

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIRST LEGISLATURE

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EIGHTY-EIGHTH DAY

St. Paul, Minnesota, Wednesday, March 15, 2000

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

## CALL OF THE SENATE

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

Prayer was offered by Representative Mary Murphy.

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

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

The President declared a quorum present.

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

## MEMBERS EXCUSED

Senator Terwilliger was excused from the Session of today.

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

March 13, 2000

The Honorable Allan H. Spear  
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. No. 2554.

Sincerely,  
Jesse Ventura, Governor

March 13, 2000

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2000	Date Filed 2000
	2535	257	2:05 p.m. March 13	March 13
2554		258	2:05 p.m. March 13	March 13

Sincerely,  
Mary Kiffmeyer  
Secretary of State

### REPORTS OF COMMITTEES

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

#### **Senator Spear from the Committee on Crime Prevention, to which was referred**

**S.F. No. 3566:** A bill for an act relating to crime prevention; clarifying that the criminal code penalty for failure to pay over state funds includes within its scope the failure to remit a tax; amending Minnesota Statutes 1998, sections 289A.63, subdivision 1; and 609.445.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 297B.10, is amended to read:

297B.10 [PENALTIES.]

(1) Any person, including persons other than the purchaser, who prepares, completes, or submits a false or fraudulent motor vehicle purchaser's certificate with intent to defeat or evade the tax imposed under this chapter or any purchaser who fails to complete or submit a motor vehicle purchaser's certificate with intent to defeat or evade the tax or who attempts to defeat or evade the tax in any manner, is guilty of a gross misdemeanor unless the tax involved exceeds \$300 \$500, in which event the person is guilty of a felony. The term "person" as used in this section includes any officer or employee of a corporation or a member or employee of a partnership who as an officer, member, or employee is under a duty to perform the act with respect to which the violation occurs. Notwithstanding the provisions of section 628.26 or any other provision of the criminal laws of this state, an indictment may be found and filed, or a complaint filed, upon any criminal offense specified in this section, in the proper court within six years after the commission of the offense.

(2) Any person who collects the tax imposed under this chapter from a purchaser and willfully fails to remit the tax is guilty of a gross misdemeanor unless the tax involved exceeds \$500, in which event the person is guilty of a felony.

(3) Any person who violates any of the provisions of this chapter, unless the violation be of the type referred to in clause (1) or (2), is guilty of a misdemeanor.

~~(3)~~ (4) When two or more offenses in clause (1) or (2) are committed by the same person within six months, the offenses may be aggregated; further, if the offenses are committed in more than one county, the accused may be prosecuted for all the offenses aggregated under this clause in any county in which one of the offenses was committed.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crime prevention; creating a new criminal penalty for failure to pay over sales tax on motor vehicles collected from a purchaser; amending Minnesota Statutes 1998, section 297B.10."

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

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

**S.F. No. 2978:** A bill for an act relating to human services; allowing a nursing facility's employee pension benefit costs to be treated as PERA contributions; amending Minnesota Statutes 1999 Supplement, section 256B.431, subdivision 28.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 144A.04, subdivision 5, is amended to read:

Subd. 5. [ADMINISTRATORS.] Except as otherwise provided by this subdivision, a nursing home must have a full time licensed nursing home administrator serving the facility. Notwithstanding sections 144A.18 to 144A.27, in any nursing home of less than ~~32~~ 45 beds, the director of nursing services may also serve as the licensed nursing home administrator without being licensed as a nursing home administrator, provided the director of nursing services has passed the state law and rules examination administered by the board of examiners for nursing home administrators and maintains evidence of completion of 20 hours of continuing education each year on topics pertinent to nursing home administration. Two nursing homes under common ownership or management pursuant to a lease or management contract having a total of 150 beds or less and located within 75 miles of each other may share the services of a licensed administrator if the administrator divides the full-time work week between the two facilities in proportion to the number of beds in each facility. Every nursing home shall have a person-in-charge on the premises at all times in the absence of the licensed administrator. The name of the person in charge must be posted in a conspicuous place in the facility. The commissioner of health shall by rule promulgate minimum education and experience requirements for persons-in-charge, and may promulgate rules specifying the times of day during which a licensed administrator must be on the nursing home's premises. In the absence of rules adopted by the commissioner governing the division of an administrator's time between two nursing homes, the administrator shall designate and post the times the administrator will be on site in each home on a regular basis. A nursing home may employ as its administrator the administrator of a hospital licensed pursuant to sections 144.50 to 144.56 if the individual is licensed as a nursing home administrator pursuant to section 144A.20

and the nursing home and hospital have a combined total of 150 beds or less and are located within one mile of each other. A nonproprietary retirement home having fewer than 15 licensed nursing home beds may share the services of a licensed administrator with a nonproprietary nursing home, having fewer than 150 licensed nursing home beds, that is located within 25 miles of the retirement home. A nursing home which is located in a facility licensed as a hospital pursuant to sections 144.50 to 144.56, may employ as its administrator the administrator of the hospital if the individual meets minimum education and long term care experience criteria set by rule of the commissioner of health."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "allowing the director of nursing to serve as the administrator in a nursing home with less than 45 beds;"

Page 1, line 5, delete "section" and insert "sections 144A.04, subdivision 5; and"

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

### **Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 3447:** A bill for an act relating to commerce; providing for a tax credit; requiring security measures for convenience stores; prescribing penalties; amending Minnesota Statutes 1998, section 290.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299G.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 290.06, is amended by adding a subdivision to read:

Subd. 28. [CREDIT FOR CONVENIENCE STORE SECURITY CAMERAS.] (a) A taxpayer may take a credit against the tax due under this chapter in an amount equal to 50 percent of the cost incurred by the taxpayer to purchase and install video security equipment that meets or exceeds the minimum requirements set forth in section 299G.19, subdivision 2, in a convenience store as defined in section 299G.19, subdivision 1. The amount of the credit may not exceed \$5,000 per convenience store, and the credit may be taken in only one taxable year by any taxpayer.

(b) If the credit provided under this subdivision exceeds the tax liability of the taxpayer for the taxable year, the excess amount of the credit may be carried over to each of the five taxable years succeeding the taxable year. The entire amount of the credit must be carried to the earliest taxable year to which the amount may be carried. The unused portion of the credit must be carried to the following taxable year. No credit may be carried to a taxable year more than five years after the taxable year in which the credit was earned.

(c) The credit provided in this subdivision is available for taxable years beginning after December 31, 1999, and before January 1, 2005.

Sec. 2. [299G.19] [CONVENIENCE STORE SECURITY.]

Subdivision 1. [DEFINITION; CONVENIENCE STORE.] As used in this section, "convenience store" means a place of business primarily engaged in the retail sale of groceries, or both groceries and gasoline. Convenience store does not include a business that always has at least five employees on the premises or has at least 10,000 square feet of retail floor space.

Subd. 2. [SECURITY CAMERA SYSTEM MINIMUM REQUIREMENTS.] (a) A convenience store shall install video security cameras with auto-iris lens to record all entry and

exit doors as well as the cash register areas. Cameras on entrance and exits should be placed and lenses fixed so that the entrance or exit is completely visible in the field of view and so that the whole person is not less than 70 percent of the field of view. Cameras on the cash register area should be placed to provide an optimum view of the customer, clerk, and transaction area. Cameras and other video recording equipment must be in good working order at all times. Cameras and other video security devices such as sequencers, and multiplexers must be compatible with the recording device.

(b) At a minimum a convenience store shall install a VHS recorder consisting of a commercial grade VHS deck to be recorded on a minimum of eight hours, or a time lapse video recorder not to exceed 24 hours to record all camera activity. The recorder shall have a minimum of 240 lines of resolution, four heads, and shall record time and date stamp on all recordings. The recording device shall be maintained in a secure environment.

(c) If a convenience store uses a VHS recorder, they shall use a commercial grade T-160 VHS tape with a maximum reuse of 20 cycles per tape. Tapes and other recording media must be securely stored and available to law enforcement for a minimum period of seven days.

(d) The technical specifications provided in this subdivision are minimum standards and do not preclude a convenience store from installing equipment which exceeds the standard. Cameras must be maintained in proper working order at all times during all hours of operation of the store. A convenience store shall post a conspicuous sign stating that the property is under camera surveillance.

Subd. 3. [OTHER MEASURES.] Every convenience store shall be equipped with the following security devices and standards:

- (i) height markers at the entrance of the store which display height measures; and
- (ii) a silent alarm to law enforcement or a private security agency.

Subd. 4. [TRAINING PROGRAMS.] The owner or principal operator of a convenience store shall provide robbery deterrence and safety training by an approved curriculum to its retail employees within 60 days of employment. The commissioner of public safety shall approve, after consultation with interested parties, training curriculum for purposes of this subdivision.

Subd. 5. [PENALTIES.] Violations of this section are subject to the penalties and remedies provided in section 8.31, except subdivision 3a.

### Sec. 3. [EFFECTIVE DATE.]

Section 2 is effective January 1, 2001, for all convenience stores constructed or placed into service on or after that date, or convenience stores with no current security camera surveillance. Section 2 is effective January 1, 2003, for all other convenience stores."

Delete the title and insert:

"A bill for an act relating to commerce; providing for a tax credit; requiring security measures for convenience stores; prescribing penalties; amending Minnesota Statutes 1998, section 290.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 299G."

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

**Senator Vickerman from the Committee on Local and Metropolitan Government, to which was re-referred**

**S.F. No. 2723:** A bill for an act relating to property; clarifying treatment of certain residential real estate held in trust; making certain appeal periods consistent; changing provisions of the Uniform Probate Code; amending Minnesota Statutes 1998, sections 501B.21; 524.2-513; 524.3-1203, subdivision 5; and 525.712; Minnesota Statutes 1999 Supplement, section 273.124, subdivision 1.

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

Pages 1 to 5, delete section 1

Page 8, line 26, delete "3" and insert "2"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before "making"

Page 1, line 7, delete everything after "525.712"

Page 1, line 8, delete everything before the period

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

**Senator Vickerman from the Committee on Local and Metropolitan Government, to which was referred**

**S.F. No. 3740:** A bill for an act relating to local government; requiring a municipality to issue building permits once a special permit has been issued and an environmental assessment worksheet has been completed; proposing coding for new law in Minnesota Statutes, chapter 462.

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

Page 1, line 17, delete "building"

Amend the title as follows:

Page 1, line 3, delete "building"

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

**Senator Ranum from the Committee on Judiciary, to which was referred**

**S.F. No. 2944:** A bill for an act relating to real property; title insurance; modifying mortgage release certificate language to include assignment of rents and profits; amending Minnesota Statutes 1998, section 507.401, subdivisions 1, 3, 6, and 7.

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

Page 2, line 5, strike "payment" and insert "payoff"

Page 2, line 18, delete the semicolon

Page 2, delete lines 19 and 20

Page 2, line 21, delete the new language

Page 3, line 20, after "make" insert "full or partial" and strike "in"

Page 3, line 21, strike "full"

Page 3, line 23, after "that" insert "full or partial" and strike "in full"

Page 4, after line 6, insert:

"Sec. 5. Minnesota Statutes 1999 Supplement, section 515B.4-107, is amended to read:

## 515B.4-107 [RESALE OF UNITS.]

(a) In the event of a resale of a unit by a unit owner other than a declarant, unless exempt under section 515B.4-101(c), the unit owner shall furnish to a purchaser, before execution of any purchase agreement for a unit or otherwise before conveyance, the following documents relating to the association or to the master association, if applicable:

(1) copies of the declaration (other than any CIC plat), the articles of incorporation and bylaws, any rules and regulations, and any amendments thereto;

(2) the organizational and operating documents relating to the master association, if any; and

(3) a resale disclosure certificate from the association dated not more than 90 days prior to the date of the purchase agreement or the date of conveyance, whichever is earlier, containing the information set forth in subsection (b).

(b) The resale disclosure certificate shall contain the following information must be in substantially the following form:

~~(1) a statement disclosing any right of first refusal or other restraint on the free alienability of the unit contained in the declaration, articles of incorporation, bylaws, rules and regulations, or any amendment thereof;~~

~~(2) a statement setting forth:~~

~~(i) the installments of annual common expense assessments payable with respect to the unit, and the payment schedule;~~

~~(ii) the installments of special common expense assessments, if any, payable with respect to the unit, and the payment schedule; and~~

~~(iii) any plan approved by the association for levying certain common expense assessments against fewer than all the units pursuant to section 515B.3-115, subsection (h), and the amount and payment schedule for any such common expenses payable with respect to the unit;~~

~~(3) a statement of any fees or charges other than assessments payable by unit owners;~~

~~(4) a statement of any extraordinary expenditures approved by the association, and not yet assessed, for the current and two succeeding fiscal years;~~

~~(5) a statement of the amount of any reserves for maintenance, repair or replacement and of any portions of those reserves designated by the association for any specified projects or uses;~~

~~(6) the most recent regularly prepared balance sheet and income and expense statement of the association;~~

~~(7) the current budget of the association;~~

~~(8) a statement of any unsatisfied judgments against the association and the status of any pending suits in which the association is party;~~

~~(9) a detailed description of the insurance coverage provided for the benefit of unit owners, including a statement as to which, if any, of the items referred to in section 515B.3-113, subsection (b), are insured by the association;~~

~~(10) a statement as to whether the board has notified the unit owner (i) that any alterations or improvements to the unit or to the limited common elements assigned thereto violate any provision of the declaration or (ii) that the unit is in violation of any governmental statute, ordinance, code or regulation;~~

~~(11) a statement of the remaining term of any leasehold estate affecting the common interest community and the provisions governing any extension or renewal thereof; and~~

(12) any other matters affecting the unit or the unit owner's obligations with respect to the unit which the association deems material.

COMMON INTEREST COMMUNITY  
RESALE DISCLOSURE CERTIFICATE

Name of Common Interest Community:.....

Name of Association:.....

Address of Association:.....

Unit Number(s) (include principal unit and any garage, storage, or other auxiliary unit(s)):.....

The following information is furnished by the association named above according to Minnesota Statutes, section 515B.4-107.

1. There is no right of first refusal or other restraint on the free alienability of the above unit(s) contained in the declaration, bylaws, rules and regulations, or any amendment to them, except as follows:.....

.....  
.....  
.....

2. The following periodic installments of common expense assessments and special assessments are payable with respect to the above unit(s):

a. Annual assessment

installments: \$..... Due:.....

b. Special assessment

installments: \$..... Due:.....

c. Unpaid assessments, fines, or other charges:

- (1) Annual \$.....
- (2) Special \$.....
- (3) Fines \$.....
- (4) Other Charges \$.....

d. The association has/has not (strike one) approved

a plan for levying certain common expense assessments against fewer than all the units according to Minnesota Statutes, section 515B.3-115, subsection (e). If a plan is approved, a description of the plan is attached to this certificate.

3. In addition to the amounts due under paragraph 2, the following additional fees or charges other than assessments are payable by unit owners (include late payment charges, user fees, etc.):.....

.....  
.....

4. There are no extraordinary expenditures approved by the association, and not yet assessed, for the current and two succeeding fiscal years, except as follows:.....

.....  
.....

5. The association has reserved the following amounts for maintenance, repair, or replacement:.....

.....  
.....

The following portions of these reserves are designated for the following specified projects or uses:.....

6. The following documents are furnished with this certificate according to statute:

- a. The most recent regularly prepared balance sheet and income and expense statement of the association.
- b. The current budget of the association.

7. There are no unsatisfied judgments against the association, except as follows (identify creditor and amount):..

.....  
.....

8. There are no pending lawsuits to which the association is a party, except as follows (identify and summarize status):..

.....  
.....  
.....

9. Description of insurance coverages:

a. The association provides the following insurance coverage for the benefit of unit owners: (Reference may be made to applicable sections of the declaration or bylaws; however, any additional coverages should be described in this space)

.....  
.....  
.....

b. The following described fixtures, decorating items, or construction items within the unit referred to in Minnesota Statutes, section 515B.3-113, subsection (b), are insured by the association (check as applicable):

- ...  Ceiling or wall finishing materials
- ...  Floor coverings
- ...  Cabinetry
- ...  Finished millwork
- ...  Electrical or plumbing fixtures serving a single unit
- ...  Built-in appliances
- ...  Improvements and betterments as originally constructed
- ...  Additional improvements and betterments installed by unit owners

10. The board of directors of the association has not notified the unit owner (i) that any alterations or improvements to the unit or to the limited common elements assigned to it violate any provision of the declaration; or (ii) that the unit is in violation of any governmental statute,

ordinance, code, or regulation, except as follows:.....  
.....

11. The remaining term of any leasehold estate affecting the common interest community and the premises governing any extension or renewal of it are as follows:.....  
.....

12. In addition to the above, the following matters affecting the unit or the unit owner's obligations with respect to the unit are deemed material.

I hereby certify that the foregoing information and statements are true and correct as of.....

(Date)

By:.....  
Title:.....  
(Association representative)  
Address:.....  
Phone Number:.....

RECEIPT

In addition to the foregoing information furnished by the association, the unit owner is obligated to furnish to the purchaser before execution of any purchase agreement for a unit or otherwise before conveyance, copies of the following documents relating to the association or to the master association (as applicable): the declaration (other than any common interest community plat), articles of incorporation, bylaws, rules and regulations (if any), and any amendments to these documents. Receipt of the foregoing documents, and the resale disclosure certificate, is acknowledged by the undersigned buyer(s).

Dated:.....

.....  
(Buyer)  
.....  
(Buyer)

(c) If the association is subject to a master association to which has been delegated the association's powers under section 515B.3-102(a)(2), then the financial information required to be disclosed under subsection (b) may be disclosed on a consolidated basis.

(d) The association, within ten days after a request by a unit owner, or the unit owner's authorized representative, shall furnish the certificate required in subsection (a). The association may charge a reasonable fee for furnishing the certificate and any association documents related thereto. A unit owner providing a certificate pursuant to subsection (a) is not liable to the purchaser for any erroneous information provided by the association and included in the certificate.

(e) A purchaser is not liable for any unpaid common expense assessments, including special assessments, if any, not set forth in the certificate required in subsection (a). A purchaser is not liable for the amount by which the annual or special assessments exceed the amount of annual or special assessments stated in the certificate for assessments payable in the year in which the certificate was given, except to the extent of any increases subsequently approved in accordance with the declaration or bylaws. A unit owner is not liable to a purchaser for the failure of the association to provide the certificate, or a delay by the association in providing the certificate in a timely manner.

Sec. 6. Minnesota Statutes 1998, section 559.17, is amended by adding a subdivision to read:

Subd. 3. [SATISFACTION, RELEASE, AND ASSIGNMENT.] (a) An assignment of rents and profits under this section, whether in the mortgage or in a separate instrument, shall expire:

(1) with respect to the rents and profits from all of the mortgaged property, upon recording in the office of the county recorder or filing in the office of the registrar of titles of the county where the mortgaged property is located, of a satisfaction of the mortgage or a certificate of release complying with section 507.401 in lieu of a satisfaction of the mortgage; or

(2) with respect to the rents and profits from a portion of the mortgaged property, upon recording in the office of the county recorder or filing in the office of the registrar of titles of the county where that portion of the mortgaged property is located, of a release of that portion of the mortgaged property from the lien of the mortgage, or a certificate of release complying with section 507.401 in lieu of a release of that portion of the mortgaged property.

No separate reassignment of the rents and profits or satisfaction or release of the assignment is required.

(b) An assignment of a mortgage, whether or not the mortgage mentions an assignment of rents and profits, is sufficient to assign both the mortgage and the assignment of rents and profits permitted by this subdivision which secures the debt secured by the mortgage, and no separate assignment of the assignment of rents and profits shall be required.

#### Sec. 7. [APPLICATION.]

Sections 1, 2, 3, 4, and 6 apply to all mortgages and assignments of rents and profits, whenever executed, except as to those mortgages and assignments of rents and profits, the rights to which have been fully adjudicated or which are the subject of pending litigation as of the effective date of this act."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "modifying common interest ownership resale disclosure certificate requirements;"

Page 1, line 5, delete "section" and insert "sections"

Page 1, line 6, before the period, insert "; and 559.17, by adding a subdivision; Minnesota Statutes 1999 Supplement, section 515B.4-107"

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

#### **Senator Ranum from the Committee on Judiciary, to which was re-referred**

**S.F. No. 3580:** A bill for an act relating to crime; amending the definition of harassment; amending Minnesota Statutes 1998, section 609.748, subdivisions 1, 3, and 4.

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

Page 3, after line 14, insert:

"Sec. 3. Minnesota Statutes 1998, section 609.748, subdivision 3a, is amended to read:

~~Subd. 3a. [FILING FEE; COST OF SERVICE.] The filing fees for a restraining order under this section are waived for the petitioner if the petition alleges acts that would constitute a violation of section 609.749, subdivision 2 or 3. The filing fee for a harassment petition is \$50. The court administrator and the sheriff of any county in this state shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when the sheriff is unavailable or if service is made by publication. The court may direct a respondent to pay to the court administrator the petitioner's filing fees and reasonable costs of service of process if the court determines that the respondent has the ability to pay the petitioner's fees and costs."~~

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "modifying petition and filing fee requirements;"

Page 1, line 4, after "3," insert "3a,"

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

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**S.F. No. 2200:** A bill for an act relating to public safety; providing for creation of a propane education and research council.

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

Page 4, line 14, delete "12" and insert "13"

Page 4, line 16, after the comma, insert "one member who shall be knowledgeable in the treatment of hazardous materials and who shall be either a fire chief or a member of a fire department, to be appointed by the commissioner after consultation with the Minnesota fire chiefs association and the Minnesota fire department association,"

Page 4, line 33, after the period, insert "The commissioner may appoint the member filling the position of fire chief or fire department member to a term of less than three years and shall alternate appointments between these two categories."

Page 4, line 36, after the period, insert "Except for the commissioner's appointment,"

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

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred**

**H.F. No. 3132:** A bill for an act relating to landlords and tenants; providing for interest rates on security deposits; amending Minnesota Statutes 1999 Supplement, section 504B.178, subdivision 2.

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

**Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 2363:** A bill for an act relating to health; clarifying that certain disclosure and consumer protection requirements apply for dental services; requiring certain disclosures of dental benefits; amending Minnesota Statutes 1998, sections 62J.70, subdivision 3; and 62Q.51, subdivision 1; Minnesota Statutes 1999 Supplement, section 62Q.68, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62Q.

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

Delete everything after the enacting clause and insert:

"Section 1. [62Q.75] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] For purposes of sections 62Q.75 to 62Q.78, the terms defined in this section have the meanings given them.

Subd. 2. [DENTAL CARE SERVICES.] "Dental care services" means services performed by a licensed dentist or any person working under the dentist's supervision as permitted under chapter 150A, which an enrollee might reasonably require to maintain good dental health, including preventive services, diagnostic services, emergency dental care, and restorative services.

Subd. 3. [DENTAL PLAN.] "Dental plan" means a policy, contract, or certificate offered by a

dental organization for the coverage of dental care services. Dental plan means individual or group coverage.

Subd. 4. [DENTIST.] "Dentist" means a person licensed to practice dentistry under chapter 150A.

Subd. 5. [EMERGENCY DENTAL CARE.] "Emergency dental care" means the provision of dental care services for a sudden, acute dental condition that would lead a prudent layperson to reasonably expect that the absence of immediate care would result in serious impairment to the dentition or would place the person's oral health in serious jeopardy.

Subd. 6. [ENROLLEE.] "Enrollee" means an individual covered by a dental organization and includes an insured, policyholder, subscriber, contract holder, member, covered person, or certificate holder.

Subd. 7. [DENTAL ORGANIZATION.] "Dental organization" means a health insurer licensed under chapter 60A; a health service plan corporation licensed under chapter 62C; a health maintenance organization licensed under chapter 62D; a community integrated service network licensed under chapter 62N; or a third party administrator that:

(i) provides, either directly or through contracts with providers or other persons, dental care services;

(ii) arranges for the provision of these services to enrollees on the basis of a fixed prepaid sum without regard to the frequency or extent of services furnished to any particular enrollee; or

(iii) administers dental plans.

#### Sec. 2. [62Q.76] [TERMS OF COVERAGE DISCLOSURE.]

A dental organization shall make available to an enrollee, upon request, a clear and concise description of the following terms of coverage:

(1) the dental care services and other benefits to which the enrollee is entitled under the dental plan;

(2) any exclusions or limitation on the services, kind of services, benefits, or kind of benefits to be provided, including any deductible or copayment features and any requirements for referrals to specialists;

(3) a description as to how services, including emergency dental care and out-of-area service, may be obtained;

(4) a general description of payment and copayment amounts, if any, for dental care services, which the enrollee is obligated to pay; and

(5) a telephone number by which the enrollee may obtain additional information regarding coverage.

#### Sec. 3. [62Q.77] [DENTAL BENEFIT PLAN REQUIREMENTS.]

Subdivision 1. [UTILIZATION PROFILING.] (a) A dental organization that uses utilization profiling as a method of differentiating provider reimbursement or as a requirement for continued participation in the organization's provider network shall, upon request, make available to participating dentists the following information:

(i) a description of the methodology used in profiling so that dentists can clearly understand why and how they are affected; and

(ii)(A) a list of the codes measured; (B) a dentist's personal frequency data within each code so that the accuracy of the data can be verified; and (C) an individual dentist's representation of scoring compared to classification points and how the dentist compares with peers in each

category including the cutoff point of the score impacting qualification in order to inform the dentist about how the dentist may qualify or retain qualification for differentiated provider reimbursement or continued participation in the dental organization's provider network.

(b) A dental organization that uses utilization profiling as a method of differentiating provider reimbursement or as a requirement for continued participation in the organization's provider network shall, upon request, provide a clear and concise description of the methodology of the utilization profiling on dental benefits to group purchasers and enrollees.

(c) A dental organization shall not be considered to be engaging in the practice of dentistry pursuant to chapter 150A, to the extent it releases utilization profiling information as required by sections 62Q.75 to 62Q.78.

Subd. 2. [REIMBURSEMENT CODES.] (a) Unless the federal government requires the use of other procedural codes, for all dental care services in which a procedural code is used by the dental organization to determine coverage or reimbursement, the organization must use the most recent American Dental Association current dental terminology code that is available, within a year of its release. Current dental terminology codes must be used as specifically defined, must be listed separately, and must not be altered or changed by either the dentist or the dental organization.

(b) Enrollee benefits must be determined on the basis of individual codes subject to provider and group contracts.

(c) This subdivision does not prohibit or restrict dental organizations from setting reimbursement and pricing with groups, purchasers, and participating providers.

Subd. 3. [TREATMENT OPTIONS.] No contractual provision between a dental organization and a dentist shall in any way prohibit or limit a dentist from discussing all clinical options for treatment with the patient.

Sec. 4. [62Q.78] [LIMITATIONS.]

(a) The provisions contained in section 62Q.76 shall not require a dental organization to disclose information which the dental organization is already obligated to disclose under applicable Minnesota law governing the operation of the dental organization.

(b) Any information a dental organization is required to disclose or communicate under section 62Q.76 to its subscribers, enrollees, participating providers, contracting groups, or dentists may be accomplished by electronic communication including, but not limited to, e-mail, the Internet, Web sites, and employer electronic bulletin boards.

Sec. 5. [EFFECTIVE DATE.]

Section 62Q.77, subdivision 2, is effective August 1, 2001."

Delete the title and insert:

"A bill for an act relating to health; regulating dental benefit plans; proposing coding for new law in Minnesota Statutes, chapter 62Q."

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

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3332** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.            S.F. No.

**CONSENT CALENDAR**

H.F. No.            S.F. No.

**CALENDAR**H.F. No.            S.F. No.  
3332                    3120

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3332 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3332 and insert the language after the enacting clause of S.F. No. 3120, the first engrossment; further, delete the title of H.F. No. 3332 and insert the title of S.F. No. 3120, the first engrossment.

And when so amended H.F. No. 3332 will be identical to S.F. No. 3120, and further recommends that H.F. No. 3332 be given its second reading and substituted for S.F. No. 3120, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3433** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.            S.F. No.

**CONSENT CALENDAR**

H.F. No.            S.F. No.

**CALENDAR**H.F. No.            S.F. No.  
3433                    3292

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3433 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3433 and insert the language after the enacting clause of S.F. No. 3292, the first engrossment; further, delete the title of H.F. No. 3433 and insert the title of S.F. No. 3292, the first engrossment.

And when so amended H.F. No. 3433 will be identical to S.F. No. 3292, and further recommends that H.F. No. 3433 be given its second reading and substituted for S.F. No. 3292, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3766** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

**GENERAL ORDERS**

H.F. No.            S.F. No.

**CONSENT CALENDAR**H.F. No.            S.F. No.  
3766                    3673**CALENDAR**

H.F. No.            S.F. No.

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 1590** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1590	1952				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1590 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1590 and insert the language after the enacting clause of S.F. No. 1952; further, delete the title of H.F. No. 1590 and insert the title of S.F. No. 1952.

And when so amended H.F. No. 1590 will be identical to S.F. No. 1952, and further recommends that H.F. No. 1590 be given its second reading and substituted for S.F. No. 1952, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2719** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2719	2436				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3169** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3169	3167				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3113** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3113	3089				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3222** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3222	3117				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3222 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3222 and insert the language after the enacting clause of S.F. No. 3117, the first engrossment; further, delete the title of H.F. No. 3222 and insert the title of S.F. No. 3117, the first engrossment.

And when so amended H.F. No. 3222 will be identical to S.F. No. 3117, and further recommends that H.F. No. 3222 be given its second reading and substituted for S.F. No. 3117, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2505** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2505	2289				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2505 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2505 and insert the language after the enacting clause of S.F. No. 2289, the first engrossment; further, delete the title of H.F. No. 2505 and insert the title of S.F. No. 2289, the first engrossment.

And when so amended H.F. No. 2505 will be identical to S.F. No. 2289, and further recommends that H.F. No. 2505 be given its second reading and substituted for S.F. No. 2289, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3109** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3109	3699				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3109 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3109 and insert the language after the enacting clause of S.F. No. 3699, the first engrossment; further, delete the title of H.F. No. 3109 and insert the title of S.F. No. 3699, the first engrossment.

And when so amended H.F. No. 3109 will be identical to S.F. No. 3699, and further recommends that H.F. No. 3109 be given its second reading and substituted for S.F. No. 3699, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3421** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3421	2779				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3510** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3510	3378				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3510 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3510 and insert the language after

the enacting clause of S.F. No. 3378, the first engrossment; further, delete the title of H.F. No. 3510 and insert the title of S.F. No. 3378, the first engrossment.

And when so amended H.F. No. 3510 will be identical to S.F. No. 3378, and further recommends that H.F. No. 3510 be given its second reading and substituted for S.F. No. 3378, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2927** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				2927	2685

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2927 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2927 and insert the language after the enacting clause of S.F. No. 2685; further, delete the title of H.F. No. 2927 and insert the title of S.F. No. 2685.

And when so amended H.F. No. 2927 will be identical to S.F. No. 2685, and further recommends that H.F. No. 2927 be given its second reading and substituted for S.F. No. 2685, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3229** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3229	2986				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3229 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3229 and insert the language after the enacting clause of S.F. No. 2986, the first engrossment; further, delete the title of H.F. No. 3229 and insert the title of S.F. No. 2986, the first engrossment.

And when so amended H.F. No. 3229 will be identical to S.F. No. 2986, and further recommends that H.F. No. 3229 be given its second reading and substituted for S.F. No. 2986, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 2803** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2803	3119				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2803 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2803 and insert the language after the enacting clause of S.F. No. 3119, the first engrossment; further, delete the title of H.F. No. 2803 and insert the title of S.F. No. 3119, the first engrossment.

And when so amended H.F. No. 2803 will be identical to S.F. No. 3119, and further recommends that H.F. No. 2803 be given its second reading and substituted for S.F. No. 3119, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3020** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3020	3199				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3020 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3020 and insert the language after the enacting clause of S.F. No. 3199, the first engrossment; further, delete the title of H.F. No. 3020 and insert the title of S.F. No. 3199, the first engrossment.

And when so amended H.F. No. 3020 will be identical to S.F. No. 3199, and further recommends that H.F. No. 3020 be given its second reading and substituted for S.F. No. 3199, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

**SECOND READING OF SENATE BILLS**

S.F. Nos. 3566, 2978, 2723, 3740, 2944, 3580, 2200 and 2363 were read the second time.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 3132, 3332, 3433, 3766, 1590, 2719, 3169, 3113, 3222, 2505, 3109, 3421, 3510, 2927, 3229, 2803 and 3020 were read the second time.

## MOTIONS AND RESOLUTIONS

Senator Pogemiller moved that the name of Senator Laidig be added as a co-author to S.F. No. 3504. The motion prevailed.

Senator Hottinger moved that the name of Senator Wiger be added as a co-author to S.F. No. 3786. The motion prevailed.

Senator Runbeck moved that the name of Senator Wiger be added as a co-author to S.F. No. 3788. The motion prevailed.

Senator Moe, R.D. moved that H.F. No. 3196 be withdrawn from the Committee on Health and Family Security and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 2978, now on General Orders. The motion prevailed.

Senator Moe, R.D. moved that H.F. No. 3047 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules and Administration for comparison with S.F. No. 2944, now on General Orders. The motion prevailed.

## SUSPENSION OF RULES

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

## 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.

## CALENDAR

**S.F. No. 2547:** A bill for an act relating to the capitol area; requiring the capitol area architectural and planning board to select a site in the capitol area for installation of the memorial to Minnesota firefighters that is now installed at Minneapolis-St. Paul International Airport.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Flynn

So the bill passed and its title was agreed to.

**S.F. No. 624:** A bill for an act relating to public safety; establishing the board of firefighter training and education; proposing coding for new law as Minnesota Statutes, chapter 299N.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2989:** A bill for an act relating to state government; the office of administrative hearings; authorizing the chief administrative law judge to establish a system of training in additional areas for judges; providing ethical standards for the chief administrative law judge, administrative law judges, and compensation judges; amending Minnesota Statutes 1998, sections 14.48; and 14.50.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2868:** A bill for an act relating to human services; providing time lines for the transition to a new case-mix system based upon the federal minimum data set; requiring education and training programs and a report to the legislature; amending Minnesota Statutes 1999 Supplement, section 256B.435, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2546:** A bill for an act relating to natural resources; providing for the recovery of sunken logs in inland waters; proposing coding for new law in Minnesota Statutes, chapter 103G; repealing Minnesota Statutes 1998, section 514.53.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3019:** A bill for an act relating to government data practices; limiting the immunity of a school district and others for good faith use and sharing of certain data on minors; amending Minnesota Statutes 1999 Supplement, section 13.32, subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Dille	Hottinger	Kelly, R.C.	Laidig
Belanger	Fischbach	Janezich	Kierlin	Langseth
Berg	Flynn	Johnson, D.E.	Kinkel	Larson
Berglin	Foley	Johnson, D.H.	Kiscaden	Lesewski
Betzold	Frederickson	Johnson, D.J.	Kleis	Lessard
Cohen	Hanson	Junge	Knutson	Limmer
Day	Higgins	Kelley, S.P.	Krentz	Lourey

Marty	Oliver	Price	Sams	Stevens
Metzen	Olson	Ranum	Samuelson	Stumpf
Moe, R.D.	Ourada	Ring	Scheevel	Vickerman
Murphy	Pappas	Robertson	Scheid	Wiener
Neuville	Piper	Robling	Solon	Wiger
Novak	Pogemiller	Runbeck	Spear	Ziegler

So the bill passed and its title was agreed to.

**H.F. No. 2836:** A bill for an act relating to the military; clarifying eligibility for membership in the National Guard and the organized militia; amending Minnesota Statutes 1998, section 190.06, subdivisions 1 and 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3139:** A bill for an act relating to veterans homes; providing sales tax rebates are not income for the support test for residents; amending Minnesota Statutes 1998, section 198.03, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3138:** A bill for an act relating to veterans; making technical changes regarding duties of the commissioner of veterans affairs; extending the agent orange information and assistance program to include other veterans and other chemicals; authorizing the placement of a plaque in

the court of honor on the capitol grounds to honor combat wounded veterans; repealing obsolete language; amending Minnesota Statutes 1998, sections 196.05, subdivision 1; 196.052; 196.19; 196.21, subdivisions 2, 3 and 4; 196.22; 196.23; 196.24, subdivisions 1 and 2; 196.26; 197.04; 197.05; 197.06; repealing Minnesota Statutes 1998, sections 196.20; 197.01; 197.02; and 197.49; Minnesota Statutes 1999 Supplement, section 196.27.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Flynn

So the bill passed and its title was agreed to.

**S.F. No. 2905:** A bill for an act relating to municipalities; increasing certain dollar limits in the Uniform Municipal Contracting Law; providing an exemption for certain cooperative purchasing; authorizing county purchases on credit cards; providing for personal liability for county officers and employees for unauthorized credit card purchases; amending Minnesota Statutes 1998, section 471.345, subdivisions 3, 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 375.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kleis                      Limmer

So the bill passed and its title was agreed to.

**S.F. No. 2693:** A bill for an act relating to taxation; making technical and administrative changes and corrections to certain tax and revenue recapture provisions; authorizing the attorney general to compromise certain fees, surcharges, and assessments; amending Minnesota Statutes 1998, sections 8.30; 270.072, subdivision 2, and by adding a subdivision; 270A.07, subdivision 1; 273.111, subdivision 3; 289A.20, subdivision 2; 289A.26, subdivision 1; 289A.60, subdivision 14; 290.01, subdivision 19c; 290.015, subdivisions 1, 3, and 4; 290.06, subdivision 22; 290.92, subdivisions 3, 28, and 29; 295.58; 296A.03, subdivision 5; 296A.21, subdivisions 2 and 3; 296A.22, subdivision 6; 297A.25, subdivision 34; 297B.03; 297F.01, subdivisions 7, 14, and by adding subdivisions; and 297F.13, subdivision 4; Minnesota Statutes 1999 Supplement, sections 270A.07, subdivision 2; 273.13, subdivision 24; 287.01, subdivision 2; 289A.20, subdivision 4; 289A.55, subdivision 9; 298.24, subdivision 1; and 477A.03, subdivision 2; Laws 1988, chapter 645, section 3, as amended; Laws 1999, chapters 112, section 1, subdivision 1; 243, articles 1, section 2; 6, section 18; repealing Minnesota Statutes 1998, sections 270.072, subdivision 5; 270.075, subdivisions 3 and 4; 270.083; 273.127; and 273.1316.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2579:** A bill for an act relating to trade regulations; regulating certain prescription drug discounts; providing remedies; proposing coding for new law in Minnesota Statutes, chapter 325F.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2789:** A bill for an act relating to counties; authorizing certain compensation to coroner, deputy coroner, coroner's investigator, or medical examiner; amending Minnesota Statutes 1998, section 382.18.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3064:** A bill for an act relating to local government; clarifying that the town of Silver may elect to join the Moose Lake area fire protection district in whole but not in part; authorizing issuance of equipment certificates by the fire protection district; amending Laws 1987, chapter 402, section 2, subdivisions 1, 4, and 5.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2742:** A bill for an act relating to family law; changing the time for filing a notice to remove; requiring a study of medical support statutes; eliminating certain requirements; amending Minnesota Statutes 1998, sections 518.55, subdivision 4; and 542.16, subdivision 1; Minnesota Statutes 1999 Supplement, section 518.6111, subdivision 5; repealing Minnesota Statutes 1998, sections 144.224; 518.147; and 518.583.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2794:** A bill for an act relating to family law; modifying provisions under the expedited child support process; amending Minnesota Statutes 1999 Supplement, section 518.5513, subdivisions 1 and 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2473:** A bill for an act relating to family law; child custody; altering the standards for modifying sole physical custody of a child; amending Minnesota Statutes 1998, sections 518.175, subdivision 3; and 518.18.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Flynn	Johnson, D.J.	Krentz	Metzen
Belanger	Foley	Junge	Laidig	Moe, R.D.
Berg	Frederickson	Kelley, S.P.	Langseth	Murphy
Berglin	Hanson	Kelly, R.C.	Larson	Neuville
Betzold	Higgins	Kierlin	Lesewski	Novak
Cohen	Hottinger	Kinkel	Lessard	Oliver
Day	Janezich	Kiscaden	Limmer	Olson
Dille	Johnson, D.E.	Kleis	Lourey	Ourada
Fischbach	Johnson, D.H.	Knutson	Marty	Pappas

Piper	Ring	Sams	Solon	Vickerman
Pogemiller	Robertson	Samuelson	Spear	Wiener
Price	Robling	Scheevel	Stevens	Wiger
Ranum	Runbeck	Scheid	Stumpf	Ziegler

So the bill passed and its title was agreed to.

**S.F. No. 2919:** A bill for an act relating to telecommunications; establishing a work group to discuss and propose changes in telecommunication law.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3023:** A bill for an act relating to motor vehicles; modifying vehicle registration and titling provisions; modifying interstate commercial vehicle registration provisions to conform to interstate registration plan; conforming state open bottle law to federal law; allowing exception to requirement of school bus drivers to activate school bus stop signals; adopting federal odometer regulations; modifying provisions to conform to federal standards for emergency vehicle siren; extending allowable length of recreational vehicle combinations; modifying fee provisions; making technical and clarifying changes; amending Minnesota Statutes 1998, sections 168.012, subdivision 7; 168.017, subdivision 3; 168.09, subdivision 6; 168.1235, subdivisions 1 and 4; 168.1291; 168.13; 168.187, subdivision 8; 168.31, subdivision 4; 168.33, subdivision 7; 168.54, subdivisions 5 and 6; 168A.03; 168A.06; 168A.13; 168A.14; 168A.31, subdivision 1; 169.122, subdivisions 1, 2, and 3; 169.443, subdivision 3; 169.68; 169.781, subdivision 3; 169.81, subdivision 3c; 171.20, subdivision 4; and 325E.15; Minnesota Statutes 1999 Supplement, sections 168.15, subdivision 1; 168.16; and 171.29, subdivision 2; Laws 1995, chapter 264, article 2, section 44, as amended; repealing Minnesota Statutes 1998, section 168.1292.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Foley	Kelley, S.P.	Larson	Novak
Belanger	Frederickson	Kelly, R.C.	Lesewski	Oliver
Berg	Hanson	Kierlin	Lessard	Olson
Berglin	Higgins	Kinkel	Limmer	Ourada
Betzold	Hottinger	Kiscaden	Lourey	Pappas
Cohen	Janezich	Kleis	Marty	Piper
Day	Johnson, D.E.	Knutson	Metzen	Pogemiller
Dille	Johnson, D.H.	Krentz	Moe, R.D.	Price
Fischbach	Johnson, D.J.	Laidig	Murphy	Ranum
Flynn	Junge	Langseth	Neuville	Ring

Robertson	Sams	Scheid	Stevens	Wiener
Robling	Samuelson	Solon	Stumpf	Wiger
Runbeck	Scheevel	Spear	Vickerman	Ziegler

So the bill passed and its title was agreed to.

**S.F. No. 2821:** A bill for an act relating to charitable organizations; amending report filing requirements; amending Minnesota Statutes 1998, section 309.53, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2829:** A bill for an act relating to the metropolitan council; modifying the cost allocation system for the metropolitan disposal system; amending Minnesota Statutes 1998, section 473.517, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2827:** A bill for an act relating to the metropolitan council; eliminating or modifying requirements that are obsolete, unnecessary, or inefficient; authorizing the use of facsimile or digital signatures; amending Minnesota Statutes 1998, sections 473.129, by adding a subdivision; 473.13, subdivision 1; 473.254, subdivision 1; and 473.704, subdivision 19; repealing Minnesota Statutes 1998, sections 473.1623, subdivisions 3 and 6; and 473.23, subdivision 1; Minnesota Rules, chapter 5900.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3075:** A bill for an act relating to public officials; providing for resolution of disputes over whether an office has become vacant; amending Minnesota Statutes 1998, section 351.02.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2627:** A bill for an act relating to taxes; establishing time limit for certain revenue recapture claims; amending Minnesota Statutes 1998, section 270A.03, subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Dille	Hottinger	Kelly, R.C.	Laidig
Belanger	Fischbach	Janezich	Kierlin	Langseth
Berg	Flynn	Johnson, D.E.	Kinkel	Larson
Berglin	Foley	Johnson, D.H.	Kiscaden	Lesewski
Betzold	Frederickson	Johnson, D.J.	Kleis	Limmer
Cohen	Hanson	Junge	Knutson	Lourey
Day	Higgins	Kelley, S.P.	Krentz	Marty

Metzen	Olson	Price	Samuelson	Stumpf
Moe, R.D.	Ourada	Ranum	Scheevel	Vickerman
Murphy	Pappas	Robertson	Scheid	Wiener
Neuville	Pariseau	Robling	Solon	Wiger
Novak	Piper	Runbeck	Spear	Ziegler
Oliver	Pogemiller	Sams	Stevens	

So the bill passed and its title was agreed to.

**S.F. No. 3005:** A bill for an act relating to health and human services; establishing the right to seek licensure for excluded adult foster care providers; changing requirements to background studies for licensed programs; establishing tribal licensing agency access to criminal history data; amending Minnesota Statutes 1998, sections 245A.03, subdivision 2, and by adding a subdivision; and 245A.04, subdivisions 3 and 3b; Minnesota Statutes 1999 Supplement, section 245A.04, subdivision 3d; proposing coding for new law in Minnesota Statutes, chapter 245A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3330:** A bill for an act relating to corrections; authorizing the commissioner of corrections to establish and operate alternative residential programs for juveniles; deleting a reference to a closed correctional facility; changing the data collection date for the Interstate Compact for Supervision of Parolees and Probationers Report; requiring an offender in phase II of the challenge incarceration program to report to an agent or program staff; requiring that pretrial diversion reports prepared by county attorneys be submitted to the state court administrator; authorizing the commissioner of corrections to enter into rental agreements for emergency housing; appropriating money; amending Minnesota Statutes 1998, sections 241.021, subdivision 4; 242.32, by adding a subdivision; 242.55; 243.162, subdivision 3; 244.172, subdivision 2; and 401.065, subdivision 4; Laws 1999, chapter 216, article 1, section 13, subdivision 4.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Dille	Hottinger	Kelly, R.C.	Laidig
Belanger	Fischbach	Janezich	Kierlin	Langseth
Berg	Flynn	Johnson, D.E.	Kinkel	Larson
Berglin	Foley	Johnson, D.H.	Kiscaden	Lesewski
Betzold	Frederickson	Johnson, D.J.	Kleis	Lessard
Cohen	Hanson	Junge	Knutson	Limmer
Day	Higgins	Kelley, S.P.	Krentz	Lourey

Marty	Olson	Ranum	Scheevel	Wiener
Metzen	Ourada	Ring	Scheid	Wiger
Moe, R.D.	Pappas	Robertson	Solon	Ziegler
Murphy	Pariseau	Robling	Spear	
Neuville	Piper	Runbeck	Stevens	
Novak	Pogemiller	Sams	Stumpf	
Oliver	Price	Samuelson	Vickerman	

So the bill passed and its title was agreed to.

**S.F. No. 3283:** A bill for an act relating to natural resources; providing for civil enforcement of metal traction device sticker requirements for snowmobiles; amending Minnesota Statutes 1999 Supplement, sections 84.8712, subdivisions 2, 3, 4, and 6; and 84.8713, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3379:** A bill for an act relating to state lands; authorizing public and private sales of certain tax-forfeited lands that border public water in Isanti county.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2720:** A bill for an act relating to state lands; authorizing private sale of certain tax-forfeited land that borders public water in Ramsey county.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Marty

So the bill passed and its title was agreed to.

**S.F. No. 2514:** A bill for an act relating to game and fish; establishing temporary daily and possession limits for yellow perch on inland waters.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3133:** A bill for an act relating to health; extending the application deadline for essential community provider status for a facility providing culturally competent health care; modifying termination and renewal of designation as an essential community provider; amending Minnesota Statutes 1998, section 62Q.19, subdivisions 2 and 6.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3354:** A bill for an act relating to manufactured homes; clarifying the requirements for a limited dealer license; amending Minnesota Statutes 1998, section 327B.04, subdivision 8.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2575:** A bill for an act relating to economic development; regulating eligibility of farmers for the dislocated worker program; amending Minnesota Statutes 1999 Supplement, section 268.975, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3229:** A bill for an act relating to state government; modifying provisions administered by the commissioner of administration relating to public lands, procurements, easements, designer selection, parking facilities, energy efficiency in state buildings; capital project predesign; amending Minnesota Statutes 1998, sections 16A.28, subdivision 5; 16B.26; 16B.33, subdivision 3; 16B.58, subdivisions 5 and 7; 16B.85, subdivisions 2 and 3; and 16C.06, subdivision 3; Minnesota Statutes 1999 Supplement, sections 16B.32, subdivision 2; and 16C.081; Laws 1998, chapter 386, article 1, section 35; repealing Minnesota Statutes 1999 Supplement, section 16B.415.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2870:** A bill for an act relating to financial institutions; regulating certain loan charges and payments; making various technical changes; amending Minnesota Statutes 1998, sections 47.59, subdivisions 7, 10, and by adding a subdivision; 47.60, subdivision 2; 48.56; 52.04, subdivision 1; 56.131, subdivision 4; 58.02, subdivision 10; 58.04, subdivisions 2 and 3; 58.05, by adding a subdivision; 58.08, as amended; 58.10, subdivision 1; and 168.72, by adding a subdivision; Minnesota Statutes 1999 Supplement, sections 47.52; and 58.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 58; repealing Minnesota Statutes 1998, sections 58.02, subdivision 15; and 58.05, subdivision 2; Minnesota Rules, part 2675.4180.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3154:** A bill for an act relating to public defense; authorizing access to various criminal and juvenile justice databases for purposes of criminal defense; amending Minnesota Statutes 1998, sections 299C.147, subdivisions 2 and 3; 299C.46, subdivision 3; Minnesota Statutes 1999 Supplement, section 299C.095, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3018:** A bill for an act relating to children; providing for designation of standby and alternate custodians of children; amending Minnesota Statutes 1998, sections 171.07, subdivision 11; and 524.5-505; proposing coding for new law as Minnesota Statutes, chapter 257B; repealing Minnesota Statutes 1998, sections 257A.01; 257A.02; 257A.03; 257A.04; 257A.05; 257A.06; 257A.07; 257A.08; 257A.09; and 257A.10.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2653:** A bill for an act relating to state government; requiring state agencies to provide grant information on the Internet; requiring the commissioner of administration to develop a uniform Internet application for grants; amending Minnesota Statutes 1998, section 16B.467; proposing coding for new law in Minnesota Statutes, chapter 15.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2767:** A bill for an act relating to health; requiring prompt payment by health plan companies and third-party administrators of clean claims for health care services; proposing coding for new law in Minnesota Statutes, chapter 62Q; repealing Minnesota Statutes 1999 Supplement, section 65D.108.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3412:** A bill for an act relating to insurance; removing certain state involvement with the state fund mutual insurance company; repealing Minnesota Statutes 1998, sections 79.371; 176A.01; 176A.02; 176A.03; 176A.04; 176A.05; 176A.06; 176A.07; 176A.08; 176A.09; 176A.10; 176A.11; and 176A.12.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2951:** A bill for an act relating to municipalities; clarifying the use of alternative dispute resolution in certain proceedings; requiring a report to the legislature; exempting the office of strategic and long-range planning from adopting rules until a certain date; providing instructions to the revisor of statutes; amending Minnesota Statutes 1999 Supplement, section 414.12; repealing Minnesota Statutes 1998, section 414.10.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 1048:** A bill for an act relating to utilities; creating advisory selection process for public utility commissioners; regulating ex parte communications with commissioners; amending Minnesota Statutes 1998, sections 216A.03, subdivisions 1 and 1a; and 216A.037; proposing coding for new law in Minnesota Statutes, chapter 216A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 7, as follows:

Those who voted in the affirmative were:

Anderson	Flynn	Johnson, D.H.	Kleis	Limmer
Belanger	Foley	Johnson, D.J.	Knutson	Lourey
Berg	Frederickson	Junge	Krentz	Marty
Berglin	Hanson	Kelley, S.P.	Laidig	Moe, R.D.
Betzold	Higgins	Kelly, R.C.	Langseth	Murphy
Day	Hottinger	Kierlin	Larson	Neuville
Dille	Janezich	Kinkel	Lesewski	Novak
Fischbach	Johnson, D.E.	Kiscaden	Lessard	Oliver

Olson	Pogemiller	Runbeck	Solon	Wiener
Pappas	Price	Sams	Spear	Wiger
Pariseau	Ranum	Samuelson	Stumpf	
Piper	Robling	Scheevel	Vickerman	

Those who voted in the negative were:

Metzen	Ring	Scheid	Stevens	Ziegler
Ourada	Robertson			

So the bill passed and its title was agreed to.

**S.F. No. 2326:** A bill for an act relating to state government; designating the monarch as the state butterfly; proposing coding for new law in Minnesota Statutes, chapter 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 54 and nays 12, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Laidig	Novak	Runbeck
Berg	Janezich	Langseth	Oliver	Samuelson
Berglin	Johnson, D.E.	Lesewski	Olson	Scheid
Cohen	Johnson, D.H.	Lessard	Pappas	Solon
Day	Kelley, S.P.	Limmer	Pariseau	Spear
Dille	Kelly, R.C.	Lourey	Piper	Stevens
Fischbach	Kierlin	Marty	Pogemiller	Stumpf
Flynn	Kinkel	Metzen	Price	Vickerman
Foley	Kiscaden	Moe, R.D.	Ranum	Wiener
Hanson	Knutson	Murphy	Ring	Wiger
Higgins	Krentz	Neuville	Robling	

Those who voted in the negative were:

Belanger	Johnson, D.J.	Larson	Robertson	Scheevel
Betzold	Junge	Ourada	Sams	Ziegler
Frederickson	Kleis			

So the bill passed and its title was agreed to.

**S.F. No. 3307:** A bill for an act relating to transportation; providing for claims by person incurring injury to person or property while operating recreational vehicle on trunk highway right-of-way; amending Minnesota Statutes 1998, section 3.736, subdivision 3.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3554:** A bill for an act relating to reemployment compensation; modifying nonprofit organization provisions; instructing the revisor to change certain terms; amending Minnesota Statutes 1999 Supplement, sections 268.03, subdivision 1; and 268.053, subdivision 1, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2813:** A bill for an act relating to motor vehicles; modifying how state vehicles are identified; amending Minnesota Statutes 1999 Supplement, section 168.012, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 49 and nays 15, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Kleis	Moe, R.D.	Runbeck
Belanger	Janezich	Knutson	Murphy	Sams
Berg	Johnson, D.E.	Krentz	Neuville	Scheevel
Berglin	Johnson, D.H.	Laidig	Oliver	Scheid
Betzold	Johnson, D.J.	Langseth	Ourada	Solon
Cohen	Junge	Larson	Pappas	Spear
Day	Kelley, S.P.	Lesewski	Pariseau	Stumpf
Dille	Kelly, R.C.	Lessard	Price	Vickerman
Flynn	Kierlin	Lourey	Robertson	Wiener
Higgins	Kinkel	Metzen	Robling	

Those who voted in the negative were:

Fischbach	Hanson	Marty	Pogemiller	Stevens
Foley	Kiscaden	Olson	Ranum	Wiger
Frederickson	Limmer	Piper	Samuelson	Ziegler

So the bill passed and its title was agreed to.

**S.F. No. 3028:** A bill for an act relating to vulnerable adults; specifying rights for reconsideration and review of determinations regarding maltreatment; amending Minnesota Statutes 1998, section 626.557, subdivisions 9c, 9d, and 12b; Minnesota Statutes 1999 Supplement, section 13.99, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3428:** A bill for an act relating to professions; modifying supervisory and disciplinary requirements for psychologists; amending Minnesota Statutes 1998, sections 148.89, by adding subdivisions; and 148.925, subdivisions 1, 2, 3, 5, and 6; Minnesota Statutes 1999 Supplement, section 148.941, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3161:** A bill for an act relating to health; modifying provisions for health care purchasing alliances; amending Minnesota Statutes 1998, sections 62T.03; 62T.05; 62T.06, subdivisions 1 and 2; and 62T.11; Minnesota Statutes 1999 Supplement, section 62T.04; proposing coding for new law in Minnesota Statutes, chapter 62T; repealing Minnesota Statutes 1998, section 62T.13.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

Anderson	Cohen	Frederickson	Johnson, D.E.	Kelly, R.C.
Belanger	Day	Hanson	Johnson, D.H.	Kierlin
Berg	Fischbach	Higgins	Johnson, D.J.	Kinkel
Berglin	Flynn	Hottinger	Junge	Kiscaden
Betzold	Foley	Janezich	Kelley, S.P.	Kleis

Knutson	Lourey	Olson	Robertson	Spear
Krentz	Marty	Ourada	Robling	Stevens
Laidig	Metzen	Pappas	Runbeck	Stumpf
Langseth	Moe, R.D.	Pariseau	Sams	Vickerman
Larson	Murphy	Piper	Samuelson	Wiener
Lesewski	Neuville	Pogemiller	Scheevel	Wiger
Lessard	Novak	Price	Scheid	Ziegler
Limmer	Oliver	Ranum	Solon	

So the bill passed and its title was agreed to.

**S.F. No. 3150:** A bill for an act relating to higher education; increasing the higher education facilities authority bonding authority; amending Minnesota Statutes 1998, section 136A.29, subdivision 9.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**H.F. No. 3236:** A bill for an act relating to health; modifying provisions for issuing certified copies of vital records; amending Minnesota Statutes 1998, section 144.225, subdivision 7.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3678:** A bill for an act relating to natural resources; allowing the use of external

sources of funding for certain drainage projects; amending Minnesota Statutes 1998, section 103E.011, by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3323:** A bill for an act relating to environment; encouraging recycling of construction debris by public entities; proposing coding for new law in Minnesota Statutes, chapter 115A.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3529:** A bill for an act relating to reemployment insurance; excluding smokechasers from the definition of noncovered employment; amending Minnesota Statutes 1999 Supplement, section 268.035, subdivision 20.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2946:** A bill for an act relating to motor fuels; limiting the use of certain oxygenates in gasoline sold in Minnesota; amending Minnesota Statutes 1998, section 239.761, subdivision 6; Minnesota Statutes 1999 Supplement, section 239.791, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SUSPENSION OF RULES

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

### CONSENT CALENDAR

**H.F. No. 2723:** A bill for an act relating to McLeod county; extending the authority to temporarily office in Glencoe township; amending Laws 1995, chapter 207, article 2, section 37.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2756:** A bill for an act relating to hospital districts; authorizing the annexation of a city or town that is contiguous to a contiguous city or town; amending Minnesota Statutes 1998, section 447.36.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2850:** A bill for an act relating to human services; extending participation in the prepayment demonstration project for Itasca county; amending Minnesota Statutes 1998, section 256B.69, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 3586:** A bill for an act relating to game and fish; permitting angling with a lighted fishing lure; amending Minnesota Statutes 1998, section 97C.335.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Johnson, D.J.

So the bill passed and its title was agreed to.

**S.F. No. 3046:** A bill for an act relating to crime; clarifying that the definition of "peace officer" in the fleeing a peace officer crime includes tribal peace officers; defining flee to include refusing to stop the vehicle; amending Minnesota Statutes 1998, section 609.487, subdivisions 1 and 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

**S.F. No. 2894:** A bill for an act relating to occupational safety and health; classifying certain communications regarding discrimination complaints as privileged; amending Minnesota Statutes 1998, section 182.669, subdivision 1.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Laidig moved that H.F. No. 1415 be taken from the table. The motion prevailed.

**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.

Senator Laidig moved to amend H.F. No. 1415, the unofficial engrossment, as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 97A.331, is amended by adding a subdivision to read:

Subd. 7. [GRAY WOLF.] (a) A person who takes, harasses, destroys, buys, sells, possesses, transports, or ships a gray wolf in violation of the game and fish laws is guilty of a gross misdemeanor.

(b) The restitution value for a gray wolf under section 97A.345 is \$2,000. This amount may be amended by rule.

Sec. 2. Minnesota Statutes 1998, section 97B.645, is amended to read:

97B.645 [GRAY WOLVES.]

Subdivision 1. [USE OF DOGS AND HORSES PROHIBITED; USE OF GUARD ANIMALS.] A person may not use a dog or horse to take a ~~timber~~ gray wolf. A person may use a guard animal to harass, repel, or destroy wolves only as allowed under subdivisions 3, 4, 5, and 6.

Subd. 2. [PERMIT REQUIRED TO SNARE.] A person may not use a snare to take a wolf except under a permit from the commissioner.

Subd. 3. [DESTROYING GRAY WOLVES IN DEFENSE OF HUMAN LIFE.] A person may, at any time and without a permit, take a gray wolf in defense of the person's own life or the life of another. A person who destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer within 24 hours after the gray wolf is killed.

Subd. 4. [HARASSMENT OF GRAY WOLVES.] To discourage gray wolves from contact or association with people and domestic animals, a person may, at any time and without a permit,

harass a gray wolf that is within 500 yards of people, buildings, dogs, livestock, or other domestic pets and animals. A gray wolf may not be purposely attracted, tracked, or searched out for the purpose of harassment. Harassment that results in physical injury to a gray wolf is prohibited.

Subd. 5. [DESTROYING GRAY WOLVES THREATENING LIVESTOCK OR GUARD ANIMALS.] An owner of livestock and guard animals, and the owner's agents, may, at any time and without a permit, shoot a gray wolf when the gray wolf is posing an immediate threat to livestock or a guard animal located on property owned, leased, or occupied by the owner of the livestock or guard animal. A person who destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer within 24 hours after the gray wolf is killed.

Subd. 6. [DESTROYING GRAY WOLVES THREATENING DOMESTIC PETS.] An owner of a domestic pet may, at any time and without a permit, shoot a gray wolf when the gray wolf is posing an immediate threat to a domestic pet under the controlled supervision of the owner. A person who destroys a gray wolf under this subdivision must protect all evidence and report the taking to a conservation officer within 24 hours after the gray wolf is killed.

Subd. 7. [INVESTIGATION OF REPORTED GRAY WOLF TAKINGS.] (a) In response to a reported gray wolf taking under subdivision 3, 5, or 6, the commissioner shall:

- (1) investigate the reported taking;
  - (2) collect written and photographic documentation of the circumstances and site of the taking, including but not limited to documentation of animal husbandry practices;
  - (3) confiscate the remains of the gray wolf killed; and
  - (4) dispose of any salvageable gray wolf pelt confiscated under this subdivision by sale or donation for educational purposes.
- (b) The commissioner shall produce monthly reports of activities under this subdivision.
- (c) In response to a verified gray wolf taking under subdivision 5, the commissioner must notify the county extension agent. The county extension agent must recommend what, if any, cost-conscious livestock best management practices and nonlethal wolf depredation controls are needed to prevent future wolf depredation. Any best management practices recommended by the county extension agent must be consistent with the best management practices developed by the commissioner of agriculture under section 3.737, subdivision 5.

Subd. 8. [NO OPEN SEASON; FIVE YEAR MINIMUM.] The commissioner may not prescribe an open season for gray wolves until five years after the gray wolf is delisted in this state under the federal Endangered Species Act of 1973. After the gray wolf is delisted, the commissioner may solicit and consider public comment regarding an open season and may prescribe an open season and restrictions for taking gray wolves if the commissioner determines that it is biologically feasible.

Subd. 9. [RELEASE OF WOLF-DOG HYBRIDS AND CAPTIVE GRAY WOLVES.] A person may not release wolf-dog hybrids or captive gray wolves without a permit from the commissioner.

Subd. 10. [FEDERAL LAW.] Notwithstanding the provisions of this section, a person may not take, harass, buy, sell, possess, transport, or ship gray wolves in violation of federal law.

Subd. 11. [DEFINITIONS.] (a) For purposes of this section, the terms used have the meanings given.

(b) "Guard animal" means a donkey, llama, dog, or other domestic animal specifically bred, trained, and used to protect livestock from gray wolf depredation.

(c) "Immediate threat" means observing a gray wolf in the act of pursuing, attacking, or killing

livestock, a guard animal, or a domestic pet under the supervised control of the owner. If a gray wolf is not observed pursuing or attacking, the mere presence of the gray wolf feeding on an already dead animal whose death was not caused by gray wolves is not an immediate threat.

Sec. 3. [97B.646] [GRAY WOLF MANAGEMENT.]

Subdivision 1. [MANAGEMENT PLAN.] 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 depredation of livestock and domestic pets.

Subd. 2. [CRITICAL HABITAT PROTECTION.] The commissioner shall identify critical gray wolf habitat on public lands, such as den and rendezvous sites and migration corridors. The commissioner may manage land identified under this subdivision for the benefit of gray wolves and their prey. The commissioner shall also work with private, tribal, and corporate landowners on a voluntary basis to accomplish this goal on lands not owned by the state.

Sec. 4. [97B.647] [GRAY WOLF NONLETHAL CONTROL MEASURES ACCOUNT.]

The gray wolf nonlethal control measures account is established in the natural resources fund. Money in the account consists of private contributions and appropriations to the account and the interest earnings on the balance in the account. Money in the account may be appropriated only to match money spent for research, development, and implementation of nonlethal control measures and best management practices to minimize the incidence of gray wolf depredation on domestic animals.

Sec. 5. [PUBLIC EDUCATION ABOUT WOLVES.]

The commissioner shall make available public education materials regarding wolves and how humans can avoid conflicts with wolves.

Sec. 6. [REPORT TO THE LEGISLATURE.]

The commissioner of natural resources must submit a report to the chairs of the senate and house environment and natural resources policy and funding committees by January 3, 2001. The report must provide recommendations on appropriations needed to accomplish the gray wolf management plan.

Sec. 7. [REVISORS INSTRUCTION.]

The revisor of statutes shall change the phrase "timber wolf" wherever it appears in Minnesota Statutes and Minnesota Rules to "gray wolf."

Delete the title and insert:

"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."

### CALL OF THE SENATE

Senator Lessard imposed a call of the Senate for the balance of the proceedings on H.F. No. 1415. The Sergeant at Arms was instructed to bring in the absent members.

Senator Lourey moved to amend the Laidig amendment to H.F. No. 1415 as follows:

Page 3, line 32, delete "Subdivision 1. [MANAGEMENT PLAN.]"

Page 4, delete lines 2 to 9

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

The question recurred on the Laidig amendment, as amended.

The roll was called, and there were yeas 46 and nays 20, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kleis	Oliver	Runbeck
Belanger	Hottinger	Knutson	Ourada	Scheid
Berglin	Janezich	Krentz	Pappas	Solon
Betzold	Johnson, D.E.	Laidig	Piper	Spear
Cohen	Johnson, D.H.	Limmer	Pogemiller	Wiener
Day	Junge	Lourey	Price	Wiger
Flynn	Kelley, S.P.	Marty	Ranum	
Foley	Kelly, R.C.	Metzen	Ring	
Frederickson	Kierlin	Murphy	Robertson	
Hanson	Kiscaden	Novak	Robling	

Those who voted in the negative were:

Berg	Kinkel	Lessard	Pariseau	Stevens
Dille	Langseth	Moe, R.D.	Sams	Stumpf
Fischbach	Larson	Neuville	Samuelson	Vickerman
Johnson, D.J.	Lesewski	Olson	Scheevel	Ziegler

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

Senator Lessard moved to amend the Laidig amendment to H.F. No. 1415, adopted by the Senate March 15, 2000, as follows:

Page 3, delete lines 5 to 12 and insert:

"Subd. 8. [NO OPEN SEASON; TWO YEAR MINIMUM.] The commissioner may prescribe an open season for gray wolves two years following the date of final enactment of this section."

Senator Lessard then moved to amend the Lessard amendment to H.F. No. 1415 as follows:

Page 1, line 4, delete "TWO" and insert "THREE"

Page 1, line 5, delete "two" and insert "three"

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 23 and nays 42, as follows:

Those who voted in the affirmative were:

Berg	Kierlin	Lessard	Pariseau	Stevens
Dille	Kinkel	Limmer	Sams	Stumpf
Fischbach	Langseth	Lourey	Samuelson	Ziegler
Hanson	Larson	Moe, R.D.	Scheevel	
Johnson, D.J.	Lesewski	Olson	Solon	

Those who voted in the negative were:

Anderson	Higgins	Kleis	Oliver	Runbeck
Belanger	Hottinger	Knutson	Pappas	Scheid
Berglin	Janezich	Krentz	Piper	Spear
Betzold	Johnson, D.E.	Laidig	Pogemiller	Vickerman
Cohen	Johnson, D.H.	Marty	Price	Wiener
Day	Junge	Metzen	Ranum	Wiger
Flynn	Kelley, S.P.	Murphy	Ring	
Foley	Kelly, R.C.	Neuville	Robertson	
Frederickson	Kiscaden	Novak	Robling	

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

Senator Stevens moved to amend the Laidig amendment to H.F. No. 1415, adopted by the Senate March 15, 2000, as follows:

Page 1, after line 3, insert:

"Section 1. Minnesota Statutes 1998, section 3.737, subdivision 1, is amended to read:

Subdivision 1. [COMPENSATION REQUIRED.] (a) Notwithstanding section 3.736, subdivision 3, paragraph (e), or any other law, a livestock owner shall be compensated by the commissioner of agriculture for livestock that is destroyed by a timber wolf or is so crippled by a timber wolf that it must be destroyed. The owner is entitled to the fair market value of the destroyed livestock, ~~not to exceed \$750 per animal destroyed,~~ as determined by the commissioner, upon recommendation of a university extension agent and a conservation officer.

(b) Either the agent or the conservation officer must make a personal inspection of the site. The agent or the conservation officer must take into account factors in addition to a visual identification of a carcass when making a recommendation to the commissioner. The commissioner, upon recommendation of the agent and conservation officer, shall determine whether the livestock was destroyed by a timber wolf and any deficiencies in the owner's adoption of the best management practices developed in subdivision 5. The commissioner may authorize payment of claims only if the agent and the conservation officer have recommended payment. The owner shall file a claim on forms provided by the commissioner and available at the university extension agent's office."

Page 4, after line 34, insert:

"Sec. 9. [EFFECTIVE DATE.]

Section 1 is effective July 1, 2001."

Renumber the sections in sequence and correct the internal references

Amend the title amendment accordingly

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

H.F. No. 1415 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 45 and nays 21, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kiscaden	Murphy	Ring
Belanger	Hottinger	Kleis	Novak	Robertson
Berglin	Janezich	Knutson	Oliver	Robling
Betzold	Johnson, D.E.	Krentz	Ourada	Runbeck
Cohen	Johnson, D.H.	Laidig	Pappas	Scheid
Day	Junge	Limmer	Piper	Solon
Flynn	Kelley, S.P.	Lourey	Pogemiller	Spear
Foley	Kelly, R.C.	Marty	Price	Wiener
Frederickson	Kierlin	Metzen	Ranum	Wiger

Those who voted in the negative were:

Berg	Kinkel	Moe, R.D.	Samuelson	Ziegler
Dille	Langseth	Neuville	Scheevel	
Fischbach	Larson	Olson	Stevens	
Hanson	Lesewski	Pariseau	Stumpf	
Johnson, D.J.	Lessard	Sams	Vickerman	

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, Second Reading of Senate Bills and Second Reading of House Bills.

### REPORTS OF COMMITTEES

Senator Moe, R.D. moved that the Committee Reports 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. 3286:** A bill for an act relating to education; allowing students to take the basic skills tests beginning in grade 5; amending Minnesota Statutes 1999 Supplement, section 120B.30, subdivision 1.

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 120A.41, is amended to read:

120A.41 [LENGTH OF SCHOOL YEAR; DAYS OF INSTRUCTION.]

A school board's annual school calendar must include at least three additional days of ~~student instruction~~ staff development training related to implementing the profile of learning beyond the number of days of student instruction the board formally adopted as its school calendar at the beginning of the 1996-1997 school year. This section expires on July 1, 2001.

Sec. 2. Minnesota Statutes 1999 Supplement, 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 commissioner shall use its rulemaking authority under section 127A.05, subdivision 4, to adopt a statewide, results-oriented graduation rule to be implemented starting with students beginning ninth grade in the 1996-1997 school year. The commissioner 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 commissioner 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 commissioner 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 commissioner, 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. The commissioner shall develop and disseminate designate to school districts a uniform method software packages for reporting student performance on the profile of learning. The commissioner shall ensure that the recordkeeping software is capable of transferring student records between schools and school districts. 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 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 commissioner 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 August 15, 2000, the commissioner shall make available to the public, including in electronic format for the Internet, a report of the content standards required at each school site, the required content standards for graduation for each school site, and number of individual student waivers approved by the district according to section 120B.03, subdivision 4, paragraphs (a), (b), and (c), based on information provided by each district.~~

(g) Districts shall not be required to adopt specific provisions of any federal education program, including the Goals 2000 program and federal School-to-Work.

Sec. 3. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 1a. [SCHOOL SITE DETERMINATION OF REQUIRED CONTENT STANDARDS.]

(a) Notwithstanding any rule or law to the contrary, by July 15 of each year, each school district shall notify the commissioner of the content standards required at each site as determined in paragraphs (b) and (c).

(b) Each public high school site, by a majority vote of the licensed teachers and administrators

at the site and by a majority vote of the school board, or for a charter school by a majority vote of the licensed teachers and administrators and with approval of the school's sponsor, shall determine the number of content standards that the site has determined it is ready to make required for students for graduation.

(c) Each school site educating students in any grades kindergarten through grade 8, by a majority vote of the licensed teachers and administrators at the site and by a majority vote of the school board, or for a charter school by a majority vote of the licensed teachers and administrators and with approval of the school's sponsor, shall determine the number of content standards that the site has determined it is ready to make required for students at the preparatory levels.

(d) If the board and a site are not able to reach an agreement on the required content standards for students as determined in paragraph (b) or (c), students at the site shall be required to complete the content standards as required by state law and rules.

(e) Along with the reporting requirement in paragraph (a), a district shall report to the commissioner the time frame that each site will follow to meet the number of content standards required of students according to state law and rules.

(f) Each district shall continue to fully implement the profile of learning as required by all applicable laws and rules and must continue to provide learning opportunities for all students in all preparatory and all high school content standards.

Sec. 4. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 1b. [TRANSCRIPT DATA.] For the 1998-1999 school year and later, a 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. For high school content standards completed before the 2000-2001 school year, a student may request that the transcript show a score of "complete" or "incomplete" instead of the numeric score recorded in an earlier school year.

Sec. 5. Minnesota Statutes 1998, section 120B.03, subdivision 2, is amended to read:

Subd. 2. [PERFORMANCE PACKAGES ASSESSMENTS.] ~~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~~ Districts shall choose the methods used to assess student achievement of a content standard. The performance 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 or otherwise the assessments that local sites must use to meet the requirements contained in this section.

Sec. 6. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 4. [RIGOROUS COURSE OF STUDY; WAIVER.] (a) With the recommendation of the student's teacher or college instructor, and upon the application of a student, with the approval of the student's parent or guardian, a school district may determine that a content standard has been fulfilled when a school board determines that:

(1) the student is participating in a course of study as rigorous or more rigorous than required by the site or the state graduation rule; and

(2) achieving the content standard to be waived would have the effect of precluding the student's opportunity to participate in the rigorous course of study.

(b) A board may waive any content standard for a student or group of students who entered ninth grade prior to the 2000-2001 school year when the board determines that the standard could not have been met due to graduation standards implementation circumstances beyond the control of the student.

(c) A board may waive any content standard for a student who transfers from outside the

district into the district, or who transfers between school sites within the district, when the board determines that the requirements from the previous site that the student attended are different than those at the site to which the student is transferring and that the student will not have an opportunity to fulfill the requirements of the site to which the student is transferring.

Sec. 7. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 5. [COMPLETION OF A CONTENT STANDARD.] Districts may establish 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.

Sec. 8. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 6. [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.

Sec. 9. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 7. [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.

Sec. 10. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 8. [HIGH STANDARDS TOOL LIBRARY.] (a) The commissioner shall maintain a high standards tool library that will offer, to teachers in each of the content standards at all grade levels, 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.

(b) By June 30, 2000, the commissioner shall have established a variety of tools described in paragraph (a). The tool library must be interactive and allow for teachers to submit a variety of tools. In addition to commissioner-approved tools, the commissioner shall reserve a portion of the tool library for tools submitted by teachers that have not been reviewed by the commissioner.

Sec. 11. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 9. [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:

- (1) two teachers selected by education Minnesota, one of which shall have been a teacher of the year, and one with national board certification;
- (2) deans of the colleges of education from the University of Minnesota, a Minnesota state college, and a Minnesota private college;

(3) a director of curriculum and instruction; and

(4) an assessment practitioner.

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. The panel shall receive and analyze the report from the external review of the profile of learning standards, procedures, and assessments now underway through a contract with the department of children, families, and learning. The panel will make recommendations for refining the profile of learning by December 15, 2000, to the education committees of the legislature and the commissioner. Beginning July 1, 2001, 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. 12. Minnesota Statutes 1999 Supplement, 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. Notwithstanding Minnesota Rules, part 3501.0050, subpart 2, at the written request of a parent or guardian, and with the recommendation of the student's teacher, a district may offer the test of basic requirements in reading, math, or writing to an individual student beginning in grade 5. The student must take the same test on the same date as administered to students in eighth grade or higher.

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 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. 13. [THREE-DAY BEST PRACTICES SEMINARS.]

The commissioner of children, families, and learning, in consultation with education Minnesota, shall provide voluntary three-day best practices seminars during the summer of 2000. The seminars shall provide intensive professional development for public school teachers on best practices associated with the content standards contained in the Minnesota graduation rule.

Sec. 14. [BEST PRACTICES NETWORK.]

By June 30, 2000, the commissioner of children, families, and learning shall establish a best practices network for each of the learning areas of the Minnesota graduation standards.

Sec. 15. [GRADUATION RULE AMENDMENTS.]

Beginning no later than July 1, 2000, 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, the commissioner shall 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 or standard.

Sec. 16. [REPEALER.]

Minnesota Statutes 1998, sections 120B.03, subdivisions 1 and 3; and 120B.04, are repealed.

Minnesota Rules, parts 3501.0330, subpart 7, item B; 3501.0370, subparts 1, 2, and 4; and 3501.0420, subpart 1, item D, are repealed.

Minnesota Rules, parts 3501.0420, subpart 4; and 3501.0430, are repealed.

Sec. 17. [EFFECTIVE DATES.]

Section 1 is effective July 1, 2000. Sections 2 to 16 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; amending state graduation requirements; amending graduation rules; amending Minnesota Statutes 1998, sections 120A.41; and 120B.03, subdivision 2, and by adding subdivisions; Minnesota Statutes 1999 Supplement, sections 120B.02; and

120B.30, subdivision 1; repealing Minnesota Statutes 1998, sections 120B.03, subdivisions 1 and 3; and 120B.04; Minnesota Rules, parts 3501.0330, subpart 7, item B; 3501.0370, subparts 1, 2, and 4; 3501.0420, subparts 1, item D, and 4; and 3501.0430."

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

**Senator Solon from the Committee on Commerce, to which was referred**

**S.F. No. 3441:** A bill for an act relating to consumer protection; regulating auto glass repair and replacement; restricting certain rebates and incentives; requiring prompt payment; amending Minnesota Statutes 1998, section 72A.201, subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 325F.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 72A.201, subdivision 6, is amended to read:

Subd. 6. [STANDARDS FOR AUTOMOBILE INSURANCE CLAIMS HANDLING, SETTLEMENT OFFERS, AND AGREEMENTS.] In addition to the acts specified in subdivisions 4, 5, 7, 8, and 9, the following acts by an insurer, adjuster, or a self-insured or self-insurance administrator constitute unfair settlement practices:

(1) if an automobile insurance policy provides for the adjustment and settlement of an automobile total loss on the basis of actual cash value or replacement with like kind and quality and the insured is not an automobile dealer, failing to offer one of the following methods of settlement:

(a) comparable and available replacement automobile, with all applicable taxes, license fees, at least pro rata for the unexpired term of the replaced automobile's license, and other fees incident to the transfer or evidence of ownership of the automobile paid, at no cost to the insured other than the deductible amount as provided in the policy;

(b) a cash settlement based upon the actual cost of purchase of a comparable automobile, including all applicable taxes, license fees, at least pro rata for the unexpired term of the replaced automobile's license, and other fees incident to transfer of evidence of ownership, less the deductible amount as provided in the policy. The costs must be determined by:

(i) the cost of a comparable automobile, adjusted for mileage, condition, and options, in the local market area of the insured, if such an automobile is available in that area; or

(ii) one of two or more quotations obtained from two or more qualified sources located within the local market area when a comparable automobile is not available in the local market area. The insured shall be provided the information contained in all quotations prior to settlement; or

(iii) any settlement or offer of settlement which deviates from the procedure above must be documented and justified in detail. The basis for the settlement or offer of settlement must be explained to the insured;

(2) if an automobile insurance policy provides for the adjustment and settlement of an automobile partial loss on the basis of repair or replacement with like kind and quality and the insured is not an automobile dealer, failing to offer one of the following methods of settlement:

(a) to assume all costs, including reasonable towing costs, for the satisfactory repair of the motor vehicle. Satisfactory repair includes repair of both obvious and hidden damage as caused by the claim incident. This assumption of cost may be reduced by applicable policy provision; or

(b) to offer a cash settlement sufficient to pay for satisfactory repair of the vehicle. Satisfactory repair includes repair of obvious and hidden damage caused by the claim incident, and includes reasonable towing costs;

(3) regardless of whether the loss was total or partial, in the event that a damaged vehicle of an insured cannot be safely driven, failing to exercise the right to inspect automobile damage prior to repair within five business days following receipt of notification of claim. In other cases the inspection must be made in 15 days;

(4) regardless of whether the loss was total or partial, requiring unreasonable travel of a claimant or insured to inspect a replacement automobile, to obtain a repair estimate, to allow an insurer to inspect a repair estimate, to allow an insurer to inspect repairs made pursuant to policy requirements, or to have the automobile repaired;

(5) regardless of whether the loss was total or partial, if loss of use coverage exists under the insurance policy, failing to notify an insured at the time of the insurer's acknowledgment of claim, or sooner if inquiry is made, of the fact of the coverage, including the policy terms and conditions affecting the coverage and the manner in which the insured can apply for this coverage;

(6) regardless of whether the loss was total or partial, failing to include the insured's deductible in the insurer's demands under its subrogation rights. Subrogation recovery must be shared at least on a proportionate basis with the insured, unless the deductible amount has been otherwise recovered by the insured, except that when an insurer is recovering directly from an uninsured third party by means of installments, the insured must receive the full deductible share as soon as that amount is collected and before any part of the total recovery is applied to any other use. No deduction for expenses may be made from the deductible recovery unless an attorney is retained to collect the recovery, in which case deduction may be made only for a pro rata share of the cost of retaining the attorney. An insured is not bound by any settlement of its insurer's subrogation claim with respect to the deductible amount, unless the insured receives, as a result of the subrogation settlement, the full amount of the deductible. Recovery by the insurer and receipt by the insured of less than all of the insured's deductible amount does not affect the insured's rights to recover any unreimbursed portion of the deductible from parties liable for the loss;

(7) requiring as a condition of payment of a claim that repairs to any damaged vehicle must be made by a particular contractor or repair shop or that parts, other than window glass, must be replaced with parts other than original equipment parts;

(8) where liability is reasonably clear, failing to inform the claimant in an automobile property damage liability claim that the claimant may have a claim for loss of use of the vehicle;

(9) failing to make a good faith assignment of comparative negligence percentages in ascertaining the issue of liability;

(10) failing to pay any interest required by statute on overdue payment for an automobile personal injury protection claim;

(11) if an automobile insurance policy contains either or both of the time limitation provisions as permitted by section 65B.55, subdivisions 1 and 2, failing to notify the insured in writing of those limitations at least 60 days prior to the expiration of that time limitation;

(12) if an insurer chooses to have an insured examined as permitted by section 65B.56, subdivision 1, failing to notify the insured of all of the insured's rights and obligations under that statute, including the right to request, in writing, and to receive a copy of the report of the examination;

(13) failing to provide, to an insured who has submitted a claim for benefits described in section 65B.44, a complete copy of the insurer's claim file on the insured, excluding internal company memoranda, all materials that relate to any insurance fraud investigation, materials that constitute attorney work-product or that qualify for the attorney-client privilege, and medical reviews that are subject to section 145.64, within ten business days of receiving a written request from the insured. The insurer may charge the insured a reasonable copying fee. This clause supersedes any inconsistent provisions of sections 72A.49 to 72A.505;

(14) if an automobile policy provides for the adjustment or settlement of an automobile loss due to damaged window glass, failing to assume all reasonable costs sufficient to pay the insured's

chosen vendor for the repair or replacement of comparable window glass provide payment to the insured's chosen vendor based on a competitive price. If the insurer disputes the amount charged by the vendor, the price shall be as established by the commissioner through a market survey to determine a fair and reasonable market price for similar services. The survey shall be:

- (a) an annual survey using accepted industry standards;
- (b) a statistically significant sample of auto glass vendors; and
- (c) of work actually done.

The commissioner shall consult with interested parties in designing the survey document. Reasonable deviation from the market price determined by survey is allowed when based on the facts in each case. This clause does not prohibit an insurer from recommending a vendor to the insured or from agreeing with a vendor to perform work at an agreed-upon price, provided, however, that before recommending a vendor, the insurer shall offer its insured the opportunity to choose the vendor;

(15) requiring that the repair or replacement of motor vehicle glass and related products and services be made in a particular place or shop or by a particular entity, or by otherwise limiting the ability of the insured to select the place, shop, or entity to repair or replace the motor vehicle glass and related products and services; or

(16) engaging in any act or practice of intimidation, coercion, threat, incentive, or inducement for or against an insured to use a particular company or location to provide the motor vehicle glass repair or replacement services or products. For purposes of this section, a warranty shall not be considered an inducement or incentive.

#### Sec. 2. [325F.783] [AUTO GLASS REPAIR OR REPLACEMENT.]

(a) No person who provides retail auto glass products or services paid for in whole or in part, directly or indirectly, by an insurer regarding an insurance claim may:

(1) waive, forgive, or pay all or any part of an applicable insurance deductible; or

(2) as an inducement to the sale of goods or services to an insured, advertise or give any rebate, gift, prize, bonus, coupon, credit, referral fee, trade-in or trade-in payment, advertising or other fee or payment, or any other tangible thing or item of monetary value, directly or indirectly, to an insured or any other person not in the employ of the seller that has a value of more than \$35. Any permissible inducement must be given within seven business days of the completion of the work and must have a redeemable cash value of no more than 50 percent of the retail value of the inducement offered.

(b) The attorney general may pursue the penalties and remedies available to the attorney general under section 8.31 against any person who violates this section.

#### Sec. 3. [SURVEY REVOLVING ACCOUNT.]

The commissioner shall deposit in a separate account in the state treasury all money voluntarily contributed by insurance companies and the auto glass industry for purposes of conducting the market survey referenced in section 1. Money in the account is appropriated to the commissioner for that purpose.

#### Sec. 4. [EFFECTIVE DATE.]

Section 2 is effective the day after final enactment."

Amend the title as follows:

Page 1, line 4, delete "requiring prompt payment;"

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

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

**S.F. No. 2858:** A bill for an act relating to human services and corrections; transfer to correctional facility; amending Minnesota Statutes 1998, section 253B.185, subdivision 2.

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

Page 1, line 13, after "244.05" insert ", 609.108, subdivision 6,"

Page 2, after line 11, insert:

"Sec. 2. [SEX OFFENDER MANAGEMENT REPORT.]

Subdivision 1. [REPORT REQUIRED.] By December 15, 2000, the commissioner of corrections, in consultation with the commissioner of human services, the attorney general, the chief justice of the supreme court, and the sentencing guidelines commission, shall report to the chairs and ranking minority members of the legislative committees and divisions having jurisdiction over criminal justice policy and funding as required by this section. Recommendations requiring legislative action must include draft language and preliminary fiscal notes.

Subd. 2. [SEX OFFENDER POLICY AND MANAGEMENT OVERSIGHT.] The report must include a plan for the establishment of a sex offender policy and management oversight group to monitor, review, and evaluate all aspects of the state's system of responding to sexual offenses; identify system problems and develop solutions; provide research and analysis for state and local policy makers and criminal justice and corrections agencies; and recommend policies and best practices that will reduce sexual victimization and improve public safety in the most cost-effective manner possible.

The commissioner of corrections shall explore alternative models for the oversight group and recommend a structure that will provide for systemwide collaboration; inclusion of experts in the assessment, sentencing, management, and treatment of sex offenders; adequate staff resources to accomplish long-range oversight of a complex system; and effective support for policy decisions.

Subd. 3. [CORRECTIONS AND HUMAN SERVICES COLLABORATIVE WORK GROUP.] The report must include the results and future work plan of the joint department of corrections and human services collaborative work group.

Subd. 4. [INFORMATION ABOUT CIVILLY COMMITTED SEX OFFENDERS.] The report must include an analysis of the cases of: (1) the individuals currently civilly committed under Minnesota Statutes, section 253B.185, as persons with sexual psychopathic personalities or sexually dangerous persons; and (2) those individuals referred by the department of corrections to county attorneys for possible civil commitment, but who were not committed. The analysis must include:

(i) the criminal sentences received by the individuals in both groups and to the extent possible, why individuals did not receive criminal sentences under Minnesota Statutes, sections 609.108 (mandatory increased sentences for certain patterned and predatory sex offenders) and 609.109 (presumptive and mandatory sentences for repeat sex offenders);

(ii) factors accounting for whether persons referred by the department of corrections were or were not civilly committed; and

(iii) the supervision options being used for those individuals referred but not committed and, if possible, their outcomes, including recidivism.

Subd. 5. [SEX OFFENDER SENTENCING PRACTICES.] The report must include an analysis by the sentencing guidelines commission of sex offender sentencing practices over the last decade; implementation of sentencing authority and sentencing mandates under Minnesota Statutes, sections 609.108 and 609.109, including, to the extent possible, the factors involved in cases in which these laws could have been but were not applied; and recommendations, if any, to improve implementation of these laws."

Page 2, line 13, delete "Section 1 is" and insert "Sections 1 and 2 are"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after the semicolon, insert "requiring a report;"

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

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

**S.F. No. 2701:** A bill for an act relating to crime; creating the felony of gambling fraud; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Delete everything after the enacting clause and insert:

"Section 1. [609.763] [LAWFUL GAMBLING FRAUD.]

Subdivision 1. [CRIME.] A person is guilty of a crime and may be sentenced as provided in subdivision 2 if the person does any of the following:

(1) knowingly claims a lawful gambling prize using altered or counterfeited gambling equipment;

(2) knowingly claims a lawful gambling prize by means of fraud, deceit, or misrepresentation;

(3) manipulates any form of lawful gambling or tampers with any gambling equipment with intent to influence the outcome of a game or the receipt of a prize; or

(4) knowingly places or uses false information on a prize receipt or on any other form approved for use by the gambling control board or the alcohol and gambling enforcement division of the department of public safety.

Subd. 2. [PENALTY.] A person who violates subdivision 1 may be sentenced as follows:

(1) if the dollar amount involved is \$500 or less, the person is guilty of a misdemeanor;

(2) if the dollar amount involved is more than \$500 but not more than \$2,500, the person is guilty of a gross misdemeanor; and

(3) if the dollar amount involved is more than \$2,500, the person is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$6,000, or both.

Subd. 3. [AGGREGATION; JURISDICTION.] In a prosecution under this section, the dollar amounts obtained in violation of subdivision 1 within any 12-month period may be aggregated and the defendant charged accordingly. When two or more offenses are committed by the same person in two or more counties, the defendant may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this subdivision.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective August 1, 2000, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to crime prevention; creating the crime of gambling fraud; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 609."

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 3701:** A bill for an act relating to state government; excepting the University of Minnesota from the selection process administered by the designer selection board; amending Minnesota Statutes 1998, section 16B.33, subdivisions 3, 3a, and 4.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 16B.33, subdivision 2, is amended to read:

Subd. 2. [ORGANIZATION OF BOARD.] (a) [MEMBERSHIP.] The state designer selection board consists of ~~five~~ seven individuals, the majority of whom must be Minnesota residents. Each of the following ~~three~~ four organizations shall nominate one individual whose name and qualifications shall be submitted to the commissioner of administration for consideration: the consulting engineers council of Minnesota after consultation with other professional engineering societies in the state; the AIA Minnesota society of architects; the Minnesota chapter of the associated general contractors or the associated builders and contractors, after consultation with other commercial contractor associations in the state; and the Minnesota board of the arts. The commissioner may appoint the ~~three~~ four named individuals to the board but may reject a nominated individual and request another nomination. The fifth member shall be a representative of the user agency, the University of Minnesota, or the Minnesota state colleges and universities, designated by the user agency. The remaining two citizen members shall also be appointed by the commissioner.

(b) [NONVOTING MEMBERS MEMBER.] In addition to the ~~five~~ seven members of the board, ~~two~~ one nonvoting ~~members~~ member representing the commissioner shall participate in the interviewing and selection of designers pursuant to this section. ~~One shall be a representative of the commissioner and shall participate in the interviewing and selection of designers for all projects. The other shall be a representative of the user agency, who shall participate in the interviewing and selection of the designers for the project being undertaken by the user agency. The commissioner shall appoint the representative of the user agency in consultation with the user agency.~~

(c) [TERMS; COMPENSATION; REMOVAL; VACANCIES.] The membership terms, compensation, removal of members, and filling of vacancies on the board are as provided in section 15.0575. No individual may serve for more than two consecutive terms.

(d) [OFFICERS, RULES.] At its first meeting, the board shall elect a voting member of the board as chair. The board shall also elect other officers necessary for the conduct of its affairs. The board shall adopt rules governing its operations and the conduct of its meetings. The rules shall provide for the terms of the chair and other officers.

(e) [MEETINGS.] The board shall meet as often as is necessary, not less than twice annually, in order to act expeditiously on requests submitted to it for selection of primary designers.

(f) [OFFICE, STAFF, RECORDS.] The department of administration shall provide the board with suitable quarters to maintain an office, hold meetings, and keep records. The commissioner shall designate an employee of the department of administration to serve as executive secretary to the board and shall furnish a secretarial staff to the board as necessary for the expeditious conduct of the board's duties and responsibilities.

Sec. 2. Minnesota Statutes 1998, section 16B.33, subdivision 3a, is amended to read:

Subd. 3a. [HIGHER EDUCATION PROJECTS.] (a) When the University of Minnesota or the Minnesota state colleges and universities undertakes a project involving construction or major remodeling, as defined in section 16B.335, subdivision 1, with an estimated cost greater than \$2,000,000 or a planning project with estimated fees greater than \$200,000, the system shall submit a written request for a primary designer to the commissioner, as provided in subdivision 3.

(b) When the University of Minnesota or the Minnesota state colleges and universities undertakes a project involving renovation, repair, replacement, or rehabilitation, the system office may submit a written request for a primary designer to the commissioner as provided in subdivision 3.

(c) For projects at the University of Minnesota or the state colleges and universities, the board shall select at least two primary designers under subdivision 4 for recommendation to the board of regents or the board of trustees. Meeting records or written evaluations that document the final selection are public records. The board of regents or the board of trustees shall notify the commissioner of the designer selected from the recommendations."

Delete the title and insert:

"A bill for an act relating to state government; adding members to the designer selection board; providing the designation of at least two designers for projects at the University of Minnesota or the state colleges and universities; amending Minnesota Statutes 1998, section 16B.33, subdivisions 2 and 3a."

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

**Senator Metzen from the Committee on Governmental Operations and Veterans, to which was referred**

**S.F. No. 3234:** A bill for an act relating to state government; providing for sunset of administrative rules; authorizing legislative governmental operations committees to formally object to administrative rules; amending Minnesota Statutes 1998, section 3.842, subdivision 4a; proposing coding for new law in Minnesota Statutes, chapter 14.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 3.842, subdivision 4a, is amended to read:

Subd. 4a. [OBJECTIONS TO RULES.] (a) For purposes of this subdivision, "committee" means the house of representatives policy committee or senate policy committee with primary jurisdiction over state governmental operations. The commission or a committee may object to a rule as provided in this subdivision. If the commission or a committee objects to all or some portion of a rule because the commission or committee considers it to be beyond the procedural or substantive authority delegated to the agency, including a proposed rule submitted under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), the commission or committee may file that objection in the office of the secretary of state. The filed objection must contain a concise statement of the commission's or committee's reasons for its action. An objection to a proposed rule submitted by the commission or a committee under section 14.15, subdivision 4, or 14.26, subdivision 3, paragraph (c), may not be filed before the rule is adopted.

(b) The secretary of state shall affix to each objection a certification of the date and time of its filing and as soon after the objection is filed as practicable shall transmit a certified copy of it to the agency issuing the rule in question and to the revisor of statutes. The secretary of state shall also maintain a permanent register open to public inspection of all objections by the commission or committee.

(c) The commission or committee shall publish and index an objection filed under this section in the next issue of the State Register. The revisor of statutes shall indicate the existence of the objection adjacent to the rule in question when that rule is published in Minnesota Rules.

(d) Within 14 days after the filing of an objection by the commission or committee to a rule, the issuing agency shall respond in writing to the commission objecting entity. After receipt of the response, the commission or committee may withdraw or modify its objection.

(e) After the filing of an objection by the commission or committee that is not subsequently withdrawn, the burden is upon the agency in any proceeding for judicial review or for enforcement of the rule to establish that the whole or portion of the rule objected to is valid.

(f) The failure of the commission or a committee to object to a rule is not an implied legislative authorization of its validity.

(g) In accordance with sections 14.44 and 14.45, the commission or a committee may petition for a declaratory judgment to determine the validity of a rule objected to by the commission or committee. The action must be started within two years after an objection is filed in the office of the secretary of state.

(h) The commission or a committee may intervene in litigation arising from agency action. For purposes of this paragraph, agency action means the whole or part of a rule, or the failure to issue a rule.

Sec. 2. Minnesota Statutes 1998, section 14.15, subdivision 4, is amended to read:

Subd. 4. [NEED OR REASONABLENESS NOT ESTABLISHED.] If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established pursuant to section 14.14, subdivision 2, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative coordinating commission and to the house of representatives and senate policy committees with primary jurisdiction over state governmental operations for the commission's advice and comment. The agency may not adopt the rule until it has received and considered the advice of the commission and committees. However, the agency is not required to wait for ~~the commission's~~ advice for more than 60 days after the commission has and committees have received the agency's submission.

Sec. 3. Minnesota Statutes 1999 Supplement, section 14.26, subdivision 3, is amended to read:

Subd. 3. [REVIEW.] (a) Within 14 days, the administrative law judge shall approve or disapprove the rule as to its legality and its form to the extent that the form relates to legality, including the issues of whether the rule if modified is substantially different, as determined under section 14.05, subdivision 2, from the rule as originally proposed, whether the agency has the authority to adopt the rule, and whether the record demonstrates a rational basis for the need for and reasonableness of the proposed rule. If the rule is approved, the administrative law judge shall promptly file three copies of it in the office of the secretary of state. The secretary of state shall forward one copy of each rule to the revisor of statutes and to the governor. If the rule is disapproved, the administrative law judge shall state in writing the reasons for the disapproval and make recommendations to overcome the defects.

(b) The written disapproval must be submitted to the chief administrative law judge for approval. If the chief administrative law judge approves of the findings of the administrative law judge, the chief administrative law judge shall send the statement of the reasons for disapproval of the rule to the agency, the legislative coordinating commission, the house of representatives and senate policy committees with primary jurisdiction over state governmental operations and the revisor of statutes and advise the agency and the revisor of statutes of actions that will correct the defects. The rule may not be filed in the office of the secretary of state, nor published, until the chief administrative law judge determines that the defects have been corrected or, if applicable, that the agency has satisfied the rule requirements for the adoption of a substantially different rule.

(c) If the chief administrative law judge determines that the need for or reasonableness of the rule has not been established, and if the agency does not elect to follow the suggested actions of the chief administrative law judge to correct that defect, then the agency shall submit the proposed rule to the legislative coordinating commission and to the house of representatives and senate policy committees with primary jurisdiction over state governmental operations for the commission's advice and comment. The agency may not adopt the rule until it has received and considered the advice of the commission and committees. However, the agency is not required to wait for ~~the commission's~~ advice for more than 60 days after the commission has and committees have received the agency's submission.

(d) The administrative law judge shall disregard any error or defect in the proceeding due to the agency's failure to satisfy any procedural requirements imposed by law or rule if the administrative law judge finds:

(1) that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process; or

(2) that the agency has taken corrective action to cure the error or defect so that the failure did not deprive any person or entity of an opportunity to participate meaningfully in the rulemaking process.

#### Sec. 4. [RULES TASK FORCE.]

A rules task force of eight members is created. The governor must appoint four members. The task force also includes one member each from the minority and majority caucus in the house of representatives and the senate. House members must be appointed by the speaker. Senate members must be appointed by the committee on rules and administration. The member of the majority caucus appointed by the speaker of the house of representatives must convene the first meeting. The members of the task force must elect a chair. The legislative coordinating commission and an agency designated by the governor must provide staff assistance and administrative support for the task force within existing appropriations. The task force must study and make recommendations to the governor and the legislature by January 15, 2001, on issues relating to review of agency rules. The recommendations must include, but are not limited to:

(1) a process to be used by agencies, the governor, and the legislature to identify and prioritize rules and related laws and programs that will be subject to legislative review;

(2) a process by which the legislature will review rules and related laws and programs identified under clause (1);

(3) the estimated agency and legislative time and resources required for review of rules and related laws and programs under the processes recommended under clauses (1) and (2);

(4) the effect of possible repeal of agency rules on the state budget; and

(5) the desirability of changes in the rulemaking requirements of the Administrative Procedure Act, given increased legislative scrutiny of rules.

In making its recommendations, the task force must consult with interested parties, and must consider relevant state and federal laws and commitments. The task force is subject to Minnesota Statutes, section 471.705. The task force expires June 30, 2001.

#### Sec. 5. [EFFECTIVE DATE.]

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

Delete the title and insert:

"A bill for an act relating to state government; authorizing legislative governmental operations committees to formally object to administrative rules; modifying the review of proposed rules; creating a rules task force; providing appointments; amending Minnesota Statutes 1998, sections 3.842, subdivision 4a; and 14.15, subdivision 4; Minnesota Statutes 1999 Supplement, section 14.26, subdivision 3."

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

#### **Senator Ranum from the Committee on Judiciary, to which was re-referred**

**S.F. No. 3423:** A bill for an act relating to insurance; requiring the commissioner of commerce to assist Holocaust victims to settle claims and recover proceeds from applicable insurance policies; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

Page 1, delete lines 19 to 23 and insert:

"(b) "related company" means an affiliate, as defined in section 60D.15, subdivision 2; a successor in interest; or a managing general agent, of another company or insurer;"

Page 2, line 1, delete "life," and insert "Holocaust-related insurance policies"

Page 2, delete lines 2 and 3

Page 2, line 4, delete everything before the comma

Page 2, line 11, after "payments" insert a comma

Page 2, line 12, after "devaluation" insert a comma

Page 2, after line 20, insert:

"(f) "Holocaust-related insurance policies" means life, property, liability, health, annuities, dowry, educational, casualty, or any other type of insurance policies sold to persons in Europe, that were in effect at any time between 1933 and 1945, regardless of when the policy was initially purchased or written."

Page 2, line 21, delete "DUTIES" and insert "ASSISTANCE TO HOLOCAUST VICTIMS"

Page 2, line 22, delete everything before "to" and insert "residents of this state who are Holocaust victims or heirs or beneficiaries of Holocaust victims"

Page 2, line 33, delete "shall" and insert "may"

Page 2, line 35, after "to" insert "Holocaust-related"

Page 4, line 7, delete everything after "sold" and insert "Holocaust-related insurance policies"

Page 4, delete lines 8 to 10

Page 4, line 11, delete everything before "shall"

Page 4, delete lines 16 to 18 and insert:

"(1) a list of the insurance policies and, for each policy, the names of the insureds and beneficiaries and the face amount of the policy;"

Page 4, line 19, delete "(3)" and insert "(2)"

Page 4, line 29, delete "certified" and insert "approved"

Page 4, line 36, after "any" insert "Holocaust-related" and delete everything after "policies"

Page 5, line 1, delete "1945"

Page 5, line 2, delete "section" and insert "subdivision"

Page 5, line 4, delete "section" and insert "subdivision"

Page 5, after line 4, insert:

"(c) The commissioner may fund the costs of operating the Holocaust insurance company registry by assessments upon those insurers providing information to the registry. The commissioner shall allocate the assessments based upon the number of policies reported."

Page 5, line 5, delete "(c)" and insert "(d)"

Page 5, line 21, delete "(d)" and insert "(e)"

Page 6, line 3, delete "(e)" and insert "(f)"

Page 6, line 10, delete "been"

Page 6, line 11, delete "found to have" and delete "by or after 120 days after"

Page 6, line 12, delete everything before the comma

Page 6, line 22, delete everything after "insurer" and insert "if the commissioner has determined, in consultation with the international commission, that:

(1) the international commission has, by December 31, 2000, established and maintained a mechanism to accomplish identification, adjudication, and payment of insurance policy claims of Holocaust survivors or victims and their heirs or beneficiaries, within a reasonable period of time; and

(2) the international commission's mechanism is functioning effectively; and

(3) the insurer is participating in the international commission in good faith and is working through the international commission to resolve outstanding claims with offers of fair settlements in a reasonable time frame."

Page 6, delete lines 23 to 32

Page 6, line 36, delete the second "an" and insert "Holocaust-related" and delete "policy or"

Page 7, line 1, delete everything after "policies"

Page 7, line 2, delete everything before the comma

Page 7, line 7, delete "the" and insert "Holocaust-related"

Page 7, line 8, delete "issued or in effect between 1933 and 1945"

Page 7, delete lines 12 to 15 and insert:

"Subd. 9. [TITLE OF ACT.] This section may be known as the "Holocaust Victims Relief Act of 2000."

Page 7, after line 17, insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

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

### **Senator Ranum from the Committee on Judiciary, to which was referred**

**S.F. No. 3169:** A bill for an act relating to family law; providing for parenting plans; changing certain terminology; appropriating money; amending Minnesota Statutes 1998, sections 15.87; 119A.37; 124D.23, subdivision 8; 256L.01, subdivision 3a; 257.541; 257.75, subdivision 3; 257A.01, subdivision 2; 257A.03, subdivision 2; 480.30, subdivision 1; 494.015, subdivision 1; 517.08, subdivision 1c; 518.003, subdivision 3, and by adding a subdivision; 518.131, subdivisions 1, 2, 3, 7, and by adding a subdivision; 518.156; 518.157, subdivisions 1 and 3; 518.165, subdivision 1; 518.175, subdivisions 1, 1a, 2, 3, 5, 6, and 8; 518.1751; 518.176, subdivision 2; 518.177; 518.179, subdivision 1; 518.18; 518.612; 518.619, subdivision 1; 518.68, subdivisions 1 and 2; 518B.01, subdivisions 4, 6, and 8; 519.11, subdivision 1a; 609.26, subdivision 2; 629.341, subdivision 3; and 631.52, subdivision 1; Minnesota Statutes 1999 Supplement, sections 119A.45; 257.66, subdivision 3; 494.03; 518.155; 518.165, subdivision 2;

518.178; 518.551, subdivision 5; and 609.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 518.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

PARENTING PLANS AND PARENTING TIME

Section 1. Minnesota Statutes 1998, section 518.003, is amended by adding a subdivision to read:

Subd. 5. [PARENTING TIME.] "Parenting time" means the time a parent spends with a child regardless of the custodial designation regarding the child.

Sec. 2. Minnesota Statutes 1998, section 518.131, is amended by adding a subdivision to read:

Subd. 11. [TEMPORARY SUPPORT AND MAINTENANCE.] The development of a parenting plan under section 518.1705 does not preclude the court from ordering temporary child support or maintenance.

Sec. 3. Minnesota Statutes 1998, section 518.17, subdivision 1, is amended to read:

Subdivision 1. [THE BEST INTERESTS OF THE CHILD.] (a) "The best interests of the child" means all relevant factors to be considered and evaluated by the court including:

- (1) the wishes of the child's parent or parents as to custody;
- (2) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
- (3) the child's primary caretaker;
- (4) the intimacy of the relationship between each parent and the child;
- (5) the interaction and interrelationship of the child with a parent or parents, siblings, and any other person who may significantly affect the child's best interests;
- (6) the child's adjustment to home, school, and community;
- (7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (8) the permanence, as a family unit, of the existing or proposed custodial home;
- (9) the mental and physical health of all individuals involved; except that a disability, as defined in section 363.01, of a proposed custodian or the child shall not be determinative of the custody of the child, unless the proposed custodial arrangement is not in the best interest of the child;
- (10) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any;
- (11) the child's cultural background;
- (12) the effect on the child of the actions of an abuser, if related to domestic abuse, as defined in section 518B.01, that has occurred between the parents or between a parent and another individual, whether or not the individual alleged to have committed domestic abuse is or ever was a family or household member of the parent; and
- (13) except in cases in which a finding of domestic abuse as defined in section 518B.01 has been made, the disposition of each parent to encourage and permit frequent and continuing contact by the other parent with the child.

The court may not use one factor to the exclusion of all others, except that there is a rebuttable presumption that a perpetrator of domestic abuse should not have sole legal or sole physical custody of the child. The primary caretaker factor may not be used as a presumption in determining the best interests of the child. The court must make detailed findings on each of the factors and explain how the factors led to its conclusions and to the determination of the best interests of the child.

(b) The court shall not consider conduct of a proposed custodian that does not affect the custodian's relationship to the child.

Sec. 4. [518.1705] [PARENTING PLANS.]

Subdivision 1. [DEFINITION.] "Domestic abuse" for the purposes of this section has the meaning given in section 518B.01, subdivision 2.

Subd. 2. [PLAN ELEMENTS.] (a) A parenting plan must include the following:

- (1) a schedule of the time each parent spends with the child;
- (2) a designation of decision-making responsibilities regarding the child; and
- (3) a method of dispute resolution.

(b) A parenting plan may include other issues and matters as the parents may agree to regarding the child.

(c) Parents voluntarily agreeing to parenting plans may substitute other terms for physical and legal custody and visitation, including designations of joint or sole custody, provided that the substitution is set forth in the parenting plan.

Subd. 3. [CREATING PARENTING PLAN; ALTERNATIVE.] Upon the request of both parents, a parenting plan must be created in lieu of an order for child custody and parenting time, unless the court makes detailed findings that the proposed plan is not in the best interests of the child. If both parents do not agree to a parenting plan, the court may not create one on its own motion and orders for custody and parenting time must be entered under sections 518.17 and 518.175 or section 257.541. Where an existing order does not contain a parenting plan, the parents may not be required to create a parenting plan as part of a modification order under section 518.64. A parenting plan may not be required during an action under section 256.87.

Subd. 4. [CUSTODY DESIGNATION.] A final judgment and decree that includes a parenting plan that uses alternate terms to designate decision-making responsibilities or allocation of residential time between the parents must designate whether the parents have joint legal custody or joint physical custody or which parent has sole legal custody or sole physical custody, or both. This designation is solely for interstate or international enforcement of the final judgment and decree where this designation is required for that enforcement and has no effect under the laws of this state or any other state that does not require this designation.

Subd. 5. [ROLE OF COURT.] If both parents agree to the use of a parenting plan but are unable to agree on the terms, the court may create a parenting plan under this subdivision. The court may require each parent to submit a proposed parenting plan at any time before entry of the final judgment and decree. If parents seek the court's assistance in deciding the schedule for each parent's time with the child or designation of decision-making responsibilities regarding the child, the court may order an evaluation and should consider the appointment of a guardian ad litem. A parenting plan created by the court may not use alternative terminology unless agreed to by both parents. Parenting plans entered following a contested hearing or reviewed by the court pursuant to a stipulation must be based on the best interests factors in section 518.17 or 257.025, as applicable.

Subd. 6. [RESTRICTIONS ON PREPARATION OF PARENTING PLAN.] (a) Dispute resolution processes other than the judicial process may not be required in the preparation of a parenting plan if a parent is alleged to have committed domestic abuse toward a parent or child

who is a party to, or subject of, the matter before the court. In these cases, the court shall consider the appointment of a guardian ad litem and a parenting plan evaluator.

(b) The court may not require a parenting plan that provides for joint legal custody or use of dispute resolution processes, other than court action, if the court finds that section 518.179 applies or either parent has engaged in the following:

(1) acts of domestic abuse, including physical harm, bodily injury, and infliction of fear of physical harm, assault, terroristic threats, or criminal sexual conduct;

(2) physical, sexual, or a pattern of emotional abuse of a child; or

(3) willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions.

(c) If the court finds that a parenting plan will make a current recipient of public assistance under section 256.741 ineligible for public assistance, the court may only approve the parenting plan if it makes specific findings that the parenting plan is in the best interests of the child.

Subd. 7. [MOVING THE CHILD TO ANOTHER STATE.] Parents may include in a parenting plan an agreement to use the factors in section 518.17 or 257.025, as applicable, to govern a decision concerning removal of a child's residence from this state, provided that both parents were represented by counsel when the parenting plan was approved.

Subd. 8. [ALLOCATION OF CERTAIN EXPENSES.] (a) Parents creating a parenting plan are subject to the requirements of the child support guidelines under section 518.551.

(b) Parents may include in the parenting plan an allocation of any or all expenses for the child that are not covered by the child support guidelines. The allocation is an enforceable contract between the parents.

Subd. 9. [MODIFICATION OF PARENTING PLANS.] (a) Parents may modify the schedule of the time each parent spends with the child or the decision-making provisions of a parenting plan by agreement. To be enforceable, modifications must be confirmed by court order. A motion to modify decision-making provisions or the time each parent spends with the child may be made only within the time limits provided by section 518.18.

(b) The parties may agree to apply the best interests standard in section 518.17 or 257.025, as applicable, when deciding a motion for modification that would change the parent with whom the child spends the most time, provided that both parties were represented by counsel when the parenting plan was approved. Otherwise, section 518.18, paragraph (d), applies.

Sec. 5. Minnesota Statutes 1998, section 518.175, subdivision 5, is amended to read:

Subd. 5. [MODIFICATION OF VISITATION PARENTING PLAN OR ORDER FOR PARENTING TIME.] If modification would serve the best interests of the child, the court shall modify the decision-making provisions of a parenting plan or an order granting or denying visitation rights whenever modification would serve the best interests of the child parenting time, if the modification would not change the parent with whom the child spends the most time. Except as provided in section 631.52, the court may not restrict visitation rights parenting time unless it finds that:

(1) the visitation parenting time is likely to endanger the child's physical or emotional health or impair the child's emotional development; or

(2) the noncustodial parent has chronically and unreasonably failed to comply with court-ordered visitation parenting time.

If the custodial parent makes specific allegations that visitation parenting time places the custodial parent or child in danger of harm, the court shall hold a hearing at the earliest possible time to determine the need to modify the order granting visitation rights parenting time. Consistent

with subdivision 1a, the court may require a third party, including the local social services agency, to supervise the visitation parenting time or may restrict a parent's visitation rights parenting time if necessary to protect the custodial parent or child from harm. In addition, if there is an existing order for protection governing the parties, the court shall consider the use of an independent, neutral exchange location for parenting time.

Sec. 6. Minnesota Statutes 1998, section 518.18, is amended to read:

518.18 [MODIFICATION OF ORDER.]

(a) Unless agreed to in writing by the parties, no motion to modify a custody order or parenting plan may be made earlier than one year after the date of the entry of a decree of dissolution or legal separation containing a provision dealing with custody, except in accordance with paragraph (c).

(b) If a motion for modification has been heard, whether or not it was granted, unless agreed to in writing by the parties no subsequent motion may be filed within two years after disposition of the prior motion on its merits, except in accordance with paragraph (c).

(c) The time limitations prescribed in paragraphs (a) and (b) shall not prohibit a motion to modify a custody order or parenting plan if the court finds that there is persistent and willful denial or interference with visitation parenting time, or has reason to believe that the child's present environment may endanger the child's physical or emotional health or impair the child's emotional development.

(d) If the court has jurisdiction to determine child custody matters, the court shall not modify a prior custody order or the parenting plan provisions which specify the parent with whom the child spends the most time unless it finds, upon the basis of facts, including unwarranted denial of, or interference with, a duly established visitation parenting time schedule, that have arisen since the prior order or parenting plan or that were unknown to the court at the time of the prior order or parenting plan, that a change has occurred in the circumstances of the child or the parties and that the modification is necessary to serve the best interests of the child. In applying these standards the court shall retain the custody arrangement established by the prior order or the parenting plan provisions which specify the parent with whom the child spends the most time unless:

(i) the parties have agreed, in a writing approved by a court, to apply the best interests standard in section 518.17 or 257.025, as applicable, and both parties were represented by counsel when the agreement was approved;

(ii) both parties agree to the modification;

(iii) (iii) the child has been integrated into the family of the petitioner with the consent of the other party; or

(iii) (iv) the child's present environment endangers the child's physical or emotional health or impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

In addition, a court may modify a custody order or parenting plan under section 631.52.

(e) In deciding whether to modify a prior joint custody order, the court shall apply the standards set forth in paragraph (d) unless: (1) the parties agree in writing to the application of a different standard, or (2) the party seeking the modification is asking the court for permission to move the residence of the child to another state.

(f) If a custodial parent has been granted sole physical custody of a minor and the child subsequently lives with the noncustodial parent, and temporary sole physical custody has been approved by the court or by a court-appointed referee, the court may suspend the noncustodial parent's child support obligation pending the final custody determination. The court's order denying the suspension of child support must include a written explanation of the reasons why continuation of the child support obligation would be in the best interests of the child.

Sec. 7. [518.183] [REPLACING CERTAIN ORDERS.]

Upon request of both parties the court must consider a motion to modify an order entered under section 518.17 or 518.175 before the effective date of this act by entering a parenting plan that complies with section 518.1705. The court must apply the standards in section 518.18 when considering a motion to enter a parenting plan that would change the parent with whom the child spends the most time. The court must apply the standards in section 518.17 when considering a motion to enter a parenting plan that would:

- (1) change decision-making responsibilities of the parents; or
- (2) change the time each parent spends with the child, but not change the parent with whom the child spends the most time.

Sec. 8. Minnesota Statutes 1998, section 518B.01, subdivision 6, is amended to read:

Subd. 6. [RELIEF BY THE COURT.] (a) Upon notice and hearing, the court may provide relief as follows:

- (1) restrain the abusing party from committing acts of domestic abuse;
- (2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;
- (3) exclude the abusing party from a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order;
- (4) award temporary custody or establish temporary ~~visitation~~ parenting time with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. Except for cases in which custody is contested, findings under section 257.025, 518.17, or 518.175 are not required. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted ~~visitation~~ parenting time, the court shall condition or restrict ~~visitation~~ parenting time as to time, place, duration, or supervision, or deny ~~visitation~~ parenting time entirely, as needed to guard the safety of the victim and the children. The court's decision on custody and ~~visitation~~ parenting time shall in no way delay the issuance of an order for protection granting other ~~reliefs~~ relief provided for in this section. The court must not enter a parenting plan under section 518.1705 as part of an action for an order for protection;
- (5) on the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518;
- (6) provide upon request of the petitioner counseling or other social services for the parties, if married, or if there are minor children;
- (7) order the abusing party to participate in treatment or counseling services;
- (8) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;
- (9) exclude the abusing party from the place of employment of the petitioner, or otherwise limit access to the petitioner by the abusing party at the petitioner's place of employment;
- (10) order the abusing party to pay restitution to the petitioner;
- (11) order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation; and

(12) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff, constable, or other law enforcement or corrections officer as provided by this section.

(b) Any relief granted by the order for protection shall be for a fixed period not to exceed one year, except when the court determines a longer fixed period is appropriate. When a referee presides at the hearing on the petition, the order granting relief becomes effective upon the referee's signature.

(c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated or modified in a proceeding for dissolution of marriage or legal separation, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

(d) An order granting the relief authorized in paragraph (a), clause (2) or (3), is not voided by the admittance of the abusing party into the dwelling from which the abusing party is excluded.

(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.

(f) An order for restitution issued under this subdivision is enforceable as civil judgment.

Sec. 9. [EFFECTIVE DATE.]

Section 6, paragraph (d), clause (i), is effective August 1, 2000, and applies to written agreements approved by a court before, on, or after that date. The remaining provisions of this act are effective July 1, 2001.

## ARTICLE 2

### CONFORMING TERMINOLOGY

Section 1. Minnesota Statutes 1998, section 15.87, is amended to read:

15.87 [VICTIMS OF VIOLENCE.]

In furtherance of the state policy of zero tolerance for violence in section 1.50, the state shall have a goal of providing:

(1) every victim of violence in Minnesota, regardless of the county of residence, access to necessary services, including, but not limited to:

- (i) crisis intervention services, including a 24-hour emergency telephone line;
- (ii) safe housing;
- (iii) counseling and peer support services; and
- (iv) assistance in pursuing legal remedies and appropriate medical care; and

(2) every child who is a witness to abuse or who is a victim of violence, access to necessary services, including, but not limited to:

- (i) crisis child care;
- (ii) safe supervised child-visitation parenting time or independent, neutral exchange locations for parenting time, when needed;
- (iii) age appropriate counseling and support; and
- (iv) assistance with legal remedies, medical care, and needed social services.

Sec. 2. Minnesota Statutes 1998, section 119A.37, is amended to read:

119A.37 [GRANTS FOR FAMILY VISITATION PARENTING TIME CENTERS.]

Subdivision 1. [PURPOSE.] The commissioner shall issue a request for proposals from existing local nonprofit, nongovernmental, or governmental organizations, to use existing local facilities as family visitation parenting time centers which may also be used for visitation parenting time exchanges. The commissioner shall award grants in amounts up to \$50,000 for the purpose of creating or maintaining family visitation parenting time centers in an effort to reduce children's vulnerability to violence and trauma related to family visitation parenting time, where there has been a history of domestic violence or abuse within the family. The commissioner shall award the grants to provide the greatest possible number of family visitation parenting time centers and to locate them to provide for the broadest possible geographic distribution of the centers throughout the state.

Each children's family visitation parenting time center must use existing local facilities to provide a healthy interactive environment for parents who are separated or divorced and for parents with children in foster homes to visit with their children. The centers must be available for use by district courts who may order visitation parenting time to occur at a family visitation parenting time center. The centers may also be used as drop-off sites, so that parents who are under court order to have no contact with each other can exchange children for visitation parenting time at a neutral site. Each center must provide sufficient security to ensure a safe visitation parenting time environment for children and their parents. A grantee must demonstrate the ability to provide a 25 percent local match, which may include in-kind contributions.

Subd. 2. [COUNTY INVOLVEMENT.] Each county or group of counties is encouraged to provide supervised visitation parenting time services in an effort to fill the gap in the court system that orders supervised visitation parenting time but does not provide a center to accomplish the supervised visitation parenting time as ordered. Each county or group of counties is encouraged to either financially contribute to an existing family visitation parenting time center in the area, or establish a new center if there is not one in the area, possibly through county social services. In creating a new center, the county may collaborate with other counties, other family visitation parenting time centers, family services collaboratives, court services, and any other entity or organization. The goal is to provide family visitation parenting time centers statewide. The county shall apply for funding that may be available through the federal government, specifically for family preservation or family reunification purposes, or any other source of funding that will aid in developing and maintaining this vital service.

Subd. 3. [FUNDING.] The commissioner may award grants to create or maintain family visitation parenting time centers.

In awarding grants to maintain a family visitation parenting time center, the commissioner may award a grant to a center that can demonstrate a 35 percent local match, provided the center is diligently exploring and pursuing all available funding options in an effort to become self-sustaining, and those efforts are reported to the commissioner.

In awarding grants to create a family visitation parenting time center, the commissioner shall give priority to:

- (1) areas of the state where no other family visitation parenting time center or similar facility exists;
- (2) applicants who demonstrate that private funding for the center is available and will continue; and
- (3) facilities that are adapted for use to care for children, such as day care centers, religious institutions, community centers, schools, technical colleges, parenting resource centers, and child care referral services.

In awarding grants to create or maintain a family visitation parenting time center, the commissioner shall require the proposed center to meet standards developed by the commissioner to ensure the safety of the custodial parent and children.

Subd. 4. [ADDITIONAL SERVICES.] Each ~~family visitation~~ parenting time center may provide parenting and child development classes, and offer support groups to participating custodial parents and hold regular classes designed to assist children who have experienced domestic violence and abuse. Each ~~family visitation~~ parenting time center must have available an individual knowledgeable about or experienced in the provision of services to battered women on its staff, its board of directors, or otherwise available to it for consultation.

Subd. 5. [ADMINISTRATION.] In administering the grants authorized by this section, the commissioner shall ensure that the term "~~family visitation~~ parenting time center" is used in all future applications, publicity releases, requests for proposals, and other materials of like nature. Materials published prior to the enactment of this legislation which use different terms may be distributed by the commissioner until supplies are gone.

Sec. 3. Minnesota Statutes 1999 Supplement, section 119A.45, is amended to read:

119A.45 [EARLY CHILDHOOD LEARNING AND CHILD PROTECTION FACILITIES.]

The commissioner may make grants to state agencies and political subdivisions to construct or rehabilitate facilities for early childhood programs, with priority to centers in counties or municipalities with the highest percentage of children living in poverty. The commissioner may also make grants to state agencies and political subdivisions to construct or rehabilitate facilities for crisis nurseries or ~~child visitation~~ parenting time centers. The facilities must be owned by the state or a political subdivision, but may be leased under section 16A.695 to organizations that operate the programs. The commissioner must prescribe the terms and conditions of the leases. A grant for an individual facility must not exceed \$200,000 for each program that is housed in the facility, up to a maximum of \$500,000 for a facility that houses three programs or more. Programs include Head Start, early childhood and family education programs, and other early childhood intervention programs. The commissioner must give priority to grants that involve collaboration among sponsors of programs under this section and may give priority to projects that collaborate with child care providers, including all-day and school-age child care programs, special needs care, sick child care, and nontraditional hour care. The commissioner may give priority to grants for programs that will increase their child care workers' wages as a result of the grant. At least 25 percent of the amounts appropriated for these grants up to \$50,000 must utilize youthbuild under sections 268.361 to 268.366 or other youth employment and training programs for the labor portion of the construction. Eligible programs must consult with appropriate labor organizations to deliver education and training. State appropriations must be matched on a 50 percent basis with nonstate funds. The matching requirement must apply programwide and not to individual grants.

Sec. 4. Minnesota Statutes 1998, section 124D.23, subdivision 8, is amended to read:

Subd. 8. [PLAN APPROVAL BY THE CHILDREN'S CABINET.] (a) The children's cabinet must approve local plans for collaboratives. In approving local plans, the children's cabinet must give highest priority to a plan that provides:

- (1) early intervention and family outreach services;
- (2) ~~family visitation~~ parenting time services;
- (3) a continuum of services for children from birth to age 18;
- (4) family preservation services;
- (5) culturally sensitive approaches for delivering services and utilizing culturally specific organizations;
- (6) clearly defined outcomes and valid methods of assessment;
- (7) effective service coordination;
- (8) participation by the maximum number of jurisdictions and local, county, and state funding sources;

- (9) integrated community service providers and local resources;
- (10) integrated transportation services;
- (11) integrated housing services; and
- (12) coordinated services that include a children's mental health collaborative authorized by law.

(b) The children's cabinet must ensure that the collaboratives established under this section do not conflict with any state or federal policy or program and do not negatively impact the state budget.

Sec. 5. Minnesota Statutes 1998, section 256L.01, subdivision 3a, is amended to read:

Subd. 3a. [FAMILY WITH CHILDREN.] (a) "Family with children" means:

- (1) parents, their children, and dependent siblings residing in the same household; or
- (2) grandparents, foster parents, relative caretakers as defined in the medical assistance program, or legal guardians; their wards who are children; and dependent siblings residing in the same household.

(b) The term includes children and dependent siblings who are temporarily absent from the household in settings such as schools, camps, or visitation parenting time with noncustodial parents.

(c) For purposes of this subdivision, a dependent sibling means an unmarried child who is a full-time student under the age of 25 years who is financially dependent upon a parent, grandparent, foster parent, relative caretaker, or legal guardian. Proof of school enrollment is required.

Sec. 6. Minnesota Statutes 1998, section 257.541, is amended to read:

257.541 [CUSTODY AND VISITATION OF PARENTING TIME WITH CHILDREN BORN OUTSIDE OF MARRIAGE.]

Subdivision 1. [MOTHER'S RIGHT TO CUSTODY.] The biological mother of a child born to a mother who was not married to the child's father ~~neither~~ when the child was born ~~nor~~ and was not married to the child's father when the child was conceived has sole custody of the child until paternity has been established under sections 257.51 to 257.74, or until custody is determined in a separate proceeding under section 518.156.

Subd. 2. [FATHER'S RIGHT TO VISITATION PARENTING TIME AND CUSTODY.] (a) If paternity has been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the father's rights of visitation parenting time or custody are determined under sections 518.17 and 518.175.

(b) If paternity has not been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the biological father may petition for rights of visitation parenting time or custody in the paternity proceeding or in a separate proceeding under section 518.156.

Subd. 3. [FATHER'S RIGHT TO VISITATION PARENTING TIME AND CUSTODY; RECOGNITION OF PATERNITY.] If paternity has been recognized under section 257.75, the father may petition for rights of visitation parenting time or custody in an independent action under section 518.156. The proceeding must be treated as an initial determination of custody under section 518.17. The provisions of chapter 518 apply with respect to the granting of custody and visitation parenting time. These proceedings may not be combined with any proceeding under chapter 518B.

Sec. 7. Minnesota Statutes 1999 Supplement, section 257.66, subdivision 3, is amended to read:

Subd. 3. [JUDGMENT; ORDER.] The judgment or order shall contain provisions concerning the duty of support, the custody of the child, the name of the child, the social security number of the mother, father, and child, if known at the time of adjudication, ~~visitation privileges~~ parenting time with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. Custody and ~~visitation~~ parenting time and all subsequent motions related to them shall proceed and be determined under section 257.541. The remaining matters and all subsequent motions related to them shall proceed and be determined in accordance with chapter 518. The judgment or order may direct the appropriate party to pay all or a proportion of the reasonable expenses of the mother's pregnancy and confinement, including the mother's lost wages due to medical necessity, after consideration of the relevant facts, including the relative financial means of the parents; the earning ability of each parent; and any health insurance policies held by either parent, or by a spouse or parent of the parent, which would provide benefits for the expenses incurred by the mother during her pregnancy and confinement. Pregnancy and confinement expenses and genetic testing costs, submitted by the public authority, are admissible as evidence without third-party foundation testimony and constitute prima facie evidence of the amounts incurred for those services or for the genetic testing. Remedies available for the collection and enforcement of child support apply to confinement costs and are considered additional child support.

Sec. 8. Minnesota Statutes 1998, section 257.75, subdivision 3, is amended to read:

Subd. 3. [EFFECT OF RECOGNITION.] Subject to subdivision 2 and section 257.55, subdivision 1, paragraph (g) or (h), the recognition has the force and effect of a judgment or order determining the existence of the parent and child relationship under section 257.66. If the conditions in section 257.55, subdivision 1, paragraph (g) or (h), exist, the recognition creates only a presumption of paternity for purposes of sections 257.51 to 257.74. Once a recognition has been properly executed and filed with the state registrar of vital statistics, if there are no competing presumptions of paternity, a judicial or administrative court may not allow further action to determine parentage regarding the signator of the recognition. Until an order is entered granting custody to another, the mother has sole custody. The recognition is:

(1) a basis for bringing an action to award custody or ~~visitation rights~~ parenting time to either parent, establishing a child support obligation which may include up to the two years immediately preceding the commencement of the action, ordering a contribution by a parent under section 256.87, or ordering a contribution to the reasonable expenses of the mother's pregnancy and confinement, as provided under section 257.66, subdivision 3, or ordering reimbursement for the costs of blood or genetic testing, as provided under section 257.69, subdivision 2;

(2) determinative for all other purposes related to the existence of the parent and child relationship; and

(3) entitled to full faith and credit in other jurisdictions.

Sec. 9. Minnesota Statutes 1998, section 257A.01, subdivision 2, is amended to read:

Subd. 2. [CONSENTS AND NOTICE REQUIRED.] (a) The agreement must be executed by all parents with legal custody of the child and must have the consent of every parent who has court-ordered ~~visitation~~ parenting time rights to the child. As soon as practicable after executing an agreement, a copy of the agreement must be given to every child age 14 or older to whom the agreement applies.

(b) Consent of a parent required under paragraph (a) may be given in writing or may be established by mailing a notice regarding the designated caregiver agreement to the parent's last known address. The notice must include the name of the proposed designated caregiver and inform the parent whose consent is required that the parent's consent to the agreement will be implied if the parent does not object within 30 days. If the parent does not object to the agreement orally or in writing within 30 days, the consent of the parent is implied.

Sec. 10. Minnesota Statutes 1998, section 257A.03, subdivision 2, is amended to read:

Subd. 2. [NOTICE TO NONCUSTODIAL PARENT; RIGHTS.] (a) As soon as practicable after assuming care of a child, the designated caregiver shall notify any noncustodial parent that the designated caregiver has assumed care of the child.

(b) Court-ordered ~~visitation~~ parenting time rights of a noncustodial parent continue while the child is in the care of the designated caregiver, unless otherwise modified by the court. A designated caregiver agreement does not affect the right of a parent without physical custody to bring a custody motion under chapter 518. If a parent with legal custody is not the designated caregiver, the parent may bring a motion for temporary physical custody, which may continue until the parent with physical custody is able to resume care of the child. The court shall award that parent temporary physical custody unless it finds it would not be in the best interests of the child.

Sec. 11. Minnesota Statutes 1998, section 480.30, subdivision 1, is amended to read:

Subdivision 1. [CHILD ABUSE; DOMESTIC ABUSE; HARASSMENT.] The supreme court's judicial education program must include ongoing training for district court judges on child and adolescent sexual abuse, domestic abuse, harassment, stalking, and related civil and criminal court issues. The program must include the following:

- (1) information about the specific needs of victims;
- (2) education on the causes of sexual abuse and family violence;
- (3) education on culturally responsive approaches to serving victims;
- (4) education on the impacts of domestic abuse and domestic abuse allegations on children and the importance of considering these impacts when making ~~visitation~~ parenting time and child custody decisions under chapter 518; and
- (5) information on alleged and substantiated reports of domestic abuse, including, but not limited to, department of human services survey data.

The program also must emphasize the need for the coordination of court and legal victim advocacy services and include education on sexual abuse and domestic abuse programs and policies within law enforcement agencies and prosecuting authorities as well as the court system.

Sec. 12. Minnesota Statutes 1998, section 494.015, subdivision 1, is amended to read:

Subdivision 1. [GUIDELINES.] The state court administrator shall adopt guidelines for use by community dispute resolution programs and training programs for mediators and arbitrators for the community dispute resolution programs. The guidelines must include provisions to ensure that participation in dispute resolution is voluntary, procedures for case processing, and program certification criteria that must be met to receive court referrals. The guidelines must include:

- (1) standards for training mediators and arbitrators to recognize matters involving violence against a person; and
- (2) training in family law matters that must be completed by mediators before acceptance of postdissolution property distribution matters and postdissolution ~~visitation~~ parenting time matters.

Sec. 13. Minnesota Statutes 1999 Supplement, section 494.03, is amended to read:

494.03 [EXCLUSIONS.]

The guidelines shall exclude:

- (1) any dispute involving violence against persons, in which incidents arising out of situations that would support charges under sections 609.221 to 609.2231, 609.342 to 609.345, 609.365, or any other felony charges;
- (2) any matter involving competency or civil commitment;

(3) any matter involving a person who has been adjudicated incompetent or relating to guardianship or conservatorship unless the incompetent person is accompanied by a competent advocate or the respondent in a guardianship or conservatorship matter is represented by an attorney, guardian ad litem, or other representative appointed by the court;

(4) any matter involving neglect or dependency, or involving termination of parental rights arising under sections 260C.301 to 260C.328; and

(5) any matter arising under section 626.557 or sections 144.651 to 144.652, or any dispute subject to chapters 518 and 518B, whether or not an action is pending, except for postdissolution property distribution matters and postdissolution ~~visitation~~ parenting time matters. This shall not restrict the present authority of the court or departments of the court from accepting for resolution a dispute arising under chapters 518 and 518B, or from referring disputes arising under chapters 518 and 518A to for-profit mediation.

Sec. 14. Minnesota Statutes 1998, section 517.08, subdivision 1c, is amended to read:

Subd. 1c. [DISPOSITION OF LICENSE FEE.] Of the marriage license fee collected pursuant to subdivision 1b, the court administrator shall pay \$55 to the state treasurer to be deposited as follows:

(1) \$50 in the general fund;

(2) \$3 in the special revenue fund to be appropriated to the commissioner of children, families, and learning for supervised ~~visitation~~ parenting time facilities under section 119A.37; and

(3) \$2 in the special revenue fund to be appropriated to the commissioner of health for developing and implementing the MN ENABL program under section 145.9255.

Sec. 15. Minnesota Statutes 1998, section 518.003, subdivision 3, is amended to read:

Subd. 3. [CUSTODY.] Unless otherwise agreed by the parties:

(a) "Legal custody" means the right to determine the child's upbringing, including education, health care, and religious training.

(b) "Joint legal custody" means that both parents have equal rights and responsibilities, including the right to participate in major decisions determining the child's upbringing, including education, health care, and religious training.

(c) "Physical custody and residence" means the routine daily care and control and the residence of the child.

(d) "Joint physical custody" means that the routine daily care and control and the residence of the child is structured between the parties.

(e) Wherever used in this chapter, the term "custodial parent" or "custodian" means the person who has the physical custody of the child at any particular time.

(f) "Custody determination" means a court decision and court orders and instructions providing for the custody of a child, including ~~visitation rights~~ parenting time, but does not include a decision relating to child support or any other monetary obligation of any person.

(g) "Custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for dissolution, divorce, or separation, and includes proceedings involving children who are in need of protection or services, domestic abuse, and paternity.

Sec. 16. Minnesota Statutes 1998, section 518.131, subdivision 1, is amended to read:

Subdivision 1. In a proceeding brought for custody, dissolution, or legal separation, or for disposition of property, maintenance, or child support following the dissolution of a marriage, either party may, by motion, request from the court and the court may grant a temporary order pending the final disposition of the proceeding to or for:

- (a) Temporary custody and ~~visitation rights~~ of parenting time regarding the minor children of the parties;
- (b) Temporary maintenance of either spouse;
- (c) Temporary child support for the children of the parties;
- (d) Temporary costs and reasonable attorney fees;
- (e) Award the temporary use and possession, exclusive or otherwise, of the family home, furniture, household goods, automobiles, and other property of the parties;
- (f) Restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;
- (g) Restrain one or both parties from harassing, vilifying, mistreating, molesting, disturbing the peace, or restraining the liberty of the other party or the children of the parties;
- (h) Restrain one or both parties from removing any minor child of the parties from the jurisdiction of the court;
- (i) Exclude a party from the family home of the parties or from the home of the other party; and
- (j) Require one or both of the parties to perform or to not perform such additional acts as will facilitate the just and speedy disposition of the proceeding, or will protect the parties or their children from physical or emotional harm.

Sec. 17. Minnesota Statutes 1998, section 518.131, subdivision 2, is amended to read:

Subd. 2. No temporary order shall:

- (a) Deny ~~visitation rights~~ parenting time to a noncustodial parent unless the court finds that visitation parenting time by the noncustodial parent is likely to cause physical or emotional harm to the child;
- (b) Exclude a party from the family home of the parties unless the court finds that physical or emotional harm to one of the parties or to the children of the parties is likely to result, or that the exclusion is reasonable in the circumstances; or
- (c) Vacate or modify an order granted under section 518B.01, subdivision 6, paragraph (a), clause (1), restraining an abusing party from committing acts of domestic abuse, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

Sec. 18. Minnesota Statutes 1998, section 518.131, subdivision 3, is amended to read:

Subd. 3. A party may request and the court may make an ex parte restraining order which may include any matter that may be included in a temporary order except:

- (a) A restraining order may not exclude either party from the family home of the parties except upon a finding by the court of immediate danger of physical harm to the other party or the children of either party; and
- (b) A restraining order may not deny ~~visitation~~ parenting time to either party or grant custody of the minor children to either party except upon a finding by the court of immediate danger of physical harm to the minor children of the parties.

Sec. 19. Minnesota Statutes 1998, section 518.131, subdivision 7, is amended to read:

Subd. 7. The court shall be guided by the factors set forth in sections 518.551 (concerning child support), 518.552 (concerning maintenance), 518.17 to 518.175 (concerning custody and ~~visitation~~ parenting time), and 518.14 (concerning costs and attorney fees) in making temporary orders and restraining orders.

Sec. 20. Minnesota Statutes 1999 Supplement, section 518.155, is amended to read:

518.155 [CUSTODY DETERMINATIONS.]

Notwithstanding any law to the contrary, a court in which a proceeding for dissolution, legal separation, or child custody has been commenced shall not issue, revise, modify or amend any order, pursuant to sections 518.131, 518.165, 518.168, 518.17, 518.175 or 518.18, which affects the custody of a minor child or the ~~visitation rights~~ parenting time of a noncustodial parent unless the court has jurisdiction over the matter pursuant to the provisions of chapter 518D.

Sec. 21. Minnesota Statutes 1998, section 518.156, is amended to read:

518.156 [COMMENCEMENT OF CUSTODY PROCEEDING.]

Subdivision 1. [PROCEDURE.] In a court of this state which has jurisdiction to decide child custody matters, a child custody proceeding is commenced:

(a) by a parent

(1) by filing a petition for dissolution or legal separation; or

(2) where a decree of dissolution or legal separation has been entered or where none is sought, or when paternity has been recognized under section 257.75, by filing a petition or motion seeking custody or ~~visitation of~~ parenting time with the child in the county where the child is permanently resident or where the child is found or where an earlier order for custody of the child has been entered; or

(b) by a person other than a parent, where a decree of dissolution or legal separation has been entered or where none is sought by filing a petition or motion seeking custody or visitation of the child in the county where the child is permanently resident or where the child is found or where an earlier order for custody of the child has been entered. A person seeking visitation pursuant to this paragraph must qualify under one of the provisions of section 257.022.

Subd. 2. [REQUIRED NOTICE.] Written notice of a child custody or parenting time or visitation proceeding shall be given to the child's parent, guardian, and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

Sec. 22. Minnesota Statutes 1998, section 518.157, subdivision 1, is amended to read:

Subdivision 1. [IMPLEMENTATION; ADMINISTRATION.] By January 1, 1998, the chief judge of each judicial district or a designee shall implement one or more parent education programs within the judicial district for the purpose of educating parents about the impact that divorce, the restructuring of families, and judicial proceedings have upon children and families; methods for preventing ~~visitation~~ parenting time conflicts; and dispute resolution options. The chief judge of each judicial district or a designee may require that children attend a separate education program designed to deal with the impact of divorce upon children as part of the parent education program. Each parent education program must enable persons to have timely and reasonable access to education sessions.

Sec. 23. Minnesota Statutes 1998, section 518.157, subdivision 3, is amended to read:

Subd. 3. [ATTENDANCE.] In a proceeding under this chapter or sections 257.51 to 257.75 where custody or ~~visitation~~ parenting time is contested, the parents of a minor child shall attend an orientation and education program that meets the minimum standards promulgated by the Minnesota supreme court. In all other proceedings involving custody, support, or ~~visitation~~

parenting time the court may order the parents of a minor child to attend a parent education program. The program shall provide the court with names of persons who fail to attend the parent education program as ordered by the court. Persons who are separated or contemplating involvement in a dissolution, paternity, custody, or ~~visitation~~ parenting time proceeding may attend a parent education program without a court order. Participation in a parent education program must occur as early as possible. Parent education programs must offer an opportunity to participate at all phases of a pending or postdecree proceeding. Upon request of a party and a showing of good cause, the court may excuse the party from attending the program. If past or present domestic abuse, as defined in chapter 518B, is alleged, the court shall not require the parties to attend the same parent education sessions and shall enter an order setting forth the manner in which the parties may safely participate in the program.

Sec. 24. Minnesota Statutes 1998, section 518.165, subdivision 1, is amended to read:

Subdivision 1. [PERMISSIVE APPOINTMENT OF GUARDIAN AD LITEM.] In all proceedings for child custody or for dissolution or legal separation where custody or ~~visitation~~ parenting time with a minor child is in issue, the court may appoint a guardian ad litem from a panel established by the court to represent the interests of the child. The guardian ad litem shall advise the court with respect to custody, support, and ~~visitation~~ parenting time.

Sec. 25. Minnesota Statutes 1999 Supplement, section 518.165, subdivision 2, is amended to read:

Subd. 2. [REQUIRED APPOINTMENT OF GUARDIAN AD LITEM.] In all proceedings for child custody or for marriage dissolution or legal separation in which custody or ~~visitation~~ parenting time with a minor child is an issue, if the court has reason to believe that the minor child is a victim of domestic child abuse or neglect, as those terms are defined in sections 260C.007 and 626.556, respectively, the court shall appoint a guardian ad litem. The guardian ad litem shall represent the interests of the child and advise the court with respect to custody, support, and ~~visitation~~ parenting time. If the child is represented by a guardian ad litem in any other pending proceeding, the court may appoint that guardian to represent the child in the custody or ~~visitation~~ parenting time proceeding. No guardian ad litem need be appointed if the alleged domestic child abuse or neglect is before the court on a juvenile dependency and neglect petition. Nothing in this subdivision requires the court to appoint a guardian ad litem in any proceeding for child custody, marriage dissolution, or legal separation in which an allegation of domestic child abuse or neglect has not been made.

Sec. 26. Minnesota Statutes 1998, section 518.175, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) In all proceedings for dissolution or legal separation, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court shall, upon the request of either parent, grant such ~~rights of visitation~~ parenting time on behalf of the child and noncustodial parent as will enable the child and the noncustodial parent to maintain a child to parent relationship that will be in the best interests of the child. If the court finds, after a hearing, that ~~visitation~~ parenting time is likely to endanger the child's physical or emotional health or impair the child's emotional development, the court shall restrict ~~visitation by~~ parenting time with the noncustodial parent as to time, place, duration, or supervision and may deny ~~visitation~~ parenting time entirely, as the circumstances warrant. The court shall consider the age of the child and the child's relationship with the noncustodial parent prior to the commencement of the proceeding. A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of ~~visitation~~ parenting time.

(b) The court may provide that a law enforcement officer or other appropriate person will accompany a party seeking to enforce or comply with ~~visitation~~ parenting time.

(c) Upon request of either party, to the extent practicable a ~~visitation~~ parenting time order for parenting time must include a specific schedule for ~~visitation~~ parenting time, including the frequency and duration of visitation and visitation during holidays and vacations, unless ~~visitation~~ parenting time is restricted, denied, or reserved.

(d) The court administrator shall provide a form for a pro se motion regarding visitation parenting time disputes, which includes provisions for indicating the relief requested, an affidavit in which the party may state the facts of the dispute, and a brief description of the visitation parenting time expeditor process under section 518.1751. The form may not include a request for a change of custody. The court shall provide instructions on serving and filing the motion.

Sec. 27. Minnesota Statutes 1998, section 518.175, subdivision 1a, is amended to read:

Subd. 1a. [DOMESTIC ABUSE; SUPERVISED VISITATION PARENTING TIME.] (a) If a custodial parent requests supervised visitation parenting time under subdivision 1 or 5 and an order for protection under chapter 518B or a similar law of another state is in effect against the noncustodial parent to protect the custodial parent or the child, the judge or judicial officer must consider the order for protection in making a decision regarding visitation parenting time.

(b) The state court administrator, in consultation with representatives of custodial and noncustodial parents and other interested persons, shall develop standards to be met by persons who are responsible for supervising visitation parenting time. Either parent may challenge the appropriateness of an individual chosen by the court to supervise visitation parenting time.

Sec. 28. Minnesota Statutes 1998, section 518.175, subdivision 2, is amended to read:

Subd. 2. [RIGHTS OF CHILDREN AND NONCUSTODIAL PARENT.] Upon the request of either parent, the court may inform any child of the parties, if eight years of age or older, or otherwise of an age of suitable comprehension, of the rights of the child and the noncustodial parent under the order or decree or any substantial amendment thereof. The custodial parent shall present the child for visitation by parenting time with the noncustodial parent, at such times as the court directs.

Sec. 29. Minnesota Statutes 1998, section 518.175, subdivision 3, is amended to read:

Subd. 3. [MOVE TO ANOTHER STATE.] The custodial parent shall not move the residence of the child to another state except upon order of the court or with the consent of the noncustodial parent, when the noncustodial parent has been given visitation rights parenting time by the decree. If the purpose of the move is to interfere with visitation rights parenting time given to the noncustodial parent by the decree, the court shall not permit the child's residence to be moved to another state.

Sec. 30. Minnesota Statutes 1998, section 518.175, subdivision 6, is amended to read:

Subd. 6. [REMEDIES.] (a) The court may provide for one or more of the following remedies for denial of or interference with court-ordered visitation parenting time as provided under this subdivision. All visitation parenting time orders must include notice of the provisions of this subdivision.

(b) If the court finds that a person has been deprived of court-ordered visitation parenting time, the court shall order the custodial parent to permit additional visits parenting time to compensate for the visitation parenting time of which the person was deprived or the court shall make specific findings as to why a request for compensatory visitation parenting time is denied. If compensatory visitation parenting time is awarded, additional visits parenting time must be:

(1) at least of the same type and duration as the deprived visit parenting time and, at the discretion of the court, may be in excess of or of a different type than the deprived visit parenting time;

(2) taken within one year after the deprived visit parenting time; and

(3) at a time acceptable to the person deprived of visitation parenting time.

(c) If the court finds that a party has wrongfully failed to comply with a visitation parenting time order or a binding agreement or decision under section 518.1751, the court may:

- (1) impose a civil penalty of up to \$500 on the party;
- (2) require the party to post a bond with the court for a specified period of time to secure the party's compliance;
- (3) award reasonable attorney's fees and costs;
- (4) require the party who violated the visitation parenting time order or binding agreement or decision of the visitation parenting time expeditor to reimburse the other party for costs incurred as a result of the violation of the order or agreement or decision; or
- (5) award any other remedy that the court finds to be in the best interests of the children involved.

A civil penalty imposed under this paragraph must be deposited in the county general fund and must be used to fund the costs of a visitation parenting time expeditor program in a county with this program. In other counties, the civil penalty must be deposited in the state general fund.

(d) If the court finds that a party has been denied visitation parenting time and has incurred expenses in connection with the denied visitation parenting time, the court may require the party who denied visitation parenting time to post a bond in favor of the other party in the amount of prepaid expenses associated with an upcoming planned visitation parenting time.

(e) Proof of an unwarranted denial of or interference with duly established visitation parenting time may constitute contempt of court and may be sufficient cause for reversal of custody.

Sec. 31. Minnesota Statutes 1998, section 518.175, subdivision 8, is amended to read:

Subd. 8. [CARE OF CHILD BY NONCUSTODIAL PARENT.] The court may allow additional visitation parenting time to the noncustodial parent to provide child care while the custodial parent is working if this arrangement is reasonable and in the best interests of the child, as defined in section 518.17, subdivision 1. In addition, the court shall consider:

- (1) the ability of the parents to cooperate;
- (2) methods for resolving disputes regarding the care of the child, and the parents' willingness to use those methods; and
- (3) whether domestic abuse, as defined in section 518B.01, has occurred between the parties.

Sec. 32. Minnesota Statutes 1998, section 518.1751, is amended to read:

518.1751 [VISITATION PARENTING TIME DISPUTE RESOLUTION.]

Subdivision 1. [VISITATION PARENTING TIME EXPEDITOR.] Upon request of either party, the parties' stipulation, or upon the court's own motion, the court may appoint a visitation parenting time expeditor to resolve visitation parenting time disputes that occur under a visitation parenting time order while a matter is pending under this chapter, chapter 257 or 518A, or after a decree is entered.

Subd. 1a. [EXCEPTIONS.] A party may not be required to refer a visitation parenting time dispute to a visitation parenting time expeditor under this section if:

- (1) one of the parties claims to be the victim of domestic abuse by the other party;
- (2) the court determines there is probable cause that one of the parties or a child of the parties has been physically abused or threatened with physical abuse by the other party; or
- (3) the party is unable to pay the costs of the expeditor, as provided under subdivision 2a.

If the court is satisfied that the parties have been advised by counsel and have agreed to use the visitation parenting time expeditor process and the process does not involve face-to-face meeting of the parties, the court may direct that the visitation parenting time expeditor process be used.

Subd. 1b. [PURPOSE; DEFINITIONS.] (a) The purpose of a visitation parenting time expeditor is to resolve visitation parenting time disputes by enforcing, interpreting, clarifying, and addressing circumstances not specifically addressed by an existing visitation parenting time order and, if appropriate, to make a determination as to whether the existing visitation parenting time order has been violated. A visitation parenting time expeditor may be appointed to resolve a one-time visitation parenting time dispute or to provide ongoing visitation parenting time dispute resolution services.

(b) For purposes of this section, "visitation parenting time dispute" means a disagreement among parties about visitation parenting time with a child, including a dispute about an anticipated denial of a future scheduled visit parenting time. "Visitation Parenting time dispute" includes a claim by a custodial parent that a noncustodial parent is not visiting spending time with a child as well as a claim by a noncustodial parent that a custodial parent is denying or interfering with visitation parenting time.

(c) A "visitation parenting time expeditor" is a neutral person authorized to use a mediation-arbitration process to resolve visitation parenting time disputes. A visitation parenting time expeditor shall attempt to resolve a visitation parenting time dispute by facilitating negotiations between the parties to promote settlement and, if it becomes apparent that the dispute cannot be resolved by an agreement of the parties, the visitation parenting time expeditor shall make a decision resolving the dispute.

Subd. 2. [APPOINTMENT.] (a) The parties may stipulate to the appointment of a visitation parenting time expeditor or a team of two expeditors without appearing in court by submitting to the court a written agreement identifying the names of the individuals to be appointed by the court; the nature of the dispute; the responsibilities of the visitation parenting time expeditor, including whether the expeditor is appointed to resolve a specific issue or on an ongoing basis; the term of the appointment; and the apportionment of fees and costs. The court shall review the agreement of the parties.

(b) If the parties cannot agree on a visitation parenting time expeditor, the court shall provide to the parties a copy of the court administrator's roster of visitation parenting time expeditors and require the parties to exchange the names of three potential visitation parenting time expeditors by a specific date. If after exchanging names the parties are unable to agree upon a visitation parenting time expeditor, the court shall select the visitation parenting time expeditor and, in its discretion, may appoint one expeditor or a team of two visitation expeditors. In the selection process the court must give consideration to the financial circumstances of the parties and the fees of those being considered as visitation parenting time expeditors. Preference must be given to persons who agree to volunteer their services or who will charge a variable fee for services based on the ability of the parties to pay for them.

(c) An order appointing a visitation parenting time expeditor must identify the name of the individual to be appointed, the nature of the dispute, the responsibilities of the visitation expeditor including whether the expeditor is appointed to resolve a specific issue or on an ongoing basis, the term of the appointment, the apportionment of fees, and notice that if the parties are unable to reach an agreement with the assistance of the visitation expeditor, the visitation expeditor is authorized to make a decision resolving the dispute which is binding upon the parties unless modified or vacated by the court.

Subd. 2a. [FEES.] Prior to appointing the visitation parenting time expeditor, the court shall give the parties notice that the fees of the visitation expeditor will be apportioned among the parties. In its order appointing the visitation expeditor, the court shall apportion the fees of the visitation expeditor among the parties, with each party bearing the portion of fees that the court determines is just and equitable under the circumstances. If a party files a pro se motion regarding a visitation parenting time dispute and there is not a court order that provides for apportionment of the fees of an expeditor, the court administrator may require the party requesting the appointment of an expeditor to pay the fees of the expeditor in advance. Neither party may be required to submit a dispute to a visitation expeditor if the party cannot afford to pay for the fees of an expeditor and an affordable expeditor is not available, unless the other party agrees to pay the fees.

After fees are incurred, a party may by motion request that the fees be reapportioned on equitable grounds. The court may consider the resources of the parties, the nature of the dispute, and whether a party acted in bad faith. The court may consider information from the expeditor in determining bad faith.

Subd. 2b. [ROSTER OF VISITATION PARENTING TIME EXPEDITORS.] Each court administrator shall maintain and make available to the public and judicial officers a roster of individuals available to serve as visitation parenting time expeditors, including each individual's name, address, telephone number, and fee charged, if any. A court administrator shall not place on the roster the name of an individual who has not completed the training required in subdivision 2c. If the use of a visitation parenting time expeditor is initiated by stipulation of the parties, the parties may agree upon a person to serve as a visitation an expeditor even if that person has not completed the training described in subdivision 2c. The court may appoint a person to serve as a visitation an expeditor even if the person is not on the court administrator's roster, but may not appoint a person who has not completed the training described in subdivision 2c, unless so stipulated by the parties. To maintain one's listing on a court administrator's roster of visitation parenting time expeditors, an individual shall annually submit to the court administrator proof of completion of continuing education requirements.

Subd. 2c. [TRAINING AND CONTINUING EDUCATION REQUIREMENTS.] To qualify for listing on a court administrator's roster of visitation parenting time expeditors, an individual shall complete a minimum of 40 hours of family mediation training that has been certified by the Minnesota supreme court, which must include certified training in domestic abuse issues as required under Rule 114 of the Minnesota General Rules of Practice for the District Courts. To maintain one's listing on a court administrator's roster of visitation parenting time expeditors, an individual shall annually attend three hours of continuing education about alternative dispute resolution subjects.

Subd. 3. [AGREEMENT OR DECISION.] (a) Within five days of notice of the appointment, or within five days of notice of a subsequent visitation parenting time dispute between the same parties, the visitation parenting time expeditor shall meet with the parties together or separately and shall make a diligent effort to facilitate an agreement to resolve the visitation dispute. If a visitation parenting time dispute requires immediate resolution, the visitation parenting time expeditor may confer with the parties through a telephone conference or similar means. An expeditor may make a decision without conferring with a party if the expeditor made a good faith effort to confer with the party, but the party chose not to participate in resolution of the dispute.

(b) If the parties do not reach an agreement, the expeditor shall make a decision resolving the dispute as soon as possible but not later than five days after receiving all information necessary to make a decision and after the final meeting or conference with the parties. The visitation expeditor is authorized to award compensatory visitation parenting time under section 518.175, subdivision 6, and may recommend to the court that the noncomplying party pay attorney's fees, court costs, and other costs under section 518.175, subdivision 6, paragraph (d), if the visitation parenting time order has been violated. The visitation expeditor shall not lose authority to make a decision if circumstances beyond the visitation expeditor's control make it impracticable to meet the five-day timelines.

(c) Unless the parties mutually agree, the visitation parenting time expeditor shall not make a decision that is inconsistent with an existing visitation parenting time order, but may make decisions interpreting or clarifying a visitation parenting time order, including the development of a specific schedule when the existing court order grants "reasonable visitation parenting time."

(d) The expeditor shall put an agreement or decision in writing and provide a copy to the parties. The visitation expeditor may include or omit reasons for the agreement or decision. An agreement of the parties or a decision of the visitation expeditor is binding on the parties unless vacated or modified by the court. If a party does not comply with an agreement of the parties or a decision of the expeditor, any party may bring a motion with the court and shall attach a copy of the parties' written agreement or decision of the expeditor. The court may enforce, modify, or vacate the agreement of the parties or the decision of the expeditor.

Subd. 4. [OTHER AGREEMENTS.] This section does not preclude the parties from voluntarily agreeing to submit their visitation parenting time dispute to a neutral third party or from otherwise resolving visitation parenting time disputes on a voluntary basis.

Subd. 4a. [CONFIDENTIALITY.] (a) Statements made and documents produced as part of the visitation parenting time expeditor process which are not otherwise discoverable are not subject to discovery or other disclosure and are not admissible into evidence for any purpose at trial or in any other proceeding, including impeachment.

(b) Sworn testimony may be used in subsequent proceedings for any purpose for which it is admissible under the rules of evidence. Visitation Parenting time expeditors, and lawyers for the parties to the extent of their participation in the visitation parenting time expeditor process, must not be subpoenaed or called as witnesses in court proceedings.

(c) Notes, records, and recollections of visitation parenting time expeditors are confidential and must not be disclosed to the parties, the public, or anyone other than the visitation parenting time expeditor unless:

- (1) all parties and the visitation expeditor agree in writing to the disclosure; or
- (2) disclosure is required by law or other applicable professional codes.

Notes and records of visitation parenting time expeditors must not be disclosed to the court unless after a hearing the court determines that the notes or records should be reviewed in camera. Those notes or records must not be released by the court unless it determines that they disclose information showing illegal violation of the criminal law of the state.

Subd. 5. [IMMUNITY.] A visitation parenting time expeditor is immune from civil liability for actions taken or not taken when acting under this section.

Subd. 5a. [REMOVAL.] If a visitation parenting time expeditor has been appointed on a long-term basis, a party or the visitation expeditor may file a motion seeking to have the expeditor removed for good cause shown.

Subd. 6. [MANDATORY VISITATION PARENTING TIME DISPUTE RESOLUTION.] Subject to subdivision 1a, a judicial district may establish a mandatory visitation parenting time dispute resolution program as provided in this subdivision. In a district where a program has been established, parties may be required to submit visitation parenting time disputes to a visitation parenting time expeditor as a prerequisite to a motion on the dispute being heard by the court, or either party may submit the dispute to a visitation an expeditor. A party may file a motion with the court for purposes of obtaining a court date, if necessary, but a hearing may not be held until resolution of the dispute with the visitation parenting time expeditor. The appointment of a visitation an expeditor must be in accordance with subdivision 2. Visitation Expeditor fees must be paid in accordance with subdivision 2a.

Sec. 33. Minnesota Statutes 1998, section 518.176, subdivision 2, is amended to read:

Subd. 2. If both parents or all contestants agree to the order, or if the court finds that in the absence of the order the child's physical or emotional health is likely to be endangered or the child's emotional development impaired, the court may order the local social services agency or the department of court services to exercise continuing supervision over the case under guidelines established by the court to assure that the custodial or visitation parenting time terms of the decree are carried out.

Sec. 34. Minnesota Statutes 1998, section 518.177, is amended to read:

518.177 [NOTIFICATION REGARDING DEPRIVATION OF PARENTAL RIGHTS LAW.]

Every court order and judgment and decree concerning custody of or parenting time or visitation with a minor child shall contain the notice set out in section 518.68, subdivision 2.

Sec. 35. Minnesota Statutes 1999 Supplement, section 518.178, is amended to read:

518.178 [~~VISITATION PARENTING TIME~~ AND SUPPORT REVIEW HEARING.]

Upon motion of either party, the court shall conduct a hearing to review compliance with the ~~visitation parenting time~~ and child support provisions set forth in a decree of dissolution or legal separation or an order that establishes child custody, ~~visitation parenting time~~, and support rights and obligations of parents. The state court administrator shall prepare, and each court administrator shall make available, simplified pro se forms for reviewing ~~visitation parenting time~~ and child support disputes. The court may impose any ~~visitation parenting time enforcement~~ remedy available under sections 518.175 and 518.1751, and any support enforcement remedy available under section 518.551.

Sec. 36. Minnesota Statutes 1998, section 518.179, subdivision 1, is amended to read:

Subdivision 1. [~~SEEKING CUSTODY OR VISITATION PARENTING TIME.~~] Notwithstanding any contrary provision in section 518.17 or 518.175, if a person seeking child custody or ~~visitation parenting time~~ has been convicted of a crime described in subdivision 2, the person seeking custody or ~~visitation parenting time~~ has the burden to prove that custody or ~~visitation parenting time~~ by that person is in the best interests of the child if:

- (1) the conviction occurred within the preceding five years;
- (2) the person is currently incarcerated, on probation, or under supervised release for the offense; or
- (3) the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2.

If this section applies, the court may not grant custody or ~~visitation parenting time~~ to the person unless it finds that the custody or ~~visitation parenting time~~ is in the best interests of the child. If the victim of the crime was a family or household member, the standard of proof is clear and convincing evidence. A guardian ad litem must be appointed in any case where this section applies.

Sec. 37. Minnesota Statutes 1999 Supplement, section 518.551, subdivision 5, is amended to read:

Subd. 5. [~~NOTICE TO PUBLIC AUTHORITY; GUIDELINES.~~] (a) The petitioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving public assistance or applies for it subsequent to the commencement of the proceeding. The notice must contain the full names of the parties to the proceeding, their social security account numbers, and their birth dates. After receipt of the notice, the court shall set child support as provided in this subdivision. The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support, without regard to marital misconduct. The court shall approve a child support stipulation of the parties if each party is represented by independent counsel, unless the stipulation does not meet the conditions of paragraph (i). In other cases the court shall determine and order child support in a specific dollar amount in accordance with the guidelines and the other factors set forth in paragraph (c) and any departure therefrom. The court may also order the obligor to pay child support in the form of a percentage share of the obligor's net bonuses, commissions, or other forms of compensation, in addition to, or if the obligor receives no base pay, in lieu of, an order for a specific dollar amount.

(b) The court shall derive a specific dollar amount for child support by multiplying the obligor's net income by the percentage indicated by the following guidelines:

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
\$550 and Below	Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.						
\$551 - 600	16%	19%	22%	25%	28%	30%	32%
\$601 - 650	17%	21%	24%	27%	29%	32%	34%
\$651 - 700	18%	22%	25%	28%	31%	34%	36%
\$701 - 750	19%	23%	27%	30%	33%	36%	38%
\$751 - 800	20%	24%	28%	31%	35%	38%	40%
\$801 - 850	21%	25%	29%	33%	36%	40%	42%
\$851 - 900	22%	27%	31%	34%	38%	41%	44%
\$901 - 950	23%	28%	32%	36%	40%	43%	46%
\$951 - 1000	24%	29%	34%	38%	41%	45%	48%
\$1001- 5000	25%	30%	35%	39%	43%	47%	50%

or the amount in effect under paragraph (k)

Guidelines for support for an obligor with a monthly income in excess of the income limit currently in effect under paragraph (k) shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income equal to the limit in effect.

Net Income defined as:

- Total monthly income less
  - \*(i) Federal Income Tax
  - \*(ii) State Income Tax
  - (iii) Social Security Deductions
  - (iv) Reasonable Pension Deductions
  - (v) Union Dues
  - (vi) Cost of Dependent Health Insurance Coverage
  - (vii) Cost of Individual or Group Health/Hospitalization Coverage or an Amount for Actual Medical Expenses
  - (viii) A Child Support or Maintenance Order that is Currently Being Paid.
- \*Standard Deductions apply-use of tax tables recommended

"Net income" does not include:

(1) the income of the obligor's spouse, but does include in-kind payments received by the obligor in the course of employment, self-employment, or operation of a business if the payments reduce the obligor's living expenses; or

(2) compensation received by a party for employment in excess of a 40-hour work week, provided that:

(i) support is nonetheless ordered in an amount at least equal to the guidelines amount based on income not excluded under this clause; and

(ii) the party demonstrates, and the court finds, that:

(A) the excess employment began after the filing of the petition for dissolution;

(B) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;

(C) the excess employment is voluntary and not a condition of employment;

(D) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(E) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

The court shall review the work-related and education-related child care costs paid and shall allocate the costs to each parent in proportion to each parent's net income, as determined under this subdivision, after the transfer of child support and spousal maintenance, unless the allocation would be substantially unfair to either parent. There is a presumption of substantial unfairness if after the sum total of child support, spousal maintenance, and child care costs is subtracted from the noncustodial parent's income, the income is at or below 100 percent of the federal poverty guidelines. The cost of child care for purposes of this paragraph is 75 percent of the actual cost paid for child care, to reflect the approximate value of state and federal tax credits available to the custodial parent. The actual cost paid for child care is the total amount received by the child care provider for the child or children of the obligor from the obligee or any public agency. The court shall require verification of employment or school attendance and documentation of child care expenses from the obligee and the public agency, if applicable. If child care expenses fluctuate during the year because of seasonal employment or school attendance of the obligee or extended periods of ~~visitation~~ parenting time with the obligor, the court shall determine child care expenses based on an average monthly cost. The amount allocated for child care expenses is considered child support but is not subject to a cost-of-living adjustment under section 518.641. The amount allocated for child care expenses terminates when either party notifies the public authority that the child care costs have ended and without any legal action on the part of either party. The public authority shall verify the information received under this provision before authorizing termination. The termination is effective as of the date of the notification. In other cases where there is a substantial increase or decrease in child care expenses, the parties may modify the order under section 518.64.

The court may allow the noncustodial parent to care for the child while the custodial parent is working, as provided in section 518.175, subdivision 8. Allowing the noncustodial parent to care for the child under section 518.175, subdivision 8, is not a reason to deviate from the guidelines.

(c) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support or in determining whether to deviate from the guidelines:

(1) all earnings, income, and resources of the parents, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of paragraph (b), clause (2)(ii);

(2) the financial needs and resources, physical and emotional condition, and educational needs of the child or children to be supported;

(3) the standard of living the child would have enjoyed had the marriage not been dissolved, but recognizing that the parents now have separate households;

(4) which parent receives the income taxation dependency exemption and what financial benefit the parent receives from it;

(5) the parents' debts as provided in paragraph (d); and

(6) the obligor's receipt of public assistance under the AFDC program formerly codified under sections 256.72 to 256.82 or 256B.01 to 256B.40 and chapter 256J or 256K.

(d) In establishing or modifying a support obligation, the court may consider debts owed to private creditors, but only if:

(1) the right to support has not been assigned under section 256.741;

(2) the court determines that the debt was reasonably incurred for necessary support of the child or parent or for the necessary generation of income. If the debt was incurred for the necessary generation of income, the court shall consider only the amount of debt that is essential to the continuing generation of income; and

(3) the party requesting a departure produces a sworn schedule of the debts, with supporting documentation, showing goods or services purchased, the recipient of them, the amount of the original debt, the outstanding balance, the monthly payment, and the number of months until the debt will be fully paid.

(e) Any schedule prepared under paragraph (d), clause (3), shall contain a statement that the debt will be fully paid after the number of months shown in the schedule, barring emergencies beyond the party's control.

(f) Any further departure below the guidelines that is based on a consideration of debts owed to private creditors shall not exceed 18 months in duration, after which the support shall increase automatically to the level ordered by the court. Nothing in this section shall be construed to prohibit one or more step increases in support to reflect debt retirement during the 18-month period.

(g) If payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

(h) Nothing shall preclude the court from receiving evidence on the above factors to determine if the guidelines should be exceeded or modified in a particular case.

(i) The guidelines in this subdivision are a rebuttable presumption and shall be used in all cases when establishing or modifying child support. If the court does not deviate from the guidelines, the court shall make written findings concerning the amount of the obligor's income used as the basis for the guidelines calculation and any other significant evidentiary factors affecting the determination of child support. If the court deviates from the guidelines, the court shall make written findings giving the amount of support calculated under the guidelines, the reasons for the deviation, and shall specifically address the criteria in paragraph (c) and how the deviation serves the best interest of the child. The court may deviate from the guidelines if both parties agree and the court makes written findings that it is in the best interests of the child, except that in cases where child support payments are assigned to the public agency under section 256.741, the court may deviate downward only as provided in paragraph (j). Nothing in this paragraph prohibits the court from deviating in other cases. The provisions of this paragraph apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines and the court is not required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b.

(j) If the child support payments are assigned to the public agency under section 256.741, the court may not deviate downward from the child support guidelines unless the court specifically finds that the failure to deviate downward would impose an extreme hardship on the obligor.

(k) The dollar amount of the income limit for application of the guidelines must be adjusted on

July 1 of every even-numbered year to reflect cost-of-living changes. The supreme court shall select the index for the adjustment from the indices listed in section 518.641. The state court administrator shall make the changes in the dollar amount required by this paragraph available to courts and the public on or before April 30 of the year in which the amount is to change.

(1) In establishing or modifying child support, if a child receives a child's insurance benefit under United States Code, title 42, section 402, because the obligor is entitled to old age or disability insurance benefits, the amount of support ordered shall be offset by the amount of the child's benefit. The court shall make findings regarding the obligor's income from all sources, the child support amount calculated under this section, the amount of the child's benefit, and the obligor's child support obligation. Any benefit received by the child in a given month in excess of the child support obligation shall not be treated as an arrearage payment or a future payment.

Sec. 38. Minnesota Statutes 1998, section 518.612, is amended to read:

518.612 [INDEPENDENCE OF PROVISIONS OF DECREE OR TEMPORARY ORDER.]

Failure by a party to make support payments is not a defense to: interference with ~~visitation rights~~ parenting time; or without the permission of the court or the noncustodial parent removing a child from this state. Nor is interference with ~~visitation rights~~ parenting time or taking a child from this state without permission of the court or the noncustodial parent a defense to nonpayment of support. If a party fails to make support payments, or interferes with ~~visitation rights~~ parenting time, or without permission of the court or the noncustodial parent removes a child from this state, the other party may petition the court for an appropriate order.

Sec. 39. Minnesota Statutes 1998, section 518.619, subdivision 1, is amended to read:

Subdivision 1. [MEDIATION PROCEEDING.] Except as provided in subdivision 2, if it appears on the face of the petition or other application for an order or modification of an order for the custody of a child that custody or ~~visitation parenting time~~ is contested, or that any issue pertinent to a custody or ~~visitation parenting time~~ determination, including ~~visitation parenting time~~ rights, is unresolved, the matter may be set for mediation of the contested issue prior to, concurrent with, or subsequent to the setting of the matter for hearing. The purpose of the mediation proceeding is to reduce acrimony which may exist between the parties and to develop an agreement that is supportive of the child's best interests. The mediator shall use best efforts to effect a settlement of the custody or ~~visitation parenting time~~ dispute, but shall have no coercive authority.

Sec. 40. Minnesota Statutes 1998, section 518.68, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] Every court order or judgment and decree that provides for child support, spousal maintenance, custody, or ~~visitation parenting time~~ must contain certain notices as set out in subdivision 2. The information in the notices must be concisely stated in plain language. The notices must be in clearly legible print, but may not exceed two pages. An order or judgment and decree without the notice remains subject to all statutes. The court may waive all or part of the notice required under subdivision 2 relating to parental rights under section 518.17, subdivision 3, if it finds it is necessary to protect the welfare of a party or child.

Sec. 41. Minnesota Statutes 1998, section 518.68, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] The required notices must be substantially as follows:

#### IMPORTANT NOTICE

##### 1. PAYMENTS TO PUBLIC AGENCY

According to Minnesota Statutes, section 518.551, subdivision 1, payments ordered for maintenance and support must be paid to the public agency responsible for child support enforcement as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. MAIL PAYMENTS TO:

## 2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS -- A FELONY

A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or visitation rights), according to Minnesota Statutes, section 609.26. A copy of that section is available from any district court clerk.

## 3. RULES OF SUPPORT, MAINTENANCE, VISITATION PARENTING TIME

(a) Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.

(b) Payment of support must be made as it becomes due, and failure to secure or denial of ~~rights of visitation~~ parenting time is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.

(c) Nonpayment of support is not grounds to deny ~~visitation~~ parenting time. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.

(d) The payment of support or spousal maintenance takes priority over payment of debts and other obligations.

(e) A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.

(f) Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.

(g) If there is a layoff or a pay reduction, support may be reduced as of the time of the layoff or pay reduction if a motion to reduce the support is served and filed with the court at that time, but any such reduction must be ordered by the court. The court is not permitted to reduce support retroactively, except as provided in Minnesota Statutes, section 518.64, subdivision 2, paragraph (c).

(h) Reasonable visitation parenting time guidelines are contained in Appendix B, which is available from the court administrator.

## 4. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3

Unless otherwise provided by the Court:

(a) Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

(b) Each party shall keep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.

(c) In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.

(d) Each party has the right of reasonable access and telephone contact with the minor children.

## 5. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, section 518.6111 have been met. A copy of those sections is available from any district court clerk.

#### 6. CHANGE OF ADDRESS OR RESIDENCE

Unless otherwise ordered, each party shall notify the other party, the court, and the public authority responsible for collection, if applicable, of the following information within ten days of any change: the residential and mailing address, telephone number, driver's license number, social security number, and name, address, and telephone number of the employer.

#### 7. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using Department of Labor Consumer Price Index ....., unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518.641, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518.641, and forms necessary to request or contest a cost of living increase are available from any district court clerk.

#### 8. JUDGMENTS FOR UNPAID SUPPORT

If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment WITHOUT NOTICE to the person responsible to make the payment under Minnesota Statutes, section 548.091. Interest begins to accrue on a payment or installment of child support whenever the unpaid amount due is greater than the current support due, according to Minnesota Statutes, section 548.091, subdivision 1a.

#### 9. JUDGMENTS FOR UNPAID MAINTENANCE

A judgment for unpaid spousal maintenance may be entered when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any district court clerk.

#### 10. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT

A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of section 518.14, subdivision 2, are met. A copy of section 518.14 and forms necessary to request or contest these attorney fees and collection costs are available from any district court clerk.

#### 11. VISITATION PARENTING TIME EXPEDITOR PROCESS

On request of either party or on its own motion, the court may appoint a ~~visitation parenting time~~ expeditor to resolve ~~visitation parenting time~~ disputes under Minnesota Statutes, section 518.1751. A copy of that section and a description of the expeditor process is available from any district court clerk.

#### 12. VISITATION PARENTING TIME REMEDIES AND PENALTIES

Remedies and penalties for the wrongful denial of ~~visitation rights parenting time~~ are available under Minnesota Statutes, section 518.175, subdivision 6. These include compensatory ~~visitation parenting time~~; civil penalties; bond requirements; contempt; and reversal of custody. A copy of that subdivision and forms for requesting relief are available from any district court clerk.

Sec. 42. Minnesota Statutes 1998, section 518B.01, subdivision 4, is amended to read:

Subd. 4. [ORDER FOR PROTECTION.] There shall exist an action known as a petition for an order for protection in cases of domestic abuse.

(a) A petition for relief under this section may be made by any family or household member personally or by a family or household member, a guardian as defined in section 524.1-201, clause (20), or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members. A minor age 16 or older may make a petition on the minor's own behalf against a spouse or former spouse, or a person with whom the minor has a child in common, if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor.

(b) A petition for relief shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(c) A petition for relief must state whether the petitioner has ever had an order for protection in effect against the respondent.

(d) A petition for relief must state whether there is an existing order for protection in effect under this chapter governing both the parties and whether there is a pending lawsuit, complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B, or 518C. The court administrator shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A subsequent order in a separate action under this chapter may modify only the provision of an existing order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition for relief may be granted, regardless of whether there is a pending action between the parties.

(e) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

(f) The court shall advise a petitioner under paragraph (e) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with the writing and filing of the motion and affidavit.

(g) The court shall advise a petitioner under paragraph (e) of the right to serve the respondent by published notice under subdivision 5, paragraph (b), if the respondent is avoiding personal service by concealment or otherwise, and shall assist with the writing and filing of the affidavit.

(h) The court shall advise the petitioner of the right to seek restitution under the petition for relief.

(i) The court shall advise the petitioner of the right to request a hearing under subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing.

(j) The court shall advise the petitioner of the right to request supervised ~~visitation~~ parenting time, as provided in section 518.175, subdivision 1a.

Sec. 43. Minnesota Statutes 1998, section 518B.01, subdivision 8, is amended to read:

Subd. 8. [SERVICE; ALTERNATE SERVICE; PUBLICATION; NOTICE.] (a) The petition and any order issued under this section shall be served on the respondent personally.

(b) When service is made out of this state and in the United States, it may be proved by the affidavit of the person making the service. When service is made outside the United States, it may be proved by the affidavit of the person making the service, taken before and certified by any United States minister, charge d'affaires, commissioner, consul, or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in the other country, including all deputies or other representatives of the officer authorized to perform their duties; or before an office authorized to administer an oath with the certificate of an officer of a court of record of the country in which the affidavit is taken as to the identity and authority of the officer taking the affidavit.

(c) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.

(d) A petition and any order issued under this section must include a notice to the respondent that if an order for protection is issued to protect the petitioner or a child of the parties, upon request of the petitioner in any ~~visitation~~ parenting time proceeding, the court shall consider the order for protection in making a decision regarding ~~visitation~~ parenting time.

Sec. 44. Minnesota Statutes 1998, section 519.11, subdivision 1a, is amended to read:

Subd. 1a. [POSTNUPTIAL CONTRACT.] (a) Spouses who are legally married under the laws of this state may enter into a postnuptial contract or settlement which is valid and enforceable if it:

(1) complies with the requirements for antenuptial contracts or settlements in this section and in the law of this state, including, but not limited to, the requirement that it be procedurally and substantively fair and equitable both at the time of its execution and at the time of its enforcement; and

(2) complies with the requirements for postnuptial contracts or settlements in this section.

(b) A postnuptial contract or settlement that conforms with this section may determine all matters that may be determined by an antenuptial contract or settlement under the law of this state, except that a postnuptial contract or settlement may not determine the rights of any child of the spouses to child support from either spouse or rights of child custody or ~~visitation~~ parenting time.

(c) A postnuptial contract or settlement is valid and enforceable only if at the time of its execution each spouse is represented by separate legal counsel.

(d) A postnuptial contract or settlement is valid and enforceable only if at the time of its execution each of the spouses entering into the contract or settlement has marital property titled in that spouse's name, nonmarital property, or a combination of marital property titled in that spouse's name and nonmarital property with a total net value exceeding \$1,200,000.

(e) A postnuptial contract or settlement is not valid or enforceable if either party commences an action for a legal separation or dissolution within two years of the date of its execution.

(f) Nothing in this section shall impair the validity or enforceability of a contract, agreement, or waiver which is entered into after marriage and which is described in chapter 524, article 2, part 2, further, a conveyance permitted by section 500.19 is not a postnuptial contract or settlement under this section.

Sec. 45. Minnesota Statutes 1999 Supplement, section 609.26, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS.] Whoever intentionally does any of the following acts may be charged with a felony and, upon conviction, may be sentenced as provided in subdivision 6:

(1) conceals a minor child from the child's parent where the action manifests an intent substantially to deprive that parent of parental rights or conceals a minor child from another person having the right to ~~visitation~~ parenting time or custody where the action manifests an intent to substantially deprive that person of rights to ~~visitation~~ parenting time or custody;

(2) takes, obtains, retains, or fails to return a minor child in violation of a court order which has transferred legal custody under chapter 260, 260B, or 260C to the commissioner of human services, a child-placing agency, or the local social services agency;

(3) takes, obtains, retains, or fails to return a minor child from or to the parent in violation of a court order, where the action manifests an intent substantially to deprive that parent of rights to ~~visitation~~ parenting time or custody;

(4) takes, obtains, retains, or fails to return a minor child from or to a parent after commencement of an action relating to child ~~visitation~~ parenting time or custody but prior to the issuance of an order determining custody or ~~visitation~~ parenting time rights, where the action manifests an intent substantially to deprive that parent of parental rights;

(5) retains a child in this state with the knowledge that the child was removed from another state in violation of any of the above provisions;

(6) refuses to return a minor child to a parent or lawful custodian and is at least 18 years old and more than 24 months older than the child;

(7) causes or contributes to a child being a habitual truant as defined in section 260C.007, subdivision 19, and is at least 18 years old and more than 24 months older than the child;

(8) causes or contributes to a child being a runaway as defined in section 260C.007, subdivision 20, and is at least 18 years old and more than 24 months older than the child; or

(9) is at least 18 years old and resides with a minor under the age of 16 without the consent of the minor's parent or lawful custodian.

Sec. 46. Minnesota Statutes 1998, section 609.26, subdivision 2, is amended to read:

Subd. 2. [DEFENSES.] It is an affirmative defense if a person charged under subdivision 1 proves that:

(1) the person reasonably believed the action taken was necessary to protect the child from physical or sexual assault or substantial emotional harm;

(2) the person reasonably believed the action taken was necessary to protect the person taking the action from physical or sexual assault;

(3) the action taken is consented to by the parent, stepparent, or legal custodian seeking prosecution, but consent to custody or specific ~~visitation~~ parenting time is not consent to the action of failing to return or concealing a minor child; or

(4) the action taken is otherwise authorized by a court order issued prior to the violation of subdivision 1.

The defenses provided in this subdivision are in addition to and do not limit other defenses available under this chapter or chapter 611.

Sec. 47. Minnesota Statutes 1998, section 629.341, subdivision 3, is amended to read:

Subd. 3. [NOTICE OF RIGHTS.] The peace officer shall tell the victim whether a shelter or other services are available in the community and give the victim immediate notice of the legal rights and remedies available. The notice must include furnishing the victim a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county

attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an order for protection from domestic abuse. The order could include the following:

- (1) an order restraining the abuser from further acts of abuse;
- (2) an order directing the abuser to leave your household;
- (3) an order preventing the abuser from entering your residence, school, business, or place of employment;
- (4) an order awarding you or the other parent custody of or visitation parenting time with your minor child or children; or
- (5) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

The notice must include the resource listing, including telephone number, for the area battered women's shelter, to be designated by the department of corrections.

Sec. 48. Minnesota Statutes 1998, section 631.52, subdivision 1, is amended to read:

Subdivision 1. [~~SUSPENSION OF VISITATION PARENTING TIME RIGHTS; TRANSFER OF CUSTODY.~~] (a) If a person who has court-ordered custody of a child or visitation parenting time rights is convicted of a crime listed in subdivision 2 and if no action is pending regarding custody or visitation parenting time, the sentencing court shall refer the matter to the appropriate family court for action under this section. The family court shall:

- (1) grant temporary custody to the noncustodial parent, unless it finds that another custody arrangement is in the best interests of the child; or
- (2) suspend visitation parenting time rights, unless it finds that visitation parenting time with the convicted person is in the best interests of the child.

The family court shall expedite proceedings under this section. The defendant has the burden of proving that continued custody or visitation parenting time with the defendant is in the best interests of the child. If the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2, the standard of proof is clear and convincing evidence. A guardian ad litem must be appointed in any case to which this section applies.

(b) If a person who has child custody or visitation parenting time rights was convicted of a crime listed in subdivision 2 before July 1, 1990, then any interested party may petition the sentencing court for relief under paragraph (a) if:

- (1) the defendant is currently incarcerated, on probation, or under supervised release for the offense; or
- (2) the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2.

Sec. 49. [EFFECTIVE DATE.]

Sections 1 to 43 are effective August 1, 2000."

Delete the title and insert:

"A bill for an act relating to family law; providing for parenting plans; changing certain terminology; appropriating money; amending Minnesota Statutes 1998, sections 15.87; 119A.37; 124D.23, subdivision 8; 256L.01, subdivision 3a; 257.541; 257.75, subdivision 3; 257A.01, subdivision 2; 257A.03, subdivision 2; 480.30, subdivision 1; 494.015, subdivision 1; 517.08, subdivision 1c; 518.003, subdivision 3, and by adding a subdivision; 518.131, subdivisions 1, 2, 3, 7, and by adding a subdivision; 518.156; 518.157, subdivisions 1 and 3; 518.165, subdivision 1; 518.17, subdivision 1; 518.175, subdivisions 1, 1a, 2, 3, 5, 6, and 8; 518.1751; 518.176,

subdivision 2; 518.177; 518.179, subdivision 1; 518.18; 518.612; 518.619, subdivision 1; 518.68, subdivisions 1 and 2; 518B.01, subdivisions 4, 6, and 8; 519.11, subdivision 1a; 609.26, subdivision 2; 629.341, subdivision 3; and 631.52, subdivision 1; Minnesota Statutes 1999 Supplement, sections 119A.45; 257.66, subdivision 3; 494.03; 518.155; 518.165, subdivision 2; 518.178; 518.551, subdivision 5; and 609.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 518."

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

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

**S.F. No. 3216:** A bill for an act relating to education; repealing, modifying, and expanding certain provisions of the kindergarten through grade 12 education code; amending Minnesota Statutes 1998, sections 120A.05, by adding a subdivision; 120A.22, subdivision 1; 120B.11, subdivisions 2 and 5; 120B.22, subdivision 1; 121A.06; 121A.15; 121A.34; 121A.55; 121A.69, subdivision 3; 122A.09, subdivision 6; 122A.15; 122A.22; 122A.40, subdivision 8; 122A.41, subdivision 5; 122A.53; 122A.68, subdivisions 1 and 7; 122A.69; 122A.70, subdivision 2; 122A.91; 122A.92; 123B.02, subdivision 1; 123B.04, subdivisions 2 and 5; 123B.143, subdivision 1; 123B.147, as amended; 123B.49, subdivision 1; 123B.51, subdivisions 1 and 5; 123B.83, subdivision 1; 123B.90, subdivision 1; 124D.02, subdivision 1; 124D.03, subdivision 3; 124D.09, subdivisions 5, 6, and 7; 124D.10, subdivisions 1 and 19; 124D.115, subdivision 3; 124D.118, subdivisions 2 and 3; 124D.128, subdivision 1; 124D.28, subdivision 1; 124D.34, subdivision 4; 124D.35; 124D.37; 124D.40, subdivision 2; 124D.41; 124D.42, subdivision 7; 124D.46, subdivision 1; 124D.47, subdivision 2; 124D.49, subdivision 3; 124D.50, subdivisions 2 and 3; 124D.65, subdivision 6; 124D.74, subdivision 1; 124D.892; 124D.94, subdivision 4; 125B.05, as amended; 126C.31; 127A.05, subdivision 3; 127A.06; and 127A.41, subdivision 7; Minnesota Statutes 1999 Supplement, sections 122A.40, subdivision 5; 122A.58, subdivision 1; 122A.60, subdivision 1; 123A.06, subdivision 1; 123B.36, subdivision 1; 123B.43; 123B.49, subdivision 4; 123B.90, subdivision 2; 123B.91, subdivision 1; 124D.10, subdivisions 6 and 15; 124D.121; 124D.94, subdivision 2; 125B.20; 126C.05, subdivision 1; 127A.05, subdivision 1; and 129C.10, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 1998, sections 121A.03, subdivision 3; 121A.16; 121A.70; 122A.162; 122A.163; 122A.19, subdivision 2; 122A.32; 122A.40, subdivision 6; 122A.41, subdivision 3; 122A.49; 122A.52; 122A.53; 122A.54; 122A.55; 122A.56; 122A.57; 122A.71; 122A.72, subdivisions 1, 2, 3, and 5; 122A.75; 123A.15, subdivision 1; 123A.35; 123A.36, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, and 11; 123A.37; 123A.38; 123A.39; 123A.40; 123A.41, subdivisions 1 and 4; 123A.43; 123B.02, subdivisions 5, 10, 11, and 13; 123B.11; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.744; 123B.93; 123B.95, subdivision 3; 124D.02, subdivisions 2, 3, and 4; 124D.03, subdivisions 5 and 7; 124D.06; 124D.07; 124D.081, subdivision 1; 124D.118, subdivision 1; 124D.124; 124D.125; 124D.28; 124D.29; 124D.30; 124D.31; 124D.47, subdivision 1; 124D.91; 124D.92; 124D.93, subdivisions 2, 3, and 6; 125B.02; and 127A.41, subdivision 4; Minnesota Statutes 1999 Supplement, sections 122A.72, subdivision 4; 123A.30, subdivision 6; 123A.36, subdivisions 1 and 2; 123B.02, subdivision 9; 124D.05, subdivision 3; 124D.122; 124D.126; 124D.127; and 124D.93, subdivisions 1, 4, and 5.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

EDUCATION CODE; COMPULSORY ATTENDANCE

Section 1. Minnesota Statutes 1998, section 120A.05, is amended by adding a subdivision to read:

Subd. 3a. [CHARTER SCHOOL.] "Charter school" means a public school formed according to section 124D.10.

Sec. 2. Minnesota Statutes 1998, section 120A.05, is amended by adding a subdivision to read:

Subd. 11a. [PUBLIC SCHOOL.] "Public school" means a school that receives state funds, provides an education to students needed to meet outcomes or standards determined by the state, and is accountable for the services it provides to students.

Sec. 3. Minnesota Statutes 1998, section 120A.22, subdivision 1, is amended to read:

Subdivision 1. [PARENTAL RESPONSIBILITY.] The parent of a child is primarily responsible for assuring that the child acquires knowledge and skills that are essential for effective citizenship and that the child is enrolled in school or receives other instruction.

Sec. 4. Minnesota Statutes 1998, section 120A.22, subdivision 5, is amended to read:

Subd. 5. [AGES AND TERMS.] (a) Every child between seven and 16 years of age must receive instruction. Every child under the age of seven who is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten programs shall receive instruction. Except as provided in subdivision 6, a parent may withdraw a child under the age of seven from enrollment at any time.

(b) A school district by annual board action may require children subject to this subdivision to receive instruction in summer school. A district that acts to require children to receive instruction in summer school shall establish at the time of its action the criteria for determining which children must receive instruction. If a school board determines that some students in the district must attend summer school, then the truancy laws of chapters 260 and 260A apply to the students required to attend summer school.

Sec. 5. [REPEALER.]

Minnesota Statutes 1998, section 120A.41, is repealed.

## ARTICLE 2

### CURRICULUM AND ASSESSMENT

Section 1. Minnesota Statutes 1998, section 120B.11, subdivision 5, is amended to read:

Subd. 5. [REPORT.] (a) By October 1 of each year, the school board shall use standard statewide reporting procedures the commissioner develops and adopt a report that includes the following:

- (1) student performance goals for meeting state graduation standards adopted for that year;
- (2) results of local assessment data, and any additional test data;
- (3) the annual school district improvement plans;
- (4) information about district and learning site progress in realizing previously adopted improvement plans; and
- (5) the amount and type of revenue attributed to each education site as defined in section 123B.04, subdivision 2.

(b) The school board shall publish the report in the local newspaper with the largest circulation in the district or by mail. The board shall make a copy of the report available to the public for inspection. The board shall send a copy of the report to the commissioner of children, families, and learning by October 15 of each year.

(c) The title of the report shall contain the name and number of the school district and read "Annual Report on Curriculum, Instruction, and Student Performance." The report must include at least the following information about advisory committee membership:

- (1) the name of each committee member and the date when that member's term expires;

- ~~(2) the method and criteria the school board uses to select committee members; and~~
- ~~(3) the date by which a community resident must apply to next serve on the committee.~~

Sec. 2. Minnesota Statutes 1998, section 120B.22, subdivision 1, is amended to read:

Subdivision 1. [VIOLENCE PREVENTION CURRICULUM.] (a) The commissioner of children, families, and learning, in consultation with the commissioners of health and human services, state minority councils, battered women's programs, sexual assault centers, representatives of religious communities, and the assistant commissioner of the office of drug policy and violence prevention, shall assist districts on request in developing or implementing a violence prevention program for students in kindergarten to grade 12 that can be integrated into existing curriculum. ~~The purpose of the program is to help students learn how to resolve conflicts within their families and communities in nonviolent, effective ways.~~

(b) Each district is encouraged to integrate into its existing curriculum a program for violence prevention that includes at least:

(1) a comprehensive, accurate, and age appropriate curriculum on violence prevention, nonviolent conflict resolution, sexual, racial, and cultural harassment, and student hazing that promotes equality, respect, understanding, effective communication, individual responsibility, thoughtful decision making, positive conflict resolution, useful coping skills, critical thinking, listening and watching skills, and personal safety;

(2) planning materials, guidelines, and other accurate information on preventing physical and emotional violence, identifying and reducing the incidence of sexual, racial, and cultural harassment, and reducing child abuse and neglect;

(3) a special parent education component of early childhood family education programs to prevent child abuse and neglect and to promote positive parenting skills, giving priority to services and outreach programs for at-risk families;

(4) involvement of parents and other community members, including the clergy, business representatives, civic leaders, local elected officials, law enforcement officials, and the county attorney;

(5) collaboration with local community services, agencies, and organizations that assist in violence intervention or prevention, including family-based services, crisis services, life management skills services, case coordination services, mental health services, and early intervention services;

(6) collaboration among districts and service cooperatives;

(7) targeting early adolescents for prevention efforts, especially early adolescents whose personal circumstances may lead to violent or harassing behavior;

(8) opportunities for teachers to receive in-service training or attend other programs on strategies or curriculum designed to assist students in intervening in or preventing violence in school and at home; and

(9) administrative policies that reflect, and a staff that models, nonviolent behaviors that do not display or condone sexual, racial, or cultural harassment or student hazing.

~~(c) The department may provide assistance at a neutral site to a nonpublic school participating in a district's program.~~

Sec. 3. [REPEALER.]

Minnesota Statutes 1998, sections 120B.10; 120B.11, subdivisions 3, 4, and 7; and 120B.24, are repealed.

## STUDENT RIGHTS, RESPONSIBILITIES, AND BEHAVIOR

Section 1. Minnesota Statutes 1998, section 121A.06, is amended to read:

121A.06 [REPORTS OF DANGEROUS WEAPON INCIDENTS IN SCHOOL ZONES.]

Subdivision 1. [DEFINITIONS.] As used in this section:

- (1) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6; and
- (2) "school" ~~has the meaning given it in section 120A.22, subdivision 4; and~~
- (3) "school zone" has the meaning given it in section 152.01, subdivision 14a, clauses (1) and (3).

Subd. 2. [REPORTS; CONTENT.] ~~By January 1, 1994, The commissioner, in consultation with the criminal and juvenile information policy group, shall develop~~ maintain a standardized form to be used by schools to report incidents involving the use or possession of a dangerous weapon in school zones. ~~The form shall include the following information:~~

- ~~(1) a description of each incident, including a description of the dangerous weapon involved in the incident;~~
- ~~(2) where, at what time, and under what circumstances the incident occurred;~~
- ~~(3) information about the offender, other than the offender's name, including the offender's age; whether the offender was a student and, if so, where the offender attended school; and whether the offender was under school expulsion or suspension at the time of the incident;~~
- ~~(4) information about the victim other than the victim's name, if any, including the victim's age; whether the victim was a student and, if so, where the victim attended school; and if the victim was not a student, whether the victim was employed at the school;~~
- ~~(5) the cost of the incident to the school and to the victim; and~~
- ~~(6) the action taken by the school administration to respond to the incident.~~

~~The commissioner also shall develop an alternative reporting format that allows school districts to provide aggregate data, with an option to use computer technology to report the data.~~

Subd. 3. [REPORTS; FILING REQUIREMENTS.] ~~By February 1 and July 1 of each year, each school shall report incidents involving the use or possession of a dangerous weapon in school zones to the commissioner. The reports must be made on the standardized forms or using the alternative format developed by the commissioner under subdivision 2. The commissioner shall compile the information it receives from the schools and report it annually to the commissioner of public safety, the criminal and juvenile information policy group, and the legislature.~~

Sec. 2. Minnesota Statutes 1998, section 121A.11, subdivision 1, is amended to read:

Subdivision 1. [DISPLAYED BY SCHOOLS.] Every public school in Minnesota must display an appropriate United States flag when in session. ~~The flag shall be displayed upon the school grounds or outside the school building, on a proper staff, on every legal holiday occurring during the school term and at such other times as the board of the district may direct.~~ The flag must be displayed within the principal rooms of the school building at all other times while school is in session.

Sec. 3. Minnesota Statutes 1998, section 121A.15, is amended to read:

121A.15 [HEALTH STANDARDS; IMMUNIZATIONS; SCHOOL CHILDREN.]

Subdivision 1. [IMMUNIZATION REQUIREMENT.] Except as provided in subdivisions 3, 4, and 10, no person over two months old may be allowed to enroll or remain enrolled in any elementary or secondary school or child care facility in this state until the person has submitted to

the administrator ~~or other person having general control and supervision of the school or child care facility~~, one of the following statements:

(1) a statement from a ~~physician or a public clinic which provides immunizations~~ an immunization provider stating that the person has received immunization, consistent with medically acceptable standards, against measles after having attained the age of 12 months, rubella, diphtheria, tetanus, pertussis, polio, mumps, haemophilus influenza type b, and hepatitis B; or

(2) a statement from a ~~physician or a public clinic which provides immunizations~~ an immunization provider stating that the person has received immunizations, consistent with medically acceptable standards, against measles after having attained the age of 12 months, rubella, mumps, and haemophilus influenza type b and that the person has commenced a schedule of immunizations for diphtheria, tetanus, pertussis, polio, and hepatitis B and which indicates the month and year of each immunization received.

Subd. 2. [SCHEDULE OF IMMUNIZATIONS.] No person who has commenced a treatment schedule of immunization pursuant to subdivision 1, clause (2), may remain enrolled in any child care facility, elementary, or secondary school in this state after 18 months of enrollment unless there is submitted to the administrator, ~~or other person having general control and supervision of the school or child care facility~~, a statement from a ~~physician or a public clinic which provides immunizations~~ an immunization provider that the person has completed the primary schedule of immunizations for diphtheria, tetanus, pertussis, polio, and hepatitis B. The statement must include the month, day, and year of each additional immunization received. For a child less than seven years of age, a primary schedule of immunizations shall consist of four doses of vaccine for diphtheria, tetanus, and pertussis and three doses of vaccine for poliomyelitis and hepatitis B. For a child seven years of age or older, a primary schedule of immunizations shall consist of three doses of vaccine for diphtheria, tetanus, polio, and hepatitis B as specified in subdivision 10.

Subd. 3. [EXEMPTIONS FROM IMMUNIZATIONS.] (a) If a person is at least seven years old and has not been immunized against pertussis, the person must not be required to be immunized against pertussis.

(b) If a person is at least 18 years old and has not completed a series of immunizations against poliomyelitis, the person must not be required to be immunized against poliomyelitis.

(c) If a statement, signed by a physician, is submitted to the administrator ~~or other person having general control and supervision of the school or child care facility~~ stating that an immunization is contraindicated for medical reasons or that laboratory confirmation of the presence of adequate immunity exists, the immunization specified in the statement need not be required.

(d) If a notarized statement signed by the minor child's parent or guardian or by the emancipated person is submitted to the administrator ~~or other person having general control and supervision of the school or child care facility~~ stating that the person has not been immunized as prescribed in subdivision 1 because of the conscientiously held beliefs of the parent or guardian of the minor child or of the emancipated person, the immunizations specified in the statement shall not be required. This statement must also be forwarded to the commissioner of the department of health.

(e) If the person is under 15 months, the person is not required to be immunized against measles, rubella, or mumps.

(f) If a person is at least five years old and has not been immunized against haemophilus influenza type b, the person is not required to be immunized against haemophilus influenza type b.

Subd. 4. [SUBSTITUTE IMMUNIZATION STATEMENT.] (a) A person who is enrolling or enrolled in an elementary or secondary school or child care facility may substitute a statement from the emancipated person or a parent or guardian if the person is a minor child in lieu of the statement from a ~~physician or public clinic which provides immunizations~~ an immunization

provider. If the statement is from a parent or guardian or emancipated person, the statement must indicate the month and year of each immunization given.

(b) In order for the statement to be acceptable for a person who is enrolling in an elementary school and who is six years of age or younger, it must indicate that the following was given: no less than one dose of vaccine each for measles, mumps, and rubella ~~given separately or in combination~~; no less than four doses of vaccine for poliomyelitis, unless the third dose was given after the fourth birthday, then three doses are minimum; no less than five doses of vaccine for diphtheria, tetanus, and pertussis, unless the fourth dose was given after the fourth birthday, then four doses are minimum; and no less than three doses of vaccine for hepatitis B as specified in subdivision 10.

(c) In order for the statement to be consistent with subdivision 10 and acceptable for a person who is enrolling in an elementary or secondary school and is age seven through age 19, the statement must indicate that the person has received no less than one dose of vaccine each for measles, mumps, and rubella ~~given separately or in combination~~, and no less than three doses of vaccine for poliomyelitis, diphtheria, tetanus, and hepatitis B.

(d) In order for the statement to be acceptable for a person who is enrolling in a secondary school, and who was born after 1956 and is 20 years of age or older, the statement must indicate that the person has received no less than one dose of vaccine each for measles, mumps, and rubella ~~given separately or in combination~~, and no less than one dose of vaccine for diphtheria and tetanus within the preceding ten years.

(e) In order for the statement to be acceptable for a person who is enrolling in a child care facility and who is at least 15 months old but who has not reached five years of age, it must indicate that the following were given: no less than one dose of vaccine each for measles, mumps, and rubella ~~given separately or in combination~~; no less than one dose of vaccine for haemophilus influenza type b; no less than four doses of vaccine for diphtheria, tetanus, and pertussis; and no less than three doses of vaccine for poliomyelitis.

(f) In order for the statement to be acceptable for a person who is enrolling in a child care facility and who is five or six years of age, it must indicate that the following was given: no less than one dose of vaccine each for measles, mumps, and rubella ~~given separately or in combination~~; no less than four doses of vaccine for diphtheria, tetanus, and pertussis; and no less than three doses of vaccine for poliomyelitis.

(g) In order for the statement to be acceptable for a person who is enrolling in a child care facility and who is seven years of age or older, the statement must indicate that the person has received no less than one dose of vaccine each for measles, mumps, and rubella ~~given separately or in combination~~ and consistent with subdivision 10, and no less than three doses of vaccine for poliomyelitis, diphtheria, and tetanus.

~~(h) The commissioner of health, on finding that any of the above requirements are not necessary to protect the public's health, may suspend for one year that requirement.~~

Subd. 5. [TRANSFER OF IMMUNIZATION STATEMENTS.] If a person transfers from one elementary or secondary school to another, the school board of a public school district or the administrator of a nonpublic school may allow the person up to a maximum of 30 days to submit one or more of the statements as specified in subdivision 1 or 3, during which time the person may enroll in and attend the school. If a person enrolls in a child care facility in which at least 75 percent of children in the facility participate on a one-time only or occasional basis to a maximum of 45 hours per child, per month, or is placed in a facility by a crisis nursery, the person shall be exempt from all requirements of this section for up to five consecutive days, starting from the first day of attendance.

Subd. 6. [SUSPENSION OF IMMUNIZATION REQUIREMENT.] The commissioner of health, on finding that an immunization required pursuant to this section is not necessary to protect the public's health, may suspend for one year the requirement that children receive that immunization.

Subd. 7. [FILE ON IMMUNIZATION RECORDS.] Each school or child care facility shall maintain on file immunization records for all persons in attendance that contain the information required by subdivisions 1, 2, and 3. The school shall maintain the records for at least five years after the person attains the age of majority. The department of health and the board of health, as defined in section 145A.02, subdivision 2, in whose jurisdiction the school or child care facility is located, shall have access to the files maintained pursuant to this subdivision. When a person transfers to another elementary or secondary school or child care facility, the administrator ~~or other person having general control and supervision of the school or child care facility~~ shall assist the person's parent or guardian in the transfer of the immunization file to the person's new school or child care facility within 30 days of the transfer. Upon the request of a public or private post-secondary educational institution, as defined in section 135A.14, the administrator ~~or other person having general control or supervision of a school~~ shall assist in the transfer of a student's immunization file to the post-secondary institution.

Subd. 8. [REPORT.] The administrator ~~or other person having general control and supervision of the elementary or secondary school~~ shall file a report with the commissioner on all persons enrolled in the school. The superintendent of each district shall file a report with the commissioner for all persons within the district receiving instruction in a home school in compliance with sections 120A.22 and 120A.24. The parent of persons receiving instruction in a home school shall submit the statements as required by subdivisions 1, 2, 3, and 4 to the superintendent of the district in which the person resides by October 1 of each school year. The school report must be prepared on forms developed jointly by the commissioner of health and the commissioner of children, families, and learning and be distributed to the local districts by the commissioner of health. The school report must state the number of persons attending the school, the number of persons who have not been immunized according to subdivision 1 or 2, and the number of persons who received an exemption under subdivision 3, clause (c) or (d). The school report must be filed with the commissioner of children, families, and learning within 60 days of the commencement of each new school term. Upon request, a district must be given a 60-day extension for filing the school report. The commissioner of children, families, and learning shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The administrator ~~or other person having general control and supervision of the child care facility~~ shall file a report with the commissioner of human services on all persons enrolled in the child care facility. The child care facility report must be prepared on forms developed jointly by the commissioner of health and the commissioner of human services and be distributed to child care facilities by the commissioner of health. The child care facility report must state the number of persons enrolled in the facility, the number of persons with no immunizations, the number of persons who received an exemption under subdivision 3, clause (c) or (d), and the number of persons with partial or full immunization histories. The child care facility report must be filed with the commissioner of human services by November 1 of each year. The commissioner of human services shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The report required by this subdivision is not required of a family child care or group family child care facility, for prekindergarten children enrolled in any elementary or secondary school provided services according to sections 125A.05 and 125A.06, nor for child care facilities in which at least 75 percent of children in the facility participate on a one-time only or occasional basis to a maximum of 45 hours per child, per month.

Subd. 9. [DEFINITIONS.] As used in this section the following terms have the meanings given them.

(a) "Elementary or secondary school" includes any public school as defined in section 120A.05, subdivisions 9, 11, 13, and 17, or nonpublic school, church, or religious organization, or home school in which a child is provided instruction in compliance with sections 120A.22 and 120A.24.

(b) "Person enrolled in any elementary or secondary school" means a person ~~born after 1956 and~~ enrolled in grades kindergarten through 12, and a child with a disability receiving special instruction and services as required in ~~sections section~~ 125A.03 ~~to 125A.24 and 125A.65,~~ excluding a child being provided services according to section 125A.05, ~~paragraph (c), or 125A.06, paragraph (d)~~ subdivisions 3 and 7.

(c) "Child care facility" includes those child care programs subject to licensure under chapter 245A, and Minnesota Rules, chapters 9502 and 9503.

(d) "Family child care" means child care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

(e) "Group family child care" means child care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

(f) "Administrator" means any individual having general control and supervision of a school or child care facility.

(g) "Immunization provider" means any physician, health care provider, or public clinic that provides immunizations.

Subd. 10. [REQUIREMENTS FOR IMMUNIZATION STATEMENTS.] A statement required to be submitted under subdivisions 1, 2, and 4 to document evidence of immunization shall include month, day, and year for immunizations administered after January 1, 1990.

~~(a) For persons enrolled in grades 7 and 12 during the 1996-1997 school term, the statement must indicate that the person has received a dose of tetanus and diphtheria toxoid no earlier than 11 years of age.~~

~~(b) Except as specified in paragraph (e), for persons enrolled in grades 7, 8, and 12 during the 1997-1998 school term, the statement must indicate that the person has received a dose of tetanus and diphtheria toxoid no earlier than 11 years of age.~~

(e) Except as specified in paragraph (e) (c), for persons enrolled in grades 7 through 12 during the 1998-1999 school term and for each year thereafter, the statement must indicate that the person has received a dose of tetanus and diphtheria toxoid no earlier than 11 years of age.

~~(d) (b) For persons enrolled in grades 7 through 12 during the 1996-1997 school year and for each year thereafter, the statement must indicate that the person has received at least two doses of vaccine against measles, mumps, and rubella, given alone or separately and given not less than one month apart.~~

(e) (c) A person who has received at least three doses of tetanus and diphtheria toxoids, with the most recent dose given after age six and before age 11, is not required to have additional immunization against diphtheria and tetanus until ten years have elapsed from the person's most recent dose of tetanus and diphtheria toxoid.

~~(f) (d) The requirement for hepatitis B vaccination shall apply to persons enrolling in kindergarten beginning with the 2000-2001 school term.~~

~~(g) (e) The requirement for hepatitis B vaccination shall apply to persons enrolling in grade 7 beginning with the 2001-2002 school term.~~

Subd. 11. [COMMISSIONER OF HUMAN SERVICES; CONTINUED RESPONSIBILITIES.] Nothing in this section relieves the commissioner of human services of the responsibility, under chapter 245A, to inspect and assure that statements required by this section are on file at child care programs subject to licensure.

Sec. 4. Minnesota Statutes 1999 Supplement, section 121A.23, subdivision 1, is amended to read:

Subdivision 1. [SEXUALLY TRANSMITTED DISEASES PROGRAM.] Each district must have a program to prevent and reduce the risk of sexually transmitted infections and disease. The commissioner of children, families, and learning, in consultation with the commissioner of health, shall assist districts in developing and implementing a program to prevent and reduce the risk of

sexually transmitted infections and diseases, including but not exclusive to human immune deficiency virus and human papilloma virus. Each district must have a program that includes at least:

- (1) ~~planning materials, guidelines, and other technically accurate and updated information;~~
- (2) ~~a comprehensive, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage;~~
- (3) ~~cooperation and coordination among districts and SCs;~~
- (4) ~~a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted infections and diseases, for prevention efforts;~~
- (5) ~~involvement of parents and other community members;~~
- (6) ~~in-service training for appropriate district staff and school board members;~~
- (7) ~~collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;~~
- (8) ~~collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program; and~~
- (9) ~~participation by state and local student organizations.~~

~~The department may provide assistance at a neutral site to a nonpublic school participating in a district's program. District programs must not conflict with the health and wellness curriculum developed under Laws 1987, chapter 398, article 5, section 2, subdivision 7.~~

~~If a district fails to develop and implement a program to prevent and reduce the risk of sexually transmitted infection and disease, the department must assist the service cooperative in the region serving that district to develop or implement the program.~~

Sec. 5. Minnesota Statutes 1998, section 121A.26, is amended to read:

121A.26 [SCHOOL PREASSESSMENT TEAMS.]

Every public school, and every nonpublic school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment team. The preassessment team must be composed of classroom teachers, administrators, and to the extent they exist in each school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. The superintendents or their designees shall designate the team members in the public schools. The preassessment team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases. Districts shall adopt a process for addressing reports of chemical abuse problems.

~~Within 45 days after receiving an individual reported case, the preassessment team shall make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical abuse. Data may be disclosed without consent in health and safety emergencies pursuant to section 13.32 and applicable federal law and regulations.~~

~~Notwithstanding section 138.163, destruction of records identifying individual students shall be governed by this section. If the preassessment team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the preassessment team about the student shall be destroyed not later than six months after the determination is made. If the preassessment team decides to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the preassessment team about the student shall be destroyed not later than six months after the student is no longer enrolled in the district.~~

Sec. 6. Minnesota Statutes 1998, section 121A.27, is amended to read:

121A.27 [SCHOOL AND COMMUNITY ADVISORY TEAM.]

The superintendent, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems in the district. ~~The school and community advisory team must be composed of representatives from the school preassessment team established in section 121A.26, to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community. The community advisory team shall:~~

~~(1) build awareness of the problem within the community, identify available treatment and counseling programs for students and develop good working relationships and enhance communication between the schools and other community agencies; and~~

~~(2) develop a written procedure clarifying the notification process to be used by the chemical abuse preassessment team established under section 121A.26 when a student is believed to be in possession of or under the influence of alcohol or a controlled substance. The procedure must include contact with the student, and the student's parents or guardian in the case of a minor student.~~

Sec. 7. Minnesota Statutes 1998, section 121A.28, is amended to read:

121A.28 [LAW ENFORCEMENT RECORDS.]

A law enforcement agency shall provide notice of any drug incident occurring within the agency's jurisdiction, in which the agency has probable cause to believe a student violated section 152.021, 152.022, 152.023, 152.024, 152.025, 152.027, 152.097, or 340A.503, subdivision 1, 2, or 3. The notice shall be in writing and shall be provided, within two weeks after an incident occurs, to the chemical abuse preassessment team in the school where the student is enrolled.

Sec. 8. Minnesota Statutes 1998, section 121A.29, subdivision 1, is amended to read:

Subdivision 1. [TEACHER'S DUTY.] A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the ~~school's chemical abuse preassessment team~~ school of this information. A teacher who complies with this section shall be defended and indemnified under section 466.07, subdivision 1, in any action for damages arising out of the compliance.

Sec. 9. Minnesota Statutes 1998, section 121A.32, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT TO WEAR EYE PROTECTIVE DEVICES.] (a) As a condition of enrollment in a course or activity, every person student shall wear industrial quality eye protective devices when participating in, observing or performing any function in connection with, any courses or activities taking place in eye protection areas, as defined in subdivision 3, of any school, college, university or other educational elementary or secondary institution in the state.

(b) Industrial quality eye protective devices are defined as those meeting the standards of the American National Standards Institute, currently identified as ANSI 287.1-1968.

(c) Any student failing to comply with this requirement may be temporarily suspended from participation in that activity. Repeated failure to comply with this requirement shall result in cancellation of the student from the activity or course.

Sec. 10. Minnesota Statutes 1998, section 121A.34, is amended to read:

121A.34 [SCHOOL SAFETY PATROLS.]

Subdivision 1. [ESTABLISHMENT.] ~~In the exercise of authorized control and supervision~~

~~over pupils attending schools and other educational institutions, both public and private. The governing board or other directing authority of any such school or institution is empowered to authorize the organization and supervision of school safety patrols for the purpose of influencing and encouraging other pupils to refrain from crossing public highways at points other than regular crossings and for the purpose of directing pupils when and where to cross highways.~~

~~Subd. 2. [APPOINTMENT OF MEMBERS.] Unless the parents or guardian of a pupil object in writing to the school authorities to the appointment of the pupil on a school safety patrol, it is lawful for any A pupil over nine years of age to old may be appointed and designated as a member of to the patrol in any school in which. If there are no pupils who have attained such age at least nine years old, then any pupil in the highest grade therein in that school may be so appointed and designated. The pupil's parent or guardian may object to the appointment in writing to school authorities. School authorities may also appoint and designate nonpupil adults as members of a school safety patrol on a voluntary or for-hire basis.~~

~~Subd. 3. [LIABILITY NOT TO ATTACH.] No liability shall attach either to the A school, educational institution, governing board, directing authority, or any individual director, board member, superintendent, principal, teacher, or other school authority by virtue of the organization, maintenance, or operation of such a school safety patrol shall not be liable because of injuries sustained by any pupil, whether a member of the patrol or otherwise by reason of due to the operation and maintenance of the patrol.~~

~~Subd. 4. [IDENTIFY, OPERATION.] Identification and operation of school safety patrols shall be uniform throughout the state and the method of identification and signals to be used shall be as prescribed by the commissioner of public safety. School safety patrol members may wear fluorescent reflective vests.~~

Sec. 11. Minnesota Statutes 1998, section 121A.55, is amended to read:

121A.55 [POLICIES TO BE ESTABLISHED.]

(a) The commissioner of children, families, and learning shall promulgate guidelines to assist each school board. Each school board shall establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall emphasize preventing dismissals through early detection of problems and shall be designed to address students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.

(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

~~(c) The commissioner shall actively encourage and assist school districts to cooperatively establish alternative educational services within school buildings or at alternative program sites that offer instruction to pupils who are dismissed from school for willfully engaging in dangerous, disruptive, or violent behavior, including for possessing a firearm in a school zone.~~

Sec. 12. Minnesota Statutes 1998, section 121A.69, subdivision 3, is amended to read:

~~Subd. 3. [SCHOOL BOARD POLICY.] Each school board shall adopt a written policy governing student or staff hazing. The policy must apply to student behavior that occurs on or off school property and during and after school hours. The policy must include reporting procedures and disciplinary consequences for violating the policy. Disciplinary consequences must be sufficiently severe to deter violations and appropriately discipline prohibited behavior. Disciplinary consequences must conform with sections 121A.41 to 121A.56. Each school must include the policy in the student handbook on school policies.~~

Sec. 13. [REPEALER.]

Minnesota Statutes 1998, sections 121A.03, subdivision 3; 121A.11, subdivision 2; 121A.16; 121A.23, subdivision 2; 121A.32, subdivisions 2, 4, and 5; and 121A.41, subdivision 3, are repealed.

ARTICLE 4

TEACHERS AND OTHER EDUCATORS

Section 1. Minnesota Statutes 1998, section 122A.09, subdivision 6, is amended to read:

Subd. 6. [REGISTER OF PERSONS LICENSED.] The executive secretary of the board of teaching shall keep a record of the proceedings of and a register of all persons licensed pursuant to the provisions of this chapter. ~~The register must show the name, address, license number and the renewal of the license. The board must on July 1, of each year or as soon thereafter as is practicable, compile a list of such duly licensed teachers and transmit a copy of the list to the board.~~ A copy of the register must be available during business hours at the office of the board to any interested person.

Sec. 2. Minnesota Statutes 1998, section 122A.15, is amended to read:

122A.15 [TEACHERS, SUPERVISORY AND SUPPORT PERSONNEL, DEFINITIONS, LICENSURE.]

Subdivision 1. [TEACHERS.] The term "teachers" for the purpose of licensure, means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists educational speech-language pathologists.

Subd. 2. [SUPERVISORY PERSONNEL.] "Supervisory personnel" for the purpose of licensure means superintendents, principals, and professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel, ~~and includes athletic coaches.~~

Sec. 3. Minnesota Statutes 1998, section 122A.22, is amended to read:

122A.22 [DISTRICT RECORDING OF TEACHER LICENSES.]

No person shall be accounted a qualified teacher until the person has filed either a teaching license for record or a certified copy of a teaching license with the district superintendent where the person intends to teach a license, or certified copy of a license, authorizing the person to teach school in the district school system.

Sec. 4. Minnesota Statutes 1998, section 122A.40, subdivision 3, is amended to read:

Subd. 3. [HIRING, DISMISSING.] School boards must hire or dismiss teachers at duly appropriately called meetings. ~~Where a husband and wife, brother and sister, or two brothers or sisters, constitute a quorum, no contract employing a teacher shall be made or authorized except upon the unanimous vote of the full board. A teacher related by blood or marriage, within the fourth degree, computed by the civil law, to a board member shall not be employed except by a unanimous vote of the full board.~~ The initial employment of the teacher in the district must be by written contract, signed by the teacher and by the chair and clerk. All subsequent employment of the teacher in the district must be by written contract, signed by the teacher and by the chair and clerk, except where there is a master agreement covering the employment of the teacher. Contracts for teaching or supervision of teaching can be made only with qualified teachers. ~~A teacher shall not be required to reside within the employing district as a condition to teaching employment or continued teaching employment.~~

Sec. 5. Minnesota Statutes 1999 Supplement, section 122A.40, subdivision 5, is amended to read:

Subd. 5. [PROBATIONARY PERIOD.] (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and after completion thereof, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period. Evaluation must occur at least three times each year for a teacher performing services on 120 or more school days, at least two times each year for a teacher performing services on 60 to 119 school days, and at least one time each year for a teacher performing services on fewer than 60 school days. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. ~~However,~~ The board must give any such probationary teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

(b) A board must discharge a probationary teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

Sec. 6. Minnesota Statutes 1998, section 122A.40, subdivision 8, is amended to read:

Subd. 8. [~~PEER REVIEW FOR CONTINUING CONTRACT TEACHERS.~~] A school board and an exclusive representative of the teachers in the district shall develop a peer review process for continuing contract teachers and probationary teachers through joint agreement.

Sec. 7. Minnesota Statutes 1998, section 122A.40, subdivision 19, is amended to read:

Subd. 19. [RECORDS RELATING TO INDIVIDUAL TEACHER; ACCESS; EXPUNGEMENT.] All evaluations and files generated within a school district relating to each individual teacher must be available to each individual teacher upon written request. Effective January 1, 1976, all evaluations and files, wherever generated, relating to each individual teacher must be available to each individual teacher upon written request. The teacher shall have the right to reproduce any of the contents of the files ~~at the teacher's expense~~ and to submit for inclusion in the file written information in response to any material contained therein.

A district may destroy the files as provided by law and must expunge from the teacher's file any material found to be false or inaccurate through the grievance procedure required pursuant to section 179A.20, subdivision 4. The grievance procedure promulgated by the director of the bureau of mediation services, pursuant to section 179A.04, subdivision 3, clause (h), applies to those principals and supervisory employees not included in an appropriate unit as defined in section 179A.03. Expungement proceedings must be commenced within the time period provided in the collective bargaining agreement for the commencement of a grievance. If no time period is provided in the bargaining agreement, the expungement proceedings must commence within 15 days after the teacher has knowledge of the inclusion in the teacher's file of the material the teacher seeks to have expunged.

Sec. 8. Minnesota Statutes 1998, section 122A.41, subdivision 15, is amended to read:

Subd. 15. [RECORDS RELATING TO INDIVIDUAL TEACHER; ACCESS; EXPUNGEMENT.] All evaluations and files generated within a district relating to each individual teacher must be available to each individual teacher upon the teacher's written request. Effective

January 1, 1976, all evaluations and files, wherever generated, relating to each individual teacher must be available to each individual teacher upon the teacher's written request. The teacher has the right to reproduce any of the contents of the files ~~at the teacher's expense~~ and to submit for inclusion in the file written information in response to any material contained therein.

A district may destroy the files as provided by law and must expunge from the teacher's file any material found to be false or substantially inaccurate through the grievance procedure required pursuant to section 179A.20, subdivision 4. The grievance procedure promulgated by the director of the bureau of mediation services, pursuant to section 179A.04, subdivision 3, clause (h), applies to those principals and supervisory employees not included in an appropriate unit as defined in section 179A.03. Expungement proceedings must be commenced within the time period provided in the collective bargaining agreement for the commencement of a grievance. If no time period is provided in the bargaining agreement, the expungement proceedings must commence within 15 days after the teacher has knowledge of the inclusion in the teacher's file of the material the teacher seeks to have expunged.

Sec. 9. [122A.455] [TEACHER CONTRACTS.]

The school board and the exclusive bargaining representative of the teachers must negotiate, if applicable:

- (1) short-term, limited contracts;
- (2) summer school contracts;
- (3) sabbatical leave;
- (4) faculty and staff exchange programs; and
- (5) temporary assignments.

Sec. 10. Minnesota Statutes 1998, section 122A.51, is amended to read:

122A.51 [TEACHER LUNCH PERIOD.]

A teacher must be provided with a duty-free lunch period, scheduled according to ~~school board policy or~~ negotiated agreement.

Sec. 11. Minnesota Statutes 1999 Supplement, section 122A.58, subdivision 1, is amended to read:

Subdivision 1. [TERMINATION; HEARING.] ~~Before a district terminates the coaching duties of an employee who is required to hold a license as an athletic coach from the commissioner of children, families, and learning a head varsity coach of an interscholastic sport at the secondary school level, the district must notify the employee in writing and state its reason for the proposed termination. Within 14 days of receiving this notification, the employee may request in writing a hearing on the termination before the commissioner. If a hearing is requested, the commissioner must hold a hearing within 25 days according to the hearing procedures specified in section 122A.40, subdivision 14, and the termination is final upon the order of the commissioner after the hearing.~~

Sec. 12. Minnesota Statutes 1999 Supplement, section 122A.60, subdivision 1, is amended to read:

Subdivision 1. [STAFF DEVELOPMENT COMMITTEE.] A school board must use the revenue authorized in section 122A.61 for in-service education for programs under section 120B.22, ~~subdivision 2,~~ or for staff development plans under this section. The board must establish an advisory staff development committee to develop the plan, assist site professional development teams in developing a site plan consistent with the goals of the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee and the site professional development team must be teachers representing various grade levels, subject areas,

and special education. The advisory committee must also include nonteaching staff, parents, and administrators. Districts must report staff development ~~results~~ and expenditures to the commissioner in the form and manner determined by the commissioner. The expenditure report must include expenditures by the board for district level activities and expenditures made by the staff. The report must provide a breakdown of expenditures for (1) curriculum development and programs, (2) in-service education, workshops, and conferences, and (3) the cost of teachers or substitute teachers for staff development purposes. Within each of these categories, the report must also indicate whether the expenditures were incurred at the district level or the school site level, and whether the school site expenditures were made possible by the grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures are to be reported using the UFARS system. The commissioner shall report the staff development expenditure data to the education committees of the legislature by February 15 each year.

Sec. 13. Minnesota Statutes 1998, section 122A.68, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] A school district with a teaching residency plan approved by the board of teaching may hire graduates of approved Minnesota teacher preparation programs as teaching residents. A district shall employ each resident for one school year. The district and the resident may agree to extend the residency for one additional school year. A school may employ no more than one teaching resident for every eight full-time equivalent licensed teachers. ~~No more than 600 eligible teachers may be employed as teacher residents in any one school year.~~

Sec. 14. Minnesota Statutes 1998, section 122A.68, subdivision 7, is amended to read:

Subd. 7. [RECOMMENDATION FOR LICENSURE REQUIREMENTS.] The board of teaching must ~~develop~~ maintain for teachers of students in prekindergarten through grade 12, model teaching residency outcomes and assessments, and mentoring programs.

Sec. 15. Minnesota Statutes 1998, section 122A.69, is amended to read:

122A.69 [PRACTICE OR STUDENT TEACHERS.]

The board may, by agreements with teacher preparing institutions, arrange for classroom experience in the district for ~~practice or~~ student teachers who have completed not less than two years of an approved teacher education program. ~~Such practice~~ Student teachers must be provided with appropriate supervision by a fully qualified teacher under rules promulgated by the board. ~~Practice~~ Student teachers are deemed employees of the school district in which they are rendering services for purposes of workers' compensation; liability insurance, if provided for other district employees in accordance with section 123B.23; and legal counsel in accordance with the provisions of section 123B.25.

Sec. 16. Minnesota Statutes 1998, section 122A.70, subdivision 2, is amended to read:

Subd. 2. [APPLICATIONS.] The board of teaching must make application forms available to sites interested in developing or expanding a mentorship program. A school district, a group of school districts, or a coalition of districts, teachers and teacher education institutions may apply for a teacher mentorship program grant. The board of teaching, ~~in consultation with the teacher mentoring task force,~~ must approve or disapprove the applications. To the extent possible, the approved applications must reflect effective mentoring components, include a variety of coalitions and be geographically distributed throughout the state. The board of teaching must encourage the selected sites to consider the use of its assessment procedures.

Sec. 17. Minnesota Statutes 1998, section 122A.91, is amended to read:

122A.91 [DESIGNATED STATE OFFICIAL.]

For the purposes of the agreement set forth in section 122A.90, the designated state official for this state is the ~~commissioner of children, families, and learning~~ executive secretary of the board of teaching.

Sec. 18. Minnesota Statutes 1998, section 122A.92, is amended to read:

122A.92 [RECORD OF CONTRACTS.]

Two copies of all contracts made on behalf of this state pursuant to the agreement set forth in section 122A.90 must be kept on file in the office of the ~~commissioner of children, families, and learning~~ board of teaching.

Sec. 19. [REVISOR INSTRUCTION.]

In the next and subsequent editions of Minnesota Statutes and Minnesota Rules, the revisor of statutes shall renumber Minnesota Statutes, section 122A.61, subdivision 2, as Minnesota Statutes, section 124D.311. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Sec. 20. [REPEALER.]

(a) Minnesota Statutes 1998, sections 122A.162; 122A.19, subdivision 2; 122A.32; 122A.33; 122A.40, subdivision 6; 122A.42; 122A.43, subdivisions 1, 2, 3, 4, and 6; 122A.45; 122A.49; 122A.52; 122A.53; 122A.54; 122A.55; 122A.56; 122A.57; 122A.71; 122A.72, subdivisions 1, 2, 3, and 5; and 122A.75, are repealed.

(b) Minnesota Statutes 1999 Supplement, section 122A.72, subdivision 4, is repealed.

#### ARTICLE 5

#### SCHOOL DISTRICTS; FORMS FOR ORGANIZING

Section 1. Minnesota Statutes 1999 Supplement, section 123A.06, subdivision 1, is amended to read:

~~Subdivision 1. [PROGRAM FOCUS.] (a) The programs and services of a center must focus on academic and learning skills, applied learning opportunities, trade and vocational skills, work-based learning opportunities, work experience, youth service to the community, transition services, and English language and literacy programs for children whose primary language is a language other than English. Applied learning, work-based learning, and service learning may best be developed in collaboration with a local education and transitions partnership, culturally based organizations, mutual assistance associations, or other community resources. In addition to offering programs, the center shall coordinate the use of other available educational services, special education services, social services, health services, and post-secondary institutions in the community and services area.~~

~~(b) Consistent with the requirements of sections 121A.40 to 121A.56, a school district may provide an alternative education program for a student who is within the compulsory attendance age under section 120A.20, and who is involved in severe or repeated disciplinary action.~~

Sec. 2. [REPEALER.]

(a) Minnesota Statutes 1998, sections 123A.07; 123A.15, subdivision 1; 123A.35; 123A.36, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, and 11; 123A.37; 123A.38; 123A.39, subdivisions 1, 2, and 4; 123A.40; 123A.41, subdivision 1; and 123A.43, are repealed.

(b) Minnesota Statutes 1998, section 123A.41, subdivision 4, is repealed effective July 1, 2002.

(c) Minnesota Statutes 1999 Supplement, section 123A.06, subdivision 3; and 123A.36, subdivisions 1 and 2, are repealed.

#### ARTICLE 6

#### SCHOOL DISTRICT POWERS AND DUTIES

Section 1. Minnesota Statutes 1998, section 123B.02, subdivision 1, is amended to read:

Subdivision 1. [BOARD AUTHORITY.] The board must have the general charge of the

business of the district, the school houses, and of the interests of the schools thereof. The board's authority to govern, manage, and control the district, to carry out its duties and responsibilities, and to conduct the business of the district includes implied powers in addition to any specific powers granted by the legislature.

Sec. 2. Minnesota Statutes 1998, section 123B.02, subdivision 2, is amended to read:

Subd. 2. [FACILITIES FOR SCHOOL-AGE CHILDREN.] It is the duty and the function of the district to furnish school facilities to every child of school age residing in any part of the district. The board may establish and organize and alter and discontinue such grades or schools as it may deem advisable and assign to each school and grade a proper number of pupils. ~~The board shall provide free textbooks for the pupils of the district.~~

Sec. 3. Minnesota Statutes 1999 Supplement, section 123B.02, subdivision 3, is amended to read:

Subd. 3. [LIMITATION ON PARTICIPATION AND FINANCIAL SUPPORT.] (a) A district must not be required by any type of formal or informal agreement except an agreement to provide building space according to paragraph (f), including a joint powers agreement, or membership in any cooperative unit defined in section 123A.24, subdivision 2, to participate in or provide financial support for the purposes of the agreement for a time period in excess of four fiscal years, or the time period set forth in this subdivision. Any agreement, part of an agreement, or other type of requirement to the contrary is void. This paragraph applies only to agreements entered into between July 1, 1993, and June 30, 1999.

(b) This subdivision shall not affect the continued liability of a district for its share of bonded indebtedness or other debt incurred as a result of any agreement before July 1, 1993. The district is liable only until the obligation or debt is discharged and only according to the payment schedule in effect on July 1, 1993, except that the payment schedule may be altered for the purpose of restructuring debt or refunding bonds outstanding on July 1, 1993, if the annual payments of the district are not increased and if the total obligation of the school district for its share of outstanding bonds or other debt is not increased.

(c) To cease participating in or providing financial support for any of the services or activities relating to the agreement or to terminate participation in the agreement, the board must adopt a resolution and notify other parties to the agreement of its decision on or before February 1 of any year. The cessation or withdrawal shall be effective June 30 of the same year except that for a member of an education district organized under sections 123A.15 to 123A.19 or an intermediate district organized under chapter 136D, cessation or withdrawal shall be effective June 30 of the following fiscal year. At the option of the board, cessation or withdrawal may be effective June 30 of the following fiscal year for a district participating in any type of agreement.

(d) Before issuing bonds or incurring other debt, the governing body responsible for implementing the agreement must adopt a resolution proposing to issue bonds or incur other debt and the proposed financial effect of the bonds or other debt upon each participating district. The resolution must be adopted within a time sufficient to allow the board to adopt a resolution within the time permitted by this paragraph and to comply with the statutory deadlines set forth in sections 122A.40, 122A.41, and 123A.33. The governing body responsible for implementing the agreement shall notify each participating board of the contents of the resolution. Within 120 days of receiving the resolution of the governing body, the school board of the participating district shall adopt a resolution stating:

- (1) its concurrence with issuing bonds or incurring other debt;
- (2) its intention to cease participating in or providing financial support for the service or activity related to the bonds or other debt; or
- (3) its intention to terminate participation in the agreement.

A board adopting a resolution according to clause (1) is liable for its share of bonded indebtedness or other debt as proposed by the governing body implementing the agreement. A

school board adopting a resolution according to clause (2) is not liable for the bonded indebtedness or other debt, as proposed by the governing body, related to the services or activities in which the district ceases participating or providing financial support. A board adopting a resolution according to clause (3) is not liable for the bonded indebtedness or other debt proposed by the governing body implementing the agreement.

(e) ~~After July 1, 1993,~~ A district is liable according to paragraph (d) for its share of bonded indebtedness or other debt incurred by the governing body implementing the agreement to the extent that the bonds or other debt are directly related to the services or activities in which the district participates or for which the district provides financial support. The district has continued liability only until the obligation or debt is discharged and only according to the payment schedule in effect at the time the governing body implementing the agreement provides notice to the school board, except that the payment schedule may be altered for the purpose of refunding the outstanding bonds or restructuring other debt if the annual payments of the district are not increased and if the total obligation of the district for the outstanding bonds or other debt is not increased.

(f) A district that is a member of a cooperative unit as defined in section 123A.24, subdivision 2, may obligate itself to participate in and provide financial support for an agreement with a cooperative unit to provide school building space for a term not to exceed two years with an option on the part of the district to renew for an additional two years.

(g) Notwithstanding any limitations imposed under this subdivision, a school district may, according to section 123B.51, subdivision 4, enter into a lease of all or a portion of a schoolhouse that is not needed for school purposes, including, but not limited to, a lease with a term of more than one year.

Sec. 4. Minnesota Statutes 1998, section 123B.04, subdivision 2, is amended to read:

Subd. 2. [AGREEMENT.] (a) Either the school board or the school site decision-making team may request that the school board enter into an agreement with a school site decision-making team concerning the governance, management, or control of the school. ~~A school site decision-making team may include the school principal, teachers in the school or their designee, other employees in the school, parents of pupils in the school, representatives of pupils in the school, or other members in the community. The school site decision-making team shall include the school principal or other person having general control and supervision of the school. A school district must provide notice to parents about site decision-making teams and inform parents about how to be involved with the site decision-making team. The site decision-making team must reflect the diversity of the student body of the education site. No more than one-half of the members shall be employees of the district.~~

(b) School site decision-making agreements must delegate powers, duties, and broad management responsibilities to site teams and involve staff members, students as appropriate, and parents in decision making.

~~(c) An agreement shall include a statement of powers, duties, responsibilities, and authority to be delegated to and within the site.~~

~~(d) An agreement may include:~~

~~(1) an achievement contract according to subdivision 4;~~

~~(2) a mechanism to allow principals, or other persons having general control and supervision of the school, to make decisions regarding how financial and personnel resources are best allocated at the site and from whom goods or services are purchased;~~

~~(3) a mechanism to implement parental involvement programs under section 124D.895 and to provide for effective parental communication and feedback on this involvement at the site level;~~

~~(4) a provision that would allow the team to determine who is hired into licensed and nonlicensed positions;~~

~~(5) a provision that would allow teachers to choose the principal or other person having general control;~~

~~(6) an amount of revenue allocated to the site under subdivision 3; and~~

~~(7) any other powers and duties determined appropriate by the board.~~

~~The school board of the district remains the legal employer under clauses (4) and (5).~~

~~(e) Any powers or duties not delegated to the school site management team in the school site management agreement shall remain with the school board.~~

~~(f) Approved agreements shall be filed with the commissioner. If a school board denies a request to enter into a school site management agreement, it shall provide a copy of the request and the reasons for its denial to the commissioner.~~

Sec. 5. Minnesota Statutes 1998, section 123B.04, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER'S ROLE.] The commissioner of children, families, and learning, in consultation with appropriate educational organizations, shall:

~~(1) upon request, provide technical support for districts and sites with agreements under this section;~~

~~(2) conduct and compile research on the effectiveness of site decision making; and~~

~~(3) periodically report on and evaluate the effectiveness of site management agreements on a statewide basis.~~

Sec. 6. Minnesota Statutes 1998, section 123B.09, subdivision 8, is amended to read:

Subd. 8. [DUTIES.] The board must superintend and manage the schools of the district; adopt rules for their organization, government, and instruction; keep registers; and prescribe textbooks and courses of study. ~~The board may enter into an agreement with a post-secondary institution for secondary or post-secondary nonsectarian courses to be taught at a secondary school, nonsectarian post-secondary institution, or another location.~~

Sec. 7. Minnesota Statutes 1998, section 123B.143, subdivision 1, is amended to read:

Subdivision 1. [CONTRACT; DUTIES.] All districts maintaining a classified secondary school must employ a superintendent who shall be an ex officio nonvoting member of the school board. The authority for selection and employment of a superintendent must be vested in the board in all cases. An individual employed by a board as a superintendent shall have an initial employment contract for a period of time no longer than three years from the date of employment. Any subsequent employment contract must not exceed a period of three years. A board, at its discretion, may or may not renew an employment contract. A board must not, by action or inaction, extend the duration of an existing employment contract. Beginning 365 days prior to the expiration date of an existing employment contract, a board may negotiate and enter into a subsequent employment contract to take effect upon the expiration of the existing contract. A subsequent contract must be contingent upon the employee completing the terms of an existing contract. If a contract between a board and a superintendent is terminated prior to the date specified in the contract, the board may not enter into another superintendent contract with that same individual that has a term that extends beyond the date specified in the terminated contract. A board may terminate a superintendent during the term of an employment contract for any of the grounds specified in section 122A.40, subdivision 9 or 13. A superintendent shall not rely upon an employment contract with a board to assert any other continuing contract rights in the position of superintendent under section 122A.40. Notwithstanding the provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law to the contrary, no individual shall have a right to employment as a superintendent based on order of employment in any district. If two or more districts enter into an agreement for the purchase or sharing of the services of a superintendent, the contracting districts have the absolute right to select one of the individuals

employed to serve as superintendent in one of the contracting districts and no individual has a right to employment as the superintendent to provide all or part of the services based on order of employment in a contracting district. The superintendent of a district shall perform the following:

~~(1) visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;~~

~~(2) recommend to the board employment and dismissal of teachers;~~

~~(3) superintend school grading practices and examinations for promotions;~~

~~(4) make reports required by the commissioner;~~

(5) ~~(2)~~ by January 10, submit an annual report to the commissioner in a manner prescribed by the commissioner, in consultation with school districts, identifying the expenditures that the district requires to ensure an 80 percent and a 90 percent student passage rate on the basic standards test taken in the eighth grade, identifying the amount of expenditures that the district requires to ensure a 99 percent student passage rate on the basic standards test by 12th grade, and how much the district is cross-subsidizing programs with special education, compensatory, and general education revenue; and

~~(6)~~ (3) perform other duties prescribed by the board.

Sec. 8. Minnesota Statutes 1998, section 123B.147, as amended by Laws 1998, chapter 398, article 5, section 55, is amended to read:

123B.147 [PRINCIPALS.]

Subdivision 1. [PRINCIPAL MAY SUPERVISE SCHOOL BUILDING.] Each public school building, as defined by section 120A.05, subdivisions 9, 11, and 13, in an independent district may be under the supervision of a principal who is assigned to that responsibility by the board of education in that district upon the recommendation of the superintendent of schools of that district. If pupils in kindergarten through grade 12 attend school in one building, one principal, who holds either an elementary or a secondary principal's license, may supervise the building.

Subd. 2. [VALID PRINCIPAL LICENSE REQUIRED.] Each principal ~~assigned the responsibility~~ responsible for the supervision of supervising a school building shall hold a valid license in the assigned position of supervision and administration as established by the rules of the commissioner of children, families, and learning.

Subd. 3. [PRINCIPALS' DUTIES.] The principal shall ~~provide administrative, supervisory, and instructional leadership services, under the supervision of the superintendent of schools of the district and in accordance with the policies, rules, and regulations of the board of education, for the planning, management, operation, and evaluation of the education program of the building or buildings to which the principal is assigned~~ perform administrative, supervisory, and instructional duties as determined by the school district.

Sec. 9. Minnesota Statutes 1999 Supplement, section 123B.36, subdivision 1, is amended to read:

Subdivision 1. [SCHOOL BOARDS MAY REQUIRE FEES.] (a) For purposes of this subdivision, "home school" means a home school as defined in sections 120A.22 and 120A.24 with five or fewer students receiving instruction.

(b) A school board is authorized to require payment of fees in the following areas:

(1) in any program where the resultant product, in excess of minimum requirements and at the pupil's option, becomes the personal property of the pupil;

(2) admission fees or charges for extra curricular activities, where attendance is optional and where the admission fees or charges a student must pay to attend or participate in an extracurricular activity is the same for all students, regardless of whether the student is enrolled in a public or a home school;

- (3) a security deposit for the return of materials, supplies, or equipment;
- (4) personal physical education and athletic equipment and apparel, although any pupil may personally provide it if it meets reasonable requirements and standards relating to health and safety established by the board;
- (5) items of personal use or products that a student has an option to purchase such as student publications, class rings, annuals, and graduation announcements;
- (6) fees specifically permitted by any other statute, including but not limited to section 171.05, subdivision 2; provided (i) driver education fees do not exceed the actual cost to the school and school district of providing driver education, and (ii) the driver education courses are open to enrollment to persons between the ages of 15 and 18 who reside or attend school in the school district;
- (7) field trips considered supplementary to a district educational program;
- (8) any authorized voluntary student health and accident benefit plan;
- (9) for the use of musical instruments owned or rented by the district, a reasonable rental fee not to exceed either the rental cost to the district or the annual depreciation plus the actual annual maintenance cost for each instrument;
- (10) transportation of pupils to and from extra curricular activities conducted at locations other than school, where attendance is optional;
- (11) transportation of pupils to and from school for which aid for fiscal year 1996 is not authorized under Minnesota Statutes 1994, section 124.223, subdivision 1, and for which levy for fiscal year 1996 is not authorized under Minnesota Statutes 1994, section 124.226, subdivision 5, if a district charging fees for transportation of pupils establishes guidelines for that transportation to ensure that no pupil is denied transportation solely because of inability to pay;
- (12) motorcycle classroom education courses conducted outside of regular school hours; provided the charge must not exceed the actual cost of these courses to the school district;
- (13) transportation to and from post-secondary institutions for pupils enrolled under the post-secondary enrollment options program under section 123B.88, subdivision 22. Fees collected for this service must be reasonable and must be used to reduce the cost of operating the route. Families who qualify for mileage reimbursement under section 124D.09, subdivision 22, may use their state mileage reimbursement to pay this fee. If no fee is charged, districts must allocate costs based on the number of pupils riding the route; and
- (14) admission fees or charges to a part-time student over age 21 attending a secondary school class or program other than a student participating in the graduation incentives program under section 124D.68 or a student receiving instruction under section 125A.03.

Sec. 10. Minnesota Statutes 1999 Supplement, section 123B.43, is amended to read:

123B.43 [USE OF INDIVIDUALIZED INSTRUCTIONAL MATERIALS.]

- (a) The commissioner shall assure that textbooks and individualized instructional materials loaned to nonpublic school pupils are secular, neutral, nonideological and that they are incapable of diversion for religious use.
- (b) Textbooks and individualized instructional materials must not be used in religious courses, devotional exercises, religious training or any other religious activity.
- (c) Textbooks and individualized instructional materials must be loaned only to individual pupils upon the request of a parent or guardian or the pupil on a form designated for this use by the commissioner. The request forms shall provide for verification by the parent or guardian or pupil that the requested textbooks and individualized instructional materials are for the use of the individual pupil in connection with a program of instruction in the pupil's elementary or secondary school.

~~(d) The servicing school district or the intermediary service area must take adequate measures to ensure an accurate and periodic inventory of all textbooks and individualized instructional materials loaned to elementary and secondary school pupils attending nonpublic schools. The commissioner of children, families, and learning shall promulgate rules under the provisions of chapter 14 to terminate the eligibility of any nonpublic school pupil if the commissioner determines, after notice and opportunity for hearing, that the textbooks or individualized instructional materials have been used in a manner contrary to the provisions of section 123B.41, subdivision 5, 123B.42, or this section or any rules promulgated by the commissioner of children, families, and learning.~~

~~(e) Nothing contained in section 123B.41, subdivision 5, 123B.42, or this section shall be construed to authorize the making of any payments to a nonpublic school or its faculty, staff or administrators for religious worship or instruction or for any other purpose.~~

Sec. 11. Minnesota Statutes 1999 Supplement, section 123B.445, is amended to read:

123B.445 [NONPUBLIC EDUCATION COUNCIL.]

(a) The commissioner shall appoint a 15-member council on nonpublic education, with the advice and consent of the senate. The 15 members shall represent various areas of the state, represent various methods of providing nonpublic education, and shall be knowledgeable about nonpublic education. The compensation, removal of members, filling of vacancies, and terms are governed by section 15.0575. The council shall not expire. The council shall advise the commissioner on issues affecting nonpublic education and nonpublic schools. The council may recognize educational accrediting agencies, for the sole purpose of sections 120A.22, 120A.24, and 120A.26.

(b) A parent or guardian of a nonpublic school pupil or a nonpublic school may file a complaint about services provided under sections 123B.40 to 123B.42, and 123B.44 to 123B.48 with the nonpublic education council. The council may review the complaint and make a recommendation for resolution to the commissioner.

Sec. 12. Minnesota Statutes 1998, section 123B.49, subdivision 1, is amended to read:

~~Subdivision 1. [ACTIVITIES OUTSIDE DISTRICT LIMITS.] Whenever it appears to be beneficial and for the best interest of the district and the pupils of the district to carry on any school sport activities or educational activities connected with their studies outside of the territorial limits of the district, The board may authorize such activities to be conducted outside of the territorial limits of the district under such rules and regulations as the board deems sufficient. The district may pay all necessary costs therefor including transportation from the district funds available.~~

Sec. 13. Minnesota Statutes 1999 Supplement, section 123B.49, subdivision 4, is amended to read:

Subd. 4. [BOARD CONTROL AUTHORIZATION OF EXTRACURRICULAR ACTIVITIES.] (a) The board may ~~take charge of and control~~ authorize all extracurricular activities of the teachers and children of the public schools in the district. Extracurricular activities means all direct and personal services for pupils for their enjoyment that are managed and operated under the guidance of an adult or staff member. The board shall allow all resident pupils receiving instruction in a home school as defined in section 123B.36, subdivision 1, paragraph (a), to be eligible to fully participate in extracurricular activities on the same basis as public school students.

(b) Extracurricular activities have all of the following characteristics:

- (1) they are not offered for school credit nor required for graduation;
- (2) they are generally conducted outside school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities;

(3) the content of the activities is determined primarily by the pupil participants under the guidance of a staff member or other adult.

(c) If the board does not ~~take charge of and control~~ authorize extracurricular activities, these activities shall be self-sustaining with all expenses, except direct salary costs and indirect costs of the use of school facilities, met by dues, admissions, or other student fundraising events. The general fund must reflect only those salaries directly related to and readily identified with the activity and paid by public funds. Other revenues and expenditures for extra curricular activities must be recorded according to the "Manual of Instruction for Uniform Student Activities Accounting for Minnesota School Districts and Area Vocational-Technical Colleges." Extracurricular activities not under board control must have an annual financial audit and must also be audited annually for compliance with this section.

(d) If the board ~~takes charge of and controls~~ authorizes extracurricular activities, any or all costs of these activities may be provided from school revenues and all revenues and expenditures for these activities shall be recorded in the same manner as other revenues and expenditures of the district.

(e) If the board ~~takes charge of and controls~~ authorizes extracurricular activities, the teachers or pupils in the district must not participate in such activity, nor shall the school name or any allied name be used in connection therewith, except by consent and direction of the board.

Sec. 14. Minnesota Statutes 1998, section 123B.51, subdivision 1, is amended to read:

Subdivision 1. [SITES.] According to section 126C.40, subdivision 1, or 465.71, when funds are available, the board may locate and acquire necessary sites of ~~schoolhouses~~ schools or enlargements, or additions to existing ~~schoolhouse sites~~ schools by lease, purchase or condemnation under the right of eminent domain; it may erect ~~schoolhouses~~ schools on the sites; it may erect or purchase garages for district-owned school buses. When property is taken by eminent domain by authority of this subdivision when needed by the district for such purposes, the fact that the property has been acquired by the owner under the power of eminent domain or is already devoted to public use, shall not prevent its acquisition by the district. The board may sell or exchange ~~schoolhouses~~ schools or sites, and execute deeds of conveyance thereof.

Sec. 15. Minnesota Statutes 1998, section 123B.51, subdivision 5, is amended to read:

Subd. 5. [~~SCHOOLHOUSE SCHOOL CLOSING.~~] The board may close a ~~schoolhouse~~ school only after a public hearing on the question of the necessity and practicability of the proposed closing. Published notice of the hearing shall be given for two weeks in the official newspaper of the district. The time and place of the meeting, the description and location of the ~~schoolhouse school~~, and a statement of the reasons for the closing must be specified in the notice. Parties requesting to give testimony for and against the proposal shall be heard by the board before it makes a final decision to close or not to close the ~~schoolhouse school~~.

Sec. 16. Minnesota Statutes 1999 Supplement, section 123B.73, subdivision 1, is amended to read:

Subdivision 1. [INSPECTION.] ~~The commissioner and the state fire marshal shall develop a plan to inspect once every three years every public school facility used for educational purposes shall contract with the fire marshal to conduct fire safety inspections of all school buildings. Each school facility shall be inspected once every three years or more frequently at the request of the school district or the commissioner. Inspections must begin during the 1990-1991 school year. The plan must provide for continued inspection by local units of government of public school facilities that have been inspected by a local unit of government between January 1, 1987, and January 1, 1990, and may provide for inspections by local units of government in other situations. Each inspection report must be filed with the commissioner, the local school board, and the state fire marshal. Notwithstanding section 299F.011, subdivisions 5a and 5b, a variance from the code must be approved by the state fire marshal before taking effect. The commissioner may request that the state fire marshal inspect a particular school facility.~~

Sec. 17. Minnesota Statutes 1998, section 123B.83, subdivision 1, is amended to read:

Subdivision 1. [~~REDUCE STATUTORY OPERATING DEBT.~~] (a) ~~Beginning in fiscal year 1978 and in each year thereafter,~~ A district which had statutory operating debt on June 30, 1977 pursuant to section 126C.42 must limit its expenditures in each fiscal year so that the amount of its statutory operating debt calculated at the end of that fiscal year is not greater than the amount of the district's statutory operating debt as of June 30, 1977, as certified and adjusted by the commissioner, increased by an amount equal to 2-1/2 percent of that district's operating expenditures for the fiscal year for which the statutory operating debt calculation is being made.

(b) When a district is no longer required to levy pursuant to section 126C.42, subdivision 1, subdivision 2 is applicable.

Sec. 18. Minnesota Statutes 1998, section 123B.90, subdivision 1, is amended to read:

Subdivision 1. [~~SCHOOL BUS SAFETY WEEK.~~] The third week of school is designated as school bus safety week.

~~A school board may designate one day of school bus safety week as school bus driver day.~~

Sec. 19. Minnesota Statutes 1999 Supplement, section 123B.90, subdivision 2, is amended to read:

Subd. 2. [~~STUDENT TRAINING.~~] (a) Each district must provide public school pupils enrolled in grades kindergarten through 10 with age-appropriate school bus safety training. The training must be results-oriented and shall consist of both classroom instruction and practical training using a school bus. Upon completing the training, a student shall be able to demonstrate knowledge and understanding of at least the following competencies and concepts:

- (1) transportation by school bus is a privilege and not a right;
- (2) district policies for student conduct and school bus safety;
- (3) appropriate conduct while on the school bus;
- (4) the danger zones surrounding a school bus;
- (5) procedures for safely boarding and leaving a school bus;
- (6) procedures for safe street or road crossing;
- (7) school bus evacuation and other emergency procedures; and
- (8) appropriate training on the use of lap belts or lap and shoulder belts, if the district uses buses equipped with lap belts or lap and shoulder belts.

(b) Each nonpublic school located within the district must provide all nonpublic school pupils enrolled in grades kindergarten through 10 who are transported by school bus at public expense and attend school within the district's boundaries with training as required in paragraph (a). The school district shall make a bus available for the practical training if the district transports the nonpublic students. Each nonpublic school shall provide the instruction.

(c) ~~All students enrolled in grades kindergarten through 3 who are transported by school bus and are enrolled during the first or second week of school must demonstrate achievement of the school bus safety training competencies by the end of the third week of school. All students enrolled in grades 4 through 10 who are transported by school bus and are enrolled during the first or second week of school must demonstrate achievement of the competencies by the end of the sixth week of school. Students enrolled in grades kindergarten through 10 who enroll in a school after the second week of school and are transported by school bus shall undergo school bus safety training and demonstrate achievement of the school bus safety competencies within four weeks of the first day of attendance. The pupil transportation safety director in each district must certify to the commissioner annually that all students transported by school bus within the district have~~

~~satisfactorily demonstrated knowledge and understanding of the school bus safety competencies according to this section or provide an explanation for a student's failure to demonstrate the competencies. The principal or other chief administrator of each nonpublic school must certify annually to the public transportation safety director of the district in which the school is located that all of the school's students transported by school bus at public expense have received training. A district may deny transportation to a student who fails to demonstrate the competencies, unless the student is unable to achieve the competencies due to a disability, or to a student who attends a nonpublic school that fails to provide training as required by this subdivision.~~

~~(d) A district and a nonpublic school with students transported by school bus at public expense must, to the extent possible, provide kindergarten pupils with bus safety training before the first day of school.~~

~~(e) A district and a nonpublic school with students transported by school bus at public expense must also provide student safety education for bicycling and pedestrian safety, for students enrolled in grades kindergarten through 5.~~

~~(f) (d) A district and a nonpublic school with students transported by school bus at public expense must make reasonable accommodations for the school bus, bicycle, and pedestrian safety training of pupils known to speak English as a second language and pupils with disabilities.~~

Sec. 20. Minnesota Statutes 1999 Supplement, section 123B.91, subdivision 1, is amended to read:

Subdivision 1. [COMPREHENSIVE POLICY.] Each district must develop and implement a comprehensive, written policy governing pupil transportation safety, including transportation of nonpublic school students, when applicable. The policy shall, at minimum, contain:

- (1) provisions for appropriate student bus safety training under section 123B.90;
- (2) rules governing student conduct on school buses and in school bus loading and unloading areas;
- (3) a statement of parent or guardian responsibilities relating to school bus safety;
- (4) provisions for notifying students and parents or guardians of their responsibilities and the rules, including the district's seat belt policy, if applicable;
- (5) an intradistrict system for reporting school bus accidents or misconduct and a system for dealing with local law enforcement officials in cases of criminal conduct on a school bus;
- (6) a discipline policy to address violations of school bus safety rules, including procedures for revoking a student's bus riding privileges in cases of serious or repeated misconduct;
- (7) a system for integrating school bus misconduct records with other discipline records;
- (8) a statement of bus driver duties;
- (9) planned expenditures for safety activities under section 123B.89 and, where applicable, provisions governing bus monitor qualifications, training, and duties;
- (10) rules governing the use and maintenance of type III vehicles, drivers of type III vehicles, qualifications to drive a type III vehicle, qualifications for a type III vehicle and the circumstances under which a student may be transported in a type III vehicle;
- (11) operating rules and procedures;
- (12) provisions for annual bus driver in-service training and evaluation;
- (13) emergency procedures;
- (14) a system for maintaining and inspecting equipment;

(15) requirements of the school district, if any, that exceed state law minimum requirements for school bus operations; and

(16) requirements for basic first aid training, which must include the Heimlich maneuver and procedures for dealing with obstructed airways, shock, bleeding, and seizures.

~~Districts are encouraged to use the model policy developed by the Minnesota school boards association, the department of public safety, and the department of children, families, and learning, as well as the current edition of the "National Standards for School Buses and Operations" published by the National Safety Council, in developing safety policies. Each district shall review its policy annually and make appropriate amendments, which must be submitted to the school bus safety advisory committee within one month of approval by the school board.~~

Sec. 21. [REPEALER.]

(a) Minnesota Statutes 1998, sections 123B.02, subdivisions 5, 6, 10, 11, 13, and 16; 123B.04, subdivision 4; 123B.11; 123B.147, subdivisions 1 and 3; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.40; 123B.49, subdivisions 2 and 3; 123B.51, subdivisions 2, 3, and 4; 123B.744; 123B.84; 123B.87; 123B.88, subdivisions 11, 13, 18, 20, and 22; 123B.93; and 123B.95, subdivision 3, are repealed.

(b) Minnesota Statutes 1999 Supplement, sections 123B.02, subdivision 9; and 123B.88, subdivisions 12 and 21, are repealed.

## ARTICLE 7

### EDUCATION PROGRAMS

Section 1. Minnesota Statutes 1998, section 124D.02, subdivision 1, is amended to read:

~~Subdivision 1. [KINDERGARTEN INSTRUCTION.] The board may establish and maintain one or more kindergartens for the instruction of children and after July 1, 1974, shall provide~~ must make kindergarten instruction available for all eligible children, either in the district or in another district. All children to be eligible Eligibility for kindergarten must be at least five years of age on September 1 of the calendar year in which the school year commences. In addition all children selected under an early admissions policy established by the school board may be admitted. Nothing in this section shall prohibit a school district from establishing head start, prekindergarten, or nursery school classes for children below kindergarten age determined according to section 120A.20, subdivision 1. Any school board with evidence that providing kindergarten will cause an extraordinary hardship on the school district may apply to the commissioner of children, families, and learning for an exception.

Sec. 2. Minnesota Statutes 1998, section 124D.03, subdivision 3, is amended to read:

~~Subd. 3. [PUPIL APPLICATION PROCEDURES.] In order that a pupil may attend a school or program in a nonresident district, the pupil's parent or guardian must submit an application to the nonresident district. Before submitting an application, the pupil and the pupil's parent or guardian must explore with a school guidance counselor, or other appropriate staff member employed by the district the pupil is currently attending, the pupil's academic or other reason for applying to enroll in a nonresident district. The pupil's application must identify the reason for enrolling in the nonresident district. The parent or guardian of a pupil must submit an application by January 15 June 1 for initial enrollment beginning the following school year. The application must be on a form provided by the department of children, families, and learning. A particular school or program may be requested by the parent. Once enrolled in a nonresident district, the pupil may remain enrolled and is not required to submit annual or periodic applications. To return to the resident district or to transfer to a different nonresident district, the parent or guardian of the pupil must provide notice to the resident district or apply to a different nonresident district by January 15 June 1 for enrollment beginning the following school year. Each district must accept or reject an application it receives and notify the parent or guardian in writing within 30 calendar days of receiving the application. A notification of acceptance must include the date enrollment can begin. Within ten days of receiving the notification from the nonresident district, the parent or guardian must inform the nonresident district whether the pupil intends to enroll in the nonresident district.~~

Sec. 3. Minnesota Statutes 1998, section 124D.09, subdivision 5, is amended to read:

Subd. 5. [AUTHORIZATION; NOTIFICATION.] ~~Notwithstanding any other law to the contrary,~~ An 11th or 12th grade pupil enrolled in a school or an American Indian-controlled tribal contract or grant school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district under a cultural exchange program, may apply to an eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that post-secondary institution. If an institution accepts a secondary pupil for enrollment under this section, the institution shall send written notice to the pupil, the pupil's school or school district, and the commissioner within ten days of acceptance. The notice must indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for post-secondary credit, the institution must notify the pupil about payment in the customary manner used by the institution.

Sec. 4. Minnesota Statutes 1998, section 124D.09, subdivision 6, is amended to read:

Subd. 6. [COUNSELING PARENTAL CONSENT.] ~~To the extent possible, the school or school district must provide counseling services to pupils and their parents or guardian before the pupils enroll in courses under this section to ensure that the pupils and their parents or guardian are fully aware of the risks and possible consequences of enrolling in post-secondary courses. The school or school district must provide information on the program including who may enroll, what institutions and courses are eligible for participation, the decision-making process for granting academic credits, financial arrangements for tuition, books and materials, eligibility criteria for transportation aid, available support services, the need to arrange an appropriate schedule, consequences of failing or not completing a course in which the pupil enrolls, the effect of enrolling in this program on the pupil's ability to complete the required high school graduation requirements, and the academic and social responsibilities that must be assumed by the pupils and their parents or guardian. The person providing counseling shall encourage pupils and their parents or guardian to also use available counseling services at the post-secondary institutions before the quarter or semester of enrollment to ensure that anticipated plans are appropriate.~~

Prior to enrolling in a course, the pupil and the pupil's parents or guardian must sign a form that must be provided by the school or school district and may be obtained from a post-secondary institution stating that they have received the information specified in this subdivision and that they understand the responsibilities that must be assumed in enrolling in this program. The department must, upon request, provide technical assistance to a school or school district in developing appropriate forms and counseling guidelines.

Sec. 5. Minnesota Statutes 1998, section 124D.09, subdivision 7, is amended to read:

Subd. 7. [DISSEMINATION OF INFORMATION; NOTIFICATION OF INTENT TO ENROLL.] ~~By March 1 of each year, A district must adopt policies for deadlines and provide general information about the program to all pupils in grades 10 and 11. To assist the district in planning, a pupil shall inform the district by March 30 of each year of the pupil's intent to enroll in post-secondary courses during the following school year. A pupil is not bound by notifying or not notifying the district by March 30.~~

Sec. 6. Minnesota Statutes 1998, section 124D.09, subdivision 12, is amended to read:

Subd. 12. [CREDITS.] A pupil may enroll in a course under this section for either secondary credit or post-secondary credit. At the time a pupil enrolls in a course, the pupil shall designate whether the course is for secondary or post-secondary credit. A pupil taking several courses may designate some for secondary credit and some for post-secondary credit. A pupil must not audit a course under this section.

A district shall grant academic credit to a pupil enrolled in a course for secondary credit if the pupil successfully completes the course. ~~Seven quarter or four semester college credits equal at least one full year of high school credit. Fewer college credits may be prorated. A district must also grant academic credit to a pupil enrolled in a course for post-secondary credit if secondary credit is requested by a pupil. If no comparable course is offered by the district, the district must, as soon as possible, notify the commissioner, who shall determine the number of credits that shall~~

~~be granted to a pupil who successfully completes a course. If a comparable course is offered by the district, the school board shall grant a comparable number of credits to the pupil. If there is a dispute between the district and the pupil regarding the number of credits granted for a particular course, the pupil may appeal the board's decision to the commissioner. The commissioner's decision regarding the number of credits shall be final.~~

~~The secondary credits granted to a pupil must be counted toward the graduation requirements and subject area requirements of the district. Evidence of successful completion of each course and secondary credits granted must be included in the pupil's secondary school record. A pupil shall provide the school with a copy of the pupil's grade in each course taken for secondary credit under this section. Upon the request of a pupil, the pupil's secondary school record must also include evidence of successful completion and credits granted for a course taken for post-secondary credit. In either case, the record must indicate that the credits were earned at a post-secondary institution.~~

~~If a pupil enrolls in a post-secondary institution after leaving secondary school, the post-secondary institution must award post-secondary credit for any course successfully completed for secondary credit at that institution. Other post-secondary institutions may award, after a pupil leaves secondary school, post-secondary credit for any courses successfully completed under this section. An institution may not charge a pupil for the award of credit.~~

Sec. 7. Minnesota Statutes 1998, section 124D.10, subdivision 1, is amended to read:

Subdivision 1. [PURPOSES EXPECTED OUTCOMES.] (a) ~~The purpose of this section is expected outcomes of a charter school are to:~~

- (1) improve pupil learning;
- (2) increase learning opportunities for pupils;
- (3) encourage the use of different and innovative teaching methods;
- (4) require the measurement of learning outcomes and create different and innovative forms of measuring outcomes;
- (5) establish new forms of accountability for schools; or
- (6) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

(b) This section does not provide a means to keep open a school that otherwise would be closed. Applicants in these circumstances bear the burden of proving that conversion to a charter school fulfills a purpose specified in this subdivision, independent of the school's closing.

Sec. 8. Minnesota Statutes 1999 Supplement, section 124D.10, subdivision 6, is amended to read:

Subd. 6. [CONTRACT.] The sponsor's authorization for a charter school must be in the form of a written contract signed by the sponsor and the board of directors of the charter school. The contract must be completed within 90 days of the commissioner's approval of the sponsor's proposed authorization. The contract for a charter school must be in writing and contain at least the following:

- (1) a description of a program that carries out one or more of the purposes expected outcomes in subdivision 1;
- (2) specific outcomes pupils are to achieve under subdivision 10;
- (3) admission policies and procedures;
- (4) management and administration of the school;

- (5) requirements and procedures for program and financial audits;
- (6) how the school will comply with subdivisions 8, 13, 16, and 23;
- (7) assumption of liability by the charter school;
- (8) types and amounts of insurance coverage to be obtained by the charter school;
- (9) the term of the contract, which may be up to three years; and

(10) if the board of directors or the operators of the charter school provide special instruction and services for children with a disability under sections 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within which the charter school will operate to provide the special instruction and services to children with a disability.

Sec. 9. Minnesota Statutes 1999 Supplement, section 124D.10, subdivision 15, is amended to read:

Subd. 15. [REVIEW AND COMMENT.] The department must review and comment on the evaluation, by the chartering school district, of the performance of a charter school before the charter school's contract is renewed. ~~The information from the review and comment shall be reported to the commissioner of children, families, and learning in a timely manner. Periodically, the commissioner shall report trends or suggestions based on the evaluation of charter school contracts to the education committees of the state legislature.~~

Sec. 10. Minnesota Statutes 1998, section 124D.10, subdivision 19, is amended to read:

Subd. 19. [DISSEMINATE AVAILABLE INFORMATION.] ~~The sponsor, the operators, and the department of children, families, and learning must disseminate~~ make information available to the public on how to form and operate a charter school and how to utilize the offerings of a charter school. Particular groups to be targeted include low-income families and communities, and students of color.

Sec. 11. Minnesota Statutes 1998, section 124D.115, subdivision 3, is amended to read:

Subd. 3. [PROGRAM REIMBURSEMENT.] ~~(a) State funds are provided to reimburse school breakfasts.~~ Each school year, the state must reimburse schools in the amount of 5.1 cents for each fully paid breakfast and for each free and reduced price breakfast not eligible for the "severe need" rate.

(b) In addition to paragraph (a), each school year the state must reimburse schools 10.5 cents for each free and reduced price breakfast not eligible for the "severe need" rate if between 33 and 40 percent of the school lunches served during the second preceding school year were served free or at a reduced price.

Sec. 12. Minnesota Statutes 1998, section 124D.118, subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT; SCHOOL PARTICIPATION.] ~~Each district in the state is encouraged to participate in the state-supported school milk program for kindergartners. Participating districts must provide one serving of milk on each school day to each kindergarten student attending a public or nonpublic school in the district. No student is required to accept the milk that is provided by the district. The program must be promoted and operated under the direction of the commissioner or the commissioner's designee.~~

Sec. 13. Minnesota Statutes 1998, section 124D.118, subdivision 3, is amended to read:

Subd. 3. [PROGRAM GUIDELINES; DUTIES OF THE COMMISSIONER.] (a) The commissioner shall:

- (1) ~~encourage all districts to participate in the school milk program for kindergartners;~~
- (2) ~~prepare~~ maintain program guidelines, ~~not subject to chapter 14 until July 1, 1998, which~~

will effectively and efficiently distribute appropriated and donated money to participating districts; and

(3) (2) seek donations and matching funds from appropriate private and public sources.

(b) Program guidelines may provide for disbursement to districts through a mechanism of prepayments or by reimbursement for approved program expenses.

Sec. 14. Minnesota Statutes 1998, section 124D.28, subdivision 1, is amended to read:

Subdivision 1. [~~MANDATORY COMPONENTS~~ EXPECTATIONS.] The expected outcomes of a family connections program must include:

(1) ~~participation by a designated~~ designation of an individual as a career teacher, principal-teacher, or counselor teacher;

(2) an increased emphasis on each individual child's unique learning and development needs beginning with early childhood family education;

(3) ~~procedures to give the career teacher a major responsibility for leadership of the instructional and noninstructional activities of each child beginning with early childhood family education;~~

(4) ~~procedures to involve~~ increased involvement of parents in the learning and development experiences of their children; and

(5) ~~procedures to implement outcome-based education by focusing on the needs of the learner;~~

(6) ~~procedures to coordinate and integrate~~ (4) increased involvement of the instructional program with all community education programs;

(7) ~~procedures to concentrate career teacher programs at sites that provide early childhood family education and subsequent learning and development programs; and~~

(8) ~~procedures for the district to fund the program.~~

Sec. 15. Minnesota Statutes 1998, section 124D.29, is amended by adding a subdivision to read:

Subd. 6. [~~DISTRICT COMPONENTS.~~] The school board and the exclusive bargaining representative of the teachers that has a family connections program shall negotiate:

(1) staff to student ratios;

(2) procedures for teachers, principals, and counselors to apply for and renew the position of career teacher, principal-teacher, or counselor teacher; and

(3) the duties of the career teacher, principal-teacher, or counselor teacher.

Sec. 16. Minnesota Statutes 1998, section 124D.30, subdivision 3, is amended to read:

Subd. 3. [~~COMMISSIONER APPROVAL.~~] The commissioner ~~may~~ shall approve plans and applications for districts throughout the state for family connections aid. The commissioner shall establish application procedures and deadlines.

Sec. 17. Minnesota Statutes 1998, section 124D.34, subdivision 4, is amended to read:

Subd. 4. [~~FOUNDATION PROGRAMS AND DUTIES.~~] The foundation shall advance applied leadership and intracurricular vocational learning experiences for students. ~~These may include, but are not limited to:~~

(1) ~~recognition programs and awards for students demonstrating excellence in applied leadership;~~

~~(2) summer programs for student leadership, career development, applied academics, and mentorship programs with business and industry;~~

~~(3) recognition programs for teachers, administrators, and others who make outstanding contributions to school-to-work programs;~~

~~(4) outreach programs to increase the involvement of urban and suburban students;~~

~~(5) organized challenges requiring cooperation and competition for secondary and post-secondary students;~~

~~(6) assistance and training to community teams to increase career awareness and empowerment of youth as community leaders; and~~

~~(7) assessment and activities in order to plan for and implement continuous improvement.~~

~~To the extent possible, the foundation shall make these programs available to students in all parts of the state. The foundation may receive public and private money, grants, and in-kind services and goods from nonstate sources without complying with section 7.09, subdivision 1.~~

Sec. 18. Minnesota Statutes 1998, section 124D.35, is amended to read:

124D.35 [YOUTH ENTREPRENEURSHIP EDUCATION PROGRAM.]

~~The commissioner shall establish A youth entrepreneurship education program to improve the academic and entrepreneurial skills of students and aid in their transition from school to business creation. The program shall strengthen local economies by creating jobs that enable citizens to remain in their communities and to foster cooperation among educators, economic development professionals, business leaders, and representatives of labor. Assistance under this section shall be available to new or existing student-operated or school-operated businesses that have an educational purpose, and provide service or products for customers or clients who do not attend or work at the sponsoring school. The commissioner may require an equal local match for assistance under this section up to the maximum grant amount of \$20,000.~~

Sec. 19. Minnesota Statutes 1998, section 124D.37, is amended to read:

124D.37 [PURPOSE EXPECTED OUTCOMES OF THE MINNESOTA YOUTH WORKS ACT.]

The purposes expected outcomes of sections 124D.37 to 124D.45 are to:

~~(1) renew the ethic of promote civic responsibility in Minnesota;~~

~~(2) empower youth to improve their life opportunities through youth literacy, job placement, and other essential life skills;~~

~~(3) empower government improve government's to meet its responsibility to prepare young people to be contributing members of society;~~

~~(4) help meet human civic, educational, environmental, and public safety needs, particularly those needs relating to poverty;~~

~~(5) prepare a citizenry that is academically competent, ready for work, and socially responsible;~~

~~(6) demonstrate the connection between youth and meaningful community service, community service and education, and education and meaningful opportunities in the business community;~~

~~(7) demonstrate the connection between providing opportunities for at-risk youth and reducing crime rates and the social costs of troubled youth activities;~~

~~(8) (6) create linkages for a comprehensive youth service and learning program in Minnesota including school-age programs, higher education programs, youth work programs, and service corps programs; and~~

(9) ~~(7)~~ coordinate federal and state activities that advance the purposes in this section.

Sec. 20. Minnesota Statutes 1998, section 124D.40, subdivision 2, is amended to read:

Subd. 2. [GRANT AUTHORITY.] ~~The commission and, beginning January 1, 1997, the council~~ must use any state appropriation and any available federal funds, including any grant received under federal law, to award grants to establish programs for youth works meeting the requirements of section 124D.41. At least one grant each must be available for a metropolitan proposal, a rural proposal, and a statewide proposal. If a portion of the suburban metropolitan area is not included in the metropolitan grant proposal, the statewide grant proposal must incorporate at least one suburban metropolitan area. ~~In awarding grants, the commission and, beginning January 1, 1997, the council may select at least one residential proposal and one nonresidential proposal, provided the proposals meet or exceed the criteria in section 124D.41.~~

Sec. 21. Minnesota Statutes 1998, section 124D.41, is amended to read:

124D.41 [GRANT APPLICATIONS.]

Subdivision 1. [APPLICATIONS REQUIRED.] An organization seeking federal or state grant money under sections 124D.39 to 124D.44 shall prepare and submit to the commission and, ~~beginning January 1, 1997, the council~~ an application that meets the requirements of this section developed by the commission. ~~The commission and, beginning January 1, 1997, the council must develop, and the applying organizations must comply with, the form and manner of the application requirements that meet the expected outcomes in section 124D.37.~~

Subd. 2. [APPLICATION CONTENT.] An applicant on its application must: describe how it intends to meet the expected outcomes in section 124D.37.

~~(1) propose a program to provide participants the opportunity to perform community service to meet specific unmet community needs, and participate in classroom, work-based, and service-learning;~~

~~(2) assess the community's unmet educational, human, environmental, and public safety needs, the resources and programs available for meeting those needs, and how young people participated in assessing community needs;~~

~~(3) describe the educational component of the program, including classroom hours per week, classroom time for participants to reflect on the program experience, and anticipated academic outcomes related to the service experience;~~

~~(4) describe the work to be performed, the ratio of youth participants to crew leaders and mentors, and the expectations and qualifications for crew leaders and mentors;~~

~~(5) describe local funds or resources available to meet the match requirements of section 124D.44;~~

~~(6) describe any funds available for the program from sources other than the requested grant;~~

~~(7) describe any agreements with local businesses to provide participants with work-learning opportunities and mentors;~~

~~(8) describe any agreement with local post-secondary educational institutions to offer participants course credits for their community service-learning experience;~~

~~(9) describe any agreement with a local high school or an alternative learning center to provide remedial education, credit for community service work and work-based learning, or graduate equivalency degrees;~~

~~(10) describe any pay for service or other program delivery mechanism that will provide reimbursement for benefits conferred or recover costs of services participants perform;~~

~~(11) describe how local resources will be used to provide support and assistance for participants~~

to encourage them to continue with the program, fulfill the terms of the contract, and remain eligible for any postservice benefit;

(12) describe the arbitration mechanism for dispute resolution required under section 124D.42, subdivision 2;

(13) describe involvement of community leaders in developing broad-based support for the program;

(14) describe the consultation and sign-off process to be used with any local labor organization representing employees in the area engaged in work similar to that proposed for the program to ensure that no current employees or available employment positions will be displaced by program participants;

(15) certify to the commission and, beginning January 1, 1997, the council, and to any certified bargaining representatives representing employees of the applying organization that the project will not decrease employment opportunities that would be available without the project; will not displace current employees including any partial displacement in the form of reduced hours of work other than overtime, wages, employment benefits, or regular seasonal work; will not impair existing labor agreements; and will not result in the substitution of project funding for preexisting funds or sources of funds for ongoing work;

(16) describe the length of the required service period, which may not be less than six months or more than two years, a method to incorporate a participant's readiness to advance or need for postservice financial assistance into individual service requirements, and any opportunity for participating part time or in another program;

(17) describe a program evaluation plan that contains cost-effectiveness measures, measures of participant success including educational accomplishments, job placements, community contributions, and ongoing volunteer activities, outcome measures based on a preprogram and postprogram survey of community rates of arrest, incarceration, teenage pregnancy, and other indicators of youth in trouble, and a list of local resources dedicated to reducing these rates;

(18) describe a three-year financial plan for maintaining the program;

(19) describe the role of local youth in developing all aspects of the grant proposal; and

(20) describe the process by which the local private industry council participated in, and reviewed the grant application.

Sec. 22. Minnesota Statutes 1998, section 124D.42, subdivision 7, is amended to read:

Subd. 7. [TRAINING AND EDUCATION REQUIREMENTS.] Each grantee organization must assess and work to enhance the educational level of each entering participant. Each grantee shall work to enhance the educational skills of each participant. The commission and, beginning January 1, 1997, the council may coordinate or contract with educational institutions or other providers for educational services and evaluation. All grantees shall give priority to educating and training participants who do not have a high school diploma or its equivalent, or who cannot afford post-secondary training and education.

Sec. 23. Minnesota Statutes 1998, section 124D.46, subdivision 1, is amended to read:

Subdivision 1. [GOALS ESTABLISHMENT.] To better prepare all learners to make transitions between education and employment, A comprehensive education and employment transitions system is established that is driven by multisector partnerships and takes a lifelong approach to workforce development. The goals of the statewide education and employment transitions system are shall develop and implement methods:

(1) to improve the skills learners need to achieve greater levels of self-sufficiency through education, training, and work;

(2) to improve work-related counseling and information about career opportunities and vocational education programs available to learners to facilitate workforce development;

(3) to integrate opportunities for work-based learning, service-learning, and other applied learning methods into the elementary, secondary, and post-secondary curriculum and state and local graduation standards;

~~(4) to increase participation in employment opportunities and demonstrate the relationship between education and employment at the elementary, secondary, and post-secondary education levels;~~

(5) (4) to promote the efficient use of public and private resources by coordinating elementary, secondary, and post-secondary education with related government programs;

~~(6) (5) to expand educational options available to all learners through collaborative efforts between school districts, post-secondary institutions, employers, organized labor, workers, learners, parents, community-based organizations, and other interested parties;~~

(7) (6) to increase opportunities for women, minorities, individuals with a disability, and at-risk learners to fully participate in work-based learning;

~~(8) to establish performance standards for learners that integrate state and local graduation standards and generally recognized industry and occupational skill standards; and~~

(9) (7) to provide support systems including a unified labor market information system; a centralized quality assurance system with information on learner achievement, employer satisfaction, and measurable system outcomes; a statewide marketing system to promote the importance of lifework development; a comprehensive professional development system for public and private sector partners; and a comprehensive system for providing technical support to local partnerships for education and employment transitions.

Sec. 24. Minnesota Statutes 1998, section 124D.47, subdivision 2, is amended to read:

Subd. 2. [YOUTH APPRENTICESHIP PROGRAMS.] (a) A comprehensive youth apprenticeship program must require representatives of secondary and post-secondary school systems, affected local businesses, industries, occupations and labor, as well as the local community, to be actively and collaboratively involved in advising and managing the program and ensuring, in consultation with local private industry councils, that the youth apprenticeship program meets local labor market demands, provides student apprentices with the high skill training necessary for career advancement, meets applicable state graduation requirements and labor standards, pays apprentices for their work and provides support services to program participants.

(b) Local employers, collaborating with labor organizations where appropriate, must assist the program by analyzing workplace needs, creating work-related curriculum, employing and adequately paying youth apprentices engaged in work-related learning in the workplace, training youth apprentices to become skilled in an occupation, providing student apprentices with a workplace mentor, periodically informing the school of an apprentice's progress, and making a reasonable effort to employ youth apprentices who successfully complete the program.

(c) A student participating in a comprehensive youth apprenticeship program must sign a youth apprenticeship agreement with participating entities that obligates youth apprentices, their parents or guardians, employers, and schools to meet program requirements; ~~indicates how academic instruction, work-based learning, and worksite learning and experience will be integrated; ensures that successful youth apprentices will receive a recognized credential of academic and occupational proficiency; and establishes the wage rate and other benefits for which youth apprentices are eligible while employed during the program.~~

~~(d) Secondary school principals, counselors, or business mentors familiar with the education to employment transitions system must inform entering secondary school students about available occupational and career opportunities and the option of entering a youth apprenticeship or other work-based learning program to obtain post-secondary academic and occupational credentials.~~

Sec. 25. Minnesota Statutes 1998, section 124D.49, subdivision 3, is amended to read:

Subd. 3. [LOCAL EDUCATION AND EMPLOYMENT TRANSITIONS SYSTEMS.] A local education and employment transitions partnership must assess the needs of employers, employees, and learners, and develop a plan for implementing and achieving the objectives of a local or regional education and employment transitions system. The plan must provide for a comprehensive local system for assisting learners and workers in making the transition from school to work or for retraining in a new vocational area. The ~~objectives~~ expected outcomes of a local education and employment transitions system include:

(1) ~~increasing the effectiveness of the educational programs and curriculum of elementary, secondary, and post-secondary schools which meet state and local graduation standards and the work site in preparing~~ prepare students in the skills and knowledge needed to be successful in the workplace;

(2) implementing learner outcomes for students in grades kindergarten through 12 designed to introduce the world of work and to explore career opportunities, including nontraditional career opportunities;

(3) ~~eliminating barriers to providing effective integrated applied learning, service-learning, or work-based curriculum;~~

(4) ~~increasing opportunities to apply academic knowledge and skills, including skills needed in the workplace, in local settings which include the school, school-based enterprises, post-secondary institutions, the workplace, and the community;~~

(5) ~~increasing applied instruction in the attitudes and skills essential for success in the workplace, including cooperative working, leadership, problem-solving, and respect for diversity;~~

(6) providing staff training for vocational guidance counselors, teachers, and other appropriate staff in the importance of preparing learners for the transition to work, and in methods of providing instruction that incorporate applied learning, work-based learning, and service-learning experiences;

(7) (4) identifying and enlisting local and regional employers who can effectively provide work-based or service-learning opportunities, including, but not limited to, apprenticeships, internships, and mentorships;

(8) (5) recruiting community and workplace mentors including peers, parents, employers and employed individuals from the community, and employers of high school students;

(9) (6) identifying current and emerging educational, training, and employment needs of the area or region, especially within industries with potential for job growth;

(10) (7) improving the coordination and effectiveness of local vocational and job training programs, including vocational education, adult basic education, tech prep, apprenticeship, service-learning, youth entrepreneur, youth training and employment programs administered by the commissioner of economic security, and local job training programs under the Job Training Partnership Act, United States Code, title 29, section 1501, et seq.;

(11) (8) identifying and applying for federal, state, local, and private sources of funding for vocational or applied learning programs;

(12) (9) providing students with current information and counseling about career opportunities, potential employment, educational opportunities in post-secondary institutions, workplaces, and the community, and the skills and knowledge necessary to succeed;

(13) ~~providing educational technology, including interactive television networks and other distance learning methods, to ensure access to a broad variety of work-based learning opportunities;~~

(14) (10) including students with disabilities in a district's vocational or applied learning program and ways to serve at-risk learners through collaboration with area learning centers under sections 123A.05 to 123A.09, or other alternative programs; and

(15) (11) providing a warranty to employers, post-secondary education programs, and other post-secondary training programs, that learners successfully completing a high school work-based or applied learning program will be able to apply the knowledge and work skills included in the program outcomes or graduation requirements. The warranty shall require education and training programs to continue to work with those learners that need additional skill development until they can demonstrate achievement of the program outcomes or graduation requirements.

Sec. 26. Minnesota Statutes 1998, section 124D.50, subdivision 2, is amended to read:

Subd. 2. [SERVICE-LEARNING PROGRAMS DEVELOPED.] The commissioner, in consultation with the commission, shall develop a service-learning ~~program curriculum that includes~~ a policy framework and strategies for youth community service and an infrastructure for mentoring youth. The commissioner shall include in the curriculum at least the following:

(1) youth community service strategies that enable young people to make significant contributions to the welfare of their community through such organizations as schools, colleges, government agencies, and community-based organizations or through individual efforts;

(2) mentoring strategies that enable young people to be matched with caring, responsible individuals who can encourage and guide the young people in their personal growth and development;

(3) guidelines, criteria, and procedures for community service programs that incorporate the results of the study in subdivision 1; and

(4) criteria for community service activities and service-learning.

Sec. 27. Minnesota Statutes 1998, section 124D.50, subdivision 3, is amended to read:

Subd. 3. [STRUCTURING PROGRAMS ACCORDING TO GRADE OR EDUCATION LEVEL.] The service-learning ~~curriculum framework~~ must accommodate students' grade level or the last completed grade level of the participants not currently enrolled in school. Schools must provide at least the following:

(1) for students in grades 7 to 9, an opportunity to learn about service-learning activities and possible occupations;

(2) for students in grade 10, an opportunity to apply for service-learning under section 124D.19 subdivision 10, and youth apprenticeship programs; and

(3) for students in grades 11 and 12 and young people not currently enrolled in school, an opportunity to become involved in community service activities, participate in youth apprenticeship programs, and, depending upon the individual's demonstrated abilities, complete high school or pursue post-secondary coursework.

Sec. 28. Minnesota Statutes 1998, section 124D.65, subdivision 6, is amended to read:

Subd. 6. [PARTICIPATION OF NONPUBLIC SCHOOL PUPILS.] In counting the number of pupils of limited English proficiency for purposes of this section, districts may include pupils of limited English proficiency who attend nonpublic schools in the district. A district which counts those pupils and receives aid pursuant to this section must offer those pupils the same programs on the same terms that it offers to pupils of limited English proficiency who attend the public school. A program provided for a nonpublic school pupil pursuant to this subdivision must be provided at a public school or, a neutral site as defined in section 123B.41, subdivision 13, the nonpublic school, or any other suitable location. The school district must make the final decision on the location of these services. Nonpublic school pupils served by a district's educational program for pupils of limited English proficiency must be counted for average daily membership pursuant to sections 126C.01, subdivisions 6 to 8, and 126C.19, subdivisions 1 to 4.

Sec. 29. Minnesota Statutes 1998, section 124D.74, subdivision 1, is amended to read:

Subdivision 1. [~~PROGRAM DESCRIBED~~ OUTCOMES.] American Indian language and culture education programs are ~~programs in elementary and secondary schools enrolling American Indian children~~ designed:

(1) to make the curriculum more relevant to the needs, interests, and cultural heritage of American Indian pupils;

(2) to provide positive reinforcement of the self-image of American Indian pupils; and

(3) to develop intercultural awareness among pupils, parents, and staff. ~~Program components may include: instruction in American Indian language, literature, history, and culture; development of support components for staff, including in-service training and technical assistance in methods of teaching American Indian pupils; research projects, including experimentation with and evaluation of methods of relating to American Indian pupils; provision of personal and vocational counseling to American Indian pupils; modification of curriculum, instructional methods, and administrative procedures to meet the needs of American Indian pupils; and establishment of cooperative liaisons with nonsectarian nonpublic, community, tribal or alternative schools offering curricula which reflect American Indian culture. Districts offering programs may make contracts for the provision of program components by nonsectarian nonpublic, community, tribal or alternative schools. These programs may also be provided as components of early childhood and family education programs.~~

Sec. 30. Minnesota Statutes 1998, section 124D.88, subdivision 2, is amended to read:

Subd. 2. [~~APPROVAL AUTHORITY; APPLICATION FORMS.~~] ~~To the extent money is available,~~ The commissioner may approve projects from applications submitted under this section. The grant money must be used only to design, acquire, construct, expand, remodel, improve, furnish, or equip the building or site of a magnet school facility according to contracts entered into within 24 months after the date on which a grant is awarded.

Sec. 31. Minnesota Statutes 1998, section 124D.892, is amended to read:

124D.892 [~~OFFICE OF DESEGREGATION/INTEGRATION.~~]

Subdivision 1. [~~ESTABLISHMENT.~~] (a) ~~An office of desegregation/integration is established in~~ The department commissioner of children, families, and learning ~~to~~ must coordinate and support activities related to student enrollment, student and staff recruitment and retention, transportation, and interdistrict cooperation among metropolitan school districts.

(b) At the request of a metropolitan school district involved in cooperative desegregation/integration efforts, the ~~office~~ commissioner shall perform any of the following activities:

(1) assist districts with interdistrict student transfers, including student recruitment, counseling, placement, and transportation;

(2) coordinate and disseminate information about schools and programs;

(3) assist districts with new magnet schools and programs;

(4) assist districts in providing staff development and in-service training; and

(5) coordinate and administer staff exchanges.

(c) The ~~office~~ commissioner shall collect data on the efficacy of districts' desegregation/integration efforts and make recommendations based on the data. The ~~office~~ commissioner shall periodically consult with the metropolitan council to coordinate school desegregation/integration efforts with the housing, social, economic, and infrastructure needs of the metropolitan area. The ~~office~~ commissioner shall develop a process for resolving students' disputes and grievances about student transfers under a desegregation/integration plan.

Subd. 2. [COORDINATION.] The commissioner may request information or assistance from, or contract with, any state or local agency or officer, local unit of government, or recognized expert to assist the commissioner in performing the activities described in subdivision 1.

Subd. 3. [ADVISORY BOARD.] The commissioner shall establish an advisory board composed of:

(1) eight superintendents, each of whom shall be selected by the superintendents of the school districts located in whole or in part within each of the eight metropolitan districts established under section 473.123, subdivision 3c; and

(2) one person each selected by the Indian affairs council, the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, and the council on affairs of Chicano/Latino people.

The advisory board shall advise the ~~office~~ commissioner on complying with the requirements under subdivision 1. The advisory board may solicit comments from teachers, parents, students, and interested community organizations and others.

Sec. 32. Minnesota Statutes 1998, section 124D.894, is amended to read:

124D.894 [STATE MULTICULTURAL EDUCATION ADVISORY COMMITTEE.]

(a) The commissioner shall appoint a state multicultural education advisory committee to advise the department and the state board on multicultural education. The committee must have 12 members and be composed of representatives from among the following groups and community organizations: African-American, Asian-Pacific, Hispanic, and American Indian.

(b) The state committee shall provide information and recommendations on:

(1) department procedures for reviewing and approving district plans and disseminating information on multicultural education;

(2) department procedures for improving inclusive education plans, curriculum and instruction improvement plans, and performance-based assessments;

(3) developing learner outcomes which are multicultural; and

(4) other recommendations that will further inclusive, multicultural education.

~~(c) The committee shall also participate in determining the criteria for and awarding the grants established under Laws 1993, chapter 224, article 8, section 22, subdivision 8.~~

Sec. 33. Minnesota Statutes 1999 Supplement, section 124D.94, subdivision 2, is amended to read:

Subd. 2. [CREATION OF FOUNDATION.] There is created the Minnesota academic excellence foundation. ~~The purpose of the foundation shall be to promote academic excellence in Minnesota public and nonpublic schools and communities through public-private partnerships.~~ The foundation shall be a nonprofit organization. The board of directors of the foundation and foundation activities are under the direction of the commissioner of children, families, and learning.

Sec. 34. Minnesota Statutes 1998, section 124D.94, subdivision 4, is amended to read:

Subd. 4. [FOUNDATION PROGRAMS.] The foundation ~~may~~ shall develop programs that advance the concept of educational excellence in Minnesota public and nonpublic schools and communities through public-private partnerships. ~~These may include, but are not limited to:~~

~~(a) recognition programs and awards for students demonstrating academic excellence;~~

~~(b) summer institute programs for students with special talents;~~

~~(c) recognition programs for teachers, administrators, and others who contribute to academic excellence;~~

~~(d) summer mentorship programs with business and industry for students with special career interests and high academic achievements;~~

~~(e) governor's awards ceremonies and special campaigns to promote awareness and expectation for academic achievement;~~

~~(f) an academic league to provide organized challenges requiring cooperation and competition for public and nonpublic pupils in elementary and secondary schools;~~

~~(g) systemic transformation initiatives and assistance and training to community teams to increase school performance in the state's education institutions through strategic quality planning for continuous improvement, empowerment of multiple stakeholders, validation of results via customer-supplier relationships, and a total system approach based on best practices in key process areas; and~~

~~(h) activities to measure customer satisfaction for delivery of services to education institutions in order to plan for and implement continuous improvement.~~

~~To the extent possible, the foundation shall make these programs available to students in all parts of the state.~~

Sec. 35. [REVISOR INSTRUCTION.]

In the next and subsequent editions of Minnesota Statutes and Minnesota Rules, the revisor of statutes shall renumber each section of Minnesota Statutes in column A with the number in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

<u>A</u>	<u>B</u>
124D.35	124D.46, subd. 5
124D.46, subd. 4	268.665, subd. 7
124D.47, subd. 2	124D.46, subd. 6

Sec. 36. [REPEALER.]

(a) Minnesota Statutes 1998, sections 124D.02, subdivisions 2, 3, and 4; 124D.03, subdivisions 5, 7, 9, and 10; 124D.06; 124D.07; 124D.081, subdivision 1; 124D.09, subdivisions 2, 8, 25, and 26; 124D.10, subdivision 13; 124D.115, subdivisions 1 and 2; 124D.118, subdivision 1; 124D.12; 124D.123; 124D.124; 124D.125; 124D.128, subdivisions 1, 3, 4, and 5; 124D.31; 124D.34, subdivision 5; 124D.43; 124D.46, subdivision 3; 124D.47, subdivision 1; 124D.50, subdivisions 1, 2, and 3; 124D.60, subdivision 3; 124D.65, subdivisions 8, 9, and 10; 124D.68, subdivision 1; 124D.72; 124D.81, subdivision 7; 124D.88, subdivision 1; 124D.895; 124D.90, subdivision 5; 124D.91; 124D.92; and 124D.93, subdivisions 2, 3, and 6, are repealed.

(b) Minnesota Statutes 1998, section 124D.128, subdivision 6, is repealed effective July 1, 2001.

(c) Minnesota Statutes 1999 Supplement, sections 124D.121; 124D.122; 124D.126; 124D.127; 124D.128, subdivisions 2 and 7; and 124D.93, subdivisions 1, 4, and 5, are repealed.

ARTICLE 8

EDUCATION AND TECHNOLOGY

Section 1. Minnesota Statutes 1998, section 125B.05, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION SYSTEM.] The department of children, families, and learning shall develop and maintain a ~~computerized~~ an information system for state information needs.

Sec. 2. Minnesota Statutes 1998, section 125B.05, subdivision 2, is amended to read:

Subd. 2. [PURPOSES.] The purposes of the ~~computerized~~ information system shall be:

(a) To provide comparable and accurate educational information in a manner which is timely and economical;

(b) To ensure accountability for state appropriations;

(c) To collect data to assess the needs of learners and children;

(d) To provide school districts with an educational information system capability which will meet school district management needs; and

(e) To provide for ~~computerized~~ analysis of educational information to meet the management needs of the state of Minnesota.

Sec. 3. Minnesota Statutes 1999 Supplement, section 125B.20, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT; PURPOSE.] ~~The purpose of developing a statewide school district telecommunications network is to expand the availability of a broad range of courses and degrees to students throughout the state, to share information resources to improve access, quality, and efficiency, to improve learning, and distance cooperative learning opportunities, and to promote the exchange of ideas among students, parents, teachers, media generalists, librarians, and the public. In addition, through the development of this statewide telecommunications network emphasizing cost-effective, competitive connections, all Minnesotans will benefit by enhancing access to telecommunications technology throughout the state. Network connections for school districts and public libraries are coordinated and fully integrated into the existing state telecommunications and interactive television networks to achieve comprehensive and efficient interconnectivity of school districts and libraries to higher education institutions, state agencies, other governmental units, agencies, and institutions throughout Minnesota. A school district may apply to the commissioner for a grant under subdivision 2, and a regional public library may apply under subdivision 3. The Minnesota education telecommunications council established in Laws 1995, First Special Session chapter 3, article 12, section 7, shall establish priorities for awarding grants, making grant awards, and being responsible for the coordination of networks.~~

Sec. 4. Minnesota Statutes 1999 Supplement, section 125B.20, subdivision 4, is amended to read:

Subd. 4. [AWARD OF GRANTS.] The council shall develop application forms and procedures for telecommunication access grants. The council shall select the grant recipient ~~and shall promptly notify any applicant that is found not to be qualified.~~ The commissioner shall make the grant payments directly to the school district or regional library system. At the request of the district or regional library system, the commissioner may make the grant payment directly to the coordinating organization.

Sec. 5. [REPEALER.]

(a) Minnesota Statutes 1998, sections 125B.02; 125B.07, subdivisions 1 and 5; 125B.09; and 125B.11, are repealed.

(b) Minnesota Statutes 1999 Supplement, section 125B.07, subdivision 3, is repealed.

## ARTICLE 9

### EDUCATION FUNDING

Section 1. Minnesota Statutes 1999 Supplement, section 126C.05, subdivision 1, is amended to read:

Subdivision 1. [PUPIL UNIT.] Pupil units for each Minnesota resident pupil in average daily membership enrolled in the district of residence, in another district under sections 123A.05 to 123A.08, 124D.03, 124D.06, 124D.07, 124D.08, or 124D.68; in a charter school under section 124D.10; or for whom the resident district pays tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision. A district may not count a person who is over the age of 21, except as provided in section 125A.03, or who has graduated from high school and is enrolled as a part-time student in a class or program as a pupil unit.

(a) A prekindergarten pupil with a disability who is enrolled in a program approved by the commissioner and has an individual education plan is counted as the ratio of the number of hours of assessment and education service to 825 times 1.25 with a minimum of 0.28, but not more than 1.25.

(b) A prekindergarten pupil who is assessed but determined not to be handicapped is counted as the ratio of the number of hours of assessment service to 825 times 1.25.

(c) A kindergarten pupil with a disability who is enrolled in a program approved by the commissioner is counted as the ratio of the number of hours of assessment and education services required in the fiscal year by the pupil's individual education program plan to 875, but not more than one.

(d) A kindergarten pupil who is not included in paragraph (c) is counted as .557 of a pupil unit for fiscal year 2000 and thereafter.

(e) A pupil who is in any of grades 1 to 3 is counted as 1.115 pupil units for fiscal year 2000 and thereafter.

(f) A pupil who is any of grades 4 to 6 is counted as 1.06 pupil units for fiscal year 1995 and thereafter.

(g) A pupil who is in any of grades 7 to 12 is counted as 1.3 pupil units.

(h) A pupil who is in the post-secondary enrollment options program is counted as 1.3 pupil units.

Sec. 2. Minnesota Statutes 1998, section 126C.17, subdivision 11, is amended to read:

Subd. 11. [REFERENDUM DATE.] In addition to the referenda allowed in subdivision 9, clause (a), the commissioner may authorize a referendum for a different day.

(a) The commissioner may grant authority to a district to hold a referendum on a different day if the district is in statutory operating debt and has an approved plan or has received an extension from the department to file a plan to eliminate the statutory operating debt.

~~(b) The commissioner may grant authority for a district to hold a referendum on a different day if: (1) the district will conduct a bond election under chapter 475 on that same day; and (2) the proceeds of the referendum will provide only additional operating revenue complementing the purpose for which bonding authority is sought. The commissioner may only grant authority under this paragraph if the district demonstrates to the commissioner's satisfaction that the district's ability to operate the new facility or achieve efficiencies with the purchases connected to the proceeds of the bond sale will be significantly affected if the operating referendum is not conducted until the November general election. Authority under this paragraph expires November 30, 1998.~~

(e) The commissioner must approve, deny, or modify each district's request for a referendum levy on a different day within 60 days of receiving the request from a district.

Sec. 3. Minnesota Statutes 1998, section 126C.31, is amended to read:

126C.31 [POLICY.]

~~Financing the education of our children is one of state government's most important functions. In performing this function, the state seeks to provide sufficient funding while encouraging equity, accountability, and incentives toward quality improvement. To help achieve these goals and to help control future spending growth, To ensure students have access to educational programs and services that meet their academic needs, the state will fund core instruction and related support services, will facilitate improvement in the quality and delivery of programs and services, and will equalize revenues raised locally for discretionary purposes.~~

Sec. 4. Minnesota Statutes 1999 Supplement, section 126C.48, subdivision 8, is amended to read:

Subd. 8. [TACONITE PAYMENT AND OTHER REDUCTIONS.] (1) Reductions in levies pursuant to sections 126C.48, subdivision 1, and 273.138, must be made prior to the reductions in clause (2).

~~(2) Notwithstanding any other law to the contrary,~~ Districts which received payments pursuant to sections 298.018; 298.24 to 298.28, except an amount distributed under section 298.28, subdivision 4, paragraph (c), clause (ii); 298.34 to 298.39; 298.391 to 298.396; 298.405; and any law imposing a tax upon severed mineral values, or recognized revenue pursuant to section 477A.15; must not include a portion of these aids in their permissible levies pursuant to those sections, but instead must reduce the permissible levies authorized by this chapter and chapters 120B, 122A, 123A, 123B, 124A, 124D, 125A, and 127A by the greater of the following:

(a) an amount equal to 50 percent of the total dollar amount of the payments received pursuant to those sections or revenue recognized pursuant to section 477A.15 in the previous fiscal year; or

(b) an amount equal to the total dollar amount of the payments received pursuant to those sections or revenue recognized pursuant to section 477A.15 in the previous fiscal year less the product of the same dollar amount of payments or revenue times five percent.

(3) No reduction pursuant to this subdivision shall reduce the levy made by the district pursuant to section 126C.13, to an amount less than the amount raised by a levy of a net tax rate of 6.82 percent times the adjusted net tax capacity for taxes payable in 1990 and thereafter of that district for the preceding year as determined by the commissioner. The amount of any increased levy authorized by referendum pursuant to section 126C.17, subdivision 9, shall not be reduced pursuant to this subdivision. The amount of any levy authorized by section 126C.43, to make payments for bonds issued and for interest thereon, shall not be reduced pursuant to this subdivision.

(4) Before computing the reduction pursuant to this subdivision of the health and safety levy authorized by sections 123B.57 and 126C.40, subdivision 5, the commissioner shall ascertain from each affected school district the amount it proposes to levy under each section or subdivision. The reduction shall be computed on the basis of the amount so ascertained.

~~(5) Notwithstanding any law to the contrary,~~ Any amounts received by districts in any fiscal year pursuant to sections 298.018; 298.24 to 298.28; 298.34 to 298.39; 298.391 to 298.396; 298.405; or any law imposing a tax on severed mineral values; and not deducted from general education aid pursuant to section 126C.21, subdivision 4, clause (2), and not applied to reduce levies pursuant to this subdivision shall be paid by the district to the St. Louis county auditor in the following amount by March 15 of each year, the amount required to be subtracted from the previous fiscal year's general education aid pursuant to section 126C.21, subdivision 4, which is in excess of the general education aid earned for that fiscal year. The county auditor shall deposit any amounts received pursuant to this clause in the St. Louis county treasury for purposes of paying the taconite homestead credit as provided in section 273.135.

## ARTICLE 10

### STATE ADMINISTRATION OF EDUCATION

Section 1. Minnesota Statutes 1999 Supplement, section 127A.05, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT AND DUTIES.] The department shall be under the administrative control of the commissioner of children, families, and learning which office is established. The governor shall appoint the commissioner under the provisions of section 15.06.

The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. ~~Notwithstanding any other law to the contrary, the commissioner may appoint two deputy commissioners who shall serve in the unclassified service.~~ The commissioner shall also appoint other employees as may be necessary for the organization of the department. The commissioner shall perform such duties as the law and rules may provide and be held responsible for the efficient administration and discipline of the department. The commissioner is charged with the execution of powers and duties to promote public education in the state and to safeguard the finances pertaining thereto.

Sec. 2. Minnesota Statutes 1998, section 127A.05, subdivision 3, is amended to read:

Subd. 3. [GENERAL SUPERVISION OVER PUBLIC SCHOOLS AND EDUCATIONAL AGENCIES.] The commissioner of children, families, and learning shall ~~adopt goals for and exercise general supervision over public schools and other public educational agencies in the state, classify and standardize public elementary and secondary schools, and prepare for them outlines and suggested courses of study.~~ The commissioner shall develop a plan to attain the adopted goals. The commissioner may recognize educational accrediting agencies for the sole purposes of sections 120A.22, 120A.24, and 120A.26.

Sec. 3. Minnesota Statutes 1998, section 127A.05, subdivision 4, is amended to read:

Subd. 4. [ADMINISTRATIVE RULES.] The commissioner may adopt new rules and amend them or amend any existing rules only under specific authority. ~~The commissioner may repeal any existing rules.~~ Notwithstanding the provisions of section 14.05, subdivision 4, the commissioner may grant a variance to rules adopted by the commissioner upon application by a school district for purposes of implementing experimental programs in learning or school management. This subdivision shall not prohibit the commissioner from making technical changes or corrections to adopted rules.

Sec. 4. Minnesota Statutes 1998, section 127A.06, is amended to read:

127A.06 [RECOMMENDATIONS; BUDGET.]

~~The commissioner of children, families, and learning shall recommend to the governor and legislature such modification and unification of laws relating to the state system of education as shall make those laws more readily understood and more effective in execution.~~ The commissioner of children, families, and learning shall prepare a biennial education budget which shall be submitted to the governor and legislature, such budget to contain a complete statement of finances pertaining to the maintenance operations of the state department and to the distribution of state aid.

Sec. 5. Minnesota Statutes 1998, section 127A.41, subdivision 7, is amended to read:

Subd. 7. [SCHEDULE ADJUSTMENTS.] ~~(a) It is the intention of the legislature to encourage efficient and effective use of staff and facilities by districts. Districts are encouraged to consider both cost and energy saving measures.~~

~~(b) Any district operating a program pursuant to sections 124D.12 to 124D.127, 124D.128, or 124D.25 to 124D.29, or operating a commissioner-designated area learning center program under section 123A.09, or that otherwise receives the approval of the commissioner to operate its instructional program to avoid an aid reduction in any year, may adjust the annual school schedule for that program throughout the calendar year.~~

Sec. 6. Minnesota Statutes 1999 Supplement, section 127A.42, subdivision 2, is amended to read:

Subd. 2. [VIOLATIONS OF LAW.] The commissioner shall ~~may~~ reduce the district's special state aid for any school year whenever the board of the district authorizes or permits violations of law within the district by:

- ~~(1) employing a teacher who does not hold a valid teaching license or permit in a public school;~~
- ~~(2) noncompliance with a mandatory rule of general application promulgated by the commissioner in accordance with statute, unless special circumstances make enforcement inequitable, impose an extraordinary hardship on the district, or the rule is contrary to the district's best interests;~~
- ~~(3) the district's continued performance of a contract made for the rental of rooms or buildings for school purposes or for the rental of any facility owned or operated by or under the direction of any private organization, if the contract has been disapproved, the time for review of the determination of disapproval has expired, and no proceeding for review is pending;~~
- ~~(4) any practice which is a violation of sections 1 and 2 of article 13 of the Constitution of the state of Minnesota;~~
- ~~(5) failure to reasonably provide for a resident pupil's school attendance under Minnesota Statutes; or~~
- ~~(6) noncompliance with state laws prohibiting discrimination because of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance or disability, as defined in section 363.03.~~

~~The reduction must be made in the amount and upon the procedure provided in this section or, in the case of the violation stated in clause (1), upon the procedure provided in section 127A.43.~~

Sec. 7. [REPEALER.]

Minnesota Statutes 1998, sections 127A.05, subdivision 5; and 127A.41, subdivision 4, are repealed.

## ARTICLE 11

### PERPICH CENTER FOR ARTS EDUCATION

Section 1. Minnesota Statutes 1999 Supplement, section 129C.10, subdivision 3, is amended to read:

Subd. 3. [POWERS AND DUTIES OF BOARD.] (a) The board has the powers necessary for the care, management, and control of the Perpich center for arts education and all its real and personal property. The powers shall include, but are not limited to, those listed in this subdivision.

(b) The board may employ and discharge necessary employees, and contract for other services to ensure the efficient operation of the center for arts education.

(c) The board may receive and award grants. The board may establish a charitable foundation and accept, in trust or otherwise, any gift, grant, bequest, or devise for educational purposes and hold, manage, invest, and dispose of them and the proceeds and income of them according to the terms and conditions of the gift, grant, bequest, or devise and its acceptance. The board must adopt internal procedures to administer and monitor aids and grants.

~~(d) The board may establish or coordinate evening, continuing education, extension, and summer programs for teachers and pupils.~~

~~(e) The board may identify pupils who have artistic talent, either demonstrated or potential, in dance, literary arts, media arts, music, theater, and visual arts, or in more than one art form.~~

(f) The board must educate pupils with artistic talent by providing:

(1) an interdisciplinary academic and arts program for pupils in the 11th and 12th grades. The total number of pupils accepted under this clause and clause (2) shall not exceed 300;

(2) additional instruction to pupils for a 13th grade. Pupils eligible for this instruction are those enrolled in 12th grade who need extra instruction and who apply to the board, or pupils enrolled in the 12th grade who do not meet learner outcomes established by the board;

(3) intensive arts seminars for one or two weeks for pupils in grades 9 to 12;

(4) summer arts institutes for pupils in grades 9 to 12;

(5) artist mentor and extension programs in regional sites; and

(6) teacher education programs for indirect curriculum delivery.

~~(g) The board may determine the location for the Perpich center for arts education and any additional facilities related to the center, including the authority to lease a temporary facility.~~

~~(h)~~ (e) The board must plan for the enrollment of pupils on an equal basis from each congressional district.

~~(i) The board may establish task forces as needed to advise the board on policies and issues. The task forces expire as provided in section 15.059, subdivision 6.~~

~~(j) The board may request the commissioner of children, families, and learning for assistance and services.~~

~~(k) The board may enter into contracts with other public and private agencies and institutions for residential and building maintenance services if it determines that these services could be provided more efficiently and less expensively by a contractor than by the board itself. The board may also enter into contracts with public or private agencies and institutions, school districts or combinations of school districts, or service cooperatives to provide supplemental educational instruction and services.~~

~~(l) The board may provide or contract for services and programs by and for the center for arts education, including a store, operating in connection with the center; theatrical events; and other programs and services that, in the determination of the board, serve the purposes of the center.~~

~~(m)~~ (f) The board may provide for transportation of pupils to and from the center for arts education for all or part of the school year, as the board considers advisable and subject to its rules. Notwithstanding any other law to the contrary, and the board may charge a reasonable fee for transportation of pupils. Every driver providing transportation of pupils under this paragraph must possess all qualifications required by the commissioner of children, families, and learning. The board may contract for furnishing authorized transportation under rules established by the commissioner of children, families, and learning and may purchase and furnish gasoline to a contract carrier for use in the performance of a contract with the board for transportation of pupils to and from the center for arts education. When transportation is provided, scheduling of routes, establishment of the location of bus stops, the manner and method of transportation, the control and discipline of pupils, and any other related matter is within the sole discretion, control, and management of the board.

~~(n)~~ (g) The board may provide room and board for its pupils. If the board provides room and board, it shall charge a reasonable fee for the room and board. The fee is not subject to chapter 14 and is not a prohibited fee according to sections 123B.34 to 123B.39.

~~(o)~~ (h) The board may establish and set fees for services and programs. If the board sets fees not authorized or prohibited by the Minnesota public school fee law, it may do so without complying with the requirements of section 123B.38.

~~(p) The board may apply for all competitive grants administered by agencies of the state and other government or nongovernment sources.~~

ARTICLE 12  
REPEAL OF RULES

## Section 1. [REPEALER.]

Minnesota Rules, parts 3505.4300; 3520.0400; 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644; 3545.0600; 3545.0700; 3545.0800; 3545.0900; and 3550.0100, are repealed.

## Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; repealing, modifying, and expanding certain provisions of the kindergarten through grade 12 education code; amending Minnesota Statutes 1998, sections 120A.05, by adding subdivisions; 120A.22, subdivisions 1 and 5; 120B.11, subdivision 5; 120B.22, subdivision 1; 121A.06; 121A.11, subdivision 1; 121A.15; 121A.26; 121A.27; 121A.28; 121A.29, subdivision 1; 121A.32, subdivision 1; 121A.34; 121A.55; 121A.69, subdivision 3; 122A.09, subdivision 6; 122A.15; 122A.22; 122A.40, subdivisions 3, 8, and 19; 122A.41, subdivision 15; 122A.51; 122A.68, subdivisions 1 and 7; 122A.69; 122A.70, subdivision 2; 122A.91; 122A.92; 123B.02, subdivisions 1 and 2; 123B.04, subdivisions 2 and 5; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.147; 123B.49, subdivision 1; 123B.51, subdivisions 1 and 5; 123B.83, subdivision 1; 123B.90, subdivision 1; 124D.02, subdivision 1; 124D.03, subdivision 3; 124D.09, subdivisions 5, 6, 7, and 12; 124D.10, subdivisions 1 and 19; 124D.115, subdivision 3; 124D.118, subdivisions 2 and 3; 124D.28, subdivision 1; 124D.29, by adding a subdivision; 124D.30, subdivision 3; 124D.34, subdivision 4; 124D.35; 124D.37; 124D.40, subdivision 2; 124D.41; 124D.42, subdivision 7; 124D.46, subdivision 1; 124D.47, subdivision 2; 124D.49, subdivision 3; 124D.50, subdivisions 2 and 3; 124D.65, subdivision 6; 124D.74, subdivision 1; 124D.88, subdivision 2; 124D.892; 124D.894; 124D.94, subdivision 4; 125B.05, subdivisions 1 and 2; 126C.17, subdivision 11; 126C.31; 127A.05, subdivisions 3 and 4; 127A.06; 127A.41, subdivision 7; Minnesota Statutes 1999 Supplement, sections 121A.23, subdivision 1; 122A.40, subdivision 5; 122A.58, subdivision 1; 122A.60, subdivision 1; 123A.06, subdivision 1; 123B.02, subdivision 3; 123B.36, subdivision 1; 123B.43; 123B.445; 123B.49, subdivision 4; 123B.73, subdivision 1; 123B.90, subdivision 2; 123B.91, subdivision 1; 124D.10, subdivisions 6 and 15; 124D.94, subdivision 2; 125B.20, subdivisions 1 and 4; 126C.05, subdivision 1; 126C.48, subdivision 8; 127A.05, subdivision 1; 127A.42, subdivision 2; 129C.10, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 1998, sections 120A.41; 120B.10; 120B.11, subdivisions 3, 4, and 7; 120B.24; 121A.03, subdivision 3; 121A.11, subdivision 2; 121A.16; 121A.23, subdivision 2; 121A.32, subdivisions 2, 4, and 5; 121A.41, subdivision 3; 122A.162; 122A.19, subdivision 2; 122A.32; 122A.33; 122A.40, subdivision 6; 122A.42; 122A.43, subdivisions 1, 2, 3, 4, and 6; 122A.45; 122A.49; 122A.52; 122A.53; 122A.54; 122A.55; 122A.56; 122A.57; 122A.71; 122A.72, subdivisions 1, 2, 3, and 5; 122A.75; 123A.07; 123A.15, subdivision 1; 123A.35; 123A.36, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, and 11; 123A.37; 123A.38; 123A.39, subdivisions 1, 2, and 4; 123A.40; 123A.41, subdivisions 1 and 4; 123A.43; 123B.02, subdivisions 5, 6, 10, 11, 13, and 16; 123B.04, subdivision 4; 123B.11; 123B.147, subdivisions 1 and 3; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.40; 123B.49, subdivisions 2 and 3; 123B.51, subdivisions 2, 3, and 4; 123B.744; 123B.84; 123B.87; 123B.88, subdivisions 11, 13, 18, 20, and 22; 123B.93; 123B.95, subdivision 3; 124D.02, subdivisions 2, 3, and 4; 124D.03, subdivisions 5, 7, 9, and 10; 124D.06; 124D.07; 124D.081, subdivision 1; 124D.09, subdivisions 2, 8, 25, and 26; 124D.10, subdivision 13; 124D.115, subdivisions 1 and 2; 124D.118, subdivision 1; 124D.12; 124D.123; 124D.124; 124D.125; 124D.128, subdivisions 1, 3, 4, 5, and 6; 124D.31; 124D.34, subdivision 5; 124D.43; 124D.46, subdivision 3; 124D.47, subdivision 1; 124D.50, subdivisions 1, 2, and 3; 124D.60, subdivision 3; 124D.65, subdivisions 8, 9, and 10; 124D.68, subdivision 1; 124D.72; 124D.81, subdivision 7; 124D.88, subdivision 1; 124D.895; 124D.90, subdivision 5; 124D.91; 124D.92; 124D.93, subdivisions 2, 3, and 6; 125B.02; 125B.07, subdivisions 1 and 5; 125B.09; 125B.11; 127A.05, subdivision 5; 127A.41, subdivision 4; Minnesota Statutes 1999 Supplement, sections 122A.72, subdivision 4; 123A.06, subdivision 3; 123A.36, subdivisions 1 and 2; 123B.02, subdivision 9; 123B.88, subdivisions 12 and 21; 124D.121; 124D.122; 124D.126; 124D.127; 124D.128,

subdivisions 2 and 7; 124D.93, subdivisions 1, 4, and 5; 125B.07, subdivision 3; Minnesota Rules, parts 3505.4300; 3520.0400; 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644; 3545.0600; 3545.0700; 3545.0800; 3545.0900; 3550.0100."

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

**Senator Johnson, D.J. from the Committee on Taxes, to which was referred**

**S.F. No. 3091:** A bill for an act relating to taxation; recodifying the sales and use tax laws; making style and form and clarifying changes; amending Minnesota Statutes 1998, sections 37.13; 115A.69, subdivision 6; 116A.25; 289A.31, subdivision 7; 360.035; 458A.09; 458A.30; 458D.23; 469.127; 473.448; 473.545; and 473.608, subdivision 2; Minnesota Statutes 1999 Supplement, section 469.101, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 297A; repealing Minnesota Statutes 1998, sections 297A.01; 297A.02; 297A.022; 297A.023; 297A.03; 297A.04; 297A.041; 297A.06; 297A.065; 297A.07; 297A.09; 297A.10; 297A.11; 297A.12; 297A.13; 297A.135; 297A.14; 297A.141; 297A.15; 297A.16; 297A.17; 297A.18; 297A.21; 297A.211; 297A.213; 297A.22; 297A.23; 297A.24; 297A.25; 297A.2531; 297A.2545; 297A.255; 297A.256; 297A.2571; 297A.2572; 297A.2573; 297A.259; 297A.26; 297A.28; 297A.33, subdivision 2; 297A.44, subdivision 1; 297A.46; 297A.47; and 297A.48.

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

Page 1, line 28, after the period, insert "The provisions of this act may not be used to determine the law in effect prior to this act's effective date."

Page 6, delete line 11

Page 6, line 13, before the period, insert "or local exchange telephone service, intrastate toll service, and interstate toll service, if that service originates from and is charged to a telephone located in this state. Telephone service includes (1) paging services, and (2) private communication service, as defined in United States Code, title 26, section 4252(d), except for private communication service purchased by an agent acting on behalf of the state lottery. Telephone service does not include services purchased with a prepaid telephone calling card"

Page 6, line 17, after "transfer" insert "for a consideration"

Page 6, delete lines 21 to 29

Page 6, line 30, delete "(i)" and insert "(h)"

Page 7, line 1, delete everything after "business" and insert a period

Page 7, delete line 2

Page 8, after line 6, insert:

"(k) In the case of a lease, a retail sale occurs when an obligation to make a lease payment becomes due under the terms of the agreement or the trade practices of the lessor.

(l) In the case of a conditional sales contract, a retail sale occurs upon the transfer of title or possession of the tangible personal property."

Page 8, line 9, after "business" insert "or subsequent use solely outside Minnesota of tangible personal property"

Page 8, line 31, delete ", provided"

Page 8, line 32, delete everything before the colon

Page 8, lines 35 and 36, before the semicolon, insert "if the charges are separately stated"

Page 9, lines 2 and 4, before the semicolon, insert "if the charges are separately stated"

Page 9, line 32, after the semicolon, insert "and"

Page 9, line 33, delete "; and" and insert a period

Page 9, delete lines 34 and 35

Page 12, line 11, delete everything after the period

Page 12, delete lines 12 and 13

Page 12, line 14, delete everything after "transaction" and insert "defined under subdivision 15."

Page 12, delete line 15 and insert:

"Subd. 15. [CONDITIONAL SALES CONTRACT.] A "conditional sales contract" means a contract, whether or not the contract is designated as a lease, that provides that the purchaser or lessee is to obtain title to the property at the end of the term of the contract or has the option to purchase the property at the end of the term of the contract for a nominal amount. For purposes of this paragraph, "nominal amount" means an amount so small, slight, or negligible that it is not economically significant and bears no relation to the real value of the item being purchased."

Page 12, line 16, delete "15" and insert "16"

Page 12, line 17, delete "only" and before the period, insert "and other services listed in subdivision 3"

Page 14, line 20, after the period, insert "In applying the provisions of this chapter, the terms tangible personal property and sales at retail include taxable services and the provision of taxable services, unless specifically provided otherwise."

Page 14, line 32, delete "16" and insert "17"

Page 15, delete lines 20 to 29 and insert:

"Subd. 18. [HANDICAPPED.] "Handicapped" means an individual who has a permanent and total disability as defined in section 273.13, subdivision 22."

Page 15, line 30, delete "18" and insert "19"

Page 16, line 6, delete "19" and insert "20"

Page 16, line 11, delete "20" and insert "21"

Page 16, line 24, delete "21" and insert "22"

Page 16, line 27, delete "22" and insert "23"

Page 22, line 33, after "storage," insert "distribution,"

Page 22, line 36, delete everything after the headnote

Page 23, line 1, delete everything before "food"

Page 25, line 11, delete "3901" and insert "3902"

Page 25, line 15, delete everything after the period

Page 25, delete lines 16 and 17

Page 27, line 23, after "storage," insert "distribution,"

Page 27, line 27, before "used" insert "stored," and after "used" insert a comma and delete "tangible"

Page 28, line 2, delete ", except to the"

Page 28, line 3, delete "extent" and delete "directly" and before the semicolon, insert ", except that electricity, gas, or steam used for space heating or lighting is exempt only if it is necessary to produce that particular industrial product"

Page 28, line 7, delete "and" and insert a comma and after "equipment" insert ", and other items"

Page 28, line 32, after "Materials" insert "stored," and after "used" insert a comma

Page 28, line 33, delete "15" and insert "16"

Page 29, line 6, delete "directly"

Page 29, line 9, delete "to the extent"

Page 29, line 10, delete "directly" and before the period, insert ", except that electricity, gas, or steam used for space heating or lighting is exempt only if it is necessary to produce that particular taxable service"

Page 29, line 27, delete "is limited to" and insert "means"

Page 30, line 7, before the semicolon, insert ", whether purchased as spare parts, repair parts, or as upgrades or modifications to machinery or equipment"

Page 31, line 3, after "operating" insert ", controlling, or regulating"

Page 31, line 35, delete "used in"

Page 31, line 36, delete "industrial production"

Page 32, line 13, delete "Machinery and"

Page 32, delete lines 14 to 16

Page 32, line 17, delete everything before ""Steel" and insert "Pollution control equipment purchased by a steel reprocessing firm is exempt if the equipment is necessary to meet state or federal emission standards. For purposes of this subdivision:

(1) "pollution control equipment" means equipment used for the purpose of eliminating, preventing, or reducing air, land, or water pollution during or as a result of the manufacturing process; and

(2)"

Page 39, line 13, after "storage," insert "distribution,"

Page 39, line 17, after "Materials" insert "stored," and after "used" insert a comma

Page 39, line 34, delete ", to the extent"

Page 39, line 35, delete "directly" and before the semicolon, insert ", except that electricity, gas, or steam used for space heating or lighting is exempt only if it is necessary to produce that particular agricultural product"

Page 41, line 5, after "storage," insert "distribution,"

Page 42, line 16, delete "15" and insert "16"

Page 44, line 31, delete "15" and insert "16"

Page 45, line 3, delete the second "of"

Page 45, line 4, delete "1986"

Page 45, lines 17 and 26, delete "of 1986"

Page 46, line 9, delete "15" and insert "16"

Page 46, line 35, delete "the holder of a" and insert "a person authorized to import" and after "wine" insert "without a"

Page 47, line 36, delete "and"

Page 48, line 4, before the period, insert "; and

(4) sales of gum, candy, and candy products sold for fundraising purposes by a nonprofit organization that provides educational and social activities primarily for young people 18 years of age and under"

Page 48, line 13, delete "123.38" and insert "123B.49"

Page 48, line 15, delete "123.38, subdivision 2b" and insert "123B.49, subdivision 4"

Page 50, line 6, after "storage," insert "distribution,"

Page 52, line 10, delete "Building"

Page 52, line 11, after "materials" insert ", equipment," and delete "for" and insert "used or consumed in"

Page 54, line 5, delete "and"

Page 54, line 6, before the period, insert "; and Laws 1997, chapter 246, section 24" and delete "shall" and insert "must"

Page 60, line 18, after "sale" insert "to" and after "purchase" insert ", storage, use, or consumption"

Page 60, line 22, after the first "or" insert "purchased,"

Page 61, line 5, delete "sale" and insert "lease"

Page 71, line 4, delete "15" and insert "16"

Page 75, line 28, delete everything after the headnote

Page 75, delete line 29

Page 75, line 30, delete everything before "this"

Page 75, line 31, after "before" insert ", on, or after"

Page 76, line 19, after "revenue" insert a comma

Page 77, line 9, after "44" insert ", subdivisions 1 and 3,"

Page 77, lines 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 33, 35, and 36, delete "2000" and insert "2001"

Page 78, lines 2, 4, 6, and 8, delete "2000" and insert "2001"

Page 78, delete line 9 and insert:

"Sections 44, subdivision 2, and 45 are effective July 1, 2001."

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

**Senator Johnson, D.J. from the Committee on Taxes, to which was referred**

**S.F. No. 3768:** A bill for an act relating to taxation; authorizing the commissioner of revenue to enter into agreements with other states to develop a multistate system for sales and use tax collection.

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

Amend the title as follows:

Page 1, line 3, after "into" insert "temporary"

Page 1, line 4, after "a" insert "pilot program for a"

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

**Senator Flynn from the Committee on Transportation, to which was referred**

**S.F. No. 2785:** A bill for an act relating to motor vehicles; exempting utility-owned vehicles from certain weight restrictions; amending Minnesota Statutes 1998, section 169.825, by adding a subdivision.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 169.825, is amended by adding a subdivision to read:

Subd. 17. [APPLICATION TO UTILITY VEHICLE.] This section does not apply to a utility vehicle that does not exceed a weight of 20,000 pounds per axle and is owned by:

(1) a public utility, as defined in section 216B.02;

(2) a municipality or municipal utility that operates that vehicle for its municipal electric, gas, or water system; and

(3) a cooperative electric association organized under chapter 308A.

Sec. 2. Minnesota Statutes 1998, section 169.87, is amended by adding a subdivision to read:

Subd. 5. [UTILITY VEHICLES.] Weight restrictions imposed by the commissioner under subdivision 1 do not apply to a two-axle or three-axle utility vehicle that does not exceed a weight of 20,000 pounds per single axle and 36,000 pounds gross vehicle weight for a two-axle vehicle or 48,000 pounds gross vehicle weight for a three-axle vehicle, if the vehicle is owned by:

(1) a public utility as defined in section 216B.02;

(2) a municipality or municipal utility that operates the vehicle for its municipal electric, gas, or water system; or

(3) a cooperative electric association organized under chapter 308A.

The exemption in this subdivision applies only when the vehicle is performing service restoration or other work necessary to prevent an imminent loss of service.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment and are repealed June 1, 2003."

Delete the title and insert:

"A bill for an act relating to motor vehicles; exempting utility-owned vehicles from certain weight restrictions; amending Minnesota Statutes 1998, sections 169.825, by adding a subdivision; and 169.87, by adding a subdivision."

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

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 3053** for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
3053	2508				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 3053 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 3053 and insert the language after the enacting clause of S.F. No. 2508, the first engrossment; further, delete the title of H.F. No. 3053 and insert the title of S.F. No. 2508, the first engrossment.

And when so amended H.F. No. 3053 will be identical to S.F. No. 2508, and further recommends that H.F. No. 3053 be given its second reading and substituted for S.F. No. 2508, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

### **SECOND READING OF SENATE BILLS**

S.F. Nos. 3286, 3441, 2858, 2701, 3701, 3234, 3423, 3169, 3216, 3091, 3768 and 2785 were read the second time.

### **SECOND READING OF HOUSE BILLS**

H.F. No. 3053 was read the second time.

### **MOTIONS AND RESOLUTIONS**

Senator Wiener moved that the name of Senator Hanson be added as a co-author to S.F. No. 1837. The motion prevailed.

Senator Dille moved that his name be stricken as a co-author to S.F. No. 3156. The motion prevailed.

Senator Olson moved that her name be stricken as a co-author to S.F. No. 3278. The motion prevailed.

Senator Olson moved that her name be stricken as a co-author to S.F. No. 3391. The motion prevailed.

Senator Lourey moved that the name of Senator Frederickson be added as a co-author to S.F. No. 3574. The motion prevailed.

Senator Olson moved that the name of Senator Ourada be added as a co-author to S.F. No. 3710. The motion prevailed.

Senator Solon moved that S.F. No. 1038, No. 90 on General Orders, be stricken and re-referred to the Committee on Human Resources Finance. 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:

S.F. No. 2569: Senators Scheid, Hottinger and Kleis.

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

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Senators Dille and Sams introduced--**

**S.F. No. 3789:** A bill for an act relating to health; regulating mental health coverage; requiring coverage for social anxiety disorder; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Commerce.

#### **Senators Belanger, Olson, Runbeck, Pariseau and Scheevel introduced--**

**S.F. No. 3790:** A bill for an act relating to property taxation; reducing class rates; modifying the education homestead credit and the education agricultural credit; changing limited market value; changing the calculation of levy limits to eliminate the deduction for certain mining tax distributions; extending levy limits; amending Minnesota Statutes 1998, section 275.72, subdivision 1; Minnesota Statutes 1999 Supplement, sections 273.11, subdivision 1a; 273.13, subdivisions 22, 23, 24, 25, and 31; 273.1382, subdivisions 1, 1a, and 1b; and 275.71, subdivisions 2, 3, and 4; repealing Minnesota Statutes 1999 Supplement, section 273.13, subdivision 24a.

Referred to the Committee on Local and Metropolitan Government.

#### **Senators Scheid; Hottinger; Johnson, D.J. and Marty introduced--**

**S.F. No. 3791:** A bill for an act relating to individual income taxation; allowing taxpayers filing electronically to designate the use of a portion of their tax liability; amending Minnesota Statutes 1998, section 290.62; proposing coding for new law in Minnesota Statutes, chapter 290.

Referred to the Committee on Taxes.

#### **Senators Kelly, R.C.; Spear; Neuville; Knutson and Ranum introduced--**

**S.F. No. 3792:** A bill for an act relating to crime prevention; appropriating money for the judicial branch, public safety, criminal justice, crime prevention, public defense, and related purposes; reducing certain past appropriations and transfers; transferring funds; establishing and modifying grant and other programs; establishing guidelines for the administration of battered women's shelter per diem funding by the Minnesota center for crime victim services; allocating correctional fees; enhancing the penalties relating to juvenile prostitution; establishing a capitol complex security oversight committee; creating the Minnesota capitol police department and merging the capitol complex security division into it; authorizing the confinement of juveniles adjudicated delinquent and juveniles convicted of crimes at the same facility; requiring counties to pay one-half rather than the entire per diem cost for certain juvenile offenders; setting per diem cost of confinement at Minnesota correctional facility-Red Wing based on certain factors; requiring courts to commit certain juvenile offenders to the commissioner of corrections; limiting the authority of courts to place certain juvenile offenders in out-of-state facilities; requiring a uniform method of calculating corrections per diems; making changes to the traffic code relating to crossing roadways; making the board of public defense responsible for paying certain costs related to providing a criminal defense and authorizing use of criminal justice aid for this in certain cases; encouraging and providing assistance to implement automated victim notification systems; making various technical changes; requiring reports and studies; amending Minnesota Statutes 1998, sections 169.21, subdivisions 2 and 3; 242.41; 242.43; 242.44; 477A.0121, subdivision 4; 609.322, subdivision 1; 611.21; 611.27, subdivision 5 and by adding a subdivision; and 611A.32, subdivision 5; Minnesota Statutes 1999 Supplement, sections 241.272, subdivision 6; 242.192; and 626.84, subdivision 1; Laws 1999, chapter 216, article 1, sections 7, subdivision 6; and 18; proposing coding for new law in Minnesota Statutes, chapters 169; 241; 242; 260B; 299A; and 611A; proposing coding for new law as Minnesota Statutes, chapter 299N; repealing Minnesota Statutes 1998, sections 168A.40, subdivisions 1, 3, and 4; 299E.01; 299E.02; and 626.88, subdivision 3; Minnesota Statutes 1999 Supplement, section 168A.40, subdivision 2.

Referred to the Committee on Human Resources Finance.

**Senators Johnson, D.E.; Langseth and Ourada introduced--**

**S.F. No. 3793:** A bill for an act relating to transportation; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing state bonds; creating multimodal transportation fund; providing for approval of and payment under supplemental goods or services agreements of the commissioner of transportation; increasing filing fee for vehicle transactions; requiring department of public safety to provide photo identification equipment for driver's license agents; prohibiting certain expenditures from trunk highway fund; authorizing metropolitan council to sell or lease naming rights for light rail transit stations; repealing sunset for provisions authorizing certain vehicle lights; proposing an amendment to the Minnesota Constitution, article XIV, by adding a section; appropriating money and modifying previous appropriations; amending Minnesota Statutes 1998, sections 161.20, subdivision 3; 161.32, by adding a subdivision; 168.33, subdivision 7; 473.39, by adding a subdivision; and 473.405, subdivision 4; Minnesota Statutes 1999 Supplement, section 171.061, subdivision 4; Laws 1999, chapters 216, article 1, sections 1 and 7, subdivisions 1 and 3; 223, article 1, sections 1 and 2, subdivisions 1 and 4; 238, article 1, sections 1, 2, subdivisions 3 and 12, 5, 7, and 93; 241, article 10, section 5, subdivision 2; 245, article 1, sections 1 and 6; and 250, article 1, sections 1 and 2, subdivisions 1 and 4; proposing coding for new law in Minnesota Statutes, chapter 160.

Referred to the Committee on State Government Finance.

**Senators Krentz, Lessard, Price, Frederickson and Pariseau introduced--**

**S.F. No. 3794:** A bill for an act relating to the organization and operation of state government; appropriating money for environmental, natural resources, and agricultural purposes; providing for regulation of certain activities and practices; amending Minnesota Statutes 1998, sections 18E.04, subdivision 4; 85.34, subdivision 1, and by adding subdivisions; 97A.071, subdivision 2; 97A.411, subdivision 1; 97A.421; 97A.475, subdivisions 2, 3, 4, 6, 7, 8, 11, 12, 13, and 20; 97A.485,

subdivision 12; 115B.17, subdivision 19; 297A.44, subdivision 1; Minnesota Statutes 1999 Supplement, sections 97A.075, subdivision 1; 97B.020; Laws 1998, chapter 404, section 7, subdivision 23, as amended; Laws 1999, chapter 231, section 6, as amended; Laws 1999, chapter 231, section 11, subdivision 3; Laws 1999, chapter 231, section 14; proposing coding for new law in Minnesota Statutes, chapters 97A.

Referred to the Committee on State Government Finance.

### **MEMBERS EXCUSED**

Senator Pariseau was excused from the Session of today from 9:00 to 9:50 a.m. Senator Ring was excused from the Session of today from 10:00 to 10:15 a.m.

### **ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Thursday, March 16, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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