

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-SECOND LEGISLATURE

ONE HUNDRED SECOND DAY

St. Paul, Minnesota, Thursday, April 25, 2002

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 the Chaplain, Rev. Dan D. Hall.

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Senators Johnson, Doug; Lourey and Orfield were excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 24, 2002

The Honorable Don Samuelson
President of the Senate

Dear President Samuelson:

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. 2460.

Sincerely,
Jesse Ventura, Governor

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 3134: A bill for an act relating to environment; clarifying individual sewage treatment classification; abolishing the waste tire grant and loan program; requiring a water quality permit progress report; establishing the central iron range sanitary sewer district; amending Minnesota Statutes 2000, section 115.55, by adding a subdivision; Minnesota Statutes 2001 Supplement, section 115A.912, subdivision 1; repealing Minnesota Statutes 2000, section 115A.913; Minnesota Rules, parts 9220.0130, subpart 2, item H; 9220.0170; 9220.0180; 9220.0800; 9220.0805; 9220.0810; 9220.0815; 9220.0820; 9220.0825; 9220.0830; 9220.0835; 9220.0900; 9220.0905; 9220.0910; 9220.0915; 9220.0920; 9220.0925; 9220.0930; 9220.0935.

Senate File No. 3134 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 2002

Senator Higgins moved that the Senate do not concur in the amendments by the House to S.F. No. 3134, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2448: A bill for an act relating to government data practices; providing for disclosure by the department of public safety of personal data related to operation of a motor vehicle; amending Minnesota Statutes 2000, section 168.346.

There has been appointed as such committee on the part of the House:

Smith; Clark, J. and Mahoney.

Senate File No. 2448 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 2002

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 3 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2727: A bill for an act relating to natural resources; modifying land acquisition procedures; modifying certain local planning regulations; adding to and deleting from certain state parks and state recreation areas; establishing the Cuyuna Lakes state trail; restricting the taking of fish on certain waters; authorizing public and private sales, conveyances, and exchanges of certain

state land; modifying provisions for sale of tax-forfeited land; appropriating money; amending Minnesota Statutes 2000, sections 84.0272; 85.015, by adding a subdivision; 97C.025; 282.018, subdivision 1; 394.36, by adding a subdivision; 462.357, by adding a subdivision.

There has been appointed as such committee on the part of the House:

Peterson, Ozment and Nornes.

Senate File No. 2727 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 2002

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2960, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2960: A bill for an act relating to employment; requiring that employers allow unpaid leave for employees to perform volunteer firefighter duties; proposing coding for new law in Minnesota Statutes, chapter 181.

Senate File No. 2960 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 2002

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2674, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2674: A bill for an act relating to natural resources; clarifying the aquatic life that may be raised on aquatic farms; restricting motorized use of state forest land; requiring new snowmobiles sold in the state to have emergency hazard lights; temporarily removing restrictions on the production of planting stock; modifying timber permit and lease provisions; creating a prairie chicken hunting license; providing for the consumption of game at fundraising events; restricting the taking of fish on certain waters; providing for trapper education programs; prohibiting certain motorized decoys; modifying provisions for using lights to locate animals; modifying requirements for taking turtles; modifying requirements for a firearms safety certificate; modifying provisions relating to aquatic plant control permits; eliminating the maximum fee for an aquatic plant control permit; providing for enforcement authority and restoration requirements related to gathering or destroying aquatic plants; eliminating certain experimental trout stream restrictions; modifying timber sale provisions for tax-forfeited land in St. Louis county; requiring a study; providing criminal penalties; appropriating money; amending Minnesota Statutes 2000, sections 17.47, subdivision 7; 84.821, by adding a subdivision; 89.36, subdivision 1; 90.151, subdivision 1; 90.162; 97A.475, subdivisions 2, 41; 97B.020; 97B.025; 97B.081, subdivision 2; 97B.601, subdivision 4; 97B.811, by adding a subdivision; 97C.025; 97C.605; 97C.611; 103G.615, subdivisions 2, 3, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 282.04, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 84; 97A; 97B; repealing Minnesota Statutes 2000, sections 90.50; 97C.003.

Senate File No. 2674 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 2002

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3183:

H.F. No. 3183: A bill for an act relating to agriculture; clarifying and updating certain terms; changing certain requirements and procedures; limiting certain fees and payments; authorizing agreements; prohibiting tampering with farm tractor clock-hour meters; prescribing civil and criminal penalties; authorizing the northern counties land use coordinating board to initiate a land use management pilot project; amending Minnesota Statutes 2000, sections 17.90, subdivision 1a, by adding a subdivision; 17B.03, subdivision 1; 18B.315, subdivision 3; 18B.37, subdivisions 2, 5; 18E.02, by adding a subdivision; 18E.03, subdivision 4; 18E.04, subdivision 3; 18E.06; 21.111, by adding a subdivision; 31.101, as amended; 31.102, subdivision 1; 31.103, subdivision 1; 31.104; 38.331, subdivision 2; 41B.03, subdivisions 1, 3; 223.16, subdivision 5; Minnesota Statutes 2001 Supplement, sections 17.9442; 18B.36, subdivision 1; 18E.04, subdivisions 2, 4; 41B.046, subdivision 2; Laws 2001, chapter 206, section 14; proposing coding for new law in Minnesota Statutes, chapter 325E.

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

Finseth, Ness and Skoe have been appointed as such committee on the part of the House.

House File No. 3183 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 22, 2002

Senator Murphy moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3183, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2707: A bill for an act relating to real estate; filling in an inadvertent omission for a temporary increase in the surcharge for filing and recording certain documents to fund the real estate task force; extending the effective date for the surcharges; appropriating money; amending Minnesota Statutes 2001 Supplement, sections 357.18, subdivision 3; 508.82, subdivision 1; 508A.82, subdivision 1; Laws 2001, First Special Session chapter 10, article 2, section 77; Laws 2001, First Special Session chapter 10, article 2, section 98; Laws 2001, First Special Session chapter 10, article 2, section 99.

Senate File No. 2707 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 18, 2002

Senator Moe, R.D., for Senator Kelley, S.P., moved that the Senate do not concur in the amendments by the House to S.F. No. 2707, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 3024: A bill for an act relating to commerce; providing certain cosmetology definitions; regulating continuing education and licensing requirements for certain licensees; regulating the contractor's recovery fund; providing for the adoption and amendment of uniform conveyancing forms; amending Minnesota Statutes 2000, sections 82.20, subdivision 13; 82.22, subdivision 6; 82B.19, subdivision 1; 82B.21; 155A.03, by adding subdivisions; 155A.07, by adding a subdivision; 326.975, by adding subdivisions; 507.09; Minnesota Statutes 2001 Supplement, section 82.22, subdivision 13.

Senate File No. 3024 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 22, 2002

Senator Moe, R.D., for Senator Scheid, moved that the Senate do not concur in the amendments by the House to S.F. No. 3024, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2618, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2618 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 22, 2002

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2618

A bill for an act relating to crimes; requiring public employees and officers to make prompt reports of certain unlawful actions; authorizing providing certain data to the state auditor for audit or law enforcement purposes notwithstanding provisions of the data practices act; amending Minnesota Statutes 2000, sections 6.715, subdivision 3, by adding a subdivision; 13.82, subdivision 17; 609.456, subdivision 1; Minnesota Statutes 2001 Supplement, section 13.43, subdivision 2.

April 17, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

We, the undersigned conferees for H.F. No. 2618, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 2618 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 6.715, subdivision 3, is amended to read:

Subd. 3. [LAW ENFORCEMENT.] Notwithstanding any provision to the contrary in subdivision 2, chapter 13, or any other statute related to the classification of government data, the state auditor may share data relating to an audit with appropriate ~~local~~ law enforcement agencies, including data classified as not public.

Sec. 2. Minnesota Statutes 2000, section 6.715, is amended by adding a subdivision to read:

Subd. 4. [ACCESS TO DATA.] It is not a violation of chapter 13 or any other statute related to the classification of government data for a state agency, statewide system, or political subdivision, as defined in section 13.02, to provide data or information to the state auditor, including data classified as not public, for the purpose of an audit or pursuant to section 609.456, subdivision 1.

Sec. 3. Minnesota Statutes 2000, section 13.32, subdivision 7, is amended to read:

Subd. 7. [USES OF DATA.] School officials who receive data on juveniles, as authorized under sections section 260B.171 and 260C.171, may use and share that data within the school district or educational entity as necessary to protect persons and property or to address the educational and other needs of students as provided in section 121A.75. A school district, its agents, and employees who use and share this data in good faith are immune from civil or criminal liability that might otherwise result from their actions.

Sec. 4. Minnesota Statutes 2000, section 13.32, subdivision 8, is amended to read:

Subd. 8. [ACCESS BY JUVENILE JUSTICE SYSTEM.] (a) Upon request, the following education data shall be disclosed under subdivision 3, clause (i), to the juvenile justice system: a student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.

(b) In addition, the existence of the following data on behavior by about a student who is on probation may be disclosed under subdivision 3, clause (i) or (1), to the juvenile justice system:

- (1) use of a controlled substance, alcohol, or tobacco;
- (2) assaultive or threatening conduct that could result in dismissal from school under section 121A.45, subdivision 2, clause (b) or (c);
- (3) possession or use of weapons or look-alike weapons;
- (4) participation in gang activity as defined by the criminal gang oversight council under section 299A.64, subdivision 2, paragraph (b);
- (5) theft; or
- (6) (5) vandalism or other damage to property.

Any request for access to data under this paragraph must contain an explanation of why access to the data is necessary to serve the student or to protect students or staff.

(c) A superintendent of a school district principal or chief administrative officer of a school who discloses receives a request to disclose information about a student to the juvenile justice system under this paragraph (b) shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the disclosure request to disclose information before disclosing the information. If the student's parent or guardian notifies the principal or chief administrative officer within ten days of receiving the certified notice that the parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer must inform the requesting member of the juvenile justice system of the objection.

(d) A principal or chief administrative officer is not required to create data under this subdivision. Information provided in response to a data request under paragraph (b) shall indicate only whether the data described in paragraph (b) exist. The principal or chief administrative officer is not authorized under paragraph (b) to disclose the actual data or other information contained in the student's education record. A principal or chief administrative officer is not required to provide data that are protected by court order. A principal or chief administrative officer must respond to a data request within 14 days if no objection is received from the parent or guardian.

(e) Nothing in this subdivision shall limit the disclosure of educational data pursuant to court order.

(f) A school district, its agents, and employees who provide data in good faith under this subdivision are not liable for compensatory or exemplary damages or an award of attorney fees in an action under section 13.08, or other law, or for a penalty under section 13.09.

(g) Section 13.03, subdivision 4, applies to data that are shared under this subdivision with a government entity. If data are shared with a member of the juvenile justice system who is not a government entity, the person receiving the shared data must treat the data consistent with the requirements of this chapter applicable to a government entity.

(h) A member of the juvenile justice system who falsely certifies a request for data under this section is subject to the penalties under section 13.09.

Sec. 5. Minnesota Statutes 2000, section 13.32, is amended by adding a subdivision to read:

Subd. 9. [FORMS.] To make a data request under subdivision 8, paragraph (b), a member of the juvenile justice system must use the following form:

REQUEST FOR INFORMATION

Family Educational Rights and Privacy Act/
Minnesota Government Data Practices Act

DATE/TIME OF REQUEST

TO:.....
(Superintendent of school district
or chief administrative officer of school)

FROM:.....
(Requester's name/agency)

STUDENT:

BASIS FOR REQUEST

- ... Juvenile delinquency investigation/prosecution
- ... Child protection assessment/investigation
- ... Investigation/filing of CHIPS or delinquency petition

REASON FOR REQUEST (requester must describe why information regarding existence of the data marked below is necessary to effectively serve the student).....

.....
.....

RESPONSE TO REQUEST

The school must indicate whether it has data on the student that document any activity or behavior marked by the requester.

<u>INFORMATION REQUESTED (mark all that apply)</u>	<u>RESPONSE</u>
<u>Indicate whether you have data that document the student's:</u>	<u>(yes or no)</u>
<u>... use of a controlled substance, alcohol, or tobacco</u>	<u>....</u>
<u>... assaultive or threatening conduct as defined in Minnesota Statutes, section 13.32, subdivision 8</u>	<u>....</u>

... possession or use of weapons or look-alike weapons

....

... theft

....

... vandalism and damage to property

....

CERTIFICATION: The undersigned certifies that the undersigned is a member of the juvenile justice system. The requested data are needed by the juvenile justice system so it may effectively serve, prior to adjudication, the student whose records are released. The undersigned will not disclose the information received to any other party, except as provided under state law, without prior written consent as required by Code of Federal Regulations, title 34, section 99.38(b). The undersigned further certifies that the undersigned understands that by signing this request, the undersigned is subject to the penalties in Minnesota Statutes, section 13.09.

.....
Signature/Title

Sec. 6. Minnesota Statutes 2000, section 13.43, is amended by adding a subdivision to read:

Subd. 15. [DISSEMINATION OF DATA TO LAW ENFORCEMENT.] Private personnel data, or data on employees that are confidential data under section 13.39, may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of a crime committed or allegedly committed by an employee.

Sec. 7. Minnesota Statutes 2000, section 13.82, subdivision 17, is amended to read:

Subd. 17. [PROTECTION OF IDENTITIES.] A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals in the following circumstances:

(a) when access to the data would reveal the identity of an undercover law enforcement officer, as provided in section 13.43, subdivision 5;

(b) when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or of a violation of section 617.246, subdivision 2;

(c) when access to the data would reveal the identity of a paid or unpaid informant being used by the agency if the agency reasonably determines that revealing the identity of the informant would threaten the personal safety of the informant;

(d) when access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual;

(e) when access to the data would reveal the identity of a deceased person whose body was unlawfully removed from a cemetery in which it was interred;

(f) when access to the data would reveal the identity of a person who placed a call to a 911 system or the identity or telephone number of a service subscriber whose phone is used to place a call to the 911 system and: (1) the agency determines that revealing the identity may threaten the personal safety or property of any person; or (2) the object of the call is to receive help in a mental health emergency. For the purposes of this paragraph, a voice recording of a call placed to the 911 system is deemed to reveal the identity of the caller;

(g) when access to the data would reveal the identity of a juvenile witness and the agency reasonably determines that the subject matter of the investigation justifies protecting the identity of the witness; or

(h) when access to the data would reveal the identity of a mandated reporter under sections section 609.456, 626.556 and, or 626.557.

Data concerning individuals whose identities are protected by this subdivision are private data about those individuals. Law enforcement agencies shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals described in clauses (c), (d), (f), and (g).

Sec. 8. Minnesota Statutes 2000, section 120A.22, subdivision 7, is amended to read:

Subd. 7. [EDUCATION RECORDS.] (a) A district from which a student is transferring must transmit the student's educational records, within ten business days of a request, to the district in which the student is enrolling. Districts must make reasonable efforts to determine the district in which a transferring student is next enrolling in order to comply with this subdivision.

(b) A school district that transmits a student's educational records to another school district or other educational entity to which the student is transferring must include in the transmitted records information about disciplinary action taken as a result of any incident in which the student possessed or used a dangerous weapon.

(c) Notwithstanding section 138.17, a principal or chief administrative officer must remove from a student's educational record and destroy a probable cause notice received under section 260B.171, subdivision 5, or paragraph (d), if one year has elapsed since the date of the notice and the principal or chief administrative officer has not received a disposition or court order related to the offense described in the notice. This paragraph does not apply if the student no longer attends the school when this one-year period expires.

(d) A principal or chief administrative officer who receives a probable cause notice under section 260B.171, subdivision 5, or a disposition or court order, must include a copy of that data in the student's educational records if they are transmitted to another school, unless the data are required to be destroyed under paragraph (c) or section 121A.75.

Sec. 9. Minnesota Statutes 2000, section 121A.75, is amended to read:

121A.75 [RECEIPT OF ~~DISPOSITION ORDER~~ RECORDS; SHARING.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section "principal" means a principal or other person having general administrative control and supervision of a school.

(b) For purposes of this section, "school" means a public school under section 120A.22, subdivision 4; a nonpublic school under section 120A.22, subdivision 4, that elects to comply with this section; and a charter school under section 124D.10, but does not mean a home school.

Subd. 2. [DISPOSITION ORDERS.] (a) On receipt of a disposition order under section 260B.171, subdivision 3, the superintendent of the student's school district or chief administrative officer of the student's school must immediately transmit the order to the principal of the school where the student is in attendance. The principal must place the disposition order in the student's permanent education record. The principal must also immediately notify any counselor directly supervising or reporting on the behavior or progress of the student. In addition, the principal must immediately notify any teacher or administrator who directly supervises or reports on the behavior or progress of the student whom the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, and volunteers who are in direct contact with the student, if they determine these individuals need the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. When provided in the disposition order, the notice given under this paragraph by the principal must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information.

(e) (b) Information received under this subdivision is private data on individuals as defined in section 13.32 and is received for the limited purpose of serving the educational needs of the student and protecting students or staff. The data may not be further disseminated by the teacher, counselor, staff member, administrator, substitute, or volunteer, except as necessary to serve the student, to protect students or staff, or as otherwise required by law, and only to the following persons:

- (1) the student; or
- (2) the student's parent or guardian;
- ~~(3) law enforcement officers; or~~
- ~~(4) the student's probation officer.~~

~~(d)~~ (c) If a student is removed from school as part of the disposition order, the superintendent of the student's school district or chief administrative officer of the student's school must maintain the copy of the order in a secure file and shall notify the principal when the student is returned to school. If the student is returned to a different school district or school, the student's probation officer must send a copy of the disposition order to the superintendent of the new school district or the chief administrative officer of the new school.

~~(e)~~ (d) The disposition order must be included if the student's permanent education record is released to another school district or educational entity to which the student is transferring under section 120A.22, subdivision 7.

~~(f)~~ (e) Notwithstanding section 138.17, a disposition order received under section 260B.171, subdivision 3, paragraph (a), must be destroyed when the student graduates from school or at the end of the school year in which the student reaches age 23, whichever is earlier. A disposition order received under section 260B.171, subdivision 3, paragraph (b), must be destroyed when the student is discharged from probation.

Subd. 3. [PEACE OFFICER RECORDS OF CHILDREN.] (a) A law enforcement agency must transmit the notice required by section 260B.171, subdivision 5, to the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school the student attends if there is no superintendent. The principal must place the notice in the student's educational record. The principal must immediately notify any teacher, counselor, or administrator directly supervising the student who the principal believes needs the data to work with the student in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal may also notify other district employees, substitutes, or volunteers who are in direct contact with the student if the principal determines these individuals need the data to work with the juvenile in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. When provided in the peace officer notice, the notice from the principal must identify the student and describe the alleged offense.

(b) Data received under this subdivision are private data on individuals under section 13.32 and are received for the limited purpose of serving the student's educational needs and protecting students or staff. The teacher, counselor, staff member, administrator, substitute, or volunteer must not further disseminate the data, except to communicate with the student or the student's parent or guardian as needed to serve the student, protect students or staff, or as otherwise required by law.

(c) The principal must include the notice in the student's educational record as required by section 120A.22, subdivision 7.

(d) If the county attorney determines not to proceed with a petition alleging any offense in section 260B.171, subdivision 3, paragraph (a), clauses (1) to (3), or directs the student into a diversion or mediation program, the county attorney must notify the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school that the student attends if there is no superintendent. The notice must contain the name of the student and a summary of the resolution of the case. Notwithstanding section 138.17, the principal must delete the peace officer's report and notice from the student's educational record and destroy the data and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received data from the peace officer notice.

(e) If the juvenile court makes a decision on a petition that alleges any offense in section 260B.171, subdivision 3, paragraph (a), clauses (1) to (3), and the decision affects a student and is

not a disposition order, the court must notify the superintendent of the student's school district who must immediately transmit the notice to the principal of the school the student attends, or to the principal of the school that the student attends if there is no superintendent, of the decision. Notwithstanding section 138.17, the principal must delete the peace officer's report and notice from the student's educational record and destroy the data and make reasonable efforts to notify any teacher, counselor, staff member, administrator, substitute, or volunteer who received data from the peace officer notice.

(f) In addition to the data destruction requirements of this subdivision, a principal must comply with the requirements of section 120A.22, subdivision 7.

Sec. 10. Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8, is amended to read:

Subd. 8. [STATE AND LOCAL REQUIREMENTS.] (a) A charter school shall meet all applicable state and local health and safety requirements.

(b) A school sponsored by a school board may be located in any district, unless the school board of the district of the proposed location disapproves by written resolution.

(c) A charter school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize a charter school or program that is affiliated with a nonpublic sectarian school or a religious institution.

(d) Charter schools must not be used as a method of providing education or generating revenue for students who are being home-schooled.

(e) The primary focus of a charter school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.

(f) A charter school may not charge tuition.

(g) A charter school is subject to and must comply with chapter 363 and section 121A.04.

(h) A charter school is subject to and must comply with the Pupil Fair Dismissal Act, sections 121A.40 to 121A.56, and the Minnesota Public School Fee Law, sections 123B.34 to 123B.39.

(i) A charter school is subject to the same financial audits, audit procedures, and audit requirements as a district. Audits must be conducted in compliance with generally accepted governmental auditing standards, the Federal Single Audit Act, if applicable, and section 6.65. A charter school is subject to and must comply with sections 15.054; 118A.01; 118A.02; 118A.03; 118A.04; 118A.05; 118A.06; 123B.52, subdivision 5; 471.38; 471.391; 471.392; 471.425; 471.87; 471.88, subdivisions 1, 2, 3, 4, 5, 6, 12, 13, and 15; 471.881; and 471.89. The audit must comply with the requirements of sections 123B.75 to 123B.83, except to the extent deviations are necessary because of the program at the school. Deviations must be approved by the commissioner. The department of children, families, and learning, state auditor, or legislative auditor may conduct financial, program, or compliance audits. A charter school determined to be in statutory operating debt under sections 123B.81 to 123B.83 must submit a plan under section 123B.81, subdivision 4.

(j) A charter school is a district for the purposes of tort liability under chapter 466.

(k) A charter school must comply with sections 13.32; 120A.22, subdivision 7; 121A.75; and 260B.171, subdivisions 3 and 5.

Sec. 11. Minnesota Statutes 2000, section 260B.171, subdivision 3, is amended to read:

Subd. 3. [DISPOSITION ORDER; COPY TO SCHOOL.] (a) If a juvenile is enrolled in school, the juvenile's probation officer shall transmit a copy of the court's disposition order to the superintendent of the juvenile's school district or the chief administrative officer of the juvenile's

school if the juvenile has been adjudicated delinquent for committing an act on the school's property or an act:

(1) that would be a violation of section 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or 609.749 (harassment and stalking), if committed by an adult;

(2) that would be a violation of section 152.021 (first-degree controlled substance crime); 152.022 (second-degree controlled substance crime); 152.023 (third-degree controlled substance crime); 152.024 (fourth-degree controlled substance crime); 152.025 (fifth-degree controlled substance crime); 152.0261 (importing a controlled substance); or 152.027 (other controlled substance offenses), if committed by an adult; or

(3) that involved the possession or use of a dangerous weapon as defined in section 609.02, subdivision 6.

When a disposition order is transmitted under this subdivision, the probation officer shall notify the juvenile's parent or legal guardian that the disposition order has been shared with the juvenile's school.

(b) In addition, the juvenile's probation officer may transmit a copy of the court's disposition order to the superintendent of the juvenile's school district or the chief administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent for offenses not listed in paragraph (a) and placed on probation. The probation officer shall notify the superintendent or chief administrative officer when the juvenile is discharged from probation.

(c) The disposition order must be accompanied by a notice to the school that the school may obtain additional information from the juvenile's probation officer with the consent of the juvenile or the juvenile's parents, as applicable. The disposition order must be maintained, shared, or released only as provided in section ~~121A.07~~ 121A.75.

(d) The juvenile's probation officer shall maintain a record of disposition orders released under this subdivision and the basis for the release.

(e) No later than September 1, 2002, the criminal and juvenile justice information policy group, in consultation with representatives of probation officers and educators, shall prepare standard forms for use by juvenile probation officers in forwarding information to schools under this subdivision and in maintaining a record of the information that is released. The group shall provide a copy of any forms or procedures developed under this paragraph to the legislature by January 15, 2003.

(f) As used in this subdivision, "school" means a charter school or a school as defined in section 120A.22, subdivision 4, except a home school.

Sec. 12. Minnesota Statutes 2000, section 260B.171, subdivision 5, is amended to read:

Subd. 5. [PEACE OFFICER RECORDS OF CHILDREN.] (a) Except for records relating to an offense where proceedings are public under section 260B.163, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 121A.28, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, (5) to the Minnesota

crime victims reparations board as required by section 611A.56, subdivision 2, clause (f), for the purpose of processing claims for crime victims reparations, or (6) as otherwise provided in this subdivision. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169A.20. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 4, and 10. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary for law enforcement purposes.

(c) A photograph may be taken of a child taken into custody pursuant to section 260B.175, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes, case supervision by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not an adult court traffic offense under section 260B.225.

(e) The head of a law enforcement agency or a person specifically given the duty by the head of the law enforcement agency shall notify the principal superintendent or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:

(1) the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim; or

(2) the agency has probable cause to believe that the juvenile has committed an offense described in subdivision 3, paragraph (a), clauses (1) to (3), that would be a crime if committed by an adult, regardless of whether the victim is a student or staff member of the school.

A law enforcement agency is not required to notify the school under this paragraph if the agency determines that notice would jeopardize an ongoing investigation. ~~Notwithstanding section 138.17, data from a notice received from a law enforcement agency under this paragraph must be destroyed when the juvenile graduates from the school or at the end of the academic year when the juvenile reaches age 23, whichever date is earlier.~~ For purposes of this paragraph, "school" means a public or private elementary, middle, or secondary, or charter school.

(f) In any county in which the county attorney operates or authorizes the operation of a juvenile

prepetition or pretrial diversion program, a law enforcement agency or county attorney's office may provide the juvenile diversion program with data concerning a juvenile who is a participant in or is being considered for participation in the program.

(g) Upon request of a local social services agency, peace officer records of children who are or may be delinquent or who may be engaged in criminal acts may be disseminated to the agency to promote the best interests of the subject of the data.

(h) Upon written request, the prosecuting authority shall release investigative data collected by a law enforcement agency to the victim of a criminal act or alleged criminal act or to the victim's legal representative, except as otherwise provided by this paragraph. Data shall not be released if:

(1) the release to the individual subject of the data would be prohibited under section 13.821; or

(2) the prosecuting authority reasonably believes:

(i) that the release of that data will interfere with the investigation; or

(ii) that the request is prompted by a desire on the part of the requester to engage in unlawful activities.

Sec. 13. Minnesota Statutes 2000, section 609.415, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] As used in sections 609.415 to 609.465, and 609.515,

(1) "Public officer" means:

(a) an executive or administrative officer of the state or of a county, municipality or other subdivision or agency of the state;

(b) a member of the legislature or of a governing board of a county, municipality, or other subdivision of the state, or other governmental instrumentality within the state;

(c) a judicial officer;

(d) a hearing officer;

(e) a law enforcement officer; or

(f) any other person exercising the functions of a public officer.

(2) "Public employee" means a person employed by or acting for the state or a county, municipality, or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a public officer. Public employee includes a member of a charter commission.

(3) "Judicial officer" means a judge, court commissioner, referee, or any other person appointed by a judge or court to hear or determine a cause or controversy.

(4) "Hearing officer" means any person authorized by law or private agreement to hear or determine a cause or controversy who is not a judicial officer.

(5) "Political subdivision" means a county, town, statutory or home rule charter city, school district, special service district, or other municipal corporation of the state of Minnesota.

Sec. 14. Minnesota Statutes 2000, section 609.456, subdivision 1, is amended to read:

Subdivision 1. [STATE AUDITOR.] Whenever a public employee or public officer of a political subdivision or charter commission discovers evidence of theft, embezzlement, or unlawful use of public funds or property, or misuse of public funds by a charter commission or any person authorized to expend public funds, the employee or elected official officer shall, ~~except when to do so would knowingly impede or otherwise interfere with an ongoing criminal investigation,~~ promptly report to law enforcement and shall promptly report in writing to the state

auditor a detailed description of the alleged incident or incidents. Notwithstanding chapter 13 or any other statute related to the classification of government data, the public employee or public officer shall provide data or information related to the alleged incident or incidents to the state auditor and law enforcement, including data classified as not public."

Delete the title and insert:

"A bill for an act relating to data practices; regulating the dissemination of data between schools, law enforcement, and the juvenile justice system; requiring public employees and officers to make prompt reports of certain unlawful actions; authorizing providing certain data to the state auditor for audit or law enforcement purposes; imposing criminal penalties; amending Minnesota Statutes 2000, sections 6.715, subdivision 3, by adding a subdivision; 13.32, subdivisions 7, 8, by adding a subdivision; 13.43, by adding a subdivision; 13.82, subdivision 17; 120A.22, subdivision 7; 121A.75; 260B.171, subdivisions 3, 5; 609.415, subdivision 1; 609.456, subdivision 1; Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8."

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

House Conferees: (Signed) Mary Liz Holberg, Mark Buesgens, Jim Davnie

Senate Conferees: (Signed) David L. Knutson, Don Betzold, Leonard R. Price

Senator Knutson moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2618 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2618 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Anderson	Higgins	Lessard	Pogemiller	Solon, Y.P.
Bachmann	Johnson, Dave	Limmer	Price	Stevens
Belanger	Johnson, Dean	Marty	Ranum	Stumpf
Berg	Johnson, Debbie	Metzen	Reiter	Terwilliger
Berglin	Kierlin	Moe, R.D.	Rest	Tomassoni
Betzold	Kinkel	Moua	Ring	Vickerman
Cohen	Kleis	Neuville	Robertson	Wiener
Dille	Knutson	Oliver	Robling	Wiger
Fischbach	Krentz	Olson	Sams	
Foley	Langseth	Ourada	Samuelson	
Fowler	Larson	Pappas	Scheevel	
Frederickson	Lesewski	Pariseau	Schwab	

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 3350.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 22, 2002

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 3350: A bill for an act relating to health; modifying current protocols for nurses; modifying prior authorization requirements for prescription drugs; clarifying responsibilities for administering the Ryan White act; clarifying providers continuation of family community support services; amending Minnesota Statutes 2000, sections 148.235, by adding subdivisions; 151.37, subdivision 2; 256.01, by adding a subdivision; Minnesota Statutes 2001 Supplement, sections 148.284; 256B.0625, subdivisions 13, 35.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2811, now on General Orders.

MOTIONS AND RESOLUTIONS**Senator Fowler introduced--**

Senate Resolution No. 226: A Senate resolution congratulating Andrew Dauer of Fairmont, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Price introduced--

Senate Resolution No. 227: A Senate resolution congratulating Lauren Burks on her 3rd place finish in the State Cross Country meet.

Referred to the Committee on Rules and Administration.

Senator Price introduced--

Senate Resolution No. 228: A Senate resolution congratulating Christopher Everett Carson for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Price introduced--

Senate Resolution No. 229: A Senate resolution congratulating Nicholas James Swanlund for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Price introduced--

Senate Resolution No. 230: A Senate resolution congratulating Mark Thomas Tinucci, Jr. for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Price introduced--

Senate Resolution No. 231: A Senate resolution congratulating Kevin Christopher Kostka for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Price introduced--

Senate Resolution No. 232: A Senate resolution congratulating Jared Jack Daggit for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Price introduced--

Senate Resolution No. 233: A Senate resolution congratulating Adam James Caulfield for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Price introduced--

Senate Resolution No. 234: A Senate resolution congratulating Colin Charlson on his 2nd place finish at the state Alpine skiing meet.

Referred to the Committee on Rules and Administration.

Senator Price introduced--

Senate Resolution No. 235: A Senate resolution congratulating the Park Girls Gymnastics Team on their third place finish at the State Gymnastics Meet.

Referred to the Committee on Rules and Administration.

Senator Price introduced--

Senate Resolution No. 236: A Senate resolution congratulating Jenna Kotlarz on her 2nd place finish at the State Swim Meet in Diving.

Referred to the Committee on Rules and Administration.

Senator Fowler introduced--

Senate Resolution No. 237: A Senate resolution congratulating Christopher Tolzmann of Wells, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Fowler introduced--

Senate Resolution No. 238: A Senate resolution congratulating Cole Shane of Fairmont, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Fowler introduced--

Senate Resolution No. 239: A Senate resolution congratulating Randy Johnson of Fairmont, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

Senator Moe, R.D. introduced--

Senate Resolution No. 240: A Senate resolution relating to mileage; setting the miles traveled by members of the Senate in going to and returning from the Capitol.

BE IT RESOLVED, by the Senate of the State of Minnesota:

That Senate Resolution No. 39 relating to mileage, Senate Permanent Journal pages 46-47, as amended by Senate Resolution No. 168, Daily Journal Page 4258, be amended as follows:

Page 1, line 27, after "Hottinger, John C." delete "186" and insert "160"

Senator Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated H.F. No. 2598 a Special Order to be heard immediately.

SPECIAL ORDER

H.F. No. 2598: A bill for an act relating to education; requiring recitation of the pledge of allegiance in all public schools; providing for instruction in the proper etiquette, display, and respect of the United States flag; amending Minnesota Statutes 2000, section 121A.11, by adding subdivisions; Minnesota Statutes 2001 Supplement, section 124D.10, subdivision 8.

Senator Moua moved to amend the Moua amendment to H.F. No. 2598, adopted by the Senate March 12, 2002, as follows:

Page 1, lines 6 to 13, delete the new language and insert "At the beginning of the school year, the adult person in charge of the class or school shall discuss the history and reason for recitation of the pledge of allegiance with the students. As part of that discussion, the person in charge shall inform the students that anyone not wishing to participate in the recitation of the pledge for any personal reason may elect not to do so and not be considered unpatriotic by refraining from the recitation."

Senator Bachmann moved to amend the Moua amendment to H.F. No. 2598 as follows:

Page 1, line 10, delete everything after "be" and insert "penalized"

Page 1, line 11, delete everything before the period

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 2598. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Bachmann amendment to the Moua amendment. The motion did not prevail. So the amendment to the amendment was not adopted.

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

H.F. No. 2598 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 54 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Chaudhary	Dille	Frederickson	Johnson, Dave
Bachmann	Cohen	Fischbach	Higgins	Johnson, Dean
Berg	Day	Fowler	Hottinger	Johnson, Debbie

Kierlin	Lesewski	Oliver	Ring	Solon, Y.P.
Kinkel	Lessard	Olson	Robertson	Stevens
Kiscaden	Limmer	Ourada	Robling	Stumpf
Kleis	Metzen	Pariseau	Sams	Tomassoni
Knutson	Moe, R.D.	Price	Samuelson	Vickerman
Krentz	Moua	Ranum	Scheevel	Wiener
Langseth	Murphy	Reiter	Scheid	Wiger
Larson	Neuville	Rest	Schwab	

Those who voted in the negative were:

Berglin	Foley	Marty	Pogemiller	Sabo
Betzold	Kelley, S.P.	Pappas		

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 Order of Business of Messages From the House.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2970, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2970 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 25, 2002

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2970

A bill for an act relating to natural resources; imposing requirements on certain purchases of the commissioner of natural resources; requiring certain rule amendments; authorizing hiring of employees for operations and maintenance of a certain off-highway vehicle recreation area; providing that a certain speed limit set by rule for waters of the state does not apply in certain circumstances to snowmobiles; exempting all-terrain vehicles used exclusively on owners' or drivers' property from registration; authorizing the commissioner of natural resources to use grant money for snowmobile trail grooming equipment reimbursement; appropriating money for maintenance, monitoring, environmental review, and enforcement related to recreational motor vehicle use; amending Minnesota Statutes 2000, sections 84.025, by adding a subdivision; 84.87, by adding a subdivision; 84.922, subdivision 1a.

April 23, 2002

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Don Samuelson
President of the Senate

We, the undersigned conferees for H.F. No. 2970, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 2970 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2000, section 84.025, is amended by adding a subdivision to read:

Subd. 10. [RECREATIONAL VEHICLES AND BOATS USED FOR PUBLIC PURPOSES.] All snowmobiles and outboard motors that are purchased by the commissioner of natural resources must be of the four-stroke engine model. All all-terrain vehicles purchased by the commissioner must be manufactured in the state of Minnesota.

Sec. 2. [PUBLIC USE OF RECREATIONAL AREAS; RULES.]

(a) The commissioner of natural resources shall amend the permanent rules relating to public use of recreational areas, Minnesota Rules, parts 6100.0100 to 6100.2400, according to this section and pursuant to Minnesota Statutes, section 14.388.

(b) Minnesota Rules, part 6100.1950, subpart 1, item A, shall be amended to read: "A. On forest lands classified as managed, a person may operate a motor vehicle only on forest roads and forest trails that are not posted and designated closed and in areas that are posted and designated to allow motor vehicle use, subject to the limitations and exceptions in this part."

(c) Minnesota Rules, part 6100.1950, subpart 1, item B, shall be amended to read: "B. On forest lands classified as limited, a person may operate a motor vehicle only on forest roads that are not posted and designated closed and on forest trails or areas that are posted and designated to allow motor vehicle use, subject to the limitations and exceptions in this part."

(d) Minnesota Rules, part 6100.1950, subpart 7, item D, shall be amended to read: "D. Except as provided in item C, on forest lands classified as managed or limited, a person may use an ATV off forest trails in a manner consistent with this subpart when lawfully:

(1) engaged in hunting big game or constructing hunting stands during October, November, and December;

(2) retrieving big game during September; or

(3) trapping during open seasons."

(e) Minnesota Rules, part 6100.1950, subpart 7, shall be amended by adding a new item F to read: "F. Subpart 1 does not apply to motor vehicles used to carry out silvicultural activities, including timber cruising, and the harvest and transport of forest products for commercial purposes."

(f) Minnesota Rules, part 6100.1950, subpart 7, shall be amended by adding a new item G to read: "G. The commissioner may grant a variance from the requirements of subpart 1 to private landowners and leaseholders when the only reasonable access to their land is across state forest lands."

Sec. 3. [IRON RANGE OFF-HIGHWAY VEHICLE RECREATION AREA.]

Notwithstanding Laws 2002, chapter 220, article 10, section 38, the commissioner may hire employees for the operations and maintenance of the Iron Range off-highway vehicle recreation area using money appropriated for this purpose in Laws 2001, First Special Session chapter 2, section 5, subdivision 6.

Sec. 4. [SNOWMOBILE TRAILS AND ENFORCEMENT ACCOUNT; AUTHORIZATION.]

Upon a showing of need, the commissioner of natural resources may use up to 50 percent of a snowmobile maintenance and grooming grant under Minnesota Statutes, section 84.83, that was available as of December 31, 2001, to reimburse the intended recipient for expenses incurred in the purchase or lease of snowmobile trail grooming equipment to be used for grant-in-aid trails. The costs must be incurred between July 1, 2001, and May 1, 2002, and recipients must provide

acceptable documentation of the costs to the commissioner. All applications for reimbursement under this section must be received no later than September 1, 2002.

Sec. 5. [SNOWMOBILE SPEED LIMIT; LAKES GREATER THAN 10,000 ACRES.]

Notwithstanding any law or rule to the contrary, a county may enact an ordinance to raise the speed limit up to 65 miles per hour for snowmobiles traveling on marked trails during daylight hours on lakes greater than 10,000 acres, subject to the approval of the commissioner of natural resources. Within any posted speed limit, it remains unlawful for any person to drive or operate any snowmobile at a rate of speed greater than is reasonable or proper under all of the surrounding conditions or circumstances.

Sec. 6. [APPROPRIATION.]

\$1,215,000 in fiscal year 2003 is appropriated from the natural resources fund to the commissioner of natural resources for maintaining lands and trails administered by the commissioner and open to recreational motor vehicle use and for monitoring and enforcement activities on those lands and trails and environmental review on planned recreational motor vehicle trails. Of this amount, \$700,000 is from the all-terrain vehicle account, \$460,000 is from the off-road vehicle account, and \$55,000 is from the off-highway motorcycle account. Notwithstanding Laws 2002, chapter 220, article 10, section 38, the commissioner may hire employees paid by this appropriation.

Sec. 7. [EFFECTIVE DATE.]

Sections 2 to 4 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; imposing requirements on certain purchases of the commissioner of natural resources; requiring certain rule amendments; authorizing hiring of certain employees; authorizing certain reimbursements for snowmobile trail grooming equipment; authorizing counties to raise snowmobile speed limits on certain lakes; appropriating money for maintenance, monitoring, and enforcement related to recreational motor vehicle use; amending Minnesota Statutes 2000, section 84.025, by adding a subdivision."

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

House Conferees: (Signed) Tom Hackbarth, Tim Finseth, Thomas Bakk

Senate Conferees: (Signed) LeRoy A. Stumpf, Leonard R. Price, Dennis R. Frederickson

Senator Stumpf moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2970 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2970 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Anderson	Cohen	Higgins	Kinkel	Lesewski
Bachmann	Day	Hottinger	Kiscaden	Lessard
Belanger	Dille	Johnson, Dave	Kleis	Limmer
Berg	Fischbach	Johnson, Dean	Knutson	Marty
Berglin	Foley	Johnson, Debbie	Krentz	Metzen
Betzold	Fowler	Kelley, S.P.	Langseth	Moe, R.D.
Chaudhary	Frederickson	Kierlin	Larson	Moua

Murphy
Neuville
Oliver
Olson
Ourada
Pappas

Pariseau
Pogemiller
Price
Ranum
Reiter
Rest

Ring
Robertson
Robling
Sabo
Sams
Samuelson

Scheevel
Scheid
Schwab
Solon, Y.P.
Stevens
Stumpf

Terwilliger
Tomassoni
Vickerman
Wiener
Wiger

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Price moved that S.F. No. 357, No. 12 on General Orders, be stricken and returned to its author. The motion prevailed.

Senator Stevens moved that S.F. No. 3133 be taken from the table. The motion prevailed.

Senator Stevens moved that the Senate do not concur in the amendments by the House to S.F. No. 3133, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 3183: Senators Murphy, Frederickson and Ring.

S.F. No. 2707: Senators Kelley, S.P.; Limmer and Rest.

S.F. No. 3024: Senators Scheid, Metzen and Oliver.

S.F. No. 3134: Senators Higgins, Tomassoni and Frederickson.

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2363 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2363

A bill for an act relating to insurance; limiting the use of credit information; amending Minnesota Statutes 2000, section 72A.20, by adding a subdivision.

April 9, 2002

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 2363, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate concur in the House amendments.

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

Senate Conferees: (Signed) David H. Johnson, Deanna L. Wiener, Roy W. Terwilliger

House Conferees: (Signed) Gregory M. Davids, Doug Stang, Matt Entenza

Senator Johnson, Dave moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2363 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2363 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 3168 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 3168

A bill for an act relating to municipalities; providing for a bidding exception for certain water tank service contracts; authorizing an agreement for the city of Walker to maintain and operate the state's water tower at Ah-Gwah-Ching; amending Minnesota Statutes 2000, section 471.345, by adding a subdivision.

April 10, 2002

The Honorable Don Samuelson
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 3168, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment.

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

Senate Conferees: (Signed) Dan Stevens, Anthony G. Kinkel, Charles A. Berg

House Conferees: (Signed) Larry Howes, Doug Fuller, Al Juhnke

Senator Stevens moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3168 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 3168 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Senator Oliver introduced--

S.F. No. 3462: A resolution memorializing the President and Congress to take action to establish a federal backstop for insurance against terrorism.

Referred to the Committee on Commerce.

Without objection, the Senate reverted to the Order of Business of Motions and Resolutions.

MOTIONS AND RESOLUTIONS

Senator Johnson, Dave moved that S.F. No. 2989 be recalled from the House of Representatives for further consideration. The motion prevailed.

MEMBERS EXCUSED

Senators Chaudhary, Kiscaden and Sabo were excused from the Session of today from 9:00 to 9:50 a.m. Senators Day; Kelley, S.P. and Scheid were excused from the Session of today from 9:00 to 10:00 a.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, April 29, 2002. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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