

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

THIRTY-EIGHTH DAY

St. Paul, Minnesota, Monday, April 23, 2001

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by Lama Gankar Rimpoche joined by fellow monks.

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

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

| | | | | |
|--------------|-----------------|-----------|------------|-------------|
| Anderson | Higgins | Langseth | Ourada | Scheevel |
| Bachmann | Hottinger | Larson | Pappas | Scheid |
| Belanger | Johnson, Dave | Lesewski | Pariseau | Schwab |
| Berg | Johnson, Dean | Lessard | Pogemiller | Solon |
| Berglin | Johnson, Debbie | Limmer | Price | Stevens |
| Betzold | Johnson, Doug | Lourey | Ranum | Stumpf |
| Chaudhary | Kelley, S.P. | Marty | Reiter | Terwilliger |
| Cohen | Kelly, R.C. | Metzen | Rest | Tomassoni |
| Day | Kierlin | Moe, R.D. | Ring | Vickerman |
| Dille | Kinkel | Murphy | Robertson | Wiener |
| Fischbach | Kiscaden | Neuville | Robling | Wiger |
| Foley | Kleis | Oliver | Sabo | |
| Fowler | Knutson | Olson | Sams | |
| Frederickson | Krentz | Orfield | Samuelson | |

The President declared a quorum present.

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

REPORTS OF COMMITTEES

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

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

H.F. No. 1219 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. |
| 1219 | 1678 |

CONSENT CALENDAR

| | |
|----------|----------|
| H.F. No. | S.F. No. |
|----------|----------|

CALENDAR

| | |
|----------|----------|
| H.F. No. | S.F. No. |
|----------|----------|

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 45, 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. 873 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. |
| 873 | 1126 |

CONSENT CALENDAR

| | |
|----------|----------|
| H.F. No. | S.F. No. |
|----------|----------|

CALENDAR

| | |
|----------|----------|
| H.F. No. | S.F. No. |
|----------|----------|

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 873 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 873 and insert the language after the enacting clause of S.F. No. 1126, the first engrossment; further, delete the title of H.F. No. 873 and insert the title of S.F. No. 1126, the first engrossment.

And when so amended H.F. No. 873 will be identical to S.F. No. 1126, and further recommends that H.F. No. 873 be given its second reading and substituted for S.F. No. 1126, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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. 1507 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. |
| 1507 | 1572 |

CONSENT CALENDAR

| | |
|----------|----------|
| H.F. No. | S.F. No. |
|----------|----------|

CALENDAR

| | |
|----------|----------|
| H.F. No. | S.F. No. |
|----------|----------|

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1507 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1507 and insert the language after the enacting clause of S.F. No. 1572, the first engrossment; further, delete the title of H.F. No. 1507 and insert the title of S.F. No. 1572, the first engrossment.

And when so amended H.F. No. 1507 will be identical to S.F. No. 1572, and further recommends that H.F. No. 1507 be given its second reading and substituted for S.F. No. 1572, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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. 1192 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. |
| 1192 | 1979 | | | | |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1192 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1192 and insert the language after the enacting clause of S.F. No. 1979, the first engrossment; further, delete the title of H.F. No. 1192 and insert the title of S.F. No. 1979, the first engrossment.

And when so amended H.F. No. 1192 will be identical to S.F. No. 1979, and further recommends that H.F. No. 1192 be given its second reading and substituted for S.F. No. 1979, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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. 779 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. |
| 779 | 823 | | | | |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 779 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 779 and insert the language after the enacting clause of S.F. No. 823, the first engrossment; further, delete the title of H.F. No. 779 and insert the title of S.F. No. 823, the first engrossment.

And when so amended H.F. No. 779 will be identical to S.F. No. 823, and further recommends that H.F. No. 779 be given its second reading and substituted for S.F. No. 823, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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. 1487 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. |
| 1487 | 1346 | | | | |

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1487 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1487 and insert the language after the enacting clause of S.F. No. 1346, the first engrossment; further, delete the title of H.F. No. 1487 and insert the title of S.F. No. 1346, the first engrossment.

And when so amended H.F. No. 1487 will be identical to S.F. No. 1346, and further recommends that H.F. No. 1487 be given its second reading and substituted for S.F. No. 1346, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, 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 HOUSE BILLS

H.F. Nos. 1219, 873, 1507, 1192, 779 and 1487 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Chaudhary moved that the name of Senator Marty be added as a co-author to S.F. No. 2157. The motion prevailed.

SPECIAL ORDERS

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

S.F. No. 1441, H.F. No. 1637, S.F. Nos. 1397, 1155, 1964, 103, 673, 564, 1392, 1407, 1447, 834, 1826 and H.F. No. 285.

SPECIAL ORDER

S.F. No. 1441: A bill for an act relating to local government; providing a limited exemption for attendees at a national or international conference or event; amending Minnesota Statutes 2000, section 471.895, subdivision 3.

Senator Marty moved to amend S.F. No. 1441 as follows:

Page 2, line 5, after "given" insert "or offered"

Page 2, delete lines 9 to 13 and insert:

"(3) by a national or multistate organization of governmental organizations or public officials, if a majority of the dues to the organization are paid from public funds, to attendees at a conference sponsored by that organization, if the gift is food or a beverage given at a reception or meal and an equivalent gift is given or offered to all other attendees."

Amend the title as follows:

Page 1, line 3, delete "national or international"

The motion prevailed. So the amendment was adopted.

S.F. No. 1441 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 61 and nays 4, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------------|-----------|------------|-------------|
| Anderson | Hottinger | Larson | Pappas | Scheid |
| Berg | Johnson, Dave | Lesewski | Pariseau | Schwab |
| Berglin | Johnson, Dean | Lessard | Pogemiller | Solon |
| Betzold | Johnson, Debbie | Lourey | Price | Stumpf |
| Chaudhary | Johnson, Doug | Marty | Ranum | Terwilliger |
| Cohen | Kelley, S.P. | Metzen | Reiter | Tomassoni |
| Day | Kelly, R.C. | Moe, R.D. | Rest | Vickerman |
| Dille | Kierlin | Murphy | Ring | Wiener |
| Fischbach | Kinkel | Neuville | Robertson | Wiger |
| Foley | Kiscaden | Oliver | Robling | |
| Fowler | Knutson | Olson | Sabo | |
| Frederickson | Krentz | Orfield | Sams | |
| Higgins | Langseth | Ourada | Samuelson | |

Those who voted in the negative were:

| | | | |
|----------|-------|----------|---------|
| Bachmann | Kleis | Scheevel | Stevens |
|----------|-------|----------|---------|

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

SPECIAL ORDER

H.F. No. 1637: A bill for an act relating to counties; repealing provisions requiring licensing of hawkers and peddlers by counties; repealing Minnesota Statutes 2000, sections 329.02; 329.03; 329.04; 329.05; 329.06; 329.07; 329.08; 329.09.

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 | Ourada | Samuelson |
| Bachmann | Hottinger | Langseth | Pappas | Scheevel |
| Berg | Johnson, Dave | Larson | Pariseau | Scheid |
| Berglin | Johnson, Dean | Lesewski | Pogemiller | Schwab |
| Betzold | Johnson, Debbie | Lessard | Price | Solon |
| Chaudhary | Johnson, Doug | Lourey | Ranum | Stevens |
| Cohen | Kelley, S.P. | Marty | Reiter | Stumpf |
| Day | Kelly, R.C. | Metzen | Rest | Terwilliger |
| Dille | Kierlin | Moe, R.D. | Ring | Tomassoni |
| Fischbach | Kinkel | Murphy | Robertson | Vickerman |
| Foley | Kiscaden | Neuville | Robling | Wiener |
| Fowler | Kleis | Olson | Sabo | Wiger |
| Frederickson | Knutson | Orfield | Sams | |

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1397: A bill for an act relating to health and human services; changing requirements to background studies for licensed programs; amending Minnesota Statutes 2000, sections 13.46, subdivision 4; 144.057; 245A.02, subdivisions 1, 9, by adding a subdivision; 245A.03, subdivision 2, by adding a subdivision; 245A.035, subdivision 1; 245A.04, subdivisions 3, 3a, 3b, 3d, 6, 11, by adding a subdivision; 245A.06, subdivision 6; 245A.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Rules, parts 9543.3000; 9543.3010; 9543.3020; 9543.3030; 9543.3040; 9543.3050; 9543.3060; 9543.3080; 9543.3090.

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 | Higgins | Langseth | Pappas | Scheid |
| Bachmann | Hottinger | Larson | Pariseau | Schwab |
| Belanger | Johnson, Dave | Lesewski | Pogemiller | Solon |
| Berg | Johnson, Dean | Lessard | Price | Stevens |
| Berglin | Johnson, Debbie | Lourey | Ranum | Stumpf |
| Betzold | Johnson, Doug | Marty | Reiter | Terwilliger |
| Chaudhary | Kelley, S.P. | Metzen | Rest | Tomassoni |
| Cohen | Kelly, R.C. | Moe, R.D. | Ring | Vickerman |
| Day | Kierlin | Murphy | Robertson | Wiener |
| Dille | Kinkel | Neuville | Robling | Wiger |
| Fischbach | Kiscaden | Oliver | Sabo | |
| Foley | Kleis | Olson | Sams | |
| Fowler | Knutson | Orfield | Samuelson | |
| Frederickson | Krentz | Ourada | Scheevel | |

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1155: A bill for an act relating to traffic regulations; modifying width limitations on recreational equipment; prescribing maximum length of motor homes; amending Minnesota Statutes 2000, sections 169.80, subdivision 2; and 169.81, 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 | Frederickson | Knutson | Olson | Sams |
| Bachmann | Higgins | Krentz | Orfield | Samuelson |
| Belanger | Hottinger | Langseth | Ourada | Scheevel |
| Berg | Johnson, Dave | Larson | Pappas | Scheid |
| Berglin | Johnson, Dean | Lesewski | Pariseau | Schwab |
| Betzold | Johnson, Debbie | Lessard | Pogemiller | Solon |
| Chaudhary | Johnson, Doug | Lourey | Price | Stevens |
| Cohen | Kelley, S.P. | Marty | Ranum | Stumpf |
| Day | Kelly, R.C. | Metzen | Rest | Terwilliger |
| Dille | Kierlin | Moe, R.D. | Ring | Tomassoni |
| Fischbach | Kinkel | Murphy | Robertson | Vickerman |
| Foley | Kiscaden | Neuville | Robling | Wiger |
| Fowler | Kleis | Oliver | Sabo | |

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1964: A bill for an act relating to insurance; regulating the life and health guaranty association; modifying coverages; assessments; rights and duties; amending Minnesota Statutes 2000, sections 61B.19, subdivisions 2, 3, 4, 5; 61B.20, subdivisions 1, 14, 15, 16, 17, 18, by adding subdivisions; 61B.22, subdivision 3; 61B.23, subdivisions 3, 4, 11, 12, 13, by adding subdivisions; 61B.24, subdivisions 4, 5, by adding subdivisions; 61B.26; 61B.27; 61B.28, subdivisions 1, 3, by adding a subdivision; 61B.29.

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 | Frederickson | Knutson | Ourada | Samuelson |
| Bachmann | Higgins | Krentz | Pappas | Scheevel |
| Belanger | Hottinger | Langseth | Pariseau | Scheid |
| Berg | Johnson, Dave | Larson | Pogemiller | Schwab |
| Berglin | Johnson, Dean | Lesewski | Price | Solon |
| Betzold | Johnson, Debbie | Lessard | Ranum | Stevens |
| Chaudhary | Johnson, Doug | Lourey | Reiter | Stumpf |
| Cohen | Kelley, S.P. | Metzen | Rest | Terwilliger |
| Day | Kelly, R.C. | Moe, R.D. | Ring | Tomassoni |
| Dille | Kierlin | Neuville | Robertson | Vickerman |
| Fischbach | Kinkel | Oliver | Robling | Wiener |
| Foley | Kiscaden | Olson | Sabo | Wiger |
| Fowler | Kleis | Orfield | Sams | |

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 103: A bill for an act relating to crimes; permitting a court to order suspension of a driver's license for a period of up to one year if defendant was convicted or adjudicated delinquent for theft of gasoline; amending Minnesota Statutes 2000, section 609.52, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 171.

Senator Larson moved to amend S.F. No. 103 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [332.505] [CIVIL LIABILITY FOR RECEIVING MOTOR FUEL WITHOUT PAYING.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

- (1) "motor fuel" means a liquid, regardless of its properties, used to propel a vehicle;
- (2) "retailer" means a person that sells motor fuel at retail; and
- (3) "vehicle" means a motor vehicle or watercraft that is self-propelled and that uses motor fuel for propulsion.

Subd. 2. [ACTS CONSTITUTING.] (a) The owner of a vehicle that receives motor fuel that was not paid for is liable to the retailer for the price of the motor fuel received and a service charge of up to \$20, or the actual costs of collection not to exceed \$30. This charge may be imposed upon the mailing of the notice under subdivision 3, if notice of the service charge was conspicuously displayed on the premises from which the motor fuel was received. The notice must include a statement that civil penalties will be imposed if payment is not received within 30 days. Only one service charge may be imposed under this paragraph for each incident.

(b) If the price of the motor fuel received is not paid within 30 days after the retailer has mailed notice under subdivision 3, the owner is liable to the retailer for the price of the motor fuel received, the service charge as provided in paragraph (a), plus a civil penalty not to exceed \$100 or the price of the motor fuel, whichever is greater. The civil penalty may not be imposed until 30 days after the mailing of the notice under subdivision 3.

Subd. 3. [NOTICE OF NONPAYMENT.] Notice of nonpayment that includes a citation to this section and a description of the penalties contained in it shall be sent by the retailer to the owner by regular mail, supported by an affidavit of service by mailing, to the address indicated by records on the vehicle under section 86B.401 or 168.346. The notice must include a signed

statement by the employee who reported the act describing what the employee observed and the license number of the motor vehicle, if known. Failure of the owner to receive a notice is not a defense to liability under this section.

An affidavit of service by mailing must be retained by the retailer.

Subd. 4. [NOTICE OF DISPUTE.] If, within the 30-day period referred to in subdivision 2, paragraph (b), the owner sends written notice to the retailer disputing the retailer's claim that the owner received motor fuel from the retailer without paying for it, the retailer may collect the price of the motor fuel and the civil penalties imposed by this section only pursuant to a judgment rendered by a court of competent jurisdiction.

Upon receipt of the notice, the retailer shall cease all collection efforts.

Sec. 2. [EFFECTIVE DATE; APPLICATION.]

Section 1 is effective August 1, 2001, for causes of action arising on or after that date."

Delete the title and insert:

"A bill for an act relating to civil actions; providing civil remedies for receiving motor fuel from a motor fuel retail business without paying for it; proposing coding for new law in Minnesota Statutes, chapter 332."

The motion prevailed. So the amendment was adopted.

S.F. No. 103 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------------|-----------|------------|-------------|
| Anderson | Frederickson | Krentz | Ourada | Samuelson |
| Bachmann | Higgins | Langseth | Pappas | Scheevel |
| Belanger | Hottinger | Larson | Pariseau | Scheid |
| Berg | Johnson, Dave | Lesewski | Pogemiller | Schwab |
| Berglin | Johnson, Dean | Lessard | Price | Solon |
| Betzold | Johnson, Debbie | Lourey | Ranum | Stevens |
| Chaudhary | Johnson, Doug | Metzen | Reiter | Stumpf |
| Cohen | Kelley, S.P. | Moe, R.D. | Rest | Terwilliger |
| Day | Kelly, R.C. | Murphy | Ring | Tomassoni |
| Dille | Kierlin | Neuville | Robertson | Vickerman |
| Fischbach | Kinkel | Oliver | Robling | Wiener |
| Foley | Kleis | Olson | Sabo | Wiger |
| Fowler | Knutson | Orfield | Sams | |

Those who voted in the negative were:

Kiscaden

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

SPECIAL ORDER

S.F. No. 673: A bill for an act relating to civil actions; limiting liability for administering medication to certain mentally ill persons; proposing coding for new law in Minnesota Statutes, chapter 604A.

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 | Frederickson | Krentz | Ourada | Scheevel |
| Bachmann | Higgins | Larson | Pariseau | Scheid |
| Belanger | Hottinger | Lesewski | Pogemiller | Schwab |
| Berg | Johnson, Dave | Lessard | Price | Solon |
| Berglin | Johnson, Dean | Limmer | Ranum | Stevens |
| Betzold | Johnson, Doug | Lourey | Reiter | Stumpf |
| Chaudhary | Kelley, S.P. | Metzen | Rest | Terwilliger |
| Cohen | Kelly, R.C. | Moe, R.D. | Ring | Tomassoni |
| Day | Kierlin | Murphy | Robertson | Vickerman |
| Dille | Kinkel | Neuville | Robling | Wiener |
| Fischbach | Kiscaden | Oliver | Sabo | Wiger |
| Foley | Kleis | Olson | Sams | |
| Fowler | Knutson | Orfield | Samuelson | |

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 564: A bill for an act relating to employment; providing for access to employee assistance records; requiring employee assistance records to be kept separate from personnel records; proposing coding for new law in Minnesota Statutes, chapter 181.

Senator Limmer moved to amend S.F. No. 564 as follows:

Page 3, line 20, delete "actual" and before the period, insert "and reasonable attorney fees"

Senator Ring moved to amend the Limmer amendment to S.F. No. 564 as follows:

Page 1, line 2, delete "delete "actual" and"

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

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

S.F. No. 564 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 63 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------------|----------|-----------|-----------|
| Anderson | Frederickson | Krentz | Orfield | Samuelson |
| Bachmann | Higgins | Langseth | Ourada | Scheevel |
| Belanger | Hottinger | Larson | Pappas | Scheid |
| Berg | Johnson, Dave | Lesewski | Pariseau | Schwab |
| Berglin | Johnson, Debbie | Lessard | Price | Solon |
| Betzold | Johnson, Doug | Limmer | Ranum | Stevens |
| Chaudhary | Kelley, S.P. | Lourey | Reiter | Stumpf |
| Cohen | Kelly, R.C. | Marty | Rest | Tomassoni |
| Day | Kierlin | Metzen | Ring | Vickerman |
| Dille | Kinkel | Murphy | Robertson | Wiener |
| Fischbach | Kiscaden | Neuville | Robling | Wiger |
| Foley | Kleis | Oliver | Sabo | |
| Fowler | Knutson | Olson | Sams | |

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

SPECIAL ORDER

S.F. No. 1392: A bill for an act relating to economic development; creating Northern Technology Initiative, Inc.; proposing coding for new law as Minnesota Statutes, chapter 116T.

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 2, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------------|----------|-----------|-----------|
| Anderson | Frederickson | Knutson | Orfield | Samuelson |
| Belanger | Higgins | Krentz | Ourada | Scheevel |
| Berg | Hottinger | Langseth | Pappas | Scheid |
| Berglin | Johnson, Dean | Lesewski | Pariseau | Schwab |
| Betzold | Johnson, Debbie | Lessard | Price | Solon |
| Chaudhary | Johnson, Doug | Limmer | Ranum | Stevens |
| Cohen | Kelley, S.P. | Lourey | Rest | Stumpf |
| Day | Kelly, R.C. | Metzen | Ring | Tomassoni |
| Dille | Kierlin | Murphy | Robertson | Wiener |
| Fischbach | Kinkel | Neuville | Robling | Wiger |
| Foley | Kiscaden | Oliver | Sabo | |
| Fowler | Kleis | Olson | Sams | |

Those who voted in the negative were:

| | |
|----------|--------|
| Bachmann | Reiter |
|----------|--------|

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1407: A bill for an act relating to human services; modifying provisions in health care access programs; amending Minnesota Statutes 2000, sections 245B.02, by adding a subdivision; 245B.03, subdivision 1; 252.28, subdivisions 3a and 3b; 256B.056, subdivisions 1a, 4, and 5a; 256B.0595, subdivisions 1 and 2; 256B.0625, subdivision 9; 256B.0635, subdivision 1; 256B.071, subdivision 2; 256B.094, subdivisions 6 and 8; 256B.5013, subdivision 1; 256B.69, subdivision 3a; 256D.03, subdivision 3; and 256L.15, subdivision 1a; Laws 1996, chapter 451, article 2, sections 61 and 62; repealing Minnesota Statutes 2000, section 256B.071, subdivision 5; Laws 1995, chapter 178, article 2, section 46, subdivision 10; Laws 1996, chapter 451, article 2, sections 12, 14, 16, 18, 29, and 30.

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 | Frederickson | Langseth | Ourada | Scheevel |
| Bachmann | Higgins | Larson | Pappas | Scheid |
| Belanger | Hottinger | Lesewski | Pariseau | Schwab |
| Berg | Johnson, Dean | Lessard | Price | Solon |
| Berglin | Johnson, Debbie | Limmer | Ranum | Stevens |
| Betzold | Johnson, Doug | Lourey | Reiter | Stumpf |
| Chaudhary | Kelley, S.P. | Marty | Rest | Tomassoni |
| Cohen | Kierlin | Metzen | Ring | Vickerman |
| Day | Kinkel | Murphy | Robertson | Wiener |
| Dille | Kiscaden | Neuville | Robling | Wiger |
| Fischbach | Kleis | Oliver | Sabo | |
| Foley | Knutson | Olson | Sams | |
| Fowler | Krentz | Orfield | Samuelson | |

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1447: A bill for an act relating to children; requiring notice to parents and employees when a Head Start program or child care center plans to use certain pesticides; amending Minnesota Statutes 2000, section 121A.30.

Senator Ring moved to amend S.F. No. 1447 as follows:

Page 4, after line 31, insert:

"Subd. 11a. [CHILD CARE CENTER.] For the purposes of this section, "child care center" means a center as defined in Minnesota Rules, part 9503.0005, subpart 5."

The motion prevailed. So the amendment was adopted.

S.F. No. 1447 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 58 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------------|----------|-----------|-----------|
| Anderson | Hottinger | Larson | Pappas | Scheevel |
| Bachmann | Johnson, Dean | Lesewski | Pariseau | Scheid |
| Belanger | Johnson, Debbie | Lessard | Price | Schwab |
| Berg | Johnson, Doug | Limmer | Ranum | Solon |
| Berglin | Kelley, S.P. | Lourey | Reiter | Stevens |
| Betzold | Kierlin | Marty | Rest | Stumpf |
| Chaudhary | Kinkel | Metzen | Ring | Tomassoni |
| Day | Kiscaden | Neuville | Robertson | Vickerman |
| Foley | Kleis | Oliver | Robling | Wiener |
| Fowler | Knutson | Olson | Sabo | Wiger |
| Frederickson | Krentz | Orfield | Sams | |
| Higgins | Langseth | Ourada | Samuelson | |

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

SPECIAL ORDER

S.F. No. 834: A bill for an act relating to the iron range resources and rehabilitation board; regulating board membership; amending Minnesota Statutes 2000, section 298.22, 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 62 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|-----------|-----------------|----------|-----------|-----------|
| Anderson | Frederickson | Krentz | Orfield | Scheevel |
| Bachmann | Higgins | Langseth | Ourada | Scheid |
| Belanger | Hottinger | Larson | Pappas | Schwab |
| Berg | Johnson, Dean | Lesewski | Pariseau | Solon |
| Berglin | Johnson, Debbie | Lessard | Price | Stevens |
| Betzold | Johnson, Doug | Limmer | Reiter | Stumpf |
| Chaudhary | Kelley, S.P. | Lourey | Rest | Tomassoni |
| Cohen | Kelly, R.C. | Marty | Ring | Vickerman |
| Day | Kierlin | Metzen | Robertson | Wiener |
| Dille | Kinkel | Murphy | Robling | Wiger |
| Fischbach | Kiscaden | Neuville | Sabo | |
| Foley | Kleis | Oliver | Sams | |
| Fowler | Knutson | Olson | Samuelson | |

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 1826: A bill for an act relating to insurance; providing qualifications and procedures for the licensing of insurance producers; prescribing a criminal penalty; making conforming changes; amending Minnesota Statutes 2000, sections 13.7191, subdivision 6; 43A.317, subdivision 12; 60A.02, subdivision 7; 60A.14; 60A.171, subdivision 1; 60A.198, subdivision 3; 62A.41, subdivision 4; 62C.17, subdivision 5; 62D.22, subdivision 8; 62H.10, subdivision 4; 62L.12, subdivision 3; 62S.30; 64B.33; 65B.09, subdivision 1; 72A.07; 72A.125, subdivision 2; 72A.201, subdivision 3; 270B.07, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 60K; repealing Minnesota Statutes 2000, sections 60K.01; 60K.02; 60K.03; 60K.04; 60K.05; 60K.06; 60K.07; 60K.081; 60K.09; 60K.10; 60K.11; 60K.12; 60K.13; 60K.14; 60K.15; 60K.16; 60K.17; 60K.18; 60K.19; 60K.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 | Frederickson | Knutson | Oliver | Sams |
| Bachmann | Higgins | Krentz | Olson | Samuelson |
| Belanger | Hottinger | Langseth | Orfield | Scheevel |
| Berg | Johnson, Dave | Larson | Ourada | Scheid |
| Berglin | Johnson, Dean | Lesewski | Pappas | Schwab |
| Betzold | Johnson, Debbie | Lessard | Pariseau | Solon |
| Chaudhary | Johnson, Doug | Limmer | Pogemiller | Stevens |
| Cohen | Kelley, S.P. | Lourey | Price | Terwilliger |
| Day | Kelly, R.C. | Marty | Reiter | Tomassoni |
| Dille | Kierlin | Metzen | Rest | Vickerman |
| Fischbach | Kinkel | Moe, R.D. | Ring | Wiener |
| Foley | Kiscaden | Murphy | Robertson | Wiger |
| Fowler | Kleis | Neuville | Robling | |

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 285: A bill for an act relating to liens; regulating agricultural liens; revising and consolidating crop liens and agricultural liens on livestock; amending Minnesota Statutes 2000, section 514.19; proposing coding for new law in Minnesota Statutes, chapter 514; repealing Minnesota Statutes 2000, sections 514.23; 514.24; 514.25; 514.26; 514.27; 514.28; 514.29; 514.30; 514.31; 514.32; 514.33; 514.34; 514.62; 514.63; 514.65; 514.66; 514.92; 514.950; 514.952; 514.954; 514.956; 514.958; 514.959; 514.960; 557.12; and 559.2091; Minnesota Rules, parts 8271.0010; 8271.0020; 8271.0030; 8271.0040; 8271.0050; 8271.0060; 8271.0070; 8271.0080; 8271.0090; 8271.0100; 8271.0200; 8271.0300; and 8271.0350.

Senator Murphy moved to amend H.F. No. 285 as follows:

Page 10, line 6, delete "section 514.954, subdivision 2" and insert "paragraph (a)"

The motion prevailed. So the amendment was adopted.

H.F. No. 285 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------------|-----------|------------|-------------|
| Anderson | Higgins | Langseth | Ourada | Scheevel |
| Bachmann | Hottinger | Larson | Pappas | Scheid |
| Belanger | Johnson, Dave | Lesewski | Pariseau | Schwab |
| Berg | Johnson, Dean | Lessard | Pogemiller | Solon |
| Berglin | Johnson, Debbie | Limmer | Price | Stumpf |
| Betzold | Johnson, Doug | Lourey | Ranum | Terwilliger |
| Chaudhary | Kelley, S.P. | Marty | Reiter | Tomassoni |
| Cohen | Kelly, R.C. | Metzen | Rest | Vickerman |
| Day | Kierlin | Moe, R.D. | Ring | Wiener |
| Dille | Kinkel | Murphy | Robertson | Wiger |
| Fischbach | Kiscaden | Neuville | Robling | |
| Foley | Kleis | Oliver | Sabo | |
| Fowler | Knutson | Olson | Sams | |
| Frederickson | Krentz | Orfield | Samuelson | |

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pappas moved that S.F. No. 866 be taken from the table. The motion prevailed.

S.F. No. 866: A bill for an act relating to education; providing for family and early childhood education, children and family support programs, prevention, and self-sufficiency and lifelong learning; providing for kindergarten through grade 12 general education, education excellence, special programs, facilities and technology, libraries; and advisory committees and miscellaneous kindergarten through grade 12 education provisions; providing for rulemaking; repealing, modifying, and expanding certain provisions of the kindergarten through grade 12 education code; amending Minnesota Statutes 2000, sections 13.319, by adding a subdivision; 13.32, subdivision 3; 13.43, by adding a subdivision; 13.46, subdivision 2; 16B.616, subdivision 4; 119A.05, subdivision 2; 119A.15, subdivision 5a; 119A.43, subdivisions 1, 11; 119B.011, subdivisions 7, 19; 119B.02, subdivision 1, by adding a subdivision; 119B.26; 120A.22, subdivision 7; 120B.11, subdivision 5; 120B.22, subdivision 1; 120B.30, 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.24, subdivision 3; 122A.25, by adding a subdivision; 122A.31, subdivision 2; 122A.40, subdivisions 5, 8, 19; 122A.41, subdivisions 7, 13, 15, by adding a subdivision; 122A.51; 122A.58, subdivision 1; 122A.60, subdivision 1; 122A.64; 122A.68, subdivisions 1, 7; 122A.69; 122A.70, subdivision 2; 122A.91; 122A.92; 123A.06, subdivision 1; 123A.442, subdivision 2; 123B.02, subdivisions 1, 2, 3; 123B.04, subdivisions 2, 5; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.147; 123B.36, subdivision 1; 123B.42, subdivision 3; 123B.43; 123B.44, subdivision 6; 123B.445; 123B.49, subdivision 1; 123B.51, subdivisions 1, 5; 123B.71, subdivisions 1, 4, 8, 9; 123B.73, subdivision 1; 123B.75, subdivision 5, by adding a subdivision; 123B.83, subdivision 1; 123B.90, subdivision 2; 123B.91, subdivision 1; 124D.02, subdivision 1; 124D.03, subdivisions 3, 4; 124D.09, subdivisions 5, 6, 7, 12; 124D.10, subdivisions 1, 4, 6, 8, 15, 19; 124D.115, subdivision 3; 124D.118, subdivisions 2, 3; 124D.28, subdivision 1; 124D.30, subdivision 3; 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, 3; 124D.59, subdivision 2; 124D.65, subdivision 6; 124D.74, subdivision 1; 124D.80, subdivisions 1, 2, 3; 124D.84, subdivision 1; 124D.88, subdivision 2; 124D.892; 124D.894; 124D.94, subdivisions 2, 4; 125A.023, subdivision 4; 125A.027, by adding a subdivision; 125A.09, subdivision 11; 125A.11, subdivision 3; 125A.27, subdivision 15; 125A.28; 125A.515; 125A.76, subdivisions 1, 2; 125B.05, subdivisions 1, 2; 125B.20, subdivisions 1, 4; 126C.05, subdivision 1; 126C.10, subdivisions 1, 9; 126C.17, subdivisions 1, 6, 9, 10, 11; 126C.23, subdivision 5; 126C.31; 126C.41, subdivision 3; 126C.43, subdivision 3; 126C.48, subdivision 8; 127A.05, subdivisions 1, 3; 127A.06; 127A.30; 127A.41, subdivisions 5, 7; 127A.42; 127A.50, subdivision 2; 129C.10, subdivision 3; 134.31, subdivision 5; 179A.20, subdivision 3; 256.045, subdivision 3b; 626.556, subdivisions 2, 3, 4, 7, 10, 10b, 10d, 10e, 10i, 10j, 11; Laws 2000, chapter 489, article 2, section 39, subdivision 2; Laws 2000, chapter 489, article 3, section 25, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 2000, sections

119A.43, subdivision 6; 120B.10; 120B.11, subdivisions 3, 4, 7; 120B.24; 121A.03, subdivision 3; 121A.16; 121A.32, subdivisions 2, 4, 5; 121A.41, subdivision 3; 122A.19, subdivision 2; 122A.32; 122A.33; 122A.40, subdivision 6; 122A.42; 122A.52; 122A.53; 122A.71; 122A.72; 122A.75; 123A.06, subdivision 3; 123A.07; 123A.15, subdivision 1; 123A.35; 123A.36; 123A.37; 123A.38; 123A.39, subdivisions 1, 2, 4; 123A.40; 123A.41, subdivisions 1, 4; 123A.43; 123B.02, subdivisions 5, 6, 9, 10, 11, 13, 16; 123B.04, subdivision 4; 123B.11; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.40; 123B.51, subdivisions 2, 3, 4; 123B.71, subdivisions 3, 10; 123B.744; 123B.84; 123B.87; 123B.88, subdivisions 11, 12, 13, 18, 20, 21, 22; 123B.93; 123B.95, subdivision 3; 124D.02, subdivisions 2, 3, 4; 124D.06; 124D.07; 124D.081, subdivision 1; 124D.09, subdivisions 2, 8, 25, 26; 124D.10, subdivision 13; 124D.115, subdivisions 1, 2; 124D.118, subdivision 1; 124D.12; 124D.121; 124D.122; 124D.123; 124D.124; 124D.125; 124D.126; 124D.127; 124D.128, subdivisions 1, 3, 5, 6; 124D.23, subdivision 9; 124D.31; 124D.34, subdivision 5; 124D.43; 124D.46, subdivision 3; 124D.47, subdivision 1; 124D.50, subdivisions 1, 2, 3; 124D.60, subdivision 3; 124D.65, subdivisions 8, 9, 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; 125B.02; 125B.07, subdivisions 1, 3, 5; 125B.09; 125B.11; 126C.01, subdivision 10; 126C.10, subdivisions 12, 23; 126C.16, subdivision 2; 126C.17, subdivision 12; 126C.18; 126C.22; 126C.42, subdivisions 2, 3; 126C.47; 127A.05, subdivision 5; 127A.41, subdivision 4; 127A.44; Minnesota Rules, parts 3501.0280, subpart 3; 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.

Senator Wiger moved to amend S.F. No. 866 as follows:

Page 28, after line 3, insert:

"Section 1. Minnesota Statutes 2000, section 120B.11, subdivision 2, is amended to read:

Subd. 2. [ADOPTING POLICIES.] (a) A school board shall adopt annually a written policy that includes the following:

- (1) district goals for instruction and curriculum;
- (2) a process for evaluating each student's progress toward meeting graduation standards and identifying the strengths and weaknesses of instruction and curriculum affecting students' progress;
- (3) a system for periodically reviewing all instruction and curriculum;
- (4) a plan for improving instruction and curriculum; and
- (5) an instruction plan that includes education effectiveness processes developed under section 122A.625 and integrates instruction, curriculum, and technology; and
- (6) a process for screening each student for reading skills no later than the end of first grade and prescribing intervention methods or programs for students identified as needing reading intervention according to section 120B.12.

[EFFECTIVE DATE.] This section is effective July 1, 2002.

Sec. 2. [120B.12] [READING INTERVENTION.]

Subdivision 1. [LITERACY GOAL.] The legislature seeks to have Minnesota's children able to read no later than the end of second grade.

Subd. 2. [IDENTIFICATION.] For the 2002-2003 school year and later, each school district shall identify before the end of first grade students who are at risk of not learning to read before the end of second grade. The district must use a locally adopted assessment method.

Subd. 3. [INTERVENTION.] For each student identified under subdivision 2, the district shall

provide a reading intervention method or program to assist the student in reaching the goal of learning to read no later than the end of second grade. District intervention methods shall encourage parental involvement and, where possible, collaboration with appropriate school and community programs. Intervention methods may include, but are not limited to, requiring attendance in summer school and intensified reading instruction that may require that the student be removed from the regular classroom for part of the school day.

Subd. 4. [STAFF DEVELOPMENT.] Each district shall identify the staff development needs to ensure that:

(1) elementary teachers are able to implement comprehensive, scientifically based, and balanced reading instruction programs that have resulted in improved student performance;

(2) elementary teachers who are instructing students identified under subdivision 2 are prepared to teach using the intervention methods or programs selected by the district for the identified students; and

(3) all licensed teachers employed by the district have regular opportunities to improve reading instruction.

Subd. 5. [COMMISSIONER.] The commissioner shall recommend to districts multiple assessment tools that will assist districts and teachers with identifying students under subdivision 2. The commissioner shall also make available to districts examples of nationally recognized and research-based instructional methods or programs that districts may use to provide reading intervention according to this section.

[EFFECTIVE DATE.] This section is effective July 1, 2002."

Page 30, after line 15, insert:

"Sec. 4. Minnesota Statutes 2000, section 122A.06, is amended by adding a subdivision to read:

Subd. 4. [COMPREHENSIVE, SCIENTIFICALLY BASED, AND BALANCED READING INSTRUCTION.] "Comprehensive, scientifically based, and balanced reading instruction" means instruction and practice in phonemic awareness, phonics and other word recognition skills, and guided oral reading for beginning readers; and extensive silent reading, vocabulary instruction, comprehensive instruction, and instruction that fosters deep understanding and higher order thinking for readers of all ages and proficiency levels.

Sec. 5. Minnesota Statutes 2000, section 122A.09, subdivision 4, is amended to read:

Subd. 4. [LICENSE AND RULES.] (a) The board must adopt rules to license public school teachers and interns subject to chapter 14.

(b) The board must adopt rules requiring a person to successfully complete a skills examination in reading, writing, and mathematics as a requirement for initial teacher licensure. Such rules must require college and universities offering a board approved teacher preparation program to provide remedial assistance to persons who did not achieve a qualifying score on the skills examination, including those for whom English is a second language.

(c) The board must adopt rules to approve teacher preparation programs. The board, upon the request of a post-secondary student preparing for teacher licensure or a licensed graduate of a teacher preparation program, shall assist in resolving a dispute between the person and a post-secondary institution providing a teacher preparation program when the dispute involves an institution's recommendation for licensure affecting the person or the person's credentials. At the board's discretion, assistance may include the application of chapter 14.

(d) The board must provide the leadership and shall adopt rules for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teacher preparation program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes.

(e) The board must adopt rules requiring successful completion of an examination of general pedagogical knowledge and examinations of licensure-specific teaching skills. The rules shall be effective on the dates determined by the board, but not later than September 1, 2001.

(f) The board must adopt rules requiring teacher educators to work directly with elementary or secondary school teachers in elementary or secondary schools to obtain periodic exposure to the elementary or secondary teaching environment.

(g) The board must grant licenses to interns and to candidates for initial licenses.

(h) The board must design and implement an assessment system which requires a candidate for an initial license and first continuing license to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels.

(i) The board must receive recommendations from local committees as established by the board for the renewal of teaching licenses.

(j) The board must grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 122A.20 and 214.10. The board must not establish any expiration date for application for life licenses.

(k) The board must adopt rules that require all licensed teachers who are renewing their continuing license to include in their renewal requirements further preparation in the areas of using positive behavior interventions and in accommodating, modifying, and adapting curricula, materials, and strategies to appropriately meet the needs of individual students and ensure adequate progress toward the state's graduation rule. ~~The rules adopted under this paragraph apply to teachers who renew their licenses in year 2001 and later.~~

(l) In adopting rules to license public school teachers who provide health-related services for disabled children, the board shall adopt rules consistent with license or registration requirements of the commissioner of health and the health-related boards who license personnel who perform similar services outside of the school.

(m) The board must adopt rules that require all licensed teachers who are renewing their continuing licenses to include in their renewal requirements further preparation in the application of comprehensive, scientifically based, and balanced reading instruction programs.

[EFFECTIVE DATE.] This section is effective for teachers who renew their licenses in year 2004 and later.

Sec. 6. Minnesota Statutes 2000, section 122A.18, subdivision 2a, is amended to read:

Subd. 2a. **[READING STRATEGIES.]** (a) All colleges and universities approved by the board of teaching to prepare persons for classroom teacher licensure must include in their teacher preparation programs reading best practices that enable classroom teacher licensure candidates to know how to teach reading, such as phonics or other research-based best practices.

(b) Board-approved teacher preparation programs for teachers of elementary education must require instruction in the application of comprehensive, scientifically based, and balanced reading instruction programs.

[EFFECTIVE DATE.] This section is effective for candidates for initial licensure in year 2004 and later.

Sec. 7. Minnesota Statutes 2000, section 122A.18, is amended by adding a subdivision to read:

Subd. 2b. **[READING SPECIALIST.]** Not later than July 1, 2002, the board of teaching must adopt rules providing for the licensure of teachers of reading."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Olson moved to amend S.F. No. 866 as follows:

Pages 134 and 135, delete section 11

Page 165, line 12, delete "2,"

Page 165, line 16, delete "124D.34, subdivision 5;"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Limmer moved to amend S.F. No. 866 as follows:

Page 27, after line 27, insert:

"Sec. 22. [DISSEMINATION AND CONVEYANCE OF MATERIALS.]

A school district and its employees may not use an enrolled student to convey or disseminate materials regarding the passage of a ballot question relating to bonding or levying by the district, or the passage or defeat of legislation pending in the legislature."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Pappas imposed a call of the Senate for the balance of the proceedings on S.F. No. 866. The Sergeant at Arms was instructed to bring in the absent members.

Senator Neuville moved to amend the Limmer amendment to S.F. No. 866 as follows:

Page 1, line 5, delete "regarding" and insert "advocating" and after "passage" insert "or defeat"

Page 1, line 8, before the period, insert "or the election of any candidate for public office"

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

Senator Limmer withdrew his amendment.

Senator Bachmann moved to amend S.F. No. 866 as follows:

Pages 28 to 30, delete section 1 and insert:

"Section 1. Minnesota Statutes 2000, 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 independent school sites districts must use to meet the requirements contained in this rule. For purposes of this chapter, a school site is a separate facility, or a separate program within a facility that a local school board recognizes as a school site.~~

~~(b) To successfully accomplish paragraph (a), the commissioner shall set in rule high academic standards for all students. The standards must contain the foundational basic skills requirements in the three core curricular areas of reading, writing, and mathematics while meeting requirements are established by Minnesota Rules, parts 3501.0010 to 3501.0180 and 3501.0200 to 3501.0290, and must be completed for public 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 graduation 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.~~

~~(e) The profile of learning contains the following learning areas:~~

- ~~(1) read, listen, and view;~~
- ~~(2) write and speak;~~
- ~~(3) arts and literature;~~
- ~~(4) mathematical concepts and applications;~~
- ~~(5) inquiry and research;~~
- ~~(6) scientific concepts and applications;~~
- ~~(7) social studies;~~
- ~~(8) physical education and lifetime fitness;~~
- ~~(9) economics and business;~~
- ~~(10) world languages; and~~
- ~~(11) technical and vocational education.~~

~~(f) 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.~~

~~(g) Beginning August 31, 2000, the commissioner must publish, including in electronic format for the Internet, a report, by school site, area learning center, and charter school, of:~~

~~(1) the required preparatory content standards;~~

~~(2) the high school content standards required for graduation; and~~

~~(3) the number of student waivers the district, area learning center, or charter school approves under section 120B.031, subdivisions 4, 5, and 6, based on information each district, area learning center, and charter school provides.~~

~~(h) School districts must integrate required and elective content standards in the scope and sequence of the district curriculum.~~

~~(i) School districts are not required to adopt, and students are not required to participate in, specific provisions of the Goals 2000 and the federal School-to-Work programs, the National Assessment of Educational Progress, and title I of the Elementary and Secondary Education Act.~~

Sec. 2. Minnesota Statutes 2000, 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 test, which shall be aligned 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 basic skills tests to students each school year. Only Minnesota basic skills tests in reading, mathematics, and writing shall fulfill students' basic skills testing requirements for a passing state notation. The passing scores of the state tests in reading and mathematics are the equivalent of:~~

~~(1) 70 percent correct for students entering grade 9 in 1996; and~~

~~(2) 75 percent correct for students entering grade 9 in 1997 and thereafter, as based on the first uniform test administration of February 1998.~~

~~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 must 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.~~

~~(e) The commissioner shall report aggregate school site and school district student academic basic skills achievement levels of the current and two immediately preceding school years. The report shall include students' unweighted mean test scores in each tested subject, the unweighted mean test scores of only those students enrolled in the school by January 1 of the previous school year, and the unweighted test scores of all students except those students receiving limited English proficiency instruction. The report also shall record separately, in proximity to the reported performance levels, 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) (c) In addition to the testing and reporting requirements under paragraphs (a), and (b), and~~

~~(e)~~, the commissioner shall include the following components in the statewide public reporting system:

~~(1) uniform statewide testing of all third, fifth, eighth, and post-eighth grade students that provides exemptions, only with parent or guardian approval, 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 for 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, including average daily attendance, high school graduation rates, and high school drop-out rates by age and grade level; and~~

~~(3) (2) students' scores on the American College Test; and~~

~~(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.~~

~~(e) Districts must report exemptions under paragraph (d), clause (1), to the commissioner consistent with a format provided by the commissioner, the Preliminary Scholastic Aptitude Test, and the Scholastic Aptitude Test.~~

Sec. 3. Minnesota Statutes 2000, section 120B.31, subdivision 3, is amended to read:

Subd. 3. [EDUCATIONAL ACCOUNTABILITY.] ~~(a) The independent office of educational accountability, as authorized by Laws 1997, First Special Session chapter 4, article 5, section 28, subdivision 2, is established. The office shall advise the education committees of the legislature and the commissioner of children, families, and learning, at least on a biennial basis, on the degree to which the statewide educational accountability testing and reporting system includes a comprehensive assessment framework that measures school accountability for students achieving the goals described in the state's results-oriented graduation rule. The office shall consider whether the statewide system of educational accountability utilizes multiple indicators to provide valid and reliable comparative and contextual data on students, schools, districts, and the state, and if not, recommend ways to improve the accountability reporting system is revealing student academic achievement.~~

~~(b) When the office reviews the statewide educational accountability and reporting system, it shall also consider:~~

~~(1) the objectivity and neutrality of the state's educational accountability system; and~~

~~(2) the impact of a testing program on school curriculum and student learning."~~

Page 48, after line 23, insert:

"(a) Minnesota Statutes 2000, sections 120B.031; and 120B.31, subdivisions 1, 2, and 4, are repealed.

(b) Minnesota Rules, parts 3501.0300; 3501.0310; 3501.0320; 3501.0330; 3501.0340; 3501.0350; 3501.0370; 3501.0380; 3501.0390; 3501.0400; 3501.0410; 3501.0420; 3501.0440; 3501.0441; 3501.0442; 3501.0443; 3501.0444; 3501.0445; 3501.0446; 3501.0447; 3501.0448; 3501.0449; 3501.0450; 3501.0460; 3501.0461; 3501.0462; 3501.0463; 3501.0464; 3501.0465; 3501.0466; 3501.0467; 3501.0468; and 3501.0469, are repealed."

Page 48, line 24, before "Minnesota" insert "(c)"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 39, as follows:

Those who voted in the affirmative were:

| | | | | |
|--------------|-----------------|----------|-----------|-------------|
| Bachmann | Johnson, Debbie | Limmer | Robling | Terwilliger |
| Berg | Kierlin | Neuville | Sams | Vickerman |
| Day | Kleis | Olson | Samuelson | |
| Dille | Knutson | Ourada | Scheevel | |
| Fischbach | Larson | Pariseau | Schwab | |
| Frederickson | Lesewski | Reiter | Stevens | |

Those who voted in the negative were:

| | | | | |
|-----------|---------------|-----------|------------|-----------|
| Anderson | Higgins | Kiscaden | Orfield | Sabo |
| Belanger | Hottinger | Krentz | Pappas | Scheid |
| Berglin | Johnson, Dave | Lourey | Pogemiller | Solon |
| Betzold | Johnson, Dean | Marty | Price | Stumpf |
| Chaudhary | Johnson, Doug | Metzen | Ranum | Tomassoni |
| Cohen | Kelley, S.P. | Moe, R.D. | Rest | Wiener |
| Foley | Kelly, R.C. | Murphy | Ring | Wiger |
| Fowler | Kinkel | Oliver | Robertson | |

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

Senator Pappas moved that S.F. No. 866 be laid on the table. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senator Samuelson introduced--

S.F. No. 2341: A bill for an act relating to education finance; establishing a laboratory school to develop innovative teaching techniques that enhance student learning under the direction of the Little Falls school district at the Randall school building in the Little Falls school district; authorizing the renovation of the Randall facility; appropriating money.

Referred to the Committee on Education.

Senators Neuville, Schwab, Olson, Foley and Chaudhary introduced--

S.F. No. 2342: A bill for an act relating to corrections; creating a conditional release board with the authority to order the conditional release of certain older state prison inmates who have served a significant portion of their sentence and whose release does not pose a danger to the public or any individual; proposing coding for new law in Minnesota Statutes, chapter 244.

Referred to the Committee on Crime Prevention.

Senators Wiener; Solon; Fowler; Kelley, S.P. and Larson introduced--

S.F. No. 2343: A bill for an act relating to education; appropriating money for education and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo Medical Foundation, with certain conditions; modifying state appropriations for certain enrollments; making school districts responsible for payment of certain costs; modifying collection procedures for certain fees; adjusting assigned family responsibility; modifying grant provisions; providing for acquisition of certain facilities by the board of trustees; clarifying tuition refund policy for certain students; requiring a single assessment plan to be submitted to the legislature; deleting

obsolete references; making various technical and clarifying changes; amending Minnesota Statutes 2000, sections 135A.031, subdivision 2; 135A.52, subdivision 1; 136A.101, subdivision 5a; 136A.121, subdivisions 6, 9; 136A.1211; 136A.125, subdivision 4; 136F.13; 136F.60, subdivision 2; 137.10; 169.966; 354.094, subdivision 2; 354.69; 356.24, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 135A; 136F; repealing Minnesota Statutes 2000, section 135A.081.

Referred to the Committee on Education.

MEMBERS EXCUSED

Senator Limmer was excused from the Session of today from 10:00 to 10:45 a.m. Senator Pogemiller was excused from the Session of today from 11:00 to 11:45 a.m. Senator Johnson, Dave was excused from the Session of today from 11:20 to 11:40 a.m. Senator Berg was excused from the Session of today at 11:45 a.m. Senator Lessard was excused from the Session of today at 12:15 p.m. Senator Lourey was excused from the Session of today from 12:45 to 1:00 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, April 24, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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