is \$35 for each contiguous parcel of shoreline owned by an owner. This fee may not be charged for permits issued in connection with purple loosestrife control or lakewide Eurasian water milfoil control programs.

(c) A fee may not be charged to the state or a federal governmental agency applying for a permit.

(d) The money received for the permits under this subdivision shall be deposited in the treasury and credited to the ~~game and fish fund~~ water recreation account."

Page 7, line 33, strike "such revenues" and insert "the revenue"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after the second "certain" insert "revenue and"

Page 1, line 10, after the third semicolon, insert "103G.615, subdivision 2;"

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

Senator Marty from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1088: A bill for an act relating to natural resources; creating minerals management account; modifying disposition of certain mineral payments; appropriating money; amending Minnesota Statutes 2004, section 93.22, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 93.

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 Environment and Natural Resources, to which was referred

S.F. No. 712: A bill for an act relating to natural resources; providing for evaluation of construction aggregate located on school trust lands; appropriating money; amending Minnesota Statutes 2004, section 16A.125, subdivision 5, by adding a subdivision.

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

Page 2, line 15, before "\$50,000" insert "In fiscal years 2006 and 2007,"

Page 2, line 17, delete everything after the first "the"

Page 2, line 18, delete everything before "to" and insert "commissioner of natural resources"

Page 2, line 19, delete "The"

Page 2, delete lines 20 and 21

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 Environment and Natural Resources, to which was referred

S.F. No. 788: A bill for an act relating to natural resources; modifying certain temporary permit provisions for recreational vehicles; allowing refunds for certain registrations, licenses, and titles; extending availability of critical habitat license plates; amending Minnesota Statutes 2004, sections 84.027, subdivision 15; 84.788, subdivision 3, by adding a subdivision; 84.798, subdivision 3, by adding a subdivision; 84.82, subdivision 2, by adding a subdivision; 84.922, subdivision 2, by adding a subdivision; 86B.415, by adding a subdivision; 168.1296, subdivision 1.

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

Page 4, line 7, delete "issued" and delete "be of a size to"

Page 4, delete line 8

Page 4, line 9, delete "to"

Pages 4 and 5, delete section 4

Page 6, line 4, delete the colon

Page 6, line 5, delete everything before the first "the"

Page 6, line 6, delete "; or" and insert a period

Page 6, delete lines 7 and 8

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "subdivision 3,"

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 Environment and Natural Resources, to which was referred

S.F. No. 1214: A bill for an act relating to the county of Crow Wing; providing for a sewer district and a sewer commission; authorizing the delegation of authority with respect to individual sewage treatment systems; providing for the levying of service charges.

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

Delete everything after the enacting clause and insert:

"Section 1. [CROW WING COUNTY SEWER DISTRICT; PILOT PROJECT.]

Subdivision 1. [POWERS.] In addition to the powers granted in Minnesota Statutes, chapter 116A, the county board for Crow Wing County, by resolution, may grant the following powers to a sewer district created by the county board under Minnesota Statutes, chapter 116A:

(1) provide that an authorized representative of the district, after presentation of credentials, may enter at reasonable times any premise to inspect or maintain an individual sewage treatment system, as defined in Minnesota Statutes, section 115.55, subdivision 1, paragraph (g);

(2) include areas of the county within the sewer district that are not contiguous and establish different systems for wastewater treatment in specific areas of the county;

(3) provide that each special service area that is managed by the sewer system or combination thereof constitutes a system under Minnesota Statutes, chapter 116A;

(4) delegate to the sewer district, by resolution, all or a portion of its administrative and enforcement obligations with respect to individual sewage treatment systems under Minnesota Statutes, chapter 115, and rules adopted by the Pollution Control Agency;

(5) modify any individual sewage treatment system to provide reasonable access to it for inspection and maintenance; and

(6) neither the approval nor the waiver of the county board, nor confirmation by order of the district court, shall be required for the sewer commission to exercise the powers set forth in Minnesota Statutes, section 116A.24.

Subd. 2. [REPORT.] If the Crow Wing County Board exercises the additional powers granted under subdivision 1, the county shall provide a report by August 1, 2009, to the senate and house committees with jurisdiction over environmental policy on the establishment and operation of the sewer district. The report must include:

(1) a description of the implementation of the additional powers granted under subdivision 1;

(2) available information on the effectiveness of the additional powers to control pollution in the county; and

(3) any recommendations for changes to Minnesota Statutes, chapter 116A, to broaden the authority for sewer districts to include any of the additional powers granted under subdivision 1.

[EFFECTIVE DATE.] This section is effective the day following compliance with Minnesota Statutes, section 645.021, subdivision 2."

Delete the title and insert:

"A bill for an act relating to the environment; authorizing a pilot project in Crow Wing County for the establishment of a sewer district; providing additional powers for the sewer district."

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

Senator Marty from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 692: A bill for an act relating to Wright County; deleting land from Wild, Scenic, and Recreational River District.

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

Delete everything after the enacting clause and insert:

"Section 1. [DELETION FROM MISSISSIPPI RECREATIONAL RIVER LAND USE DISTRICT IN WRIGHT AND SHERBURNE COUNTIES.]

(a) The following area is deleted from the Mississippi Recreational River Land Use District in Wright County: That part of government lots 3 and 4 located in Section 26, Township 121 North, Range 23 West, lying south and west of Wright County State-Aid Highway Number 42.

(b) The following area is deleted from the Mississippi Recreational River Land Use District in Sherburne County: That part of government lots 1, 2, and 3 in Section 35, Township 33 North, Range 28 West, lying north and east of Sherburne County Road Number 14; and that part of government lot 2 of Section 36, Township 33 North, Range 28 West, lying north and east of Sherburne County Road Number 14."

Delete the title and insert:

"A bill for an act relating to natural resources; deleting land from the Mississippi Recreational River Land Use District in Wright and Sherburne Counties."

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

Senator Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

S.F. No. 681: A bill for an act relating to military affairs; creating a fund for the purpose of reimbursing members of the National Guard or other reserve component of the armed forces for certain premiums paid for life insurance; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 192.

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

Page 1, line 9, delete "[192.091]" and insert "[190.091]"

Page 1, line 17, delete "Department of Military Affairs" and insert "adjutant general"

Page 1, line 23, delete "commissioner of military affairs" and insert "adjutant general"

Amend the title as follows:

Page 1, line 7, delete "192" and insert "190"

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

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

S.F. No. 1101: A bill for an act relating to health; modifying requirements for the provision of medical assistance swing bed services; amending Minnesota Statutes 2004, section 256B.0625, subdivision 2.

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

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

S.F. No. 870: A bill for an act relating to human services; establishing a crisis nursery grant program; proposing coding for new law in Minnesota Statutes, chapter 256F.

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

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

S.F. No. 227: A bill for an act relating to health; establishing a cancer drug repository program; requiring rulemaking; proposing coding for new law in Minnesota Statutes, chapter 144.

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

Delete everything after the enacting clause and insert:

"Section 1. [144.707] [CANCER DRUG REPOSITORY PROGRAM.]

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

(b) "Cancer drug" means a prescription drug that is used to treat:

(1) cancer or the side effects of cancer; or

(2) the side effects of any prescription drug that is used to treat cancer or the side effects of cancer.

(c) "Cancer drug repository" means a medical facility or pharmacy that has notified the commissioner of its election to participate in the cancer drug repository program.

(d) "Cancer supply" or "supplies" means prescription and nonprescription cancer supplies needed to administer a cancer drug.

(e) "Commissioner" means the commissioner of health.

(f) "Dispense" has the meaning given in section 151.01, subdivision 30.

(g) "Distribute" means to deliver, other than by administering or dispensing.

(h) "Medical facility" means an institution defined in section 144.50, subdivision 2.

(i) "Medical supplies" means any prescription and nonprescription medical supply needed to administer a cancer drug.

(j) "Pharmacist" has the meaning given in section 151.01, subdivision 3.

(k) "Pharmacy" means any pharmacy registered with the Board of Pharmacy according to section 151.19, subdivision 1.

(l) "Practitioner" has the meaning given in section 151.01, subdivision 23.

(m) "Prescription drug" means a legend drug as defined in section 151.01, subdivision 17.

(n) "Side effects of cancer" means symptoms of cancer.

(o) "Single-unit-dose packaging" means a single-unit container for articles intended for administration as a single dose, direct from the container.

(p) "Tamper-evident unit dose packaging" means a container within which a drug is sealed so that the contents cannot be opened without obvious destruction of the seal.

Subd. 2. [ESTABLISHMENT.] The commissioner of health shall establish and maintain a cancer drug repository program, under which any person may donate a cancer drug or supply for use by an individual who meets the eligibility criteria specified under subdivision 4. Under the program, donations may be made on the premises of a medical facility or pharmacy that elects to participate in the program and meets the requirements specified under subdivision 3.

Subd. 3. [REQUIREMENTS FOR PARTICIPATION BY PHARMACIES AND MEDICAL FACILITIES.] (a) To be eligible for participation in the cancer drug repository program, a pharmacy or medical facility must be licensed and in compliance with all applicable federal and state laws and administrative rules.

(b) Participation in the cancer drug repository program is voluntary. A pharmacy or medical facility may elect to participate in the cancer drug repository program by submitting the following information to the commissioner, in a form provided by the commissioner:

(1) the name, street address, and telephone number of the pharmacy or medical facility;

(2) the name and telephone number of a pharmacist who is employed by or under contract with the pharmacy or medical facility, or other contact person who is familiar with the pharmacy's or medical facility's participation in the cancer drug repository program; and

(3) a statement indicating that the pharmacy or medical facility meets the eligibility requirements under paragraph (a) and the chosen level of participation under paragraph (c).

(c) A pharmacy or medical facility may fully participate in the cancer drug repository program by accepting, storing, and dispensing donated drugs and supplies, or may limit its participation to only accepting and storing donated drugs and supplies. If a pharmacy or facility chooses to limit its participation, the pharmacy or facility shall distribute any donated drugs to a fully participating cancer drug repository in accordance with subdivision 8.

(d) A pharmacy or medical facility may withdraw from participation in the cancer drug repository program at any time upon notification to the commissioner. A notice to withdraw from participation may be given by telephone or regular mail.

Subd. 4. [INDIVIDUAL ELIGIBILITY REQUIREMENTS.] Any Minnesota resident who is diagnosed with cancer is eligible to receive drugs or supplies under the cancer drug repository program. Drugs and supplies shall be dispensed according to the priority given under subdivision 6, paragraph (d).

Subd. 5. [DONATIONS OF CANCER DRUGS AND SUPPLIES.] (a) Any one of the following persons may donate legally obtained cancer drugs or supplies to a cancer drug repository, if the drugs or supplies meet the requirements under paragraph (b) or (c) as determined by a pharmacist who is employed by or under contract with a cancer drug repository:

(1) an individual who is 18 years old or older; or

(2) a pharmacy, medical facility, drug manufacturer, or wholesale drug distributor, if the donated drugs have not been previously dispensed.

(b) A cancer drug is eligible for donation under the cancer drug repository program only if the following requirements are met:

(1) the donation is accompanied by a cancer drug repository donor form described under paragraph (d) that is signed by the person making the donation or that person's authorized representative;

(2) the drug's expiration date is at least six months later than the date that the drug was donated;

(3) the drug is in its original, unopened, tamper-evident unit dose packaging that includes the drug's lot number and expiration date. Single-unit dose drugs may be accepted if the single-unit-dose packaging is unopened; and

(4) the drug is not adulterated or misbranded.

(c) Cancer supplies are eligible for donation under the cancer drug repository program only if the following requirements are met:

(1) the supplies are not adulterated or misbranded;

(2) the supplies are in their original, unopened, sealed packaging; and

(3) the donation is accompanied by a cancer drug repository donor form described under paragraph (d) that is signed by the person making the donation or that person's authorized representative.

(d) The cancer drug repository donor form must be provided by the commissioner and shall state that to the best of the donor's knowledge the donated drug or supply has been properly stored and that the drug or supply has never been opened, used, tampered with, adulterated, or misbranded. The commissioner shall make the cancer drug repository donor form available on the Department of Health's Web site.

(e) Controlled substances and drugs and supplies that do not meet the criteria under this subdivision are not eligible for donation or acceptance under the cancer drug repository program.

(f) Drugs and supplies may be donated on the premises of a cancer drug repository to a pharmacist designated by the repository. A drop box may not be used to deliver or accept donations.

(g) Cancer drugs and supplies donated under the cancer drug repository program must be stored in a secure storage area under environmental conditions appropriate for the drugs or supplies being stored. Donated drugs and supplies may not be stored with nondonated inventory.

Subd. 6. [DISPENSING REQUIREMENTS.] (a) Drugs and supplies must be dispensed by a licensed pharmacist pursuant to a prescription by a practitioner or may be administered by a practitioner in accordance with the requirements of chapter 151.

(b) Cancer drugs and supplies shall be visually inspected by the pharmacist before being dispensed for adulteration, misbranding, and date of expiration. Drugs or supplies that have expired or appear upon visual inspection to be adulterated, misbranded, or tampered with in any way may not be dispensed.

(c) Before a cancer drug or supply may be dispensed to an individual, the individual must sign a cancer drug repository recipient form provided by the commissioner acknowledging that the individual understands the information stated on the form. The form shall include the following information:

(1) that the drug or supply being dispensed has been donated and may have been previously dispensed;

(2) that a visual inspection has been conducted by the pharmacist to ensure that the drug has not expired, has not been adulterated or misbranded, and is in its original, unopened packaging; and

(3) that the dispensing pharmacist, the cancer drug repository, the state Department of Health, and any other participant of the cancer drug repository program cannot guarantee the safety of the drug or supply being dispensed and that the pharmacist has determined that the drug or supply is safe to dispense based on the accuracy of the donor's form submitted with the donated drug or supply and the visual inspection required to be performed by the pharmacist before dispensing.

The commissioner shall make the cancer drug repository form available on the Department of Health's Web site.

(d) Drugs and supplies shall only be dispensed to individuals who meet the eligibility requirements in subdivision 4 and in the following order of priority:

(1) individuals who are uninsured;

(2) individuals who are enrolled in medical assistance, general assistance medical care, MinnesotaCare, Medicare, or other public assistance health care; and

(3) all other individuals who are otherwise eligible under subdivision 4 to receive drugs or supplies from a cancer drug repository.

Subd. 7. [HANDLING FEES.] A cancer drug repository may charge the individual receiving a drug or supply a handling fee of no more than 250 percent of the medical assistance program dispensing fee for each cancer drug or supply dispensed.

Subd. 8. [DISTRIBUTION OF DONATED CANCER DRUGS AND SUPPLIES.] (a) Cancer drug repositories may distribute drugs and supplies donated under the cancer drug repository program to other repositories if requested by a participating repository.

(b) A cancer drug repository that has elected not to dispense donated drugs or supplies shall distribute any donated drugs and supplies to a participating repository upon request of the repository.

(c) If a cancer drug repository distributes drugs or supplies under paragraph (a) or (b), the repository shall complete a cancer drug repository donor form provided by the commissioner. The

completed form and a copy of the donor form that was completed by the original donor under subdivision 5 shall be provided to the fully participating cancer drug repository at the time of distribution.

Subd. 9. [RESALE OF DONATED DRUGS OR SUPPLIES.] Donated drugs and supplies may not be resold.

Subd. 10. [RECORD-KEEPING REQUIREMENTS.] (a) Cancer drug repository donor and recipient forms shall be maintained for at least five years.

(b) A record of destruction of donated drugs and supplies that are not dispensed under subdivision 6 shall be maintained by the dispensing repository for at least five years. For each drug or supply destroyed, the record shall include the following information:

- (1) the date of destruction;
- (2) the name, strength, and quantity of the cancer drug destroyed;
- (3) the name of the person or firm that destroyed the drug; and
- (4) the source of the drugs or supplies destroyed.

Subd. 11. [LIABILITY.] A medical facility or pharmacy participating in the program, a pharmacist dispensing a drug or supply pursuant to the program, a practitioner administering a drug or supply pursuant to the program, or the donor of a cancer drug or supply is immune from civil liability for an act or omission that causes injury to or the death of an individual to whom the cancer drug or supply is dispensed and no disciplinary action shall be taken against a pharmacist or practitioner so long as the drug or supply is donated, accepted, distributed, and dispensed in accordance with the requirements of this section. This immunity does not apply if the act or omission involves reckless, wanton, or intentional misconduct."

Amend the title as follows:

Page 1, line 3, delete "requiring rulemaking;"

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

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

S.F. No. 984: A bill for an act relating to human services; modifying programs and services for persons with disabilities; amending Minnesota Statutes 2004, sections 252.27, subdivision 2a; 256B.04, by adding a subdivision; 256B.056, subdivisions 3, 5c; 256B.057, subdivision 9; 256B.0575; 256B.0621, subdivisions 4, 6, by adding a subdivision; 256B.0625, subdivision 9; 256B.0916, by adding a subdivision; 256B.092, subdivisions 2a, 4b; 256B.35, subdivision 1; 256B.49, subdivisions 13, 16; 256B.5012, by adding a subdivision; 256B.69, subdivision 23; 256B.765; 256D.03, subdivision 4; 256L.03, subdivisions 1, 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

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 2004, section 256B.04, is amended by adding a subdivision to read:

Subd. 20. [INCENTIVE FOR WELLNESS VISITS.] The commissioner of human services shall consult with private sector health plan companies and shall develop an incentive program to encourage medical assistance enrollees with disabilities to have regular wellness exams conducted by a primary care physician. The commissioner shall implement the incentive program beginning January 1, 2006.

Sec. 2. Minnesota Statutes 2004, section 256B.056, subdivision 3, is amended to read:

Subd. 3. [~~ASSET LIMITATIONS FOR INDIVIDUALS AND FAMILIES THE AGED, BLIND, OR DISABLED.~~] To be eligible for medical assistance, a person whose eligibility category is based on blindness, disability, or age of 65 or more years must not individually own more than ~~\$3,000~~ \$10,000 in assets, or if a member of a household with two ~~family members, husband and wife, or parent and child~~ or more persons, the household must not own more than ~~\$6,000~~ \$18,000 in assets, ~~plus \$200 for each additional legal dependent.~~ In addition to these maximum amounts, an eligible individual or family may accrue interest on these amounts, but they must be reduced to the maximum at the time of an eligibility redetermination. The accumulation of the clothing and personal needs allowance according to section 256B.35 must also be reduced to the maximum at the time of the eligibility redetermination. The value of assets that are not considered in determining eligibility for medical assistance is the value of those assets excluded under the supplemental security income program for aged, blind, and disabled persons, with the following exceptions:

- (a) Household goods and personal effects are not considered.
- (b) Capital and operating assets of a trade or business that the local agency determines are necessary to the person's ability to earn an income are not considered.
- (c) Motor vehicles are excluded to the same extent excluded by the supplemental security income program.
- (d) Assets designated as burial expenses are excluded to the same extent excluded by the supplemental security income program. Burial expenses funded by annuity contracts or life insurance policies must irrevocably designate the individual's estate as contingent beneficiary to the extent proceeds are not used for payment of selected burial expenses.
- (e) Effective upon federal approval, for a person who no longer qualifies as an employed person with a disability due to loss of earnings, assets allowed while eligible for medical assistance under section 256B.057, subdivision 9, are not considered for 12 months, beginning with the first month of ineligibility as an employed person with a disability, to the extent that the person's total assets remain within the allowed limits of section 256B.057, subdivision 9, paragraph (b).
- (f) Assets owned by children are not considered.

Sec. 3. Minnesota Statutes 2004, section 256B.056, subdivision 5c, is amended to read:

Subd. 5c. [~~EXCESS INCOME STANDARD.~~] (a) The excess income standard for families with children is the standard specified in subdivision 4.

(b) The excess income standard for a person whose eligibility is based on blindness, disability, or age of 65 or more years is ~~70~~ 100 percent of the federal poverty guidelines for the family size. ~~Effective July 1, 2002, the excess income standard for this paragraph shall equal 75 percent of the federal poverty guidelines.~~

Sec. 4. Minnesota Statutes 2004, section 256B.057, subdivision 9, is amended to read:

Subd. 9. [~~EMPLOYED PERSONS WITH DISABILITIES.~~] (a) Medical assistance may be paid for a person who is employed and who:

- (1) meets the definition of disabled under the supplemental security income program;
 - (2) is at least 16 but less than 65 years of age;
 - (3) meets the asset limits in paragraph (b); and
 - (4) effective November 1, 2003, pays a premium and other obligations under paragraph (d).
- Any spousal income or assets shall be disregarded for purposes of eligibility and premium determinations.

After the month of enrollment, a person enrolled in medical assistance under this subdivision who:

(1) is temporarily unable to work and without receipt of earned income due to a medical condition, as verified by a physician, may retain eligibility for up to four calendar months; or

(2) effective January 1, 2004, loses employment for reasons not attributable to the enrollee, may retain eligibility for up to four consecutive months after the month of job loss. To receive a four-month extension, enrollees must verify the medical condition or provide notification of job loss. All other eligibility requirements must be met and the enrollee must pay all calculated premium costs for continued eligibility.

(b) For purposes of determining eligibility under this subdivision, a person's assets must not exceed \$20,000, excluding:

(1) all assets excluded under section 256B.056;

(2) retirement accounts, including individual accounts, 401(k) plans, 403(b) plans, Keogh plans, and pension plans; and

(3) medical expense accounts set up through the person's employer.

(c)(1) Effective January 1, 2004, for purposes of eligibility, there will be a \$65 earned income disregard. To be eligible, a person applying for medical assistance under this subdivision must have earned income above the disregard level.

(2) Effective January 1, 2004, to be considered earned income, Medicare, Social Security, and applicable state and federal income taxes must be withheld. To be eligible, a person must document earned income tax withholding.

(d)(1) A person whose earned and unearned income is equal to or greater than 100 percent of federal poverty guidelines for the applicable family size must pay a premium to be eligible for medical assistance under this subdivision. The premium shall be based on the person's gross earned and unearned income and the applicable family size using a sliding fee scale established by the commissioner, which begins at one percent of income at 100 percent of the federal poverty guidelines and increases to 7.5 percent of income for those with incomes at or above 300 percent of the federal poverty guidelines. Annual adjustments in the premium schedule based upon changes in the federal poverty guidelines shall be effective for premiums due in July of each year.

(2) Effective January 1, 2004, all enrollees must pay a premium to be eligible for medical assistance under this subdivision. An enrollee shall pay the greater of a \$35 premium or the premium calculated in clause (1).

(3) Effective November 1, 2003, all enrollees who receive unearned income must pay one-half of one percent of unearned income in addition to the premium amount.

(4) ~~Effective November 1, 2003~~ July 1, 2005, for enrollees whose income does not exceed 200 percent of the federal poverty guidelines and who are also enrolled in Medicare, the commissioner must reimburse the enrollee for Medicare Part B premiums under section 256B.0625, subdivision 15, paragraph (a).

(5) Increases in benefits under title II of the Social Security Act shall not be counted as income for purposes of this subdivision until July 1 of each year.

(e) A person's eligibility and premium shall be determined by the local county agency. Premiums must be paid to the commissioner. All premiums are dedicated to the commissioner.

(f) Any required premium shall be determined at application and redetermined at the enrollee's six-month income review or when a change in income or household size is reported. Enrollees must report any change in income or household size within ten days of when the change occurs. A decreased premium resulting from a reported change in income or household size shall be

effective the first day of the next available billing month after the change is reported. Except for changes occurring from annual cost-of-living increases, a change resulting in an increased premium shall not affect the premium amount until the next six-month review.

(g) Premium payment is due upon notification from the commissioner of the premium amount required. Premiums may be paid in installments at the discretion of the commissioner.

(h) Nonpayment of the premium shall result in denial or termination of medical assistance unless the person demonstrates good cause for nonpayment. Good cause exists if the requirements specified in Minnesota Rules, part 9506.0040, subpart 7, items B to D, are met. Except when an installment agreement is accepted by the commissioner, all persons disenrolled for nonpayment of a premium must pay any past due premiums as well as current premiums due prior to being reenrolled. Nonpayment shall include payment with a returned, refused, or dishonored instrument. The commissioner may require a guaranteed form of payment as the only means to replace a returned, refused, or dishonored instrument.

Sec. 5. Minnesota Statutes 2004, section 256B.0575, is amended to read:

256B.0575 [AVAILABILITY OF INCOME FOR INSTITUTIONALIZED PERSONS.]

When an institutionalized person is determined eligible for medical assistance, the income that exceeds the deductions in paragraphs (a) and (b) must be applied to the cost of institutional care.

(a) The following amounts must be deducted from the institutionalized person's income in the following order:

(1) the personal needs allowance under section 256B.35 or, for a veteran who does not have a spouse or child, or a surviving spouse of a veteran having no child, the amount of an improved pension received from the veteran's administration not exceeding \$90 per month;

(2) the personal allowance for disabled individuals under section 256B.36;

(3) if the institutionalized person has a legally appointed guardian or conservator, five percent of the recipient's gross monthly income up to \$100 as reimbursement for guardianship or conservatorship services;

(4) a monthly income allowance determined under section 256B.058, subdivision 2, but only to the extent income of the institutionalized spouse is made available to the community spouse;

(5) a monthly allowance for children under age 18 which, together with the net income of the children, would provide income equal to the medical assistance standard for families and children according to section 256B.056, subdivision 4, for a family size that includes only the minor children. This deduction applies only if the children do not live with the community spouse and only to the extent that the deduction is not included in the personal needs allowance under section 256B.35, subdivision 1, as child support garnished under a court order;

(6) a monthly family allowance for other family members, equal to one-third of the difference between 122 percent of the federal poverty guidelines and the monthly income for that family member;

(7) reparations payments made by the Federal Republic of Germany and reparations payments made by the Netherlands for victims of Nazi persecution between 1940 and 1945;

(8) all other exclusions from income for institutionalized persons as mandated by federal law; and

(9) amounts for reasonable expenses incurred for necessary medical or remedial care for the institutionalized person that are not medical assistance covered expenses and that are not subject to payment by a third party.

For purposes of clause (6), "other family member" means a person who resides with the community spouse and who is a minor or dependent child, dependent parent, or dependent sibling

of either spouse. "Dependent" means a person who could be claimed as a dependent for federal income tax purposes under the Internal Revenue Code.

(b) Income shall be allocated to an institutionalized person for a period of up to ~~three~~ six calendar months, in an amount equal to 100 percent of the medical assistance standard federal poverty guidelines for a family size of one if:

(1) a physician certifies that the person is expected to reside in the long-term care facility for ~~three~~ six calendar months or less;

(2) if the person has expenses of maintaining a residence in the community; and

(3) if one of the following circumstances apply:

(i) the person was not living together with a spouse or a family member as defined in paragraph (a) when the person entered a long-term care facility; or

(ii) the person and the person's spouse become institutionalized on the same date, in which case the allocation shall be applied to the income of one of the spouses.

For purposes of this paragraph, a person is determined to be residing in a licensed nursing home, regional treatment center, or medical institution if the person is expected to remain for a period of one full calendar month or more.

Sec. 6. Minnesota Statutes 2004, section 256B.0621, subdivision 2, is amended to read:

Subd. 2. [TARGETED CASE MANAGEMENT; DEFINITIONS.] For purposes of subdivisions 3 to 10, the following terms have the meanings given them:

(1) "home care service recipients" means those individuals receiving the following services under section 256B.0627: skilled nursing visits, home health aide visits, private duty nursing, personal care assistants, or therapies provided through a home health agency;

(2) "home care targeted case management" means the provision of targeted case management services for the purpose of assisting home care service recipients to gain access to needed services and supports so that they may remain in the community;

(3) "institutions" means hospitals, consistent with Code of Federal Regulations, title 42, section 440.10; regional treatment center inpatient services, consistent with section 245.474; nursing facilities; and intermediate care facilities for persons with mental retardation;

(4) "relocation targeted case management" ~~means~~ includes the provision of both county targeted case management and service coordination services for the purpose of assisting recipients to gain access to needed services and supports if they choose to move from an institution to the community. Relocation targeted case management may be provided during the last 180 consecutive days of an eligible recipient's institutional stay; and

(5) "targeted case management" means case management services provided to help recipients gain access to needed medical, social, educational, and other services and supports.

Sec. 7. Minnesota Statutes 2004, section 256B.0621, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY.] The following persons are eligible for relocation targeted case management or home ~~care-targeted~~ care targeted case management:

(1) medical assistance eligible persons residing in institutions who choose to move into the community are eligible for relocation targeted case management services; and

(2) medical assistance eligible persons receiving home care services, who are not eligible for any other medical assistance reimbursable case management service, are eligible for home ~~care-targeted~~ care targeted case management services beginning ~~January 1, 2003~~ July 1, 2005.

Sec. 8. Minnesota Statutes 2004, section 256B.0621, subdivision 4, is amended to read:

Subd. 4. [RELOCATION TARGETED COUNTY CASE MANAGEMENT PROVIDER QUALIFICATIONS.] (a) A relocation targeted county case management provider is an enrolled medical assistance provider who is determined by the commissioner to have all of the following characteristics:

(1) the legal authority to provide public welfare under sections 393.01, subdivision 7; and 393.07; or a federally recognized Indian tribe;

(2) the demonstrated capacity and experience to provide the components of case management to coordinate and link community resources needed by the eligible population;

(3) the administrative capacity and experience to serve the target population for whom it will provide services and ensure quality of services under state and federal requirements;

(4) the legal authority to provide complete investigative and protective services under section 626.556, subdivision 10; and child welfare and foster care services under section 393.07, subdivisions 1 and 2; or a federally recognized Indian tribe;

(5) a financial management system that provides accurate documentation of services and costs under state and federal requirements; and

(6) the capacity to document and maintain individual case records under state and federal requirements.

(b) A provider of targeted case management under section 256B.0625, subdivision 20, may be deemed a certified provider of relocation targeted case management.

(c) A relocation targeted county case management provider may subcontract with another provider to deliver relocation targeted case management services. Subcontracted providers must demonstrate the ability to provide the services outlined in subdivision 6, and have a procedure in place that notifies the recipient and the recipient's legal representative of any conflict of interest if the contracted targeted case management provider also provides, or will provide, the recipient's services and supports. Counties must require that contracted providers must provide information on all conflicts of interest and obtain the recipient's informed consent or provide the recipient with alternatives.

Sec. 9. Minnesota Statutes 2004, section 256B.0621, subdivision 5, is amended to read:

Subd. 5. [HOME CARE TARGETED CASE MANAGEMENT AND RELOCATION SERVICE COORDINATION PROVIDER QUALIFICATIONS.] ~~The following qualifications and certification standards must be met by~~ Providers of home care targeted case management and relocation service coordination must meet the qualifications under subdivision 4 or the following qualifications and certification standards.

(a) The commissioner must certify each provider of home care targeted case management and relocation service coordination before enrollment. The certification process shall examine the provider's ability to meet the requirements in this subdivision and other state and federal requirements of this service.

(b) ~~A Both~~ home care targeted case management ~~provider is an~~ providers and relocation service coordination providers are enrolled medical assistance ~~provider~~ providers who ~~has~~ have a minimum of a bachelor's degree or a license in a health or human services field, or comparable training and two years of experience in human services, and is have been determined by the commissioner to have all of the following characteristics:

(1) the demonstrated capacity and experience to provide the components of case management to coordinate and link community resources needed by the eligible population;

(2) the administrative capacity and experience to serve the target population for whom it will provide services and ensure quality of services under state and federal requirements;

(3) a financial management system that provides accurate documentation of services and costs under state and federal requirements;

(4) the capacity to document and maintain individual case records under state and federal requirements; and

(5) the capacity to coordinate with county administrative functions;

(6) have no financial interest in the provision of out-of-home residential services to persons for whom targeted case management or relocation service coordination is provided; and

(7) if a provider has a financial interest in services other than out-of-home residential services provided to persons for whom targeted case management or relocation service coordination is also provided, the county must determine each year that:

(i) any possible conflict of interest is explained annually at a face-to-face meeting and in writing and the person provides written informed consent consistent with section 256B.77, subdivision 2, paragraph (p); and

(ii) information on a range of other feasible service provider options has been provided.

Sec. 10. Minnesota Statutes 2004, section 256B.0621, subdivision 6, is amended to read:

Subd. 6. [ELIGIBLE SERVICES.] (a) Services eligible for medical assistance reimbursement as targeted case management include:

(1) assessment of the recipient's need for targeted case management services;

(2) development, completion, and regular review of a written individual service plan, which is based upon the assessment of the recipient's needs and choices, and which will ensure access to medical, social, educational, and other related services and supports;

(3) routine contact or communication with the recipient, recipient's family, primary caregiver, legal representative, substitute care provider, service providers, or other relevant persons identified as necessary to the development or implementation of the goals of the individual service plan;

(4) coordinating referrals for, and the provision of, case management services for the recipient with appropriate service providers, consistent with section 1902(a)(23) of the Social Security Act;

(5) coordinating and monitoring the overall service delivery and engaging in advocacy as needed to ensure quality of services, appropriateness, and continued need;

(6) completing and maintaining necessary documentation that supports and verifies the activities in this subdivision;

(7) ~~traveling~~ assisting individuals in order to access needed services, including travel to conduct a visit with the recipient or other relevant person necessary to develop or implement the goals of the individual service plan; and

(8) coordinating with the institution discharge planner in the 180-day period before the recipient's discharge.

(b) Relocation targeted county case management includes services under paragraph (a), clauses (2) and (4). Relocation service coordination includes services under paragraph (a), clauses (1), (3), and (5) to (8). Home care targeted case management includes services under paragraph (a), clauses (1) to (8).

Sec. 11. Minnesota Statutes 2004, section 256B.0621, subdivision 7, is amended to read:

Subd. 7. [TIME LINES.] The following time lines must be met for assigning a case manager:

(a) For relocation targeted case management, an eligible recipient must be assigned a county

case manager who visits the person within 20 working days of requesting a case manager from their county of financial responsibility as determined under chapter 256G.

(1) If a county agency, its contractor, or federally recognized tribe does not provide case management services as required, the recipient may obtain ~~targeted relocation case management services relocation service coordination from an alternative a provider of targeted case management services enrolled by the commissioner~~ qualified under subdivision 5.

(2) The commissioner may waive the provider requirements in subdivision 4, paragraph (a), clauses (1) and (4), to ensure recipient access to the assistance necessary to move from an institution to the community. The recipient or the recipient's legal guardian shall provide written notice to the county or tribe of the decision to obtain services from an alternative provider.

(3) Providers of relocation targeted case management enrolled under this subdivision shall:

(i) meet the provider requirements under subdivision 4 that are not waived by the commissioner;

(ii) be qualified to provide the services specified in subdivision 6;

(iii) coordinate efforts with local social service agencies and tribes; and

(iv) comply with the conflict of interest provisions established under subdivision 4, paragraph (c).

(4) Local social service agencies and federally recognized tribes shall cooperate with providers certified by the commissioner under this subdivision to facilitate the recipient's successful relocation from an institution to the community.

(b) For home care targeted case management, an eligible recipient must be assigned a case manager within 20 working days of requesting a case manager from a home care targeted case management provider, as defined in subdivision 5.

Sec. 12. Minnesota Statutes 2004, section 256B.0621, is amended by adding a subdivision to read:

Subd. 11. [DATA USE AGREEMENT AND NOTICE OF RELOCATION TARGETED CASE MANAGEMENT AVAILABILITY.] (a) The commissioner shall execute a data use agreement with the Center for Medicare and Medicaid Services to obtain the long-term care minimum data set data to assist residents of nursing facilities who have indicated a desire to live in the community. The commissioner shall in turn enter into agreements with the Centers for Independent Living and other disability advocacy organizations to assist persons who want help to move to the community.

(b) Upon admission and annually thereafter, the commissioner shall provide notification to medical assistance eligible persons who are residing in institutions of the availability of relocation targeted case management services, including contact information for the responsible county and senior and disability organizations that provide assistance to persons with disabilities.

Sec. 13. Minnesota Statutes 2004, section 256B.0622, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

(a) "Intensive nonresidential rehabilitative mental health services" means adult rehabilitative mental health services as defined in section 256B.0623, subdivision 2, paragraph (a), except that these services are provided by a multidisciplinary staff using a total team approach consistent with assertive community treatment, the Fairweather Lodge treatment model, as defined by the standards established by the National Coalition for Community Living, and other evidence-based practices, and directed to recipients with a serious mental illness who require intensive services.

(b) "Intensive residential rehabilitative mental health services" means short-term, time-limited

services provided in a residential setting to recipients who are in need of more restrictive settings and are at risk of significant functional deterioration if they do not receive these services. Services are designed to develop and enhance psychiatric stability, personal and emotional adjustment, self-sufficiency, and skills to live in a more independent setting. Services must be directed toward a targeted discharge date with specified client outcomes and must be consistent with the Fairweather Lodge treatment model as defined in paragraph (a), and other evidence-based practices.

(c) "Evidence-based practices" are nationally recognized mental health services that are proven by substantial research to be effective in helping individuals with serious mental illness obtain specific treatment goals.

(d) "Overnight staff" means a member of the intensive residential rehabilitative mental health treatment team who is responsible during hours when recipients are typically asleep.

(e) "Treatment team" means all staff who provide services under this section to recipients. At a minimum, this includes the clinical supervisor, mental health professionals, mental health practitioners, and mental health rehabilitation workers.

Sec. 14. Minnesota Statutes 2004, section 256B.0625, subdivision 9, is amended to read:

Subd. 9. [DENTAL SERVICES.] ~~(a)~~ Medical assistance covers dental services. Dental services include, with prior authorization, fixed bridges that are cost-effective for persons who cannot use removable dentures because of their medical condition.

~~(b) Coverage of dental services for adults age 21 and over who are not pregnant is subject to a \$500 annual benefit limit and covered services are limited to:~~

- ~~(1) diagnostic and preventative services;~~
- ~~(2) restorative services; and~~
- ~~(3) emergency services.~~

~~Emergency services, dentures, and extractions related to dentures are not included in the \$500 annual benefit limit.~~

Sec. 15. Minnesota Statutes 2004, section 256B.0916, is amended by adding a subdivision to read:

Subd. 10. [TRANSITIONAL SUPPORTS ALLOWANCE.] A transitional supports allowance shall be available to all persons under a home and community-based waiver who are moving from a licensed setting to a community setting. "Transitional supports allowance" means a onetime payment of up to \$3,000, to cover the costs, not covered by other sources, associated with moving from a licensed setting to a community setting. Covered costs include:

- (1) lease or rent deposits;
- (2) security deposits;
- (3) utilities set-up costs, including telephone;
- (4) essential furnishings and supplies; and
- (5) personal supports and transports needed to locate and transition to community settings.

[EFFECTIVE DATE.] This section is effective upon federal approval and to the extent approved as a federal waiver amendment.

Sec. 16. Minnesota Statutes 2004, section 256B.092, subdivision 4b, is amended to read:

Subd. 4b. [COUNTY CASE MANAGEMENT AND SERVICE COORDINATION FOR

PERSONS RECEIVING HOME AND COMMUNITY-BASED SERVICES.] (a) Persons authorized for and receiving home and community-based services may select from public vendors of county case management which have provider agreements with the state to provide home and community-based case management service activities. ~~This subdivision becomes effective July 1, 1992, only if the state agency is unable to secure federal approval for limiting choice of case management vendors to the county of financial responsibility.~~

(b) The commissioner shall ensure that each eligible person is given a choice between county and private agency service coordination vendors consistent with the provisions of section 256B.49, subdivision 13.

[EFFECTIVE DATE.] This section is effective July 1, 2005, or, if a federal waiver is required, on the date the federal waiver is granted.

Sec. 17. Minnesota Statutes 2004, section 256B.35, subdivision 1, is amended to read:

Subdivision 1. [PERSONAL NEEDS ALLOWANCE.] (a) Notwithstanding any law to the contrary, welfare allowances for clothing and personal needs for individuals receiving medical assistance while residing in any skilled nursing home, intermediate care facility, or medical institution including recipients of supplemental security income, in this state shall not be less than \$45 \$150 per month from all sources. When benefit amounts for Social Security or supplemental security income recipients are increased pursuant to United States Code, title 42, sections 415(i) and 1382f, the commissioner shall, effective in the month in which the increase takes effect, increase by the same percentage to the nearest whole dollar the clothing and personal needs allowance for individuals receiving medical assistance while residing in any skilled nursing home, medical institution, or intermediate care facility. The commissioner shall provide timely notice to local agencies, providers, and recipients of increases under this provision.

(b) The personal needs allowance may be paid as part of the Minnesota supplemental aid program, notwithstanding the provisions of section 256D.37, subdivision 2, and payments to recipients of Minnesota supplemental aid may be made once each three months covering liabilities that accrued during the preceding three months.

(c) The personal needs allowance shall be increased to include income garnished for child support under a court order, up to a maximum of \$250 per month but only to the extent that the amount garnished is not deducted as a monthly allowance for children under section 256B.0575, paragraph (a), clause (5).

Sec. 18. Minnesota Statutes 2004, section 256B.49, subdivision 13, is amended to read:

Subd. 13. [COUNTY CASE MANAGEMENT AND SERVICE COORDINATION SERVICES.] (a) Each recipient of a home and community-based waiver shall be provided county case management and service coordination services by qualified vendors as described in the federally approved waiver application and offered a choice between county and private vendors for service coordination services. The county case management service activities services to be provided will include:

- (1) assessing the needs of the individual within 20 working days of a recipient's request;
- (2) developing the written individual service plan within ten working days after the assessment is completed, including a determination of resources needed to meet assessed needs;
- (3) informing the recipient or the recipient's legal guardian or conservator of service options; and
- (4) monitoring and evaluating the overall service plan implementation to assure the recipient's health, safety, welfare, and service outcomes.

(b) Each recipient shall be offered a choice of a service coordination vendor among qualified public and private vendors as described in the federally approved waiver application. The service coordination activities include:

- (1) assisting the recipient to provide medical and other information to determine services needs;
- (2) assisting the recipient in the identification of potential service providers;
- (5) (3) assisting the recipient to access services;
- (6) (4) coordinating, evaluating, and monitoring of the recipient and the services identified in the service plan to assure that the ongoing needs of the recipient are met or changes are made, if needed;
- (7) (5) assisting the recipient to obtain all information for completing the annual or other reviews described in subdivision 14 of the service plan with the case manager; and
- (6) participating in meetings and consultations and advocating for the recipient with recipient's service providers, medical providers, and county staff as needed;
- (7) having no financial interest in out-of-home residential services for persons for whom service coordination is provided; and
- (8) informing the recipient or legal representative of the right to have assessments completed and service plans developed within specified time periods, and to appeal county action or inaction under section 256.045, subdivision 3 if a provider has a financial interest in services other than out-of-home residential services provided to persons for whom targeted case management or relocation service coordination is also provided, the county must determine each year that:
 - (i) any possible conflict of interest is explained annually at a face-to-face meeting and in writing and the person provides written informed consent consistent with section 256B.77, subdivision 2, paragraph (p); and
 - (ii) information on a range of other feasible service provider options has been provided.
- (b) (c) The case manager county may delegate certain aspects of the county case management or service coordination activities to another individual provided there is oversight by the case manager. The case manager may not delegate those aspects which require professional judgment including assessments, reassessments, and care plan development.

[EFFECTIVE DATE.] This section is effective July 1, 2005, or, if a federal waiver is required, on the date the federal waiver is granted.

Sec. 19. Minnesota Statutes 2004, section 256B.49, subdivision 14, is amended to read:

Subd. 14. [ASSESSMENT AND REASSESSMENT.] (a) Assessments of each recipient's strengths, informal support systems, and need for services shall be completed by the county case manager within 20 working days of the recipient's request. Reassessment of each recipient's strengths, support systems, and need for services shall be conducted by the county case manager at least every 12 months and at other times when there has been a significant change in the recipient's functioning.

(b) Persons with mental retardation or a related condition who apply for services under the nursing facility level waiver programs shall be screened for the appropriate level of care according to section 256B.092.

(c) Recipients who are found eligible for home and community-based services under this section before their 65th birthday may remain eligible for these services after their 65th birthday if they continue to meet all other eligibility factors.

Sec. 20. Minnesota Statutes 2004, section 256B.49, subdivision 16, is amended to read:

Subd. 16. [SERVICES AND SUPPORTS.] (a) Services and supports included in the home and community-based waivers for persons with disabilities shall meet the requirements set out in United States Code, title 42, section 1396n. The services and supports, which are offered as alternatives to institutional care, shall promote consumer choice, community inclusion, self-sufficiency, and self-determination.

(b) Beginning January 1, 2003, the commissioner shall simplify and improve access to home and community-based waived services, to the extent possible, through the establishment of a common service menu that is available to eligible recipients regardless of age, disability type, or waiver program.

(c) Consumer directed community support services shall be offered as an option to all persons eligible for services under subdivision 11, by January 1, 2002.

(d) Services and supports shall be arranged and provided consistent with individualized written plans of care for eligible waiver recipients.

(e) A transitional supports allowance shall be available to all persons under a home and community-based waiver who are moving from a licensed setting to a community setting. "Transitional supports allowance" means a onetime payment of up to \$3,000, to cover the costs, not covered by other sources, associated with moving from a licensed setting to a community setting. Covered costs include:

- (1) lease or rent deposits;
- (2) security deposits;
- (3) utilities set-up costs, including telephone;
- (4) essential furnishings and supplies; and
- (5) personal supports and transports needed to locate and transition to community settings.

(f) The state of Minnesota and county agencies that administer home and community-based waived services for persons with disabilities, shall not be liable for damages, injuries, or liabilities sustained through the purchase of supports by the individual, the individual's family, legal representative, or the authorized representative with funds received through the consumer-directed community support service under this section. Liabilities include but are not limited to: workers' compensation liability, the Federal Insurance Contributions Act (FICA), or the Federal Unemployment Tax Act (FUTA).

[EFFECTIVE DATE.] This section is effective upon federal approval and to the extent approved as a federal waiver amendment.

Sec. 21. Minnesota Statutes 2004, section 256B.5012, is amended by adding a subdivision to read:

Subd. 6. [ICF/MR RATE INCREASES BEGINNING JANUARY 1, 2006, AND JANUARY 1, 2007.] For the rate years beginning January 1, 2006, and January 1, 2007, the commissioner shall provide facilities reimbursed under this section an adjustment to the total operating payment rate of percent. At least two-thirds of each year's adjustment must be used for increased costs of employee salaries and benefits and associated costs for FICA, the Medicare tax, workers' compensation premiums, and federal and state unemployment insurance. Each facility receiving an adjustment shall report to the commissioner, in the form and manner specified by the commissioner, on how the additional funding was used.

Sec. 22. Minnesota Statutes 2004, section 256B.69, subdivision 23, is amended to read:

Subd. 23. [ALTERNATIVE INTEGRATED LONG-TERM CARE SERVICES; ELDERLY AND DISABLED PERSONS.] (a) The commissioner may implement demonstration projects to create alternative integrated delivery systems for acute and long-term care services to elderly persons and persons with disabilities as defined in section 256B.77, subdivision 7a, that provide increased coordination, improve access to quality services, and mitigate future cost increases. The commissioner may seek federal authority to combine Medicare and Medicaid capitation payments for the purpose of such demonstrations. Medicare funds and services shall be administered according to the terms and conditions of the federal waiver and demonstration provisions. For the purpose of administering medical assistance funds, demonstrations under this subdivision are

subject to subdivisions 1 to 22. The provisions of Minnesota Rules, parts 9500.1450 to 9500.1464, apply to these demonstrations, with the exceptions of parts 9500.1452, subpart 2, item B; and 9500.1457, subpart 1, items B and C, which do not apply to persons enrolling in demonstrations under this section. An initial open enrollment period may be provided. Persons who disenroll from demonstrations under this subdivision remain subject to Minnesota Rules, parts 9500.1450 to 9500.1464. When a person is enrolled in a health plan under these demonstrations and the health plan's participation is subsequently terminated for any reason, the person shall be provided an opportunity to select a new health plan and shall have the right to change health plans within the first 60 days of enrollment in the second health plan. Persons required to participate in health plans under this section who fail to make a choice of health plan shall not be randomly assigned to health plans under these demonstrations. Notwithstanding section 256L.12, subdivision 5, and Minnesota Rules, part 9505.5220, subpart 1, item A, if adopted, for the purpose of demonstrations under this subdivision, the commissioner may contract with managed care organizations, including counties, to serve only elderly persons eligible for medical assistance, elderly and disabled persons, or disabled persons only. For persons with primary diagnoses of mental retardation or a related condition, serious and persistent mental illness, or serious emotional disturbance, the commissioner must ensure that the county authority has approved the demonstration and contracting design. Enrollment in these projects for persons with disabilities shall be voluntary. The commissioner shall not implement any demonstration project under this subdivision for persons with primary diagnoses of mental retardation or a related condition, serious and persistent mental illness, or serious emotional disturbance, without approval of the county board of the county in which the demonstration is being implemented.

(b) Notwithstanding chapter 245B, sections 252.40 to 252.46, 256B.092, 256B.501 to 256B.5015, and Minnesota Rules, parts 9525.0004 to 9525.0036, 9525.1200 to 9525.1330, 9525.1580, and 9525.1800 to 9525.1930, the commissioner may implement under this section projects for persons with developmental disabilities. The commissioner may capitate payments for ICF/MR services, waived services for mental retardation or related conditions, including case management services, day training and habilitation and alternative active treatment services, and other services as approved by the state and by the federal government. Case management and active treatment must be individualized and developed in accordance with a person-centered plan. Costs under these projects may not exceed costs that would have been incurred under fee-for-service. Beginning July 1, 2003, and until two years after the pilot project implementation date, subcontractor participation in the long-term care developmental disability pilot is limited to a nonprofit long-term care system providing ICF/MR services, home and community-based waiver services, and in-home services to no more than 120 consumers with developmental disabilities in Carver, Hennepin, and Scott Counties. The commissioner shall report to the legislature prior to expansion of the developmental disability pilot project. This paragraph expires two years after the implementation date of the pilot project.

(c) Before implementation of a demonstration project for disabled persons, the commissioner must provide information to appropriate committees of the house of representatives and senate and must involve representatives of affected disability groups in the design of the demonstration projects.

(d) A nursing facility reimbursed under the alternative reimbursement methodology in section 256B.434 may, in collaboration with a hospital, clinic, or other health care entity provide services under paragraph (a). The commissioner shall amend the state plan and seek any federal waivers necessary to implement this paragraph.

(e) The commissioner shall seek federal approval to expand the Minnesota disability health options (MnDHO) program established under this subdivision in stages, first to regional population centers outside the seven-county metro area and then to all areas of the state.

Sec. 23. Minnesota Statutes 2004, section 256B.765, is amended to read:

256B.765 [PROVIDER RATE INCREASES.]

Subdivision 1. [ANNUAL INFLATION ADJUSTMENTS.] (a) Effective July 1, 2001, within the limits of appropriations specifically for this purpose, the commissioner shall provide an annual

inflation adjustment for the providers listed in ~~paragraph (e)~~ subdivision 2. The index for the inflation adjustment must be based on the change in the Employment Cost Index for Private Industry Workers - Total Compensation forecasted by Data Resources, Inc., as forecasted in the fourth quarter of the calendar year preceding the fiscal year. The commissioner shall increase reimbursement or allocation rates by the percentage of this adjustment, and county boards shall adjust provider contracts as needed.

(b) The commissioner of finance shall include an annual inflationary adjustment in reimbursement rates for the providers listed in ~~paragraph (e)~~ subdivision 2 using the inflation factor specified in paragraph (a) as a budget change request in each biennial detailed expenditure budget submitted to the legislature under section 16A.11.

(e) Subd. 2. [ELIGIBLE PROVIDERS.] The annual adjustment under subdivision 1, paragraph (a), shall be provided for home and community-based waiver services for persons with mental retardation or related conditions under section 256B.501; home and community-based waiver services for the elderly under section 256B.0915; waived services under community alternatives for disabled individuals under section 256B.49; community alternative care waived services under section 256B.49; traumatic brain injury waived services under section 256B.49; nursing services and home health services under section 256B.0625, subdivision 6a; personal care services and nursing supervision of personal care services under section 256B.0625, subdivision 19a; private duty nursing services under section 256B.0625, subdivision 7; day training and habilitation services for adults with mental retardation or related conditions under sections 252.40 to 252.46; physical therapy services under sections 256B.0625, subdivision 8, and 256D.03, subdivision 4; occupational therapy services under sections 256B.0625, subdivision 8a, and 256D.03, subdivision 4; speech-language therapy services under section 256D.03, subdivision 4, and Minnesota Rules, part 9505.0390; respiratory therapy services under section 256D.03, subdivision 4, and Minnesota Rules, part 9505.0295; alternative care services under section 256B.0913; adult residential program grants under Minnesota Rules, parts 9535.2000 to 9535.3000; adult and family community support grants under Minnesota Rules, parts 9535.1700 to 9535.1760; semi-independent living services under section 252.275 including SILS funding under county social services grants formerly funded under chapter 256I; and community support services for deaf and hard-of-hearing adults with mental illness who use or wish to use sign language as their primary means of communication.

Subd. 3. [RATE INCREASE FOR BIENNIUM BEGINNING JULY 1, 2005.] For the fiscal years beginning July 1, 2005, and July 1, 2006, the commissioner shall increase reimbursement rates for the providers listed in subdivision 2 by percent. At least two-thirds of each year's adjustment must be used for increased costs of employee salaries and benefits and associated costs for FICA, the Medicare tax, workers' compensation premiums, and federal and state unemployment insurance. Each provider receiving an adjustment shall report to the commissioner, in the form and manner specified by the commissioner, on how the additional funding was used.

Sec. 24. Minnesota Statutes 2004, section 256D.03, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE MEDICAL CARE; SERVICES.] (a)(i) For a person who is eligible under subdivision 3, paragraph (a), clause (2), item (i), general assistance medical care covers, except as provided in paragraph (c):

- (1) inpatient hospital services;
- (2) outpatient hospital services;
- (3) services provided by Medicare certified rehabilitation agencies;
- (4) prescription drugs and other products recommended through the process established in section 256B.0625, subdivision 13;
- (5) equipment necessary to administer insulin and diagnostic supplies and equipment for diabetics to monitor blood sugar level;
- (6) eyeglasses and eye examinations provided by a physician or optometrist;

- (7) hearing aids;
- (8) prosthetic devices;
- (9) laboratory and X-ray services;
- (10) physician's services;
- (11) medical transportation except special transportation;
- (12) chiropractic services as covered under the medical assistance program;
- (13) podiatric services;
- (14) dental services and dentures, ~~subject to the limitations specified in section 256B.0625, subdivision 9~~ as covered under the medical assistance program;
- (15) outpatient services provided by a mental health center or clinic that is under contract with the county board and is established under section 245.62;
- (16) day treatment services for mental illness provided under contract with the county board;
- (17) prescribed medications for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization;
- (18) psychological services, medical supplies and equipment, and Medicare premiums, coinsurance and deductible payments;
- (19) medical equipment not specifically listed in this paragraph when the use of the equipment will prevent the need for costlier services that are reimbursable under this subdivision;
- (20) services performed by a certified pediatric nurse practitioner, a certified family nurse practitioner, a certified adult nurse practitioner, a certified obstetric/gynecological nurse practitioner, a certified neonatal nurse practitioner, or a certified geriatric nurse practitioner in independent practice, if (1) the service is otherwise covered under this chapter as a physician service, (2) the service provided on an inpatient basis is not included as part of the cost for inpatient services included in the operating payment rate, and (3) the service is within the scope of practice of the nurse practitioner's license as a registered nurse, as defined in section 148.171;
- (21) services of a certified public health nurse or a registered nurse practicing in a public health nursing clinic that is a department of, or that operates under the direct authority of, a unit of government, if the service is within the scope of practice of the public health nurse's license as a registered nurse, as defined in section 148.171; and
- (22) telemedicine consultations, to the extent they are covered under section 256B.0625, subdivision 3b.
 - (ii) Effective October 1, 2003, for a person who is eligible under subdivision 3, paragraph (a), clause (2), item (ii), general assistance medical care coverage is limited to inpatient hospital services, including physician services provided during the inpatient hospital stay. A \$1,000 deductible is required for each inpatient hospitalization.
 - (b) Gender reassignment surgery and related services are not covered services under this subdivision unless the individual began receiving gender reassignment services prior to July 1, 1995.
 - (c) In order to contain costs, the commissioner of human services shall select vendors of medical care who can provide the most economical care consistent with high medical standards and shall where possible contract with organizations on a prepaid capitation basis to provide these services. The commissioner shall consider proposals by counties and vendors for prepaid health plans, competitive bidding programs, block grants, or other vendor payment mechanisms designed to provide services in an economical manner or to control utilization, with safeguards to ensure

that necessary services are provided. Before implementing prepaid programs in counties with a county operated or affiliated public teaching hospital or a hospital or clinic operated by the University of Minnesota, the commissioner shall consider the risks the prepaid program creates for the hospital and allow the county or hospital the opportunity to participate in the program in a manner that reflects the risk of adverse selection and the nature of the patients served by the hospital, provided the terms of participation in the program are competitive with the terms of other participants considering the nature of the population served. Payment for services provided pursuant to this subdivision shall be as provided to medical assistance vendors of these services under sections 256B.02, subdivision 8, and 256B.0625. For payments made during fiscal year 1990 and later years, the commissioner shall consult with an independent actuary in establishing prepayment rates, but shall retain final control over the rate methodology.

(d) Recipients eligible under subdivision 3, paragraph (a), clause (2), item (i), shall pay the following co-payments for services provided on or after October 1, 2003:

(1) \$3 per nonpreventive visit. For purposes of this subdivision, a visit means an episode of service which is required because of a recipient's symptoms, diagnosis, or established illness, and which is delivered in an ambulatory setting by a physician or physician ancillary, chiropractor, podiatrist, nurse midwife, advanced practice nurse, audiologist, optician, or optometrist;

(2) \$25 for eyeglasses;

(3) \$25 for nonemergency visits to a hospital-based emergency room; and

(4) \$3 per brand-name drug prescription and \$1 per generic drug prescription, subject to a \$20 per month maximum for prescription drug co-payments. No co-payments shall apply to antipsychotic drugs when used for the treatment of mental illness; ~~and~~

~~(5) 50 percent coinsurance on restorative dental services.~~

(e) Co-payments shall be limited to one per day per provider for nonpreventive visits, eyeglasses, and nonemergency visits to a hospital-based emergency room. Recipients of general assistance medical care are responsible for all co-payments in this subdivision. The general assistance medical care reimbursement to the provider shall be reduced by the amount of the co-payment, except that reimbursement for prescription drugs shall not be reduced once a recipient has reached the \$20 per month maximum for prescription drug co-payments. The provider collects the co-payment from the recipient. Providers may not deny services to recipients who are unable to pay the co-payment, except as provided in paragraph (f).

(f) If it is the routine business practice of a provider to refuse service to an individual with uncollected debt, the provider may include uncollected co-payments under this section. A provider must give advance notice to a recipient with uncollected debt before services can be denied.

(g) Any county may, from its own resources, provide medical payments for which state payments are not made.

(h) Chemical dependency services that are reimbursed under chapter 254B must not be reimbursed under general assistance medical care.

(i) The maximum payment for new vendors enrolled in the general assistance medical care program after the base year shall be determined from the average usual and customary charge of the same vendor type enrolled in the base year.

(j) The conditions of payment for services under this subdivision are the same as the conditions specified in rules adopted under chapter 256B governing the medical assistance program, unless otherwise provided by statute or rule.

(k) Inpatient and outpatient payments shall be reduced by five percent, effective July 1, 2003. This reduction is in addition to the five percent reduction effective July 1, 2003, and incorporated by reference in paragraph (i).

(l) Payments for all other health services except inpatient, outpatient, and pharmacy services shall be reduced by five percent, effective July 1, 2003.

(m) Payments to managed care plans shall be reduced by five percent for services provided on or after October 1, 2003.

(n) A hospital receiving a reduced payment as a result of this section may apply the unpaid balance toward satisfaction of the hospital's bad debts.

Sec. 25. Minnesota Statutes 2004, section 256L.03, subdivision 1, is amended to read:

Subdivision 1. [COVERED HEALTH SERVICES.] For individuals under section 256L.04, subdivision 7, with income no greater than 75 percent of the federal poverty guidelines or for families with children under section 256L.04, subdivision 1, all subdivisions of this section apply. "Covered health services" means the health services reimbursed under chapter 256B, with the exception of inpatient hospital services, special education services, private duty nursing services, adult dental care services ~~other than services except as covered under section 256B.0625, subdivision 9, paragraph (b), orthodontic services, nonemergency medical transportation services, personal care assistant and case management services, nursing home or intermediate care facilities services, inpatient mental health services, and chemical dependency services.~~ Outpatient mental health services covered under the MinnesotaCare program are limited to diagnostic assessments, psychological testing, explanation of findings, medication management by a physician, day treatment, partial hospitalization, and individual, family, and group psychotherapy.

No public funds shall be used for coverage of abortion under MinnesotaCare except where the life of the female would be endangered or substantial and irreversible impairment of a major bodily function would result if the fetus were carried to term; or where the pregnancy is the result of rape or incest.

Covered health services shall be expanded as provided in this section.

Sec. 26. Minnesota Statutes 2004, section 256L.03, subdivision 5, is amended to read:

Subd. 5. [CO-PAYMENTS AND COINSURANCE.] (a) Except as provided in paragraphs (b) and (c), the MinnesotaCare benefit plan shall include the following co-payments and coinsurance requirements for all enrollees:

(1) ten percent of the paid charges for inpatient hospital services for adult enrollees, subject to an annual inpatient out-of-pocket maximum of \$1,000 per individual and \$3,000 per family;

(2) \$3 per prescription for adult enrollees; and

(3) \$25 for eyeglasses for adult enrollees; and

(4) ~~50 percent of the fee-for-service rate for adult dental care services other than preventive care services for persons eligible under section 256L.04, subdivisions 1 to 7, with income equal to or less than 175 percent of the federal poverty guidelines.~~

(b) Paragraph (a), clause (1), does not apply to parents and relative caretakers of children under the age of 21 in households with family income equal to or less than 175 percent of the federal poverty guidelines. Paragraph (a), clause (1), does not apply to parents and relative caretakers of children under the age of 21 in households with family income greater than 175 percent of the federal poverty guidelines for inpatient hospital admissions occurring on or after January 1, 2001.

(c) Paragraph (a), clauses (1) to (4), do not apply to pregnant women and children under the age of 21.

(d) Adult enrollees with family gross income that exceeds 175 percent of the federal poverty guidelines and who are not pregnant shall be financially responsible for the coinsurance amount, if applicable, and amounts which exceed the \$10,000 inpatient hospital benefit limit.

(e) When a MinnesotaCare enrollee becomes a member of a prepaid health plan, or changes

from one prepaid health plan to another during a calendar year, any charges submitted towards the \$10,000 annual inpatient benefit limit, and any out-of-pocket expenses incurred by the enrollee for inpatient services, that were submitted or incurred prior to enrollment, or prior to the change in health plans, shall be disregarded.

Sec. 27. [FEDERAL APPROVAL.]

By August 1, 2005, the commissioner of human services shall request any federal approval and plan amendments necessary to implement (1) the transitional supports allowance under Minnesota Statutes, sections 256B.0916, subdivision 10; and 256B.49, subdivision 16; and (2) the choice of case management service coordination provisions under Minnesota Statutes, sections 256B.0621, subdivision 4; 256B.092, subdivisions 2a and 4b; and 256B.49, subdivision 13.

Sec. 28. [DENTAL ACCESS FOR PERSONS WITH DISABILITIES.]

The commissioner of human services shall study access to dental services for persons with disabilities, and shall present recommendations for improving access to dental services to the legislature by January 15, 2006. The study must examine physical and geographic access, the willingness of dentists to serve persons with disabilities enrolled in state health care programs, reimbursement rates for dental service providers, and other factors identified by the commissioner as potential barriers to accessing dental services.

Sec. 29. [DISABILITY SERVICES INTERAGENCY WORK GROUP.]

Subdivision 1. [ESTABLISHMENT.] The commissioners of human services and housing finance and the Minnesota State Council on Disability shall convene an interagency work group of interested stakeholders, including other state agencies, counties, public housing authorities, the Metropolitan Council, disability service providers, and representatives from disability advocacy organizations to identify barriers, strengthen coordination, recommend policy and funding changes, and pursue federal financing that will assist Minnesotans with disabilities who are attempting to relocate from or avoid placement in institutional settings.

Subd. 2. [WORK GROUP ACTIVITIES.] The work group shall make recommendations to the state agencies and the legislature related to:

(1) coordinating the availability of housing, transportation, and support services needed to discharge persons with disabilities from institutions;

(2) improving information and assistance needed to make an informed choice about relocating from an institutional placement to community-based services;

(3) identifying gaps in human services, transportation, and housing access that are barriers to moving to community services;

(4) identifying strategies that would result in earlier identification of persons most at risk of institutional placement in order to promote diversion to community services or reduce lengths of stay in an institutional facility;

(5) identifying funding mechanisms and financial strategies to assure a financially sustainable community support system that diverts and relocates individuals from institutional placement; and

(6) identifying state actions needed to address any federal changes affecting policies, benefits, or funding used to support persons with disabilities in avoiding institutional placement.

Subd. 3. [RECOMMENDATIONS.] Recommendations of the work group must be submitted to each state agency and to the chairs of the health and human services policy and finance committees of the senate and house of representatives by October 15, 2006."

Delete the title and insert:

"A bill for an act relating to human services; modifying programs and services for persons with disabilities; amending Minnesota Statutes 2004, sections 256B.04, by adding a subdivision;

256B.056, subdivisions 3, 5c; 256B.057, subdivision 9; 256B.0575; 256B.0621, subdivisions 2, 3, 4, 5, 6, 7, by adding a subdivision; 256B.0622, subdivision 2; 256B.0625, subdivision 9; 256B.0916, by adding a subdivision; 256B.092, subdivision 4b; 256B.35, subdivision 1; 256B.49, subdivisions 13, 14, 16; 256B.5012, by adding a subdivision; 256B.69, subdivision 23; 256B.765; 256D.03, subdivision 4; 256L.03, subdivisions 1, 5."

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

Senator Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

S.F. No. 734: A bill for an act relating to the military; providing for special "Support Our Troops" plates; establishing an account; providing funding for certain National Guard incentive programs; providing funding for a World War II veterans memorial and the maintenance and improvement of veterans homes; providing certain income tax benefits; appropriating money; amending Minnesota Statutes 2004, sections 290.01, subdivisions 7, 19, 19b; 290.06, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapters 168; 190.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

LICENSE PLATES

Section 1. [168.1298] [SPECIAL "SUPPORT OUR TROOPS" LICENSE PLATES.]

Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] (a) The commissioner shall issue special "Support Our Troops" license plates to an applicant who:

(1) is an owner of a passenger automobile, one-ton pickup truck, recreational vehicle, or motorcycle;

(2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

(3) pays the registration tax required under section 168.013;

(4) pays the fees required under this chapter;

(5) contributes a minimum of \$30 annually to the Minnesota "Support Our Troops" account established in section 190.19; and

(6) complies with laws and rules governing registration and licensing of vehicles and drivers.

(b) The license application under this section must indicate that the annual contribution specified under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the applicant may make an additional contribution to the account.

Subd. 2. [DESIGN.] After consultation with interested groups, the adjutant general and the commissioner of veterans affairs shall design the special plate, subject to the approval of the commissioner.

Subd. 3. [NO REFUND.] Contributions under this section must not be refunded.

Subd. 4. [PLATE TRANSFERS.] Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile, one-ton pickup truck, recreational vehicle, or motorcycle owned by the individual to whom the special plates were issued.

Subd. 5. [CONTRIBUTION AND FEES CREDITED.] Contributions under subdivision 1,

paragraph (a), clause (5), must be paid to the commissioner and credited to the Minnesota "Support Our Troops" account established in section 190.19. The fees collected under this section must be deposited in the vehicle services operating account in the special revenue fund.

Subd. 6. [RECORD.] The commissioner shall maintain a record of the number of plates issued under this section.

Sec. 2. [190.19] [MINNESOTA "SUPPORT OUR TROOPS" ACCOUNT.]

Subdivision 1. [ESTABLISHMENT.] The Minnesota "Support Our Troops" account is established in the state treasury. The account shall consist of contributions from private sources and appropriations.

Subd. 2. [GRANTS.] (a) Money in the Minnesota "Support Our Troops" account is appropriated to the adjutant general for the purpose of making grants:

(1) directly to eligible individuals; or

(2) to one or more eligible foundations for the purpose of making grants to eligible individuals, as provided in this section.

(b) The term, "eligible individual" includes any person who is:

(1) a member of the Minnesota National Guard or a reserve unit based in Minnesota who has been called to active service as defined in section 190.05, subdivision 5;

(2) a Minnesota resident who is a member of a military reserve unit not based in Minnesota, if the member is called to active service as defined in section 190.05, subdivision 5;

(3) any other Minnesota resident performing active service for any branch of the military of the United States; and

(4) members of the immediate family of an individual identified in clause (1), (2), or (3). For purposes of this clause, "immediate family" means the individual's spouse and minor children and, if they are dependents of the member of the military, the member's parents, grandparents, siblings, stepchildren, and adult children.

(c) The term "eligible foundation" includes any organization that:

(1) is a tax-exempt organization under section 501(c)(3) of the Internal Revenue Code;

(2) has articles of incorporation under chapter 317A specifying the purpose of the organization as including the provision of financial assistance to members of the Minnesota National Guard and other United States armed forces reserves and their families and survivors; and

(3) agrees in writing to distribute any grant money received from the adjutant general under this section to eligible individuals as defined in this section and in accordance with any written policies and rules the adjutant general may impose as conditions of the grant to the foundation.

(d) The maximum grant awarded to an eligible individual in a calendar year with funds from the Minnesota "Support Our Troops" account, either through an eligible institution or directly from the adjutant general, may not exceed \$2,000.

Subd. 3. [ANNUAL REPORT.] The adjutant general must report by February 1, 2007, and each year thereafter, to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over military and veterans' affairs on the number, amounts, and use of grants issued from the Minnesota "Support Our Troops" account in the previous year.

ARTICLE 2

NATIONAL GUARD FUNDING

Section 1. [APPROPRIATION.]

(a) \$3,850,000 is appropriated in fiscal year 2006 and \$3,850,000 is appropriated in fiscal year 2007 from the general fund to the adjutant general to provide the additional amount necessary for full funding of the tuition reimbursement program in Minnesota Statutes, section 192.501, subdivision 2.

(b) \$1,500,000 is appropriated in fiscal year 2006 and \$1,500,000 is appropriated in fiscal year 2007 from the general fund to the adjutant general to provide for reenlistment bonuses under Minnesota Statutes, section 192.501, subdivision 1b.

ARTICLE 3

BONDING

Section 1. [APPROPRIATION.]

(a) \$670,000 is appropriated from the bond proceeds fund to the commissioner of administration for the construction of a World War II veterans memorial on the Capitol Mall. The design is subject to approval by the Capitol Area Architectural and Planning Board.

(b) \$6,306,000 is appropriated from the bond proceeds fund to the Veterans Homes Board for the maintenance and improvement of Minnesota's veterans homes, including \$6,000,000 for asset preservation and \$306,000 for the Luverne Veterans Home dementia unit common area.

Sec. 2. [BOND SALE.]

To provide the money appropriated in this act from the bond proceeds fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$6,976,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment.

ARTICLE 4

INCOME TAX

Section 1. Minnesota Statutes 2004, section 289A.02, subdivision 7, is amended to read:

Subd. 7. [INTERNAL REVENUE CODE.] Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through ~~June 15~~ November 15, 2003.

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

Sec. 2. Minnesota Statutes 2004, section 290.01, subdivision 19, is amended to read:

Subd. 19. [NET INCOME.] The term "net income" means the federal taxable income, as defined in section 63 of the Internal Revenue Code of 1986, as amended through the date named in this subdivision, incorporating the federal effective dates of changes to the Internal Revenue Code and any elections made by the taxpayer in accordance with the Internal Revenue Code in determining federal taxable income for federal income tax purposes, and with the modifications provided in subdivisions 19a to 19f.

In the case of a regulated investment company or a fund thereof, as defined in section 851(a) or 851(g) of the Internal Revenue Code, federal taxable income means investment company taxable income as defined in section 852(b)(2) of the Internal Revenue Code, except that:

(1) the exclusion of net capital gain provided in section 852(b)(2)(A) of the Internal Revenue Code does not apply;

(2) the deduction for dividends paid under section 852(b)(2)(D) of the Internal Revenue Code

must be applied by allowing a deduction for capital gain dividends and exempt-interest dividends as defined in sections 852(b)(3)(C) and 852(b)(5) of the Internal Revenue Code; and

(3) the deduction for dividends paid must also be applied in the amount of any undistributed capital gains which the regulated investment company elects to have treated as provided in section 852(b)(3)(D) of the Internal Revenue Code.

The net income of a real estate investment trust as defined and limited by section 856(a), (b), and (c) of the Internal Revenue Code means the real estate investment trust taxable income as defined in section 857(b)(2) of the Internal Revenue Code.

The net income of a designated settlement fund as defined in section 468B(d) of the Internal Revenue Code means the gross income as defined in section 468B(b) of the Internal Revenue Code.

~~The provisions of sections 1113(a), 1117, 1206(a), 1313(a), 1402(a), 1403(a), 1443, 1450, 1501(a), 1605, 1611(a), 1612, 1616, 1617, 1704(l), and 1704(m) of the Small Business Job Protection Act, Public Law 104-188, the provisions of Public Law 104-117, the provisions of sections 313(a) and (b)(1), 602(a), 913(b), 941, 961, 971, 1001(a) and (b), 1002, 1003, 1012, 1013, 1014, 1061, 1062, 1081, 1084(b), 1086, 1087, 1111(a), 1131(b) and (c), 1211(b), 1213, 1530(c)(2), 1601(f)(5) and (h), and 1604(d)(1) of the Taxpayer Relief Act of 1997, Public Law 105-34, the provisions of section 6010 of the Internal Revenue Service Restructuring and Reform Act of 1998, Public Law 105-206, the provisions of section 4003 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Public Law 105-277, and the provisions of section 318 of the Consolidated Appropriation Act of 2001, Public Law 106-554, shall become effective at the time they become effective for federal purposes.~~

~~The Internal Revenue Code of 1986, as amended through December 31, 1996~~ November 15, 2003, shall be in effect for taxable years beginning after December 31, 1996.

~~The provisions of sections 202(a) and (b), 221(a), 225, 312, 313, 913(a), 934, 962, 1004, 1005, 1052, 1063, 1084(a) and (c), 1089, 1112, 1171, 1204, 1271(a) and (b), 1305(a), 1306, 1307, 1308, 1309, 1501(b), 1502(b), 1504(a), 1505, 1527, 1528, 1530, 1601(d), (e), (f), and (i) and 1602(a), (b), (c), and (e) of the Taxpayer Relief Act of 1997, Public Law 105-34, the provisions of sections 6004, 6005, 6012, 6013, 6015, 6016, 7002, and 7003 of the Internal Revenue Service Restructuring and Reform Act of 1998, Public Law 105-206, the provisions of section 3001 of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Public Law 105-277, the provisions of section 3001 of the Miscellaneous Trade and Technical Corrections Act of 1999, Public Law 106-36, and the provisions of section 316 of the Consolidated Appropriation Act of 2001, Public Law 106-554, shall become effective at the time they become effective for federal purposes.~~

~~The Internal Revenue Code of 1986, as amended through December 31, 1997, shall be in effect for taxable years beginning after December 31, 1997.~~

~~The provisions of sections 5002, 6009, 6011, and 7001 of the Internal Revenue Service Restructuring and Reform Act of 1998, Public Law 105-206, the provisions of section 9010 of the Transportation Equity Act for the 21st Century, Public Law 105-178, the provisions of sections 1004, 4002, and 5301 of the Omnibus Consolidation and Emergency Supplemental Appropriations Act, 1999, Public Law 105-277, the provision of section 303 of the Ricky Ray Hemophilia Relief Fund Act of 1998, Public Law 105-369, the provisions of sections 532, 534, 536, 537, and 538 of the Ticket to Work and Work Incentives Improvement Act of 1999, Public Law 106-170, the provisions of the Installment Tax Correction Act of 2000, Public Law 106-573, and the provisions of section 309 of the Consolidated Appropriation Act of 2001, Public Law 106-554, shall become effective at the time they become effective for federal purposes.~~

~~The Internal Revenue Code of 1986, as amended through December 31, 1998, shall be in effect for taxable years beginning after December 31, 1998.~~

~~The provisions of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, Public~~

~~Law 106-519, and the provision of section 412 of the Job Creation and Worker Assistance Act of 2002, Public Law 107-147, shall become effective at the time it became effective for federal purposes.~~

~~The Internal Revenue Code of 1986, as amended through December 31, 1999, shall be in effect for taxable years beginning after December 31, 1999. The provisions of sections 306 and 401 of the Consolidated Appropriation Act of 2001, Public Law 106-554, and the provision of section 632(b)(2)(A) of the Economic Growth and Tax Relief Reconciliation Act of 2001, Public Law 107-16, and provisions of sections 101 and 402 of the Job Creation and Worker Assistance Act of 2002, Public Law 107-147, shall become effective at the same time it became effective for federal purposes.~~

~~The Internal Revenue Code of 1986, as amended through December 31, 2000, shall be in effect for taxable years beginning after December 31, 2000. The provisions of sections 659a and 671 of the Economic Growth and Tax Relief Reconciliation Act of 2001, Public Law 107-16, the provisions of sections 104, 105, and 111 of the Victims of Terrorism Tax Relief Act of 2001, Public Law 107-134, and the provisions of sections 201, 403, 413, and 606 of the Job Creation and Worker Assistance Act of 2002, Public Law 107-147, shall become effective at the same time it became effective for federal purposes.~~

~~The Internal Revenue Code of 1986, as amended through March 15, 2002, shall be in effect for taxable years beginning after December 31, 2001.~~

~~The provisions of sections 101 and 102 of the Victims of Terrorism Tax Relief Act of 2001, Public Law 107-134, shall become effective at the same time it becomes effective for federal purposes.~~

~~The Internal Revenue Code of 1986, as amended through June 15, 2003, shall be in effect for taxable years beginning after December 31, 2002. The provisions of section 201 of the Jobs and Growth Tax Relief and Reconciliation Act of 2003, H.R. 2, if it is enacted into law, are effective at the same time it became effective for federal purposes.~~

~~Except as otherwise provided, references to the Internal Revenue Code in subdivisions 19a 19 to 19g 19f mean the code in effect for purposes of determining net income for the applicable year.~~

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

Sec. 3. Minnesota Statutes 2004, section 290.01, subdivision 19b, is amended to read:

Subd. 19b. [SUBTRACTIONS FROM FEDERAL TAXABLE INCOME.] For individuals, estates, and trusts, there shall be subtracted from federal taxable income:

(1) interest income on obligations of any authority, commission, or instrumentality of the United States to the extent includable in taxable income for federal income tax purposes but exempt from state income tax under the laws of the United States;

(2) if included in federal taxable income, the amount of any overpayment of income tax to Minnesota or to any other state, for any previous taxable year, whether the amount is received as a refund or as a credit to another taxable year's income tax liability;

(3) the amount paid to others, less the amount used to claim the credit allowed under section 290.0674, not to exceed \$1,625 for each qualifying child in grades kindergarten to 6 and \$2,500 for each qualifying child in grades 7 to 12, for tuition, textbooks, and transportation of each qualifying child in attending an elementary or secondary school situated in Minnesota, North Dakota, South Dakota, Iowa, or Wisconsin, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, which is not operated for profit, and which adheres to the provisions of the Civil Rights Act of 1964 and chapter 363A. For the purposes of this clause, "tuition" includes fees or tuition as defined in section 290.0674, subdivision 1, clause (1). As used in this clause, "textbooks" includes books and other instructional materials and equipment purchased or leased for use in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state. Equipment

expenses qualifying for deduction includes expenses as defined and limited in section 290.0674, subdivision 1, clause (3). "Textbooks" does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to instill such tenets, doctrines, or worship, nor does it include books or materials for, or transportation to, extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or similar programs. For purposes of the subtraction provided by this clause, "qualifying child" has the meaning given in section 32(c)(3) of the Internal Revenue Code;

(4) income as provided under section 290.0802;

(5) to the extent included in federal adjusted gross income, income realized on disposition of property exempt from tax under section 290.491;

(6) to the extent included in federal taxable income, postservice benefits for youth community service under section 124D.42 for volunteer service under United States Code, title 42, sections 12601 to 12604;

(7) to the extent not deducted in determining federal taxable income by an individual who does not itemize deductions for federal income tax purposes for the taxable year, an amount equal to 50 percent of the excess of charitable contributions allowable as a deduction for the taxable year under section 170(a) of the Internal Revenue Code over \$500;

(8) for taxable years beginning before January 1, 2008, the amount of the federal small ethanol producer credit allowed under section 40(a)(3) of the Internal Revenue Code which is included in gross income under section 87 of the Internal Revenue Code;

(9) for individuals who are allowed a federal foreign tax credit for taxes that do not qualify for a credit under section 290.06, subdivision 22, an amount equal to the carryover of subnational foreign taxes for the taxable year, but not to exceed the total subnational foreign taxes reported in claiming the foreign tax credit. For purposes of this clause, "federal foreign tax credit" means the credit allowed under section 27 of the Internal Revenue Code, and "carryover of subnational foreign taxes" equals the carryover allowed under section 904(c) of the Internal Revenue Code minus national level foreign taxes to the extent they exceed the federal foreign tax credit;

(10) in each of the five tax years immediately following the tax year in which an addition is required under subdivision 19a, clause (7), an amount equal to one-fifth of the delayed depreciation. For purposes of this clause, "delayed depreciation" means the amount of the addition made by the taxpayer under subdivision 19a, clause (7), minus the positive value of any net operating loss under section 172 of the Internal Revenue Code generated for the tax year of the addition. The resulting delayed depreciation cannot be less than zero; and

(11) job opportunity building zone income as provided under section 469.316; and

(12) to the extent included in federal taxable income, compensation paid to a service member as defined in United States Code, title 10, section 101(a)(5), for military service as defined in the Service Members Civil Relief Act, Public Law 108-189, section 101(2), and compensation paid for state active service as defined in section 190.05, subdivision 5a, clauses (1) and (3), or federally funded state active service as defined in section 190.05, subdivision 5b. This subtraction does not apply to "retirement income" as defined in section 290.17, subdivision 2, paragraph (a), clause (3).

[EFFECTIVE DATE.] This section is effective for tax years beginning after December 31, 2004.

Sec. 4. Minnesota Statutes 2004, section 290.01, subdivision 31, is amended to read:

Subd. 31. **[INTERNAL REVENUE CODE.]** Unless specifically defined otherwise, "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through ~~June~~ November 15, 2003.

[EFFECTIVE DATE.] This section is effective the day following final enactment, except the

changes incorporated by federal changes are effective at the same times as the changes were effective for federal purposes.

Sec. 5. Minnesota Statutes 2004, section 290.06, subdivision 2c, is amended to read:

Subd. 2c. [SCHEDULES OF RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS.] (a) The income taxes imposed by this chapter upon married individuals filing joint returns and surviving spouses as defined in section 2(a) of the Internal Revenue Code must be computed by applying to their taxable net income the following schedule of rates:

- (1) On the first \$25,680, 5.35 percent;
- (2) On all over \$25,680, but not over \$102,030, 7.05 percent;
- (3) On all over \$102,030, 7.85 percent.

Married individuals filing separate returns, estates, and trusts must compute their income tax by applying the above rates to their taxable income, except that the income brackets will be one-half of the above amounts.

(b) The income taxes imposed by this chapter upon unmarried individuals must be computed by applying to taxable net income the following schedule of rates:

- (1) On the first \$17,570, 5.35 percent;
- (2) On all over \$17,570, but not over \$57,710, 7.05 percent;
- (3) On all over \$57,710, 7.85 percent.

(c) The income taxes imposed by this chapter upon unmarried individuals qualifying as a head of household as defined in section 2(b) of the Internal Revenue Code must be computed by applying to taxable net income the following schedule of rates:

- (1) On the first \$21,630, 5.35 percent;
- (2) On all over \$21,630, but not over \$86,910, 7.05 percent;
- (3) On all over \$86,910, 7.85 percent.

(d) In lieu of a tax computed according to the rates set forth in this subdivision, the tax of any individual taxpayer whose taxable net income for the taxable year is less than an amount determined by the commissioner must be computed in accordance with tables prepared and issued by the commissioner of revenue based on income brackets of not more than \$100. The amount of tax for each bracket shall be computed at the rates set forth in this subdivision, provided that the commissioner may disregard a fractional part of a dollar unless it amounts to 50 cents or more, in which case it may be increased to \$1.

(e) An individual who is not a Minnesota resident for the entire year must compute the individual's Minnesota income tax as provided in this subdivision. After the application of the nonrefundable credits provided in this chapter, the tax liability must then be multiplied by a fraction in which:

(1) the numerator is the individual's Minnesota source federal adjusted gross income as defined in section 62 of the Internal Revenue Code and increased by the additions required under section 290.01, subdivision 19a, clauses (1), (5), and (6), and reduced by the subtraction under section 290.01, subdivision 19b, clause (11), and the Minnesota assignable portion of the subtraction for United States government interest under section 290.01, subdivision 19b, clause (1), and the subtraction under clause (12), after applying the allocation and assignability provisions of section 290.081, clause (a), or 290.17; and

(2) the denominator is the individual's federal adjusted gross income as defined in section 62 of the Internal Revenue Code of 1986, increased by the amounts specified in section 290.01,

subdivision 19a, clauses (1), (5), and (6), and reduced by the amounts specified in section 290.01, subdivision 19b, clauses (1) ~~and~~, (11), and (12).

[EFFECTIVE DATE.] This section is effective for taxable years beginning after December 31, 2004.

Sec. 6. Minnesota Statutes 2004, section 290.091, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For purposes of the tax imposed by this section, the following terms have the meanings given:

(a) "Alternative minimum taxable income" means the sum of the following for the taxable year:

(1) the taxpayer's federal alternative minimum taxable income as defined in section 55(b)(2) of the Internal Revenue Code;

(2) the taxpayer's itemized deductions allowed in computing federal alternative minimum taxable income, but excluding:

(i) the charitable contribution deduction under section 170 of the Internal Revenue Code to the extent that the deduction exceeds 1.0 percent of adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) the medical expense deduction;

(iii) the casualty, theft, and disaster loss deduction; and

(iv) the impairment-related work expenses of a disabled person;

(3) for depletion allowances computed under section 613A(c) of the Internal Revenue Code, with respect to each property (as defined in section 614 of the Internal Revenue Code), to the extent not included in federal alternative minimum taxable income, the excess of the deduction for depletion allowable under section 611 of the Internal Revenue Code for the taxable year over the adjusted basis of the property at the end of the taxable year (determined without regard to the depletion deduction for the taxable year);

(4) to the extent not included in federal alternative minimum taxable income, the amount of the tax preference for intangible drilling cost under section 57(a)(2) of the Internal Revenue Code determined without regard to subparagraph (E);

(5) to the extent not included in federal alternative minimum taxable income, the amount of interest income as provided by section 290.01, subdivision 19a, clause (1); and

(6) the amount of addition required by section 290.01, subdivision 19a, clause (7);

less the sum of the amounts determined under the following:

(1) interest income as defined in section 290.01, subdivision 19b, clause (1);

(2) an overpayment of state income tax as provided by section 290.01, subdivision 19b, clause (2), to the extent included in federal alternative minimum taxable income;

(3) the amount of investment interest paid or accrued within the taxable year on indebtedness to the extent that the amount does not exceed net investment income, as defined in section 163(d)(4) of the Internal Revenue Code. Interest does not include amounts deducted in computing federal adjusted gross income; and

(4) amounts subtracted from federal taxable income as provided by section 290.01, subdivision 19b, clauses (10) ~~and~~, (11), and (12).

In the case of an estate or trust, alternative minimum taxable income must be computed as provided in section 59(c) of the Internal Revenue Code.

(b) "Investment interest" means investment interest as defined in section 163(d)(3) of the Internal Revenue Code.

(c) "Tentative minimum tax" equals 6.4 percent of alternative minimum taxable income after subtracting the exemption amount determined under subdivision 3.

(d) "Regular tax" means the tax that would be imposed under this chapter (without regard to this section and section 290.032), reduced by the sum of the nonrefundable credits allowed under this chapter.

(e) "Net minimum tax" means the minimum tax imposed by this section.

[EFFECTIVE DATE.] This section is effective for tax years beginning after December 31, 2004.

Sec. 7. Minnesota Statutes 2004, section 290A.03, subdivision 15, is amended to read:

Subd. 15. [INTERNAL REVENUE CODE.] "Internal Revenue Code" means the Internal Revenue Code of 1986, as amended through ~~June~~ November 15, 2003.

[EFFECTIVE DATE.] This section is effective for property tax refunds based on property taxes payable on or after December 31, 2004, and rent paid on or after December 31, 2003."

Amend the title as follows:

Page 1, line 9, after "sections" insert "289A.02, subdivision 7;" and delete "7,"

Page 1, line 10, after "19b" insert ", 31" and after "2c;" insert "290.091, subdivision 2; 290A.03, subdivision 15;"

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

Senator Vickerman from the Committee on Agriculture, Veterans and Gaming, to which was referred

S.F. No. 616: A bill for an act relating to the military; extending the time period for adjutant general of the Minnesota National Guard to make tuition reimbursement grants to members who have served in active military service; amending Minnesota Statutes 2004, section 192.501, subdivision 2.

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 2004, section 192.501, subdivision 2, is amended to read:

Subd. 2. [TUITION AND TEXTBOOK REIMBURSEMENT GRANT PROGRAM.] (a) The adjutant general shall establish a program to provide tuition and textbook reimbursement grants to eligible members of the Minnesota National Guard within the limitations of this subdivision.

(b) Eligibility is limited to a member of the National Guard who:

(1) is serving satisfactorily as defined by the adjutant general;

(2) is attending a postsecondary educational institution, as defined by section 136A.15, subdivision 6, including a vocational or technical school operated or regulated by this state or another state or province; and

(3) provides proof of satisfactory completion of coursework, as defined by the adjutant general.

~~In addition,~~ (c) Notwithstanding paragraph (b), clause (1), for a person who:

(1) has satisfactorily completed the person's service contract in the Minnesota National Guard or the portion of it involving selective reserve status, for which any part of that service was spent serving honorably in federal active service or federally funded state active service since September 11, 2001, the person's eligibility is extended for a period of two years, plus an amount of time equal to the duration of that person's active service, subject to the credit hours limit in paragraph (g); or

(2) has served honorably in the Minnesota National Guard and has been separated or discharged from that organization due to a service-connected injury, disease, or disability, the eligibility period is extended for eight years beyond the date of separation, subject to the credit hours limit in paragraph (g).

(d) If a member of the Minnesota National Guard is killed in the line of state active service or federally funded state active service, as defined in section 190.05, subdivisions 5a and 5b, the member's surviving spouse, and any surviving dependent who has not yet reached 24 years of age, is eligible for a tuition and textbook reimbursement grant, with each eligible person independently subject to the credit hours limit in paragraph (g).

(e) The adjutant general may, within the limitations of this paragraph paragraphs (b) to (d) and other applicable laws, determine additional eligibility criteria for the grant, and must specify the criteria in department regulations and publish changes as necessary.

(e) (f) The amount of a tuition and textbook reimbursement grant must be specified on a schedule as determined and published in department regulations by the adjutant general, but is limited to a maximum of an amount equal to the greater of:

(1) up to 100 percent of the cost of tuition for lower division programs in the College of Liberal Arts at the Twin Cities campus of the University of Minnesota in the most recent academic year; or

(2) up to 100 percent of the cost of tuition for the program in which the person is enrolled at that Minnesota public institution, or if that public institution is outside the state of Minnesota, for the cost of a comparable program at the University of Minnesota, except that in the case of a survivor as defined in paragraph (b), the amount of the tuition and textbook reimbursement grant for coursework satisfactorily completed by the person is limited to 100 percent of the cost of tuition for postsecondary courses at a Minnesota public educational institution.

Paragraph (g) Paragraphs (b) to (e) notwithstanding, a person is no longer eligible for a grant under this subdivision once the person has received grants under this subdivision for the equivalent of 208 quarter credits or 144 semester credits of coursework.

(d) (h) Tuition and textbook reimbursement grants received under this subdivision may not be considered by the Minnesota Higher Education Services Office or by any other state board, commission, or entity in determining a person's eligibility for a scholarship or grant-in-aid under sections 136A.095 to 136A.1311.

(e) (i) If a member fails to complete a term of enlistment during which a tuition and textbook reimbursement grant was paid, the adjutant general may seek to recoup a prorated amount as determined by the adjutant general. However, this authority does not apply to a person whose separation from the National Guard is due to a medical condition or financial hardship.

(j) For purposes of this section, the terms "active service," "state active service," "federally funded state active service," and "federal active service" have the meanings given in section 190.05, subdivisions 5 to 5c, respectively, except that for purposes of paragraph (c), clause (1), these terms exclude service performed exclusively for purposes of:

(1) basic combat training, advanced individual training, annual training, and periodic inactive duty training;

(2) special training periodically made available to reserve members;

(3) service performed in accordance with section 190.08, subdivision 3; and

(4) service performed as part of the active guard/reserve program pursuant to United States Code, title 32, section 502(f), or other applicable authority.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies to persons who have served in the Minnesota National Guard at any time since September 11, 2001, and if the person has died in the line of service, to the person's surviving spouse and dependent as well."

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

Senator Higgins from the Committee on State and Local Government Operations, to which was referred

S.F. No. 547: A bill for an act relating to state employment; ratifying certain labor agreements, arbitration awards, compensation plans, and salary increases.

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

Senator Higgins from the Committee on State and Local Government Operations, to which was re-referred

S.F. No. 773: A bill for an act relating to animal health; providing for regulation of certain cervidae by the Board of Animal Health; amending Minnesota Statutes 2004, sections 17.452, by adding a subdivision; 35.155; proposing coding for new law in Minnesota Statutes, chapter 35; repealing Minnesota Statutes 2004, sections 17.451; 17.452, subdivisions 6, 6a, 7, 10, 11, 12, 13, 13a, 14, 15, 16.

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

Senator Higgins from the Committee on State and Local Government Operations, to which was referred

S.F. No. 1071: A bill for an act relating to the Metropolitan Council; requiring the Metropolitan Council to carry out metropolitan area water supply planning activities; establishing an advisory committee to assist the council in carrying out the planning activities; abolishing the housing bond credit enhancement program; providing for continued debt reserve and levy authority for bonds issued under the program before its abolishment; providing for the use of available funds from the abolished housing bond credit enhancement program for the council's metropolitan area water supply planning activities; amending Minnesota Statutes 2004, section 473.197, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 2004, sections 473.156; 473.197, subdivisions 1, 2, 3, 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 Higgins from the Committee on State and Local Government Operations, to which was referred

S.F. No. 1248: A bill for an act relating to state government; appropriating money for environmental, natural resources, agricultural, and economic development purposes; establishing and modifying certain programs; reorganizing environmental agencies; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2004, sections 15.01; 16A.125, subdivision 5; 17.03, subdivision 13; 17.117, by adding a subdivision; 18B.08, subdivision 4; 18B.26, subdivision 3; 18B.31, subdivision 5;

18B.315, subdivision 6; 18B.32, subdivision 6; 18B.33, subdivision 7; 18B.34, subdivision 5; 18C.141, subdivisions 1, 3, 5; 18C.425, subdivision 6; 18E.03, subdivision 2; 18G.10, subdivisions 5, 7; 18H.07, subdivisions 1, 2, 3; 19.64, subdivision 1; 25.341, subdivision 2; 25.39, subdivisions 1, 4; 60A.14, subdivision 1; 60K.55, subdivision 2; 72B.04, subdivision 10; 82B.09, subdivision 1; 84.631; 85.052, subdivision 4; 85.055, subdivision 2, by adding a subdivision; 85.42; 89.039, subdivision 1; 89.37, by adding a subdivision; 93.22, subdivision 1; 97A.071, subdivision 2; 97A.075; 103G.271, subdivision 6; 103G.301, subdivision 2; 103I.681, subdivision 11; 115A.06, subdivision 5; 115A.07, subdivision 1; 115A.15, subdivision 7; 115A.38, subdivision 1; 116.03, subdivision 1; 116.07, subdivision 4b; 116C.779, subdivision 2; 116J.551, subdivision 1; 116J.63, subdivision 2; 116J.8731, subdivision 5; 168.1296, subdivision 1; 183.41, by adding a subdivision; 183.411, subdivisions 2a, 3; 183.42; 183.44, subdivision 1; 183.51, subdivision 2, by adding a subdivision; 183.545; 183.57; 216C.41, subdivisions 2, 5, 5a; 223.17, subdivision 3; 231.16; 232.22, subdivision 3; 236.02, subdivision 4; 282.09, by adding a subdivision; 297H.13, subdivision 2; 326.975, subdivision 1; 345.47, subdivisions 3, 3a; 373.40, subdivisions 1, 3; 462A.05, subdivision 3a; 462A.33, subdivision 2; 473.846; 517.08, subdivisions 1b, 1c; proposing coding for new law in Minnesota Statutes, chapters 25; 45; 84; 92; 93; 116; 477A; repealing Minnesota Statutes 2004, sections 18B.065, subdivision 5; 19.64, subdivision 4a; 45.0295; 84.901; 115A.03, subdivisions 8a, 22a; 115A.055, subdivision 1; 115A.158, subdivision 3; 115D.03, subdivision 4; 116.02, subdivision 5; 116.04; 116J.58, subdivision 3; 462C.15; 473.801, subdivision 6.

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

Pages 51 to 56, delete article 3

Page 56, line 19, delete "4" and insert "3"

Amend the title as follows:

Page 1, line 5, delete "reorganizing environmental"

Page 1, line 6, delete "agencies;"

Page 1, line 9, delete "15.01;"

Page 1, line 25, delete "115A.06, subdivision 5;"

Page 1, delete lines 26 and 27

Page 1, line 28, delete "subdivision 4b;"

Page 1, line 36, delete "297H.13, subdivision 2;"

Page 1, line 39, delete "473.846;"

Page 1, line 41, delete "116;"

Page 1, delete lines 44 and 45

Page 1, line 46, delete "116.02, subdivision 5; 116.04;"

Page 2, line 1, delete "; 473.801, subdivision 6"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1017, 1294, 1293, 729, 880, 692 and 773 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Wiger moved that the name of Senator Wergin be added as a co-author to S.F. No. 681. The motion prevailed.

Senator Gaither moved that the name of Senator Belanger be added as a co-author to S.F. No. 838. The motion prevailed.

Senator Lourey moved that the name of Senator Sparks be added as a co-author to S.F. No. 984. The motion prevailed.

Senator Wergin moved that the names of Senators Johnson, D.J. and Jungbauer be added as co-authors to S.F. No. 1215. The motion prevailed.

Senator Tomassoni moved that the name of Senator Bakk be added as a co-author to S.F. No. 1486. The motion prevailed.

Senator Murphy moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Chaudhary be shown as chief author to S.F. No. 1510. The motion prevailed.

Senator Rest moved that the name of Senator Moua be added as a co-author to S.F. No. 1597. The motion prevailed.

Senator Langseth moved that S.F. No. 955 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Taxes. The motion prevailed.

Senator Sams moved that the name of Senator Stumpf be added as a co-author to S.F. No. 586. The motion prevailed.

Senator Wergin moved that S.F. No. 1179 be withdrawn from the Committee on Finance and re-referred to the Committee on Jobs, Energy and Community Development. The motion prevailed.

Pursuant to Rule 5.1, Senator Frederickson, chief author, moved that S.F. No. 935 be withdrawn from the Committee on Crime Prevention and Public Safety, given a second reading, and placed on General Orders. The motion prevailed.

S.F. No. 935 was read the second time.

Senator Pogemiller, for the Committee on Taxes, introduced--

Senate Concurrent Resolution No. 5: A Senate concurrent resolution relating to adoption of revenue targets under Minnesota Statutes 2004, section 16A.102, subdivision 2.

BE IT RESOLVED, by the Senate, the House of Representatives concurring, that the following revenue targets be adopted under the requirements of Minnesota Statutes 2004, section 16A.102:

	Fiscal Years 2006 and 2007	Fiscal Years 2008 and 2009
(1) the maximum share of personal income to be collected in taxes and other revenues	16 percent	16 percent
(2) the division of the share between		
state services	63 percent	63 percent
local services	37 percent	37 percent

(3) the appropriate mix of rates

This resolution assumes a reduction in the local share of taxes.

Senator Pogemiller 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 37 and nays 29, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Kubly	Pogemiller	Sparks
Bakk	Foley	Langseth	Ranum	Stumpf
Belanger	Frederickson	Lourey	Rest	Tomassoni
Berglin	Higgins	Marko	Sams	Vickerman
Betzold	Hottinger	Metzen	Saxhaug	Wiger
Chaudhary	Johnson, D.E.	Moua	Skoe	
Cohen	Kelley	Murphy	Skoglund	
Dibble	Kiscaden	Pappas	Solon	

Those who voted in the negative were:

Bachmann	Johnson, D.J.	LeClair	Nienow	Rosen
Day	Jungbauer	Limmer	Olson	Ruud
Fischbach	Kierlin	Marty	Ortman	Scheid
Gaither	Kleis	McGinn	Pariseau	Senjem
Gerlach	Koering	Michel	Reiter	Wergin
Hann	Larson	Neuville	Robling	

The motion prevailed. So the resolution was adopted.

SPECIAL ORDERS

Pursuant to Rule 26, Senator Rest, designee of the Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately:

S.F. Nos. 298, 370, 451, 453 and 186.

SPECIAL ORDER

S.F. No. 298: A bill for an act relating to motor vehicles; requiring motor vehicle drivers to restrain child passengers under nine years of age with appropriate child restraint system; requiring commissioner of public safety to conduct awareness campaign; amending Minnesota Statutes 2004, sections 169.685, subdivision 5; 169.686, subdivision 1.

Senator Robling moved to amend S.F. No. 298 as follows:

Page 3, after line 26, insert:

"Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 2006. Section 3 is effective August 1, 2005."

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

Senator McGinn moved that S.F. No. 298 be laid on the table. The motion prevailed.

SPECIAL ORDER

S.F. No. 370: A bill for an act relating to elections; increasing news media access to polling places; amending Minnesota Statutes 2004, section 204C.06, subdivision 8.

Senator Frederickson moved to amend S.F. No. 370 as follows:

Page 1, line 12, after "hours" insert "only"

Page 1, line 16, delete "acknowledgment" and insert "statement"

Page 1, line 17, delete "of" and insert "attesting to"

The motion prevailed. So the amendment was adopted.

S.F. No. 370 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 56 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Hann	Lourey	Pappas	Skoglund
Bakk	Higgins	Marko	Pariseau	Solon
Berglin	Hottinger	Marty	Pogemiller	Sparks
Betzold	Johnson, D.E.	McGinn	Ranum	Stumpf
Chaudhary	Jungbauer	Metzen	Rest	Tomassoni
Cohen	Kelley	Michel	Robling	Vickerman
Day	Kierlin	Moua	Rosen	Wergin
Dibble	Kiscaden	Murphy	Sams	Wiger
Foley	Kleis	Neuville	Saxhaug	
Frederickson	Koering	Nienow	Scheid	
Gaither	Kubly	Olson	Senjem	
Gerlach	Larson	Ortman	Skoe	

Those who voted in the negative were:

Bachmann	Fischbach	LeClair	Reiter	Ruud
Belanger	Johnson, D.J.	Limmer		

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

SPECIAL ORDER

S.F. No. 451: A bill for an act relating to Anoka County; proposing coding of certain laws relating to Anoka County; repealing Laws 1959, chapters 199, as amended, 325; Laws 1961, chapters 366, 627; Laws 1963, chapters 37, 78, 161, section 3; Laws 1965, chapter 462; Laws 1967, chapters 237, 344; Laws 1971, chapter 4.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Gerlach	Kelley	LeClair
Bachmann	Day	Hann	Kierlin	Limmer
Bakk	Dibble	Higgins	Kiscaden	Lourey
Belanger	Fischbach	Hottinger	Kleis	Marko
Berglin	Foley	Johnson, D.E.	Koering	Marty
Betzold	Frederickson	Johnson, D.J.	Kubly	McGinn
Chaudhary	Gaither	Jungbauer	Larson	Metzen

Michel	Ortman	Rest	Scheid	Stumpf
Moua	Pappas	Robling	Senjem	Tomassoni
Murphy	Pariseau	Rosen	Skoe	Vickerman
Neuville	Pogemiller	Ruud	Skoglund	Wergin
Nienow	Ranum	Sams	Solon	Wiger
Olson	Reiter	Saxhaug	Sparks	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 453: A bill for an act relating to auctioneers; modifying auctioneer license numbering requirements for county auditors; amending Minnesota Statutes 2004, sections 330.01, subdivision 1; 330.08.

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Kubly	Nienow	Saxhaug
Bachmann	Gerlach	Larson	Olson	Scheid
Bakk	Hann	LeClair	Ortman	Senjem
Belanger	Higgins	Limmer	Pappas	Skoe
Berglin	Hottinger	Lourey	Pariseau	Skoglund
Betzold	Johnson, D.E.	Marko	Pogemiller	Solon
Chaudhary	Johnson, D.J.	Marty	Ranum	Sparks
Cohen	Jungbauer	McGinn	Reiter	Stumpf
Day	Kelley	Metzen	Rest	Tomassoni
Dibble	Kierlin	Michel	Robling	Vickerman
Fischbach	Kiscaden	Moua	Rosen	Wergin
Foley	Kleis	Murphy	Ruud	Wiger
Frederickson	Koering	Neuville	Sams	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 186: A bill for an act relating to economic development; providing a bidding exception for certain federally subsidized transit facilities; amending Minnesota Statutes 2004, section 469.015, subdivision 4.

Senator Reiter moved to amend S.F. No. 186 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [MINNEAPOLIS NORTH TERMINAL PROJECT.]

The city of Minneapolis may, with respect to a project known as the Nicollet Hotel Block North Terminal development, carry out the project without complying with the competitive bid requirements of Minnesota Statutes, section 469.015, 471.345, or any other law or city charter provision to the contrary, if the project:

(1) results in the construction of a facility built for the purpose of facilitating the operation of public transit or encouraging its use;

(2) is constructed in conjunction with, and directly above or below, a "development" within the meaning of Minnesota Statutes, sections 469.001 to 469.047; and

(3) is financed with the proceeds of tax increment or parking ramp general obligation or

revenue bonds or with at least 60 percent of the construction cost being financed with funding provided by the federal government.

Sec. 2. [EFFECTIVE DATE.]

Under Minnesota Statutes, section 645.023, subdivision 1, paragraph (a), section 1 is effective without local approval the day following final enactment. The authority granted to the city of Minneapolis by section 1 expires on August 1, 2009."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 38, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	LeClair	Nienow	Robling
Day	Johnson, D.J.	Limmer	Olson	Rosen
Fischbach	Kierlin	McGinn	Ortman	Ruud
Gaither	Kleis	Michel	Pariseau	Scheid
Gerlach	Larson	Neuville	Reiter	Wergin

Those who voted in the negative were:

Anderson	Foley	Kubly	Pogemiller	Solon
Bakk	Frederickson	Lourey	Ranum	Sparks
Belanger	Higgins	Marko	Rest	Stumpf
Berglin	Hottinger	Marty	Sams	Tomassoni
Betzold	Johnson, D.E.	Metzen	Saxhaug	Vickerman
Chaudhary	Kelley	Moua	Senjem	Wiger
Cohen	Kiscaden	Murphy	Skoe	
Dibble	Koering	Pappas	Skoglund	

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

S.F. No. 186 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 59 and nays 5, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Kubly	Nienow	Scheid
Bakk	Gerlach	Langseth	Olson	Senjem
Belanger	Hann	Larson	Ortman	Skoe
Berglin	Higgins	Lourey	Pappas	Skoglund
Betzold	Hottinger	Marko	Pariseau	Solon
Chaudhary	Johnson, D.E.	Marty	Pogemiller	Sparks
Cohen	Johnson, D.J.	McGinn	Ranum	Stumpf
Day	Kelley	Metzen	Rest	Tomassoni
Dibble	Kierlin	Michel	Robling	Vickerman
Fischbach	Kiscaden	Moua	Rosen	Wergin
Foley	Kleis	Murphy	Sams	Wiger
Frederickson	Koering	Neuville	Saxhaug	

Those who voted in the negative were:

Bachmann	LeClair	Limmer	Reiter	Ruud
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So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator McGinn moved that S.F. No. 298 be taken from the table. The motion prevailed.

S.F. No. 298: A bill for an act relating to motor vehicles; requiring motor vehicle drivers to restrain child passengers under nine years of age with appropriate child restraint system; requiring commissioner of public safety to conduct awareness campaign; amending Minnesota Statutes 2004, sections 169.685, subdivision 5; 169.686, subdivision 1.

Senator Berglin moved to amend S.F. No. 298 as follows:

Page 2, line 29, strike "a special account to be known as"

Page 2, after line 30, insert:

"When issuing a citation for violation of this section, an officer shall provide to the vehicle operator written information identifying a source of no-cost child restraint equipment for individuals in financial need, if the vehicle does not contain child-restraint equipment."

Page 3, line 26, before the period, insert "and to inform individuals in financial need how to obtain child restraint systems at no cost"

The motion prevailed. So the amendment was adopted.

S.F. No. 298 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 44 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kubly	Murphy	Scheid
Bachmann	Hann	Langseth	Olson	Senjem
Belanger	Higgins	Larson	Pappas	Skoglund
Berglin	Hottinger	Lourey	Pogemiller	Solon
Betzold	Johnson, D.E.	Marty	Ranum	Stumpf
Chaudhary	Kelley	McGinn	Rest	Vickerman
Cohen	Kierlin	Metzen	Robling	Wergin
Dibble	Kiscaden	Michel	Rosen	Wiger
Foley	Kleis	Moua	Saxhaug	

Those who voted in the negative were:

Bakk	Johnson, D.J.	Neuville	Reiter	Sparks
Fischbach	Koering	Nienow	Ruud	Tomassoni
Gaither	LeClair	Ortman	Sams	
Gerlach	Limmer	Pariseau	Skoe	

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Skoglund and Neuville introduced--

S.F. No. 1608: A bill for an act relating to crime prevention; imposing lifetime conditional release on sex offenders who fail to register as predatory offenders; amending Minnesota Statutes 2004, section 243.166, by adding a subdivision.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Day, Metzen, Scheid, Robling and Sparks introduced--

S.F. No. 1609: A bill for an act relating to gambling; providing for lottery gaming machines; authorizing the director of the State Lottery to contract for placement of gaming machines;

establishing horse racing purse payments; imposing a tax on gaming machine and card club revenue; providing powers and duties to the director; authorizing blackjack and other card games; amending Minnesota Statutes 2004, sections 240.13, by adding a subdivision; 240.15, subdivision 1; 240.30, subdivision 8; 240.35, subdivision 1; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.10, subdivision 3; 349A.13; 541.20; 541.21; 609.75, subdivision 3; 609.761, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 297A; 349A.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senators Langseth, Metzen, Scheid, Sparks and Senjem introduced--

S.F. No. 1610: A bill for an act relating to gambling; providing for lottery gaming machines; authorizing the director of the State Lottery to contract for placement of gaming machines; establishing horse racing purse payments; imposing a tax on gaming machine and card club revenue; providing powers and duties to the director; authorizing blackjack and other card games; amending Minnesota Statutes 2004, sections 240.13, by adding a subdivision; 240.15, subdivision 1; 240.30, subdivision 8; 240.35, subdivision 1; 299L.07, subdivisions 2, 2a; 340A.410, subdivision 5; 349A.01, subdivision 10, by adding subdivisions; 349A.10, subdivision 3; 349A.13; 541.20; 541.21; 609.75, subdivision 3; 609.761, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 297A; 349A.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senator Pogemiller introduced--

S.F. No. 1611: A bill for an act relating to summer youth employment; appropriating money for learn to earn.

Referred to the Committee on Finance.

Senators Sparks, Rosen, Gaither, Metzen and Ourada introduced--

S.F. No. 1612: A bill for an act relating to telecommunications; providing for basic services regulation of telephone companies; proposing coding for new law in Minnesota Statutes, chapter 237.

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

Senators Wiger, Stumpf and Skoe introduced--

S.F. No. 1613: A bill for an act relating to education; promoting character development education; amending Minnesota Statutes 2004, sections 120B.23; 121A.03, subdivision 1; 121A.47, subdivision 14; 121A.55; 123A.06, subdivision 1; 126C.44; proposing coding for new law in Minnesota Statutes, chapter 120B.

Referred to the Committee on Education.

Senators Koering and Ruud introduced--

S.F. No. 1614: A bill for an act relating to Baxter; authorizing the city to impose a sales and use tax and issue general obligation bonds.

Referred to the Committee on Taxes.

Senators Higgins, Dibble, Berglin, McGinn and Skoglund introduced--

S.F. No. 1615: A bill for an act relating to public safety; appropriating money for an emergency

grant to the Criminal Gang Strike Force to hire 25 additional peace officers to patrol in North Minneapolis.

Referred to the Committee on Finance.

Senators Moua and Dibble introduced--

S.F. No. 1616: A bill for an act relating to crime prevention; establishing the crimes of official deprivation of civil rights and pattern of official misconduct; prohibiting racial profiling by law enforcement; requiring the collection and analysis of data and the adoption of policies on racial profiling; requiring that certain information be provided to motorists involved in a traffic stop; requiring law enforcement training in eliminating racial profiling; requiring reports; requiring improvement plans; appropriating money; amending Minnesota Statutes 2004, sections 13.871, subdivision 6; 626.9517; proposing coding for new law in Minnesota Statutes, chapters 609; 626; repealing Minnesota Statutes 2004, sections 626.951; 626.9513.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Moua, Ranum, McGinn and Limmer introduced--

S.F. No. 1617: A bill for an act relating to crime victim services; appropriating money.

Referred to the Committee on Finance.

Senators Moua, Anderson and Pappas introduced--

S.F. No. 1618: A bill for an act relating to economic development; providing for the initiation and expansion of health occupation training; appropriating money.

Referred to the Committee on Finance.

Senators Moua and Anderson introduced--

S.F. No. 1619: A bill for an act relating to landlord tenant; requiring expungement of court eviction records after one year; amending Minnesota Statutes 2004, section 504B.241, subdivision 4.

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

Senator Olson introduced--

S.F. No. 1620: A bill for an act relating to human services; allowing the \$20 general income disregard in certain circumstances; amending Minnesota Statutes 2004, section 256B.056, subdivision 1b.

Referred to the Committee on Health and Family Security.

Senators Koering; Lourey; Wergin; Johnson, D.E. and Vickerman introduced--

S.F. No. 1621: A bill for an act relating to the military; providing for rental of certain facilities at Camp Ripley; amending Minnesota Statutes 2004, section 190.16, by adding a subdivision.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senators Koering; Wergin; Johnson, D.E.; Skoe and Hann introduced--

S.F. No. 1622: A bill for an act relating to the military; changing eligibility for certain duties; amending Minnesota Statutes 2004, sections 193.29, subdivision 3; 193.30; 193.31.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senators Ruud, Wergin and Vickerman introduced--

S.F. No. 1623: A bill for an act relating to veterans; authorizing the placement of a plaque in the court of honor on the capitol grounds to honor the veterans of the Persian Gulf War.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senators Hann, Belanger, Vickerman and Dille introduced--

S.F. No. 1624: A bill for an act relating to the military; clarifying statutes pertaining to the accumulation of vacation and sick leave by public officers and employees while on military leave and upon reinstatement in public office or employment; authorizing payment for some or all of the accumulated leave; amending Minnesota Statutes 2004, sections 192.261, subdivision 2; 471.975.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senator Lourey introduced--

S.F. No. 1625: A bill for an act relating to the military; providing for pay and allowances for certain retired national guard personnel who are ordered to active duty; amending Minnesota Statutes 2004, section 192.19.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senator Saxhaug introduced--

S.F. No. 1626: A bill for an act relating to natural resources; providing for establishment and disposition of certain issuing fees and an electronic licensing system commission; creating an account; modifying issuance of snowmobile state trail stickers by agents; appropriating money; amending Minnesota Statutes 2004, sections 84.027, subdivision 15; 84.791, subdivision 2; 84.8205, subdivisions 3, 4, 6; 84.86, subdivision 1; 84.925, subdivision 1; 85.055, subdivision 2; 85.43; 88.6435, subdivision 4; 97A.485, subdivision 7; 97B.015, subdivision 7; 97B.025.

Referred to the Committee on Environment and Natural Resources.

Senator Frederickson introduced--

S.F. No. 1627: A bill for an act relating to economic development; appropriating money for grants to the Minnesota Inventors Congress.

Referred to the Committee on Finance.

Senator Saxhaug introduced--

S.F. No. 1628: A bill for an act relating to natural resources; providing for shoreland management; providing for comprehensive lake management; requiring rulemaking; amending Minnesota Statutes 2004, sections 103F.205, subdivisions 1, 4, by adding a subdivision; 103F.211, subdivision 1, by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 103F.

Referred to the Committee on Environment and Natural Resources.

Senators Dille, Vickerman, Sams, Hann and Wergin introduced--

S.F. No. 1629: A bill for an act relating to agriculture; changing certain loan provisions; establishing a loan program; changing certain livestock zoning regulations; paying for town road

repairs; appropriating money; amending Minnesota Statutes 2004, sections 41B.046, subdivision 5; 41B.049, subdivision 2; 174.52, subdivisions 4, 5; 394.25, subdivision 3c; 462.355, subdivision 4; 462.358, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 41B; repealing Minnesota Statutes 2004, section 41B.046, subdivision 3.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senators Dille, Vickerman, Sams, Hann and Lourey introduced--

S.F. No. 1630: A bill for an act relating to agriculture; creating the Minnesota Livestock Producer Council; proposing coding for new law in Minnesota Statutes, chapter 17.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senators Ranum, Skoglund and Dibble introduced--

S.F. No. 1631: A bill for an act relating to metropolitan government; providing for transition to fiscal year budgets for the Metropolitan Airports Commission and the Metropolitan Council; requiring legislative approval of the commission's and the council's budgets; amending Minnesota Statutes 2004, sections 473.13, subdivision 1; 473.661, subdivision 1.

Referred to the Committee on State and Local Government Operations.

Senators Ranum, Skoglund and Dibble introduced--

S.F. No. 1632: A bill for an act relating to metropolitan government; requiring the Metropolitan Council and the Metropolitan Airports Commission to submit proposed budgets to the legislative committees; amending Minnesota Statutes 2004, sections 473.13, by adding a subdivision; 473.661, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

Senators Bakk and Saxhaug introduced--

S.F. No. 1633: A bill for an act relating to state lands; authorizing public and private sales of certain tax-forfeited lands in St. Louis County.

Referred to the Committee on Environment and Natural Resources.

Senator Ruud introduced--

S.F. No. 1634: A bill for an act relating to taxation; authorizing the town of Sylvan in Cass County to impose a gravel tax under certain circumstances; amending Minnesota Statutes 2004, section 298.75, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Pappas, Stumpf and Anderson introduced--

S.F. No. 1635: A bill for an act relating to education; directing the commissioner of education to seek a waiver from ineffective provisions of the federal No Child Left Behind Act; directing the commissioner of education to report on policies and programs to supplement the positive effects of the act related to improving student achievement, closing the student achievement gap, and establishing school accountability; appropriating money for supplemental educational services.

Referred to the Committee on Education.

Senators Sparks, Metzen, Gaither, Scheid and Michel introduced--

S.F. No. 1636: A bill for an act relating to commerce; regulating the investment authority of, and annual reporting required for, certain financial institutions; removing obsolete references to the credit union advisory task force; regulating residential mortgage originators; providing for insurance license renewals; regulating for the voluntary dissolution of fraternal benefit societies; amending Minnesota Statutes 2004, sections 47.10, subdivision 1; 48.10; 52.062, subdivision 2; 60A.13, subdivision 5; 64B.30, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 58; repealing Minnesota Statutes 2004, sections 52.062, subdivision 3; Minnesota Rules, part 2675.2610, subpart 5.

Referred to the Committee on Commerce.

Senators Sparks, Vickerman, Koering and Murphy introduced--

S.F. No. 1637: A bill for an act relating to agriculture; changing certain limits on agriculture best management practices loans; amending Minnesota Statutes 2004, section 17.117, subdivision 11.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senators Kiscaden, Solon and Lourey introduced--

S.F. No. 1638: A bill for an act relating to health; providing for a statewide plan for improving health; requiring health plans to issue coverage to all applicants and charge community rates; developing a secure benefit set for all health plans; creating an income tax deduction for health coverage premiums; requiring all persons to maintain health coverage; amending laws promoting high-quality health care; providing for public information on health care cost and quality; requiring reports; appropriating money; amending Minnesota Statutes 2004, sections 145A.12, by adding subdivisions; 290.01, subdivision 19b; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Health and Family Security.

Senators Kiscaden, Solon, Lourey, Kelley and Nienow introduced--

S.F. No. 1639: A bill for an act relating to capital investments; establishing an electronic medical record system loan program and fund; authorizing the sale of state revenue bonds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 62J.

Referred to the Committee on Health and Family Security.

Senators Kiscaden and Lourey introduced--

S.F. No. 1640: A bill for an act relating to health; modifying expenditure reporting requirements; establishing a separate reporting procedure for expenditures over \$5,000,000; restricting certain medical referrals; appropriating money; amending Minnesota Statutes 2004, section 62J.17, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 62J.

Referred to the Committee on Health and Family Security.

Senators Kiscaden and Kelley introduced--

S.F. No. 1641: A bill for an act relating to health; modifying best practices guidelines; establishing a quality improvement investment program; appropriating money; amending Minnesota Statutes 2004, section 62J.43.

Referred to the Committee on Health and Family Security.

Senators Bakk and Tomassoni introduced--

S.F. No. 1642: A bill for an act relating to higher education; authorizing transfer of funds from the mineral research account to the University of Minnesota Board of Regents; appropriating money.

Referred to the Committee on Finance.

Senator Bakk introduced--

S.F. No. 1643: A bill for an act relating to taxation; sales and use; exempting certain sales to counties that support certain judicial functions; amending Minnesota Statutes 2004, sections 297A.70, subdivision 3; 297A.71, by adding a subdivision; 297A.75.

Referred to the Committee on Taxes.

Senators Higgins, Dibble, Kleis, Pogemiller and Lourey introduced--

S.F. No. 1644: A bill for an act relating to economic development; appropriating money to fund summer youth employment in North Minneapolis.

Referred to the Committee on Finance.

Senators Nienow, Robling, Neuville, Fischbach and Metzen introduced--

S.F. No. 1645: A bill for an act relating to public safety; changing criminal sentencing for certain controlled substance possessors; authorizing expungement of conviction records for certain controlled substance possessors; adjusting the terms of imprisonment for certain controlled substance offenders; appropriating money; amending Minnesota Statutes 2004, sections 609A.02, by adding a subdivision; 609A.03, subdivision 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 152; 244.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Kelley, Higgins, Scheid, Moua and Kiscaden introduced--

S.F. No. 1646: A bill for an act relating to housing; providing assistance to stabilize housing for children to enhance school attendance and performance; appropriating money; amending Minnesota Statutes 2004, section 462A.204, subdivision 8.

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

Senators Anderson, Rosen, Kelley and Gaither introduced--

S.F. No. 1647: A bill for an act relating to telecommunications; providing for a combined per number fee; amending Minnesota Statutes 2004, section 403.11, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 2004, sections 237.295, subdivisions 1, 2, 3, 4; 237.49; 237.52, subdivisions 2, 3; 237.70, subdivision 6; 403.113, subdivision 1.

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

Senators Solon; Johnson, D.E.; Dille; Ranum and Sparks introduced--

S.F. No. 1648: A resolution memorializing Congress to preserve Social Security.

Referred to the Committee on Rules and Administration.

Senators Bakk, Saxhaug and Murphy introduced--

S.F. No. 1649: A bill for an act relating to railroads; establishing speed limit of 30 miles per hour for trains operated within the city of Orr.

Referred to the Committee on Transportation.

Senator Skoglund introduced--

S.F. No. 1650: A bill for an act relating to crime prevention and public safety; appropriating money for bracelets with tracking devices to monitor sex offenders.

Referred to the Committee on Finance.

Senator Skoglund introduced--

S.F. No. 1651: A bill for an act relating to crimes; prohibiting a caregiver from performing indecent exposure in the presence of a vulnerable adult; imposing criminal penalties; amending Minnesota Statutes 2004, section 617.23, subdivisions 2, 3.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Betzold, Pogemiller, Bakk, Moua and Limmer introduced--

S.F. No. 1652: A bill for an act relating to taxation; providing that certain land that qualifies for inclusion in a soils condition district may be included in a redevelopment tax increment financing district; amending Minnesota Statutes 2004, section 469.174, subdivision 10.

Referred to the Committee on Taxes.

Senator Neuville introduced--

S.F. No. 1653: A bill for an act relating to human services; allowing a licensing change in Scott County to an existing ICF/MR; amending Minnesota Statutes 2004, section 252.28, by adding a subdivision.

Referred to the Committee on Finance.

Senator Larson introduced--

S.F. No. 1654: A bill for an act relating to tax collection; authorizing municipal utilities to collect unpaid debts from state tax refunds; amending Minnesota Statutes 2004, section 270A.03, subdivision 2.

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

Senators Senjem, Ortman and Ranum introduced--

S.F. No. 1655: A bill for an act relating to public safety; appropriating money to the Dodge County drug court.

Referred to the Committee on Finance.

Senator Larson introduced--

S.F. No. 1656: A bill for an act relating to game and fish; authorizing the use of an optical scope for hunting with a muzzleloader; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, section 97B.031, subdivision 5.

Referred to the Committee on Environment and Natural Resources.

Senators Kleis and Wiger introduced--

S.F. No. 1657: A bill for an act relating to public officials; providing for duplicate certificates of election for legislators; providing for filing of certain oaths of office; amending Minnesota Statutes 2004, sections 3.02; 358.11.

Referred to the Committee on Elections.

Senator Skoglund introduced--

S.F. No. 1658: A bill for an act relating to metropolitan government; requiring that meetings and hearings conducted by the Metropolitan Airports Commission not be held within an airport security screening perimeter; amending Minnesota Statutes 2004, sections 473.604, subdivision 5; 473.608, subdivision 18.

Referred to the Committee on State and Local Government Operations.

Senators Pogemiller, Moua, Bakk, Pappas and Belanger introduced--

S.F. No. 1659: A bill for an act relating to taxation; providing an income tax credit for expenditures for historic structure rehabilitation; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

Senators Wiger, Day, Murphy and Dibble introduced--

S.F. No. 1660: A bill for an act relating to transportation; establishing a pilot project to provide transportation opportunities for elderly and disabled people in greater Minnesota where transit is limited or nonexistent; requiring a report; appropriating money.

Referred to the Committee on Transportation.

Senators Sams, Bakk, Ruud, Dibble and Saxhaug introduced--

S.F. No. 1661: A bill for an act relating to economic development; requiring the school year to start after Labor Day; amending Minnesota Statutes 2004, section 120A.40.

Referred to the Committee on Education.

Senators Kleis, Wergin and Fischbach introduced--

S.F. No. 1662: A bill for an act relating to transportation; mandating federal-aid highway money be distributed 62 percent to the Minnesota Department of Transportation and 38 percent combined to counties, cities, and metropolitan planning organizations; proposing coding for new law in Minnesota Statutes, chapter 174.

Referred to the Committee on Transportation.

Senator Skoglund introduced--

S.F. No. 1663: A bill for an act relating to public safety; requiring courts to determine if a person has a criminal history when the person applies for a name change; amending Minnesota Statutes 2004, section 259.11.

Referred to the Committee on Crime Prevention and Public Safety.

Senator Skoglund introduced--

S.F. No. 1664: A bill for an act relating to public safety; providing that release of juvenile data in conjunction with a background check does not constitute release of a juvenile adjudication history; amending Minnesota Statutes 2004, section 299C.095, subdivision 1.

Referred to the Committee on Crime Prevention and Public Safety.

Senator Skoglund introduced--

S.F. No. 1665: A bill for an act relating to public safety; authorizing the court to conduct a search if a person applies for a name change; amending Minnesota Statutes 2004, section 259.11.

Referred to the Committee on Crime Prevention and Public Safety.

Senator Skoglund introduced--

S.F. No. 1666: A bill for an act relating to public safety; authorizing only criminal justice agencies to submit and obtain data from the distinctive physical mark identification system; amending Minnesota Statutes 2004, section 299C.145, subdivision 3.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Dibble, Cohen, Kiscaden and Pappas introduced--

S.F. No. 1667: A bill for an act relating to the state; appointing a poet laureate; appropriating gift or grant money received; proposing coding for new law in Minnesota Statutes, chapter 138.

Referred to the Committee on State and Local Government Operations.

Senator Wiger introduced--

S.F. No. 1668: A bill for an act relating to government data practices; clarifying the term preliminary draft; amending Minnesota Statutes 2004, section 13.605, subdivision 1.

Referred to the Committee on Judiciary.

Senators Ortman, Marty, McGinn, Betzold and Skoglund introduced--

S.F. No. 1669: A bill for an act relating to government data practices; providing for treatment of data held by the comprehensive incident-based reporting system; proposing coding for new law in Minnesota Statutes, chapter 299C.

Referred to the Committee on Judiciary.

Senators Lourey, Vickerman, Skoe, Dille and Ortman introduced--

S.F. No. 1670: A bill for an act relating to taxation; exempting certain vending machine products from sales tax; amending Minnesota Statutes 2004, section 297A.61, subdivision 3.

Referred to the Committee on Taxes.

Senators Moua, Belanger, Limmer, Tomassoni and Bakk introduced--

S.F. No. 1671: A bill for an act relating to taxation; providing a tax credit for qualifying affordable housing contributions; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Senator Dibble, by request, introduced--

S.F. No. 1672: A bill for an act relating to transportation; modifying provisions relating to property transactions of Department of Transportation; changing and removing highway routes; making clarifying changes; amending Minnesota Statutes 2004, sections 13.44, subdivision 3; 117.036; 161.115, subdivision 74; 161.44, by adding a subdivision; 161.442; 515B.1-107; 515B.3-102; 515B.3-112; repealing Minnesota Statutes 2004, section 161.115, subdivisions 155, 199.

Referred to the Committee on Transportation.

Senators Dibble, Anderson and Kubly introduced--

S.F. No. 1673: A bill for an act relating to taxation; providing a subtraction from taxable income for costs incurred for certain purchases of wind-generated electricity; amending Minnesota Statutes 2004, section 290.01, subdivision 19b.

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

Senators Sparks, Metzen, Michel and Scheid introduced--

S.F. No. 1674: A bill for an act relating to insurance; regulating certain rental vehicle coverage; amending Minnesota Statutes 2004, section 65B.49, subdivision 5a.

Referred to the Committee on Commerce.

Senator Pogemiller introduced--

S.F. No. 1675: A bill for an act relating to taxation; recodifying and clarifying the powers of the commissioner of revenue; recodifying a criminal penalty; appropriating money; amending Minnesota Statutes 2004, sections 16D.08, subdivision 2; 115B.49, subdivision 4; 239.785, subdivision 4; 256.9657, subdivision 7; 256.9792, subdivision 8; 273.11, subdivision 5; 287.37; 289A.35; 289A.42, subdivision 1; 289A.60, subdivision 13; 295.57, subdivision 1; 295.60, subdivision 7; 297A.64, subdivision 3; 297B.11; 297H.10, subdivision 1; 297I.10, by adding a subdivision; proposing coding for new law as Minnesota Statutes, chapter 270C; repealing Minnesota Statutes 2004, sections 270.01; 270.02; 270.021; 270.022; 270.04; 270.05; 270.052; 270.058; 270.059; 270.06; 270.0601; 270.0602; 270.0603; 270.0604; 270.0605; 270.061; 270.062; 270.063; 270.064; 270.065; 270.066; 270.0665; 270.067; 270.068; 270.0681; 270.0682; 270.069; 270.07; 270.084; 270.09; 270.10; 270.101; 270.102; 270.11, subdivisions 2, 3, 4, 5, 6, 7; 270.13; 270.14; 270.15; 270.16; 270.17; 270.18; 270.19; 270.20; 270.21; 270.22; 270.23; 270.24; 270.25; 270.26; 270.27; 270.271; 270.272; 270.273; 270.274; 270.275; 270.276; 270.277; 270.278; 270.30; 270.485; 270.494; 270.60; 270.65; 270.652; 270.66; 270.67; 270.68; 270.69; 270.691; 270.70; 270.7001; 270.7002; 270.701; 270.702; 270.703; 270.704; 270.705; 270.706; 270.707; 270.708; 270.709; 270.71; 270.72; 270.721; 270.73; 270.74; 270.75; 270.76; 270.771; 270.78; 270.79; 287.39; 289A.07; 289A.13; 289A.31, subdivisions 3, 4, 6; 289A.36; 289A.37, subdivisions 1, 3, 4, 5; 289A.38, subdivision 13; 289A.43; 289A.65; 290.48, subdivisions 3, 4; 290.92, subdivisions 6b, 22, 23; 290.97; 296A.20; 296A.201; 296A.25; 297A.86; 297A.93; 297D.14; 297E.08; 297E.09; 297E.12, subdivision 10; 297E.15; 297F.15, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 297F.16; 297F.22; 297G.14, subdivisions 1, 2, 3, 4, 5, 6, 7, 8; 297G.15; 297G.21; 297I.45; 297I.50; 297I.55; 297I.95.

Referred to the Committee on Taxes.

Senator Nienow introduced--

S.F. No. 1676: A bill for an act relating to retirement; authorizing purchase of prior service credit in the correctional employees retirement plan of the Minnesota State Retirement System for prior corrections discipline unit supervisor, dental hygienist, and psychologist 2 service at the Minnesota Correctional Facility-Rush City.

Referred to the Committee on State and Local Government Operations.

Senators Nienow and Wergin introduced--

S.F. No. 1677: A bill for an act relating to certain small electric generators; extending net energy billing provisions to electricity generated from livestock manure; amending Minnesota Statutes 2004, section 216B.164, subdivisions 3, 4.

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

Senator Lourey introduced--

S.F. No. 1678: A bill for an act relating to health; requiring the commissioner of veterans affairs to develop and make available educational materials regarding hepatitis C; proposing coding for new law in Minnesota Statutes, chapter 196.

Referred to the Committee on Agriculture, Veterans and Gaming.

Senator Lourey introduced--

S.F. No. 1679: A bill for an act relating to health; designating the month of May 2005 as "Hepatitis C Awareness and Education Month" in the state of Minnesota.

Referred to the Committee on Health and Family Security.

Senator Pogemiller introduced--

S.F. No. 1680: A bill for an act relating to liquor; authorizing the city of Minneapolis to issue an on-sale license; amending Minnesota Statutes 2004, section 340A.404, subdivision 2.

Referred to the Committee on Commerce.

Senators Kubly, Rest, Limmer, Scheid and Sams introduced--

S.F. No. 1681: A bill for an act relating to civil actions; modifying the limitation period for civil actions for personal injury based on sexual abuse; amending Minnesota Statutes 2004, section 541.073.

Referred to the Committee on Judiciary.

Senator Pogemiller introduced--

S.F. No. 1682: A bill for an act relating to retirement; Public Employees Retirement Association; defining covered salary to include certain employer contributions to supplemental retirement plans; amending Minnesota Statutes 2004, sections 353.01, subdivision 10; 356.24, subdivision 1.

Referred to the Committee on State and Local Government Operations.

Senator Pogemiller introduced--

S.F. No. 1683: A bill for an act relating to taxation; providing that certain elderly living facilities are exempt from the property tax; amending Minnesota Statutes 2004, section 272.02, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Senjem, Vickerman and Rest introduced--

S.F. No. 1684: A bill for an act relating to assessments; adding streets to those kinds of improvements for which a municipality may subsequently reimburse itself for earlier costs incurred; amending Minnesota Statutes 2004, section 429.051.

Referred to the Committee on State and Local Government Operations.

Senator Pogemiller introduced--

S.F. No. 1685: A bill for an act relating to taxation; providing a reduction in the assessed market value of energy-efficient new commercial property; amending Minnesota Statutes 2004, section 273.11, by adding a subdivision.

Referred to the Committee on Taxes.

Senators Robling, Pappas, Solon, Skoe and Kierlin introduced--

S.F. No. 1686: A bill for an act relating to education; establishing a loan forgiveness program account and program for certain teachers; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Finance.

Senators Anderson, Kubly, Metzen, Rosen and Frederickson introduced--

S.F. No. 1687: A bill for an act relating to energy; requiring utilities to meet certain renewable energy standards; amending Minnesota Statutes 2004, section 216B.1691.

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

Senators Vickerman, Dibble, Sparks and Kelley introduced--

S.F. No. 1688: A bill for an act relating to energy; requiring utilities to meet certain renewable energy standards; amending Minnesota Statutes 2004, section 216B.1691.

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

Senators Pappas, Foley, McGinn, Ranum and Limmer introduced--

S.F. No. 1689: A bill for an act relating to public safety; criminalizing certain acts related to the unlawful trafficking in persons; providing for the forfeiture of certain property of the offender in these cases; specifically including conduct involving sex trafficking in the promoting of prostitution crime; modifying the distribution formula for prostitution and sex trafficking-related forfeiture proceeds; amending Minnesota Statutes 2004, sections 609.321, subdivisions 1, 7, by adding subdivisions; 609.325, by adding a subdivision; 609.531, subdivision 1; 609.5315, subdivision 1, by adding a subdivision; 628.26; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Kleis, Wergin and Fischbach introduced--

S.F. No. 1690: A bill for an act relating to education; authorizing a fund transfer for Independent School District No. 742, St. Cloud.

Referred to the Committee on Finance.

Senator Bachmann introduced--

S.F. No. 1691: A bill for an act proposing an amendment to the Minnesota Constitution by adding a section to article XIII; recognizing as marriage only a union between one man and one woman.

Referred to the Committee on Judiciary.

Senator Kleis introduced--

S.F. No. 1692: A bill for an act relating to elections; clarifying certain terms; changing certain registration procedures and requirements; changing certain election judge duties; providing for delivery of certain ballots; providing for absentee ballot boards in certain counties; changing canary ballots; amending Minnesota Statutes 2004, sections 200.02, subdivisions 7, 23, by adding a subdivision; 201.071, subdivision 1; 201.091, subdivision 5; 203B.01, subdivision 3; 203B.04, subdivisions 1, 4; 203B.07, subdivision 2; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.20; 203B.21, subdivision 3; 203B.24, subdivision 1; 204B.14, subdivision 2; 204B.16, subdivision 1; 204B.18, subdivision 1; 204B.27, subdivisions 1, 3; 204B.33; 204C.05, subdivision 1a; 204C.28, subdivision 1; 204D.14, subdivision 3; 204D.27, subdivision 5; 205.175, subdivision 2; 205A.09, subdivision 1; 414.01, by adding a subdivision; 447.32, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 204C; 205; 205A; 414.

Referred to the Committee on Elections.

Senator Kiscaden introduced--

S.F. No. 1693: A bill for an act relating to eminent domain; classifying certain appraisals as private or nonpublic data; amending provisions relating to appraisals; specifying when a party may challenge public purpose, necessity, or authority; clarifying relocation benefits; specifying procedures for use of eminent domain to acquire property for transfer to nongovernmental entities without the power of eminent domain; amending Minnesota Statutes 2004, sections 13.44, subdivision 3; 117.036; 117.055; 117.075, by adding a subdivision; 117.52, subdivision 1; 117.521, subdivision 1; 163.12, subdivisions 1a, 1b; 469.012, subdivision 1g; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Judiciary.

Senators Kiscaden and Murphy introduced--

S.F. No. 1694: A bill for an act relating to eminent domain; changing certain attorney fee requirements and provisions for taking for public purposes; amending Minnesota Statutes 2004, sections 117.036, by adding a subdivision; 117.075.

Referred to the Committee on Judiciary.

Senators Skoglund, Berglin and Sams introduced--

S.F. No. 1695: A bill for an act relating to health; modifying access to health care records; amending Minnesota Statutes 2004, section 144.335, by adding a subdivision.

Referred to the Committee on Health and Family Security.

Senator Langseth introduced--

S.F. No. 1696: A bill for an act relating to liquor; authorizing the city of Detroit Lakes to issue an on-sale liquor license.

Referred to the Committee on Commerce.

Senators Chaudhary, Wiger, Kubly, Saxhaug and Sparks introduced--

S.F. No. 1697: A bill for an act relating to education finance; providing a long-term stable source of funding for Minnesota school districts; amending Minnesota Statutes 2004, section 126C.10, subdivision 2.

Referred to the Committee on Finance.

Senators Chaudhary, Wiger, Kubly, Saxhaug and Sparks introduced--

S.F. No. 1698: A bill for an act relating to education finance; restoring funding for special education programs; amending Minnesota Statutes 2004, sections 125A.76, subdivision 1; 125A.79, subdivision 1.

Referred to the Committee on Finance.

Senators Chaudhary, Wiger, Kubly, Saxhaug and Sparks introduced--

S.F. No. 1699: A bill for an act relating to education finance; restoring funding for the early childhood family education program; appropriating money; amending Minnesota Statutes 2004, section 124D.135, subdivision 1.

Referred to the Committee on Finance.

Senators Chaudhary, Wiger, Kubly, Saxhaug and Sparks introduced--

S.F. No. 1700: A bill for an act relating to education finance; authorizing school districts to bond for certain technology costs; proposing coding for new law in Minnesota Statutes, chapter 123B.

Referred to the Committee on Finance.

Senators Nienow and Day introduced--

S.F. No. 1701: A bill for an act relating to crime; imposing a mandatory minimum sentence upon persons convicted of assaulting a correctional employee; amending Minnesota Statutes 2004, sections 609.222, by adding a subdivision; 609.223, by adding a subdivision; 609.2231, subdivision 3; 609.224, by adding a subdivision.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Hottinger, Skoe, Bakk, Senjem and Wiger introduced--

S.F. No. 1702: A bill for an act relating to public safety; changing criminal sentencing for certain controlled substance possessors; authorizing expungement of conviction records for certain controlled substance possessors; adjusting the terms of imprisonment for certain controlled substance offenders; appropriating money; amending Minnesota Statutes 2004, sections 609A.02, by adding a subdivision; 609A.03, subdivision 5, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 152; 244.

Referred to the Committee on Crime Prevention and Public Safety.

Senators Marko, Belanger, Rest, Langseth and Senjem introduced--

S.F. No. 1703: A bill for an act relating to transportation; imposing a sales tax within the metropolitan area with the proceeds dedicated to metropolitan transportation and transit improvements and services; providing for allocation of revenues for the motor vehicle sales tax; appropriating money; amending Minnesota Statutes 2004, section 297B.09, subdivision 1;

proposing coding for new law in Minnesota Statutes, chapter 174; proposing coding for new law as Minnesota Statutes, chapter 473J.

Referred to the Committee on Taxes.

MEMBERS EXCUSED

Senator Ourada was excused from the Session of today. Senator Anderson was excused from the Session of today from 11:00 to 11:15 a.m. Senator Nienow was excused from the Session of today from 11:00 to 11:20 a.m. Senator Foley was excused from the Session of today from 11:10 to 11:15 a.m. Senator Langseth was excused from the Session of today from 11:50 a.m. to 12:30 p.m. Senator Dille was excused from the Session of today at 12:05 p.m. Senator Jungbauer was excused from the Session of today at 12:30 p.m. Senator Marko was excused from the Session of today at 12:35 p.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 9:00 a.m., Thursday, March 17, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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