

STATE OF MINNESOTA

EIGHTY-FIFTH SESSION — 2007

 THIRTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 26, 2007

The House of Representatives convened at 12:30 p.m. and was called to order by Margaret Anderson Kelliher, Speaker of the House.

Prayer was offered by Father Dale Korogi, Church of Christ the King, Minneapolis, Minnesota.

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

The roll was called and the following members were present:

Abeler	Dettmer	Heidgerken	Liebling	Olson	Smith
Anderson, B.	Dill	Hilstrom	Lieder	Otremba	Solberg
Anderson, S.	Dittrich	Hilty	Lillie	Ozment	Sviggum
Anzelc	Dominguez	Holberg	Loeffler	Paulsen	Swails
Atkins	Doty	Hoppe	Madore	Paymar	Thao
Beard	Eastlund	Hornstein	Magnus	Peppin	Thissen
Benson	Eken	Hortman	Mahoney	Peterson, A.	Tillberry
Berns	Emmer	Hosch	Mariani	Peterson, N.	Tingelstad
Bigham	Erhardt	Howes	Marquart	Peterson, S.	Tschumper
Bly	Erickson	Huntley	Masin	Poppe	Urdahl
Brod	Faust	Jaros	McFarlane	Rukavina	Wagenius
Brown	Finstad	Johnson	McNamara	Ruth	Walker
Brynaert	Fritz	Juhnke	Moe	Ruud	Ward
Buesgens	Gardner	Kahn	Morgan	Sailer	Wardlow
Bunn	Garofalo	Kalin	Morrow	Seifert	Walti
Carlson	Gottwalt	Knuth	Mullery	Sertich	Westrom
Clark	Greiling	Koenen	Murphy, E.	Severson	Winkler
Cornish	Hackbarth	Kohls	Murphy, M.	Shimanski	Wollschlager
Davnie	Hamilton	Kranz	Nelson	Simon	Zellers
Dean	Hansen	Laine	Nornes	Simpson	Spk. Kelliher
DeLaForest	Hausman	Lanning	Norton	Slawik	
Demmer	Haws	Lenczewski	Olin	Slocum	

A quorum was present.

Gunther, Lesch, Pelowski and Scalze were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Swails moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 252 and H. F. No. 86, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Hackbarth moved that S. F. No. 252 be substituted for H. F. No. 86 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 547 and H. F. No. 531, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Beard moved that S. F. No. 547 be substituted for H. F. No. 531 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1133 and H. F. No. 1432, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Huntley moved that S. F. No. 1133 be substituted for H. F. No. 1432 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1332 and H. F. No. 1429, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Urdahl moved that S. F. No. 1332 be substituted for H. F. No. 1429 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Margaret Anderson Kelliher
Speaker of the House of Representatives

The Honorable James P. Metzen
President of the Senate

I have the honor to inform you that the following enrolled Act of the 2007 Session of the State Legislature has been received from the Office of the Governor and is deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S. F. No.</i>	<i>H. F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2007</i>	<i>Date Filed 2007</i>
736		6	9:51 a.m. March 21	March 21

Sincerely,

MARK RITCHIE
Secretary of State

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 908, A bill for an act relating to human services; expanding a quality assurance system to include additional service recipients; establishing a statewide quality assurance and improvement system; establishing a State Quality Commission; removing sunset dates; appropriating money; amending Minnesota Statutes 2006, sections 256B.095; 256B.0951, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 256B.

Reported the same back with the following amendments:

Page 1, line 19, reinstate the stricken language and strike "2009" and insert "2014"

Page 2, line 25, reinstate the stricken language

Page 2, line 26, reinstate the stricken language and strike "2009" and insert "2014"

Pages 2 to 6, delete sections 3 and 4 and insert:

"Sec. 3. **[256B.096] QUALITY MANAGEMENT; ASSURANCE; AND IMPROVEMENT SYSTEM FOR MINNESOTANS RECEIVING DISABILITY SERVICES.**

Subdivision 1. **Scope.** In order to improve the quality of services provided to Minnesotans with disabilities and to meet the requirements of the federally approved home and community-based waivers under section 1915c of the Social Security Act, a statewide quality assurance and improvement system for Minnesotans receiving disability services shall be developed. The disability services included are the home and community-based services waiver programs for persons with developmental disabilities under section 256B.092, subdivision 4, and persons with disabilities under section 256B.49.

Subd. 2. **Stakeholder advisory group.** The commissioner shall consult with a stakeholder advisory group on the development and implementation of the state quality management, assurance, and improvement system, including representatives from: disability service recipients, disability service providers, disability advocacy groups, county human service agencies, and state agency staff from the Departments of Human Services and Health and ombudsman for mental health and developmental disabilities on the development of a statewide quality assurance and improvement system.

Subd. 3. **Annual survey of service recipients.** The commissioner, in consultation with the stakeholder advisory group, shall develop and conduct an annual independent random statewide survey of between five and ten percent of service recipients to determine the effectiveness and quality of disability services. The survey shall be consistent with the system performance expectations of the Centers for Medicare and Medicaid Services quality management requirements and framework. The survey shall analyze whether desired outcomes have been achieved for persons with different demographic, diagnostic, health, and functional needs and receiving different types of services, in different settings, with different costs. The survey shall be field tested during 2008 and implemented by February 1, 2009. Annual statewide and regional reports of the results shall be published for use by regions, counties, and providers to plan and measure the impact of quality improvement activities.

Subd. 4. **Improvements for incident reporting, investigation, analysis, and follow-up.** In consultation with the stakeholder group, the commissioner shall identify the information, data sources, and technology needed to improve the system of incident reporting, including:

(1) reports made under the Maltreatment of Minors and Vulnerable Adults Acts; and

(2) investigation, analysis, and follow-up for disability services.

The commissioner must ensure that the federal home and community-based waiver requirements are met and that incidents that may have jeopardized safety; health; or violated service-related assurances, civil and human rights, and other protections designed to prevent abuse, neglect, and exploitation are reviewed, investigated, and acted upon in a timely manner.

Subd. 5. **Biennial report.** The commissioner shall provide a biennial report to the chairs of the legislative committees with jurisdiction over health and human services policy and funding beginning January 15, 2009, on the development and activities of the quality management, assurance, and improvement system designed to meet the federal requirements under the home and community-based services waiver programs for persons with disabilities. By January 15, 2008, the commissioner shall provide a preliminary report on the priorities for meeting the federal requirements, progress on the annual survey, recommendations for improvements in the incident reporting system, and a plan for incorporating the quality assurance efforts under section 256B.095 and other regional efforts into the statewide system.

Sec. 4. **APPROPRIATIONS.**

\$...... is appropriated from the general fund to the commissioner of human services for the biennium beginning July 1, 2007, for the purposes of section 3. Federal Medicaid matching funds obtained for this purpose shall be dedicated to the commissioner for this purpose."

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon and insert "extending a quality assurance system and commission until 2014; establishing a statewide quality assurance and improvement system; requiring reports;"

Page 1, delete lines 3 and 4

Page 1, line 5, delete "sunset dates;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 1303, A bill for an act relating to the open meeting law; authorizing meetings by telephone or other electronic means under certain conditions; proposing coding for new law in Minnesota Statutes, chapter 13D.

Reported the same back with the following amendments:

Page 1, line 18, before the semicolon, insert ", unless attendance at the regular meeting location is unfeasible due to the health pandemic or emergency declaration"

Page 1, line 21, delete "heath" and insert "health"

Page 2, after line 15, insert:

"Sec. 2. Minnesota Statutes 2006, section 13D.05, subdivision 2, is amended to read:

Subd. 2. **When meeting must be closed.** (a) Any portion of a meeting must be closed if expressly required by other law or if the following types of data are discussed:

(1) data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;

(2) active investigative data as defined in section 13.82, subdivision 7, or internal affairs data relating to allegations of law enforcement personnel misconduct collected or created by a state agency, statewide system, or political subdivision; ~~or~~

(3) educational data, health data, medical data, welfare data, or mental health data that are not public data under section 13.32, 13.3805, subdivision 1, 13.384, or 13.46, subdivision 2 or 7; or

(4) medical records governed by section 144.335.

(b) A public body shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting must also be open at the request of the individual who is the subject of the meeting.

Sec. 3. **EFFECTIVE DATE.**

Section 2 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "modifying closed meeting requirements;"

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 1340, A bill for an act relating to state government; revising certain laws governing state boards and advisory groups; amending Minnesota Statutes 2006, sections 15.059, subdivision 5; 15.0597, by adding a subdivision; 16B.181, subdivision 2; 16C.17; 21.112; 43A.318, subdivision 1; 62J.693, subdivision 2; 92.35; 129D.04, subdivision 1; 240.18, subdivision 4; 245.71; 245.91, subdivision 1; 245.94, subdivision 1; 245.96; 252.282, subdivision 5; 299A.62, subdivision 2; 299A.63, subdivision 2; 353D.01, subdivision 1; 354C.12, subdivision 4; 356A.02, subdivision 1; Laws 1976, chapter 199, section 14, subdivision 1, as amended; proposing coding for new law in Minnesota Statutes, chapter 15; repealing Minnesota Statutes 2006, sections 16B.055; 16B.65, subdivision 5; 16B.76; 18B.305, subdivision 3; 43A.318, subdivision 3; 62J.692, subdivision 2; 115.54; 115A.9651, subdivision 5; 116C.93; 116O.091, subdivision 7; 125B.21; 127A.30; 145.9266, subdivisions 6, 7; 175.008; 241.021, subdivision 4b; 242.56, subdivision 3; 245.699; 245.97; 252.282, subdivision 4; 256B.0625, subdivision 13a; 256B.77, subdivision 23; 256C.28; 299A.293; 299A.331; 299M.02; 326.41; 352.98, subdivision 6; 354B.25, subdivision 1a; 611A.25; 611A.361.

Reported the same back with the following amendments:

Page 1, delete section 1

Page 2, delete section 3

Page 2, after line 27, insert:

"Section 1. Minnesota Statutes 2006, section 16B.055, subdivision 1, is amended to read:

Subdivision 1. ~~Governor's Advisory Council on Technology for People with Disabilities Assistive Technology Act of 1998.~~ The Department of Administration shall serve as the lead agency to assist the Minnesota Governor's Advisory Council on Technology for People with Disabilities in carrying out all responsibilities pursuant to United States Code, title 29, section 2211 et seq., and any other responsibilities related to that program is designated as the responsible agency to carry out all the responsibilities under the Assistive Technology Act of 1998 according to United States Code, title 29, section 3011."

Page 6, lines 24 to 27, reinstate the stricken language and after the semicolon, insert "and provided that the board's authority to appoint advisory committees under this clause does not expire under section 15.059:"

Page 6, line 28, reinstate the stricken language and delete the new language

Page 7, after line 32, insert:

"Sec. 11. Minnesota Statutes 2006, section 256C.28, subdivision 1, is amended to read:

Subdivision 1. **Membership.** The Minnesota Commission Serving Deaf and Hard-of-hearing People consists of seven members appointed at large and one member from each advisory committee established under section 256C.24, subdivision 3. At least 50 percent of the members must be deaf or deaf-blind or hard of hearing. Members shall include persons who are deaf, deaf-blind, and hard of hearing, parents of children who are deaf, deaf-blind, and hard of hearing, and representatives of county and regional human services, including representatives of private service providers. Commission members are appointed by the governor for a three-year term and shall serve no more than two consecutive terms. The commission shall select one member as chair. Notwithstanding section 15.059, the commission does not expire."

Page 7, delete section 10

Page 8, delete sections 11 and 13

Page 9, line 21, after "16B.055" insert ", subdivisions 2 and 3"

Page 9, line 25, delete "245.97;"

Page 9, line 26, delete "256C.28;"

Pages 10 to 11, delete sections 2 to 4

Renumber the sections in sequence

Correct the title numbers accordingly

With the recommendation that when so amended the bill pass.

The report was adopted.

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

H. F. No. 2252, A bill for an act relating to state government; creating a sustainable growth working group; appropriating money.

Reported the same back with the following amendments:

Page 1, line 20, after "environmental," insert "energy,"

Page 1, line 22, after "include" insert "balanced"

Page 2, line 6, after "will" insert "address metro growth concerns to"

Page 2, line 10, after the period, insert "In its report to the legislature and the governor, the working group must identify its source of funding."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Finance.

The report was adopted.

Pelowski from the Committee on Governmental Operations, Reform, Technology and Elections to which was referred:

S. F. No. 1350, A bill for an act relating to education; clarifying the requirements for petitioning a school board to hold a special election; amending Minnesota Statutes 2006, section 205A.05, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1303 and 1340 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 252, 547, 1133, 1332 and 1350 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Clark, Walker, Kranz, Laine, Dominguez and Hornstein introduced:

H. F. No. 2356, A bill for an act relating to housing; appropriating money for a grant to HOME Line for the tenant hotline services program.

The bill was read for the first time and referred to the Committee on Finance.

Rukavina and Dill introduced:

H. F. No. 2357, A bill for an act relating to capital improvements; appropriating money for development of an industrial park in the city of Virginia; authorizing the sale and issuance of state bonds.

The bill was read for the first time and referred to the Committee on Finance.

Olson; Anderson, B., and Heidgerken introduced:

H. F. No. 2358, A bill for an act relating to taxation; providing that the portion of a city levy that is required to be shared with a township under an orderly annexation agreement is exempt from levy limits; amending Minnesota Statutes 2006, section 275.70, subdivision 5.

The bill was read for the first time and referred to the Committee on Taxes.

Olson, Heidgerken and Wardlow introduced:

H. F. No. 2359, A bill for an act relating to individual income taxation; allowing a capital gain exclusion; amending Minnesota Statutes 2006, sections 290.01, subdivision 19b, as amended; 290.091, subdivision 2.

The bill was read for the first time and referred to the Committee on Taxes.

Lenczewski and Kelliher introduced:

H. F. No. 2360, A bill for an act relating to state finance; establishing a tax volatility reduction account; directing the commissioner of finance to adjust amounts in the account based on forecasts of state revenue gains and losses due to changes in taxpayer behavior in anticipation of changes of federal income tax rates on capital gains income; amending Minnesota Statutes 2006, section 16A.152, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Murphy, M., and Smith, by request, introduced:

H. F. No. 2361, A bill for an act relating to retirement; accounting and actuarial reporting; implementing various generally accepted accounting principle requirements; amending Minnesota Statutes 2006, sections 356.20; 356.215, subdivisions 1, 2.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Lenczewski and Simpson introduced:

H. F. No. 2362, A bill for an act relating to sales and use tax; requiring the Department of Revenue to do a study of sales and use tax.

The bill was read for the first time and referred to the Committee on Taxes.

Murphy, M., by request, introduced:

H. F. No. 2363, A bill for an act relating to retirement; correctional state employees retirement plan of the Minnesota State Retirement System; authorizing certain Department of Human Services employees transferred to plan coverage in 2006 to make back equivalent member contributions and transfer pension service credit.

The bill was read for the first time and referred to the Committee on Governmental Operations, Reform, Technology and Elections.

Dettmer introduced:

H. F. No. 2364, A bill for an act relating to horse racing; revoking current licenses unless live racing is conducted; amending Minnesota Statutes 2006, section 240.07, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Commerce and Labor.

Holberg; Buesgens; Kohls; Emmer; Erickson; Gottwalt; Severson; Wardlow; Smith; Zellers; Demmer; DeLaForest; Berns; Anderson, B.; Hackbarth; Olson and Cornish introduced:

H. F. No. 2365, A bill for an act relating to taxes; providing a sales tax rebate; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 274, A bill for an act relating to the Rural Finance Authority; providing for sale of bonds; appropriating money.

PATRICK E. FLAHAVEN, Secretary of the Senate

Juhnke moved that the House refuse to concur in the Senate amendments to H. F. No. 274, that the Speaker appoint a Conference Committee of 3 members of the House, and that the House requests that a like committee be appointed by the Senate to confer on the disagreeing votes of the two houses. The motion prevailed.

Madam Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1997.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1997, A bill for an act relating to government operations; appropriating money for the general legislative and administrative expenses of state government; raising fees; regulating state and local government operations; modifying provisions related to public employment; providing for automatic voter registration; abolishing the Department of Employee Relations; amending Minnesota Statutes 2006, sections 4.035, subdivision 3; 5.12, subdivision 1; 15.06, subdivisions 2, 8; 15B.17, subdivision 1; 16A.1286, subdivision 2; 16B.03; 16C.08, subdivision 2; 43A.02, by adding a subdivision; 43A.03, subdivision 3; 43A.08, subdivisions 1, 2a; 43A.24, subdivision 1; 43A.346, subdivision 1; 45.013; 84.01, subdivision 3; 116.03, subdivision 1; 116J.01, subdivision 5; 116J.035, subdivision 4; 174.02, subdivision 2; 201.12; 201.13, subdivision 3; 201.161; 241.01, subdivision 2; 270B.14, by adding a subdivision; 302A.821, subdivision 4; 321.0206; 336.1-110; 336.9-525; 471.61, subdivision 1a; 517.08, subdivisions 1b, 1c; Laws 2005, First Special Session chapter 1, article 4, section 121; proposing coding for new law in Minnesota Statutes, chapters 5; 13; 16B; 16C; repealing Minnesota Statutes 2006, sections 43A.03, subdivision 4; 43A.08, subdivision 1b; Laws 2006, chapter 253, section 22.

The bill was read for the first time and referred to the Committee on Finance.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on H. F. No. 274:

Juhnke, Otremba and Finstad.

CONSENT CALENDAR

Sertich moved that the Consent Calendar be continued. The motion prevailed.

CALENDAR FOR THE DAY

Sertich moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Tingelstad moved that her name be stricken as an author on H. F. No. 34. The motion prevailed.

Lieder moved that the names of Dominguez, Haws and Hornstein be added as authors on H. F. No. 946. The motion prevailed.

Ruud moved that the name of Walker be added as an author on H. F. No. 1074. The motion prevailed.

Rukavina moved that the name of Bly be added as an author on H. F. No. 1457. The motion prevailed.

Morrow moved that the name of Bly be added as an author on H. F. No. 1471. The motion prevailed.

Smith moved that the name of Severson be added as an author on H. F. No. 1473. The motion prevailed.

Hilstrom moved that the name of Bigham be added as an author on H. F. No. 1534. The motion prevailed.

Benson moved that the name of Walker be added as an author on H. F. No. 1584. The motion prevailed.

Bunn moved that the name of Loeffler be added as an author on H. F. No. 1873. The motion prevailed.

Tingelstad moved that the name of Madore be added as an author on H. F. No. 1909. The motion prevailed.

Laine moved that the name of Tillberry be added as an author on H. F. No. 2121. The motion prevailed.

Benson moved that the name of Bly be added as an author on H. F. No. 2166. The motion prevailed.

Kalin moved that the name of Bly be added as an author on H. F. No. 2174. The motion prevailed.

Kalin moved that the name of Bly be added as an author on H. F. No. 2175. The motion prevailed.

Bunn moved that the name of Bly be added as an author on H. F. No. 2177. The motion prevailed.

Thao moved that the name of Bly be added as an author on H. F. No. 2183. The motion prevailed.

Knuth moved that the name of Bly be added as an author on H. F. No. 2215. The motion prevailed.

Dominguez moved that the name of Bly be added as an author on H. F. No. 2217. The motion prevailed.

Slocum moved that the name of Bly be added as an author on H. F. No. 2218. The motion prevailed.

Bunn moved that the name of Westrom be added as an author on H. F. No. 2313. The motion prevailed.

Hortman moved that the name of Tingelstad be added as an author on H. F. No. 2353. The motion prevailed.

FISCAL CALENDAR ANNOUNCEMENT

Pursuant to rule 1.22, Solberg announced his intention to place H. F. No. 886 on the Fiscal Calendar for Tuesday, March 27, 2007.

ADJOURNMENT

Sertich moved that when the House adjourns today it adjourn until 11:30 a.m., Tuesday, March 27, 2007. The motion prevailed.

Sertich moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:30 a.m., Tuesday, March 27, 2007.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives