

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

FORTY-SEVENTH DAY

St. Paul, Minnesota, Tuesday, April 20, 1999

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

CALL OF THE SENATE

Senator Moe, R.D. 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. Charles Graham.

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

Anderson	Hottinger	Langseth	Ourada	Solon
Belanger	Janezich	Larson	Pappas	Spear
Berg	Johnson, D.E.	Lesewski	Pariseau	Stevens
Berglin	Johnson, D.H.	Lessard	Piper	Stumpf
Betzold	Johnson, D.J.	Limmer	Pogemiller	Ten Eyck
Cohen	Johnson, J.B.	Lourey	Price	Terwilliger
Day	Junge	Marty	Ranum	Vickerman
Dille	Kelley, S.P.	Metzen	Robertson	Wiener
Fischbach	Kelly, R.C.	Moe, R.D.	Robling	Wiger
Flynn	Kiscaden	Murphy	Runbeck	Ziegler
Foley	Kleis	Neuville	Sams	
Frederickson	Knutson	Novak	Samuelson	
Hanson	Krentz	Oliver	Scheevel	
Higgins	Laidig	Olson	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 Files, herewith returned: S.F. Nos. 1182, 1273, 1527, 451, 832, 1017, 1218 and 303.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1999

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. 436: A bill for an act relating to municipal tort liability; limiting liability for 911 dispatchers providing prearrival medical instruction; amending Minnesota Statutes 1998, section 466.03, by adding a subdivision.

Senate File No. 436 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1999

CONCURRENCE AND REPASSAGE

Senator Foley moved that the Senate concur in the amendments by the House to S.F. No. 436 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 436: A bill for an act relating to municipal tort liability; limiting liability for 911 dispatchers providing prearrival medical instruction; amending Minnesota Statutes 1998, section 466.03, by adding a subdivision.

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 54 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Krentz	Novak	Sams
Belanger	Hottinger	Laidig	Oliver	Scheevel
Berg	Janezich	Langseth	Olson	Solon
Berglin	Johnson, D.E.	Larson	Pappas	Stevens
Betzold	Johnson, D.H.	Lesewski	Pariseau	Stumpf
Day	Johnson, J.B.	Lessard	Piper	Ten Eyck
Fischbach	Kelley, S.P.	Limmer	Price	Vickerman
Flynn	Kelly, R.C.	Marty	Ranum	Wiener
Foley	Kiscaden	Metzen	Robertson	Wiger
Frederickson	Kleis	Murphy	Robling	Ziegler
Hanson	Knutson	Neuville	Runbeck	

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

S.F. No. 983: A bill for an act relating to professions; modifying provisions relating to psychologists' licensing; amending Minnesota Statutes 1998, sections 148.89, subdivisions 2a, 4, 5, and by adding a subdivision; 148.915; 148.925, subdivision 7; 148.941, subdivisions 2 and 6; and 148.96, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148.

Senate File No. 983 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1999

CONCURRENCE AND REPASSAGE

Senator Kelley, S.P. moved that the Senate concur in the amendments by the House to S.F. No. 983 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 983 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

S.F. No. 1041: A bill for an act relating to agriculture; changing and clarifying provisions of the warehouse law; amending Minnesota Statutes 1998, sections 231.01; 231.04; 231.08; 231.09; 231.11; 231.12; 231.13; 231.14; 231.15; 231.16; 231.17; 231.18, subdivisions 1 and 6; 231.24; 231.28; 231.34; 231.36; 231.37; 231.38; and 231.39; proposing coding for new law in Minnesota Statutes, chapter 231; repealing Minnesota Statutes 1998, sections 231.02; 231.03; 231.05; 231.06; 231.07; 231.10; 231.15; and 231.35.

Senate File No. 1041 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1999

CONCURRENCE AND REPASSAGE

Senator Hanson moved that the Senate concur in the amendments by the House to S.F. No. 1041 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1041 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

S.F. No. 2017: A bill for an act relating to public employment; making technical and administrative changes; modifying definitions; redesigning administrative procedures for certain pilot projects; amending Minnesota Statutes 1998, sections 13.43, subdivision 2; 43A.02, subdivisions 11 and 33; 43A.04, subdivision 4; 43A.06, subdivision 8; 43A.07, subdivisions 4 and 6; 43A.13, subdivision 3; 43A.15, subdivision 6, and by adding a subdivision; 43A.17, subdivision 8; 43A.18, subdivision 1; 43A.19, subdivision 3; 43A.20; 43A.317, subdivisions 3 and 4; and 43A.421; Laws 1995, chapter 248, article 13, section 2, subdivisions 5, as amended, and 6, as amended; repealing Minnesota Statutes 1998, sections 43A.13, subdivision 9; 43A.40; 43A.41; 43A.42; 43A.43, subdivision 2; 43A.44; 43A.45; 43A.46; and 43A.465; Laws 1995, chapter 248, article 13, section 2, subdivision 8; Minnesota Rules, parts 3910.0100; 3910.0200; 3910.0300; 3910.0400; 3910.0500; 3910.0600; 3910.0700; 3910.0800; 3910.0900; 3910.1000; 3910.1100; 3910.1200; 3910.1300; 3910.1400; 3910.1500; 3910.1600; and 3910.1700.

Senate File No. 2017 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1999

Senator Runbeck moved that S.F. No. 2017 be laid on the table. The motion prevailed.

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. 1330: A bill for an act relating to financial institutions; regulating fees, charges, and time periods; authorizing certain part-time banking locations; authorizing reverse stock splits; making corrections and conforming changes; amending Minnesota Statutes 1998, sections 46.041, subdivisions 1 and 3; 46.048, subdivisions 1 and 2b; 46.131, subdivision 10; 47.0156; 47.101, subdivision 3; 47.20, subdivision 6b; 47.203; 47.204, subdivision 1; 47.27, subdivision 3; 47.52; 47.54, subdivisions 2 and 3; 47.59, subdivision 12; 47.60, subdivision 3; 48.15, subdivisions 2a and 3; 48A.15, subdivision 1; 49.36, subdivision 1; 52.01; 53.03, subdivisions 1, 6, and 7; 55.04, subdivision 2; 56.02; 56.131, subdivision 1; 59A.03, subdivision 2; 168.67; 168.71; 303.25, subdivision 5; 332.15, subdivisions 2 and 3; 332.17; and 332.30; proposing coding for new law in Minnesota Statutes, chapters 48; 52; and 334.

Senate File No. 1330 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 19, 1999

Senator Solon moved that the Senate do not concur in the amendments by the House to S.F. No. 1330, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 7:

H.F. No. 7: A bill for an act relating to motor vehicles; modifying the motor vehicle emissions inspection program and providing for termination of inspection by January 1, 2000, or earlier if redesignated to attainment for carbon monoxide before January 1, 2000; amending Minnesota Statutes 1998, sections 116.60, subdivision 1, and by adding a subdivision; 116.61, subdivision 1, and by adding a subdivision; 116.62, subdivisions 2, 3, 5, and by adding a subdivision; and 116.63, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 116; repealing Minnesota Statutes 1998, sections 116.60; 116.61; 116.62; 116.63; and 116.64.

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

Haake, Ozment and Johnson have been appointed as such committee on the part of the House.

House File No. 7 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1999

Senator Metzen moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 7, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 174:

H.F. No. 174: A bill for an act relating to the Paynesville area hospital district; authorizing the district to annex the city of Richmond to the district.

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

Stang, Dehler and Juhnke have been appointed as such committee on the part of the House.

House File No. 174 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1999

Senator Fischbach moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 174, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 70:

H.F. No. 70: A bill for an act relating to public safety; authorizing law enforcement agencies to sell forfeited firearms, ammunition, and firearm accessories to firearms dealers; allowing certain agencies to retain forfeited money for crime prevention use; amending Minnesota Statutes 1998, section 609.5315, subdivisions 1 and 2.

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

Daggett, Stanek and Tomassoni have been appointed as such committee on the part of the House.

House File No. 70 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1999

Senator Pariseau moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 70, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 270:

H.F. No. 270: A bill for an act relating to insurance; prohibiting a maximum lifetime benefit limit on certain policies of the Minnesota comprehensive health insurance plan; amending Minnesota Statutes 1998, section 62E.12.

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

Osskopp, Davids and Osthoff have been appointed as such committee on the part of the House.

House File No. 270 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1999

Senator Murphy moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 270, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 371:

H.F. No. 371: A bill for an act relating to local government; removing the limit on the amount a local government may contribute for historical work; permitting local governments to make contributions to public or private, nonprofit senior citizen centers or youth centers; amending Minnesota Statutes 1998, section 471.93; proposing coding for new law in Minnesota Statutes, chapter 471.

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

Stang, Dehler and Junhke have been appointed as such committee on the part of the House.

House File No. 371 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1999

Senator Fischbach moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 371, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 837:

H.F. No. 837: A bill for an act relating to insurance; regulating insurers, agents, and coverages; modifying reporting requirements; regulating the rehabilitation and liquidation of insurers; modifying certain notice and disclosure provisions; modifying certain definitions; making technical changes; amending Minnesota Statutes 1998, sections 60A.02, subdivision 1a, and by adding a subdivision; 60A.052, subdivision 2, and by adding a subdivision; 60A.06, subdivisions 1 and 2; 60A.075, by adding a subdivision; 60A.092, subdivisions 6 and 11; 60A.10, subdivision 1; 60A.111, subdivision 1; 60A.13, subdivision 1; 60A.16, subdivisions 2, 3, and 4; 60A.19, subdivision 1; 60A.32; 60B.21, subdivision 2; 60B.25; 60B.26, subdivision 1; 60B.39, subdivision 2; 60B.44, subdivisions 4, 6, and by adding subdivisions; 60D.20, subdivision 2; 60K.02, subdivision 1; 60K.03, subdivisions 2 and 3; 60K.19, subdivision 8; 61A.276, subdivision 2; 61A.60, subdivision 1; 61B.19, subdivision 3; 62A.04, subdivision 3; 62A.135, subdivision 5; 62A.50, subdivision 3; 62A.61; 62A.65, subdivision 5; 62B.04, subdivision 2; 62D.12, subdivision 2; 62E.02, subdivision 1; 62E.05, subdivision 1; 62E.09; 62E.13, subdivisions 6 and 8; 62E.14, subdivision 2; 62E.15, subdivision 2; 62I.07, subdivision 1; 62L.02, subdivision 24; 62L.03, subdivision 5; 62L.05, subdivision 5; 62L.14, subdivision 7; 62Q.185; 62S.01, subdivision 14; 62S.05, subdivision 2; 65A.01, subdivision 1; 65A.27, subdivision 4; 65A.29, subdivision 4; 65B.02, subdivision 2; 65B.44, subdivision 1; 65B.48, subdivision 5; 72A.125, subdivision 3; 72A.20, subdivision 29; 72B.04, subdivision 10; 79A.01, subdivision 10, and by adding a subdivision; 79A.02, subdivisions 1 and 4; 79A.03, subdivisions 6, 7, 9, 10, and by adding a subdivision; 79A.21, subdivision 2; 79A.23, subdivisions 1 and 2; and 256B.0644; proposing coding for new law in Minnesota Statutes, chapter 60B; repealing Minnesota Statutes 1998, sections 60A.11, subdivision 24a; 60B.36; 60B.44, subdivisions 3 and 5; 60K.08; 65A.29, subdivision 12; and 79A.04, subdivision 8; Minnesota Rules, part 2780.0500, item C.

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

Davids, Jennings and Paulsen have been appointed as such committee on the part of the House.

House File No. 837 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1999

Senator Wiener moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 837, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1163, 1369, 979 and 1106.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1999

FIRST READING OF HOUSE BILLS

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

H.F. No. 1163: A bill for an act relating to commerce; regulating rental-purchase agreements; modifying the definitions of certain terms; providing for the calculation of the cash price of property; limiting charges for cost-of-lease services; amending Minnesota Statutes 1998, sections 325F.84, subdivision 3, and by adding a subdivision; 325F.85; 325F.86; and 325F.91, by adding subdivisions.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1423, now on General Orders.

H.F. No. 1369: A bill for an act relating to political subdivisions; providing that certain checks of a political subdivision are exempt from Minnesota Statutes, sections 345.31 to 345.60; amending Minnesota Statutes 1998, section 345.38, by adding a subdivision.

Referred to the Committee on Commerce.

H.F. No. 979: A bill for an act relating to landlords and tenants; providing that landlords may apportion utility payments among residential units; amending Minnesota Statutes 1998, section 504.185, subdivision 1a.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2059, now on General Orders.

H.F. No. 1106: A bill for an act relating to health; limiting use of health information secured as part of HIV vaccine research for insurance underwriting; amending Minnesota Statutes 1998, section 72A.20, by adding a subdivision.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1075, now on General Orders.

REPORTS OF COMMITTEES

SUSPENSION OF RULES

Senator Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to the Committee Report on H.F. No. 1415. The motion prevailed.

Senator Spear from the Committee on Crime Prevention, to which was re-referred

H.F. No. 1415: A bill for an act relating to natural resources; providing for gray wolf management; providing criminal penalties; amending Minnesota Statutes 1998, sections 97A.331, by adding a subdivision; and 97B.645; proposing coding for new law in Minnesota Statutes, chapter 97B.

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

Amend the report from the Committee on Agriculture and Rural Development, adopted by the Senate April 19, 1999, as follows:

Page 1, delete lines 16 to 21

Page 1, delete lines 23 to 31 and insert:

"The commissioner, in consultation with the commissioner of agriculture, shall adopt a gray wolf management plan that includes goals to ensure the long-term survival of the gray wolf in Minnesota and to reduce conflicts between gray wolves and humans and to minimize deprecation of livestock and domestic pets."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Joint Rule 2.03 suspended.

Senator Berg questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

MOTIONS AND RESOLUTIONS

Senator Spear introduced--

Senate Resolution No. 70: A Senate resolution honoring Czech President Vaclav Havel. Referred to the Committee on Rules and Administration.

Senators Runbeck and Marty introduced--

Senate Resolution No. 71: A Senate resolution congratulating David French of Little Canada, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senators Stevens and Fischbach introduced--

Senate Resolution No. 72: A Senate resolution congratulating Jacob Hutchins of Rice, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Stevens introduced--

Senate Resolution No. 73: A Senate resolution congratulating Ken Snyder of Zimmerman, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Ourada introduced--

Senate Resolution No. 74: A Senate resolution congratulating Brian Rust of Becker, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Ourada introduced--

Senate Resolution No. 75: A Senate resolution congratulating David Carlson-Witter of Clear Lake, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Ourada introduced--

Senate Resolution No. 76: A Senate resolution congratulating Joseph Nelson of Elk River, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Knutson introduced--

Senate Resolution No. 77: A Senate resolution congratulating Brian Jacob Cretzmeyer of Burnsville, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Runbeck moved that S.F. No. 2017 be taken from the table. The motion prevailed.

S.F. No. 2017: A bill for an act relating to public employment; making technical and administrative changes; modifying definitions; redesigning administrative procedures for certain pilot projects; amending Minnesota Statutes 1998, sections 13.43, subdivision 2; 43A.02, subdivisions 11 and 33; 43A.04, subdivision 4; 43A.06, subdivision 8; 43A.07, subdivisions 4 and 6; 43A.13, subdivision 3; 43A.15, subdivision 6, and by adding a subdivision; 43A.17, subdivision 8; 43A.18, subdivision 1; 43A.19, subdivision 3; 43A.20; 43A.317, subdivisions 3 and 4; and 43A.421; Laws 1995, chapter 248, article 13, section 2, subdivisions 5, as amended, and 6, as amended; repealing Minnesota Statutes 1998, sections 43A.13, subdivision 9; 43A.40; 43A.41; 43A.42; 43A.43, subdivision 2; 43A.44; 43A.45; 43A.46; and 43A.465; Laws 1995, chapter 248, article 13, section 2, subdivision 8; Minnesota Rules, parts 3910.0100; 3910.0200; 3910.0300; 3910.0400; 3910.0500; 3910.0600; 3910.0700; 3910.0800; 3910.0900; 3910.1000; 3910.1100; 3910.1200; 3910.1300; 3910.1400; 3910.1500; 3910.1600; and 3910.1700.

Senator Runbeck moved that the Senate do not concur in the amendments by the House to S.F. No. 2017, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

RECESS

Senator Moe, R.D. moved that the Senate do now recess until 10:35 a.m. The motion prevailed.

The hour of 10:35 a.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Senator Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 1, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 1 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 19, 1999

CONFERENCE COMMITTEE REPORT ON H.F. NO. 1

A bill for an act relating to taxation; providing for an income and property tax rebate; providing for agricultural assistance; exempting certain storm-damaged tree trimming and removal services from the sales tax; providing for automatic rebates in enacted budget; appropriating money; amending Minnesota Statutes 1998, sections 297A.15, subdivision 6; and 297A.25, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 16A.

April 16, 1999

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 1, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 1 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [AGRICULTURAL ASSISTANCE IN 1999.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Acre" means an acre of effective agricultural use land within the state of Minnesota as reported to the farm service agency on form 156EZ.

(c) "Commissioner" means the commissioner of revenue.

(d) "Effective agricultural use land" means the land suitable for growing an agricultural crop and excludes land enrolled in the conservation reserve program established by Minnesota Statutes, section 103F.515, or the water bank program established by Minnesota Statutes, section 103F.601.

(e) "Farm" or "farm operation" means an agricultural production operation with a unique farm number as reported on form 156EZ to the farm service agency, which includes at least 40 acres of effective agricultural use land.

(f) "Farm operator" means a person who is identified as the operator of a farm on form 156EZ filed with the farm service agency.

(g) "Farm service agency" means the United States Farm Service Agency.

(h) "Farmer" or "farmer at risk" means a person who produces an agricultural crop or livestock and is reported to the farm service agency as bearing a percentage of the risk for the farm operation.

(i) "Livestock" means cattle, hogs, poultry, and sheep.

(j) "Livestock production facility" means a farm that has produced at least \$10,000 in sales of unprocessed livestock or unprocessed dairy products as reported on schedule F or form 1065 or

form 1120 or 1120S of the farmer's federal income tax return for either taxable years beginning in calendar year 1997 or 1998.

(k) "Person" includes individuals, fiduciaries, estates, trusts, partnerships, joint ventures, and corporations.

Subd. 2. [PAYMENT TO FARMERS.] Every farm operator may apply on a separate form for each farm that they operate to the commissioner for payments as provided under this subdivision. The payment shall be made to each farmer at risk for a farm operation and shall equal \$4, multiplied by the number of acres of the farm operation, multiplied by the percentage of the risk borne by that farmer for that farm operation. If total payments for a farm to all farmers at risk for that farm would exceed \$5,600, the payment to each farmer at risk shall be prorated so that the total payments to all farmers at risk for that farm do not exceed \$5,600.

Applications shall be based on information reported to the farm service agency for crop year 1998 by December 31, 1998. The applications shall include the social security number or federal employer identification number or a producer number assigned by the farm service agency for each farmer and the farm service agency farm number from form 156EZ. The commissioner shall prepare application forms for the payment and ensure that they are available throughout the state. The commissioner shall make payments by June 30, 1999, to each eligible farmer who applies by May 31, 1999, or within 30 days of the application if the application is received after May 31, 1999. In no case will applications be accepted after September 30, 1999.

Subd. 3. [LIVESTOCK PRODUCERS.] A farmer who owns and operates a livestock production facility on 160 acres or less may elect the agricultural property tax refund under subdivisions 4 to 8 in lieu of the per acre payment under subdivision 2. To qualify, the farmer must apply for the refund as provided in subdivisions 4 to 8. The 40 acre minimum farm size under subdivision 1 does not apply to eligibility under subdivisions 4 to 8.

Subd. 4. [REFUND.] The refund equals the full amount of the property tax payment due and payable on May 15, 1999, on a livestock production facility that is class 1b agricultural homestead property or class 2a agricultural homestead property as defined in Minnesota Statutes, section 273.13, excluding that portion of the tax attributable to the house, garage, and surrounding acre of land. If a portion of the property was leased for the agricultural production year, the refund amount shall be prorated so that only the portion of the property which was not leased for the agricultural production year qualifies for the refund.

Subd. 5. [CERTIFICATION.] The commissioner shall develop a form by May 10, 1999, for use by the county auditors to ascertain qualification for the refund under subdivisions 4 to 8. The form shall require the property owner to certify (1) that the owner operates a livestock production facility on 160 acres or less, and (2) the percentage of that property, if any, that was leased to anyone for the agricultural production year. Any person qualifying under subdivision 3 shall contact the county auditor in the county where the livestock production facility is located and shall file the required form with the county auditor.

Subd. 6. [VERIFICATION.] The county auditor shall determine the amount of the refund for all qualifying properties in the county for which the owner has applied under subdivision 5. The county auditor shall notify all applicants of the amount of the refund within 14 days of receipt of the application.

Subd. 7. [CERTIFICATION AND PAYMENT.] Any person eligible for the refund under subdivisions 4 to 8 shall send the commissioner a copy of the certification that the taxpayer received from the county auditor. In no case will applications be accepted after November 30, 1999. The commissioner shall issue a refund by July 15, 1999, to each qualifying taxpayer who applied by June 15, 1999, or within 30 days of receipt of the application if received after June 15, 1999.

Subd. 8. [PROPERTY TAX REFUND.] Taxpayers benefiting from the refund under subdivisions 4 to 8 must deduct the amount of the refund from the net property taxes payable when applying for a property tax refund under Minnesota Statutes 1998, section 290A.04, subdivision 2.

Subd. 9. [ALTERNATE QUALIFICATION.] (a) If an agricultural production operation does not meet the definition of a farm under subdivision 1 solely because (1) the farm operator had not filed a form 156EZ with the farm service agency, (2) there was an error in the farm service agency's records, or (3) an operator operates more than one farm and the acres of effective agricultural use land of each farm is less than 40 acres, but the combined acres of effective agricultural use land is at least 40 acres, the commissioner may allow the farm operator to apply for payment under subdivision 2 after providing such information as the commissioner may require to determine the number of acres that would be comparable to the effective agricultural use land listed on form 156EZ.

(b) If the number of acres of effective agricultural use land for crop year 1998 for a farm is greater than indicated in the farm service agency's records, the commissioner may allow a farm operator to apply for payment on the greater acreage after providing such information as the commissioner may require.

(c) If a person who produced an agricultural crop or livestock in 1998 and bore a portion of the risk for the farm operation does not meet the definition of a farmer under subdivision 1 solely because that information was not reported to the farm service agency, or because there was an error in the farm service agency's records, the commissioner may allow the farmer to be included on an application for payment under subdivision 2 after the farmer provides such information as the commissioner may require to determine the farmer was at risk for that farm.

Subd. 10. [LIMIT.] No person may receive a payment under subdivision 2 or a property tax refund under subdivisions 4 to 8 that exceeds \$5,600.

Subd. 11. [APPLICATION OF OTHER LAWS.] The payments under subdivisions 2 and 7 are a "Minnesota tax law" for purposes of Minnesota Statutes, section 270B.01, subdivision 8.

Subd. 12. [REMEDIES.] A farmer denied a refund may appeal that denial under Minnesota Statutes, section 289A.50, subdivision 7.

Subd. 13. [INTEREST.] Payments under subdivision 2 or subdivisions 4 to 8 shall bear interest at the rate specified in Minnesota Statutes, section 289A.55, subdivision 1, from the later of the payment dates specified under subdivision 2 or 7 or 75 days after a complete payment application was filed with the commissioner.

Subd. 14. [PENALTIES.] If the commissioner determines that claims for payments under subdivisions 2 and 7 are or were excessive and were filed with fraudulent intent, the claim must be disallowed in full. If the claim has been paid, the amount disallowed must be recovered by assessment and collection under Minnesota Statutes, chapter 289A. The assessment must be made within two years after a check is cashed, but if cashing a check constitutes theft under Minnesota Statutes, section 609.52, or forgery under Minnesota Statutes, section 609.631, the assessment may be made at any time. The assessment may be appealed administratively and judicially.

Sec. 2. [APPROPRIATION.]

(a) The amount necessary to fund the payments required under section 1, subdivisions 2 and 7, is appropriated in fiscal year 1999 from the general fund to the commissioner of revenue. This appropriation is available until June 30, 2000.

(b) \$68,000 is appropriated in fiscal year 1999 to the commissioner of revenue for distribution to counties for the costs of administering section 1, subdivisions 4 to 8. This appropriation is available until June 30, 2000. The distribution to counties shall be based on the number of refunds received under the provisions of section 1, subdivisions 4 to 8.

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 agricultural relief; providing for a payment to farmers at risk based on the acreage of agricultural use land; providing for an agricultural property tax refund for certain livestock producers; appropriating money."

We request adoption of this report and repassage of the bill.

House Conferees: (Signed) Ron Abrams, Dan McElroy, Tom Osthoff, Roxann Daggett, William Kuisle

Senate Conferees: (Signed) Douglas J. Johnson, Jim Vickerman, John C. Hottinger, William V. Belanger, Jr., Carol Flynn

Senator Johnson, D.J. moved that the foregoing recommendations and Conference Committee Report on H.F. No. 1 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

CALL OF THE SENATE

Senator Johnson, D.J. imposed a call of the Senate for the balance of the proceedings on H.F. No. 1. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 1 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2226 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2226: A bill for an act relating to state government; appropriating money for environmental, natural resource, and agricultural purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 1998, sections 14.386; 16A.531, by adding a subdivision; 16B.171, as amended; 17.038; 17.102, subdivision 4; 17.109, subdivisions 1 and 3; 17.115, subdivision 3; 17.116, subdivision 3; 17.117, subdivision 3; 17.457, subdivision 10; 17.59,

subdivision 5; 17.85; 17.982, subdivision 1; 17.983, subdivision 1; 17A.11; 17B.15, subdivision 1; 18B.05, subdivision 1; 18B.26, subdivision 5; 18C.131; 18E.02, subdivision 5; 18E.03, subdivision 1; 21.115; 21.116; 21.90, subdivision 3; 21.92; 25.39, subdivision 4; 27.07, subdivision 6; 28A.08, subdivision 3; 29.22, subdivision 5; 31.94; 31.95, subdivision 3a; 31B.06; 32.21, subdivision 4; 32.394, subdivision 9; 41B.044, subdivision 2; 84.027, subdivision 15; 84.0855, subdivision 2, and by adding a subdivision; 84.81, by adding a subdivision; 84.8205, by adding a subdivision; 84.83, subdivisions 3 and 4; 84.86, subdivision 1; 84.862, subdivisions 1 and 2; 84.872, subdivision 1; 84.91, subdivision 1; 84.98, subdivision 6; 85.015, by adding a subdivision; 85.019, subdivision 2, and by adding subdivisions; 85.40, subdivision 5; 85.41, subdivisions 1, 4, and 5; 85.42; 85.44; 85.45, subdivision 1; 88.067; 89A.01, by adding a subdivision; 89A.02; 89A.03; 89A.04; 89A.05; 89A.06; 89A.07, subdivisions 3 and 5; 89A.10; 92.46, subdivision 1; 97A.075, subdivision 1; 97A.475, subdivisions 2, 3, 6, 7, 8, 11, 12, 13, and 20; 97A.485, subdivisions 6 and 12; 97B.020; 103G.271, subdivision 6; 115.55, subdivision 5a; 115A.554; 115A.908, subdivision 2; 115A.918, subdivision 1; 115A.9651, subdivision 6; 115B.175, subdivision 2; 115B.39, subdivision 2; 115B.40, subdivisions 2, 3, 4, 5, 6, 7, and 8; 115B.405, subdivision 1; 115B.412, subdivision 3; 115B.42; 115B.43, subdivision 1; 115B.442, by adding a subdivision; 115B.445; 115B.48, subdivision 8; 116.072, subdivision 1; 116.073, subdivisions 1 and 2; 116O.09, subdivision 5; 169.121, subdivision 3; 169.1217, subdivisions 7a and 9; 169.123, subdivision 1; 171.07, subdivisions 12 and 13; 216C.41, subdivision 2; 223.17, subdivision 3; 231.16; 232.22, subdivision 3; 233.08; 236.02, subdivision 4; 290.431; 290.432; 446A.072, subdivision 4; 574.263; 574.264, subdivision 1; Laws 1994, chapter 643, section 27, subdivision 2, as amended; Laws 1995, chapter 220, section 142, as amended; and Laws 1998, chapter 401, section 53; proposing coding for new law in Minnesota Statutes, chapters 18; 28A; 31B; 41B; 84; 85; 103G; 115B; and 116; repealing Minnesota Statutes 1998, sections 115A.981; 297H.13, subdivisions 3 and 6; and 473.845, subdivision 2.

Senator Wiener moved to amend S.F. No. 2226 as follows:

Page 22, delete lines 1 to 5

Page 56, after line 48, insert:

"Sec. 17. TRADE AND ECONOMIC
DEVELOPMENT

1,000,000

-0-

This appropriation is for the Minnesota investment fund under Minnesota Statutes, section 116J.8731, to make a grant to the city of Windom to assist an expanding agricultural processing facility. The amount of the grant is not subject to the limit in Minnesota Statutes, section 116J.8731, subdivision 5. If the grant is used to acquire or improve real property, the grant agreement between the city of Windom and a recipient must provide that, if the grant recipient sells, transfers, or exchanges the real property, any capital gain or other profit on the transaction that accrues to the grant recipient must be paid to the commissioner for credit to the Minnesota investment fund in the same proportion as was paid from the Minnesota investment fund to acquire or improve the real property."

Correct the subdivision and section totals and the appropriation summary accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Belanger moved to amend S.F. No. 2226 as follows:

Page 16, line 16, delete "\$4,500,000" and insert "\$4,300,000"

Page 16, after line 18, insert:

"\$200,000 in the first year is for a grant to the city of Savage or Scott county, or both, for engineering and environmental studies relating to the extension of Scott county state-aid highway No. 27 in the vicinity of the Savage fen wetlands complex."

Correct the subdivision and section totals and the summaries by fund accordingly

Senator Johnson, J.B. moved to amend the Belanger amendment to S.F. No. 2226 as follows:

Page 1, line 3, delete "\$4,300,000" and insert "\$4,400,000"

Page 1, line 5, delete "\$200,000" and insert "\$100,000"

CALL OF THE SENATE

Senator Krentz imposed a call of the Senate for the balance of the proceedings on S.F. No. 2226. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Johnson, J.B. amendment to the Belanger amendment. The motion did not prevail. So the amendment to the amendment was not adopted.

The question recurred on the adoption of the Belanger amendment. The motion prevailed. So the amendment was adopted.

Senator Stumpf moved to amend S.F. No. 2226 as follows:

Page 9, line 33, delete "\$550,000" and insert "\$468,000"

Page 9, line 42, delete "\$150,000" and insert "\$232,000"

Correct the subdivision and section totals and the summaries by fund accordingly

The motion prevailed. So the amendment was adopted.

Senator Scheevel moved to amend S.F. No. 2226 as follows:

Page 9, line 38, delete "\$1,200,000" and insert "\$1,150,000"

Page 13, after line 13, insert:

"\$50,000 is for planning and archaeological costs of a multiuse trail connecting the Douglas trail in Rochester with Chester Woods county park and the cities of Eyota and Dover."

Correct the subdivision and section totals and the summaries by fund accordingly

The motion prevailed. So the amendment was adopted.

Senator Krentz moved to amend S.F. No. 2226 as follows:

Page 2, line 28, delete "22,044,000" and insert "22,161,000" and delete "23,094,000" and insert "23,213,000" and delete "45,138,000" and insert "45,374,000"

Page 2, line 38, delete "369,007,000" and insert "369,124,000" and delete "345,938,000" and insert "346,057,000" and delete "714,945,000" and insert "715,181,000"

Page 3, line 2, delete "48,991,000" and insert "49,108,000" and delete "50,786,000" and insert "50,905,000"

Page 3, line 8, delete "20,440,000" and insert "20,557,000" and delete "21,479,000" and insert "21,598,000"

Page 3, line 9, delete "9,126,000" and insert "9,129,000"

Page 3, line 23, after the period, insert "Of these amounts, \$80,000 the first year and \$80,000 the second year are for administration of the program."

Page 4, line 48, delete "grants" and insert "administration"

Page 4, delete line 49 and 50

Page 4, line 51, delete everything before "Of"

Page 4, after line 56, insert:

"\$200,000 in each year is for individual sewage treatment system grants. Any unexpended balance in the first year does not cancel, but is available in the second year."

Page 5, line 41, delete "18,531,000" and insert "18,648,000" and delete "18,883,000" and insert "19,002,000"

Page 5, line 45, delete "6,082,000" and insert "6,199,000" and delete "6,221,000" and insert "6,340,000"

Page 6, line 39, after "year" insert "and \$200,000 the second year"

Page 7, line 48, delete "17,417,000" and insert "7,449,000" and delete "17,897,000" and insert "7,929,000"

Page 10, after line 53, insert:

"The commissioner may contract with and make grants to nonprofit agencies to carry out the purposes, plans, and programs of the office of youth programs, Minnesota conservation corps."

Page 13, line 17, after "is" insert "appropriated in fiscal year 1999"

Page 13, line 19, after the period, insert "This appropriation is available until spent."

Page 14, lines 8 and 9, delete "\$1,047,000" and insert "\$147,000"

Page 15, delete lines 45 to 50

Page 18, line 46, delete "\$500,000 each year" and insert "\$501,000 the first year and \$502,000 the second year"

Page 20, line 10, delete "\$360,000" and insert "\$160,000"

Page 21, line 15, before the period, insert ", including in-kind contributions at the rate of one nonstate dollar for every four state dollars"

Page 21, line 25, delete "\$260,000" and insert "\$200,000"

Page 23, after line 8, insert:

"Summary by Fund

General	4,330,000	4,330,000
Special Revenue	200,000	200,000"

Page 122, delete section 114

Page 123, delete section 116

Page 143, line 34, delete "473.811,"

Correct the subdivision and section totals and the summaries by fund accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Hanson moved to amend S.F. No. 2226 as follows:

Page 9, after line 49, insert:

"\$20,000 in fiscal year 2000 is for a feasibility study of raising the control elevation of Coon Lake in Anoka county. The study must be completed by February 1, 2000."

The motion prevailed. So the amendment was adopted.

Senator Johnson, J.B. moved to amend S.F. No. 2226 as follows:

Page 13, line 26, delete "48,192,000" and insert "45,745,000" and delete "49,711,000" and insert "46,844,000"

Page 13, line 28, delete "6,968,000" and insert "7,081,000" and delete "6,666,000" and insert "7,215,000"

Page 13, line 30, delete "39,133,000" and insert "36,573,000" and delete "40,913,000" and insert "37,497,000"

Page 14, line 60, delete "22,136,000" and insert "21,696,0000" and delete "22,331,000" and insert "21,847,000"

Page 15, line 4, delete "13,726,000" and insert "13,286,000" and delete "14,088,000" and insert "13,604,000"

Pages 113 to 117, delete sections 99 to 109

Correct the subdivision and section totals and the summaries by fund accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Robling moved to amend S.F. No. 2226 as follows:

Page 163, lines 26 to 32, delete the new language and strike the old language

Page 163, line 33, delete the new language and reinstate the stricken language

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

Senator Vickerman moved to amend S.F. No. 2226 as follows:

Page 5, after line 20, insert:

"Until July 1, 2001, the agency shall not approve additional fees on animal feedlot operations."

Senator Junge moved to amend the Vickerman amendment to S.F. No. 2226 as follows:

Page 1, line 3, delete "2001" and insert "2000"

The question was taken on the adoption of the Junge amendment to the Vickerman amendment.

The roll was called, and there were yeas 25 and nays 36, as follows:

Those who voted in the affirmative were:

Anderson	Foley	Junge	Marty	Ranum
Berglin	Higgins	Kelley, S.P.	Pappas	Scheid
Betzold	Janezich	Krentz	Piper	Spear
Cohen	Johnson, D.J.	Laidig	Pogemiller	Wiener
Flynn	Johnson, J.B.	Lourey	Price	Wiger

Those who voted in the negative were:

Belanger	Johnson, D.E.	Lessard	Pariseau	Stumpf
Berg	Kelly, R.C.	Limmer	Robertson	Ten Eyck
Day	Kiscaden	Metzen	Robling	Vickerman
Dille	Kleis	Murphy	Runbeck	Ziegler
Fischbach	Knutson	Neuville	Sams	
Frederickson	Langseth	Oliver	Scheevel	
Hanson	Larson	Olson	Solon	
Hottinger	Lesewski	Ourada	Stevens	

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

The question recurred on the adoption of the Vickerman amendment.

The roll was called, and there were yeas 44 and nays 17, as follows:

Those who voted in the affirmative were:

Belanger	Janezich	Langseth	Neuville	Sams
Berg	Johnson, D.E.	Larson	Oliver	Scheevel
Day	Johnson, D.J.	Lesewski	Olson	Stevens
Dille	Johnson, J.B.	Lessard	Ourada	Stumpf
Fischbach	Kelley, S.P.	Limmer	Pariseau	Ten Eyck
Frederickson	Kelly, R.C.	Lourey	Price	Vickerman
Hanson	Kiscaden	Metzen	Robertson	Wiener
Higgins	Kleis	Moe, R.D.	Robling	Ziegler
Hottinger	Knutson	Murphy	Runbeck	

Those who voted in the negative were:

Anderson	Flynn	Laidig	Pogemiller	Wiger
Berglin	Foley	Marty	Ranum	
Betzold	Junge	Pappas	Scheid	
Cohen	Krentz	Piper	Spear	

The motion prevailed. So the amendment was adopted.

Senator Krentz moved to amend S.F. No. 2226 as follows:

Page 3, line 19, delete "3,112,000" and insert "2,616,000" and delete "3,786,000" and insert "2,680,000"

Correct the subdivision and section totals and the summaries by fund accordingly

The motion prevailed. So the amendment was adopted.

Senator Krentz then moved to amend S.F. No. 2226 as follows:

Page 169, after line 9, insert:

"Sec. 170. [REPORT ON FEEDLOT UPGRADE ACCOUNT.]

By January 15, 2000, the commissioner of the pollution control agency, in conjunction with the commissioner of agriculture, shall report to the legislative policy and finance committees or divisions with jurisdiction over agriculture and the environment on the need for a feedlot upgrade account and a priority action plan for upgrading animal waste sites. The report must include:

- (1) an analysis of the need and level of funding required for a feedlot upgrade account;
- (2) the identification of possible funding sources to ensure adequate resources for the account under clause (1); and
- (3) the need for development of a statewide animal waste priority action plan for animal waste sites, including containment, closure, and cleanup."

Reorder the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Lessard moved to amend S.F. No. 2226 as follows:

Page 162, after line 24, insert:

"Sec. 160. Minnesota Statutes 1998, section 297A.44, subdivision 1, is amended to read:

Subdivision 1. (a) Except as provided in paragraphs (b) to (d) (e), all revenues, including interest and penalties, derived from the excise and use taxes imposed by sections 297A.01 to 297A.44 shall be deposited by the commissioner in the state treasury and credited to the general fund.

(b) All excise and use taxes derived from sales and use of property and services purchased for the construction and operation of an agricultural resource project, from and after the date on which a conditional commitment for a loan guaranty for the project is made pursuant to section 41A.04, subdivision 3, shall be deposited in the Minnesota agricultural and economic account in the special revenue fund. The commissioner of finance shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account shall be reduced by any refunds and by the costs incurred by the department of revenue to administer and enforce the assessment and collection of the taxes.

(c) All revenues, including interest and penalties, derived from the excise and use taxes imposed on sales and purchases included in section 297A.01, subdivision 3, paragraphs (d) and (k), clauses (1) and (2), must be deposited by the commissioner in the state treasury, and credited as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance must be credited to the general fund.

(d) The revenues, including interest and penalties, collected under section 297A.135, subdivision 5, shall be deposited by the commissioner in the state treasury and credited to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.135, subdivision 5, for the previous calendar year.

(e) After June 30, 2001, the revenues, including interest and penalties, transmitted to the commissioner under section 297A.259, shall be deposited by the commissioner in the state treasury with 70 percent credited to the game and fish fund, 15 percent credited to the environment and natural resources trust fund, and 15 percent credited to the tourism advertising account."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Lessard then moved to amend the Lessard amendment to S.F. No. 2226 as follows:

Page 2, line 7, delete "70" and insert "50" and delete "15" and insert "ten"

Page 2, line 9, delete "and 15" and insert "ten"

Page 2, line 10, before the period, insert ", and 30 percent to the general revenue fund"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Lessard amendment, as amended.

The roll was called, and there were yeas 27 and nays 35, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.E.	Lessard	Pariseau	Stevens
Berg	Kiscaden	Limmer	Robertson	Ten Eyck
Day	Kleis	Neuville	Robling	Ziegler
Fischbach	Knutson	Oliver	Runbeck	
Frederickson	Larson	Olson	Sams	
Hanson	Lesewski	Ourada	Scheevel	

Those who voted in the negative were:

Anderson	Higgins	Krentz	Murphy	Scheid
Berglin	Hottinger	Laidig	Pappas	Solon
Betzold	Janezich	Langseth	Piper	Spear
Cohen	Johnson, D.J.	Lourey	Pogemiller	Stumpf
Dille	Johnson, J.B.	Marty	Price	Vickerman
Flynn	Junge	Metzen	Ranum	Wiener
Foley	Kelley, S.P.	Moe, R.D.	Samuelson	Wiger

The motion did not prevail. So the Lessard amendment, as amended, was not adopted.

Senator Stumpf moved to amend S.F. No. 2226 as follows:

Page 94, after line 33, insert:

"Sec. 74. Minnesota Statutes 1998, section 84A.55, subdivision 5, is amended to read:

Subd. 5. [WILDLIFE.] The commissioner shall care for, protect, and preserve any species of wildlife there, so far as means are available. The commissioner may only designate conservation lands as wildlife management areas if:

(1) the lands have been classified as nonagricultural under section 282.14; and

(2) the designation is by rule under subdivision 11."

Page 169, after line 19, insert:

"Section 74 is effective retroactively to December 1, 1998, and applies to the designation of wildlife management areas after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Krentz moved to amend the Stumpf amendment to S.F. No. 2226 as follows:

Page 1, delete lines 12 to 15

The motion prevailed. So the amendment to the amendment was adopted.

Senator Stumpf moved to amend the Stumpf amendment to S.F. No. 2226 as follows:

Page 1, line 7, delete "only"

Page 1, line 8, after "areas" insert "only"

The motion prevailed. So the amendment to the amendment was adopted.

Senator Frederickson moved to amend the Stumpf amendment to S.F. No. 2226 as follows:

Page 1, line 7, after the period, insert "Until June 30, 2000,"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Stumpf amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Wiener moved to amend S.F. No. 2226 as follows:

Page 110, after line 23, insert:

"Sec. 97. Minnesota Statutes 1998, section 92.45, is amended to read:

92.45 [STATE LAND ON MEANDERED LAKES WITHDRAWN FROM SALE.]

All state lands bordering on or adjacent to meandered lakes and other public waters and watercourses, with the live timber growing on them, are withdrawn from sale except as provided in this section. The commissioner of natural resources may sell the timber as otherwise provided by law for cutting and removal under conditions the commissioner prescribes. The conditions must be in accordance with approved, sustained-yield forestry practices. The commissioner must reserve the timber and impose other conditions the commissioner deems necessary to protect watersheds, wildlife habitat, shorelines, and scenic features. Within the area in Cook, Lake, and St. Louis counties described in the act of Congress approved July 10, 1930, (Statutes at Large, volume 46, page 1020), the timber on state lands is subject to restrictions like those now imposed by the act on federal lands.

The following land is reserved for public travel: of all land bordering on or adjacent to meandered lakes and other public waters and watercourses and withdrawn from sale, a strip two rods wide, the ordinary high-water mark being its waterside boundary, and its landside boundary a line drawn parallel to the ordinary high-water mark and two rods distant landward from it. Wherever the conformation of the shore line or conditions require, the commissioner must reserve a wider strip.

When a state agency or any other unit of government requests the legislature to authorize the sale of state lands, except for sales under section 282.018, subdivision 1, bordering on or adjacent to meandered lakes and other public waters and watercourses, the commissioner shall evaluate the lands and their public benefits and make recommendations on the proposed dispositions to the committees of the legislature with jurisdiction over natural resources. The commissioner shall include any recommendations of the commissioner for disposition of lands withdrawn from sale under this section over which the commissioner has jurisdiction. The commissioner's recommendations may include a public sale, sale to a private party, acquisition by the commissioner for public purposes, retention of a conservation easement for shoreland preservation by the commissioner under chapter 84C, or a cooperative management agreement with, or transfer to, another unit of government.

The commissioner may sell state lands bordering on or adjacent to the Mississippi river or any

lakes, waters, and watercourses in its bottom lands, desired or needed by the United States government for, or in connection with, any project heretofore authorized by Congress, to improve navigation in the Mississippi River at public sale according to law, as in other cases, upon application by an authorized United States official. The application must describe the land and include a map showing its location with reference to adjoining properties."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Wiener then moved to amend the Wiener amendment to S.F. No. 2226 as follows:

Page 1, line 29, before "When" insert "Except for sales under section 282.018, subdivision 1,"

Page 1, lines 30 and 31, delete ", except for sales under section 282.018, subdivision 1,"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Wiener amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Stevens moved to amend S.F. No. 2226 as follows:

Page 6, delete lines 57 to 62

Pages 123 and 124, delete section 117

Page 169, line 11, after "sections" insert "115A.9651;"

Correct the subdivision and section totals and the summaries by fund accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 43, as follows:

Those who voted in the affirmative were:

Belanger	Fischbach	Lesewski	Oliver	Stevens
Berg	Johnson, D.E.	Lessard	Olson	Ten Eyck
Day	Kleis	Limmer	Pariseau	Ziegler
Dille	Larson	Murphy	Scheevel	

Those who voted in the negative were:

Anderson	Hottinger	Krentz	Pappas	Scheid
Berglin	Janezich	Laidig	Piper	Solon
Betzold	Johnson, D.H.	Langseth	Pogemiller	Spear
Cohen	Johnson, J.B.	Lourey	Price	Stumpf
Flynn	Junge	Marty	Ranum	Vickerman
Foley	Kelley, S.P.	Metzen	Robertson	Wiener
Frederickson	Kelly, R.C.	Moe, R.D.	Robling	Wiger
Hanson	Kiscaden	Neuville	Runbeck	
Higgins	Knutson	Novak	Sams	

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

Senator Lourey moved to amend S.F. No. 2226 as follows:

Page 9, line 38, delete "\$1,200,000" and insert "\$1,150,000"

Page 13, after line 13, insert:

"\$50,000 the first year is for construction of a

snowmobile trail to connect the Willard Munger state trail at Hermantown to the North Shore state trail in Duluth."

Correct the subdivision and section totals and the summaries by fund accordingly

The motion prevailed. So the amendment was adopted.

Senator Pariseau moved to amend S.F. No. 2226 as follows:

Page 14, line 56, after "an" insert "independent"

The motion prevailed. So the amendment was adopted.

Senator Johnson, D.J. moved to amend S.F. No. 2226 as follows:

Page 117, after line 23, insert:

"Sec. 111. [97C.326] [UNDERWATER VIDEO CAMERA RESTRICTION.]

A person who is fishing in the waters of this state and has immediate possession or control of an underwater video camera must immediately return all fish to the water that are in the person's possession on the water or on the ice. For the purposes of this section, an underwater video camera that is in a fish house, or in the possession of any member of a fishing party, as that term is defined in section 97C.317, is considered to be in the immediate possession of each occupant of the fish house or each member of the party."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berg	Laidig	Samuelson	Stevens	Ten Eyck
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The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 2226 as follows:

Page 97, after line 20, insert:

"Sec. 76. Minnesota Statutes 1998, section 85.015, subdivision 4, is amended to read:

Subd. 4. [DOUGLAS TRAIL, OLMSTED, WABASHA, AND GOODHUE COUNTIES.] (a) The trail shall originate at Rochester in Olmsted county and shall follow the route of the Chicago Great Western Railroad to Pine Island in Goodhue county and there terminate.

(b) Additional trails may be established that extend the Douglas trail system to include Pine Island, Mazeppa in Wabasha county to Zumbrota, Bellechester, Goodhue, and Red Wing in Goodhue county. In addition to the criteria in section 86A.05, subdivision 4, these trails must utilize abandoned railroad rights-of-way where possible.

(c) The trail shall be developed primarily for riding and hiking.

(d) Under no circumstances shall the commissioner acquire any of the right-of-way of the Chicago Great Western Railroad until the abandonment of the line of railway described in this subdivision has been approved by the Interstate Commerce Commission."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Robling moved to amend S.F. No. 2226 as follows:

Page 163, line 28, strike "\$40,000" and insert "\$46,000"

The motion prevailed. So the amendment was adopted.

S.F. No. 2226 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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

SUSPENSION OF RULES

Senator Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to the Committee Report on S.F. No. 868. The motion prevailed.

Senator Moe, R.D. moved that the Committee Report at the Desk be now adopted. The motion prevailed.

Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred

S.F. No. 868: A bill for an act relating to education; amending definition of district for homeless students; clarifying date for homeless student count; providing for grants for education programs serving homeless students; appropriating money; amending Minnesota Statutes 1998, sections 124D.70; and 127A.47, subdivision 2; Laws 1997, First Special Session chapter 4, article 2, section 48.

Report 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 1998, section 120B.02, is amended to read:

120B.02 [RESULTS-ORIENTED GRADUATION RULE; BASIC SKILLS REQUIREMENTS; PROFILE OF LEARNING.]

(a) The legislature is committed to establishing a rigorous, results-oriented graduation rule for Minnesota's public school students. To that end, the state board shall use its rulemaking authority under section 127A.66, subdivision 2, to adopt a statewide, results-oriented graduation rule to be implemented starting with students beginning ninth grade in the 1996-1997 school year. The board shall not prescribe in rule or otherwise the delivery system or form of instruction that local sites must use to meet the requirements contained in this rule.

(b) To successfully accomplish paragraph (a), the state board shall set in rule high academic standards for all students. The standards must contain the foundational skills in the three core curricular areas of reading, writing, and mathematics while meeting requirements for high school graduation. The standards must also provide an opportunity for students to excel by meeting higher academic standards through a profile of learning that uses curricular requirements to allow students to expand their knowledge and skills beyond the foundational skills. All state board actions regarding the rule must be premised on the following:

- (1) the rule is intended to raise academic expectations for students, teachers, and schools;
- (2) any state action regarding the rule must evidence consideration of school district autonomy; and
- (3) the department of children, families, and learning, with the assistance of school districts, must make available information about all state initiatives related to the rule to students and parents, teachers, and the general public in a timely format that is appropriate, comprehensive, and readily understandable.

(c) For purposes of adopting the rule, the state board, in consultation with the department, recognized psychometric experts in assessment, and other interested and knowledgeable educators, using the most current version of professional standards for educational testing, shall evaluate the alternative approaches to assessment.

(d) The content of the graduation rule must differentiate between minimum competencies reflected in the basic requirements assessment and rigorous profile of learning standards. When fully implemented, the requirements for high school graduation in Minnesota must include both basic requirements and the required profile of learning. The profile of learning must measure student performance using ~~performance-based~~ assessments compiled over time that integrate higher academic standards, higher order thinking skills, and application of knowledge from a variety of content areas. The profile of learning shall include a broad range of academic experience and accomplishment necessary to achieve the goal of preparing students to function effectively as purposeful thinkers, effective communicators, self-directed learners, productive group participants, and responsible citizens. After consultation with education Minnesota and superintendents, the commissioner shall develop and disseminate to school districts designate a uniform method for reporting student performance on the profile of learning. The profile of learning shall contain the following learning areas:

- (1) read, listen, and view;
- (2) write and speak;
- (3) mathematical concepts and applications;
- (4) scientific concepts and applications;
- (5) social studies;
- (6) arts and literature;
- (7) inquiry and research;
- (8) physical education and lifetime fitness;
- (9) economics and business; and
- (10) world languages.

(e) The state board commissioner shall periodically review and report on the assessment process and student achievement with the expectation of raising the standards and expanding high school graduation requirements.

~~(f) The state board shall report in writing to the legislature annually by January 15 on its progress in developing and implementing the graduation requirements according to the requirements of this subdivision and section 120B.10 until such time as all the graduation requirements are implemented. Beginning July 15, 1999, the commissioner shall make available to the public an annual report on the content standards offered at each school site and the required content standards for graduation for each school district based on information provided by each school district.~~

Sec. 2. Minnesota Statutes 1998, section 120B.03, is amended to read:

120B.03 [IMPLEMENTING THE PROFILE OF LEARNING.]

Subdivision 1. [DISTRICT IMPLEMENTATION OF THE PROFILE OF LEARNING.] (a) A school district shall implement the profile of learning of the graduation rule under paragraph (b); ~~(c), or (d).~~

~~A district may implement the profile of learning under paragraph (c) or (d) only after the commissioner approves the district's request for a waiver and approves the local plan for full implementation.~~

(b) A school district shall implement the profile of learning for the 1998-1999 school year and later.

(e) A school district shall implement the profile of learning as follows:

~~(1) for the 1998-1999 school year and later, the district shall implement all standards in learning areas at the preparatory level and implement for ninth grade students a minimum of six learning areas under the profile of learning with three from the areas of read, listen, and view; write and speak; mathematical applications; scientific applications; and people and cultures; and three from the areas of literature and the arts; inquiry; decision making; resource management; and world language;~~

~~(2) for the 1999-2000 school year and later, the district shall implement determine the number of content standards required for graduation for students entering the ninth and tenth grade students two learning areas in addition to those implemented under clause (1). The district shall complete the four learning areas of read, listen, and view; write and speak; mathematical applications; scientific applications; and people and cultures if the four areas were not completed in clause (1); and the remainder from the areas of literature and the arts; inquiry; decision making;~~

~~resource management; and world language and implement all content standards at the preparatory level; and~~

~~(3) (2) for the 2000-2001 school year and later, the district shall fully implement for ninth, tenth, and eleventh grade students two learning areas in the profile of learning that were not implemented under clauses (1) and (2) the profile of learning.~~

~~(d) A district shall develop a local plan to implement the profile of learning and have all ten learning areas fully implemented by the 2001-2002 school year.~~

~~(e) (c) A district shall notify the commissioner by July 1, 1998 1999, as to whether the district will implement the profile of learning under paragraph (b); or (c), or (d).~~

~~(f) An advisory committee of 11 members is established to advise the governor and commissioner on the implementation of the graduation rule under this section. The commissioner shall appoint 11 members with representatives from education organizations, business, higher education, parents, and organizations representing communities of color.~~

~~The committee shall review the implementation of the basic requirements and the profile of learning standards.~~

~~The commissioner shall provide technical and other assistance to the advisory committee. The committee expires on December 1, 1998.~~

Subd. 1a. [TRANSCRIPT DATA.] For the 1998-1999 school year and later, a high school student's transcript shall account for work done in each of the content standards, including content standards that are not fully implemented in the district.

Subd. 2. [PERFORMANCE PACKAGES ASSESSMENTS.] (a) Districts shall choose the methods used to assess student achievement of a content standard. Assessments may include state model performance packages, local performance packages, checklists or portfolios, work projects, group work, or other testing methods as determined by the district. The assessment method selected by the district must have a scoring system that is comparable to state assessments. A district may use more than one assessment to meet the requirements of a content standard. The commissioner shall not mandate in rule the assessments that local sites must use to meet the requirements contained in this section.

~~(b) The commissioner shall not mandate that teachers are not required to use a state model performance package. Teachers are encouraged to develop and use a performance package that equals or exceeds the difficulty of the state model performance package.~~

Subd. 2a. [HIGH STANDARDS TOOL LIBRARY.] The commissioner shall establish and maintain a high standards tool library that will offer to teachers examples of assessment tools to assess students' achievement of standards, examples of lesson plans, best practices methods, research on proven methods, and examples of exemplar work aligned to the content standards.

Subd. 3. [WAIVER.] In order to receive a waiver, a district must document why the waiver is necessary, how the local plan improves student achievement, and how the profile of learning will be fully implemented for the 2001-2002 school year. The commissioner shall grant a waiver to districts that, by a majority vote of the licensed teachers in the district and a majority vote of the school board, have selected fewer standards for graduation requirements than are required by the state. A district waiver request must be approved annually by a majority vote of the licensed teachers in the district and a majority vote of the school board. A district must submit a request for a waiver to the commissioner by July 1 before each school year. A district receiving a waiver must provide learning opportunities for all students in all preparatory content standards as required by rule and learning opportunities in high school content standards in all ten learning areas.

Subd. 4. [COMPLETION OF A CONTENT STANDARD.] Districts may incorporate more than one content standard in a single course. Districts may develop a system allowing students to meet a content standard through different subject areas. Districts may determine at what grade levels a content standard may be completed.

Subd. 5. [RECORDS.] A district shall maintain records of the following at each site to be submitted for audit at the request of the commissioner:

- (1) examples of local assessments used to assess student completion of a content standard;
- (2) aggregate data on student completion of each high school content standard;
- (3) aggregate data on each year's high school graduates, including the number of high school content standards completed, and the number of each score earned on each standard;
- (4) examples of some student work in each of the high school content standards; and
- (5) number of available standards, number of required standards, and the number of standards completed by students.

Subd. 6. [SCORING.] Students participating in group projects shall be scored individually based on their contribution to the project. The grade level of a student shall not prohibit a student from receiving a state exemplar score upon completion of a content standard. Teachers may assign a score of "0" to student work on an assessment.

Subd. 7. [FEDERAL EDUCATION PROGRAMS NOT REQUIRED.] Districts shall not be required to adopt specific provisions of any federal education program, including the Goals 2000 program and federal School-to-Work.

Subd. 8. [EXAMINATION AND EVALUATION PANEL.] The commissioner shall establish an academic panel to examine, evaluate, and sustain the rigor of the content standards contained in the Minnesota graduation rule. The commissioner shall consider regional representation when selecting members for the panel. The panel shall be composed of: two teachers selected by education Minnesota, one of which shall have been a teacher of the year, and one with national board certification; deans of the colleges of education from the University of Minnesota, a Minnesota state college, and a Minnesota private college. In the process of examining, evaluating, and sustaining the rigor of the state standards, the panel shall consult with recognized national and international education experts on academic standards. Beginning July 1, 2000, and on every even-numbered year thereafter, the panel shall submit its evaluation of the rigor of the state standards and make recommendations to the commissioner and to the education committees of the legislature.

Sec. 3. Minnesota Statutes 1998, section 120B.30, subdivision 1, is amended to read:

Subdivision 1. [STATEWIDE TESTING.] (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, shall include in the comprehensive assessment system, for each grade level to be tested, a single statewide norm-referenced or criterion-referenced test, or a combination of a norm-referenced and a criterion-referenced test, which shall be highly correlated with the state's graduation standards and administered annually to all students in the third, fifth, and eighth grades. The commissioner shall establish one or more months during which schools shall administer the tests to students each school year. Only Minnesota basic skills tests in reading, mathematics, and writing shall fulfill students' testing requirements for a passing state notation. Third and fifth grade test results shall be available to districts for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. The commissioner shall disseminate to the public the third and fifth grade test results upon receiving those results.

(b) In addition, at the secondary level, districts shall assess student performance in all required learning areas and selected required standards within each area of the profile of learning. The testing instruments and testing process shall be determined by the commissioner. The results shall be aggregated at the site and district level. The testing shall be administered beginning in the 1999-2000 school year and thereafter.

(c) The comprehensive assessment system shall include an evaluation of school site and school district performance levels during the 1997-1998 school year and thereafter using an established performance baseline developed from students' test scores under this section that records, at a

minimum, students' unweighted mean test scores in each tested subject, a second performance baseline that reports, at a minimum, the same unweighted mean test scores of only those students enrolled in the school by January 1 of the previous school year, and a third performance baseline that reports the same unweighted test scores of all students except those students receiving limited English proficiency instruction. The evaluation also shall record separately, in proximity to the performance baselines, the percentages of students who are eligible to receive a free or reduced price school meal, demonstrate limited English proficiency, or are eligible to receive special education services.

(d) In addition to the testing and reporting requirements under paragraphs (a), (b), and (c), the commissioner, in consultation with the state board of education, shall include the following components in the statewide educational accountability and public reporting system:

(1) uniform statewide testing of all third, fifth, eighth, and post-eighth grade students with exemptions, only with parent or guardian approval, from the testing requirement only for those very few students for whom the student's individual education plan team under sections 125A.05 and 125A.06, determines that the student is incapable of taking a statewide test, or a limited English proficiency student under section 124D.59, subdivision 2, if the student has been in the United States for fewer than 12 months and for whom special language barriers exist, such as the student's native language does not have a written form or the district does not have access to appropriate interpreter services for the student's native language;

(2) educational indicators that can be aggregated and compared across school districts and across time on a statewide basis;

(3) students' scores on the American College Test;

(4) participation in the National Assessment of Educational Progress so that the state can benchmark its performance against the nation and other states, and, where possible, against other countries, and contribute to the national effort to monitor achievement; and

(5) basic skills and advanced competencies connecting teaching and learning to high academic standards, assessment, and transitions to citizenship and employment.

(e) Districts must report exemptions under paragraph (d), clause (1), to the commissioner consistent with a format provided by the commissioner.

Sec. 4. [THREE-DAY BEST PRACTICES SEMINARS.]

The commissioner of children, families, and learning, shall award grants to education Minnesota to provide three-day best practices seminars during the summer of 1999. The seminars shall provide intensive professional development for public school teachers on best practices.

Sec. 5. [GRADUATION RULE AMENDMENTS.]

Beginning no later than July 1, 1999, the commissioner shall amend Minnesota Rules, chapter 3501, for state graduation requirements using the expedited process under Minnesota Statutes 1998, section 14.389. In addition to technical changes, corrections, clarifications, and similarly needed revisions, specific rules shall be modified as indicated below:

(1) amend Minnesota Rules, part 3501.0330, subpart 2, to make personal and family resource management a required high school content standard for high school graduation;

(2) amend Minnesota Rules, parts 3501.0320 to 3501.0469, to rename the learning areas according to Minnesota Statutes, section 120B.02. The rules shall also be amended to align the existing content standards under the new learning areas;

(3) amend Minnesota Rules, part 3501.0370, subpart 3, to add to the scoring criteria the option of a score of "0" for student work on an assessment.

Sec. 6. [REPEALER.]

Minnesota Statutes 1998, section 120B.04 is repealed.

Minnesota Rules, parts 3501.0370, subparts 1 and 2; 3501.0420, subpart 1, paragraph (d); 3501.0420, subpart 4; and 3501.0430, are repealed.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment.

Section 5 is effective July 1, 1999."

Delete the title and insert:

"A bill for an act relating to education; amending state graduation requirements; providing for staff development seminars; amending graduation rules; amending Minnesota Statutes 1998, sections 120B.02; 120B.03; and 120B.30, subdivision 1; repealing Minnesota Statutes 1998, section 120B.04; Minnesota Rules, parts 3501.0370, subparts 1 and 2; 3501.0420, subpart 1, paragraph (d); 3501.0420, subpart 4; and 3501.0430."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Joint Rule 2.03 suspended. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 868 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Vickerman moved that S.F. No. 1310 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

RECESS

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

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

APPOINTMENTS

Senator Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

H.F. No. 174: Senators Fischbach, Vickerman and Sams.

H.F. No. 270: Senators Murphy, Wiener and Oliver.

H.F. No. 371: Senators Fischbach, Vickerman and Sams.

H.F. No. 837: Senators Wiener, Solon and Oliver.

S.F. No. 1330: Senators Solon, Belanger and Metzen.

H.F. No. 7: Senators Metzen, Pariseau and Price.

S.F. No. 2017: Senators Runbeck, Flynn and Hottinger.

Senator Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2390 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2390: A bill for an act relating to state government; appropriating money for economic development and certain agencies of state government; establishing and modifying programs; regulating activities and practices; modifying fees; eliminating certain boards; transferring regulatory authority over health maintenance organizations and similar entities to the commissioner of commerce; making conforming changes; requiring reports; amending Minnesota Statutes 1998, sections 45.0295; 53A.03; 53A.05, subdivision 1; 60A.14, subdivision 1; 60A.23, subdivision 8; 60A.71, subdivision 7; 60B.02; 60B.03, subdivisions 2 and 4; 60B.15; 60B.20; 60G.01, subdivisions 2 and 4; 60K.06, subdivision 2; 62A.61; 62D.01, subdivision 2; 62D.02, subdivision 3, and by adding a subdivision; 62D.03, subdivisions 1, 3, and 4; 62D.04, subdivisions 1, 2, 4, and by adding a subdivision; 62D.05, subdivision 6; 62D.06, subdivision 2; 62D.07, subdivisions 2, 3, and 10; 62D.08, subdivisions 1, 2, 3, 4, and 5; 62D.09, subdivisions 1 and 8; 62D.10, subdivision 4; 62D.11, subdivisions 1b, 2, 3, and by adding a subdivision; 62D.12, subdivisions 1, 2, and 9; 62D.121, subdivisions 3a and 7; 62D.14, subdivisions 1, 3, 4, 5, and 6; 62D.15, subdivisions 1 and 4; 62D.16, subdivisions 1 and 2; 62D.17, subdivisions 1, 3, 4, and 5; 62D.18, subdivisions 1 and 7; 62D.19; 62D.20, subdivision 1; 62D.21; 62D.211; 62D.22, subdivisions 4 and 10; 62D.24; 62D.30, subdivisions 1 and 3; 62L.02, subdivision 8; 62L.05, subdivision 12; 62L.08, subdivisions 10 and 11; 62M.11; 62M.16; 62N.02, subdivision 4; 62N.26; 62N.31, subdivision 1; 62Q.01, subdivision 2; 62Q.07; 62Q.075, subdivision 4; 62Q.105, subdivisions 6 and 7; 62Q.11; 62Q.22, subdivisions 2, 6, and 7; 62Q.32; 62Q.51, subdivision 3; 62Q.525, subdivision 3; 62R.04, subdivision 5; 62R.25; 62T.01, subdivision 4; 65B.48, subdivision 3; 70A.14, subdivision 4; 72A.139, subdivision 2; 72B.04, subdivision 10; 79.255, subdivision 10; 80A.28, subdivision 1; 82A.08, subdivision 2; 82A.16, subdivisions 2 and 6; 116J.415, subdivision 5; 116J.421, subdivision 3, and by adding subdivisions; 116J.63, subdivision 4; 116J.8745, subdivisions 1 and 2; 116L.03, subdivision 5; 116L.04, subdivision 1a; 116L.06, subdivision 4; 175.17; 176.181, subdivision 2a; 237.295, subdivision 1; 268.022, subdivision 1; 268.98, subdivision 3; 298.22, subdivision 2; 326.244, subdivision 2, and by adding a subdivision; 326.86, subdivision 1; 446A.072, subdivision 4; 462A.20, subdivision 2, and by adding a subdivision; 462A.204, by adding a subdivision; 462A.209; and 462A.21, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 116J; and 178; repealing Minnesota Statutes 1998, sections 44A.001; 44A.01; 44A.02; 44A.023; 44A.025; 44A.031; 44A.0311; 44A.06; 44A.08; 44A.11; 62D.18; 62L.11, subdivision 2; 62Q.45, subdivision 1; 138A.01; 138A.02; 138A.03; 138A.04; 138A.05; 138A.06; 341.01; 341.02; 341.04; 341.045; 341.05; 341.06; 341.07; 341.08; 341.09; 341.10; 341.11; 341.115; 341.12; 341.13; 341.15; 462A.28; 469.305; 469.306; 469.307; 469.308; and 469.31; Laws 1998, chapter 404, section 13, subdivision 5.

Senator Janezich moved to amend H.F. No. 2390, the unofficial engrossment, as follows:

Page 2, delete line 5 and insert:

"General	\$229,305,000	\$183,220,000	\$412,525,000"
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Page 2, delete line 12 and insert:

"TOTAL	\$253,982,000	\$208,170,000	\$462,152,000"
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Page 2, line 19, delete "\$39,895,000" and insert "\$42,219,000"

Page 2, line 21, delete "38,450,000" and insert "40,774,000"

Page 2, line 28, delete "23,570,000" and insert "25,894,000"

Page 2, line 30, delete "22,870,000" and insert "25,194,000"

Page 4, line 62, delete "\$2,000,000" and insert "\$3,000,000" and delete "and"

Page 5, line 1, delete "\$1,000,000 in the second year are" and insert "is"

Page 8, delete line 18 and insert:

"Sec. 3. MINNESOTA TECHNOLOGY, INC.	7,864,000	8,227,000"
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Page 8, line 19, delete "\$6,041,000" and insert "\$6,047,000"

Page 8, line 20, delete "\$6,541,000" and insert "\$6,548,000"

Page 8, line 25, delete "\$132,000" and insert "\$126,000"

Page 8, line 26, delete "\$132,000" and insert "\$125,000"

Page 8, line 52, delete "37,611,000" and insert "37,674,000"

Page 9, line 22, delete "10,711,000" and insert "10,774,000"

Page 9, after line 56, insert:

"\$100,000 the first year and \$100,000 the second year are for one-time grants to the St. Paul district 5 planning council. These grants are to operate a community work empowerment support group demonstration project. A project consists of empowerment groups of individuals that are in the process of obtaining or have obtained jobs, including those in the welfare-to-work programs, or are working out problems of attaining self-sufficiency. The groups must separately meet at least monthly for at least two hours. Each group meeting must include empower mentors whose responsibility will be to conduct the meeting. Group members may be paid up to \$20 for each meeting attended. The sites will report to the commissioner on a semiannual basis regarding the progress achieved at the meetings. The purpose of the group is to:

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

Page 14, delete lines 47 and 48 and insert:

"Subdivision 1. Total Appropriation	18,615,000	17,129,000"
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Page 14, delete line 50 and insert:

"General	16,933,000	15,500,000"
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Page 15, line 41, delete "4,788,000" and insert "4,688,000"

Page 15, line 47, delete "\$238,000" and insert "\$322,000"

Page 15, line 48, delete "\$244,000" and insert "\$331,000"

Page 17, delete lines 36 and 37 and insert:

"Subdivision 1. Total Appropriation	9,439,000	9,642,000"
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Page 18, line 17, delete "\$17,000" and insert "\$165,000"

Page 18, line 18, delete "\$17,000" and insert "\$172,000"

Correct the subdivision and section totals and the summaries by fund accordingly

The motion prevailed. So the amendment was adopted.

Senator Janezich then moved to amend H.F. No. 2390, the unofficial engrossment, as follows:

Page 57, line 33, delete everything after "projects" and insert "shall be made in areas of the state experiencing a housing shortage due to employment expansion or areas of the state needing to replace housing that is vacant and boarded or having vacant land where vacant and boarded housing has been removed."

Page 57, line 34, delete everything before "Grants"

The motion prevailed. So the amendment was adopted.

Senator Runbeck moved to amend H.F. No. 2390, the unofficial engrossment, as follows:

Page 58, line 23, delete "115" and insert "80"

The motion prevailed. So the amendment was adopted.

Senator Metzen moved to amend H.F. No. 2390, the unofficial engrossment, as follows:

Page 7, after line 45, insert:

"\$100,000 the first year and \$200,000 the second year are for grants to the Minnesota Zoological Board for the operating costs of the children's farm to be constructed at the Minnesota Zoological Gardens. This appropriation for the zoo shall not be considered a base budget item purpose for the next biennium."

The motion prevailed. So the amendment was adopted.

H.F. No. 2390 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 61 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2225 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2225: A bill for an act relating to human services; appropriating money for the departments of human services and health, the veterans nursing homes board, the health-related boards, the emergency medical services board, the council on disability, the ombudsman for mental health and mental retardation, and the ombudsman for families; amending Minnesota Statutes 1998, sections 13.99, subdivision 38a, and by adding a subdivision; 16A.76, subdivision 2; 16C.10, subdivision 5; 60A.15, subdivision 1; 62A.045; 62J.69; 116L.02; 125A.08; 125A.21, subdivision 1; 125A.74, subdivisions 1 and 2; 144.065; 144.148; 144.1761, subdivision 1; 144.99, subdivision 1, and by adding a subdivision; 144A.073, subdivision 5; 144A.10, by adding subdivisions; 144D.01, subdivision 4; 144E.001, by adding subdivisions; 144E.10, subdivision 1; 144E.11, by adding a subdivision; 144E.16, subdivision 4; 144E.18; 144E.27, by adding subdivisions; 144E.50, by adding a subdivision; 145.924; 145A.02, subdivision 10; 148.5194, subdivisions 2, 3, 4, and by adding a subdivision; 148B.32, subdivision 1; 150A.10, subdivision 1; 245.462, subdivisions 4 and 17; 245.4711, subdivision 1; 245.4712, subdivision 2; 245.4871, subdivisions 4 and 26; 245.4881, subdivision 1; 245A.04, subdivision 3a; 245A.08, subdivision 5; 245A.30; 245B.05, subdivision 7; 245B.07, subdivisions 5, 8, and 10; 246.18, subdivision 6; 252.28, subdivision 1; 252.291, by adding a subdivision; 252.32, subdivision 3a; 252.46, subdivision 6; 253B.045, by adding subdivisions; 253B.07, subdivision 1; 253B.185, by adding a subdivision; 254B.01, by adding a subdivision; 254B.03, subdivision 2; 254B.04, subdivision 1; 254B.05, subdivision 1; 256.01, subdivision 2; 256.015, subdivisions 1 and 3; 256.87, subdivision 1a; 256.955, subdivisions 3, 4, 7, 8, and 9; 256.9685, subdivision 1a; 256.969, subdivision 1; 256B.04, subdivision 16, and by adding a subdivision; 256B.042, subdivisions 1, 2, and 3; 256B.055, subdivision 3a; 256B.056, subdivision 4; 256B.057, subdivision 3, and by adding a subdivision; 256B.0575; 256B.061; 256B.0625, subdivisions 6a, 8, 8a, 13, 19c, 20, 26, 28, 30, 32, 35, and by adding subdivisions; 256B.0627, subdivisions 1, 2, 4, 5, 8, and by adding subdivisions; 256B.0635, subdivision 3; 256B.064, subdivisions 1a, 1b, 1c, 2, and by adding a subdivision; 256B.0911, subdivision 6; 256B.0913, subdivisions 5, 10, 12, and 16; 256B.0917, subdivision 8; 256B.094, subdivisions 3, 5, and 6; 256B.37, subdivision 2; 256B.431, subdivisions 2i, 17, 26, and by adding a subdivision; 256B.434, subdivisions 3, 4, 13, and by adding a subdivision; 256B.435; 256B.48, subdivisions 1, 1a, 1b, and 6; 256B.50, subdivision 1e; 256B.501, subdivision 8a, and by adding a subdivision; 256B.5011, subdivisions 1 and 2; 256B.69, subdivisions 3a, 5b, 6a, 6b, and by adding subdivisions; 256B.692, subdivision 2; 256B.75; 256B.76; 256B.77, subdivisions 7a, 8, and by adding subdivisions; 256D.03, subdivisions 3, 4, and 8; 256D.051, subdivision 2a, and by adding a subdivision; 256D.053, subdivision 1; 256D.06, subdivision 5; 256F.03, subdivision 5; 256F.05, subdivision 8; 256F.10, subdivisions 1, 4, 6, 7, 8, 9, and 10; 256I.04, subdivision 3;

256I.05, subdivisions 1 and 1a; 256J.08, subdivisions 11, 24, 65, 82, 83, 86a, and by adding subdivisions; 256J.11, subdivisions 2 and 3; 256J.12, subdivisions 1a and 2; 256J.14; 256J.20, subdivision 3; 256J.21, subdivisions 2, 3, and 4; 256J.24, subdivisions 2, 3, 7, 8, 9, and by adding a subdivision; 256J.26, subdivision 1; 256J.30, subdivisions 2, 7, 8, and 9; 256J.31, subdivisions 5 and 12; 256J.32, subdivisions 4 and 6; 256J.33; 256J.34, subdivisions 1, 3, and 4; 256J.35; 256J.36; 256J.37, subdivisions 1, 1a, 2, 9, and 10; 256J.38, subdivision 4; 256J.42, subdivisions 1, 5, and by adding a subdivision; 256J.43; 256J.45, subdivision 1; 256J.46, subdivisions 1, 2, and 2a; 256J.47, subdivision 4; 256J.48, subdivisions 2 and 3; 256J.50, subdivision 1; 256J.515; 256J.52, subdivisions 1, 4, 8, and by adding a subdivision; 256J.55, subdivision 4; 256J.56; 256J.57, subdivision 1; 256J.62, subdivisions 1, 6, 7, 8, 9, and by adding a subdivision; 256J.67, subdivision 4; 256J.74, subdivision 2; 256J.76, subdivisions 1, 2, and 4; 256L.03, subdivisions 5 and 6; 256L.04, subdivisions 2, 7, 8, 11, and 13; 256L.05, subdivision 4, and by adding a subdivision; 256L.06, subdivision 3; 256L.07; 256L.15, subdivisions 1, 1b, 2, and 3; 257.071, subdivisions 1, 1a, 1c, 1d, 1e, 3, and 4; 257.66, subdivision 3; 257.75, subdivision 2; 257.85, subdivisions 2, 3, 4, 5, 6, 7, 9, and 11; 259.67, subdivisions 6 and 7; 259.73; 259.85, subdivisions 2, 3, and 5; 259.89, by adding a subdivision; 260.011, subdivision 2; 260.012; 260.015, subdivisions 2a, 13, and 29; 260.131, subdivision 1a; 260.133, subdivisions 1 and 2; 260.135, by adding a subdivision; 260.172, subdivision 1, and by adding a subdivision; 260.191, subdivisions 1, 1a, 1b, and 3b; 260.192; 260.221, subdivisions 1, 1a, 1b, 1c, 3, and 5; 326.40, subdivisions 2, 4, and 5; 518.10; 518.551, by adding a subdivision; 518.5853, by adding a subdivision; 626.556, subdivisions 2, 3, 4, 7, 10, 10b, 10d, 10e, 10f, 10i, 10j, 11, 11b, 11c, and by adding a subdivision; and 626.558, subdivision 1; Laws 1995, chapter 178, article 2, section 46, subdivision 10; chapter 207, article 8, section 41, as amended; Laws 1998, chapter 407, article 7, section 2, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 10; 62J; 116L; 137; 144; 144A; 144E; 214; 245; 246; 252; 254A; 256; 256B; 256J; and 626; proposing coding for new law as Minnesota Statutes, chapter 256M; repealing Minnesota Statutes 1998, sections 62J.77; 62J.78; 62J.79; 144.0723; 144E.16, subdivisions 1, 2, 3, and 6; 144E.17; 144E.25; 144E.30, subdivisions 1, 2, and 6; 145.46; 256B.434, subdivision 17; 256B.501, subdivision 3g; 256B.5011, subdivision 3; 256B.74, subdivisions 2 and 5; 256D.051, subdivisions 6 and 19; 256D.053, subdivision 4; 256J.03; 256J.30, subdivision 6; 256J.62, subdivisions 2, 3, and 5; 257.071, subdivisions 8 and 10; and 462A.208; Laws 1997, chapter 85, article 1, section 63; chapter 203, article 4, section 55; Laws 1998, chapter 407, article 2, section 104; Minnesota Rules, parts 4690.0100, subparts 4, 13, 15, 19, 20, 21, 22, 23, 24, 26, 27, and 29; 4690.0300; 4690.0400; 4690.0500; 4690.0600; 4690.0700; 4690.0800, subparts 1 and 2; 4690.0900; 4690.1000; 4690.1100; 4690.1200; 4690.1300; 4690.1600; 4690.1700; 4690.2100; 4690.2200, subparts 1, 3, 4, and 5; 4690.2300; 4690.2400, subparts 1, 2, and 3; 4690.2500; 4690.2900; 4690.3000; 4690.3700; 4690.3900; 4690.4000; 4690.4100; 4690.4200; 4690.4300; 4690.4400; 4690.4500; 4690.4600; 4690.4700; 4690.4800; 4690.4900; 4690.5000; 4690.5100; 4690.5200; 4690.5300; 4690.5400; 4690.5500; 4690.5700; 4690.5800; 4690.5900; 4690.6000; 4690.6100; 4690.6200; 4690.6300; 4690.6400; 4690.6500; 4690.6600; 4690.6700; 4690.6800; 4690.7000; 4690.7100; 4690.7200; 4690.7300; 4690.7400; 4690.7500; 4690.7600; 4690.7700; 4690.7800; 4690.8300, subparts 1, 2, 3, 4, and 5; and 4735.5000.

Senator Berglin moved to amend S.F. No. 2225 as follows:

Page 547, line 21, before the period, insert "and for the disabled"

The motion prevailed. So the amendment was adopted.

Senator Kiscaden moved to amend S.F. No. 2225 as follows:

Page 552, line 8, before the semicolon, insert ", which may include contributions on behalf of an employee to an Edvest account under Minnesota Statutes, sections 136A.241 to 136A.245"

The motion prevailed. So the amendment was adopted.

Senator Johnson, D.E. moved to amend S.F. No. 2225 as follows:

Page 16, after line 6, insert:

"[COMPULSIVE GAMBLING INPATIENT TREATMENT.]

\$110,000 the first year is from the lottery prize fund for a grant to Project Turnabout in Granite Falls to provide compulsive gambling treatment and education. The appropriation is available until June 30, 2001, and must not become part of the base appropriation."

Correct the subdivision and section totals and the summaries by fund accordingly

The motion prevailed. So the amendment was adopted.

Senator Ranum moved to amend S.F. No. 2225 as follows:

Page 466, after line 20, insert:

"Sec. 64. Minnesota Statutes 1998, section 518.158, subdivision 1, is amended to read:

Subdivision 1. [FACTORS.] (a) It is presumed to be in the best interests of the child for the court to grant temporary custody to a relative under subdivision 2 if a minor child has resided with the relative for a period of 12 months or more and the following circumstances exist without good cause:

(1) the parent has had no contact with the child on a regular basis and no demonstrated, consistent participation in the child's well-being for six months; or

(2) the parent, during the time the child resided with the relative, has refused or neglected to comply with the duties imposed upon the parent by the parent and child relationship, including but not limited to providing the child necessary food, clothing, shelter, health care, education, and other care and control necessary for the child's physical, mental, or emotional health and development.

(b) It is also presumed to be in the best interests of the child for the court to grant temporary custody to a relative under subdivision 2 if the relative has permanent custody of a sibling of the child and:

(1) the child is currently residing with the relative and a factor in paragraph (a), clause (1) or (2), is present, regardless of duration; or

(2) the application alleges an immediate and present danger to the physical safety of the child in the home of the parent.

Sec. 65. Minnesota Statutes 1998, section 518.158, subdivision 2, is amended to read:

Subd. 2. [EMERGENCY CUSTODY HEARING.] If the parent seeks to remove the child from the home of the relative or if the relative seeks to remove the child from the home of the parent and the applicable factors in subdivision 1 exist, the relative may apply for an ex parte temporary order for custody of the child. The application must include an affidavit made under oath that states with particularity the specific facts and circumstances on which the application is based. The court shall grant temporary custody if it finds, based on the application, that the applicable factors in subdivision 1 exist. If it finds that the factors in subdivision 1 do not exist, the court shall order that the child be returned to or remain with the parent. An ex parte temporary custody order under this subdivision is effective for a fixed period not to exceed 14 days. A temporary custody hearing under this chapter must be set for not later than seven days after issuance of the ex parte temporary custody order, except that if the ex parte temporary custody order is based on the grounds under subdivision 1, paragraph (b), clause (2), the temporary custody hearing must be set for not later than 72 hours, excluding Saturdays, Sundays, and holidays, after issuance of the order. The parent must be promptly served with a copy of the ex parte order and the petition and notice of the date for the hearing."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Marty moved to amend S.F. No. 2225 as follows:

Page 15, after line 57, insert:

"Of this appropriation, \$250,000 in fiscal year 2000 and \$250,000 in fiscal year 2001 is from the lottery prize fund to the commissioner for purposes of the compulsive gambling program. This shall become part of the base level appropriation.

With the funds appropriated for the compulsive gambling program, the commissioner of human services shall ensure that a continuum of therapeutic services is available throughout the state through a fee-for-service model integrated with, and maintaining, the existing network of grant-supported group treatment centers. The commissioner shall also ensure the continuation of the toll-free hotline, public awareness and education, gambling assessments, and appropriate prevalence studies and research. The commissioner shall ensure that the compulsive gambling program provides for prevention, intervention, and treatment for underserved populations and high-risk or vulnerable populations."

Page 308, after line 17, insert:

"Sec. 26. [REPEALER.]

Laws 1997, chapter 203, article 9, section 19, is repealed."

Correct the subdivision and section totals and the summaries by fund accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Berglin moved to amend the Marty amendment to S.F. No. 2225 as follows:

Page 1, delete lines 30 to 32

Page 1, delete lines 35 to 37

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Marty amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Wiener moved to amend S.F. No. 2225 as follows:

Page 547, line 31, delete "\$93,312,000" and insert "\$87,312,000"

Page 547, line 35, delete "\$105,984,000" and insert "\$99,984,000"

Page 548, line 2, delete "\$230,400,000" and insert "\$224,400,000"

Page 548, after line 9, insert:

"(e) \$18,000,000 is appropriated from the general fund to the commissioner of commerce for fiscal year 2000 to be disbursed to the Minnesota comprehensive health association to offset the annual assessments for calendar years 1999 and 2000 that are required to be paid by each contributing member under Minnesota Statutes, section 62E.11."

Page 548, line 10, delete "(e)" and insert "(f)"

CALL OF THE SENATE

Senator Junge imposed a call of the Senate for the balance of the proceedings on S.F. No. 2225. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 38, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Hottinger moved to amend S.F. No. 2225 as follows:

Page 380, line 1, before the first "and" insert "256J.53, subdivision 4;"

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Lourey moved to amend the Marty amendment to S.F. No. 2225 as follows:

Page 1, delete lines 30 to 32 and insert:

"Page 298, after line 32, insert:

"Sec. 21. Laws 1997, chapter 203, article 9, section 19, is amended to read:

[TRANSITION FOR THE COMPULSIVE GAMBLING TREATMENT PROGRAM.]

The commissioner of human services shall conduct a transition of treatment programs for compulsive gambling from the treatment center model to a model in which reimbursement for treatment of an individual compulsive gambler from an approved provider is on a fee-for-service basis on the following schedule:

(1) one-third of compulsive gamblers treated through the program must receive services paid for from the individual treatment reimbursement model beginning October 1, 1997;

(2) two-thirds of compulsive gamblers treated through the program must receive services paid for from the individual treatment reimbursement model beginning July 1, 1998; and

(3) 100 percent of compulsive gamblers treated through the program must receive treatment paid for from the individual treatment reimbursement model beginning July 1, 1999 2001."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Berglin moved to amend the Lourey amendment to S.F. No. 2225 as follows:

Page 1, line 21, delete "2001" and insert "2000"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Lourey amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Pariseau moved to amend S.F. No. 2225 as follows:

Pages 248 and 249, delete section 94

Page 253, lines 22 and 23, delete the new language

Page 253, lines 26 to 30, reinstate the stricken language

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Fischbach moved to amend S.F. No. 2225 as follows:

Page 19, line 32, delete "\$499,000" and insert "\$349,000"

Page 28, after line 37, insert:

"[PRINTED MATERIALS FOR PREGNANT WOMEN.] Of this appropriation, \$150,000 for

the biennium is to the commissioner for the purposes of Minnesota Statutes, section 145.4243."

Page 46, after line 8, insert:

"Sec. 11. [145.4241] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] As used in sections 145.4241 to 145.4246, the following terms have the meaning given them.

Subd. 2. [ABORTION.] "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device to intentionally terminate the pregnancy of a female known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.

Subd. 3. [ATTEMPT TO PERFORM AN ABORTION.] "Attempt to perform an abortion" means an act, or an omission of a statutorily required act, that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in the performance of an abortion in Minnesota in violation of sections 145.4241 to 145.4246.

Subd. 4. [MEDICAL EMERGENCY.] "Medical emergency" means any condition that, on the basis of the physician's good faith clinical judgment, complicates the medical condition of a pregnant female to the extent that:

- (1) an immediate abortion of her pregnancy is necessary to avert her death; or
- (2) a 24-hour delay in performing an abortion creates a serious risk of substantial and irreversible impairment of a major bodily function.

Subd. 5. [PHYSICIAN.] "Physician" means a person licensed under chapter 147.

Subd. 6. [PROBABLE GESTATIONAL AGE OF THE UNBORN CHILD.] "Probable gestational age of the unborn child" means what will, in the judgment of the physician, with reasonable probability, be the gestational age of the unborn child at the time the abortion is planned to be performed.

Sec. 12. [145.4242] [INFORMED CONSENT.]

No abortion shall be performed in this state except with the voluntary and informed consent of the female upon whom the abortion is to be performed. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(1) the female is told the following, by telephone or in person, by the physician who is to perform the abortion or by a referring physician, at least 24 hours before the abortion:

- (i) the name of the physician who will perform the abortion;
- (ii) the particular medical risks associated with the particular abortion procedure to be employed including, when medically accurate, the risks of infection, hemorrhage, breast cancer, danger to subsequent pregnancies, and infertility;
- (iii) the probable gestational age of the unborn child at the time the abortion is to be performed;
and
- (iv) the medical risks associated with carrying her child to term.

The information required by this clause may be provided by telephone without conducting a physical examination or tests of the patient, in which case the information required to be provided may be based on facts supplied the physician by the female and whatever other relevant information is reasonably available to the physician. It may not be provided by a tape recording, but must be provided during a consultation in which the physician is able to ask questions of the

female and the female is able to ask questions of the physician. If a physical examination, tests, or the availability of other information to the physician subsequently indicate, in the medical judgment of the physician, a revision of the information previously supplied to the patient, that revised information may be communicated to the patient at any time prior to the performance of the abortion. Nothing in this section may be construed to preclude provision of required information in a language understood by the patient through a translator;

(2) the female is informed, by telephone or in person, by the physician who is to perform the abortion, by a referring physician, or by an agent of either physician at least 24 hours before the abortion:

(i) that medical assistance benefits may be available for prenatal care, childbirth, and neonatal care;

(ii) that the father is liable to assist in the support of her child, even in instances when the father has offered to pay for the abortion; and

(iii) that she has the right to review the printed materials described in section 145.4243. The physician or the physician's agent shall orally inform the female that the materials have been provided by the state of Minnesota and that they describe the unborn child and list agencies that offer alternatives to abortion. If the female chooses to view the materials, they shall either be given to her at least 24 hours before the abortion or mailed to her at least 72 hours before the abortion by certified mail, restricted delivery to addressee, which means the postal employee can only deliver the mail to the addressee.

The information required by this clause may be provided by a tape recording if provision is made to record or otherwise register specifically whether the female does or does not choose to review the printed materials;

(3) the female certifies in writing, prior to the abortion, that the information described in this section has been furnished her, and that she has been informed of her opportunity to review the information referred to in clause (2); and

(4) prior to the performance of the abortion, the physician who is to perform the abortion or the physician's agent receives a copy of the written certification prescribed by clause (3).

Sec. 13. [145.4243] [PRINTED INFORMATION.]

(a) Within 90 days after the effective date of sections 145.4241 to 145.4246, the department of health shall cause to be published, in English and in each language that is the primary language of two percent or more of the state's population, the following printed materials in such a way as to ensure that the information is easily comprehensible:

(1) geographically indexed materials designed to inform the female of public and private agencies and services available to assist a female through pregnancy, upon childbirth, and while the child is dependent, including adoption agencies, which shall include a comprehensive list of the agencies available, a description of the services they offer, and a description of the manner, including telephone numbers, in which they might be contacted or, at the option of the department of health, printed materials including a toll-free, 24-hours-a-day telephone number that may be called to obtain, orally, such a list and description of agencies in the locality of the caller and of the services they offer; and

(2) materials designed to inform the female of the probable anatomical and physiological characteristics of the unborn child at two-week gestational increments from the time when a female can be known to be pregnant to full term, including any relevant information on the possibility of the unborn child's survival and pictures or drawings representing the development of unborn children at two-week gestational increments, provided that any such pictures or drawings must contain the dimensions of the fetus and must be realistic and appropriate for the stage of pregnancy depicted. The materials shall be objective, nonjudgmental, and designed to convey only accurate scientific information about the unborn child at the various gestational ages. The material shall also contain objective information describing the methods of abortion procedures commonly

employed, the medical risks commonly associated with each procedure, possible detrimental psychological effects of abortion, and the medical risks commonly associated with carrying a child to term.

(b) The materials referred to in this section must be printed in a typeface large enough to be clearly legible. The materials required under this section must be available at no cost from the department of health upon request and in appropriate number to any person, facility, or hospital.

Sec. 14. [145.4244] [PROCEDURE IN CASE OF MEDICAL EMERGENCY.]

When a medical emergency compels the performance of an abortion, the physician shall inform the female, prior to the abortion if possible, of the medical indications supporting the physician's judgment that an abortion is necessary to avert her death or that a 24-hour delay in conformance with section 145.4242 creates a serious risk of substantial and irreversible impairment of a major bodily function.

Sec. 15. [145.4245] [REMEDIES.]

Subdivision 1. [CIVIL REMEDIES.] Any person upon whom an abortion has been performed or the parent of a minor upon whom an abortion has been performed may maintain an action against the person who performed the abortion in knowing or reckless violation of sections 145.4241 to 145.4246 for actual and punitive damages. Any person upon whom an abortion has been attempted without complying with sections 145.4241 to 145.4246 may maintain an action against the person who attempted to perform the abortion in knowing or reckless violation of sections 145.4241 to 145.4246 for actual and punitive damages.

Subd. 2. [ATTORNEY FEES.] If judgment is rendered in favor of the plaintiff in any action described in this section, the court shall also render judgment for a reasonable attorney's fee in favor of the plaintiff against the defendant. If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court shall also render judgment for a reasonable attorney's fee in favor of the defendant against the plaintiff.

Subd. 3. [PROTECTION OF PRIVACY IN COURT PROCEEDINGS.] In every civil action brought under sections 145.4241 to 145.4246, the court shall rule whether the anonymity of any female upon whom an abortion has been performed or attempted shall be preserved from public disclosure if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that her anonymity should be preserved, shall issue orders to the parties, witnesses, and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard her identity from public disclosure. Each order must be accompanied by specific written findings explaining why the anonymity of the female should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest, and why no reasonable, less restrictive alternative exists. In the absence of written consent of the female upon whom an abortion has been performed or attempted, anyone, other than a public official, who brings an action under subdivision 1, shall do so under a pseudonym. This section may not be construed to conceal the identity of the plaintiff or of witnesses from the defendant.

Sec. 16. [145.4246] [SEVERABILITY.]

If any one or more provision, section, subsection, sentence, clause, phrase, or word of sections 145.4241 to 145.4246 or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of sections 145.4241 to 145.4246 shall remain effective notwithstanding such unconstitutionality. The legislature hereby declares that it would have passed sections 145.4241 to 145.4246, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase, or word be declared unconstitutional."

Correct the subdivision and section totals and the summaries by fund accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Berglin questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Fischbach appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 34 and nays 32, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Krentz	Oliver	Scheid
Berglin	Janezich	Lourey	Pappas	Solon
Betzold	Johnson, D.H.	Marty	Piper	Spear
Cohen	Johnson, J.B.	Metzen	Pogemiller	Ten Eyck
Flynn	Junge	Moe, R.D.	Price	Wiener
Foley	Kelley, S.P.	Murphy	Ranum	Wiger
Higgins	Kiscaden	Novak	Robertson	

Those who voted in the negative were:

Belanger	Johnson, D.E.	Larson	Pariseau	Stumpf
Berg	Johnson, D.J.	Lesewski	Robling	Terwilliger
Day	Kelly, R.C.	Lessard	Runbeck	Vickerman
Dille	Kleis	Limmer	Sams	Ziegler
Fischbach	Knutson	Neuville	Samuelson	
Frederickson	Laidig	Olson	Scheevel	
Hanson	Langseth	Ourada	Stevens	

So the decision of the President was sustained.

Senator Hottinger moved to amend S.F. No. 2225 as follows:

Page 145, after line 25, insert:

"Sec. 19. Minnesota Statutes 1998, section 256.01, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC POWERS.] Subject to the provisions of section 241.021, subdivision 2, the commissioner of human services shall:

(1) Administer and supervise all forms of public assistance provided for by state law and other welfare activities or services as are vested in the commissioner. Administration and supervision of human services activities or services includes, but is not limited to, assuring timely and accurate distribution of benefits, completeness of service, and quality program management. In addition to administering and supervising human services activities vested by law in the department, the commissioner shall have the authority to:

(a) require county agency participation in training and technical assistance programs to promote compliance with statutes, rules, federal laws, regulations, and policies governing human services;

(b) monitor, on an ongoing basis, the performance of county agencies in the operation and administration of human services, enforce compliance with statutes, rules, federal laws, regulations, and policies governing welfare services and promote excellence of administration and program operation;

(c) develop a quality control program or other monitoring program to review county performance and accuracy of benefit determinations;

(d) require county agencies to make an adjustment to the public assistance benefits issued to any individual consistent with federal law and regulation and state law and rule and to issue or recover benefits as appropriate;

(e) delay or deny payment of all or part of the state and federal share of benefits and administrative reimbursement according to the procedures set forth in section 256.017;

(f) make contracts with and grants to public and private agencies and organizations, both profit and nonprofit, and individuals, using appropriated funds; and

(g) enter into contractual agreements with federally recognized Indian tribes with a reservation in Minnesota to the extent necessary for the tribe to operate a federally approved family assistance program or any other program under the supervision of the commissioner. The commissioner shall consult with the affected county or counties in the contractual agreement negotiations, if the county or counties wish to be included, in order to avoid the duplication of county and tribal assistance program services. The commissioner may establish necessary accounts for the purposes of receiving and disbursing funds as necessary for the operation of the programs.

(2) Inform county agencies, on a timely basis, of changes in statute, rule, federal law, regulation, and policy necessary to county agency administration of the programs.

(3) Administer and supervise all child welfare activities; promote the enforcement of laws protecting handicapped, dependent, neglected and delinquent children, and children born to mothers who were not married to the children's fathers at the times of the conception nor at the births of the children; license and supervise child-caring and child-placing agencies and institutions; supervise the care of children in boarding and foster homes or in private institutions; and generally perform all functions relating to the field of child welfare now vested in the state board of control.

(4) Administer and supervise all noninstitutional service to handicapped persons, including those who are visually impaired, hearing impaired, or physically impaired or otherwise handicapped. The commissioner may provide and contract for the care and treatment of qualified indigent children in facilities other than those located and available at state hospitals when it is not feasible to provide the service in state hospitals.

(5) Assist and actively cooperate with other departments, agencies and institutions, local, state, and federal, by performing services in conformity with the purposes of Laws 1939, chapter 431.

(6) Act as the agent of and cooperate with the federal government in matters of mutual concern relative to and in conformity with the provisions of Laws 1939, chapter 431, including the administration of any federal funds granted to the state to aid in the performance of any functions of the commissioner as specified in Laws 1939, chapter 431, and including the promulgation of rules making uniformly available medical care benefits to all recipients of public assistance, at such times as the federal government increases its participation in assistance expenditures for medical care to recipients of public assistance, the cost thereof to be borne in the same proportion as are grants of aid to said recipients.

(7) Establish and maintain any administrative units reasonably necessary for the performance of administrative functions common to all divisions of the department.

(8) Act as designated guardian of both the estate and the person of all the wards of the state of Minnesota, whether by operation of law or by an order of court, without any further act or proceeding whatever, except as to persons committed as mentally retarded. For children under the guardianship of the commissioner whose interests would be best served by adoptive placement, the commissioner may contract with a licensed child-placing agency to provide adoption services. A contract with a licensed child-placing agency must be designed to supplement existing county efforts and may not replace existing county programs, unless the replacement is agreed to by the county board and the appropriate exclusive bargaining representative or the commissioner has evidence that child placements of the county continue to be substantially below that of other counties.

(9) Act as coordinating referral and informational center on requests for service for newly arrived immigrants coming to Minnesota.

(10) The specific enumeration of powers and duties as hereinabove set forth shall in no way be construed to be a limitation upon the general transfer of powers herein contained.

(11) Establish county, regional, or statewide schedules of maximum fees and charges which

may be paid by county agencies for medical, dental, surgical, hospital, nursing and nursing home care and medicine and medical supplies under all programs of medical care provided by the state and for congregate living care under the income maintenance programs.

(12) Have the authority to conduct and administer experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare. To carry out such experimental projects, it is further provided that the commissioner of human services is authorized to waive the enforcement of existing specific statutory program requirements, rules, and standards in one or more counties. The order establishing the waiver shall provide alternative methods and procedures of administration, shall not be in conflict with the basic purposes, coverage, or benefits provided by law, and in no event shall the duration of a project exceed four years. It is further provided that no order establishing an experimental project as authorized by the provisions of this section shall become effective until the following conditions have been met:

(a) The secretary of health, education, and welfare of the United States has agreed, for the same project, to waive state plan requirements relative to statewide uniformity.

(b) A comprehensive plan, including estimated project costs, shall be approved by the legislative advisory commission and filed with the commissioner of administration.

(13) According to federal requirements, establish procedures to be followed by local welfare boards in creating citizen advisory committees, including procedures for selection of committee members.

(14) Allocate federal fiscal disallowances or sanctions which are based on quality control error rates for the aid to families with dependent children, Minnesota family investment program-statewide, medical assistance, or food stamp program in the following manner:

(a) One-half of the total amount of the disallowance shall be borne by the county boards responsible for administering the programs. For the medical assistance, MFIP-S, and AFDC programs, disallowances shall be shared by each county board in the same proportion as that county's expenditures for the sanctioned program are to the total of all counties' expenditures for the AFDC, MFIP-S, and medical assistance programs. For the food stamp program, sanctions shall be shared by each county board, with 50 percent of the sanction being distributed to each county in the same proportion as that county's administrative costs for food stamps are to the total of all food stamp administrative costs for all counties, and 50 percent of the sanctions being distributed to each county in the same proportion as that county's value of food stamp benefits issued are to the total of all benefits issued for all counties. Each county shall pay its share of the disallowance to the state of Minnesota. When a county fails to pay the amount due hereunder, the commissioner may deduct the amount from reimbursement otherwise due the county, or the attorney general, upon the request of the commissioner, may institute civil action to recover the amount due.

(b) Notwithstanding the provisions of paragraph (a), if the disallowance results from knowing noncompliance by one or more counties with a specific program instruction, and that knowing noncompliance is a matter of official county board record, the commissioner may require payment or recover from the county or counties, in the manner prescribed in paragraph (a), an amount equal to the portion of the total disallowance which resulted from the noncompliance, and may distribute the balance of the disallowance according to paragraph (a).

(15) Develop and implement special projects that maximize reimbursements and result in the recovery of money to the state. For the purpose of recovering state money, the commissioner may enter into contracts with third parties. Any recoveries that result from projects or contracts entered into under this paragraph shall be deposited in the state treasury and credited to a special account until the balance in the account reaches \$1,000,000. When the balance in the account exceeds \$1,000,000, the excess shall be transferred and credited to the general fund. All money in the account is appropriated to the commissioner for the purposes of this paragraph.

(16) Have the authority to make direct payments to facilities providing shelter to women and their children according to section 256D.05, subdivision 3. Upon the written request of a shelter

facility that has been denied payments under section 256D.05, subdivision 3, the commissioner shall review all relevant evidence and make a determination within 30 days of the request for review regarding issuance of direct payments to the shelter facility. Failure to act within 30 days shall be considered a determination not to issue direct payments.

(17) Have the authority to establish and enforce the following county reporting requirements:

(a) The commissioner shall establish fiscal and statistical reporting requirements necessary to account for the expenditure of funds allocated to counties for human services programs. When establishing financial and statistical reporting requirements, the commissioner shall evaluate all reports, in consultation with the counties, to determine if the reports can be simplified or the number of reports can be reduced.

(b) The county board shall submit monthly or quarterly reports to the department as required by the commissioner. Monthly reports are due no later than 15 working days after the end of the month. Quarterly reports are due no later than 30 calendar days after the end of the quarter, unless the commissioner determines that the deadline must be shortened to 20 calendar days to avoid jeopardizing compliance with federal deadlines or risking a loss of federal funding. Only reports that are complete, legible, and in the required format shall be accepted by the commissioner.

(c) If the required reports are not received by the deadlines established in clause (b), the commissioner may delay payments and withhold funds from the county board until the next reporting period. When the report is needed to account for the use of federal funds and the late report results in a reduction in federal funding, the commissioner shall withhold from the county boards with late reports an amount equal to the reduction in federal funding until full federal funding is received.

(d) A county board that submits reports that are late, illegible, incomplete, or not in the required format for two out of three consecutive reporting periods is considered noncompliant. When a county board is found to be noncompliant, the commissioner shall notify the county board of the reason the county board is considered noncompliant and request that the county board develop a corrective action plan stating how the county board plans to correct the problem. The corrective action plan must be submitted to the commissioner within 45 days after the date the county board received notice of noncompliance.

(e) The final deadline for fiscal reports or amendments to fiscal reports is one year after the date the report was originally due. If the commissioner does not receive a report by the final deadline, the county board forfeits the funding associated with the report for that reporting period and the county board must repay any funds associated with the report received for that reporting period.

(f) The commissioner may not delay payments, withhold funds, or require repayment under paragraph (c) or (e) if the county demonstrates that the commissioner failed to provide appropriate forms, guidelines, and technical assistance to enable the county to comply with the requirements. If the county board disagrees with an action taken by the commissioner under paragraph (c) or (e), the county board may appeal the action according to sections 14.57 to 14.69.

(g) Counties subject to withholding of funds under paragraph (c) or forfeiture or repayment of funds under paragraph (e) shall not reduce or withhold benefits or services to clients to cover costs incurred due to actions taken by the commissioner under paragraph (c) or (e).

(18) Allocate federal fiscal disallowances or sanctions for audit exceptions when federal fiscal disallowances or sanctions are based on a statewide random sample for the foster care program under title IV-E of the Social Security Act, United States Code, title 42, in direct proportion to each county's title IV-E foster care maintenance claim for that period.

(19) Be responsible for ensuring the detection, prevention, investigation, and resolution of fraudulent activities or behavior by applicants, recipients, and other participants in the human services programs administered by the department.

(20) Require county agencies to identify overpayments, establish claims, and utilize all

available and cost-beneficial methodologies to collect and recover these overpayments in the human services programs administered by the department.

(21) Have the authority to administer a drug rebate program for drugs purchased pursuant to the senior citizen drug program established under section 256.955 after the beneficiary's satisfaction of any deductible established in the program. The commissioner shall require a rebate agreement from all manufacturers of covered drugs as defined in section 256B.0625, subdivision 13. For each drug, the amount of the rebate shall be equal to the basic rebate as defined for purposes of the federal rebate program in United States Code, title 42, section 1396r-8(c)(1). This basic rebate shall be applied to single-source and multiple-source drugs. The manufacturers must provide full payment within 30 days of receipt of the state invoice for the rebate within the terms and conditions used for the federal rebate program established pursuant to section 1927 of title XIX of the Social Security Act. The manufacturers must provide the commissioner with any information necessary to verify the rebate determined per drug. The rebate program shall utilize the terms and conditions used for the federal rebate program established pursuant to section 1927 of title XIX of the Social Security Act.

(22) Incorporate cost reimbursement claims from First Call Minnesota into the federal cost reimbursement claiming processes of the department according to federal law, rule, and regulations. Any reimbursement received is appropriated to the commissioner and shall be disbursed to First Call Minnesota according to normal department payment schedules."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Samuelson moved to amend S.F. No. 2225 as follows:

Page 4, line 17, after "transferred" insert "from the federal TANF block grant"

Page 17, line 4, delete everything after the semicolon

Page 17, delete lines 5 to 13

Page 17, line 14, delete everything before "community"

Page 18, after line 21, insert:

"[NURSING FACILITY OPERATED BY THE RED LAKE BAND OF CHIPPEWA INDIANS.] (1) The medical assistance payment rates for the 47-bed nursing facility operated by the Red Lake Band of Chippewa Indians must be calculated according to allowable reimbursement costs under the medical assistance program, as specified in Minnesota Statutes, section 246.50, and are subject to the facility-specific Medicare upper limits.

(2) In addition, the commissioner shall make available a salary adjustment effective July 1, 1999, that is equal to four percent of total salaries, related payroll taxes, and fringe benefits, excluding general and administrative costs, divided by the number of total resident days and a salary adjustment effective July 1, 2000, that is equal to three percent of total salaries, related payroll taxes, and fringe

benefits, excluding general and administrative costs, divided by the number of total resident days. The commissioner must use the facility's final 1998 and 1999 Medicare cost reports, respectively, to calculate the rate adjustment. The rate adjustment shall be available based on a plan submitted and approved according to Minnesota Statutes, section 256B.431, subdivision 28. Section 13, sunset of uncodified language, does not apply to this paragraph."

Pages 46 and 47, delete section 11

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kelley, S.P. moved to amend S.F. No. 2225 as follows:

Page 34, line 5, after "plan" insert ", to the extent feasible and cost-effective,"

Page 34, line 9, delete everything after the period

Page 34, delete lines 10 to 27

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 19 and nays 43, as follows:

Those who voted in the affirmative were:

Berglin	Johnson, J.B.	Lessard	Pappas	Scheid
Fischbach	Kelley, S.P.	Limmer	Runbeck	Solon
Hanson	Kelly, R.C.	Metzen	Sams	Wiger
Johnson, D.H.	Lesewski	Novak	Scheevel	

Those who voted in the negative were:

Belanger	Higgins	Laidig	Olson	Spear
Berg	Hottinger	Langseth	Pariseau	Stevens
Betzold	Janezich	Larson	Piper	Stumpf
Cohen	Johnson, D.E.	Lourey	Pogemiller	Ten Eyck
Day	Junge	Marty	Price	Terwilliger
Dille	Kiscaden	Moe, R.D.	Ranum	Wiener
Flynn	Kleis	Murphy	Robertson	Ziegler
Foley	Knutson	Neuville	Robling	
Frederickson	Krentz	Oliver	Samuelson	

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

Senator Wiener moved to amend S.F. No. 2225 as follows:

Page 548, after line 22, insert:

"Section 1. Minnesota Statutes 1998, section 62E.11, is amended by adding a subdivision to read:

Subd. 13. [STATE FUNDING; EFFECT ON PREMIUM RATES OF MEMBERS.] In approving the premium rates as required in sections 62A.65, subdivision 3; and 62L.08, subdivision 8, the commissioners of health and commerce shall ensure that any appropriation to reduce the annual assessment made on the contributing members to cover the costs of the Minnesota comprehensive health insurance plan as required under this section is reflected in the premium rates charged by each contributing member."

Page 553, after line 14, insert:

"Sec. 9. [REPEALER.]

Laws 1997, chapter 225, article 6, section 8, is repealed.

Sec. 10. [EFFECTIVE DATE.]

Section 9 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Runbeck moved to amend S.F. No. 2225 as follows:

Page 379, after line 33, insert:

"Sec. 86. [MFIP WORKERS' COMPENSATION CLAIMS.]

The commissioner of human services, with the assistance of the commissioner of labor and industry, shall provide the members of the senate and house policy committees having jurisdiction over issues related to the departments of human services and labor and industry with the number of MFIP participants who filed workers' compensation claims in fiscal year 1999. The information is due by February 1, 2000."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Runbeck then moved to amend S.F. No. 2225 as follows:

Page 371, delete section 70

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Vickerman moved to amend S.F. No. 2225 as follows:

Page 46, after line 8, insert:

"Sec. 11. Minnesota Statutes 1998, section 145.924, is amended to read:

145.924 [AIDS PREVENTION GRANTS.]

(a) The commissioner may award grants to boards of health as defined in section 145A.02, subdivision 2, state agencies, state councils, or nonprofit corporations to provide evaluation and counseling services to populations at risk for acquiring human immunodeficiency virus infection, including, but not limited to, minorities, adolescents, intravenous drug users, and homosexual men.

(b) The commissioner may award grants to agencies experienced in providing services to communities of color, for the design of innovative outreach and education programs for targeted groups within the community who may be at risk of acquiring the human immunodeficiency virus infection, including intravenous drug users and their partners, adolescents, gay and bisexual individuals and women. Grants shall be awarded on a request for proposal basis and shall include funds for administrative costs. Priority for grants shall be given to agencies or organizations that

have experience in providing service to the particular community which the grantee proposes to serve; that have policymakers representative of the targeted population; that have experience in dealing with issues relating to HIV/AIDS; and that have the capacity to deal effectively with persons of differing sexual orientations. For purposes of this paragraph, the "communities of color" are: the American-Indian community; the Hispanic community; the African-American community; and the Asian-Pacific community.

(c) All state grants for programs targeted to adolescents shall be used to promote abstinence from sexual activity outside of marriage."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Berglin moved to amend the Vickerman amendment to S.F. No. 2225 as follows:

Page 1, line 32, delete "be used to promote" and insert "include the promotion of"

The motion prevailed. So the amendment to the amendment was adopted.

Senator Junge moved to amend the Vickerman amendment to S.F. No. 2225 as follows:

Page 1, line 31, after "grants" insert "under this section"

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the adoption of the Vickerman amendment, as amended. The motion prevailed. So the amendment, as amended, was adopted.

Senator Oliver moved to amend S.F. No. 2225 as follows:

Pages 544 and 545, delete section 5

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 37, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Stevens moved to amend S.F. No. 2225 as follows:

Pages 124 to 127, delete section 2

Page 547, after line 29, insert:

"Sec. 9. [MINNESOTACARE.]

From the tobacco settlement payments received by the state each December beginning December of 2000, as a result of the lawsuit styled as State v. Philip Morris, Incorporated, No. C1-94-8565, an amount equal to the forecasted cost for the following fiscal year of the MinnesotaCare program shall be credited to the health care access fund to be appropriated by law for the MinnesotaCare program."

Page 553, after line 14, insert:

"Sec. 8. Minnesota Statutes 1998, section 295.52, subdivision 7, is amended to read:

Subd. 7. [TAX REDUCTION.] Notwithstanding subdivisions 1, 1a, 2, 3, and 4, the tax imposed under this section for calendar years 1998 and 1999 shall be equal to 1.5 percent of the gross revenues received on or after January 1, 1998, and before January 1, 2000. ~~The commissioner shall extend the reduced tax rate of 1.5 percent for gross revenues received on or after January 1, 2000, and before January 1, 2002, if the commissioner of finance determines that the health care access fund structural balance projected for fiscal year 2001 will remain positive, prior to any increase of the one percent premium tax under section 60A.15, subdivision 1, paragraph (h), and prior to any tax expenditures related to the increase in the maximum tax credit for research expenses under section 295.53, subdivision 4a, as amended by Laws 1997, chapter 225. For calendar year 2000, the tax imposed under this section shall be equal to one percent of the gross revenues received on or after January 1, 2000, and before July 1, 2000.~~

Sec. 9. [REPEALER.]

Minnesota Statutes 1998, sections 13.99, subdivision 86b; 144.1484, subdivision 2; 295.50; 295.51; 295.52; 295.53, subdivisions 1, 2, 3, and 4; 295.54; 295.55; 295.56; 295.57; 295.58; 295.582; and 295.59, are repealed.

Sec. 10. [EFFECTIVE DATE.]

Section 9 is effective July 1, 2000, and applies to gross revenue received on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Moe, R.D. questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Stevens appealed the decision of the President.

The question was taken on "Shall the decision of the President be the judgment of the Senate?"

The roll was called, and there were yeas 36 and nays 26, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Day	Fischbach	Johnson, D.E.	Kleis
Berg	Dille	Frederickson	Kiscaden	Knutson

Laidig
Larson
Lesewski
Limmer

Neuville
Oliver
Olson

Ourada
Pariseau
Robertson

Robling
Runbeck
Scheevel

Stevens
Terwilliger
Ziegler

So the decision of the President was sustained.

Senator Stevens moved to amend S.F. No. 2225 as follows:

Pages 531 to 548, delete article 10

Renumber the articles in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 42, as follows:

Those who voted in the affirmative were:

Belanger
Berg
Day
Dille
Fischbach

Johnson, D.E.
Knutson
Laidig
Larson
Lesewski

Limmer
Neuville
Novak
Oliver
Olson

Ourada
Pariseau
Runbeck
Scheevel
Stevens

Terwilliger
Ziegler

Those who voted in the negative were:

Anderson
Berglin
Betzold
Cohen
Flynn
Foley
Frederickson
Hanson
Higgins

Hottinger
Johnson, D.H.
Johnson, D.J.
Johnson, J.B.
Junge
Kelley, S.P.
Kelly, R.C.
Kiscaden
Kleis

Krentz
Langseth
Lessard
Lourey
Marty
Metzen
Moe, R.D.
Pappas
Piper

Pogemiller
Price
Ranum
Robertson
Robling
Sams
Samuelson
Scheid
Solon

Spear
Stumpf
Ten Eyck
Vickerman
Wiener
Wiger

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

Senator Samuelson moved to amend S.F. No. 2225 as follows:

Page 495, after line 21, insert:

"Sec. 3. Minnesota Statutes 1998, section 144A.46, subdivision 2, is amended to read:

Subd. 2. [EXEMPTIONS.] The following individuals or organizations are exempt from the requirement to obtain a home care provider license:

(1) a person who is licensed as a registered nurse under sections 148.171 to 148.285 and who independently provides nursing services in the home without any contractual or employment relationship to a home care provider or other organization;

(2) a personal care assistant who provides services to only one individual under the medical assistance program as authorized under sections 256B.0625, subdivision 19, and 256B.04, subdivision 16;

(3) a person or organization that exclusively offers, provides, or arranges for personal care assistant services to only one individual under the medical assistance program as authorized under sections 256B.0625, subdivision 19, and 256B.04, subdivision 16;

(4) a person who is registered licensed under sections 148.65 to 148.78 and who independently provides physical therapy services in the home without any contractual or employment relationship to a home care provider or other organization;

(5) a provider that is licensed by the commissioner of human services to provide

semi-independent living services under Minnesota Rules, parts 9525.0500 to 9525.0660 when providing home care services to a person with a developmental disability;

(6) a provider that is licensed by the commissioner of human services to provide home and community-based services under Minnesota Rules, parts 9525.2000 to 9525.2140 when providing home care services to a person with a developmental disability;

(7) a person or organization that provides only home management services, if the person or organization is registered under section 144A.461; or

(8) a person who is licensed as a social worker under sections 148B.18 to 148B.289 and who provides social work services in the home independently and not through any contractual or employment relationship with a home care provider or other organization.

An exemption under this subdivision does not excuse the individual from complying with applicable provisions of the home care bill of rights."

Page 529, after line 11, insert:

"Sec. 48. Minnesota Statutes 1998, section 148.66, is amended to read:

148.66 [STATE BOARD OF ~~MEDICAL PRACTICE~~ PHYSICAL THERAPY, DUTIES.]

~~The state board of medical practice, as now or hereafter constituted, hereinafter termed "the board," in the manner hereinafter provided, physical therapy established under section 148.67 shall administer the provisions of this law sections 148.65 to 148.78. As used in sections 148.65 to 148.78, "board" means the state board of physical therapy.~~

The board shall:

- (1) adopt rules necessary to administer and enforce sections 148.65 to 148.78;
- (2) administer, coordinate, and enforce sections 148.65 to 148.78;
- (3) evaluate the qualifications of applicants;
- (4) issue subpoenas, examine witnesses, and administer oaths;
- (5) conduct hearings and keep records and minutes necessary to the orderly administration of sections 148.65 to 148.78;
- (6) investigate persons engaging in practices that violate sections 148.65 to 148.78; and
- (7) adopt rules under chapter 14 prescribing a code of ethics for licensees.

Sec. 49. Minnesota Statutes 1998, section 148.67, is amended to read:

148.67 [STATE BOARD OF ~~PHYSICAL THERAPY COUNCIL; MEMBERSHIP APPOINTMENTS, VACANCIES, REMOVALS.~~]

Subdivision 1. [BOARD OF PHYSICAL THERAPY APPOINTED.] The board of medical practice shall governor shall appoint a state board of physical therapy council in carrying out the provisions of this law to administer sections 148.65 to 148.78, regarding the qualifications and examination of physical therapists. The council board shall consist of seven nine members, citizens and residents of the state of Minnesota, composed of three four physical therapists, two one licensed and registered doctors doctor of medicine and surgery, one being a professor or associate or assistant professor from a program in physical therapy approved by the board of medical practice, one aide or assistant to a physical therapist and one public member. The council shall expire, and the terms, compensation and removal of members shall be as provided in section 15.059., one physical therapy assistant and three public members. The four physical therapist members must be licensed physical therapists in this state. Each of the four physical therapist members must have at least five years experience in physical therapy practice, physical therapy

administration, or physical therapy education. The five years experience must immediately precede appointment. Membership terms, compensation of members, removal of members, filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services, and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214. Each member of the board shall file with the secretary of state the constitutional oath of office before beginning the term of office.

Subd. 2. [RECOMMENDATIONS FOR APPOINTMENT.] Prior to the end of the term of a member of the board, or within 60 days after a position on the board becomes vacant, the Minnesota Chapter of the American Physical Therapy Association and other interested persons and organizations may recommend to the governor members qualified to serve on the board. The governor may appoint members to the board from the list of persons recommended or from among other qualified candidates.

Sec. 50. [148.691] [OFFICERS; EXECUTIVE DIRECTOR.]

Subdivision 1. [OFFICERS OF THE BOARD.] The board shall elect from its members a president, a vice-president, and a secretary-treasurer. Each shall serve for one year or until a successor is elected and qualifies. The board shall appoint and employ an executive secretary. A majority of the board, including one officer, constitutes a quorum at a meeting.

Subd. 2. [BOARD AUTHORITY TO HIRE.] The board may employ persons needed to carry out its work.

Subd. 3. [DISCLOSURE.] Subject to the exceptions listed in this subdivision, all communications or information received by or disclosed to the board relating to any person or matter subject to its regulatory jurisdiction are confidential and privileged and any disciplinary hearing shall be closed to the public.

(a) Upon application of a party in a proceeding before the board, the board shall produce and permit the inspection and copying, by or on behalf of the moving party, of any designated documents or papers relevant to the proceedings, in accordance with the provisions of rule 34, Minnesota Rules of Civil Procedure.

(b) If the board imposes disciplinary measures of any kind, whether by contested case or by settlement agreement, the name and business address of the licensee, the nature of the misconduct, and the action taken by the board are public data. If disciplinary action is taken by settlement agreement, the entire agreement is public data. The board shall decide disciplinary matters, whether by settlement or by contested case, by roll call vote. The votes are public data.

(c) The board shall exchange information with other licensing boards, agencies, or departments within the state, as required under section 214.10, subdivision 8, paragraph (d), and may release information in the reports required under section 214.10, subdivision 8, paragraph (b).

(d) The board shall upon request furnish to a person who made a complaint, a description of the activities and actions of the board relating to that complaint, a summary of the results of an investigation of that complaint, and the reasons for actions taken by the board.

Sec. 51. Minnesota Statutes 1998, section 148.70, is amended to read:

148.70 [APPLICANTS, QUALIFICATIONS.]

~~It shall be the duty of The board of medical practice with the advice and assistance of the physical therapy council to pass upon physical therapy must:~~

~~(1) establish the qualifications of applicants for registration, licensing and continuing education requirements for reregistration, relicensing;~~

~~(2) provide for and conduct all examinations following satisfactory completion of all didactic requirements;~~

(3) determine the applicants who successfully pass the examination; and

(4) ~~duly register such applicants~~ license an applicant after the applicant has presented evidence satisfactory to the board that the applicant has completed a an accredited physical therapy educational program of education or continuing education approved by the board.

The passing score for examinations taken after July 1, 1995, shall be based on objective, numerical standards, as established by a nationally recognized board approved testing service.

Sec. 52. Minnesota Statutes 1998, section 148.705, is amended to read:

148.705 [APPLICATION.]

An applicant for ~~registration~~ licensing as a physical therapist shall file a written application on forms provided by the board together with a fee in the amount set by the board, ~~no portion of which shall be returned.~~ No portion of the fee is refundable.

An approved program for physical therapists shall include the following:

(a) (1) a minimum of 60 academic semester credits or its equivalent from an accredited college, including courses in the biological and physical sciences; and

(b) (2) an accredited course in physical therapy education which has provided adequate instruction in the basic sciences, clinical sciences, and physical therapy theory and procedures, as determined by the board. In determining whether or not a course in physical therapy is approved, the board may take into consideration the accreditation of such schools by the appropriate council of the American Medical Association, the American Physical Therapy Association, or the Canadian Medical Association.

Sec. 53. Minnesota Statutes 1998, section 148.71, is amended to read:

148.71 [REGISTRATION LICENSING.]

Subdivision 1. [QUALIFIED APPLICANT.] The state board of ~~medical practice~~ physical therapy shall ~~register~~ license as a physical therapist and shall furnish a ~~certificate of registration license~~ to each an applicant who successfully passes an examination provided for in sections 148.65 to 148.78 for registration licensing as a physical therapist and who is otherwise qualified as required ~~herein~~ in sections 148.65 to 148.78.

Subd. 2. [TEMPORARY PERMIT.] (a) The board may, upon payment of a fee set by the board, issue a temporary permit to practice physical therapy under supervision to a physical therapist who is a graduate of an approved school of physical therapy and qualified for admission to examination for registration licensing as a physical therapist. A temporary permit to practice physical therapy under supervision may be issued only once and cannot be renewed. It expires 90 days after the next examination for registration licensing given by the board or on the date on which the board, after examination of the applicant, grants or denies the applicant a registration license to practice, whichever occurs first. A temporary permit expires on the first day the board begins its next examination for registration license after the permit is issued if the holder does not submit to examination on that date. The holder of a temporary permit to practice physical therapy under supervision may practice physical therapy as defined in section 148.65 if the entire practice is under the supervision of a person holding a valid registration license to practice physical therapy in this state. The supervision shall be direct, immediate, and on premises.

(b) A physical therapist from another state who is licensed or otherwise registered in good standing as a physical therapist by that state and meets the requirements for registration licensing under section 148.72 does not require supervision to practice physical therapy while holding a temporary permit in this state. The temporary permit remains valid only until the meeting of the board at which the application for registration licensing is considered.

Subd. 3. [FOREIGN-TRAINED PHYSICAL THERAPISTS; TEMPORARY PERMITS.] (a) The board of medical practice may issue a temporary permit to a foreign-trained physical therapist who:

(1) is enrolled in a supervised physical therapy traineeship that meets the requirements under paragraph (b);

(2) has completed a physical therapy education program equivalent to that under section 148.705 and Minnesota Rules, part 5601.0800, subpart 2;

(3) has achieved a score of at least 550 on the test of English as a foreign language or a score of at least 85 on the Minnesota battery test; and

(4) has paid a nonrefundable fee set by the board.

A foreign-trained physical therapist must have the temporary permit before beginning a traineeship.

(b) A supervised physical therapy traineeship must:

(1) be at least six months;

(2) be at a board-approved facility;

(3) provide a broad base of clinical experience to the foreign-trained physical therapist including a variety of physical agents, therapeutic exercises, evaluation procedures, and patient diagnoses;

(4) be supervised by a physical therapist who has at least three years of clinical experience and is ~~registered~~ licensed under subdivision 1; and

(5) be approved by the board before the foreign-trained physical therapist begins the traineeship.

(c) A temporary permit is effective on the first day of a traineeship and expires 90 days after the next examination for ~~registration~~ licensing given by the board following successful completion of the traineeship or on the date on which the board, after examination of the applicant, grants or denies the applicant a ~~registration~~ license to practice, whichever occurs first.

(d) A foreign-trained physical therapist must successfully complete a traineeship to be ~~registered~~ licensed as a physical therapist under subdivision 1. The traineeship may be waived for a foreign-trained physical therapist who is licensed or otherwise registered in good standing in another state and has successfully practiced physical therapy in that state under the supervision of a licensed or registered physical therapist for at least six months at a facility that meets the requirements under paragraph (b), clauses (2) and (3).

(e) A temporary permit will not be issued to a foreign-trained applicant who has been issued a temporary permit for longer than six months in any other state.

Sec. 54. Minnesota Statutes 1998, section 148.72, subdivision 1, is amended to read:

Subdivision 1. [ISSUANCE OF REGISTRATION LICENSE WITHOUT EXAMINATION.] On payment to the board of a fee in the amount set by the board and on submission of a written application on forms provided by the board, the board shall issue ~~registration~~ a license without examination to a person who is licensed or otherwise registered as a physical therapist by another state of the United States of America, its possessions, or the District of Columbia, if the board determines that the requirements for licensure licensing or registration in the state, possession, or District are equal to, or greater than, the requirements set forth in sections 148.65 to 148.78.

Sec. 55. Minnesota Statutes 1998, section 148.72, subdivision 2, is amended to read:

Subd. 2. [CERTIFICATE OF REGISTRATION LICENSE.] The board may issue a certificate of ~~registration to a physical therapist~~ license without examination to an applicant who presents evidence satisfactory to the board of having passed an examination recognized by the board, if the board determines the standards of the other state or foreign country are ~~determined by the board to be as high as equal to~~ those of this state. ~~At the time of making an~~ Upon application, the applicant

shall pay to the board a fee in the amount set by the board, ~~No portion of which shall be returned~~
the fee is refundable.

Sec. 56. Minnesota Statutes 1998, section 148.72, subdivision 4, is amended to read:

Subd. 4. [ISSUANCE OF REGISTRATION LICENSE AFTER EXAMINATION.] The board shall issue a ~~certificate of registration~~ license to each ~~an~~ applicant who passes the examination in accordance with ~~according to~~ standards established by the board and who is not disqualified to receive ~~registration a~~ license under the provisions of section 148.75.

Sec. 57. Minnesota Statutes 1998, section 148.73, is amended to read:

148.73 [RENEWALS.]

Every ~~registered~~ licensed physical therapist shall, during each January, apply to the board for an extension of ~~registration~~ a license and pay a fee in the amount set by the board. The extension of ~~registration~~ the license is contingent upon demonstration that the continuing education requirements set by the board under section 148.70 have been satisfied.

Sec. 58. Minnesota Statutes 1998, section 148.74, is amended to read:

148.74 [RULES.]

The board is ~~authorized to~~ may adopt rules as ~~may be necessary~~ needed to carry out the purposes of sections 148.65 to 148.78. The ~~secretary~~ secretary-treasurer of the board shall keep a record of proceedings under these sections and a register of all persons ~~registered~~ licensed under it. The register shall show the name, address, date and number of ~~registration~~ the license, and the renewal thereof of the license. Any other interested person in the state may obtain a copy of such the list on request to the board upon ~~payment of~~ paying an amount as ~~may be~~ fixed by the board, ~~which~~. The amount shall not exceed the cost of the list so furnished. The board shall provide blanks, books, certificates, and stationery and assistance as is necessary for the transaction of the to transact business of the board and the physical therapy council hereunder, and. All money received by the board under sections 148.65 to 148.78 shall be paid into the state treasury as provided for by law. The board shall set by rule the amounts of the application fee and the annual ~~registration~~ licensing fee. The fees collected by the board must be sufficient to cover the costs of administering sections 148.65 to 148.78.

Sec. 59. [148.745] [MALPRACTICE HISTORY.]

Subdivision 1. [SUBMISSION.] A person desiring to practice physical therapy in this state who has ~~previously~~ practiced in another state shall submit the following additional information with the license application for the five-year period of active practice preceding the date of filing such application:

(a) The name and address of the person's professional liability insurer in the other state.

(b) The number, date, and disposition of any malpractice settlement or award made to the plaintiff relating to the quality of services provided.

Subd. 2. [BOARD ACTION.] The board shall give due consideration to the information submitted pursuant to section 148.72 and this section. An applicant who willfully submits incorrect information shall be subject to disciplinary action pursuant to section 148.75.

Sec. 60. Minnesota Statutes 1998, section 148.75, is amended to read:

148.75 [~~CERTIFICATES~~ LICENSES; DENIAL, SUSPENSION, REVOCATION.]

(a) The state board of ~~medical practice~~ physical therapy may refuse to grant ~~registration~~ a license to any physical therapist, or may suspend or revoke the ~~registration~~ license of any physical therapist for any of the following grounds:

(a) (1) using drugs or intoxicating liquors to an extent which affects professional competence;

- ~~(b) been convicted~~ (2) conviction of a felony;
- (e) (3) conviction for violating any state or federal narcotic law;
- ~~(d) procuring, aiding or abetting a criminal abortion;~~
- ~~(e) registration~~ (4) obtaining a license or attempted registration attempting to obtain a license by fraud or deception;
- ~~(f)~~ (5) conduct unbecoming a person registered licensed as a physical therapist or conduct detrimental to the best interests of the public;
- ~~(g)~~ (6) gross negligence in the practice of physical therapy as a physical therapist;
- ~~(h)~~ (7) treating human ailments by physical therapy after an initial 30-day period of patient admittance to treatment has lapsed, except by the order or referral of a person licensed in this state to in the practice of medicine as defined in section 147.081, the practice of chiropractic as defined in section 148.01, the practice of podiatry as defined in section 153.01, or the practice of dentistry as defined in section 150A.05 and whose license is in good standing; or when a previous diagnosis exists indicating an ongoing condition warranting physical therapy treatment, subject to periodic review defined by board of medical practice physical therapy rule;
- ~~(i)~~ (8) treating human ailments, without referral, by physical therapy treatment without first having practiced one year under a physician's orders as verified by the board's records;
- ~~(j) failure~~ (9) failing to consult with the patient's health care provider who prescribed the physical therapy treatment if the treatment is altered by the physical therapist from the original written order. The provision does not include written orders specifying orders to "evaluate and treat";
- ~~(k)~~ (10) treating human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state;
- ~~(l)~~ (11) inappropriate delegation to a physical therapist assistant or inappropriate task assignment to an aide or inadequate supervision of either level of supportive personnel;
- ~~(m) treating human ailments other than by performing physical therapy procedures unless duly licensed or registered to do so under the laws of this state;~~
- ~~(n)~~ (12) practicing as a physical therapist performing medical diagnosis, the practice of medicine as defined in section 147.081, or the practice of chiropractic as defined in section 148.01;
- ~~(o) failure~~ (13) failing to comply with a reasonable request to obtain appropriate clearance for mental or physical conditions which that would interfere with the ability to practice physical therapy, and which that may be potentially harmful to patients;
- ~~(p)~~ (14) dividing fees with, or paying or promising to pay a commission or part of the fee to, any person who contacts the physical therapist for consultation or sends patients to the physical therapist for treatment;
- ~~(q)~~ (15) engaging in an incentive payment arrangement, other than that prohibited by clause (p) (14), that tends to promote physical therapy overutilization overuse, whereby that allows the referring person or person who controls the availability of physical therapy services to a client profits to profit unreasonably as a result of patient treatment;
- ~~(r)~~ (16) practicing physical therapy and failing to refer to a licensed health care professional any a patient whose medical condition at the time of evaluation has been determined by the physical therapist to be beyond the scope of practice of a physical therapist; and
- ~~(s) failure~~ (17) failing to report to the board other registered licensed physical therapists who violate this section.

~~(b)~~ A ~~certificate of registration license~~ to practice as a physical therapist is suspended if (1) a guardian of the person of the physical therapist is appointed by order of a court pursuant to sections 525.54 to 525.61, for reasons other than the minority of the physical therapist; or (2) the physical therapist is committed by order of a court pursuant to chapter 253B. The ~~certificate of registration license~~ remains suspended until the physical therapist is restored to capacity by a court and, upon petition by the physical therapist, the suspension is terminated by the board of ~~medical practice~~ physical therapy after a hearing.

Sec. 61. Minnesota Statutes 1998, section 148.76, is amended to read:

148.76 [PROHIBITED CONDUCT.]

Subdivision 1. No person shall:

~~(1)~~ provide physical therapy unless the person is licensed as a physical therapist under sections 148.65 to 148.78;

~~(a) (2)~~ use the title of physical therapist without a ~~certificate of registration license~~ as a physical therapist issued pursuant to the provisions of under sections 148.65 to 148.78;

~~(b) (3)~~ in any manner hold out as a physical therapist, or use in connection with the person's name the words or letters Physical Therapist, Physiotherapist, Physical Therapy Technician, Registered Physical Therapist, Licensed Physical Therapist, P.T., P.T.T., R.P.T., L.P.T., or any letters, words, abbreviations or insignia indicating or implying that the person is a physical therapist, without a ~~certificate of registration license~~ as a physical therapist issued pursuant to the provisions of under sections 148.65 to 148.78. To do so is a gross misdemeanor;

~~(e) (4)~~ employ fraud or deception in applying for or securing a ~~certificate of registration license~~ as a physical therapist.

Nothing ~~contained~~ in sections 148.65 to 148.78 ~~shall prohibit any~~ prohibits a person licensed or registered in this state under another law from carrying out the therapy or practice for which the person is duly licensed or registered.

Subd. 2. No physical therapist may:

~~(a) (1)~~ treat human ailments by physical therapy after an initial 30-day period of patient admittance to treatment has lapsed, except by the order or referral of a person licensed in this state to practice medicine as defined in section 147.081, the practice of chiropractic as defined in section 148.01, the practice of podiatry as defined in section 153.01, the practice of dentistry as defined in section 150A.05, or the practice of advanced practice nursing as defined in section 62A.15, subdivision 3a, when orders or referrals are made in collaboration with a physician, chiropractor, podiatrist, or dentist, and whose license is in good standing; or when a previous diagnosis exists indicating an ongoing condition warranting physical therapy treatment, subject to periodic review defined by board of ~~medical practice~~ physical therapy rule;

~~(b) (2)~~ treat human ailments by physical therapy treatment without first having practiced one year under a physician's orders as verified by the board's records;

~~(e) utilize~~ (3) use any chiropractic manipulative technique whose end is the chiropractic adjustment of an abnormal articulation of the body; and

~~(d) (4)~~ treat human ailments other than by physical therapy unless duly licensed or registered to do so under the laws of this state.

Sec. 62. Minnesota Statutes 1998, section 148.78, is amended to read:

148.78 [PROSECUTION, ALLEGATIONS.]

In the prosecution of any person for violation of sections 148.65 to 148.78 as specified in section 148.76, it shall not be necessary to allege or prove want of a valid ~~certificate of registration license~~ as a physical therapist, but shall be a matter of defense to be established by the accused."

Page 530, after line 22, insert:

"Sec. 65. Minnesota Statutes 1998, section 214.01, subdivision 2, is amended to read:

Subd. 2. [HEALTH-RELATED LICENSING BOARD.] "Health-related licensing board" means the board of examiners of nursing home administrators established pursuant to section 144A.19, the board of medical practice created pursuant to section 147.01, the board of nursing created pursuant to section 148.181, the board of chiropractic examiners established pursuant to section 148.02, the board of optometry established pursuant to section 148.52, the board of physical therapy established pursuant to section 148.67, the board of psychology established pursuant to section 148.90, the board of social work pursuant to section 148B.19, the board of marriage and family therapy pursuant to section 148B.30, the office of mental health practice established pursuant to section 148B.61, the alcohol and drug counselors licensing advisory council established pursuant to section 148C.02, the board of dietetics and nutrition practice established under section 148.622, the board of dentistry established pursuant to section 150A.02, the board of pharmacy established pursuant to section 151.02, the board of podiatric medicine established pursuant to section 153.02, and the board of veterinary medicine, established pursuant to section 156.01.

Sec. 66. [INITIAL APPOINTMENTS TO BOARD.]

Notwithstanding Minnesota Statutes, section 148.67, the first physical therapist members appointed to the board may be registered physical therapists."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kiscaden moved to amend S.F. No. 2225 as follows:

Page 444, line 12, delete "according" and insert "pursuant" and delete "shall" and insert "must"

Page 444, line 29, before "Before" insert "(c)"

Page 444, line 34, delete everything after "household"

Page 444, line 35, delete everything before the period and insert "under paragraph (b), clause (2)"

Page 445, line 13, delete "exists for" and insert "that there are"

Page 445, line 15, delete "then" and delete "under" and insert "pursuant to"

Page 453, line 30, delete "(b)"

Page 453, line 32, strike "However," and insert "(b)"

Page 454, line 11, delete "Any"

Page 471, line 22, delete "if the actions of the abuser subject" and insert "subjects"

Page 471, line 23, delete "within" and insert "in" and delete "that is" and insert "because of actions of an abuser that are"

Page 475, line 15, delete "120A.36; and 124D.68," and insert "and 124D.10;"

Page 476, line 35, delete "120A.36; and 124D.68," and insert "and 124D.10;"

Page 486, line 1, delete "120A.36; and 124D.68," and insert "and 124D.10;"

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 2225 as follows:

Page 428, after line 26, insert:

"Sec. 35. Minnesota Statutes 1998, section 259.29, subdivision 2, is amended to read:

Subd. 2. [PLACEMENT WITH RELATIVE ~~OR~~, FRIEND, OR MARRIED COUPLE.] The authorized child-placing agency shall consider placement, consistent with the child's best interests and in the following order, with (1) a relative or relatives of the child, ~~or~~ (2) an important friend with whom the child has resided or had significant contact, or (3) a married couple. In implementing this section, an authorized child-placing agency may disclose private or confidential data, as defined in section 13.02, to relatives of the child for the purpose of locating a suitable adoptive home. The agency shall disclose only data that is necessary to facilitate implementing the preference.

If the child's birth parent or parents explicitly request that placement with relatives or important friends not be considered, the authorized child-placing agency shall honor that request consistent with the best interests of the child.

If the child's birth parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the birth parent or parents, the agency shall place the child with a family that meets the birth parent's religious preference.

This subdivision does not affect the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation Act, sections 257.35 to 257.3579."

Page 448, after line 29, insert:

"Sec. 54. Minnesota Statutes 1998, section 260.181, subdivision 3, is amended to read:

Subd. 3. [PROTECTION OF CHILD'S BEST INTERESTS.] (a) The policy of the state is to ensure that the best interests of children are met by requiring individualized determinations of the needs of the child and of how the selected placement will serve the needs of the child in foster care placements.

(b) Among the factors to be considered in determining the needs of the child are:

- (1) the child's current functioning and behaviors;
- (2) the medical, educational, and developmental needs of the child;
- (3) the child's history and past experience;
- (4) the child's religious and cultural needs;
- (5) the child's connection with a community, school, and church;
- (6) the child's interests and talents;
- (7) the child's relationship to current caretakers, parents, siblings, and relatives; and

(8) the reasonable preference of the child, if the court, or in the case of a voluntary placement the child-placing agency, deems the child to be of sufficient age to express preferences.

(c) The court, in transferring legal custody of any child or appointing a guardian for the child under the laws relating to juvenile courts, shall consider placement, consistent with the child's best interests and in the following order, in the legal custody or guardianship of an individual who (1) is related to the child by blood, marriage, or adoption, ~~or~~ (2) is an important friend with whom the child has resided or had significant contact, or (3) a married couple. Placement of a child cannot be delayed or denied based on race, color, or national origin of the foster parent or the child. Whenever possible, siblings should be placed together unless it is determined not to be in the best interests of a sibling.

(d) If the child's birth parent or parents explicitly request that a relative or important friend not be considered, the court shall honor that request if it is consistent with the best interests of the child.

If the child's birth parent or parents express a preference for placing the child in a foster or adoptive home of the same or a similar religious background to that of the birth parent or parents, the court shall order placement of the child with an individual who meets the birth parent's religious preference.

(e) This subdivision does not affect the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, and the Minnesota Indian Family Preservation Act, sections 257.35 to 257.3579."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Kiscaden moved to amend the Neuville amendment to S.F. No. 2225 as follows:

Page 1, line 10, after the period, insert "Considering these placement options shall not delay the placement of any child. Nothing in this section prohibits the placement of a child with an unmarried person."

Page 2, line 24, after the period, insert "Considering these placement options shall not delay the placement of any child. Nothing in this section prohibits the placement of a child with an unmarried person."

The motion prevailed. So the amendment to the amendment was adopted.

The question recurred on the Neuville amendment, as amended.

The roll was called, and there were yeas 53 and nays 11, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.J.	Lesewski	Pariseau	Solon
Berg	Johnson, J.B.	Lessard	Pogemiller	Stevens
Day	Kelley, S.P.	Limmer	Price	Stumpf
Dille	Kelly, R.C.	Metzen	Ranum	Ten Eyck
Fischbach	Kiscaden	Moe, R.D.	Robertson	Terwilliger
Frederickson	Kleis	Murphy	Robling	Vickerman
Hanson	Knutson	Neuville	Runbeck	Wiener
Hottinger	Krentz	Novak	Sams	Wiger
Janezich	Laidig	Oliver	Samuelson	Ziegler
Johnson, D.E.	Langseth	Olson	Scheevel	
Johnson, D.H.	Larson	Ourada	Scheid	

Those who voted in the negative were:

Anderson	Cohen	Higgins	Lourey	Piper
Berglin	Foley	Junge	Marty	Spear
Betzold				

The motion prevailed. So the Neuville amendment, as amended, was adopted.

Senator Olson moved to amend S.F. No. 2225 as follows:

Page 44, after line 34, insert:

"Sec. 9. Minnesota Statutes 1998, section 144.343, subdivision 1, is amended to read:

Subdivision 1. [MINOR'S CONSENT VALID.] Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat pregnancy and conditions associated therewith, venereal disease, alcohol and other drug abuse, and the consent of no other person is required. This section does not preclude parents from having access to the medical records of their unemancipated minor children."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Berglin questioned whether the amendment was germane.

The President ruled that the amendment was germane.

Senator Kiscaden moved to amend the Olson amendment to S.F. No. 2225 as follows:

Page 1, line 11, before the period, insert "with the consent of the minor affected"

The question was taken on the adoption of the Kiscaden amendment to the Olson amendment.

The roll was called, and there were yeas 35 and nays 31, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Kiscaden	Novak	Scheid
Berglin	Janezich	Krentz	Oliver	Solon
Betzold	Johnson, D.H.	Lourey	Pappas	Spear
Cohen	Johnson, D.J.	Marty	Piper	Ten Eyck
Flynn	Johnson, J.B.	Metzen	Pogemiller	Terwilliger
Foley	Junge	Moe, R.D.	Ranum	Wiener
Higgins	Kelley, S.P.	Murphy	Robertson	Wiger

Those who voted in the negative were:

Belanger	Johnson, D.E.	Lesewski	Price	Stumpf
Berg	Kelly, R.C.	Lessard	Robling	Vickerman
Day	Kleis	Limmer	Runbeck	Ziegler
Dille	Knutson	Neuville	Sams	
Fischbach	Laidig	Olson	Samuelson	
Frederickson	Langseth	Ourada	Scheevel	
Hanson	Larson	Pariseau	Stevens	

The motion prevailed. So the amendment to the amendment was adopted.

Senator Olson withdrew her amendment.

Senator Robling moved to amend S.F. No. 2225 as follows:

Page 47, after line 36, insert:

"Sec. 12. Minnesota Statutes 1998, section 145.9255, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] The commissioner of health, in consultation with a representative from Minnesota planning, the commissioner of human services, and the commissioner of children, families, and learning, shall develop and implement the Minnesota education now and babies later (MN ENABL) program, targeted to adolescents ages 12 to 14, with the goal of reducing the incidence of adolescent pregnancy in the state and promoting abstinence until marriage. The program must provide a multifaceted, primary prevention, community health promotion approach to educating and supporting adolescents in the decision to postpone sexual involvement modeled after the ENABL program in California. The commissioner of health shall consult with the chief of the health education section of the California department of health services for general guidance in developing and implementing the program.

Sec. 13. Minnesota Statutes 1998, section 145.9255, subdivision 4, is amended to read:

Subd. 4. [PROGRAM COMPONENTS.] The program must include the following four major components:

(a) A community organization component in which the community-based local contractors shall include:

(1) use of a postponing sexual involvement education curriculum targeted to boys and girls ages 12 to 14 in schools and/or community settings;

(2) planning and implementing community organization strategies to convey and reinforce the MN ENABL message of postponing sexual involvement, including activities promoting awareness and involvement of parents and other primary caregivers/significant adults, schools, and community; and

(3) development of local media linkages.

(b) A statewide, comprehensive media and public relations campaign to promote changes in sexual attitudes and behaviors, and reinforce the message of postponing adolescent sexual involvement promoting abstinence from sexual activity until marriage.

The commissioner of health, in consultation with the commissioner of children, families, and learning, shall contract with the attorney general's office to develop and implement the media and public relations campaign. In developing the campaign, the attorney general's office shall coordinate and consult with representatives from ethnic and local communities to maximize effectiveness of the social marketing approach to health promotion among the culturally diverse population of the state. The development and implementation of the campaign is subject to input and approval by the commissioner of health.

The local community-based contractors shall collaborate and coordinate efforts with other community organizations and interested persons to provide school and community-wide promotional activities that support and reinforce the message of the MN ENABL curriculum.

(c) An evaluation component which evaluates the process and the impact of the program.

The "process evaluation" must provide information to the state on the breadth and scope of the program. The evaluation must identify program areas that might need modification and identify local MN ENABL contractor strategies and procedures which are particularly effective. Contractors must keep complete records on the demographics of clients served, number of direct education sessions delivered and other appropriate statistics, and must document exactly how the program was implemented. The commissioner may select contractor sites for more in-depth case studies.

The "impact evaluation" must provide information to the state on the impact of the different components of the MN ENABL program and an assessment of the impact of the program on adolescents' related sexual knowledge, attitudes, and risk-taking behavior.

The commissioner shall compare the MN ENABL evaluation information and data with similar evaluation data from other states pursuing a similar adolescent pregnancy prevention program modeled after ENABL and use the information to improve MN ENABL and build on aspects of the program that have demonstrated a delay in adolescent sexual involvement.

(d) A training component requiring the commissioner of health, in consultation with the commissioner of children, families, and learning, to provide comprehensive uniform training to the local MN ENABL community-based local contractors and the direct education program staff.

The local community-based contractors may use adolescent leaders slightly older than the adolescents in the program to impart the message to postpone sexual involvement provided:

(1) the contractor follows a protocol for adult mentors/leaders and older adolescent leaders established by the commissioner of health;

(2) the older adolescent leader is accompanied by an adult leader; and

(3) the contractor uses the curriculum as directed and required by the commissioner of the department of health to implement this part of the program. The commissioner of health shall provide technical assistance to community-based local contractors."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2225 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 54 and nays 12, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Belanger	Limmer	Ourada	Runbeck	Stevens
Day	Neuville	Pariseau	Scheevel	Ziegler
Knutson	Olson			

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

RECONSIDERATION

Having voted on the prevailing side, Senator Moe, R.D. moved that the vote whereby S.F. No. 2225 was passed by the Senate on April 20, 1999, be now reconsidered. The motion did not prevail. So the vote was not reconsidered.

MEMBERS EXCUSED

Senators Dille and Scheid were excused from the Session of today from 9:00 to 9:45 a.m. Senator Terwilliger was excused from the Session of today from 9:00 a.m. to 5:00 p.m. Senator Junge was excused from the Session of today from 9:00 a.m. to 12:00 noon and from 4:00 to 4:45 p.m. Senator Novak was excused from the Session of today from 11:45 a.m. to 2:00 p.m. Senator Johnson, D.H. was excused from the Session of today from 12:00 noon to 1:30 p.m. Senator Ourada was excused from the Session of today from 2:15 to 4:45 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Wednesday, April 21, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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