

## TENTH DAY

St. Paul, Minnesota, Thursday, January 27, 2005

The Senate met at 9:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

Senator Pappas 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. Fred Rodman.

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

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

The President declared a quorum present.

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

## MEMBERS EXCUSED

Senators Betzold; Hottinger; Johnson, D.E.; Kleis; Ortman; Ourada; Rest and Ruud were excused from the Session of today.

## REPORTS OF COMMITTEES

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

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

**S.F. No. 211:** A bill for an act relating to human services; restoring senior nutrition funding; providing senior nutrition grants to serve certain populations; appropriating money.

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

Page 1, lines 9 and 15, after "for" insert "the Minnesota Board on Aging for"

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. 210:** A bill for an act relating to human services; increasing the number of living-at-home/block nurse programs; increasing annual program funding; appropriating money; amending Minnesota Statutes 2004, section 256B.0917, 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 256B.0917, subdivision 7, is amended to read:

Subd. 7. [CONTRACT.] (a) The commissioner of human services shall execute a contract with Living at Home/Block Nurse Program, Inc. (LAH/BN, Inc.). The contract shall require LAH/BN, Inc. to:

(1) develop criteria for and award grants to establish community-based organizations that will implement living-at-home/block nurse programs throughout the state;

(2) award grants to enable living-at-home/block nurse programs to continue to implement the combined living-at-home/block nurse program model;

(3) serve as a state technical assistance center to assist and coordinate the living-at-home/block nurse programs established; and

(4) manage contracts with individual living-at-home/block nurse programs.

(b) ~~The contract shall be effective July 1, 1997, and section 16B.17 shall not apply. Base funding awarded to LAH/BN, Inc. as part of the contract shall be increased by four percent for the fiscal year beginning July 1, 2006, and shall be increased by the change in the Consumer Price Index-All Items (United States city average) (CPI-U) for fiscal years beginning on or after July 1, 2007.~~

Sec. 2. Minnesota Statutes 2004, section 256B.0917, subdivision 8, is amended to read:

Subd. 8. [LIVING-AT-HOME/BLOCK NURSE PROGRAM GRANT.] (a) The organization awarded the contract under subdivision 7, shall develop and administer a grant program to establish or expand up to ~~33~~ 47 community-based organizations that will implement living-at-home/block nurse programs that are designed to enable senior citizens to live as independently as possible in their homes and in their communities. At least one-half of the programs must be in counties outside the seven-county metropolitan area. Nonprofit organizations and units of local government are eligible to apply for grants to establish the community organizations that will implement living-at-home/block nurse programs. In awarding grants, the organization awarded the contract under subdivision 7 shall give preference to nonprofit organizations and units of local government from communities that:

(1) have high nursing home occupancy rates;

(2) have a shortage of health care professionals;

(3) are located in counties adjacent to, or are located in, counties with existing living-at-home/block nurse programs; and

(4) meet other criteria established by LAH/BN, Inc., in consultation with the commissioner.

(b) Grant applicants must also meet the following criteria:

(1) the local community demonstrates a readiness to establish a community model of care, including the formation of a board of directors, advisory committee, or similar group, of which at least two-thirds is comprised of community citizens interested in community-based care for older persons;

(2) the program has sponsorship by a credible, representative organization within the community;

(3) the program has defined specific geographic boundaries and defined its organization, staffing and coordination/delivery of services;

(4) the program demonstrates a team approach to coordination and care, ensuring that the older adult participants, their families, the formal and informal providers are all part of the effort to plan and provide services; and

(5) the program provides assurances that all community resources and funding will be coordinated and that other funding sources will be maximized, including a person's own resources.

(c) Grant applicants must provide a minimum of five percent of total estimated development costs from local community funding. Grants shall be awarded for four-year periods, and the base amount shall not exceed \$80,000 per applicant for the grant period. The organization under contract may increase the grant amount for applicants from communities that have socioeconomic characteristics that indicate a higher level of need for assistance. Subject to the availability of funding, grants and grant renewals awarded or entered into on or after July 1, 1997, shall be renewed by LAH/BN, Inc. every four years, unless LAH/BN, Inc. determines that the grant recipient has not satisfactorily operated the living-at-home/block nurse program in compliance with the requirements of paragraphs (b) and (d). Grants provided to living-at-home/block nurse programs under this paragraph may be used for both program development and the delivery of services. The base amount awarded to each applicant for a grant period shall be increased by four percent for the fiscal year beginning July 1, 2006, and shall be increased by the change in the Consumer Price Index-All Items (United States city average) (CPI-U) for fiscal years beginning on or after July 1, 2007.

(d) Each living-at-home/block nurse program shall be designed by representatives of the communities being served to ensure that the program addresses the specific needs of the community residents. The programs must be designed to:

(1) incorporate the basic community, organizational, and service delivery principles of the living-at-home/block nurse program model;

(2) provide senior citizens with registered nurse directed assessment, provision and coordination of health and personal care services on a sliding fee basis as an alternative to expensive nursing home care;

(3) provide information, support services, homemaking services, counseling, and training for the client and family caregivers;

(4) encourage the development and use of respite care, caregiver support, and in-home support programs, such as adult foster care and in-home adult day care;

(5) encourage neighborhood residents and local organizations to collaborate in meeting the needs of senior citizens in their communities;

(6) recruit, train, and direct the use of volunteers to provide informal services and other appropriate support to senior citizens and their caregivers; and

(7) provide coordination and management of formal and informal services to senior citizens and their families using less expensive alternatives.

Sec. 3. [APPROPRIATION; LIVING AT HOME/BLOCK NURSE PROGRAMS.]

(a) \$..... is appropriated from the general fund to the commissioner of human services, for the biennium beginning July 1, 2005, to fund 14 additional living-at-home/block nurse programs.

(b) \$..... is appropriated from the general fund to the commissioner of human services, for the fiscal year beginning July 1, 2006, to increase base funding for living-at-home/block nurse programs as required by Minnesota Statutes, section 256B.0917, subdivision 8, paragraph (c).

(c) \$..... is appropriated from the general fund to the commissioner of human services, for the biennium beginning July 1, 2005, to fund the contract awarded under Minnesota Statutes, section 256B.0917, subdivision 7, and an additional \$..... is appropriated to the commissioner for the fiscal year beginning July 1, 2006, to increase base funding for the organization under contract as required by Minnesota Statutes, section 256B.0917, subdivision 7, paragraph (b)."

Amend the title as follows:

Page 1, line 6, delete "subdivision" and insert "subdivisions 7,"

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. 371:** A bill for an act relating to human services; appropriating money for senior citizen programs.

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

Delete everything after the enacting clause and insert:

"Section 1. [APPROPRIATION.]

Subdivision 1. [SENIOR COMPANION PROGRAM.] \$1,186,000 is appropriated from the general fund to the commissioner of human services for purposes of the senior companion program under Minnesota Statutes, section 256.977, for the biennium beginning July 1, 2005.

Subd. 2. [VOLUNTEER PROGRAMS FOR RETIRED SENIOR CITIZENS.] \$1,144,000 is appropriated from the general fund to the commissioner of human services for purposes of the volunteer programs for retired senior citizens under Minnesota Statutes, section 256.9753, for the biennium beginning July 1, 2005.

Subd. 3. [FOSTER GRANDPARENT PROGRAM.] \$1,856,000 is appropriated from the general fund to the commissioner of human services to fund the foster grandparent program under Minnesota Statutes, section 256.976, for the biennium beginning July 1, 2005."

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

**Senator Kelley from the Committee on Education, to which was referred**

**S.F. No. 457:** A bill for an act relating to education; providing for opportunity to respond to nonrenewal of certain coaching contracts; amending Minnesota Statutes 2004, section 122A.33.

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

**Senator Kelley from the Committee on Education, to which was referred**

**S.F. No. 232:** A bill for an act relating to education; permitting secondary students to carry and

use nonprescription pain relief; proposing coding for new law in Minnesota Statutes, chapter 121A.

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

**Senator Kelley from the Committee on Education, to which was referred**

**S.F. No. 345:** A bill for an act relating to education; providing for employee recognition programs; amending Minnesota Statutes 2004, section 123B.02, by adding a subdivision.

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 457, 232 and 345 were read the second time.

**MOTIONS AND RESOLUTIONS**

Senator Belanger moved that the names of Senators Moua and Dibble be added as co-authors to S.F. No. 75. The motion prevailed.

Senator Dibble moved that the names of Senators Vickerman, Larson, Metzen and Frederickson be added as co-authors to S.F. No. 106. The motion prevailed.

Senator Chaudhary moved that the name of Senator Marko be added as a co-author to S.F. No. 208. The motion prevailed.

Senator Johnson, D.J. moved that her name be stricken as a co-author to S.F. No. 312. The motion prevailed.

Senator Lourey moved that the name of Senator Vickerman be added as a co-author to S.F. No. 371. The motion prevailed.

Senator Ranum moved that the names of Senators Dibble and Skoglund be added as co-authors to S.F. No. 508. The motion prevailed.

Senator Skoe moved that S.F. No. 316 be withdrawn from the Committee on Environment and Natural Resources and returned to its author. The motion prevailed.

Pursuant to Rule 26, Senator Pappas, designee of the Chair of the Committee on Rules and Administration, designated H.F. No. 57 a Special Order to be heard immediately.

**SPECIAL ORDER**

**H.F. No. 57:** A bill for an act relating to state government; providing deficiency funding for certain state agencies; appropriating money.

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 0, as follows:

Those who voted in the affirmative were:

Anderson	Belanger	Cohen	Dille	Frederickson
Bachmann	Berglin	Day	Fischbach	Gaither
Bakk	Chaudhary	Dibble	Foley	Gerlach

Hann	Langseth	Michel	Ranum	Skoglund
Higgins	Larson	Moua	Reiter	Solon
Johnson, D.J.	LeClair	Murphy	Robling	Sparks
Jungbauer	Limmer	Neuville	Rosen	Stumpf
Kelley	Lourey	Nienow	Sams	Tomassoni
Kierlin	Marko	Olson	Saxhaug	Vickerman
Kiscaden	Marty	Pappas	Scheid	Wergin
Koering	McGinn	Pariseau	Senjem	Wiger
Kubly	Metzen	Pogemiller	Skoe	

So the bill passed and its title was agreed to.

## MOTIONS AND RESOLUTIONS - CONTINUED

### SUSPENSION OF RULES

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

### CONSENT CALENDAR

**S.F. No. 206:** A bill for an act relating to liquor; authorizing a city to issue an off-sale license in a certain area; amending Minnesota Statutes 2004, section 340A.412, subdivision 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 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill 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.

### Senator Larson introduced--

**S.F. No. 541:** A bill for an act relating to appropriations; appropriating money for a Veterans Museum in Perham.

Referred to the Committee on Finance.

**Senator Larson introduced--**

**S.F. No. 542:** A bill for an act relating to transportation; appropriating money for transit service in Otter Tail County.

Referred to the Committee on Finance.

**Senators Larson, Langseth, Tomassoni, Michel and Vickerman introduced--**

**S.F. No. 543:** A bill for an act relating to retirement; providing an additional benefit for certain teachers; proposing coding for new law in Minnesota Statutes, chapter 354.

Referred to the Committee on State and Local Government Operations.

**Senator LeClair introduced--**

**S.F. No. 544:** A bill for an act relating to sales and use tax; amending the definition of prepared food to exclude ice cream cakes; amending Minnesota Statutes 2004, section 297A.61, subdivision 31.

Referred to the Committee on Taxes.

**Senator Betzold introduced--**

**S.F. No. 545:** A bill for an act relating to the judiciary; expanding eligibility for expungements; amending Minnesota Statutes 2004, section 609A.02, by adding a subdivision; repealing Minnesota Statutes 2004, section 609A.02, subdivision 2.

Referred to the Committee on Crime Prevention and Public Safety.

**Senators Sparks and Tomassoni introduced--**

**S.F. No. 546:** A bill for an act relating to unemployment insurance; making an eligibility exception permanent for certain school food service workers; amending Minnesota Statutes 2004, section 268.085, subdivision 8.

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

**Senators Scheid, Kelley, Pappas, Wergin and Gaither introduced--**

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

Referred to the Committee on State and Local Government Operations.

**Senators Higgins, Kubly, Solon, Wergin and Kiscaden introduced--**

**S.F. No. 548:** A bill for an act relating to state government; authorizing participation of day training and habilitation services providers in state cooperative purchasing agreements; including certain rehabilitation facilities, extended employment providers, and day training and habilitation services providers in the state agency acquisition process; amending Minnesota Statutes 2004, sections 16C.10, subdivision 5; 16C.15; 471.59, subdivision 1.

Referred to the Committee on State and Local Government Operations.

**Senator Saxhaug introduced--**

**S.F. No. 549:** A bill for an act relating to capital improvements; authorizing state bonds; appropriating money for the interpretive center at Grand Mound in Koochiching County.

Referred to the Committee on Finance.

**Senators Vickerman, Sams and Koering introduced--**

**S.F. No. 550:** A bill for an act relating to agriculture; extending and codifying the expiration date of the farmer-lender mediation program; proposing coding for new law in Minnesota Statutes, chapter 583; repealing Laws 1986, chapter 398, article 1, section 18, as amended.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senator Larson introduced--**

**S.F. No. 551:** A bill for an act relating to local government; increasing the amount a county or city may appropriate for the prevention of cruelty to animals; providing that a property tax levy to fund the appropriation is exempt from levy limits; amending Minnesota Statutes 2004, sections 275.70, subdivision 5; 343.11.

Referred to the Committee on State and Local Government Operations.

**Senator Stumpf introduced--**

**S.F. No. 552:** A bill for an act relating to bridges; authorizing issuance of \$50,000,000 in state transportation bonds for grants to political subdivisions for the replacement, rehabilitation, or repair of key bridges on the state transportation system; appropriating money.

Referred to the Committee on Finance.

**Senator Wergin introduced--**

**S.F. No. 553:** A bill for an act relating to intoxicating liquor; authorizing the Mille Lacs County Board to issue an off-sale intoxicating liquor license to an exclusive liquor store in Eastside Township.

Referred to the Committee on Commerce.

**Senators Kubly, Murphy, Sams and Vickerman introduced--**

**S.F. No. 554:** A bill for an act relating to agriculture; excluding noninvasive floating of horses' teeth from the definition of veterinary medicine practice; amending Minnesota Statutes 2004, section 156.12, subdivision 1.

Referred to the Committee on Agriculture, Veterans and Gaming.

**Senators Murphy, Sams and Kiscaden introduced--**

**S.F. No. 555:** A bill for an act relating to taxation; income; increasing the maximum long-term care credit; amending Minnesota Statutes 2004, section 290.0672, subdivision 2.

Referred to the Committee on Taxes.

**Senators Lourey, Marty, Higgins, Frederickson and Solon introduced--**

**S.F. No. 556:** A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for grave markers or memorial monuments for unmarked graves of deceased residents of state hospitals or regional treatment centers.

Referred to the Committee on Finance.



**Senator Sparks introduced--**

**S.F. No. 557:** A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for Austin flooding.

Referred to the Committee on Finance.

**Senators Ortman, Scheid, Sams, Wiger and Rest introduced--**

**S.F. No. 558:** A bill for an act relating to education; authorizing an education tax credit for tuition expenses for certain school attendance; eliminating the family cap on the education tax credit; amending Minnesota Statutes 2004, section 290.0674, subdivisions 1, 2.

Referred to the Committee on Taxes.

**Senators Marty, Scheid and Pogemiller introduced--**

**S.F. No. 559:** A bill for an act relating to workers' compensation; providing coverage for mental injury caused by mental stress; amending Minnesota Statutes 2004, section 176.011, subdivision 16.

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

**Senators Tomassoni, Metzen, Pariseau, Bakk and Neuville introduced--**

**S.F. No. 560:** A bill for an act relating to health; modifying the Clean Indoor Air Act; preempting local regulation of smoking in public places; requiring certain establishments that permit smoking to register; appropriating money; providing criminal penalties; amending Minnesota Statutes 2004, sections 144.412; 144.413, by adding a subdivision; 144.415; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Family Security.

**Senator Marty introduced--**

**S.F. No. 561:** A bill for an act relating to taxation; providing public accountability for taxpayer subsidies of private business; prohibiting new tax increment financing districts; proposing coding for new law in Minnesota Statutes, chapter 469; repealing Minnesota Statutes 2004, sections 469.1812; 469.1813; 469.1814; 469.1815.

Referred to the Committee on Taxes.

**Senators Marty and Rest introduced--**

**S.F. No. 562:** A bill for an act proposing an amendment to the Minnesota Constitution; providing for a unicameral legislature; changing article IV; article VIII, sections 1 and 6; article IX, sections 1 and 2; and article XI, section 5; providing by statute for a legislature of 99 members; amending Minnesota Statutes 2004, sections 2.021; 2.031, subdivision 1.

Referred to the Committee on Elections.

**Senators Marty, Skoglund, Chaudhary, Ranum and Foley introduced--**

**S.F. No. 563:** A bill for an act relating to child custody; disallowing sex offenders from becoming custodians of unrelated children; amending Minnesota Statutes 2004, sections 257C.03, subdivision 7; 518.179, by adding a subdivision.

Referred to the Committee on Judiciary.

**Senators Marty, Higgins, Lourey and Anderson introduced--**

**S.F. No. 564:** A bill for an act relating to integrity and fairness in medical examinations; regulating certain medical examinations; amending Minnesota Statutes 2004, sections 65B.56, subdivision 1; 176.136, subdivision 1c; 176.155, subdivision 1, by adding a subdivision.

Referred to the Committee on Health and Family Security.

**Senator Murphy introduced--**

**S.F. No. 565:** A bill for an act relating to education finance; increasing the general education basic formula allowance; amending Minnesota Statutes 2004, section 126C.10, subdivision 2.

Referred to the Committee on Finance.

**Senators Limmer and Scheid introduced--**

**S.F. No. 566:** A bill for an act relating to highways; authorizing state bonds for Central Avenue and Jefferson Highway project in Osseo; appropriating money.

Referred to the Committee on Finance.

**ADJOURNMENT**

Senator Pappas moved that the Senate do now adjourn until 11:00 a.m., Monday, January 31, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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