

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-THIRD LEGISLATURE

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FIFTY-NINTH DAY

St. Paul, Minnesota, Monday, May 19, 2003

The Senate met at 10:00 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. Albert Gallmon, Jr.

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	Gaither	Langseth	Olson	Scheid
Bachmann	Hann	Larson	Ortman	Senjem
Bakk	Higgins	LeClair	Ourada	Skoe
Belanger	Hottinger	Limmer	Pappas	Skoglund
Berglin	Johnson, D.E.	Lourey	Pariseau	Solon
Betzold	Johnson, D.J.	Marko	Pogemiller	Sparks
Chaudhary	Jungbauer	Marty	Ranum	Stumpf
Cohen	Kelley	McGinn	Reiter	Tomassoni
Day	Kierlin	Metzen	Rest	Vickerman
Dibble	Kiscaden	Michel	Robling	Wergin
Dille	Kleis	Moua	Rosen	Wiger
Fischbach	Knutson	Murphy	Ruud	
Foley	Koering	Neuville	Sams	
Frederickson	Kubly	Nienow	Saxhaug	

The President declared a quorum present.

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

## REPORTS FILED WITH THE SECRETARY OF THE SENATE

The following reports were received and filed with the Secretary of the Senate: Department of Human Services, Supplemental Nursing Services, 2003; Department of Natural Resources, Surplus DNR Lands, 2003; Department of Human Services, Medical Care Surcharge Fund, Quarterly Report, March 2003; Department of Trade and Economic Development, MicroEnterprise Assistance Program, 2002; Department of Health, Building a Solid Foundation for Health: Report on Public Health System Development, 2003; Anoka County Attorney, Operation of the Anoka County Adult Criminal Pre-Trial Diversion Program, 2003; Office of the Governor Tim Pawlenty, Reorganization Orders 186 and 187; Board of Teaching, State Administration and Performance on the Common Core Assessments of Knowledge and Skills, 2001-02; Department of Children, Families and Learning, Staff Development Report of District and Site Results and Expenditures, 2001-02; Pollution Control Agency, Superfund Program,

Annual Report, 2003; Department of Military Affairs, Impact of Raising the Tuition Reimbursement Rates, 2003; Office of the Governor Tim Pawlenty, Reorganization Order 188; Department of Human Services, State Operated Services, Dedicated Revenue Accounts, Third Quarter Fiscal Year 2003; Department of Human Services, Child Welfare Report, 2001; Metropolitan Council, Activities and Finances of the Metropolitan Radio Board, 2003.

### EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

May 16, 2003

The Honorable James P. Metzen  
President of the Senate

Dear President Metzen:

On behalf of the people of Minnesota, I am honored to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 1069, 891, 645, 479 and 422.

Sincerely,  
Tim Pawlenty, 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. 308:** A bill for an act relating to mining; specifying duties of owners and operators when operations are discontinued; amending Minnesota Statutes 2002, section 93.003.

Senate File No. 308 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 16, 2003

### CONCURRENCE AND REPASSAGE

Senator Tomassoni moved that the Senate concur in the amendments by the House to S.F. No. 308 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 308 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 51 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Day	Hann	Kiscaden	LeClair
Bakk	Dibble	Higgins	Kleis	Limmer
Belanger	Fischbach	Hottinger	Knutson	Lourey
Berglin	Foley	Johnson, D.J.	Koering	Marko
Betzold	Frederickson	Jungbauer	Kubly	Marty
Chaudhary	Gaither	Kierlin	Larson	McGinn

Metzen	Olson	Rosen	Skoglund	Wergin
Michel	Ortman	Ruud	Sparks	
Moua	Pariseau	Saxhaug	Stumpf	
Neuville	Reiter	Senjem	Tomassoni	
Nienow	Rest	Skoe	Vickerman	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

**S.F. No. 230:** A bill for an act relating to landlords and tenants; modifying the time period for serving a summons and scheduling a hearing for a housing violation; amending Minnesota Statutes 2002, section 504B.401.

Senate File No. 230 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 16, 2003

### CONCURRENCE AND REPASSAGE

Senator Skoglund moved that the Senate concur in the amendments by the House to S.F. No. 230 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 230 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 55 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Koering	Neuville	Scheid
Bakk	Gaither	Kubly	Nienow	Senjem
Belanger	Hann	Larson	Olson	Skoe
Berglin	Higgins	LeClair	Pappas	Skoglund
Betzold	Hottinger	Lourey	Pariseau	Solon
Chaudhary	Johnson, D.J.	Marko	Reiter	Sparks
Day	Jungbauer	Marty	Rest	Stumpf
Dibble	Kierlin	McGinn	Robling	Tomassoni
Dille	Kiscaden	Metzen	Rosen	Vickerman
Fischbach	Kleis	Michel	Ruud	Wergin
Foley	Knutson	Moua	Saxhaug	Wiger

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

**S.F. No. 421:** A bill for an act relating to the city of Minneapolis; providing for the

establishment of certain positions in the unclassified service of the city of Minneapolis by the Minneapolis city council.

Senate File No. 421 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 16, 2003

### CONCURRENCE AND REPASSAGE

Senator Higgins moved that the Senate concur in the amendments by the House to S.F. No. 421 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 421 was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Bachmann	Hann	LeClair	Ortman	Skoe
Bakk	Higgins	Limmer	Ourada	Solon
Belanger	Hottinger	Lourey	Pappas	Sparks
Berglin	Johnson, D.J.	Marko	Reiter	Stumpf
Betzold	Jungbauer	Marty	Rest	Tomassoni
Chaudhary	Kierlin	McGinn	Robling	Vickerman
Day	Kiscaden	Metzen	Rosen	Wergin
Dibble	Kleis	Michel	Ruud	Wiger
Dille	Knutson	Moua	Sams	
Fischbach	Koering	Murphy	Saxhaug	
Foley	Kubly	Neuville	Scheid	
Gaither	Larson	Nienow	Senjem	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

**S.F. No. 964:** A bill for an act relating to crime prevention; allowing crime victims to have input earlier in the plea agreement process; imposing conditions on the disclosure of videotaped interviews of child abuse victims; clarifying the rape examination law; amending Minnesota Statutes 2002, sections 13.821; 609.35; 611A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 611A; 634.

Senate File No. 964 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 16, 2003

### CONCURRENCE AND REPASSAGE

Senator Moua moved that the Senate concur in the amendments by the House to S.F. No. 964 and that the bill be placed on its repassage as amended. The motion prevailed.

**S.F. No. 964:** A bill for an act relating to crime prevention; defining terms in the predatory offender registration law; allowing crime victims to have input earlier in the plea process; imposing conditions on the disclosure of videotaped interviews of child abuse victims; clarifying the rape examination law; amending Minnesota Statutes 2002, sections 13.821; 243.166, subdivision 4a; 609.35; 611A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 611A; 634.

Was read the third time, as amended by the House, and placed on its repassage.

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

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

Those who voted in the affirmative were:

Anderson	Gaither	LeClair	Ortman	Senjem
Bachmann	Hann	Limmer	Ourada	Skoe
Bakk	Higgins	Lourey	Pappas	Skoglund
Belanger	Johnson, D.J.	Marko	Pariseau	Solon
Berglin	Jungbauer	Marty	Pogemiller	Sparks
Betzold	Kierlin	McGinn	Reiter	Stumpf
Chaudhary	Kiscaden	Metzen	Rest	Tomassoni
Day	Kleis	Michel	Robling	Vickerman
Dibble	Knutson	Moua	Rosen	Wergin
Dille	Koering	Murphy	Ruud	Wiger
Fischbach	Kubly	Neuville	Sams	
Foley	Langseth	Nienow	Saxhaug	
Frederickson	Larson	Olson	Scheid	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

**S.F. No. 1505:** A bill for an act relating to taxation; making changes to income, estate, franchise, sales and use, property, motor vehicle sales tax and registration, cigarette and tobacco, liquor, aggregate and minerals taxes; creating and modifying certain sales tax exemptions; extending sunset dates for certain sales and property tax exemptions; providing for the disposition of local sales taxes for the cities of Duluth, St. Paul, Hermantown, Rochester, Mankato, and Proctor; authorizing local sales taxes in the cities of Beaver Bay, Bemidji, Clearwater, Cloquet, Hopkins, Medford, and Park Rapids; authorizing lodging taxes in the city of Newport and Itasca county; providing property tax exemptions and exclusions from property valuations; modifying truth-in-taxation provisions; providing for the creation of housing districts; authorizing or modifying the authority of tax increment financing districts in Detroit Lakes, Duluth, Monticello, New Hope, Richfield, Roseville, and St. Michael; extending sunset date for a tax levy in the city of Moorhead; authorizing the creation of and modifying the authority of local districts and economic development authorities; granting bonding authority to the state agricultural society and other political subdivisions; allowing bonding for computer systems and other purposes; authorizing cities to establish a program for issuance of capital improvement bonds; limiting challenges to tax increment financing actions; establishing the corporate status of an entity; updating to federal provisions; modifying payment, penalty, interest, and enforcement provisions; distributing payments to counties; changing requirements for purchases of recycled materials; regulating tax preparers; making technical changes; imposing penalties; amending Minnesota Statutes 2002, sections 16B.121; 115B.24, subdivision 8; 168.012, subdivision 1; 168A.03; 216B.2424, subdivision 5; 270.06; 270.10, subdivision 1a; 270.60, subdivision 4; 270.69, by adding a subdivision; 270.701, subdivision 2, by adding a subdivision; 270.72, subdivision 2; 270A.03, subdivision 2; 270B.12, by adding a subdivision; 272.02, subdivisions 26, 31, 47, 53, by adding

subdivisions; 272.12; 273.01; 273.05, subdivision 1; 273.061, by adding subdivisions; 273.08; 273.11, subdivision 1a, by adding subdivisions; 273.124, subdivision 1; 273.13, subdivisions 22, 25; 273.1315; 273.1398, subdivisions 4b, 4d; 273.372; 273.42, subdivision 2; 274.01, subdivision 1; 274.13, subdivision 1; 275.025, subdivisions 1, 3, 4; 275.065, subdivisions 1, 1a, 3; 276.04, subdivision 2; 276.10; 276.11, subdivision 1; 277.20, subdivision 2; 278.03, subdivision 1; 278.05, subdivision 6; 279.01, subdivision 1, by adding a subdivision; 279.06, subdivision 1; 281.17; 282.01, subdivisions 1b, 7a; 282.08; 287.12; 287.29, subdivision 1; 287.31, by adding a subdivision; 289A.02, subdivision 7; 289A.10, subdivision 1; 289A.19, subdivision 4; 289A.31, subdivisions 3, 4, by adding a subdivision; 289A.36, subdivision 7, by adding subdivisions; 289A.50, subdivision 2a; 289A.56, subdivision 3; 289A.60, subdivision 7, by adding a subdivision; 290.01, subdivisions 19, 19b, 19d, 31; 290.05, subdivision 1; 290.06, subdivision 2c; 290.0671, subdivision 1; 290.0675, subdivisions 2, 3; 290.0679, subdivision 2; 290.0802, subdivision 1; 290.17, subdivision 4; 290.191, subdivision 1; 290A.03, subdivisions 8, 15; 290C.02, subdivisions 3, 7; 290C.03; 290C.07; 290C.09; 290C.10; 290C.11; 291.005, subdivision 1; 291.03, subdivision 1; 295.50, subdivision 9b; 295.53, subdivision 1; 297A.61, subdivisions 3, 12, 34, by adding subdivisions; 297A.62, subdivision 3; 297A.665; 297A.67, subdivisions 2, 18, by adding subdivisions; 297A.68, subdivisions 4, 5, 36, by adding a subdivision; 297A.69, subdivisions 2, 3, 4; 297A.70, subdivisions 8, 16; 297A.71, subdivision 10, by adding subdivisions; 297A.85; 297B.025, subdivisions 1, 2; 297B.03; 297B.035, subdivision 1, by adding a subdivision; 297F.01, subdivisions 21a, 23; 297F.06, subdivision 4; 297F.08, by adding a subdivision; 297F.20, subdivisions 1, 2, 3, 6, 9; 297G.01, by adding a subdivision; 297G.03, subdivision 1; 297I.01, subdivision 9; 297I.20; 298.001, by adding a subdivision; 298.01, subdivisions 3, 3a; 298.015; 298.016, subdivisions 1, 2, 4; 298.018; 352.15, subdivision 1; 353.15, subdivision 1; 354.10, subdivision 1; 354B.30; 354C.165; 373.01, subdivision 3; 373.45, subdivision 1; 373.47, subdivision 1; 376.009; 376.55, subdivision 3, by adding a subdivision; 376.56, subdivision 3; 383B.77, subdivisions 1, 2; 410.32; 412.301; 469.169, by adding a subdivision; 469.1731, subdivision 3; 469.174, subdivision 10, by adding subdivisions; 469.175, subdivision 3, by adding a subdivision; 469.176, subdivision 7; 469.1761, by adding a subdivision; 469.1763, subdivision 2; 469.177, subdivision 1; 469.1792; 473.39, by adding a subdivision; 473F.07, subdivision 4; 473F.08, by adding a subdivision; 475.58, subdivision 3b; 477A.011, subdivision 30; 515B.1-116; Laws 1967, chapter 558, section 1, subdivision 5, as amended; Laws 1980, chapter 511, section 1, subdivision 2, as amended; Laws 1980, chapter 511, section 2, as amended; Laws 1989, chapter 211, section 8, subdivision 2, as amended; Laws 1989, chapter 211, section 8, subdivision 4, as amended; Laws 1991, chapter 291, article 8, section 27, subdivision 3, as amended; Laws 1991, chapter 291, article 8, section 27, subdivision 4; Laws 1993, chapter 375, article 9, section 46, subdivision 2, as amended; Laws 1996, chapter 471, article 2, section 29; Laws 1998, chapter 389, article 8, section 43, subdivision 3; Laws 1998, chapter 389, article 8, section 43, subdivision 4; Laws 1999, chapter 243, article 4, section 18, subdivision 1; Laws 1999, chapter 243, article 4, section 18, subdivision 3; Laws 1999, chapter 243, article 4, section 18, subdivision 4; Laws 1999, chapter 243, article 4, section 19, as amended; Laws 2001, First Special Session chapter 5, article 3, section 61, the effective date; Laws 2001 First Special Session chapter 5, article 3, section 63, the effective date; Laws 2001, First Special Session chapter 5, article 3, section 96; Laws 2001, First Special Session chapter 5, article 9, section 12, the effective date; Laws 2001, First Special Session chapter 5, article 12, section 67, the effective date; Laws 2002, chapter 377, article 3, section 15, the effective date; Laws 2002 chapter 377, article 6, section 4, the effective date; Laws 2002, chapter 377, article 11, section 1; proposing coding for new law in Minnesota Statutes, chapters 37; 270; 273; 275; 276; 290C; 298; 410; repealing Minnesota Statutes 2002, sections 270.691, subdivision 8; 274.04; 290.0671, subdivision 3; 290.0675, subdivision 5; 294.01; 294.02; 294.021; 294.03; 294.06; 294.07; 294.08; 294.09; 294.10; 294.11; 294.12; 297A.72, subdivision 1; 297A.97; 298.01, subdivisions 3c, 3d; 298.017; 477A.065; Laws 1984, chapter 652, section 2; Laws 2002, chapter 377, article 9, section 12, the effective date; Minnesota Rules, parts 8007.0300, subpart 3; 8009.7100; 8009.7200; 8009.7300; 8009.7400; 8092.1000; 8106.0100, subparts 11, 15, 16; 8106.0200; 8125.1000; 8125.1300, subpart 1; 8125.1400; 8130.0800, subparts 5, 12; 8130.1300; 8130.1600, subpart 5; 8130.1700, subparts 3, 4; 8130.4800, subpart 2; 8130.7500, subpart 5; 8130.8000; 8130.8300.

Senate File No. 1505 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Returned May 19, 2003

Senator Pogemiller moved that S.F. No. 1505 be laid on the table. 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 Senate File No. 980, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 980:** A bill for an act relating to crime; providing reporting procedures and venue for identity theft; amending Minnesota Statutes 2002, section 609.527, by adding subdivisions.

Senate File No. 980 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Returned May 16, 2003

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. 990, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 990:** A bill for an act relating to state government; changing certain wild rice provisions; authorizing certain embargoes; clarifying certain food provisions; clarifying an enforcement provision; changing a milk storage requirement; changing certain procedures and requirements for organic food; providing for compliance with federal law; extending a provision authorizing certain emergency restrictions; clarifying animal feedlot regulation; changing fuel provisions; changing veterans homes provisions; providing for the headquarters of the departments of agriculture and health to be named after Orville L. Freeman; eliminating a requirement for anaplasmosis testing; requiring certain reports; amending Minnesota Statutes 2002, sections 30.49, subdivision 6; 31.05, by adding a subdivision; 31.101, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12; 31.102, subdivision 1; 31.103, subdivision 1; 31.92, subdivision 3, by adding subdivisions; 31.94; 32.01, subdivision 10; 32.21, subdivision 4; 32.394, subdivisions 4, 8c; 32.415; 35.0661, subdivision 4; 35.243; 41A.09, subdivision 1a; 116.07, subdivision 7; 198.001, by adding a subdivision; 198.004, subdivision 1; 198.005; 198.007; 239.791, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 31; repealing Minnesota Statutes 2002, sections 31.92, subdivisions 2a, 5; 31.93; 31.95; 32.391, subdivisions 1a, 1b, 1c; 35.251; 198.001, subdivision 7; 198.002, subdivision 5; 198.003, subdivision 2; Minnesota Rules, parts 1700.0800; 1700.1000; 1700.1300; 1705.0550; 1705.0560; 1705.0570; 1705.0580; 1705.0590; 1705.0600; 1705.0610; 1705.0630; 1715.1430.

Senate File No. 990 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Returned May 16, 2003

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1597:

**H.F. No. 1597:** A bill for an act relating to financing and operation of state and local government; providing for job opportunity building zones; providing for a biotechnology and health services industry zone; changing income, corporate franchise, estate, sales and use, motor vehicle sales, property, minerals, gravel, cigarette and tobacco, liquor, mortgage registry and deed, healthcare provider, insurance premiums, hazardous waste generator, and other taxes and tax provisions; changing and providing powers and duties relating to tax administration, collection, compliance, and enforcement; updating provisions to the internal revenue code; changing provisions relating to the state elections campaign fund; changing June accelerated tax liability

provisions and extending the requirements to other taxes; changing and providing for intergovernmental aids; imposing levy limits; changing truth in taxation provisions and providing for reverse referenda; providing for economic development incentives; changing tax increment financing provisions; changing certain levy and other provisions relating to the metropolitan council and the metropolitan mosquito control district; authorizing towns to impose certain charges; giving special powers to the cities of Medford, Newport, Moorhead, Duluth, and Hopkins; repealing certain local laws; establishing a legislative commission on unnecessary mandates; providing for funding adjustments for certain state mandated programs; changing provisions relating to local impact notes; abolishing or providing for the expiration of certain funds and accounts; providing for cash flow and budget reserve accounts; providing for deposit of certain revenues in the general fund; providing for data disclosure; requiring studies and reports; providing for appointments; authorizing grants; imposing penalties; appropriating money; amending Minnesota Statutes 2002, sections 3.842, subdivision 4a; 3.843; 3.986, subdivision 4; 3.987, subdivision 1; 4A.02; 8.30; 10A.31, subdivisions 1, 3; 16A.152, subdivisions 1, 1b, 2, 7; 62J.694, subdivision 4; 115B.24, subdivision 8; 144.395, subdivision 3; 161.465; 168.27, subdivision 4a; 168A.03; 168A.05, subdivision 1a; 216B.2424, subdivision 5; 270.06; 270.10, subdivision 1a; 270.60, subdivision 4; 270.67, subdivision 4; 270.69, by adding a subdivision; 270.701, subdivision 2, by adding a subdivision; 270.72, subdivision 2; 270A.03, subdivision 2; 270B.12, by adding a subdivision; 272.02, subdivisions 31, 47, 48, 53, by adding subdivisions; 272.029, by adding a subdivision; 272.12; 273.01; 273.05, subdivision 1; 273.061, by adding subdivisions; 273.08; 273.11, subdivision 1a; 273.112, subdivision 3; 273.124, subdivisions 1, 14; 273.13, subdivisions 22, 23, 25; 273.1398, subdivisions 4a, 4b, 4c, 6, 8; 273.372; 273.42, subdivision 2; 274.01, subdivision 1; 274.13, subdivision 1; 275.025, subdivisions 1, 3, 4; 275.065, subdivisions 1, 1a, 1c, 3, 6, 8, by adding a subdivision; 275.07, subdivision 1; 275.70, subdivision 5; 275.71, subdivisions 2, 4, 5, 6; 275.72, subdivision 3; 275.73, subdivision 2; 275.74, subdivision 3; 276.10; 276.11, subdivision 1; 277.20, subdivision 2; 278.01, subdivision 4; 278.05, subdivision 6; 279.06, subdivision 1; 281.17; 282.01, subdivision 7a; 282.08; 287.12; 287.29, subdivision 1; 287.31, by adding a subdivision; 289A.02, subdivision 7; 289A.10, subdivision 1; 289A.18, subdivision 4; 289A.19, subdivision 4; 289A.20, subdivision 4; 289A.31, subdivisions 3, 4, 7, by adding a subdivision; 289A.36, subdivision 7, by adding subdivisions; 289A.40, subdivision 2; 289A.50, subdivision 2a, by adding subdivisions; 289A.56, subdivisions 3, 4; 289A.60, subdivisions 7, 15, by adding a subdivision; 290.01, subdivisions 19, 19a, 19b, 19c, 19d, 29, 31; 290.05, subdivision 1; 290.06, subdivisions 2c, 23, 24, by adding subdivisions; 290.067, subdivision 1; 290.0671, subdivision 1; 290.0675, subdivisions 2, 3; 290.0679, subdivision 2; 290.0802, subdivision 1; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivisions 2, 3; 290.17, subdivision 4; 290.191, subdivision 1; 290A.03, subdivisions 8, 15; 290C.02, subdivisions 3, 7; 290C.03; 290C.07; 290C.09; 290C.10; 290C.11; 291.005, subdivision 1; 291.03, subdivision 1; 295.50, subdivision 9b; 295.53, subdivision 1; 295.58; 297A.61, subdivisions 3, 7, 10, 12, 17, 30, 31, 34, by adding subdivisions; 297A.66, by adding a subdivision; 297A.665; 297A.668; 297A.67, subdivisions 2, 7, 8, by adding a subdivision; 297A.68, subdivisions 2, 4, 5, 36, by adding subdivisions; 297A.69, subdivisions 2, 3, 4; 297A.70, subdivisions 8, 16; 297A.71, by adding a subdivision; 297A.75, subdivision 4; 297A.81; 297A.82, subdivision 4; 297A.85; 297A.99, subdivisions 5, 10, 12; 297A.995, by adding a subdivision; 297B.01, subdivision 7; 297B.025, subdivisions 1, 2; 297B.03; 297B.035, subdivision 1, by adding a subdivision; 297F.01, subdivisions 21a, 23; 297F.05, subdivision 1; 297F.06, subdivision 4; 297F.08, subdivision 7; 297F.09, subdivisions 1, 2, by adding a subdivision; 297F.10, subdivision 1; 297F.20, subdivisions 1, 2, 3, 6, 9; 297G.01, by adding a subdivision; 297G.03, subdivision 1; 297G.09, by adding a subdivision; 297I.01, subdivision 9; 297I.20; 298.001, by adding a subdivision; 298.01, subdivisions 3, 3a, 4; 298.015, subdivisions 1, 2; 298.016, subdivision 4; 298.018; 298.24, subdivision 1; 298.27; 298.28, subdivisions 9a, 11; 298.75, subdivision 1; 325D.421, subdivision 2, by adding a subdivision; 349.16, by adding a subdivision; 352.15, subdivision 1; 353.15, subdivision 1; 354.10, subdivision 1; 354B.30; 354C.165; 366.011; 366.012; 469.169, by adding a subdivision; 469.1731, subdivision 3; 469.174, subdivisions 3, 6, 10, 25, by adding a subdivision; 469.175, subdivisions 1, 3, 4, 6; 469.176, subdivisions 1c, 2, 3, 4d, 4l, 7; 469.1763, subdivisions 1, 2, 3, 4, 6; 469.177, subdivisions 1, 12; 469.1771, subdivision 4, by adding a subdivision; 469.178, subdivision 7; 469.1791, subdivision 3; 469.1792, subdivisions 1, 2, 3; 469.1813, subdivision 8; 469.1815, subdivision 1; 473.167, subdivision 3; 473.246; 473.249, subdivision 1; 473.253, subdivision 1; 473.702; 473.711, subdivision 2a;

473F.07, subdivision 4; 477A.011, subdivisions 34, 36, by adding subdivisions; 477A.013, subdivisions 8, 9; 477A.03, subdivision 2; 515B.1-116; 611.27, subdivisions 13, 15; Laws 1997, chapter 231, article 10, section 25; Laws 2001, First Special Session chapter 5, article 3, section 61; Laws 2001, First Special Session chapter 5, article 3, section 63; Laws 2001, First Special Session chapter 5, article 9, section 12; Laws 2001, First Special Session chapter 5, article 12, section 95, as amended; Laws 2002, chapter 377, article 6, section 4; Laws 2002, chapter 377, article 7, section 3; Laws 2002, chapter 377, article 11, section 1; Laws 2002, chapter 377, article 12, section 17; proposing coding for new law in Minnesota Statutes, chapters 3; 123A; 126C; 270; 273; 274; 275; 276; 290C; 297A; 297F; 469; 477A; repealing Minnesota Statutes 2002, sections 270.691, subdivision 8; 273.138, subdivisions 2, 3, 6; 273.1398, subdivisions 2, 2c, 4, 4d; 273.166; 274.04; 275.065, subdivisions 3a, 4; 290.0671, subdivision 3; 290.0675, subdivision 5; 294.01; 294.02; 294.021; 294.03; 294.06; 294.07; 294.08; 294.09; 294.10; 294.11; 294.12; 297A.61, subdivisions 14, 15; 297A.69, subdivision 5; 297A.72, subdivision 1; 297A.97; 298.01, subdivisions 3c, 3d, 4d, 4e; 298.017; 298.24, subdivision 3; 298.28, subdivisions 9, 9b, 10; 298.2961; 298.297; 325E.112, subdivision 2a; 473.711, subdivision 2b; 477A.011, subdivision 37; 477A.0121; 477A.0122; 477A.0123; 477A.0132; 477A.03, subdivisions 3, 4; 477A.06; 477A.065; 477A.07; Laws 1984, chapter 652, section 2; Laws 2002, chapter 390, sections 36, 37, 38; Minnesota Rules, parts 8007.0300, subpart 3; 8009.7100; 8009.7200; 8009.7300; 8009.7400; 8092.1000; 8106.0100, subparts 11, 15, 16; 8106.0200; 8125.1000; 8125.1300, subpart 1; 8125.1400; 8130.0800, subparts 5, 12; 8130.1300; 8130.1600, subpart 5; 8130.1700, subparts 3, 4; 8130.4800, subpart 2; 8130.7500, subpart 5; 8130.8000; 8130.8300.

The House respectfully requests that a Conference Committee of 5 members be appointed thereon.

Abrams, Knoblach, Kuisle, Lanning and Lenczewski have been appointed as such committee on the part of the House.

House File No. 1597 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Transmitted May 16, 2003

Senator Pogemiller moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1597, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 169 and 1425.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Transmitted May 16, 2003

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 169:** A bill for an act relating to trusts; providing for memorial fund trusts; changing an application provision; providing for agreements; clarifying procedures; providing an effective date; amending Minnesota Statutes 2002, section 501B.14, subdivision 3; Laws 2002, chapter 347, section 5; proposing coding for new law in Minnesota Statutes, chapter 501B.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 116, now on General Orders.

**H.F. No. 1425:** A bill for an act relating to judgments; regulating stays of execution on money judgments; limiting bond amounts; amending Minnesota Statutes 2002, section 550.36.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1414, now on General Orders.

### REPORTS OF COMMITTEES

Senator Rest moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

**Senator Hottinger, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 1064** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1064	1197				

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 Hottinger, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 376** 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.
376	613				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 376 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 376 and insert the language after the enacting clause of S.F. No. 613, the first engrossment; further, delete the title of H.F. No. 376 and insert the title of S.F. No. 613, the first engrossment.

And when so amended H.F. No. 376 will be identical to S.F. No. 613, and further recommends that H.F. No. 376 be given its second reading and substituted for S.F. No. 613, 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 Hottinger, from the Committee on Rules and Administration, to which was referred**

**H.F. No. 592** 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.  
592              593

**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.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 1064, 376 and 592 were read the second time.

**MOTIONS AND RESOLUTIONS****Senator Pappas introduced--**

**Senate Resolution No. 81:** A Senate resolution congratulating Nicholas McAdams for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**Senator Lourey introduced--**

**Senate Resolution No. 82:** A Senate resolution congratulating Eric Branson of Moose Lake, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

S.F. No. 328 and the Conference Committee Report thereon were reported to the Senate.

**CONFERENCE COMMITTEE REPORT ON S.F. NO. 328**

A bill for an act relating to health; authorizing the board of psychology to require an independent examination of a practitioner; classifying such information; amending Minnesota Statutes 2002, sections 13.383, subdivision 8; 148.941, by adding a subdivision.

May 16, 2003

The Honorable James P. Metzen  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 328, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S.F. No. 328 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 13.383, subdivision 8, is amended to read:

Subd. 8. [PSYCHOLOGISTS AND PSYCHOLOGICAL PRACTITIONERS.] Client records of a patient cared for by a psychologist or psychological practitioner who is under review by the

board of psychology are classified under section 148.941, subdivision 4. Data obtained by the board of psychology when requiring a mental, physical, or chemical dependency examination or evaluation of a regulated individual or when accessing the medical records of a regulated individual are classified under section 148.941, subdivision 8.

Sec. 2. Minnesota Statutes 2002, section 148.89, subdivision 5, is amended to read:

Subd. 5. [PRACTICE OF PSYCHOLOGY.] "Practice of psychology" means the observation, description, evaluation, interpretation, ~~and~~ or modification of human behavior by the application of psychological principles, methods, ~~and~~ or procedures, to prevent ~~or~~, eliminate, or manage symptomatic, maladaptive, or undesired behavior and to enhance interpersonal relationships, work ~~and~~, life and developmental adjustment, personal and organizational effectiveness, behavioral health, ~~and~~ mental health. The practice of psychology includes, but is not limited to, the following services, regardless of whether the provider receives payment for the services:

~~(1) psychological research, psychological testing, and teaching of psychology, and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;~~

~~(2) assessment, including psychological testing and other means of evaluating personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;~~

~~(3) a psychological report, whether written or oral, including testimony of a provider as an expert witness, concerning the characteristics of an individual or entity;~~

~~(4) psychotherapy, including but not limited to, categories such as behavioral, cognitive, emotive, systems, psychophysiological, or insight-oriented therapies; counseling; psychoanalysis; psychotherapy, hypnosis, biofeedback; and diagnosis and treatment of:~~

~~(i) mental and emotional disorder or disability;~~

~~(ii) ~~alecoholism~~ alcohol and substance dependence or abuse;~~

~~(iii) disorders of habit or conduct;~~

~~(iv) the psychological aspects of physical illness or condition, accident, injury, or disability;~~

~~(v) life adjustment issues, including work-related and bereavement issues; and~~

~~(vi) child, family, or relationship issues; and~~

~~(vii) work-related issues; and~~

~~(3) (5) psychoeducational evaluation, therapy, remediation, consultation, and supervision services and treatment; and~~

~~(6) consultation and supervision.~~

Sec. 3. [148.9105] [EMERITUS REGISTRATION.]

Subdivision 1. [APPLICATION.] Retired providers who are licensed or were formerly licensed to practice psychology in the state according to the Minnesota Psychology Practice Act may apply to the board for psychologist emeritus registration or psychological practitioner emeritus registration if they declare that they are retired from the practice of psychology in Minnesota, have not been the subject of disciplinary action in any jurisdiction, and have no unresolved complaints in any jurisdiction. Retired providers shall complete the necessary forms provided by the board and pay a onetime, nonrefundable fee of \$150 at the time of application.

Subd. 2. [STATUS OF REGISTRANT.] Emeritus registration is not a license to provide psychological services as defined in the Minnesota Psychology Practice Act. The registrant shall not engage in the practice of psychology.

Subd. 3. [CHANGE TO ACTIVE STATUS.] Emeritus registrants who request a change to active licensure status shall meet the requirements for relicensure following termination in the Minnesota Psychology Practice Act. Master's level emeritus registrants who request licensure at the doctoral level shall comply with current licensure requirements.

Subd. 4. [DOCUMENTATION OF STATUS.] A provider granted emeritus registration shall receive a document certifying that emeritus status has been granted by the board and that the registrant has completed the registrant's active career as a psychologist or psychological practitioner licensed in good standing with the board.

Subd. 5. [REPRESENTATION TO THE PUBLIC.] In addition to the descriptions allowed in section 148.96, subdivision 3, paragraph (e), former licensees who have been granted emeritus registration may represent themselves as "psychologist emeritus" or "psychological practitioner emeritus," but shall not represent themselves or allow themselves to be represented to the public as "licensed" or otherwise as current licensees of the board.

Subd. 6. [CONTINUING EDUCATION REQUIREMENTS.] The continuing education requirements of the Minnesota Psychology Practice Act do not apply to emeritus registrants.

Subd. 7. [RENEWAL OR SPECIAL FEES.] An emeritus registrant is not subject to license renewal or special fees.

Sec. 4. Minnesota Statutes 2002, section 148.925, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISION.] For the purpose of meeting the requirements of this section, supervision means documented in-person consultation, which may include interactive, visual electronic communication, between either: (1) a primary supervisor and a licensed psychological practitioner; or (2) a primary or designated supervisor and an applicant for licensure as a licensed psychologist. The supervision shall be adequate to assure the quality and competence of the activities supervised. Supervisory consultation shall include discussions on the nature and content of the practice of the supervisee, including, but not limited to, a review of a representative sample of psychological services in the supervisee's practice.

Sec. 5. Minnesota Statutes 2002, section 148.941, is amended by adding a subdivision to read:

Subd. 8. [MENTAL, PHYSICAL, OR CHEMICAL DEPENDENCY EXAMINATION OR EVALUATION.] (a) If the board has probable cause to believe that an individual who is regulated by the board has demonstrated an inability to practice psychology with reasonable skill and safety to clients due to any mental or physical illness or condition, the board may direct the individual to submit to an independent mental, physical, or chemical dependency examination or evaluation. For the purpose of this subdivision, an individual regulated by the board is deemed to have consented to submit to the examination or evaluation when directed to do so by written notice by the board and to have waived all objections to the admissibility of the examiner's or evaluator's testimony or reports on the grounds that the same constitutes a privileged communication. Failure to submit to an examination or evaluation without just cause, as determined by the board, shall authorize the board to consider the allegations as true for the purposes of further action by the board. Such action may include an application being denied, a license being suspended, or a default and final order being entered without the taking of testimony or presentation of evidence, other than evidence that may be submitted by affidavit that explains why the individual did not submit to the examination or evaluation.

(b) An individual regulated by the board who is affected under this subdivision shall, at reasonable intervals, be given an opportunity to demonstrate that the individual is fit to resume the competent practice of psychology with reasonable skill and safety to the public.

(c) In a proceeding under this subdivision, neither the record of the proceedings nor the orders entered by the board is admissible, is subject to subpoena, or may be used against the individual regulated by the board in any proceeding not commenced by the board.

(d) Information obtained under this subdivision is classified as private under section 13.02, subdivision 12.

## Sec. 6. [APPROPRIATION.]

\$1,000 is appropriated for each fiscal year of the biennium ending June 30, 2005, from the state government special revenue fund to the board of psychology for the purpose of administering section 3."

Delete the title and insert:

"A bill for an act relating to health; authorizing the board of psychology to require an independent examination of a practitioner; classifying such information; clarifying the definition of the practice of psychology; modifying provisions relating to supervised practice by a psychologist; providing for psychologist emeritus registration; appropriating money; amending Minnesota Statutes 2002, sections 13.383, subdivision 8; 148.89, subdivision 5; 148.925, subdivision 1; 148.941, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 148."

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

Senate Conferees: (Signed) Yvonne Prettner Solon, Linda Higgins, Sheila M. Kiscaden

House Conferees: (Signed) Duke Powell, Tim Wilkin, Cy Thao

Senator Solon moved that the foregoing recommendations and Conference Committee Report on S.F. No. 328 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. 328 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 58 and nays 3, as follows:

Those who voted in the affirmative were:

Bakk	Hann	Larson	Ortman	Senjem
Belanger	Higgins	Limmer	Ourada	Skoe
Berglin	Hottinger	Lourey	Pappas	Skoglund
Betzold	Johnson, D.E.	Marko	Pariseau	Solon
Chaudhary	Johnson, D.J.	Marty	Pogemiller	Sparks
Cohen	Jungbauer	McGinn	Rest	Stumpf
Dibble	Kierlin	Metzen	Robling	Tomassoni
Dille	Kleis	Moua	Rosen	Vickerman
Fischbach	Knutson	Murphy	Ruud	Wergin
Foley	Koering	Neuville	Sams	Wiger
Frederickson	Kubly	Nienow	Saxhaug	
Gaither	Langseth	Olson	Scheid	

Those who voted in the negative were:

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

### MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 351 and the Conference Committee Report thereon were reported to the Senate.

### CONFERENCE COMMITTEE REPORT ON S.F. NO. 351

A bill for an act relating to crime prevention; providing that in certain cases authorized

representatives of entities possessing a permit to use radio equipment capable of receiving police emergency transmissions may use and possess the equipment without a permit; amending Minnesota Statutes 2002, section 299C.37, subdivisions 1, 3.

May 14, 2003

The Honorable James P. Metzen  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 351, 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) Thomas M. Bakk, David L. Knutson, Tom Saxhaug

House Conferees: (Signed) David Dill, Jim Rhodes, Duke Powell

Senator Bakk moved that the foregoing recommendations and Conference Committee Report on S.F. No. 351 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. 351 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Gaither	Kubly	Nienow	Saxhaug
Bakk	Hann	Langseth	Olson	Scheid
Belanger	Higgins	Larson	Ortman	Senjem
Berglin	Hottinger	LeClair	Ourada	Skoe
Betzold	Johnson, D.E.	Limmer	Pappas	Skoglund
Chaudhary	Johnson, D.J.	Lourey	Pariseau	Solon
Cohen	Jungbauer	Marko	Pogemiller	Sparks
Dibble	Kierlin	Marty	Reiter	Stumpf
Dille	Kiscaden	McGinn	Rest	Tomassoni
Fischbach	Kleis	Metzen	Robling	Vickerman
Foley	Knutson	Murphy	Rosen	Wergin
Frederickson	Koering	Neuville	Sams	Wiger

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

#### **MOTIONS AND RESOLUTIONS - CONTINUED**

S.F. No. 287 and the Conference Committee Report thereon were reported to the Senate.

#### **CONFERENCE COMMITTEE REPORT ON S.F. NO. 287**

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 2002, sections 121A.11, by adding subdivisions; 124D.10, subdivision 8.

May 16, 2003

The Honorable James P. Metzen  
President of the Senate

The Honorable Steve Sviggum  
Speaker of the House of Representatives

We, the undersigned conferees for S.F. No. 287, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S.F. No. 287 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 121A.11, is amended by adding a subdivision to read:

Subd. 3. [PLEDGE OF ALLEGIANCE.] (a) All public and charter school students shall recite the pledge of allegiance to the flag of the United States of America one or more times each week. The recitation shall be conducted:

(1) by each individual classroom teacher or the teacher's surrogate; or

(2) over a school intercom system by a person designated by the school principal or other person having administrative control over the school.

A local school board or a charter school board of directors may annually, by majority vote, waive this requirement.

(b) Any student or teacher may decline to participate in recitation of the pledge.

(c) A school district or charter school that has a student handbook or school policy guide must include a statement that anyone who does not wish to participate in reciting the pledge of allegiance for any personal reasons may elect not to do so and that students must respect another person's right to make that choice.

(d) A local school board or a charter school board of directors that waives the requirement to recite the pledge of allegiance under paragraph (a) may adopt a district or school policy regarding the reciting of the pledge of allegiance.

**[EFFECTIVE DATE.]** Paragraphs (a), (b), and (d) are effective for the 2003-2004 school year and later. Paragraph (c) is effective for the 2004-2005 school year and later.

Sec. 2. Minnesota Statutes 2002, section 121A.11, is amended by adding a subdivision to read:

Subd. 4. [INSTRUCTION.] Unless the requirement in subdivision 3 is waived by a majority vote of the school board, a school district must instruct students in the proper etiquette toward, correct display of, and respect for the flag, and in patriotic exercises.

**[EFFECTIVE DATE.]** This section is effective for instruction beginning in the 2003-2004 school year and later.

Sec. 3. Minnesota Statutes 2002, 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.

(l) A charter school is subject to the pledge of allegiance requirement under section 121A.11, subdivision 3.

**[EFFECTIVE DATE.]** This section is effective for the 2003-2004 school year and later."

Delete the title and insert:

"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 2002, sections 121A.11, by adding subdivisions; 124D.10, subdivision 8."

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

Senate Conferees: (Signed) Steve Murphy, David J. Tomassoni, Gen Olson

House Conferees: (Signed) Marty Seifert, Gene Pelowski, Jr.

Senator Murphy moved that the foregoing recommendations and Conference Committee Report on S.F. No. 287 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. 287 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 58 and nays 5, as follows:

Those who voted in the affirmative were:

Bachmann	Higgins	Larson	Ortman	Senjem
Bakk	Hottinger	LeClair	Ourada	Skoe
Belanger	Johnson, D.E.	Limmer	Pariseau	Skoglund
Betzold	Johnson, D.J.	Lourey	Pogemiller	Solon
Chaudhary	Jungbauer	Marko	Reiter	Sparks
Cohen	Kierlin	McGinn	Rest	Stumpf
Dille	Kiscaden	Metzen	Robling	Tomassoni
Fischbach	Kleis	Michel	Rosen	Vickerman
Foley	Knutson	Murphy	Ruud	Wergin
Frederickson	Koering	Neuville	Sams	Wiger
Gaither	Kubly	Nienow	Saxhaug	
Hann	Langseth	Olson	Scheid	

Those who voted in the negative were:

Berglin	Dibble	Marty	Moua	Pappas
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So the bill, as amended by the Conference Committee, was repassed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

#### SPECIAL ORDERS

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

H.F. Nos. 810 and 768.

#### SPECIAL ORDER

**H.F. No. 810:** A bill for an act relating to state lands; modifying certain boundary waters canoe area provisions; providing for certain state land acquisition; modifying the Mississippi whitewater trail; modifying provisions of the outdoor recreation system; establishing a mineral coordinating committee; establishing boundaries for a proposed state park; adding to and deleting from state parks, state recreation areas, state forests, and wildlife management areas; authorizing public and private sales and conveyances of certain state lands; requiring certain land exchanges; modifying certain appropriations conditions; amending Minnesota Statutes 2002, sections 84.523, by adding a subdivision; 85.013, subdivision 1; 85.0156, subdivision 1; 86A.04; Laws 2001, First Special Session chapter 2, section 14, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 93.

Senator Saxhaug moved that H.F. No. 810 be laid on the table. The motion prevailed.

#### SPECIAL ORDER

**H.F. No. 768:** A bill for an act relating to veterans; classifying military certificates of discharge as private data on individuals; providing procedures for their release; amending Minnesota Statutes 2002, sections 13.785, subdivision 2; 196.08; 386.20, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Larson	Nienow	Saxhaug
Bakk	Higgins	LeClair	Olson	Scheid
Belanger	Johnson, D.E.	Limmer	Ortman	Senjem
Betzold	Johnson, D.J.	Lourey	Ourada	Skoe
Chaudhary	Jungbauer	Marko	Pappas	Skoglund
Cohen	Kierlin	Marty	Pariseau	Solon
Day	Kiscaden	McGinn	Pogemiller	Sparks
Dibble	Kleis	Metzen	Reiter	Stumpf
Dille	Knutson	Michel	Rest	Tomassoni
Foley	Koering	Moua	Robling	Vickerman
Frederickson	Kubly	Murphy	Rosen	Wergin
Gaither	Langseth	Neuville	Ruud	Wiger

So the bill 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 proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Senators Anderson, Hottinger, Rest and Neuville introduced--**

**S.F. No. 1557:** A bill for an act relating to state government; providing a process for community ownership of the Minnesota Twins; proposing coding for new law as Minnesota Statutes, chapter 4B.

Referred to the Committee on Commerce and Utilities.

#### **Senator Anderson introduced--**

**S.F. No. 1558:** A bill for an act relating to taxation; providing a tax credit for alternative energy production; amending Minnesota Statutes 2002, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes.

#### **Senator Higgins introduced--**

**S.F. No. 1559:** A bill for an act relating to museums and archives repositories; regulating loans to and abandoned property of museums and archives repositories; providing a process for establishing ownership of property loaned to museums and archives repositories; proposing coding for new law in Minnesota Statutes, chapter 345.

Referred to the Committee on Commerce and Utilities.

#### **Senator Moua introduced--**

**S.F. No. 1560:** A bill for an act relating to traffic regulations; regulating display of vehicle lights; making technical, conforming, and clarifying revisions; amending Minnesota Statutes 2002, section 169.48, subdivision 1.

Referred to the Committee on Finance.

**Senators Anderson, Pappas and Cohen introduced--**

**S.F. No. 1561:** A bill for an act relating to consumer protection; generally prohibiting the sale of antibacterial soaps; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Commerce and Utilities.

**Senators Neuville, Sams, Vickerman, Robling and Stumpf introduced--**

**S.F. No. 1562:** A bill for an act proposing an amendment to the Minnesota Constitution, by adding a section to article XIII; establishing the same standard for the Minnesota Constitution and the United States Constitution for issues relating to abortion.

Referred to the Committee on Rules and Administration.

**Senators Kiscaden, Lourey and Kelley introduced--**

**S.F. No. 1563:** A bill for an act relating to health; establishing the Sustainable Health Care Act; providing for reform of health care coverage and public programs for low-income and working Minnesotans; requiring a report; appropriating money.

Referred to the Committee on Health and Family Security.

**Senator Kiscaden introduced--**

**S.F. No. 1564:** A bill for an act relating to natural resources; appropriating money for state trail segment in Olmsted county.

Referred to the Committee on Finance.

**Senator Kleis introduced--**

**S.F. No. 1565:** A bill for an act proposing an amendment to the Minnesota Constitution; adding a section to article IV to provide for initiative and referendum; providing procedures for initiative and referendum; providing penalties; amending Minnesota Statutes 2002, sections 204C.33, subdivisions 1, 3; 204D.11, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 3B.

Referred to the Committee on Rules and Administration.

**Senators Metzen, LeClair, Marko, Langseth and Pappas introduced--**

**S.F. No. 1566:** A bill for an act relating to education finance; providing for a grant to the east metro integration district; authorizing bonds; appropriating money.

Referred to the Committee on Finance.

**Senator Reiter introduced--**

**S.F. No. 1567:** A bill for an act relating to environment; requiring phosphorus management plans for municipal wastewater facilities; amending Minnesota Statutes 2002, section 115.44, by adding a subdivision.

Referred to the Committee on Environment and Natural Resources.

**Senator Berglin introduced--**

**S.F. No. 1568:** A bill for an act relating to firearms; requiring persons carrying firearms to

obtain permission from possessors of private residences before entry; providing penalties; amending Minnesota Statutes 2002, section 624.714, by adding a subdivision.

Referred to the Committee on Crime Prevention and Public Safety.

### RECESS

Senator Hottinger 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.

### CALL OF THE SENATE

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

### MOTIONS AND RESOLUTIONS - CONTINUED

#### **Senators Hottinger and Day introduced--**

**Senate Resolution No. 83:** A Senate resolution relating to conduct of Senate business during the interim between Sessions.

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

The powers, duties and procedures set forth in this resolution apply during the interim between the adjournment of the 83rd Legislature, 2003 session and the convening of the 83rd Legislature, 2004 session.

The Subcommittee on Committees of the Committee on Rules and Administration shall appoint persons as necessary to fill any vacancies that may occur in commissions and other bodies whose members are to be appointed by the Senate authorized by rule, statute, resolution, or otherwise.

The Committee on Rules and Administration shall establish positions, set compensation and benefits, appoint employees and authorize expense reimbursement as it deems proper to carry out the work of the Senate.

The Secretary of the Senate shall classify as eligible for benefits under Minnesota Statutes, sections 3.095 and 43A.24, those Senate employees heretofore or hereafter certified as eligible for benefits by the Committee on Rules and Administration.

The Secretary of the Senate may employ after the close of the session the employees necessary to finish the business of the Senate at the salaries paid under the rules of the Senate for the 2003 regular session. The Secretary of the Senate may employ the necessary employees to prepare for the 2004 session at the salaries in effect at that time.

The Secretary of the Senate, as authorized and directed by the Committee on Rules and Administration, shall furnish each member of the Senate with postage and supplies and, upon proper verification of the expenses incurred, shall reimburse each member for expenses as authorized from time to time by the Committee on Rules and Administration.

The Secretary of the Senate shall correct and approve the Journal of the Senate for those days that have not been corrected and approved by the Senate, and shall correct printing errors found in the Journal of the Senate for the 2003 session. The Secretary of the Senate may include in the Senate Journal proceedings of the last day, appointments by the Subcommittee on Committees to interim commissions created by legislative action, permanent commissions or committees

established by statute, standing committees, official communications and other matters of record received on or after May 19, 2003.

The Secretary of the Senate may pay election and litigation costs as authorized by the Committee on Rules and Administration.

The Secretary of the Senate, with the approval of the Committee on Rules and Administration, shall secure bids and enter into contracts for remodeling and improvement of Senate office space, and shall purchase all supplies, equipment, and other goods and services necessary to carry out the work of the Senate. Contracts in excess of \$10,000 must be signed by the Chair of the Committee on Rules and Administration and another member designated by the Chair.

The Secretary of the Senate shall draw warrants from the legislative expense fund in payment of the accounts referred to in this resolution.

All Senate records, including committee books, are subject to the direction of the Committee on Rules and Administration.

The Senate Chamber, retiring room, committee rooms, all conference rooms, storage rooms, Secretary of the Senate's office, Rules and Administration office, and any and all other space assigned to the Senate, are reserved for use by the Senate and its standing committees only and must not be released or used for any other purpose except upon the authorization of the Secretary of the Senate with the approval of the Committee on Rules and Administration or its Chair.

The Custodian of the Capitol shall continue to provide parking space for members and staff of the Legislature under Senate Concurrent Resolution No. 2.

Senator Hottinger moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

The roll was called, and there were yeas 50 and nays 0, as follows:

Those who voted in the affirmative were:

Bachmann	Higgins	Larson	Pappas	Saxhaug
Belanger	Hottinger	LeClair	Pariseau	Scheid
Berglin	Johnson, D.J.	Lourey	Pogemiller	Senjem
Betzold	Jungbauer	McGinn	Ranum	Skoe
Chaudhary	Kierlin	Metzen	Reiter	Skoglund
Day	Kiscaden	Michel	Rest	Solon
Fischbach	Kleis	Murphy	Robling	Sparks
Frederickson	Knutson	Neuville	Rosen	Tomassoni
Gaither	Koering	Nienow	Ruud	Wergin
Hann	Kubly	Olson	Sams	Wiger

The motion prevailed. So the resolution was adopted.

### **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 the adoption by the House of the following House Concurrent Resolution herewith transmitted: House Concurrent Resolution No. 6.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Transmitted May 19, 2003

**House Concurrent Resolution No. 6:** A House concurrent resolution relating to adjournment of the House of Representatives and the Senate until 2004.

BE IT RESOLVED, by the House of Representatives of the State of Minnesota, the Senate concurring:

1. Upon their adjournments on May 19, 2003, the House may set its next day of meeting for Monday, February 2, 2004, at 12:00 noon and the Senate may set its next day of meeting for Monday, February 2, 2004, at 12:00 noon.

2. By adoption of this resolution, each house consents to adjournment of the other house for more than three days.

Senator Hottinger moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

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. 294, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 294 is herewith transmitted to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Transmitted May 19, 2003

#### CONFERENCE COMMITTEE REPORT ON H.F. NO. 294

A bill for an act relating to the military; requiring payment of a salary differential and continuation of certain benefits to certain state employees who are members of the national guard or other military reserve units and who reported for active military duty; permitting local governments to pay a similar salary differential for their employees who are members of the national guard or other military reserve units and who have reported for active military service; amending Minnesota Statutes 2002, section 471.975; proposing coding for new law in Minnesota Statutes, chapter 43A.

May 19, 2003

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

We, the undersigned conferees for H.F. No. 294, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H.F. No. 294 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [43A.183] [PAYMENT OF SALARY DIFFERENTIAL FOR RESERVE FORCES WHO REPORTED FOR ACTIVE SERVICE.]

(a) Each agency head shall pay to each eligible member of the national guard or other reserve component of the armed forces of the United States an amount equal to the difference between the member's basic active duty military salary and the salary the member would be paid as an active

state employee, including any adjustments the member would have received if not on leave of absence. This payment may be made only to a person whose basic active duty military salary is less than the salary the person would be paid as an active state employee. Payments must be made at the intervals at which the member received pay as a state employee. Payment under this section must not extend beyond four years from the date the employee reported for active service, plus any additional time the employee may be legally required to serve.

(b) An eligible member of the reserve components of the armed forces of the United States is a reservist or national guard member who was an employee of the state of Minnesota at the time the member reported for active service.

(c) For the purposes of this section, an employee of the state is an employee of the executive, judicial, or legislative branch of state government or an employee of the Minnesota state retirement system, the public employee retirement association, or the teachers retirement association.

(d) For purposes of this section, the term "active service" has the meaning given in section 190.05, subdivision 5, but excludes service performed exclusively for purposes of:

(1) basic combat training, advanced individual training, annual training, and periodic inactive duty training;

(2) special training periodically made available to reserve members; and

(3) service performed in accordance with section 190.08, subdivision 3.

(e) The agency head must continue the employee's enrollment in health and dental coverage, and the employer contribution toward that coverage, until the employee is covered by health and dental coverage provided by the armed forces. If the employee had elected dependent coverage for health or dental coverage as of the time that the employee reported for active service, the agency head must offer the employee the option to continue the dependent coverage at the employee's own expense. The agency head must permit the employee to continue participating in any pre-tax account in which the employee participated when the employee reported for active service, to the extent of employee pay available for that purpose.

(f) The commissioner of employee relations and the commissioner of finance shall adopt procedures required to implement this section. The procedures are exempt from chapter 14.

(g) This section does not apply to a judge, legislator, or constitutional officer of the executive branch.

Sec. 2. Minnesota Statutes 2002, section 471.975, is amended to read:

471.975 [MAY PAY SALARY DIFFERENTIAL OF RESERVE ON ACTIVE DUTY.]

(a) A statutory or home rule charter city, county, town, school district, or other political subdivision may pay to each eligible member of the national guard or other reserve components component of the armed forces of the United States an amount equal to the difference between the member's basic active duty military salary and the salary the member would be paid as an active political subdivision employee, including any adjustments the member would have received if not on leave of absence. This payment may be made only to a person whose basic active duty military salary is less than the salary the person would be paid as an active political subdivision employee. Payments must be made at the intervals at which the member received pay as a political subdivision employee. Back pay authorized by this section may be paid in a lump sum. Such pay shall Payment under this section must not extend beyond four years from the date the employee was called to reported for active duty service, plus such any additional time in each case as such the employee may be legally required to serve pursuant to law.

(b) An eligible member of the reserve components of the armed forces of the United States is a reservist or national guard member who was an employee of a political subdivision at the time the member was called to reported for active duty and who was or is called to active-duty service on

or after August 1, 1990, because of Operation Desert Shield, Operation Desert Storm, or any other action taken by the armed forces relating to hostilities between the United States and the Republic of Iraq the effective date of this act or who is on active service on the effective date of this act.

(c) Notwithstanding other obligations under law, a political subdivision has total discretion regarding employee benefit continuation for a member who reports for active service and the terms and conditions of any benefit.

(d) For purposes of this section, "active service" has the meaning given in section 190.05, subdivision 5, but excludes service performed exclusively for purposes of:

(1) basic combat training, advanced individual training, annual training, and periodic inactive duty training;

(2) special training periodically made available to reserve members; and

(3) service performed in accordance with section 190.08, subdivision 3.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment and apply to salary differential for active service on or after that date."

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

House Conferees: (Signed) Rob Eastlund, Bruce Anderson, Dan Larson

Senate Conferees: (Signed) Don Betzold, James P. Metzen, Dennis R. Frederickson

Senator Betzold moved that the foregoing recommendations and Conference Committee Report on H.F. No. 294 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. 294 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 60 and nays 0, as follows:

Those who voted in the affirmative were:

Bakk	Higgins	Langseth	Olson	Saxhaug
Belanger	Hottinger	Larson	Ortman	Scheid
Berglin	Johnson, D.E.	LeClair	Ourada	Senjem
Betzold	Johnson, D.J.	Limmer	Pariseau	Skoe
Chaudhary	Jungbauer	Lourey	Pogemiller	Skoglund
Cohen	Kelley	Marko	Ranum	Solon
Day	Kierlin	McGinn	Reiter	Sparks
Dibble	Kiscaden	Metzen	Rest	Stumpf
Dille	Kleis	Michel	Robling	Tomassoni
Fischbach	Knutson	Murphy	Rosen	Vickerman
Gaither	Koering	Neuville	Ruud	Wergin
Hann	Kubly	Nienow	Sams	Wiger

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

## APPOINTMENTS

Senator Hottinger from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 1180: Senators Marko, Skoglund and Kelley.

Senator Hottinger moved that the foregoing appointments be approved. The motion prevailed.

### MESSAGES FROM THE HOUSE - CONTINUED

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. 719, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 719 is herewith transmitted to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Transmitted May 19, 2003

### CONFERENCE COMMITTEE REPORT ON H.F. NO. 719

A bill for an act relating to liquor; modifying a posting provision; authorizing cities to issue licenses in addition to the number allowed by law; amending Minnesota Statutes 2002, section 340A.318, subdivision 3.

May 15, 2003

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable James P. Metzen  
President of the Senate

We, the undersigned conferees for H.F. No. 719, 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. 719 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 340A.101, is amended by adding a subdivision to read:

Subd. 27a. [THEATER.] "Theater" means a building containing an auditorium in which live dramatic, musical, dance, or literary performances are regularly presented to holders of tickets for those performances.

Sec. 2. Minnesota Statutes 2002, section 340A.301, subdivision 6, is amended to read:

Subd. 6. [FEES.] The annual fees for licenses under this section are as follows:

- |   |          |
|---|----------|
| (a) Manufacturers (except as provided<br>in clauses (b) and (c))            | \$15,000 |
| Duplicates  | \$ 3,000 |
| (b) Manufacturers of wines of not more<br>than 25 percent alcohol by volume | \$ 500   |
| (c) Brewers other than those described<br>in clauses (d) and (i)            | \$ 2,500 |
| (d) Brewers who also hold one or more<br>retail on-sale licenses and who    |          |

<p>manufacture fewer than 3,500 barrels of malt liquor in a year, at any one licensed premises, <u>using only wort produced in Minnesota, the entire production of which is solely for consumption on tap on the licensed premises or for off-sale from that licensed premises.</u></p> <p>A brewer licensed under this clause must obtain a separate license for each licensed premises where the brewer brews malt liquor. A brewer licensed under this clause may not be licensed as an importer under this chapter</p>	500
(e) Wholesalers (except as provided in clauses (f), (g), and (h))	\$15,000
Duplicates	\$ 3,000
(f) Wholesalers of wines of not more than 25 percent alcohol by volume	\$ 2,000
(g) Wholesalers of intoxicating malt liquor	\$ 600
Duplicates	\$ 25
(h) Wholesalers of 3.2 percent malt liquor	\$ 10
(i) Brewers who manufacture fewer than 2,000 barrels of malt liquor in a year	\$ 150

If a business licensed under this section is destroyed, or damaged to the extent that it cannot be carried on, or if it ceases because of the death or illness of the licensee, the commissioner may refund the license fee for the balance of the license period to the licensee or to the licensee's estate.

Sec. 3. Minnesota Statutes 2002, section 340A.301, subdivision 7, is amended to read:

Subd. 7. [INTEREST IN OTHER BUSINESS.] (a) Except as provided in this subdivision, a holder of a license as a manufacturer, brewer, importer, or wholesaler may not have any ownership, in whole or in part, in a business holding a retail intoxicating liquor or 3.2 percent malt liquor license. The commissioner may not issue a license under this section to a manufacturer, brewer, importer, or wholesaler if a retailer of intoxicating liquor has a direct or indirect interest in the manufacturer, brewer, importer, or wholesaler. A manufacturer or wholesaler of intoxicating liquor may use or have property rented for retail intoxicating liquor sales only if the manufacturer or wholesaler has owned the property continuously since November 1, 1933. A retailer of intoxicating liquor may not use or have property rented for the manufacture or wholesaling of intoxicating liquor.

(b) A brewer licensed under subdivision 6, clause (d), may be issued an on-sale intoxicating liquor or 3.2 percent malt liquor license by a municipality for a restaurant operated in the place of manufacture. ~~Malt liquor brewed by such a licensee may not be removed from the licensed premises unless the malt liquor is entered in a tasting competition where none of the malt liquor so removed is sold~~ Notwithstanding section 340A.405, a brewer who holds an on-sale license issued pursuant to this paragraph may, with the approval of the commissioner, be issued a license by a municipality for off-sale of malt liquor produced and packaged on the licensed premises. Off-sale of malt liquor shall be limited to the legal hours for off-sale at exclusive liquor stores in the jurisdiction in which the brewer is located, and the malt liquor sold off-sale must be removed from the premises before the applicable off-sale closing time at exclusive liquor stores. The malt liquor shall be packaged in 64-ounce containers commonly known as "growlers." The containers shall bear a twist type closure, cork, stopper, or plug. At the time of the sale, a paper or plastic adhesive

band, strip, or sleeve shall be applied to the container and extend over the top of the twist type closure, cork, stopper, or plug forming a seal that must be broken upon opening of the container. The adhesive band, strip, or sleeve shall bear the name and address of the brewer. The containers shall be identified as malt liquor, contain the name of the malt liquor, bear the name and address of the brewer selling the malt liquor, and shall be considered intoxicating liquor unless the alcoholic content is labeled as otherwise in accordance with the provisions of Minnesota Rules, part 7515.1100. A brewer's total retail sales at on- or off-sale under this paragraph may not exceed 3,500 barrels per year, provided that off-sales may not total more than 50 percent of the brewer's production or 500 barrels, whichever is less. A brewer licensed under subdivision 6, clause (d), may hold or have an interest in other retail on-sale licenses, but may not have an ownership interest in whole or in part, or be an officer, director, agent, or employee of, any other manufacturer, brewer, importer, or wholesaler, or be an affiliate thereof whether the affiliation is corporate or by management, direction, or control. Notwithstanding this prohibition, a brewer licensed under subdivision 6, clause (d), may be an affiliate or subsidiary company of a brewer licensed in Minnesota or elsewhere if that brewer's only manufacture of malt liquor is:

- (i) manufacture licensed under subdivision 6, clause (d);
- (ii) manufacture in another state for consumption exclusively in a restaurant located in the place of manufacture; or
- (iii) manufacture in another state for consumption primarily in a restaurant located in or immediately adjacent to the place of manufacture if the brewer was licensed under subdivision 6, clause (d), on January 1, 1995.

(c) Except as provided in subdivision 7a, no brewer as defined in subdivision 7a or importer may have any interest, in whole or in part, directly or indirectly, in the license, business, assets, or corporate stock of a licensed malt liquor wholesaler.

Sec. 4. Minnesota Statutes 2002, section 340A.308, is amended to read:

340A.308 [PROHIBITED TRANSACTIONS.]

(a) Except as otherwise provided in section 340A.301, no brewer or malt liquor wholesaler may directly or indirectly, or through an affiliate or subsidiary company, or through an officer, director, stockholder, or partner:

- (1) give, or lend money, credit, or other thing of value to a retailer;
- (2) give, lend, lease, or sell furnishing or equipment to a retailer;
- (3) have an interest in a retail license; or
- (4) be bound for the repayment of a loan to a retailer.

(b) No retailer may solicit any equipment, fixture, supplies, money, or other thing of value from a brewer or malt liquor wholesaler if furnishing of these items by the brewer or wholesaler is prohibited by law and the retailer knew or had reason to know that the furnishing is prohibited by law.

(c) This section does not prohibit a manufacturer or wholesaler from:

- (1) furnishing, lending, or renting to a retailer outside signs, of a cost of up to \$400 excluding installation and repair costs;
- (2) furnishing, lending, or renting to a retailer inside signs and other promotional material, of a cost of up to \$300 in a year;
- (3) furnishing to or maintaining for a retailer equipment for dispensing malt liquor, including tap trailers, cold plates and other dispensing equipment, of a cost of up to \$100 per tap in a year;
- (4) using or renting property owned continually since November 1, 1933, for the purpose of selling intoxicating or 3.2 percent malt liquor at retail;

(5) extending customary commercial credit to a retailer in connection with a sale of nonalcoholic beverages only, or engaging in cooperative advertising agreements with a retailer in connection with the sale of nonalcoholic beverages only; or

(6) in the case of a wholesaler, with the prior written consent of the commissioner, selling beer on consignment to a holder of a temporary license under section 340A.403, subdivision 2, or 340A.404, subdivision 10.

Sec. 5. Minnesota Statutes 2002, section 340A.318, subdivision 3, is amended to read:

Subd. 3. [POSTING; NOTICE.] Verified lists or statements required by subdivision 2 shall be posted by the commissioner in offices of the department in places available for public inspection not later than the day Monday following receipt. Documents posted shall constitute notice to every distiller, manufacturer, or wholesaler of the information posted. Actual notice, however received, also constitutes notice.

Sec. 6. Minnesota Statutes 2002, section 340A.404, subdivision 1, is amended to read:

Subdivision 1. [CITIES.] (a) A city may issue an on-sale intoxicating liquor license to the following establishments located within its jurisdiction:

(1) hotels;

(2) restaurants;

(3) bowling centers;

(4) clubs or congressionally chartered veterans organizations with the approval of the commissioner, provided that the organization has been in existence for at least three years and liquor sales will only be to members and bona fide guests;

(5) sports facilities located on land owned by the metropolitan sports commission; and

(6) exclusive liquor stores.

(b) A city may issue an on-sale intoxicating liquor license, an on-sale wine license, or an on-sale malt liquor license to a theater within the city, notwithstanding any law, local ordinance, or charter provision. A license issued under this paragraph authorizes sales on all days of the week to persons attending events at the theater.

Sec. 7. Minnesota Statutes 2002, section 340A.404, subdivision 2, is amended to read:

Subd. 2. [SPECIAL PROVISION; CITY OF MINNEAPOLIS.] (a) The city of Minneapolis may issue an on-sale intoxicating liquor license to the Guthrie Theater, the Cricket Theatre, the Orpheum Theatre, and the State Theatre, and the Historic Pantages Theatre, notwithstanding the limitations of law, or local ordinance, or charter provision relating to zoning or school or church distances. The licenses authorize sales on all days of the week to holders of tickets for performances presented by the theaters and to members of the nonprofit corporations holding the licenses and to their guests.

(b) The city of Minneapolis may issue an intoxicating liquor license to 510 Groveland Associates, a Minnesota cooperative, for use by a restaurant on the premises owned by 510 Groveland Associates, notwithstanding limitations of law, or local ordinance, or charter provision.

(c) The city of Minneapolis may issue an on-sale intoxicating liquor license to Zuhrah Shrine Temple for use on the premises owned by Zuhrah Shrine Temple at 2540 Park Avenue South in Minneapolis, and to the American Swedish Institute for use on the premises owned by the American Swedish Institute at 2600 Park Avenue South, notwithstanding limitations of law, or local ordinances, or charter provision relating to zoning or school or church distances.

(d) The city of Minneapolis may issue an on-sale intoxicating liquor license to the American Association of University Women, Minneapolis branch, for use on the premises owned by the

American Association of University Women, Minneapolis branch, at 2115 Stevens Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provisions relating to zoning or school or church distances.

(e) The city of Minneapolis may issue an on-sale wine license and an on-sale 3.2 percent malt liquor license to a restaurant located at 5000 Penn Avenue South, and an on-sale wine license and an on-sale malt liquor license to a restaurant located at 1931 Nicollet Avenue South, notwithstanding any law or local ordinance or charter provision.

(f) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor license to the Brave New Workshop Theatre located at 3001 Hennepin Avenue South, the Theatre de la Jeune Lune, the Illusion Theatre located at 528 Hennepin Avenue South, the Hollywood Theatre located at 2815 Johnson Street Northeast, the Loring Playhouse located at 1633 Hennepin Avenue South, and the Jungle Theater located at 2951 Lyndale Avenue South, Brave New Institute located at 2605 Hennepin Avenue South, the Guthrie Lab located at 700 North First Street, and the Southern Theatre located at 1420 Washington Avenue South, notwithstanding any law or local ordinance or charter provision. The license authorizes sales on all days of the week.

(g) The city of Minneapolis may issue an on-sale intoxicating liquor license to University Gateway Corporation, a Minnesota nonprofit corporation, for use by a restaurant or catering operator at the building owned and operated by the University Gateway Corporation on the University of Minnesota campus, notwithstanding limitations of law, or local ordinance or charter provision. The license authorizes sales on all days of the week.

Sec. 8. Minnesota Statutes 2002, section 340A.411, subdivision 1, is amended to read:

Subdivision 1. [ON-SALE LICENSES.] On-sale 3.2 percent malt liquor licenses may only be issued to drugstores, restaurants, hotels, clubs, bowling centers, golf courses, and establishments used exclusively for the sale of 3.2 percent malt liquor with the incidental sale of tobacco and soft drinks.

Sec. 9. Minnesota Statutes 2002, section 340A.413, subdivision 4, is amended to read:

Subd. 4. [EXCLUSIONS FROM LICENSE LIMITS.] On-sale intoxicating liquor licenses may be issued to the following entities by a city, in addition to the number authorized by this section:

- (1) clubs, or congressionally chartered veterans organizations;
- (2) ~~restaurants located at a racetrack licensed under chapter 240;~~
- (3) establishments that are issued licenses to sell wine under section 340A.404, subdivision 5; and
- (4) theaters that are issued licenses under section 340A.404, ~~subdivision 2;~~
- (5) hotels; and
- (6) bowling centers.

Sec. 10. Minnesota Statutes 2002, section 340A.504, subdivision 1, is amended to read:

Subdivision 1. [3.2 PERCENT MALT LIQUOR.] No sale of 3.2 percent malt liquor may be made between ~~1:00~~ 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between ~~1:00~~ 2:00 a.m. and ~~12:00~~ noon on Sunday, provided that an establishment located on land owned by the metropolitan sports commission, or the sports arena for which one or more licenses have been issued under section 340A.404, subdivision 2, paragraph (c), may sell 3.2 percent malt liquor between 10:00 a.m. and 12:00 noon on a Sunday on which a sports or other event is scheduled to begin at that location on or before 1:00 p.m. of that day.

Sec. 11. Minnesota Statutes 2002, section 340A.504, subdivision 2, is amended to read:

Subd. 2. [INTOXICATING LIQUOR; ON-SALE.] No sale of intoxicating liquor for consumption on the licensed premises may be made:

- (1) between ~~1:00~~ 2:00 a.m. and 8:00 a.m. on the days of Monday through Saturday;
- (2) after ~~1:00~~ 2:00 a.m. on Sundays, except as provided by subdivision 3.

Sec. 12. Minnesota Statutes 2002, section 340A.504, subdivision 3, is amended to read:

Subd. 3. [INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE.] (a) A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 12:00 noon on Sundays and ~~1:00~~ 2:00 a.m. on Mondays.

(b) The governing body of a municipality may after one public hearing by ordinance permit a restaurant, hotel, bowling center, or club to sell alcoholic beverages for consumption on the premises in conjunction with the sale of food between the hours of 10:00 a.m. on Sundays and ~~1:00~~ 2:00 a.m. on Mondays, provided that the licensee is in conformance with the Minnesota Clean Air Act.

(c) An establishment serving intoxicating liquor on Sundays must obtain a Sunday license. The license must be issued by the governing body of the municipality for a period of one year, and the fee for the license may not exceed \$200.

(d) A city may issue a Sunday intoxicating liquor license only if authorized to do so by the voters of the city voting on the question at a general or special election. A county may issue a Sunday intoxicating liquor license in a town only if authorized to do so by the voters of the town as provided in paragraph (e). A county may issue a Sunday intoxicating liquor license in unorganized territory only if authorized to do so by the voters of the election precinct that contains the licensed premises, voting on the question at a general or special election.

(e) An election conducted in a town on the question of the issuance by the county of Sunday sales licenses to establishments located in the town must be held on the day of the annual election of town officers.

(f) Voter approval is not required for licenses issued by the metropolitan airports commission or common carrier licenses issued by the commissioner. Common carriers serving intoxicating liquor on Sunday must obtain a Sunday license from the commissioner at an annual fee of \$50, plus \$20 for each duplicate.

Sec. 13. Minnesota Statutes 2002, section 340A.510, subdivision 1, is amended to read:

Subdivision 1. [~~SAMPLES FOR OTHER THAN MALT LIQUOR AUTHORIZED.~~] ~~On- or off-sale licenses retail licensees and municipal liquor stores may provide, or permit a licensed manufacturer or a wholesaler or its agents to provide on the premises of the retail licensee or municipal liquor store, samples of malt liquor, wine, liqueurs, cordials, and distilled spirits which the retail licensee or municipal liquor store currently has in stock and is offering for sale to the general public without obtaining an additional license, provided the wine, liqueur, cordial, and distilled spirits samples are dispensed at no charge and consumed on the licensed premises during the permitted hours of off-sale sale in a quantity less than 100 milliliters of malt liquor per variety per customer, 50 milliliters of wine per variety per customer, 25 milliliters of liqueur or cordial, and 15 milliliters of distilled spirits per variety per customer.~~

Sec. 14. Minnesota Statutes 2002, section 340A.510, subdivision 2, is amended to read:

Subd. 2. [~~MALT LIQUOR FURNISHED FOR SAMPLING SAMPLES AUTHORIZED.~~] (a) Notwithstanding section 340A.308, ~~with respect only to sampling authorized under subdivision 1,~~ a brewer may purchase from or furnish at no cost to an off-sale a licensed retailer malt liquor the brewer manufactures if:

- (1) the malt liquor is dispensed by the retailer only for tastings authorized under subdivision 1 samples in a quantity of less than 100 milliliters of malt liquor per variety per customer;

(2) where the brewer furnishes the malt liquor, the retailer makes available for return to the brewer any unused malt liquor and empty containers;

(3) the samples are dispensed by an employee of the retailer or brewer or by a sampling service retained by the retailer or brewer and not affiliated directly or indirectly with a malt liquor wholesaler;

(4) ~~the brewer furnishes~~ not more than three cases of malt liquor are purchased from or furnished to the retailer by the brewer for each sampling;

(5) each sampling continues for not more than eight hours;

(6) the brewer has furnished malt liquor for not more than five samplings for any retailer in any calendar year;

(7) where the brewer furnishes the malt liquor, the brewer delivers the malt liquor for the sampling to its exclusive wholesaler for that malt liquor;

(8) the brewer has at least seven days before the sampling filed with the commissioner, on a form the commissioner prescribes, written notice of intent to furnish malt liquor for the sampling, which contains (i) the name and address of the retailer conducting the sampling, (ii) ~~the maximum amount of malt liquor being to be furnished or purchased by the brewer,~~ (iii) the number of times the brewer has furnished malt liquor to the retailer in the calendar year in which the notice is filed, (iv) the date and time of the sampling, (v) ~~where the brewer furnishes the malt liquor, the exclusive wholesaler to whom the brewer will deliver the malt liquor,~~ and (vi) a statement by the brewer to the effect that to the brewer's knowledge all requirements of this section have been or will be complied with; and

(9) the commissioner has not notified the brewer filing the notice under clause (8) that the commissioner disapproves the notice.

(b) For purposes of this subdivision, "licensed retailer" means a licensed on-sale or off-sale retailer of alcoholic beverages and a municipal liquor store ~~that sells at off-sale.~~

Sec. 15. Minnesota Statutes 2002, section 340A.511, is amended to read:

340A.511 [CERTAIN SIZES MAY BE SOLD.]

(a) An off-sale retailer of intoxicating liquor may sell distilled spirits in bottles of 50 milliliters.

(b) An on-sale intoxicating liquor licensee whose licensed premises includes a golf course or who is a common carrier may dispense distilled spirits from 50-milliliter bottles.

Sec. 16. [CITY OF BLAINE; ON-SALE LICENSES.]

The city of Blaine may issue 15 on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 17. [CITY OF DULUTH; ON-SALE LICENSE.]

The city of Duluth may issue one on-sale intoxicating liquor license in addition to the number authorized by law for the St. Louis County Heritage and Arts Center, commonly known as the Duluth Depot. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized by this section.

Sec. 18. [CITY OF HASTINGS; ON-SALE LICENSES.]

The city of Hastings may issue three on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 19. [CITY OF MAPLE GROVE; ON-SALE LICENSES.]

The city of Maple Grove may issue 12 on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 20. [CITY OF ST. JOSEPH; ON-SALE LICENSES.]

The city of St. Joseph may issue three on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 21. [CITY OF ST. MICHAEL; ON-SALE LICENSES.]

The city of St. Michael may issue five on-sale liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 22. [CITY OF SARTELL; ON-SALE LICENSES.]

The city of Sartell may issue five on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 23. [CITY OF STILLWATER; ON-SALE LICENSES.]

The city of Stillwater may issue two on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 24. [CITY OF THIEF RIVER FALLS; ON-SALE LICENSE.]

The city of Thief River Falls may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section apply to the licenses authorized by this section.

Sec. 25. [CITY OF WACONIA; ON-SALE LICENSES.]

The city of Waconia may issue three on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized under this section.

Sec. 26. [CITY OF WOODBURY; ON-SALE LICENSES.]

The city of Woodbury may issue 12 on-sale intoxicating liquor licenses in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the licenses authorized by this section.

Sec. 27. [MINNESOTA CENTENNIAL SHOWBOAT.]

The city of St. Paul may issue an on-sale intoxicating liquor license for the Minnesota Centennial Showboat, moored at 110 Yacht Club Road, Harriet Island, notwithstanding any law, local ordinance, or charter provision. The license must be issued to a holder of a river tour boat license under Minnesota Statutes, section 340A.404, subdivision 8. The license authorizes sales on all days of the week.

Sec. 28. [ELKO SPEEDWAY; ON-SALE LICENSE.]

Notwithstanding Minnesota Statutes, section 340A.404, subdivision 1, the city of Elko may issue an on-sale intoxicating liquor license to the Elko Speedway in addition to the number authorized by law. The license may authorize sales only to persons attending racing events at the speedway. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this

provision, apply to the license authorized under this section. The license may be issued for a space that is not compact and contiguous, provided that the licensed premises may include only the space within the fenced grandstand area as described in the approved license application.

Sec. 29. [WINE LICENSES; STATE FAIR.]

(a) Notwithstanding Minnesota Statutes, sections 37.21 and 340A.412, subdivision 4, paragraph (a), clause (3), the city of St. Paul may issue a license to the holder of a state fair concessions contract with the state agricultural society which authorizes the licensee to sell Minnesota-produced wine by the glass at the state fair in connection with the sale of food by the concessionaire. All provisions of Minnesota Statutes, chapter 340A, not inconsistent herewith, apply to licenses issued under this section.

(b) For purposes of this section "Minnesota-produced wine" means wine produced by a farm winery licensed under Minnesota Statutes, section 340A.315, and made from at least 75 percent Minnesota-grown grapes, grape juice, other fruit bases, other juices, and honey.

Sec. 30. [EFFECTIVE DATE.]

Sections 1 to 9 and 13 to 29 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to liquor; allowing brewpubs to make off-sales of the brewpub's own product under certain circumstances; modifying a posting requirement; modifying licensing provisions; expanding sale hours; modifying sampling provisions; authorizing certain local on-sale licenses; amending Minnesota Statutes 2002, sections 340A.101, by adding a subdivision; 340A.301, subdivisions 6, 7; 340A.308; 340A.318, subdivision 3; 340A.404, subdivisions 1, 2; 340A.411, subdivision 1; 340A.413, subdivision 4; 340A.504, subdivisions 1, 2, 3; 340A.510, subdivisions 1, 2; 340A.511."

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

House Conferees: (Signed) Michael Beard, Andrew Westerberg, Al Juhnke

Senate Conferees: (Signed) Sandra L. Pappas, Linda Higgins, Mark Ourada

Senator Pappas moved that the foregoing recommendations and Conference Committee Report on H.F. No. 719 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. 719 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 50 and nays 16, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Knutson	Murphy	Sams
Berglin	Gaither	Koering	Nienow	Saxhaug
Betzold	Higgins	Langseth	Ortman	Scheid
Chaudhary	Hottinger	Larson	Ourada	Senjem
Cohen	Johnson, D.J.	LeClair	Pappas	Solon
Day	Jungbauer	Lourey	Pariseau	Sparks
Dibble	Kelley	McGinn	Pogemiller	Tomassoni
Dille	Kierlin	Metzen	Reiter	Vickerman
Fischbach	Kiscaden	Michel	Rosen	Wergin
Foley	Kleis	Moua	Ruud	Wiger

Those who voted in the negative were:

Anderson	Bakk	Belanger	Hann	Johnson, D.E.
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Kubly  
Limmer  
Marko

Marty  
Neuville

Ranum  
Rest

Robling  
Skoe

Skoglund  
Stumpf

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 that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 287, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 287:** 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 2002, sections 121A.11, by adding subdivisions; 124D.10, subdivision 8.

Senate File No. 287 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Returned May 19, 2003

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. 328, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 328:** A bill for an act relating to health; authorizing the board of psychology to require an independent examination of a practitioner; classifying such information; amending Minnesota Statutes 2002, sections 13.383, subdivision 8; 148.941, by adding a subdivision.

Senate File No. 328 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Returned May 19, 2003

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. 351, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 351:** A bill for an act relating to crime prevention; providing that in certain cases authorized representatives of entities possessing a permit to use radio equipment capable of receiving police emergency transmissions may use and possess the equipment without a permit; amending Minnesota Statutes 2002, section 299C.37, subdivisions 1, 3.

Senate File No. 351 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Returned May 19, 2003

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Pogemiller moved that S.F. No. 1505 be taken from the table. The motion prevailed.

**S.F. No. 1505:** A bill for an act relating to taxation; making changes to income, estate, franchise, sales and use, property, motor vehicle sales tax and registration, cigarette and tobacco, liquor, aggregate and minerals taxes; creating and modifying certain sales tax exemptions; extending sunset dates for certain sales and property tax exemptions; providing for the disposition of local sales taxes for the cities of Duluth, St. Paul, Hermantown, Rochester, Mankato, and Proctor; authorizing local sales taxes in the cities of Beaver Bay, Bemidji, Clearwater, Cloquet, Hopkins, Medford, and Park Rapids; authorizing lodging taxes in the city of Newport and Itasca county; providing property tax exemptions and exclusions from property valuations; modifying truth-in-taxation provisions; providing for the creation of housing districts; authorizing or modifying the authority of tax increment financing districts in Detroit Lakes, Duluth, Monticello, New Hope, Richfield, Roseville, and St. Michael; extending sunset date for a tax levy in the city of Moorhead; authorizing the creation of and modifying the authority of local districts and economic development authorities; granting bonding authority to the state agricultural society and other political subdivisions; allowing bonding for computer systems and other purposes; authorizing cities to establish a program for issuance of capital improvement bonds; limiting challenges to tax increment financing actions; establishing the corporate status of an entity; updating to federal provisions; modifying payment, penalty, interest, and enforcement provisions; distributing payments to counties; changing requirements for purchases of recycled materials; regulating tax preparers; making technical changes; imposing penalties; amending Minnesota Statutes 2002, sections 16B.121; 115B.24, subdivision 8; 168.012, subdivision 1; 168A.03; 216B.2424, subdivision 5; 270.06; 270.10, subdivision 1a; 270.60, subdivision 4; 270.69, by adding a subdivision; 270.701, subdivision 2, by adding a subdivision; 270.72, subdivision 2; 270A.03, subdivision 2; 270B.12, by adding a subdivision; 272.02, subdivisions 26, 31, 47, 53, by adding subdivisions; 272.12; 273.01; 273.05, subdivision 1; 273.061, by adding subdivisions; 273.08; 273.11, subdivision 1a, by adding subdivisions; 273.124, subdivision 1; 273.13, subdivisions 22, 25; 273.1315; 273.1398, subdivisions 4b, 4d; 273.372; 273.42, subdivision 2; 274.01, subdivision 1; 274.13, subdivision 1; 275.025, subdivisions 1, 3, 4; 275.065, subdivisions 1, 1a, 3; 276.04, subdivision 2; 276.10; 276.11, subdivision 1; 277.20, subdivision 2; 278.03, subdivision 1; 278.05, subdivision 6; 279.01, subdivision 1, by adding a subdivision; 279.06, subdivision 1; 281.17; 282.01, subdivisions 1b, 7a; 282.08; 287.12; 287.29, subdivision 1; 287.31, by adding a subdivision; 289A.02, subdivision 7; 289A.10, subdivision 1; 289A.19, subdivision 4; 289A.31, subdivisions 3, 4, by adding a subdivision; 289A.36, subdivision 7, by adding subdivisions; 289A.50, subdivision 2a; 289A.56, subdivision 3; 289A.60, subdivision 7, by adding a subdivision; 290.01, subdivisions 19, 19b, 19d, 31; 290.05, subdivision 1; 290.06, subdivision 2c; 290.0671, subdivision 1; 290.0675, subdivisions 2, 3; 290.0679, subdivision 2; 290.0802, subdivision 1; 290.17, subdivision 4; 290.191, subdivision 1; 290A.03, subdivisions 8, 15; 290C.02, subdivisions 3, 7; 290C.03; 290C.07; 290C.09; 290C.10; 290C.11; 291.005, subdivision 1; 291.03, subdivision 1; 295.50, subdivision 9b; 295.53, subdivision 1; 297A.61, subdivisions 3, 12, 34, by adding subdivisions; 297A.62, subdivision 3; 297A.665; 297A.67, subdivisions 2, 18, by adding subdivisions; 297A.68, subdivisions 4, 5, 36, by adding a subdivision; 297A.69, subdivisions 2, 3, 4; 297A.70, subdivisions 8, 16; 297A.71, subdivision 10, by adding subdivisions; 297A.85; 297B.025, subdivisions 1, 2; 297B.03; 297B.035, subdivision 1, by adding a subdivision; 297F.01, subdivisions 21a, 23; 297F.06, subdivision 4; 297F.08, by adding a subdivision; 297F.20, subdivisions 1, 2, 3, 6, 9; 297G.01, by adding a subdivision; 297G.03, subdivision 1; 297I.01, subdivision 9; 297I.20; 298.001, by adding a subdivision; 298.01, subdivisions 3, 3a; 298.015; 298.016, subdivisions 1, 2, 4; 298.018; 352.15, subdivision 1; 353.15, subdivision 1; 354.10, subdivision 1; 354B.30; 354C.165; 373.01, subdivision 3; 373.45, subdivision 1; 373.47, subdivision 1; 376.009; 376.55, subdivision 3, by adding a subdivision; 376.56, subdivision 3; 383B.77, subdivisions 1, 2; 410.32; 412.301; 469.169, by adding a subdivision; 469.1731, subdivision 3; 469.174, subdivision 10, by adding subdivisions; 469.175, subdivision 3, by adding a subdivision; 469.176, subdivision 7; 469.1761, by adding a subdivision; 469.1763, subdivision 2; 469.177, subdivision 1; 469.1792; 473.39, by adding a subdivision; 473F.07, subdivision 4; 473F.08, by adding a subdivision; 475.58, subdivision 3b; 477A.011, subdivision 30; 515B.1-116; Laws 1967, chapter 558, section 1, subdivision 5, as amended; Laws 1980, chapter 511, section 1, subdivision 2, as amended; Laws 1980, chapter 511, section 2, as amended; Laws 1989, chapter 211, section 8, subdivision 2, as amended; Laws 1989, chapter 211, section 8, subdivision 4, as amended; Laws 1991, chapter 291, article 8, section 27, subdivision 3, as amended; Laws 1991, chapter 291, article 8, section 27, subdivision 4; Laws 1993, chapter 375,

article 9, section 46, subdivision 2, as amended; Laws 1996, chapter 471, article 2, section 29; Laws 1998, chapter 389, article 8, section 43, subdivision 3; Laws 1998, chapter 389, article 8, section 43, subdivision 4; Laws 1999, chapter 243, article 4, section 18, subdivision 1; Laws 1999, chapter 243, article 4, section 18, subdivision 3; Laws 1999, chapter 243, article 4, section 18, subdivision 4; Laws 1999, chapter 243, article 4, section 19, as amended; Laws 2001, First Special Session chapter 5, article 3, section 61, the effective date; Laws 2001 First Special Session chapter 5, article 3, section 63, the effective date; Laws 2001, First Special Session chapter 5, article 3, section 96; Laws 2001, First Special Session chapter 5, article 9, section 12, the effective date; Laws 2001, First Special Session chapter 5, article 12, section 67, the effective date; Laws 2002, chapter 377, article 3, section 15, the effective date; Laws 2002 chapter 377, article 6, section 4, the effective date; Laws 2002, chapter 377, article 11, section 1; proposing coding for new law in Minnesota Statutes, chapters 37; 270; 273; 275; 276; 290C; 298; 410; repealing Minnesota Statutes 2002, sections 270.691, subdivision 8; 274.04; 290.0671, subdivision 3; 290.0675, subdivision 5; 294.01; 294.02; 294.021; 294.03; 294.06; 294.07; 294.09; 294.10; 294.11; 294.12; 297A.72, subdivision 1; 297A.97; 298.01, subdivisions 3c, 3d; 298.017; 477A.065; Laws 1984, chapter 652, section 2; Laws 2002, chapter 377, article 9, section 12, the effective date; Minnesota Rules, parts 8007.0300, subpart 3; 8009.7100; 8009.7200; 8009.7300; 8009.7400; 8092.1000; 8106.0100, subparts 11, 15, 16; 8106.0200; 8125.1000; 8125.1300, subpart 1; 8125.1400; 8130.0800, subparts 5, 12; 8130.1300; 8130.1600, subpart 5; 8130.1700, subparts 3, 4; 8130.4800, subpart 2; 8130.7500, subpart 5; 8130.8000; 8130.8300.

### CONCURRENCE AND REPASSAGE

Senator Pogemiller moved that the Senate concur in the amendments by the House to S.F. No. 1505 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1505 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 67 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Langseth	Olson	Scheid
Bachmann	Hann	Larson	Ortman	Senjem
Bakk	Higgins	LeClair	Ourada	Skoe
Belanger	Hottinger	Limmer	Pappas	Skoglund
Berglin	Johnson, D.E.	Lourey	Pariseau	Solon
Betzold	Johnson, D.J.	Marko	Pogemiller	Sparks
Chaudhary	Jungbauer	Marty	Ranum	Stumpf
Cohen	Kelley	McGinn	Reiter	Tomassoni
Day	Kierlin	Metzen	Rest	Vickerman
Dibble	Kiscaden	Michel	Robling	Wergin
Dille	Kleis	Moua	Rosen	Wiger
Fischbach	Knutson	Murphy	Ruud	
Foley	Koering	Neuville	Sams	
Frederickson	Kubly	Nienow	Saxhaug	

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

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Hottinger moved that H.F. No. 302 be taken from the table. The motion prevailed.

**H.F. No. 302:** A bill for an act relating to education; clarifying the date of school board organizational meetings; amending Minnesota Statutes 2002, section 123B.14, subdivision 1.

## SUSPENSION OF RULES

Senator Hottinger moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 302 and that the rules of the Senate be so far suspended as to give H.F. No. 302 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 302 was read the second time.

Senator Kelley moved to amend H.F. No. 302 as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1  
REPLACING PROFILE OF LEARNING STANDARDS  
AND GRADUATION REQUIREMENTS

Section 1. [120B.001] [REPEALING PROFILE OF LEARNING STATUTES AND RULES.]

Notwithstanding sections 120B.02, 120B.30, 120B.31, and 120B.35, or other law to the contrary, the commissioner of children, families, and learning must not implement the profile of learning portion of the state's results-oriented graduation rule.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies to the 2003-2004 school year and later.

Sec. 2. Minnesota Statutes 2002, section 120B.02, is amended to read:

120B.02 [RESULTS-ORIENTED GRADUATION RULE; BASIC SKILLS REQUIREMENTS; PROFILE OF LEARNING EDUCATIONAL EXPECTATIONS FOR MINNESOTA'S STUDENTS.]

(a) The legislature is committed to establishing a rigorous, ~~results-oriented graduation rule~~ academic standards 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 in rule statewide, results-oriented graduation rule to be implemented starting with students beginning ninth grade in the 1996-1997 school year academic standards. The commissioner shall not prescribe in rule or otherwise the delivery system, classroom assessments, or form of instruction that school sites 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 for funding purposes.

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

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

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

~~(d) The content of the graduation rule must differentiate between minimum competencies reflected in the basic requirements assessment and rigorous profile of learning standards. When fully implemented, the requirements for high school graduation in Minnesota must include both require students to pass the basic skills test 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 satisfactorily complete, as determined by the school district, the course credit requirements under section 120B.0025.~~

~~(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) (d) The commissioner shall periodically review and report on the state's 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) (e) School districts are not required to adopt specific provisions of the Goals 2000 and the federal School-to-Work programs.~~

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 3. [120B.0021] [REQUIRED ACADEMIC STANDARDS.]

Subdivision 1. [REQUIRED ACADEMIC STANDARDS.] The following subject areas are required for statewide accountability:

- (1) language arts;
- (2) mathematics;
- (3) science;
- (4) social studies, including history, geography, economics, and government and citizenship;  
and
- (5) the arts, for which statewide or locally developed academic standards apply, as determined by the school district. Public elementary and middle schools must offer at least three and require at least two of the following four arts areas: dance; music; theater; and visual arts. Public high schools must offer at least three and require at least one of the following five arts areas: media arts; dance; music; theater; and visual arts.

The commissioner must submit proposed standards in science and social studies to the legislature by February 1, 2004.

For purposes of applicable federal law, the academic standards for language arts, mathematics and science apply to all public school students, except the very few students with extreme cognitive or physical impairments for whom an individualized education plan team has determined that the required academic standards are inappropriate. An individualized education plan team that makes this determination must establish alternative standards.

A school district, no later than the 2007-2008 school year, must adopt graduation requirements that meet or exceed state graduation requirements established in law or rule. A school district that incorporates these state graduation requirements before the 2007-2008 school year must provide students who enter the ninth grade in or before the 2003-2004 school year the opportunity to earn a diploma based on existing locally established graduation requirements in effect when the students entered the ninth grade. District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with sections 120B.10, 120B.11, and 120B.20.

Subd. 2. [STANDARDS DEVELOPMENT.] (a) The commissioner must consider advice from at least the following stakeholders in developing statewide rigorous core academic standards in language arts, mathematics, science, social studies, including history, geography, economics, government and citizenship, and the arts:

- (1) parents of school-age children and members of the public throughout the state;
  - (2) teachers throughout the state currently licensed and providing instruction in language arts, mathematics, science, social studies, or the arts and licensed elementary and secondary school principals throughout the state currently administering a school site;
  - (3) currently serving members of local school boards and charter school boards throughout the state;
  - (4) faculty teaching core subjects at postsecondary institutions in Minnesota; and
  - (5) representatives of the Minnesota business community.
- (b) Academic standards must:
- (1) be clear, concise, objective, measurable, and grade-level appropriate;

- (2) not require a specific teaching methodology or curriculum; and
- (3) be consistent with the constitutions of the United States and the state of Minnesota.

Subd. 3. [RULEMAKING.] (a) The commissioner, consistent with the requirements of this section and section 120B.0023, must adopt statewide rules under section 14.389 for implementing statewide rigorous core academic standards in language arts, mathematics and the arts. After the rules authorized under this paragraph are initially adopted, the commissioner may not amend or repeal these rules nor adopt new rules on the same topic without specific legislative authorization. These academic standards must be implemented for all students beginning in the 2003-2004 school year.

- (b) The rules authorized under this section are not subject to section 14.127.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 4. [120B.0023] [ELECTIVE STANDARDS.]

Subdivision 1. [ELECTIVE STANDARDS.] A district must establish its own standards in the following subject areas:

- (1) health and physical education;
- (2) vocational and technical education; and
- (3) world languages.

A school district must offer courses in all elective subject areas.

Subd. 2. [LOCAL ASSESSMENTS.] A district must use a locally selected assessment to determine if a student has achieved an elective standard.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 5. [120B.0024] [BENCHMARKS.]

(a) The commissioner must supplement required state academic standards with grade-level benchmarks. High school benchmarks may cover more than one grade. The benchmarks must implement statewide academic standards by specifying the academic knowledge and skills that schools must offer and students must achieve to satisfactorily complete a state standard. Benchmarks are published to inform and guide parents, teachers, school districts and other interested persons and for use in developing tests consistent with the benchmarks.

(b) The commissioner shall publish benchmarks in the State Register and transmit the benchmarks in any other manner that makes them accessible to the general public. The commissioner may charge a reasonable fee for publications.

(c) Once established, the commissioner may change the benchmarks only with specific legislative authorization and after completing a review under paragraph (d).

(d) The commissioner must develop and implement a system for reviewing on a four-year cycle each of the required academic standards and related benchmarks and elective standards beginning in the 2006-2007 school year.

- (e) The benchmarks are not subject to chapter 14 and section 14.386 does not apply.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 6. [120B.0025] [GRADUATION REQUIREMENTS; COURSE CREDITS.]

Students beginning ninth grade in the 2004-2005 school year and later must successfully complete the following high school level course credits for graduation:

- (1) four credits of language arts;
- (2) three credits of mathematics, encompassing at least algebra, geometry, statistics and probability sufficient to satisfy the academic standard;
- (3) three credits of science, including at least one credit in biology;
- (4) three and one-half credits of social studies, including at least one credit of United States history, one credit of geography, 0.5 credits of government and citizenship, 0.5 credits of world history, and 0.5 credits of economics; and
- (5) a minimum of eight elective course credits, including at least one credit in the arts.

A course credit is equivalent to a student's successful completion of an academic year of study or a student's mastery of the applicable subject matter, as determined by the local school district.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 7. Minnesota Statutes 2002, 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, consistent with subdivision 1a, shall include in the comprehensive assessment system, for each grade level to be tested, a test, which shall be state-constructed tests developed from and aligned with the state's graduation required academic standards under section 120B.0021 and administered annually to all students in the third, fifth, seventh, and eighth grades 3 through 8 and at the high school level. A state-developed test in a subject other than writing, developed after the 2002-2003 school year, must include both multiple choice and constructed response questions. The commissioner shall establish one or more months during which schools shall administer the tests to students each school year. Only Minnesota basic skills tests in reading, mathematics, and writing shall fulfill students' 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.

(b) The third, fifth, and seventh through eighth grade and high school level 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, fifth, and seventh grade test results upon receiving those results.

(c) In addition, at the high school 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, State tests must be constructed and aligned with state academic standards. The testing process, and the order of administration shall be determined by the commissioner. The statewide results shall be aggregated at the site and district level, consistent with subdivision 1a.

(d) The commissioner shall report school site and school district student academic 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 October 1 of the current 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 percentage of students of each gender and the percentages of students who are eligible to receive a free or reduced price school meal, demonstrate limited English proficiency, are identified as migrant students, are a member of a major ethnic or racial population, or are eligible to receive special education services.

(e) In addition to the testing and reporting requirements under paragraphs (a), (b), (c), and (d)

this section, the commissioner shall include the following components in the statewide public reporting system:

(1) uniform statewide testing of all ~~third, fifth, seventh, eighth, and post-eighth~~ grade students in grades 3 through 8 and at the high school level 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 three years;

(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;

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

(4) state results from 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.

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

**[EFFECTIVE DATE.]** This section is effective the day following final enactment and applies to the 2005-2006 school year and later.

Sec. 8. Minnesota Statutes 2002, section 120B.30, is amended by adding a subdivision to read:

Subd. 1a. [STATEWIDE AND LOCAL ASSESSMENTS; RESULTS.] (a) The commissioner must develop language arts, mathematics and science assessments aligned with state academic standards that districts and sites must use to monitor student growth toward achieving those standards. The commissioner must not develop statewide assessments for academic standards in social studies and the arts. The commissioner must require:

(1) annual language arts and mathematics assessments in grades 3 through 8 and at the high school level for the 2005-2006 school year and later; and

(2) annual science assessments in one grade in the grades 3 through 5 span, the grades 6 through 9 span, and the grades 10 through 12 span for the 2007-2008 school year and later.

(b) The commissioner must ensure that all statewide tests administered to elementary and secondary students measure students' academic knowledge and skills and not students' values, attitudes, and beliefs.

(c) Reporting of assessment results must:

(1) provide timely, useful, and understandable information on the performance of individual students, schools, school districts, and the state;

(2) include, by the 2006-2007 school year, a value-added component to measure student achievement growth over time; and

(3) determine whether students have met the state's basic skills requirements.

(d) Consistent with applicable federal law and section 120B.30, subdivision 1, paragraph (d), clause (1), the commissioner must include alternative assessments for the very few students with disabilities for whom statewide assessments are inappropriate and for students with limited English proficiency.

(e) A school, school district, and charter school must administer statewide assessments under this section, as the assessments become available, to evaluate student progress in achieving the academic standards. If a state assessment is not available, a school, school district, and charter school must determine locally if a student has met the required academic standards. A school, school district or charter school may use a student's performance on a statewide assessment as one of multiple criteria to determine grade promotion or retention. A school, school district, or charter school may use a high school student's performance on a statewide assessment as a percentage of the student's final grade in a course, or place a student's assessment score on the student's transcript.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 9. [120B.36] [SCHOOL ACCOUNTABILITY; APPEALS PROCESS.]

(a) The commissioner shall use objective criteria based on levels of student performance to identify four to six designations applicable to high and low performing public schools. The objective criteria shall include at least student academic performance, school safety, and staff characteristics, with a value-added growth component added by the 2006-2007 school year.

(b) The commissioner shall develop, annually update and post on the department web site school performance report cards. A school's designation must be clearly stated on each school performance report card.

(c) The commissioner must make available the first school designations and school performance report cards by November 2003, and during the beginning of each school year thereafter.

(d) A school or district may appeal in writing a designation under this section to the commissioner within 30 days of receiving the designation. The commissioner's decision to uphold or deny an appeal is final.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment and applies to the 2005-2006 school year and later.

Sec. 10. [120B.363] [CREDENTIAL FOR EDUCATION PARAPROFESSIONALS.]

Subdivision 1. [RULEMAKING.] The board of teaching must adopt rules to implement a statewide credential for education paraprofessionals who assist a licensed teacher in providing student instruction. Any paraprofessional holding this credential or working in a local school district after meeting a state-approved local assessment is considered to be highly qualified under federal law. Under this subdivision, the board of teaching, in consultation with the commissioner, must adopt qualitative criteria for approving local assessments that include an evaluation of a paraprofessional's knowledge of reading, writing, and math and the paraprofessional's ability to assist in the instruction of reading, writing, and math. The commissioner must approve or disapprove local assessments using these criteria. The commissioner must make the criteria available to the public.

Subd. 2. [TRAINING POSSIBILITIES.] In adopting rules under subdivision 1, the board must consider including provisions that provide training in: students' characteristics; teaching and learning environment; academic instruction skills; student behavior; and ethical practices.

Subd. 3. [INITIAL TRAINING.] Within the first 60 days of supervising or working with students, a district must provide each paraprofessional with initial training in emergency procedures, confidentiality, vulnerability, reporting obligations, discipline policies, roles and responsibilities, and a building orientation.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 11. [120B.365] [ASSESSMENT ADVISORY COMMITTEE.]

Subdivision 1. [ESTABLISHMENT.] An assessment advisory committee of up to eleven

members selected by the commissioner is established. The commissioner must select members as follows:

- (1) two superintendents;
- (2) two teachers;
- (3) two higher education faculty; and
- (4) up to five members of the public, consisting of parents and members of the business community.

The committee must review all statewide assessments. The committee must submit its recommendations to the commissioner and to the committees of the legislature having jurisdiction over kindergarten through grade 12 education policy and budget issues. The commissioner must consider the committees' recommendations before finalizing a statewide assessment.

Subd. 2. [EXPIRATION.] Notwithstanding section 15.059, subdivision 5, the committee expires on June 30, 2014.

**[EFFECTIVE DATE.]** This section is effective immediately and applies to the 2005-2006 school year and later.

Sec. 12. [REPEALER.]

(a) Minnesota Statutes 2002, section 120B.031, is 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.

**[EFFECTIVE DATE.]** This section is effective for the 2003-2004 school year and thereafter.

## ARTICLE 2

### COMMISSIONER'S DUTIES

Section 1. [MINNESOTA'S HIGH ACADEMIC STANDARDS.]

(a) The standards adopted by the commissioner of children, families and learning under Minnesota Statutes, section 120B.0021, must be identical to:

(1) the K-12 standards for language arts contained in the document labeled "Minnesota Academic Standards, Language Arts K-12, May 19, 2003, Minnesota Academic Standards Committee, Minnesota Department of Education";

(2) the K-12 standards for mathematics contained in the document labeled "Minnesota Academic Standards, Mathematics K-12, May 19, 2003, Minnesota Academic Standards Committee, Minnesota Department of Education"; and

(3) the K-12 standards for arts contained in the document labeled "Minnesota Academic Standards, Arts K-12, May 19, 2003, Minnesota Department of Education".

(b) The K-12 standards documents must be deposited with the Minnesota revisor of statutes, the legislative reference library, and the Minnesota state law library, where the documents shall be maintained until the commissioner adopts rules for implementing statewide rigorous core academic standards in language arts, mathematics and the arts under Minnesota Statutes, section 120B.0021, subdivision 3. The revisor must determine that the rules are identical to the documents deposited with it under this section before the revisor approves the form of the rules. In approving the form of the rules, the revisor may make any needed grammatic and form changes.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 2. [RECOMMENDATIONS ON HIGH ACADEMIC STANDARDS.]

The commissioner of children, families, and learning, after consulting with affected stakeholders, must provide written recommendations to the committees of the legislature having jurisdiction over kindergarten through grade 12 education policy and budget issues by February 1, 2004, that:

(1) identify the cut-scores on high school reading and mathematics assessments indicating that remedial instruction in the state's two-year higher education institutions is unneeded;

(2) recommend alternative assessments, including student portfolios;

(3) recommend whether students must pass state end-of-course examinations as a requirement for high school graduation;

(4) evaluate the feasibility of including state percentile rankings and a national comparison; and

(5) establish a method for using the grade 8 language arts and math tests to satisfy basic skills requirements.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment.

Sec. 3. [RULES FOR SUPPLEMENTAL SERVICE PROVIDERS.]

The commissioner of children, families, and learning may adopt rules under Minnesota Statutes, section 14.388, establishing criteria for identifying, annually reviewing, and formally listing eligible supplemental education service providers throughout Minnesota, consistent with applicable federal requirements and Minnesota's application for supplemental education service providers under Title 1, Part A, of the No Child Left Behind Act.

**[EFFECTIVE DATE.]** This section is effective the day following final enactment and applies to supplemental education service providers delivering supplemental English or math services to eligible students in the 2003-2004 school year and later."

Amend the title as follows:

Page 1, lines 2 and 3, delete "clarifying the date of school board organizational meetings;" and insert "repealing and replacing the profile of learning; providing for rulemaking;"

The motion prevailed. So the amendment was adopted.

H.F. No. 302 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 3, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Kubly	Nienow	Saxhaug
Bachmann	Hann	Langseth	Olson	Scheid
Bakk	Higgins	Larson	Ortman	Senjem
Belanger	Hottinger	LeClair	Ourada	Skoe
Berglin	Johnson, D.E.	Limmer	Pappas	Skoglund
Betzold	Johnson, D.J.	Lourey	Pariseau	Solon
Cohen	Jungbauer	Marko	Ranum	Sparks
Day	Kelley	Marty	Reiter	Stumpf
Dibble	Kierlin	McGinn	Rest	Tomassoni
Dille	Kiscaden	Metzen	Robling	Vickerman
Fischbach	Kleis	Michel	Rosen	Wergin
Foley	Knutson	Murphy	Ruud	Wiger
Frederickson	Koering	Neuville	Sams	

Those who voted in the negative were:

Chaudhary                      Moua                      Pogemiller

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 the passage by the House of the following Senate File, herewith returned: S.F. No. 420.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Returned May 19, 2003

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. 1180:** A bill for an act relating to state government; department of administration; updating references; increasing the threshold project amount for designer selection board approval; modifying building code language; eliminating a report; amending Minnesota Statutes 2002, sections 16B.054; 16B.24, subdivisions 1, 5; 16B.33, subdivision 3; 16B.61, subdivision 1a; 16B.62, subdivision 1; 16C.10, subdivision 5; 16C.15; 16C.16, subdivision 7; 327A.01, subdivision 2; repealing Minnesota Statutes 2002, section 16C.18, subdivision 1.

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

Krinkie, Holberg and Jacobson.

Senate File No. 1180 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Returned May 19, 2003

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. 905:** A bill for an act relating to environment; modifying expenditure limits for upgrading feedlots; amending Minnesota Statutes 2002, section 116.07, subdivision 7.

Senate File No. 905 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Returned May 19, 2003

**CONCURRENCE AND REPASSAGE**

Senator Murphy moved that the Senate concur in the amendments by the House to S.F. No. 905 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 905 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 34 and nays 33, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Knutson	Michel	Rest
Belanger	Hottinger	Koering	Neuville	Robling
Day	Johnson, D.J.	Larson	Nienow	Rosen
Dille	Jungbauer	LeClair	Olson	Ruud
Fischbach	Kierlin	Limmer	Ortman	Senjem
Frederickson	Kiscaden	McGinn	Pariseau	Wergin
Gaither	Kleis	Metzen	Reiter	

Those who voted in the negative were:

Anderson	Foley	Marko	Ranum	Sparks
Bakk	Higgins	Marty	Sams	Stumpf
Berglin	Johnson, D.E.	Moua	Saxhaug	Tomassoni
Betzold	Kelley	Murphy	Scheid	Vickerman
Chaudhary	Kubly	Ourada	Skoe	Wiger
Cohen	Langseth	Pappas	Skoglund	
Dibble	Lourey	Pogemiller	Solon	

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

**MESSAGES FROM THE HOUSE - CONTINUED**

Senator Hottinger moved that the Senate take up the message on H.F. No. 675. 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. 675:** A bill for an act relating to agriculture; eliminating the expiration date for the Minnesota agriculture education leadership council; repealing Minnesota Statutes 2002, section 41D.01, subdivision 4.

Senate File No. 675 is herewith returned to the Senate.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives  
Returned May 19, 2003

**CONCURRENCE AND REPASSAGE**

Senator Sams moved that the Senate concur in the amendments by the House to S.F. No. 675 and that the bill be placed on its repassage as amended.

**CALL OF THE SENATE**

Senator Murphy imposed a call of the Senate for the balance of the proceedings on S.F. No. 675. The Sergeant at Arms was instructed to bring in the absent members.

Senator Murphy moved the previous question.

**RECESS**

Senator Pappas moved that the Senate do now recess.

The question was taken on the adoption of the Pappas motion.

The roll was called, and there were yeas 21 and nays 45, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Kelley	Pappas	Wiger
Berglin	Foley	Lourey	Pogemiller	
Betzold	Frederickson	Marko	Ranum	
Chaudhary	Higgins	Metzen	Rest	
Cohen	Hottinger	Moua	Skoglund	

Those who voted in the negative were:

Bachmann	Johnson, D.J.	Larson	Ortman	Scheid
Bakk	Jungbauer	LeClair	Ourada	Senjem
Belanger	Kierlin	Limmer	Pariseau	Skoe
Day	Kiscaden	McGinn	Reiter	Solon
Dille	Kleis	Michel	Robling	Sparks
Fischbach	Knutson	Murphy	Rosen	Stumpf
Gaither	Koering	Neuville	Ruud	Tomassoni
Hann	Kubly	Nienow	Sams	Vickerman
Johnson, D.E.	Langseth	Olson	Saxhaug	Wergin

The motion did not prevail.

**ADJOURNMENT**

Senator Anderson moved that the Senate do now adjourn.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 15 and nays 52, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Higgins	Moua	Ranum
Chaudhary	Foley	Kelley	Pappas	Rest
Cohen	Frederickson	Marko	Pogemiller	Skoglund

Those who voted in the negative were:

Bachmann	Johnson, D.E.	LeClair	Ortman	Skoe
Bakk	Johnson, D.J.	Limmer	Ourada	Solon
Belanger	Jungbauer	Lourey	Pariseau	Sparks
Berglin	Kierlin	Marty	Reiter	Stumpf
Betzold	Kiscaden	McGinn	Robling	Tomassoni
Day	Kleis	Metzen	Rosen	Vickerman
Dille	Knutson	Michel	Ruud	Wergin
Fischbach	Koering	Murphy	Sams	Wiger
Gaither	Kubly	Neuville	Saxhaug	
Hann	Langseth	Nienow	Scheid	
Hottinger	Larson	Olson	Senjem	

The motion did not prevail.

### ADJOURNMENT

Senator Pappas moved that the Senate do now adjourn until 11:59 p.m., May 19, 2003.

The question was taken on the adoption of the motion.

The roll was called, and there were yeas 10 and nays 54, as follows:

Those who voted in the affirmative were:

Anderson	Dibble	Kelley	Pappas	Ranum
Chaudhary	Higgins	Moua	Pogemiller	Skoglund

Those who voted in the negative were:

Bachmann	Hann	Langseth	Nienow	Scheid
Bakk	Hottinger	Larson	Olson	Senjem
Belanger	Johnson, D.E.	LeClair	Ortman	Skoe
Berglin	Johnson, D.J.	Limmer	Ourada	Solon
Betzold	Jungbauer	Marko	Pariseau	Sparks
Day	Kierlin	Marty	Reiter	Stumpf
Dille	Kiscaden	McGinn	Rest	Tomassoni
Fischbach	Kleis	Metzen	Robling	Vickerman
Foley	Knutson	Michel	Rosen	Wergin
Frederickson	Koering	Murphy	Ruud	Wiger
Gaither	Kubly	Neuville	Saxhaug	

The motion did not prevail.

The question recurred on the adoption of the Murphy motion.

The question was taken on "Shall the main question now be put?"

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

Those who voted in the affirmative were:

Bachmann	Johnson, D.E.	LeClair	Pappas	Senjem
Bakk	Johnson, D.J.	Limmer	Pariseau	Sparks
Belanger	Jungbauer	McGinn	Reiter	Stumpf
Day	Kiscaden	Metzen	Rest	Tomassoni
Dille	Kleis	Michel	Robling	Vickerman
Fischbach	Knutson	Murphy	Rosen	Wergin
Frederickson	Koering	Nienow	Ruud	
Gaither	Kubly	Olson	Sams	
Hann	Langseth	Ortman	Saxhaug	
Hottinger	Larson	Ourada	Scheid	

Those who voted in the negative were:

Anderson	Cohen	Kierlin	Moua	Skoe
Berglin	Dibble	Lourey	Neuville	Skoglund
Betzold	Higgins	Marko	Pogemiller	Solon
Chaudhary	Kelley	Marty	Ranum	Wiger

The motion prevailed.

The question was taken on the adoption of the Sams motion to concur. The motion prevailed.

**S.F. No. 675:** A bill for an act relating to higher education; appropriating money for educational 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 Mayo Medical Foundation, with certain conditions; making various changes to the state grant program and the college savings plan; providing for organizational, administrative, and other changes at the higher education services office and the Minnesota state colleges and universities;

authorizing revenue bonds; amending Minnesota Statutes 2002, sections 41D.01, subdivision 4; 124D.42, subdivision 3; 135A.14, by adding a subdivision; 136A.01, subdivision 1; 136A.011, subdivision 2; 136A.03; 136A.031, subdivisions 2, 5; 136A.08, subdivision 3; 136A.101, subdivision 5a; 136A.121, subdivisions 6, 7, 9, 9a, 13; 136A.125, subdivisions 2, 4; 136A.171; 136A.29, subdivision 9; 136A.69; 136F.12; 136F.40, subdivision 2; 136F.45, subdivisions 1, 2; 136F.581, subdivisions 1, 2; 136F.59, subdivision 3; 136F.60, subdivision 3; 136G.01; 136G.03, subdivision 31, by adding subdivisions; 136G.05, subdivisions 4, 5, 10; 136G.09, subdivisions 1, 2, 6, 7, 8, 9; 136G.11, subdivisions 1, 2, 3, 9, 13; 136G.13, subdivisions 1, 3; 137.022, subdivision 3; 137.0245, subdivision 2; 137.44; 299A.45, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 136F; 136G; repealing Minnesota Statutes 2002, sections 15A.081, subdivision 7b; 124D.95; 136A.1211; 136A.122; 136A.124; 136F.13; 136F.56; 136F.582; 136F.59, subdivision 2; 136G.03, subdivision 25.

S.F. No. 675 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 36 and nays 31, as follows:

Those who voted in the affirmative were:

Bachmann	Hottinger	Larson	Nienow	Rosen
Belanger	Johnson, D.J.	LeClair	Olson	Ruud
Day	Jungbauer	Limmer	Ortman	Senjem
Dille	Kierlin	McGinn	Ourada	Wergin
Fischbach	Kiscaden	Metzen	Pariseau	
Frederickson	Kleis	Michel	Reiter	
Gaither	Knutson	Murphy	Rest	
Hann	Koering	Neuville	Robling	

Those who voted in the negative were:

Anderson	Foley	Marko	Saxhaug	Tomassoni
Bakk	Higgins	Marty	Scheid	Vickerman
Berglin	Johnson, D.E.	Moua	Skoe	Wiger
Betzold	Kelley	Pappas	Skoglund	
Chaudhary	Kubly	Pogemiller	Solon	
Cohen	Langseth	Ranum	Sparks	
Dibble	Lourey	Sams	Stumpf	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 296, 1099 and 1176.

Albin A. Mathiowetz, First Assistant Chief Clerk, House of Representatives

Returned May 19, 2003

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Neuville moved that H.F. No. 778, No. 66 on General Orders, be stricken and 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 Skoglund introduced--**

**S.F. No. 1569:** A bill for an act relating to metropolitan airports commission; requiring the commission to complete its 1996 sound insulation program; amending Minnesota Statutes 2002, section 473.661, by adding a subdivision.

Referred to the Committee on State and Local Government Operations.

**Senator Sparks introduced--**

**S.F. No. 1570:** A bill for an act relating to consumer protection; regulating the transmission of unsolicited bulk electronic mail; prescribing civil remedies and criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce and Utilities.

**Senators Larson, Vickerman, Day, Solon and Wergin introduced--**

**S.F. No. 1571:** A bill for an act relating to the metropolitan sports facilities commission; changing its name and membership; amending Minnesota Statutes 2002, sections 473.551, subdivision 3; 473.553, subdivisions 1, 2, 3, 4, 5, 7; 473.564, subdivision 3; 473.5995, subdivision 2; 473I.01, subdivision 3.

Referred to the Committee on State and Local Government Operations.

**Senator Pogemiller introduced--**

**S.F. No. 1572:** A bill for an act relating to public officials; requiring certain meetings of the governor with legislative leaders to be open to the public; amending Minnesota Statutes 2002, section 13D.01, subdivision 1.

Referred to the Committee on Rules and Administration.

**Senators Higgins and Sams introduced--**

**S.F. No. 1573:** A bill for an act relating to health plans; requiring coverage for the routine costs of clinical trials; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Health and Family Security.

**Senator Bachmann introduced--**

**S.F. No. 1574:** A bill for an act relating to local government; authorizing local bonding for personal rapid transit; amending Minnesota Statutes 2002, sections 429.021, subdivision 1; 475.52, subdivisions 1, 3, 4.

Referred to the Committee on Finance.

**Senator Lourey introduced--**

**S.F. No. 1575:** A bill for an act relating to health; providing for collection of certain data relating to environmental toxicity; amending Minnesota Statutes 2002, sections 13.3806, subdivision 14, by adding a subdivision; 144.2215; 144.671.

Referred to the Committee on Health and Family Security.

**Senator Lourey introduced--**

**S.F. No. 1576:** A bill for an act relating to health; extending health coverage to include surveillance tests for ovarian cancer for women at risk for ovarian cancer; amending Minnesota Statutes 2002, section 62A.30, subdivision 2, by adding a subdivision.

Referred to the Committee on Health and Family Security.

### **CONFERENCE COMMITTEE EXCUSED**

Pursuant to Rule 12, Senator Berglin moved that the following members be excused for a Conference Committee on H.F. No. 437 from 9:30 to 11:15 p.m.:

Senators Berglin, Lourey, Higgins, Foley and Kiscaden. The motion prevailed.

### **MEMBERS EXCUSED**

Senators Kelley and Ranum were excused from the Session of today from 10:00 a.m. to 7:15 p.m. Senator Michel was excused from the Session of today from 12:10 to 12:15 p.m. Senator Dibble was excused from the Session of today from 8:20 to 8:30 p.m. Senators Bachmann and Foley were excused from the Session of today from 8:25 to 8:30 p.m. Senator Anderson was excused from the Session of today from 8:20 to 8:55 p.m.

### **ADJOURNMENT**

Senator Hottinger moved that the Senate do now adjourn until 12:00 noon, Monday, February 2, 2004. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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