

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 2000

 ONE HUNDRED EIGHTEENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, MAY 17, 2000

The House of Representatives convened at 11:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by the Reverend Lonnie E. Titus, House Chaplain.

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

The roll was called and the following members were present:

Abeler	Dorn	Huntley	Mahoney	Pelowski	Tingelstad
Abrams	Entenza	Jaros	Mares	Peterson	Tomassoni
Anderson, I.	Erhardt	Jennings	Mariani	Pugh	Trimble
Bakk	Erickson	Johnson	Marko	Rest	Tuma
Biernat	Finseth	Juhnke	McCollum	Reuter	Tunheim
Bishop	Folliard	Kahn	Milbert	Rhodes	Van Dellen
Boudreau	Fuller	Kalis	Molnau	Rifenberg	Vandever
Bradley	Gerlach	Kelliher	Mulder	Rostberg	Wagenius
Broecker	Gleason	Kielkucki	Mullery	Rukavina	Wejman
Buesgens	Goodno	Knoblach	Murphy	Schumacher	Wenzel
Carlson	Gray	Koskinen	Ness	Seagren	Westerberg
Carruthers	Greenfield	Krinkie	Nornes	Seifert, J.	Westfall
Cassell	Greiling	Kubly	Olson	Seifert, M.	Westrom
Chaudhary	Gunther	Kuisle	Opatz	Skoe	Wilkin
Clark, J.	Haas	Larsen, P.	Orfield	Skoglund	Winter
Clark, K.	Hackbarth	Larsen, D.	Osskopp	Smith	Wolf
Daggett	Harder	Leighton	Osthoff	Solberg	Workman
Davids	Hasskamp	Lenczewski	Otremba	Stanek	Spk. Sviggum
Dawkins	Hilty	Leppik	Ozment	Storm	
Dehler	Holberg	Lieder	Paulsen	Swapinski	
Dempsey	Holsten	Lindner	Pawlenty	Swenson	
Dorman	Howes	Luther	Paymar	Sykora	

A quorum was present.

Anderson, B.; Haake; Hausman; McGuire and Stang were excused.

McElroy was excused until 6:15 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Rukavina moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 11, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 3839, relating to health; modifying the Health Care Administrative Simplification Act; providing for regulation of unlicensed complementary and alternative health care practitioners; modifying provisions for speech-language pathologists, audiologists, unlicensed mental health practitioners, alcohol and drug counselors, and hearing instrument dispensers; providing civil penalties; requiring reports.

Sincerely,

JESSE VENTURA
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

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

<i>S.F.</i> <i>No.</i>	<i>H.F.</i> <i>No.</i>	<i>Session Laws</i> <i>Chapter No.</i>	<i>Time and</i> <i>Date Approved</i> <i>2000</i>	<i>Date Filed</i> <i>2000</i>
3016		458	5:36 p.m. May 11	May 12

118TH DAY]

WEDNESDAY, MAY 17, 2000

10047

2956

3839

459

460

5:35 p.m. May 11

5:39 p.m. May 11

May 12

May 12

Sincerely,

MARY KIFFMEYER
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 15, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 2489, relating to bicycles; authorizing local units of government to require purchasers of impounded bicycles to register them as a condition of the sale.

H. F. No. 3046, relating to natural resources; requiring certain reports; modifying duties of citizen oversight committees; modifying certain license fees; providing for wolf management; modifying use of lighted fishing lures; modifying disposition of payments in lieu of sales tax for lottery tickets; appropriating money.

H. F. No. 3557, relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, unintended results, and technical errors in state government, human services, and prekindergarten-grade 12 education code appropriations acts; appropriating money.

H. F. No. 2826, relating to elections; clarifying provisions and conforming procedures under the Minnesota election law and related provisions.

H. F. No. 3501, relating to government data practices; classifying data; providing for access to and sharing of data; authorizing certain restrictions on access to data; clarifying definitions and application provisions; modifying penalty provisions; providing for electronic copies of data; classifying and regulating disclosure of information held by health maintenance organizations; prohibiting monitoring of persons requesting access to public data; requiring government entities to have a data practices compliance official; limiting tort liability for disclosure of geographic information systems data; providing for administrative and civil remedies.

H. F. No. 3534, relating to agriculture; changing certain requirements and enforcement procedures for agricultural contracts.

H. F. No. 3409, relating to human services; modifying provisions in continuing care services for persons with disabilities.

H. F. No. 3229, relating to Hennepin county; providing for payment of county obligations by electronic transfer or credit card.

H. F. No. 2516, relating to crime; amending the definition of harassment; modifying petition requirements.

H. F. No. 3312, relating to agriculture; changing the scope of the value-added agricultural product processing and marketing grant program; establishing a certification pilot program; including bison in certain definitions of livestock; changing meeting provisions and duties of the board of grain standards; expanding a grants-in-aid program; changing certain fees; making technical changes to pesticide and fertilizer laws; changing certain reimbursement payments; changing seed testing provisions; providing for delegation of certain duties; clarifying the scope of certain regulation of wholesale produce dealers; updating certain food standards; simplifying certain language; providing for uniformity in meat and poultry inspection; changing certain reporting requirements; increasing the amount of livestock dealer bonds; changing rural finance authority loan provisions; clarifying status of certain grain buying transactions; changing certain grain storage provisions; changing the corporate and partnership farming law; providing alternative seed potato regulation in Clearwater county.

H. F. No. 3505, relating to commerce; providing enforcement authority to the commissioner; providing technical changes; regulating certain disclosures; specifying the license term and fees of a managing general agent; regulating motor vehicle service contracts; regulating underwriting practices; regulating insurance brokerage business; regulating workers' compensation self-insurance; regulating securities broker-dealers and investment advisers; authorizing the commissioner to withdraw certain inactive registration applications; regulating real estate and insurance agent continuing education; regulating the contractor recovery fund; making collection agencies responsible for the acts of collectors; providing standards of conduct for notarial acts; regulating unclaimed property.

H. F. No. 2591, relating to government; creating the Koochiching county economic development commission and changing the allocation of certain money to go to it; authorizing Yellow Medicine county to establish an economic development authority; changing economic development authority of certain nonmetropolitan counties; establishing a legislative commission on Minnesota-Ontario matters; appropriating money.

H. F. No. 3213, relating to natural resources; providing for the establishment of heritage forest areas in specified counties; modifying timber provisions; requiring a report on the process for public involvement in timber harvest plans; requiring certain rule changes for public use of recreational areas.

H. F. No. 849, relating to metropolitan government; modifying the authority to expand or upgrade minor use airports.

Sincerely,

JESSE VENTURA
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 15, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 3800, relating to education; providing for family and early childhood education; providing for disclosure of data; changing requirements for child care assistance and child care programs; making changes to adult basic education programs; modifying child care licensing and inservice training requirements; changing eligibility for individual development accounts; creating task forces; authorizing commissioner of children, families, and learning to make certain grants; providing for kindergarten through grade 12 general education, special programs, employment and transitions, facilities and technology, educational excellence and other policy, nutrition and other programs, fund transfers, libraries, and technical, conforming, and clarifying amendments; providing for higher education; requiring a study and report; providing relief to campuses experiencing increased health care costs; appropriating money to Minnesota state colleges and universities to fund increased enrollment; appropriating money.

Sincerely,

JESSE VENTURA
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 15, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State the following House File:

H. F. No. 4127, relating to financing state and local government; providing a sales tax rebate; providing agricultural assistance; extending the time to qualify for and making certain other changes to the 1999 sales tax rebate and 1999 agricultural assistance; providing agricultural assistance; reducing individual income tax rates; making changes to income, franchise, withholding, sales and use, property, motor vehicle sales and registration, mortgage registry, health care provider, motor fuels, cigarette and tobacco, liquor, insurance premiums, lawful gambling, taconite production, estate, and special taxes; limiting certain maximum motor vehicle registration tax amounts; changing and allowing tax credits, subtractions, and exemptions; conforming with changes in federal income tax provisions; providing for allocation and apportionment of income; changing property tax valuation, assessment, levy, classification, homestead, credit, aid, exemption, deferral, review, appeal, abatement, and distribution provisions; changing levy authority; reducing rates on lawful gambling taxes; changing tax increment financing and housing improvement area provisions; providing special authority for certain political subdivisions; transferring money to the Minnesota Minerals 21st Century Fund; providing for a grant to the city of Richfield to be used for acquisition of certain residential property; changing and clarifying tax administration, collection, enforcement, interest, and penalty provisions; authorizing certain special assessments; changing revenue recapture provisions; modifying certain aids to local units of government; changing county reporting requirements; providing certain duties and powers to the commissioner of revenue, the state auditor, and to the attorney general; defining terms; classifying data; requiring studies; transferring certain funds; appropriating money.

Sincerely,

JESSE VENTURA
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

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

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2000</i>	<i>Date Filed 2000</i>
2796		461	10:56 a.m. May 15	May 15
	2489	462	2:44 p.m. May 15	May 15
	3046	463	10:49 a.m. May 15	May 15
	3557	464	10:48 a.m. May 15	May 15
3028		465	10:26 a.m. May 15	May 15
3036		466	10:48 a.m. May 15	May 15
	2826	467	10:56 a.m. May 15	May 15
	3501	468	10:40 a.m. May 15	May 15
3234		469	10:42 a.m. May 15	May 15
	3534	470	10:52 a.m. May 15	May 15
11		471	10:43 a.m. May 15	May 15
2845		472	2:45 p.m. May 15	May 15
1288		473	10:47 a.m. May 15	May 15
	3409	474	10:27 a.m. May 15	May 15
	3229	475	10:45 a.m. May 15	May 15
	2516	476	10:42 a.m. May 15	May 15
	3312	477	10:53 a.m. May 15	May 15
2677		478	10:41 a.m. May 15	May 15
	2891 *	479	6:40 p.m. May 15	May 15
2854		480	10:40 a.m. May 15	May 15
2575		481	10:54 a.m. May 15	May 15
2893		482	10:55 a.m. May 15	May 15
	3505	483	10:47 a.m. May 15	May 15
	2591	484	10:28 a.m. May 15	May 15
	3213	485	10:47 a.m. May 15	May 15
3002		486	10:46 a.m. May 15	May 15
1048		487	10:46 a.m. May 15	May 15
	2699 *	488	6:50 p.m. May 15	May 15
	3800	489	6:55 p.m. May 15	May 15
	4127	490	11:25 a.m. May 15	May 15
	849	491	10:45 a.m. May 15	May 15
	4078 *	492	6:45 p.m. May 15	May 15

Sincerely,

MARY KIFFMEYER
Secretary of State

[NOTE: * Indicates line-item veto or line-item vetos.]

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 25, 1999

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, Chapter Number 240, H. F. No. 2205, a bill relating to capital improvements, with the exception of the provisions listed on the attachment to this letter.

My administration is committed to capital budget reform principles that direct major capital budgets and bonding bills to be adopted in legislative sessions of even-numbered years, with consideration of emergency-only bonding bills in the odd-numbered years. For that reason, I instructed my agencies to make difficult budget decisions about living within available resources and proposed no bonding bill in 1999. I have concerns with several items in the 1999 bonding bill.

First, projects funded in the odd-numbered years must meet strict criteria as emergency items with no other available financing alternatives in order to be funded with bonds backed by statewide taxes. Projects that are less than emergencies should wait for consideration until the 2000 legislative session, when they can be reviewed and prioritized against competing requests.

Second, state agencies and political subdivisions should fund their projects to the fullest extent possible before requesting additional state assistance. For example, the Minnesota State Colleges and Universities (MnSCU) received an appropriation of \$43 million in the 1998 bonding bill for asset preservation purposes. Significant portions of this appropriation have not been encumbered or spent. The MnSCU board should utilize their 1998 appropriation for its highest and best use by reprioritizing projects based on urgency. Important, but less urgent, projects can be reconsidered during the 2000 capital budget process.

Additionally, bonding projects should be prioritized according to statewide need. It is not appropriate to include items that should be funded at the local level when items of statewide importance are left out of the bill. Local self-reliance should be the primary method of funding local projects. Political subdivisions must accept the fact that the state is not responsible for and cannot fund all requests. This is not meant to diminish the value of local projects. It is a reminder, however, of the principle that each level of government bears responsibility for providing certain primary services to the public.

Finally, the bonding reauthorizations for the Labor Interpretive Center effectively represent new appropriations. I have vetoed those reauthorizations consistent with my other actions on this issue.

Based on these concerns, I cannot in good conscience allow certain projects to go forward at this time.

The following items in Chapter Number 240, H. F. No. 2205, have been line item vetoed:

Page 2, article 1, section 2, all subdivisions, lines 20 to 41
Minnesota State Colleges and Universities, \$11,080,000

Page 4, article 1, section 7, all subdivisions, lines 5 to 24
Board of Water and Soil Resources, \$2,375,000

Page 5, article 1, section 8, subdivision 4, lines 1 to 15
Administration, World War II Veterans Memorial, \$150,000

Page 5, article 1, section 9, subdivision 2, lines 20 to 48
Transportation, Local Bridge Replacement and Rehabilitation, \$10,000,000

Page 6, article 1, section 9, subdivision 4, lines 6 to 14
Transportation, Transportation Revolving Fund, \$10,000,000

Page 8, article 1, section 14, lines 19 to 26
Labor History Center, Bond Reauthorizations, \$613,453.29

Page 20, article 3, section 1, lines 1 to 25
Minnesota Minerals 21st Century Fund, \$20,000,000

Sincerely,

JESSE VENTURA
Governor

MOTION TO OVERRIDE LINE ITEM VETO

Seifert, M., moved that page 4, article 1, section 7, subdivision 2, lines 9 to 17, of Chapter No. 240, H. F. No. 2205, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 4, article 1, section 7, subdivision 2, lines 9 to 17, of H. F. No. 2205 reads as follows:

Sec. 7. BOARD OF WATER AND SOIL RESOURCES

Subd. 2. Lazarus Creek 1,375,000

For a grant to Area II Minnesota River Basin Projects, Inc. for construction of the LQP-25/Lazarus Creek floodwater retention project. The grant may not exceed 75 percent of the project's cost. The remaining share must be provided by Area II Minnesota River Basin Projects, Inc.

The question was taken on the Seifert, M., motion and the roll was called. There were 63 yeas and 65 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark, K.	Finseth	Hilty	Kelliher	Mares
Anderson, I.	Davids	Folliard	Holsten	Kubly	Mariani
Bakk	Dehler	Gleason	Howes	Larsen, P.	McCollum
Carlson	Dorman	Goodno	Jaros	Leighton	Mullery
Cassell	Dorn	Gray	Jennings	Lieder	Murphy
Chaudhary	Entenza	Gunther	Johnson	Luther	Nornes
Clark, J.	Erhardt	Harder	Juhnke	Mahoney	Orfield

Otremba	Rukavina	Skoglund	Swenson	Tunheim	Winter
Paymar	Schumacher	Solberg	Tomassoni	Wenzel	
Pelowski	Seifert, M.	Storm	Trimble	Westfall	
Peterson	Skoe	Swapinski	Tuma	Westrom	

Those who voted in the negative were:

Abrams	Erickson	Kalis	Milbert	Pugh	Tingelstad
Biernat	Fuller	Kielkucki	Molnau	Rest	Van Dellen
Bishop	Gerlach	Knoblach	Mulder	Reuter	Vandever
Boudreau	Greenfield	Koskinen	Ness	Rhodes	Wagenius
Bradley	Greiling	Krinkie	Olson	Rifenberg	Wejzman
Broecker	Haas	Kuisle	Opatz	Rostberg	Westerberg
Buesgens	Hackbarth	Larson, D.	Osskopp	Seagren	Wilkin
Carruthers	Hasskamp	Lenczewski	Osthoff	Seifert, J.	Wolf
Daggett	Holberg	Leppik	Ozment	Smith	Workman
Dawkins	Huntley	Lindner	Paulsen	Stanek	Spk. Sviggum
Dempsey	Kahn	Marko	Pawlenty	Sykora	

Not having received the constitutionally required two-thirds vote, the line item veto was not reconsidered and repassed.

The Speaker called Paulsen to the Chair.

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 15, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my duty to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, Chapter Number 492, H. F. No. 4078. I believe the Legislature has done a good job in keeping the overall size of this bill limited and has recognized the state's priority investments. I have respected those efforts and signed into law most of the projects authorized in the bill, with the following exceptions:

Page 26, article 1, section 14, lines 46 to 54
Page 27, article 1, section 14, lines 1 to 5
Page 14, article 1, section 5, subd. 11, lines 47 to 55
Page 24, article 1, section 10, subd. 5, lines 11 to 22
Page 35, article 1, section 22, subd. 7, lines 59 to 60
Page 36, article 1, section 22, subd. 7, lines 1 to 3
Page 21, article 1, section 7, subd. 30, lines 6 to 14
Page 27, article 1, section 14, subd. 3, lines 6 to 21
Page 29, article 1, section 18, subd. 2, lines 52 to 61

Page 30, article 1, section 18, subd. 2, lines 1 to 8
Page 36, article 1, section 22, subd. 9, lines 11 to 26

I am vetoing the following appropriations: \$1,000,000 to the Lanesboro Center for the Arts, \$1,511,000 million for Multicultural Development Grants, \$500,000 for the Center for Agricultural Innovation Center in Olivia, \$100,000 for the Landfall HRA for retaining walls, and \$150,000 for the St. Croix Valley Heritage Center. I believe that local or private funding is the most appropriate financing source for each of these projects.

I am vetoing the \$3,000,000 appropriation to the City of Minneapolis for the Guthrie Theatre Foundation. Projects of this nature should, at a minimum, be able to demonstrate significant local and philanthropic financial commitments prior to a request for state funding. I also believe additional policy discussions should take place before establishing a commitment by the state to funding arts capital requests.

I am vetoing \$135,000 to the Department of Health for the purposes of funding the Organ Donor Vehicle. There are a variety of health-related causes that are worthy of public education but it is not the state's role to single out one cause or outreach mechanism. This vehicle and the subsequent educational materials should be funded through private sources.

I am also vetoing \$2,700,000 for the Cold Weather Testing Center in International Falls. I am concerned that public funding for this operation would compete with other cold weather testing centers in the region.

The last provision where I have some concerns are those in Article 1, Section 20, subd. 2, the grants for the law enforcement training facilities. Camp Ripley is a centrally-located, state-operated property that should be used to its maximum potential. I have chosen not to veto this language or funding. However, I have instructed the Commissioner of Finance not to release these funds until this Administration is persuaded that the development of local training facilities will not adversely affect the training opportunities offered at Camp Ripley.

Finally, for all the aforementioned projects that were vetoed, I believe that there were more pressing state needs that could have been addressed with these funds.

Sincerely,

JESSE VENTURA
Governor

MOTION TO OVERRIDE LINE ITEM VETO

Davids moved that page 26, article 1, section 14, lines 46 to 54, and page 27, article 1, section 14, lines 1 to 5, of Chapter No. 492, H. F. No. 4078, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 26, article 1, section 14, lines 46 to 54 and page 27, article 1, section 14, lines 1 to 5, of H. F. No. 4078 reads as follows:

Sec. 14. ARTS

Subd. 2. Lanesboro - Root River Center for the Arts 1,000,000

For a grant to the city of Lanesboro to acquire land for, design, and construct a theater and arts center for lease to the Commonweal Theatre Company and Cornucopia Arts Center.

This appropriation is not available until the commissioner has determined that an equal amount has been committed from nonstate sources. The city may enter into a lease or management agreement for the facility, subject to Minnesota Statutes, section 16A.695.

The question was taken on the Davids motion and the roll was called. There were 79 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Huntley	Mahoney	Rifenberg	Tuma
Abrams	Entenza	Jaros	Mariani	Rostberg	Tunheim
Anderson, I.	Erhardt	Jennings	Marko	Rukavina	Van Dellen
Bakk	Finseth	Johnson	Mullery	Schumacher	Vandever
Biernat	Folliard	Juhnke	Murphy	Seifert, M.	Wagenius
Bishop	Goodno	Kahn	Nornes	Skoe	Wejzman
Carlson	Gray	Kelliher	Opatz	Skoglund	Wenzel
Carruthers	Greenfield	Kielkucki	Orfield	Solberg	Westfall
Chaudhary	Greiling	Koskinen	Osskopp	Stanek	Winter
Clark, J.	Gunther	Kubly	Otremba	Storm	
Clark, K.	Hackbarth	Larsen, P.	Paymar	Swapinski	
Davids	Harder	Leighton	Pelowski	Tingelstad	
Dehler	Hasskamp	Lieder	Peterson	Tomassoni	
Dorman	Hilty	Luther	Rhodes	Trimble	

Those who voted in the negative were:

Boudreau	Erickson	Kalis	McCollum	Pawlenty	Sykora
Bradley	Fuller	Knoblach	Milbert	Pugh	Westerberg
Broecker	Gerlach	Krinkie	Molnau	Rest	Westrom
Buesgens	Gleason	Kuisle	Mulder	Reuter	Wilkin
Cassell	Haas	Larson, D.	Olson	Seagren	Wolf
Daggett	Holberg	Lenczewski	Osthoff	Seifert, J.	Workman
Dawkins	Holsten	Leppik	Ozment	Smith	Spk. Sviggum
Dempsey	Howes	Lindner	Paulsen	Swenson	

Not having received the constitutionally required two-thirds vote, the line item veto was not reconsidered and repassed.

MOTION TO OVERRIDE LINE ITEM VETO

Kelliher moved that page 27, article 1, section 14, subdivision 3, lines 6 to 21, of Chapter No. 492, H. F. No. 4078, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 27, article 1, section 14, subdivision 3, lines 6 to 21, of H. F. No. 4078 reads as follows:

Sec. 14. ARTS

Subd. 3. Minneapolis - Guthrie Theater

3,000,000

This appropriation is from the general fund.

For a grant to the Minneapolis community development agency to acquire and prepare a site for and to design, construct, furnish, and equip a new Guthrie Theater in the city of Minneapolis. This appropriation is not available until the commissioner has determined that an equal amount has been committed from nonstate sources. The Minneapolis community development agency may enter into a lease or management agreement for the theater.

MOTION TO LAY ON THE TABLE

Abrams moved to lay the Kelliher motion on the table.

A roll call was requested and properly seconded.

The question was taken on the Abrams motion and the roll was called. There were 60 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	Lindner	Paulsen	Swenson
Abrams	Dorman	Holberg	Mares	Pawlenty	Sykora
Bishop	Erhardt	Holsten	Molnau	Reuter	Tingelstad
Boudreau	Erickson	Howes	Mulder	Rhodes	Westerberg
Bradley	Finseth	Kielkucki	Ness	Rifenberg	Westfall
Broecker	Fuller	Knoblach	Nornes	Rukavina	Westrom
Buesgens	Gerlach	Krinkie	Olson	Seagren	Wilkin
Cassell	Goodno	Kuistle	Osskopp	Seifert, J.	Wolf
Clark, J.	Haas	Larsen, P.	Osthoff	Stanek	Workman
Daggett	Hackbarth	Leppik	Ozment	Storm	Spk. Sviggum

Those who voted in the negative were:

Anderson, I.	Folliard	Juhnke	Mariani	Pugh	Tuma
Bakk	Gleason	Kahn	Marko	Rest	Tunheim
Biernat	Gray	Kalis	McCollum	Rostberg	Van Dellen
Carlson	Greenfield	Kelliher	Milbert	Schumacher	Vandev eer
Carruthers	Greiling	Koskinen	Mullery	Seifert, M.	Wagenius
Chaudhary	Gunther	Kubly	Murphy	Skoe	Wejcm an
Clark, K.	Hasskamp	Larson, D.	Opatz	Skoglund	Wenzel
Davids	Hilty	Leighton	Orfield	Smith	Winter
Dawkins	Huntley	Lenczewski	Otremba	Solberg	
Dehler	Jaros	Lieder	Paymar	Swapinski	
Dorn	Jennings	Luther	Pelowski	Tomassoni	
Entenza	Johnson	Mahoney	Peterson	Trimble	

The motion did not prevail.

The question recurred on the Kelliher motion and the roll was called. There were 84 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Jennings	Mares	Peterson	Swapinski
Abrams	Entenza	Johnson	Mariani	Pugh	Sykora
Anderson, I.	Erhardt	Juhnke	Marko	Rest	Tomassoni
Bakk	Erickson	Kalis	McCollum	Rhodes	Trimble
Biernat	Folliard	Kelliher	Milbert	Rostberg	Tuma
Carlson	Gray	Koskinen	Mullery	Rukavina	Tunheim
Carruthers	Greenfield	Kubly	Murphy	Schumacher	Van Dellen
Chaudhary	Greiling	Larsen, P.	Nornes	Seifert, J.	Vandever
Clark, K.	Gunther	Larson, D.	Opatz	Seifert, M.	Wagenius
Davids	Hasskamp	Leighton	Orfield	Skoe	Wejzman
Dawkins	Hilty	Leppik	Otremba	Skoglund	Wenzel
Dehler	Holsten	Lieder	Paulsen	Solberg	Westfall
Dempsey	Huntley	Luther	Paymar	Stanek	Westrom
Dorman	Jaros	Mahoney	Pelowski	Storm	Winter

Those who voted in the negative were:

Boudreau	Finseth	Harder	Lenczewski	Osthoff	Swenson
Bradley	Fuller	Holberg	Lindner	Ozment	Tingelstad
Broecker	Gerlach	Howes	Molnau	Pawlenty	Westerberg
Buesgens	Gleason	Kielkucki	Mulder	Reuter	Wilkin
Cassell	Goodno	Knoblach	Ness	Rifenberg	Wolf
Clark, J.	Haas	Krinkie	Olson	Seagren	Workman
Daggett	Hackbarth	Kuisle	Osskopp	Smith	Spk. Sviggum

Not having received the constitutionally required two-thirds vote, the line item veto was not reconsidered and repassed.

MOTION TO OVERRIDE LINE ITEM VETO

Westfall moved that page 14, article 1, section 5, subdivision 11, lines 47 to 55, of Chapter No. 492, H. F. No. 4078, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 14, article 1, section 5, subdivision 11, lines 47 to 55, of H. F. No. 4078 reads as follows:

Sec. 5. CHILDREN, FAMILIES, AND LEARNING

Subd. 11. Multicultural Development Grants

1,511,000

(a) \$1,011,000 is for a grant to Watonwan county to renovate and expand the Watonwan county-St. James multicultural learning center.

(b) \$500,000 is for a grant to the city of Pelican Rapids to construct a multicultural learning center.

The question was taken on the Westfall motion and the roll was called. There were 100 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Howes	Lieder	Pelowski	Swapinski
Anderson, I.	Dorman	Huntley	Luther	Peterson	Swenson
Bakk	Dorn	Jaros	Mahoney	Pugh	Tingelstad
Biernat	Entenza	Jennings	Mares	Rest	Tomassoni
Bishop	Erhardt	Johnson	Mariani	Rhodes	Trimble
Boudreau	Erickson	Juhnke	Marko	Rifenberg	Tuma
Bradley	Finseth	Kahn	McCollum	Rostberg	Tunheim
Carlson	Folliard	Kalis	Milbert	Rukavina	Van Dellen
Carruthers	Gleason	Kelliher	Mullery	Schumacher	Wagenius
Cassell	Goodno	Koskinen	Murphy	Seagren	Wejcman
Chaudhary	Gray	Kubly	Ness	Seifert, J.	Wenzel
Clark, J.	Greenfield	Kuise	Nornes	Seifert, M.	Westfall
Clark, K.	Greiling	Larsen, P.	Opatz	Skoe	Westrom
Daggett	Gunther	Larson, D.	Orfield	Skoglund	Winter
Davids	Harder	Leighton	Osskopp	Solberg	Spk. Sviggum
Dawkins	Hasskamp	Lenczewski	Otremba	Stanek	
Dehler	Hilty	Leppik	Paymar	Storm	

Those who voted in the negative were:

Abrams	Haas	Knobloch	Olson	Sykora	Workman
Broecker	Hackbarth	Krinkie	Paulsen	Vandever	
Buesgens	Holberg	Lindner	Pawlenty	Westerberg	
Fuller	Holsten	Molnau	Reuter	Wilkin	
Gerlach	Kielkucki	Mulder	Smith	Wolf	

Having received the constitutionally required two-thirds vote, the line item veto was reconsidered and repassed, the objections of the Governor notwithstanding.

MOTION TO OVERRIDE LINE ITEM VETO

Kubly moved that page 24, article 1, section 10, subdivision 5, lines 11 to 22, of Chapter No. 492, H. F. No. 4078, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 24, article 1, section 10, subdivision 5, lines 11 to 22, of H. F. No. 4078 reads as follows:

Sec. 10. AGRICULTURE

Subd. 5. Minnesota Center for Agricultural Innovation

500,000

For a grant to the city of Olivia to establish the Minnesota center for agricultural innovation to promote agricultural innovation by providing a place for experts to gather and study agricultural technology.

The appropriation is not available until the commissioner determines that \$500,000 has been committed to the project from nonstate sources.

The question was taken on the Kubly motion and the roll was called. There were 64 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Entenza	Jaros	Luther	Peterson	Tomassoni
Bakk	Finseth	Jennings	Mahoney	Pugh	Trimble
Biernat	Folliard	Johnson	Mariani	Rhodes	Tunheim
Carlson	Gleason	Juhnke	Mullery	Rukavina	Wagenius
Carruthers	Gray	Kahn	Murphy	Schumacher	Wejzman
Chaudhary	Greenfield	Kalis	Ness	Seifert, M.	Wenzel
Clark, J.	Greiling	Kelliher	Opatz	Skoe	Westfall
Clark, K.	Gunther	Koskinen	Orfield	Skoglund	Westrom
Davids	Hasskamp	Kubly	Otremba	Solberg	Winter
Dehler	Hilty	Leighton	Paymar	Swapinski	
Dorn	Huntley	Lieder	Pelowski	Swenson	

Those who voted in the negative were:

Abeler	Dorman	Howes	Marko	Pawlenty	Tingelstad
Abrams	Erhardt	Kielkucki	McCollum	Rest	Tuma
Bishop	Erickson	Knoblach	Milbert	Reuter	Van Dellen
Boudreau	Fuller	Krinkie	Molnau	Rifenberg	Vandever
Bradley	Gerlach	Kuisle	Mulder	Rostberg	Westerberg
Broecker	Goodno	Larsen, P.	Nornes	Seagren	Wilkin
Buesgens	Haas	Larson, D.	Olson	Seifert, J.	Wolf
Cassell	Hackbarth	Lenczewski	Osskopp	Smith	Workman
Daggett	Harder	Leppik	Osthoff	Stanek	Spk. Sviggum
Dawkins	Holberg	Lindner	Ozment	Storm	
Dempsey	Holsten	Mares	Paulsen	Sykora	

Not having received the constitutionally required two-thirds vote, the line item veto was not reconsidered and repassed.

MOTION TO OVERRIDE LINE ITEM VETO

Anderson, I., moved that page 36, article 1, section 22, subdivision 9, lines 11 to 26, of Chapter No. 492, H. F. No. 4078, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 36, article 1, section 22, subdivision 9, lines 11 to 26, of H. F. No. 4078 reads as follows:

Sec. 22. TRADE AND ECONOMIC DEVELOPMENT

Subd. 9. Koochiching County - Cold Weather Testing Center

2,700,000

For a grant to Koochiching county to design, construct, furnish, and equip the Minnesota Cold Weather Testing Center.

This appropriation is not available until the commissioner has determined that the necessary additional financing to complete the project with a total cost of at least \$5,400,000, has been committed from nonstate sources.

The county may enter into a lease or management agreement for the center, subject to Minnesota Statutes, section 16A.695.

The question was taken on the Anderson, I., motion and the roll was called. There were 59 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Jennings	Luther	Osskopp	Skoe
Bakk	Entenza	Johnson	Mahoney	Otremba	Skoglund
Biernat	Folliard	Juhnke	Mares	Paymar	Solberg
Bishop	Gleason	Kahn	Mariani	Pelowski	Swapinski
Carlson	Gray	Kalis	Milbert	Peterson	Tomassoni
Carruthers	Hasskamp	Kelliher	Mullery	Pugh	Trimble
Chaudhary	Hilty	Koskinen	Murphy	Rest	Wejcman
Clark, K.	Howes	Kubly	Ness	Rukavina	Wenzel
Davids	Huntley	Leighton	Opatz	Schumacher	Westfall
Dehler	Jaros	Lieder	Orfield	Seifert, M.	

Those who voted in the negative were:

Abeler	Erhardt	Holberg	McCollum	Rostberg	Vandever
Abrams	Erickson	Holsten	Molnau	Seagren	Wagenius
Boudreau	Finseth	Kielkucki	Mulder	Seifert, J.	Westerberg
Bradley	Fuller	Knoblach	Nornes	Smith	Westrom
Broecker	Gerlach	Krinkie	Olson	Stanek	Wilkin
Buesgens	Goodno	Kuisle	Osthoff	Storm	Wolf
Cassell	Greenfield	Larsen, P.	Ozment	Swenson	Workman
Clark, J.	Greiling	Larson, D.	Paulsen	Sykora	Spk. Sviggum
Daggett	Gunther	Lenczewski	Pawlenty	Tingelstad	
Dawkins	Haas	Leppik	Reuter	Tuma	
Dempsey	Hackbarth	Lindner	Rhodes	Tunheim	
Dorman	Harder	Marko	Rifenberg	Van Dellen	

Not having received the constitutionally required two-thirds vote, the line item veto was not reconsidered and repassed.

MOTION TO OVERRIDE LINE ITEM VETO

Seifert, J., moved that page 35, article 1, section 22, subdivision 7, lines 59 to 60, and page 36, article 1, section 22, subdivision 7, lines 1 to 3, of Chapter No. 492, H. F. No. 4078, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 35, article 1, section 22, subdivision 7, lines 59 to 60, and page 36, article 1, section 22, subdivision 7, lines 1 to 3, of H. F. No. 4078 read as follows:

Sec. 22. TRADE AND ECONOMIC DEVELOPMENT

Subd. 7. Landfall HRA Retaining Walls 100,000

For a grant to the city of Landfall Housing and Redevelopment Authority to repair or replace deteriorating retaining walls.

The question was taken on the Seifert, J., motion and the roll was called. There were 63 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Hackbarth	Leppik	Paymar	Tomassoni
Bakk	Dorman	Hasskamp	Lieder	Peterson	Tuma
Bishop	Dorn	Hilty	Luther	Rhodes	Tunheim
Boudreau	Entenza	Howes	Mares	Rostberg	Wejcman
Bradley	Erhardt	Huntley	Mariani	Rukavina	Wenzel
Carlson	Erickson	Jaros	McCollum	Seagren	Westfall
Cassell	Goodno	Jennings	Mullery	Seifert, J.	Westrom
Clark, K.	Gray	Kelliher	Murphy	Seifert, M.	Winter
Daggett	Greenfield	Knoblach	Nornes	Skoglund	
Davids	Greiling	Kubly	Orfield	Swapinski	
Dehler	Gunther	Larsen, P.	Osskopp	Tingelstad	

Those who voted in the negative were:

Abrams	Fuller	Kielkucki	Molnau	Pugh	Trimble
Anderson, I.	Gerlach	Koskinen	Mulder	Rest	Van Dellen
Biernat	Gleason	Krinkie	Ness	Reuter	Vandever
Broecker	Haas	Kuisle	Olson	Rifenberg	Wagenius
Buesgens	Harder	Larson, D.	Opatz	Schumacher	Westerberg
Carruthers	Holberg	Leighton	Osthoff	Skoe	Wilkin
Chaudhary	Holsten	Lenczewski	Otremba	Smith	Wolf
Clark, J.	Johnson	Lindner	Ozment	Solberg	Workman
Dawkins	Juhnke	Mahoney	Paulsen	Stanek	Spk. Sviggum
Finseth	Kahn	Marko	Pawlenty	Storm	
Folliard	Kalis	Milbert	Pelowski	Swenson	

Not having received the constitutionally required two-thirds vote, the line item veto was not reconsidered and repassed.

MOTION TO OVERRIDE LINE ITEM VETO

Jennings moved that page 21, article 1, section 7, subdivision 30, lines 6 to 14, of Chapter No. 492, H. F. No. 4078, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 21, article 1, section 7, subdivision 30, lines 6 to 14, of H. F. No. 4078 reads as follows:

Sec. 7. NATURAL RESOURCES

Subd. 30. Taylors Falls - St. Croix Valley Heritage Center 150,000

This appropriation is from the general fund.

For a grant to the St. Croix Valley Heritage Coalition, Inc. to assist it in developing plans for creation of the St. Croix Valley Heritage Center at Taylors Falls.

The question was taken on the Jennings motion and the roll was called. There were 64 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Abeler	Gleason	Kahn	Mariani	Peterson	Trimble
Anderson, I.	Gray	Kalis	McCollum	Pugh	Tunheim
Bakk	Greenfield	Kelliher	Milbert	Rostberg	Vandev eer
Biernat	Greiling	Knoblach	Mullery	Rukavina	Wagenius
Carlson	Hasskamp	Koskinen	Murphy	Schumacher	Wejcm an
Carruthers	Hilty	Kubly	Opatz	Seifert, M.	Wenzel
Clark, K.	Huntley	Leighton	Orfield	Skoe	Westfall
Davids	Jaros	Lieder	Osthoff	Skoglund	Westrom
Dorn	Jennings	Luther	Otremba	Solberg	Winter
Entenza	Johnson	Mahoney	Paymar	Swapinski	
Folliard	Juhnke	Mares	Pelowski	Tomassoni	

Those who voted in the negative were:

Abrams	Dehler	Hackbarth	Leppik	Pawlenty	Sykora
Bishop	Dempsey	Harder	Lindner	Rest	Tingelstad
Boudreau	Dorman	Holberg	Marko	Reuter	Tuma
Bradley	Erhardt	Holsten	Molnau	Rhodes	Van Dellen
Broecker	Erickson	Howes	Mulder	Rifenberg	Westerberg
Buesgens	Finseth	Kielkucki	Ness	Seagren	Wilkin
Cassell	Fuller	Krinkie	Nornes	Seifert, J.	Wolf
Chaudhary	Gerlach	Kuise	Olson	Smith	Workman
Clark, J.	Goodno	Larsen, P.	Osskopp	Stanek	Spk. Sviggum
Daggett	Gunther	Larson, D.	Ozment	Storm	
Dawkins	Haas	Lenczewski	Paulsen	Swenson	

Not having received the constitutionally required two-thirds vote, the line item veto was not reconsidered and repassed.

CALL OF THE HOUSE

On the motion of Luther and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Biernat	Bradley	Carlson	Chaudhary	Daggett
Anderson, I.	Bishop	Broecker	Carruthers	Clark, J.	Davids
Bakk	Boudreau	Buesgens	Cassell	Clark, K.	Dawkins

Dempsey	Hackbarth	Koskinen	Ness	Rifenberg	Trimble
Dorman	Harder	Kuisle	Nornes	Rostberg	Tuma
Dorn	Hasskamp	Larsen, P.	Olson	Schumacher	Tunheim
Entenza	Hilty	Larson, D.	Opatz	Seagren	Van Dellen
Erhardt	Holberg	Leighton	Orfield	Seifert, J.	Vandever
Erickson	Holsten	Lenczewski	Osskopp	Seifert, M.	Wagenius
Finseth	Howes	Leppik	Osthoff	Skoe	Wejzman
Folliard	Huntley	Lieder	Otremba	Skoglund	Wenzel
Fuller	Jaros	Lindner	Ozment	Smith	Westerberg
Gerlach	Jennings	Luther	Paulsen	Solberg	Westfall
Gleason	Johnson	Mares	Pawlenty	Stanek	Westrom
Goodno	Juhnke	Marko	Paymar	Storm	Wilkin
Gray	Kahn	McCollum	Pelowski	Swapinski	Winter
Greenfield	Kalis	Milbert	Pugh	Swenson	Wolf
Greiling	Kelliher	Molnau	Rest	Sykora	Workman
Gunther	Kielkucki	Mulder	Reuter	Tingelstad	Spk. Sviggum
Haas	Knoblach	Murphy	Rhodes	Tomassoni	

Pawlenty moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The Speaker resumed the Chair.

MOTION TO OVERRIDE LINE ITEM VETO

Luther moved that page 29, article 1, section 18, subdivision 2, lines 52 to 61, and page 30, article 1, section 18, subdivision 2, lines 1 to 8, of Chapter No. 492, H. F. No. 4078, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 29, article 1, section 18, subdivision 2, lines 52 to 61, and page 30, article 1, section 18, subdivision 2, lines 1 to 8, of H. F. No. 4078 read as follows:

Sec. 18. HEALTH

Subd. 2. Organ Donor Vehicle

135,000

To the commissioner of health for a grant to a Minnesota organ procurement organization that is certified by the federal Health Care Financing Administration or to an entity that is a charitable entity under section 501(c)(3) of the Internal Revenue Code of 1986 and is created by an organ procurement organization that is certified by the federal Health Care Financing Administration. The grant must be used for a mobile learning center to provide interactive education about organ, tissue, and eye donation to citizens across the state.

This appropriation is from the general fund.

The question was taken on the Luther motion and the roll was called. There were 112 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	Luther	Paymar	Sykora
Abrams	Dorn	Howes	Mahoney	Pelowski	Tingelstad
Anderson, I.	Entenza	Huntley	Mares	Peterson	Tomassoni
Bakk	Erhardt	Jaros	Mariani	Pugh	Trimble
Biernat	Erickson	Jennings	Marko	Rest	Tuma
Bishop	Finseth	Johnson	McCollum	Rhodes	Tunheim
Boudreau	Folliard	Juhnke	Milbert	Rostberg	Van Dellen
Broecker	Fuller	Kahn	Mulder	Rukavina	Vandevveer
Carlson	Gleason	Kalis	Mullery	Schumacher	Wagenius
Carruthers	Goodno	Kelliher	Murphy	Seagren	Wejzman
Cassell	Gray	Knoblach	Ness	Seifert, J.	Wenzel
Chaudhary	Greenfield	Koskinen	Nornes	Seifert, M.	Westerberg
Clark, J.	Greiling	Kubly	Opatz	Skoe	Westfall
Clark, K.	Gunther	Larsen, P.	Orfield	Skoglund	Westrom
Daggett	Haas	Larson, D.	Osskopp	Solberg	Winter
Davids	Hackbarth	Leighton	Osthoff	Stanek	Workman
Dawkins	Harder	Lenczewski	Otremba	Storm	Spk. Sviggum
Dehler	Hasskamp	Leppik	Ozment	Swapinski	
Dempsey	Hilty	Lieder	Paulsen	Swenson	

Those who voted in the negative were:

Bradley	Holberg	Kuise	Olson	Rifenberg	Wolf
Buesgens	Kielkucki	Lindner	Pawlenty	Smith	
Gerlach	Krinkie	Molnau	Reuter	Wilkin	

Having received the constitutionally required two-thirds vote, the line item veto was reconsidered and repassed, the objections of the Governor notwithstanding.

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 15, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, Chapter Number 479, H. F. No. 2891, with the exception of page 8, article 1, section 5, lines 4 through 16.

While I have signed the bill into law, I am tremendously disappointed in its content. The Legislature has missed a major opportunity to enact a long-term financing package that would provide permanent funding increases for highway and transit infrastructure that is critical to Minnesota's future sustainable economic development. My administration's transportation plan would have accomplished these goals and provided meaningful motor vehicle registration tax reduction.

Instead, the legislature has squandered the opportunity by settling for \$400 million in one-time general fund highway funding and \$100 million in trunk highway bonding. At best, this will accelerate a few already-planned highway projects, and it largely ignores needed new investment in transit.

In addition, the bill contains problematic provisions relating to allowable uses for trunk highway funds. It is difficult to understand how appropriations made by the Legislature for many biennia could now be considered unconstitutional. Furthermore, while the bill shifts these appropriations to the general fund for FY 2001, the Legislature is ignoring the out-year impacts of this decision, and not tracking these costs in FY 2002-03. Be advised that the Department of Finance's numbers will reflect these costs.

I have line item vetoed a \$750,000 appropriation to the Commissioner of Trade and Economic Development for new travel information centers in the Minnesota River valley. We do not believe it is cost-effective to place three new travel information centers in such close proximity, and feel that any new tourism-related appropriations would be better spent improving actual tourism destinations like trails or parks.

Sincerely,

JESSE VENTURA
Governor

MOTION TO OVERRIDE LINE ITEM VETO

Kubly moved that page 8, article 1, section 5, lines 4 to 16, of Chapter No. 479, H. F. No. 2891, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 8, article 1, section 5, lines 4 to 16, of H. F. No. 2891 reads as follows:

Sec. 5. TRADE AND ECONOMIC DEVELOPMENT 750,000

To the commissioner of trade and economic development for a grant to the Upper Minnesota Valley Regional Development Commission for the Minnesota River Tourism Initiative serving six rural Minnesota counties and multiple communities in west central Minnesota. The grant must be used for planning, predesign, and design of three staffed travel information centers.

The question was taken on the Kubly motion and the roll was called. There were 60 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abeler	Carlson	Clark, J.	Dehler	Folliard	Greenfield
Anderson, I.	Carruthers	Clark, K.	Dorn	Gleason	Greiling
Bakk	Chaudhary	Davids	Entenza	Gray	Gunther

Harder	Juhnke	Lieder	Otremba	Seifert, M.	Trimble
Hasskamp	Kahn	Luther	Pawlenty	Skoe	Tunheim
Hilty	Kalis	Mahoney	Paymar	Skoglund	Wejcman
Huntley	Kelliher	Mariani	Pelowski	Solberg	Wenzel
Jaros	Koskinen	Mullery	Peterson	Storm	Westfall
Jennings	Kubly	Murphy	Pugh	Swapinski	Westrom
Johnson	Leighton	Orfield	Rukavina	Swenson	Winter

Those who voted in the negative were:

Abrams	Erhardt	Knoblach	Molnau	Rhodes	Van Dellen
Biernat	Erickson	Krinkie	Mulder	Rifenberg	Vandev eer
Bishop	Finseth	Kuile	Ness	Rostberg	Wagenius
Boudreau	Fuller	Larsen, P.	Nornes	Schumacher	Westerberg
Bradley	Gerlach	Larson, D.	Olson	Seagren	Wilkin
Broecker	Goodno	Lenczewski	Opatz	Seifert, J.	Wolf
Buesgens	Haas	Leppik	Osskopp	Smith	Workman
Cassell	Hackbarth	Lindner	Osthoff	Stank	Spk. Sviggum
Daggett	Holberg	Mares	Ozment	Sykora	
Dawkins	Holsten	Marko	Paulsen	Tingelstad	
Dempsey	Howes	McCollum	Rest	Tomassoni	
Dorman	Kielkucki	Milbert	Reuter	Tuma	

Not having received the constitutionally required two-thirds vote, the line item veto was not reconsidered and repassed.

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

May 15, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, Chapter Number 488, H. F. No. 2699 with the following exceptions:

Page 75, Article 4, Section 5, Subd. 5, lines 15 to 26.

Page 76, Article 4, Section 7, lines 34 to 40.

I am vetoing \$30,000 to the Department of Public Safety for the purchase of Drug Detection Dogs. This is a local law enforcement cost that should be paid for with local funds. A better idea, which was proposed by the House, would have allowed the use of existing community oriented policing grant money for this purpose. I am also vetoing

the provision appropriating \$1,750,000 to the Department of Corrections for one-time grants to be used for construction costs for adult regional detention facilities. These facilities are the responsibility of local units of government, not the state.

Sincerely,

JESSE VENTURA
Governor

MOTION TO OVERRIDE LINE ITEM VETO

Peterson moved that page 75, article 4, section 5, subdivision 5, lines 15 to 26, of Chapter No. 488, H. F. No. 2699, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 75, article 4, section 5, subdivision 5, lines 15 to 26, of H. F. No. 2699 reads as follows:

Sec. 5. PUBLIC SAFETY

Subd. 5. Law Enforcement and Community Grants

\$30,000 is a one-time appropriation for grants under Minnesota Statutes, section 299A.62, to local law enforcement agencies or regional jails for the purchase of dogs trained to detect or locate controlled substances by scent. Grants are limited to one dog per agency. Local law enforcement agencies that previously received a grant under Laws 1999, chapter 216, article 1, section 7, subdivision 6, are ineligible for a grant.

The question was taken on the Peterson motion and the roll was called.

Abrams moved that those not voting be excused from voting. The motion prevailed.

There were 67 yeas and 59 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Kahn	Mariani	Pugh	Tuma
Anderson, I.	Folliard	Kalis	Marko	Rest	Tunheim
Bakk	Gleason	Kelliher	McCollum	Rhodes	Wagenius
Biernat	Gray	Koskinen	Mullery	Schumacher	Wejcman
Carlson	Greenfield	Kubly	Murphy	Seifert, M.	Wenzel
Carruthers	Greiling	Larsen, P.	Ness	Skoe	Westfall
Chaudhary	Gunther	Larson, D.	Opatz	Skoglund	Winter
Clark, J.	Hasskamp	Leighton	Orfield	Solberg	
Clark, K.	Hilty	Lenzewski	Otremba	Stanek	
Davids	Huntley	Lieder	Paymar	Swapinski	
Dehler	Johnson	Luther	Pelowski	Tomassoni	
Dorn	Juhnke	Mahoney	Peterson	Trimble	

Those who voted in the negative were:

Abrams	Dorman	Holberg	Mares	Reuter	Tingelstad
Bishop	Erhardt	Holsten	Molnau	Rifenberg	Van Dellen
Boudreau	Erickson	Howes	Mulder	Rostberg	Vandever
Bradley	Finseth	Jennings	Nornes	Rukavina	Westerberg
Broecker	Fuller	Kielkucki	Olson	Seagren	Westrom
Buesgens	Gerlach	Knoblach	Osskopp	Seifert, J.	Wilkin
Cassell	Goodno	Krinkie	Osthoff	Smith	Wolf
Daggett	Haas	Kuisle	Ozment	Storm	Workman
Dawkins	Hackbarth	Leppik	Paulsen	Swenson	Spk. Sviggum
Dempsey	Harder	Lindner	Pawlenty	Sykora	

Not having received the constitutionally required two-thirds vote, the line item veto was not reconsidered and repassed.

CALL OF THE HOUSE LIFTED

Reuter moved that the call of the House be suspended. The motion prevailed and it was so ordered.

MOTION TO OVERRIDE LINE ITEM VETO

Winter moved that page 76, article 4, section 7, lines 34 to 40, of Chapter No. 488, H. F. No. 2699, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 76, article 4, section 7, lines 34 to 40, of H. F. No. 2699 reads as follows:

Sec. 7. CORRECTIONS

\$1,750,000 is a one-time appropriation for a grant or grants to counties, groups of counties, or a county or group of counties and a tribal government, for up to 30 percent of the construction cost of adult regional detention facilities.

The question was taken on the Winter motion and the roll was called. There were 69 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Jaros	Mahoney	Pugh	Tomassoni
Anderson, I.	Erickson	Jennings	Mariani	Rest	Trimble
Bakk	Finseth	Johnson	McCollum	Rhodes	Tuma
Biernat	Gleason	Juhnke	Milbert	Rifenberg	Tunheim
Carlson	Gray	Kahn	Mullery	Rukavina	Wejcman
Carruthers	Greenfield	Kalis	Opatz	Schumacher	Wenzel
Chaudhary	Gunther	Kelliher	Orfield	Seifert, M.	Westfall
Clark, K.	Harder	Koskinen	Osskopp	Skoe	Westrom
Daggett	Hasskamp	Kubly	Otremba	Skoglund	Winter
Davids	Hilty	Leighton	Paymar	Solberg	
Dehler	Howes	Lieder	Pelowski	Stanek	
Dorn	Huntley	Luther	Peterson	Swapinski	

Those who voted in the negative were:

Abrams	Dorman	Holsten	Mares	Reuter	Vanderveer
Bishop	Erhardt	Kielkucki	Marko	Rostberg	Wagenius
Boudreau	Folliard	Knoblach	Molnau	Seagren	Westerberg
Bradley	Fuller	Krinkie	Mulder	Seifert, J.	Wilkin
Broecker	Gerlach	Kuisle	Ness	Smith	Wolf
Buesgens	Goodno	Larsen, P.	Nornes	Storm	Workman
Cassell	Greiling	Larson, D.	Olson	Swenson	Spk. Sviggum
Clark, J.	Haas	Lenczewski	Ozment	Sykora	
Dawkins	Hackbarth	Leppik	Paulsen	Tingelstad	
Dempsey	Holberg	Lindner	Pawlenty	Van Dellen	

Not having received the constitutionally required two-thirds vote, the line item veto was not reconsidered and repassed.

MOTION FOR RECONSIDERATION

Rest moved that the vote whereby the Davids motion to override the Governor's line item veto relating to H. F. No. 4078, which did not prevail earlier today, be now reconsidered.

A roll call was requested and properly seconded.

MOTION TO LAY ON THE TABLE

Smith moved to lay the Rest motion to reconsider on the table.

A roll call was requested and properly seconded.

The question was taken on the Smith motion and the roll was called. There were 32 yeas and 93 nays as follows:

Those who voted in the affirmative were:

Boudreau	Erickson	Knoblach	Ness	Seagren	Wolf
Bradley	Gerlach	Krinkie	Olson	Smith	Spk. Sviggum
Broecker	Haas	Kuisle	Osthoff	Storm	
Buesgens	Hackbarth	Lindner	Ozment	Sykora	
Cassell	Holberg	Molnau	Paulsen	Westerberg	
Daggett	Kielkucki	Mulder	Pawlenty	Wilkin	

Those who voted in the negative were:

Abeler	Carlson	Dawkins	Erhardt	Gray	Hilty
Abrams	Carruthers	Dehler	Finseth	Greenfield	Holsten
Anderson, I.	Chaudhary	Dempsey	Folliard	Greiling	Huntley
Bakk	Clark, J.	Dorman	Fuller	Gunther	Jaros
Biernat	Clark, K.	Dorn	Gleason	Harder	Jennings
Bishop	Davids	Entenza	Goodno	Hasskamp	Johnson

Juhnke	Leppik	Nornes	Rhodes	Stanek	Wagenius
Kahn	Lieder	Opatz	Rifenberg	Swapinski	Wejcman
Kalis	Luther	Orfield	Rostberg	Swenson	Wenzel
Kelliher	Mahoney	Osskopp	Rukavina	Tingelstad	Westfall
Koskinen	Mares	Otremba	Schumacher	Tomassoni	Westrom
Kubly	Mariani	Paymar	Seifert, J.	Trimble	Winter
Larsen, P.	Marko	Pelowski	Seifert, M.	Tuma	Workman
Larson, D.	McCollum	Peterson	Skoe	Tunheim	
Leighton	Mullery	Pugh	Skoglund	Van Dellen	
Lenczewski	Murphy	Rest	Solberg	Vandev eer	

The motion did not prevail.

The question recurred on the Rest motion and the roll was called. There were 93 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Huntley	Mahoney	Peterson	Tomassoni
Abrams	Entenza	Jaros	Mares	Pugh	Trimble
Anderson, I.	Erhardt	Jennings	Mariani	Rest	Tuma
Bakk	Finseth	Juhnke	Marko	Rhodes	Tunheim
Biernat	Folliard	Kahn	McCollum	Rifenberg	Van Dellen
Bishop	Gleason	Kalis	Milbert	Rostberg	Vandev eer
Carlson	Goodno	Kelliher	Mullery	Rukavina	Wagenius
Carruthers	Gray	Koskinen	Murphy	Schumacher	Wejcman
Chaudhary	Greenfield	Kubly	Ness	Seifert, M.	Wenzel
Clark, J.	Greiling	Larsen, P.	Nornes	Skoe	Westfall
Clark, K.	Gunther	Larson, D.	Opatz	Skoglund	Westrom
Davids	Hackbarth	Leighton	Orfield	Solberg	Winter
Dawkins	Harder	Lenczewski	Osskopp	Stanek	Workman
Dehler	Hasskamp	Leppik	Otremba	Swapinski	
Dempsey	Hilty	Lieder	Paymar	Swenson	
Dorman	Holsten	Luther	Pelowski	Tingelstad	

Those who voted in the negative were:

Boudreau	Erickson	Kielkucki	Mulder	Reuter	Westerberg
Bradley	Fuller	Knoblach	Olson	Seagren	Wilkin
Broecker	Gerlach	Krinkie	Osthoff	Seifert, J.	Wolf
Buesgens	Haas	Kuisele	Ozment	Smith	Spk. Sviggum
Cassell	Holberg	Lindner	Paulsen	Storm	
Daggett	Howes	Molnau	Pawlenty	Sykora	

The motion prevailed.

The Davids motion to override the Governor's line item veto relating to H. F. No. 4078 was again reported to the House.

MOTION TO OVERRIDE LINE ITEM VETO

Davids moved that page 26, article 1, section 14, lines 46 to 54, and page 27, article 1, section 14, lines 1 to 5, of Chapter No. 492, H. F. No. 4078, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 26, article 1, section 14, lines 46 to 54 and page 27, article 1, section 14, lines 1 to 5, of H. F. No. 4078 read as follows:

Sec. 14. ARTS

Subd. 2. Lanesboro - Root River Center for the Arts 1,000,000

For a grant to the city of Lanesboro to acquire land for, design, and construct a theater and arts center for lease to the Commonwealth Theatre Company and Cornucopia Arts Center. This appropriation is not available until the commissioner has determined that an equal amount has been committed from nonstate sources. The city may enter into a lease or management agreement for the facility, subject to Minnesota Statutes, section 16A.695.

The question was taken on the Davids motion and the roll was called. There were 92 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Jaros	Mariani	Rest	Trimble
Abrams	Erhardt	Jennings	Marko	Rhodes	Tuma
Anderson, I.	Finseth	Johnson	McCollum	Rifenberg	Tunheim
Bakk	Folliard	Juhnke	Milbert	Rostberg	Van Dellen
Biernat	Gleason	Kahn	Mullery	Rukavina	Vandever
Bishop	Goodno	Kalis	Murphy	Schumacher	Wagenius
Carlson	Gray	Kelliher	Ness	Seifert, M.	Wejcmán
Carruthers	Greenfield	Koskinen	Nornes	Skoe	Wenzel
Chaudhary	Greiling	Kubly	Opatz	Skoglund	Westfall
Clark, J.	Gunther	Larsen, P.	Orfield	Solberg	Westrom
Clark, K.	Hackbarth	Larson, D.	Osskopp	Stanek	Winter
Davids	Harder	Leighton	Otremba	Storm	Workman
Dawkins	Hasskamp	Lieder	Paymar	Swapinski	
Dehler	Hilty	Luther	Pelowski	Swenson	
Dorman	Holsten	Mahoney	Peterson	Tingelstad	
Dorn	Huntley	Mares	Pugh	Tomassoni	

Those who voted in the negative were:

Boudreau	Dempsey	Howes	Leppik	Ozment	Smith
Bradley	Erickson	Kielkucki	Lindner	Paulsen	Sykora
Broecker	Fuller	Knoblach	Molnau	Pawlenty	Westerberg
Buesgens	Gerlach	Krinkie	Mulder	Reuter	Wilkin
Cassell	Haas	Kuisle	Olson	Seagren	Wolf
Daggett	Holberg	Lenczewski	Osthoff	Seifert, J.	Spk. Sviggum

Having received the constitutionally required two-thirds vote, the line item veto was reconsidered and repassed, the objections of the Governor notwithstanding.

MOTION FOR RECONSIDERATION

Gleason moved that the vote whereby the Kelliher motion to override the Governor's line item veto relating to H. F. No. 4078, which did not prevail earlier today, be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Gleason motion and the roll was called. There were 89 yeas and 39 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Huntley	Mahoney	Pelowski	Swapinski
Abrams	Dorn	Jaros	Mares	Peterson	Sykora
Anderson, I.	Entenza	Johnson	Mariani	Pugh	Tomassoni
Bakk	Erhardt	Juhnke	Marko	Rest	Trimble
Biernat	Finseth	Kahn	McCollum	Rhodes	Tuma
Bishop	Folliard	Kalis	Milbert	Rifenberg	Tunheim
Carlson	Gleason	Kelliher	Mullery	Rostberg	Van Dellen
Carruthers	Goodno	Koskinen	Murphy	Rukavina	Vandever
Cassell	Gray	Kubly	Nornes	Schumacher	Wagenius
Chaudhary	Greenfield	Larsen, P.	Opatz	Seifert, J.	Wejcman
Clark, K.	Greiling	Larson, D.	Orfield	Seifert, M.	Wenzel
Davids	Gunther	Leighton	Osskopp	Skoe	Westfall
Dawkins	Hasskamp	Leppik	Otremba	Skoglund	Winter
Dehler	Hilty	Lieder	Paulsen	Solberg	Workman
Dempsey	Holsten	Luther	Paymar	Stanek	

Those who voted in the negative were:

Boudreau	Fuller	Jennings	Molnau	Reuter	Westrom
Bradley	Gerlach	Kielkucki	Mulder	Seagren	Wilkin
Broecker	Haas	Knoblach	Ness	Smith	Wolf
Buesgens	Hackbarth	Krinkie	Olson	Storm	Spk. Sviggum
Clark, J.	Harder	Kuise	Osthoff	Swenson	
Daggett	Holberg	Lenczewski	Ozment	Tingelstad	
Erickson	Howes	Lindner	Pawlenty	Westerberg	

The motion prevailed.

CALL OF THE HOUSE

On the motion of Kelliher and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Biernat	Broecker	Chaudhary	Davids	Dorman
Abrams	Bishop	Buesgens	Clark, J.	Dawkins	Dorn
Anderson, I.	Boudreau	Carlson	Clark, K.	Dehler	Entenza
Bakk	Bradley	Carruthers	Daggett	Dempsey	Erhardt

Erickson	Holsten	Leighton	Nornes	Rifenberg	Tomassoni
Finseth	Howes	Lenczewski	Olson	Rostberg	Trimble
Folliard	Huntley	Leppik	Opatz	Rukavina	Tuma
Fuller	Jaros	Lieder	Orfield	Schumacher	Tunheim
Gerlach	Jennings	Lindner	Osskopp	Seagren	Van Dellen
Gleason	Johnson	Luther	Osthoff	Seifert, J.	Vandever
Goodno	Juhnke	Mahoney	Otremba	Seifert, M.	Wagenius
Gray	Kahn	Mares	Ozment	Skoe	Wejcman
Greenfield	Kalis	Mariani	Paulsen	Skoglund	Wenzel
Greiling	Kelliher	Marko	Pawlenty	Smith	Westerberg
Gunther	Kielkucki	McCollum	Paymar	Solberg	Westfall
Haas	Knoblach	Milbert	Pelowski	Stanek	Westrom
Hackbarth	Koskinen	Molnau	Peterson	Storm	Wilkin
Harder	Kubly	Mulder	Pugh	Swapinski	Winter
Hasskamp	Kuisle	Mullery	Rest	Swenson	Wolf
Hilty	Larsen, P.	Murphy	Reuter	Sykora	Workman
Holberg	Larson, D.	Ness	Rhodes	Tingelstad	Spk. Sviggum

Pawlenty moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The Kelliher motion to override the Governor's line item veto relating to H. F. No. 4078 was again reported to the House.

MOTION TO OVERRIDE LINE ITEM VETO

Kelliher moved that page 27, article 1, section 14, subdivision 3, lines 6 to 21, of Chapter No. 492, H. F. No. 4078, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

Page 27, article 1, section 14, subdivision 3, lines 6 to 21, of H. F. No. 4078 reads as follows:

Sec. 14. ARTS

Subd. 3. Minneapolis - Guthrie Theater 3,000,000

This appropriation is from the general fund.

For a grant to the Minneapolis community development agency to acquire and prepare a site for and to design, construct, furnish, and equip a new Guthrie Theater in the city of Minneapolis. This appropriation is not available until the commissioner has determined that an equal amount has been committed from nonstate sources. The Minneapolis community development agency may enter into a lease or management agreement for the theater.

The question was taken on the Kelliher motion and the roll was called. There were 92 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Abeler	Bakk	Broecker	Chaudhary	Dawkins	Dorman
Abrams	Biernat	Carlson	Clark, K.	Dehler	Dorn
Anderson, I.	Bishop	Carruthers	Dauids	Dempsey	Enzena

Erhardt	Jaros	Lieder	Orfield	Schumacher	Tunheim
Finseth	Jennings	Luther	Osskopp	Seifert, J.	Van Dellen
Folliard	Johnson	Mahoney	Otremba	Seifert, M.	Vandever
Gleason	Juhnke	Mares	Paulsen	Skoe	Wagenius
Goodno	Kahn	Mariani	Paymar	Skoglund	Wejcman
Gray	Kalis	Marko	Pelowski	Solberg	Wenzel
Greenfield	Kelliher	McCollum	Peterson	Stanek	Westfall
Greiling	Koskinen	Milbert	Pugh	Swapinski	Winter
Gunther	Kubly	Mullery	Rest	Sykora	Workman
Hasskamp	Larsen, P.	Murphy	Rhodes	Tingelstad	
Hilty	Larson, D.	Ness	Rifenberg	Tomassoni	
Holsten	Leighton	Nornes	Rostberg	Trimble	
Huntley	Leppik	Opatz	Rukavina	Tuma	

Those who voted in the negative were:

Boudreau	Erickson	Holberg	Lenczewski	Ozment	Swenson
Bradley	Fuller	Hoves	Lindner	Pawlenty	Westerberg
Buesgens	Gerlach	Kielkucki	Molnau	Reuter	Westrom
Cassell	Haas	Knoblach	Mulder	Seagren	Wilkin
Clark, J.	Hackbarth	Krinkie	Olson	Smith	Wolf
Daggett	Harder	Kuisele	Osthoff	Storm	Spk. Sviggum

Having received the constitutionally required two-thirds vote, the line item veto was reconsidered and repassed, the objections of the Governor notwithstanding.

CALL OF THE HOUSE LIFTED

Holberg moved that the call of the House be suspended. The motion prevailed and it was so ordered.

Wagenius was excused between the hours of 4:05 p.m. and 4:40 p.m.

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

March 24, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Sviggum:

I have vetoed and am returning Chapter Number 277, H. F. No. 118, a bill relating to appointed commissioners who are required to serve as acting commissioners pending Senate approval and limited to temporary service of 18 months.

It is the Senate's constitutional responsibility to confirm commissioners appointed by the Governor. However, this bill is problematic because it presumes an acting commissioner would be dismissed if the Senate failed to fulfill its obligation to act on the appointment within the 18 month period of time. The confirmation of commissioners is an important role for the Senate. It is imperative to maintain a certain level of accountability and a clear expectation for all parties involved.

I look forward to working with the legislature to create a comprehensive piece of legislation that addresses the concerns of both the legislative and executive branches of government on this matter.

Sincerely,

JESSE VENTURA
Governor

MOTION TO OVERRIDE VETO

Erickson moved that Chapter No. 277, H. F. No. 118, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

The question was taken on the Erickson motion and the roll was called. There were 37 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Abeler	Davids	Hackbarth	Mullery	Seifert, M.	Westrom
Boudreau	Dehler	Harder	Ness	Skoe	Wilkin
Bradley	Dempsey	Kielkucki	Paulsen	Skoglund	
Broecker	Erickson	Koskinen	Pawlenty	Smith	
Buesgens	Gerlach	Leppik	Rostberg	Storm	
Clark, J.	Goodno	Lindner	Seagren	Sykora	
Daggett	Gunther	Molnau	Seifert, J.	Westerberg	

Those who voted in the negative were:

Abrams	Finseth	Jennings	Luther	Otremba	Swenson
Anderson, I.	Folliard	Johnson	Mahoney	Ozment	Tingelstad
Bakk	Fuller	Juhnke	Mares	Paymar	Tomassoni
Biernat	Gleason	Kahn	Mariani	Pelowski	Trimble
Bishop	Gray	Kalis	Marko	Peterson	Tuma
Carlson	Greenfield	Kelliher	McCollum	Pugh	Tunheim
Carruthers	Greiling	Knoblach	Milbert	Rest	Van Dellen
Cassell	Haas	Krinkie	Mulder	Reuter	Vandever
Chaudhary	Hasskamp	Kubly	Murphy	Rhodes	Wejcman
Clark, K.	Hilty	Kuisle	Nornes	Rifenberg	Wenzel
Dawkins	Holberg	Larsen, P.	Olson	Rukavina	Westfall
Dorman	Holsten	Larson, D.	Opatz	Schumacher	Winter
Dorn	Howes	Leighton	Orfield	Solberg	Wolf
Entenza	Huntley	Lenczewski	Osskopp	Stanek	Workman
Erhardt	Jaros	Lieder	Osthoff	Swapinski	Spk. Sviggum

Not having received the constitutionally required two-thirds vote, the bill was not reconsidered and repassed.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Bakk, Holsten, Ozment and Rukavina introduced:

H. F. No. 4178, A resolution memorializing the President of the United States and the President's Council on Environmental Quality to expedite the environmental impact statement of the United States Forest Service to begin reducing fuel loadings within the Boundary Waters Canoe Area Wilderness.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

Olson introduced:

H. F. No. 4179, A bill for an act proposing an amendment to the Minnesota Constitution, article XIII, section 1; providing for local control of public education.

The bill was read for the first time and referred to the Committee on Education Policy.

Reuter introduced:

H. F. No. 4180, A bill for an act relating to education; providing for the destruction of the January 26, 2000, state test of the basic requirement for written composition; exempting student responses to the January 26, 2000, test for written composition from mandatory reporting requirements; limiting test prompts for future tests of the basic requirement for written composition.

The bill was read for the first time and referred to the Committee on Education Policy.

Kahn; Rukavina; McCollum; Otremba; Gleason; Hasskamp; Murphy; Winter; Chaudhary; Skoglund; Mullery; Mariani; Skoe; Tunheim; Koskinen; Greiling; Biernat; Juhnke; Schumacher; McGuire; Gray; Hilty; Kelliher; Carlson; Dawkins; Jaros; Lenczewski; Folliard; Kubly; Wenzel; Rest; Luther; Paymar; Clark, K., and Kalis introduced:

H. F. No. 4181, A bill for an act relating to health; establishing the fair drug pricing board; requiring the board to establish maximum manufacturer prices for prescription drugs and perform other duties; providing penalties; appropriating money; amending Minnesota Statutes 1998, sections 151.47, subdivision 1; and 325D.071; proposing coding for new law in Minnesota Statutes, chapter 62Q; proposing coding for new law as Minnesota Statutes, chapter 62U.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 3642, A bill for an act relating to health; modifying provisions for application for and distribution of medical education funds; amending Minnesota Statutes 1999 Supplement, section 62J.692, subdivisions 1, 3, and 4.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the repassage by the Senate of the following Senate File, notwithstanding the veto by the Governor.

S. F. No. 884, A bill for an act relating to marriage; changing the license fee; providing for a reduced fee for couples who obtain premarital education; providing for disposition of the fee; amending Minnesota Statutes 1998, section 517.08, subdivisions 1b and 1c.

The enrolled copy of S. F. No. 884 with all of the signatures of the officers of the Senate and the House together with the Governor's objections, is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

MOTION TO OVERRIDE VETO

Harder moved that Chapter No. 397, S. F. No. 884, be now reconsidered and repassed, the objections of the Governor notwithstanding, pursuant to Article IV, Section 23, of the Constitution of the State of Minnesota.

The Speaker called Abrams to the Chair.

The question was taken on the Harder motion and the roll was called. There were 77 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Jaros	Mares	Reuter	Tingelstad
Biernat	Erickson	Juhnke	Molnau	Rifenberg	Tuma
Boudreau	Finseth	Kalis	Mulder	Rostberg	Van Dellen
Bradley	Fuller	Kelliher	Ness	Schumacher	Wenzel
Broecker	Gerlach	Kielkucki	Nornes	Seagren	Westerberg
Buesgens	Goodno	Knoblach	Olson	Seifert, J.	Westfall
Carruthers	Gunther	Koskinen	Osskopp	Seifert, M.	Westrom
Cassell	Hackbarth	Kubly	Otremba	Skoe	Wilkin
Clark, J.	Harder	Larsen, P.	Paulsen	Smith	Winter
Daggett	Hasskamp	Leppik	Pawlenty	Stanek	Wolf
Davids	Holberg	Lieder	Pelowski	Storm	Workman
Dehler	Holsten	Lindner	Peterson	Swenson	Spk. Sviggum
Dempsey	Howes	Mahoney	Rest	Sykora	

Those who voted in the negative were:

Abrams	Entenza	Huntley	Luther	Osthoff	Tomassoni
Anderson, I.	Erhardt	Jennings	Mariani	Ozment	Trimble
Bakk	Folliard	Johnson	Marko	Paymar	Tunheim
Bishop	Gleason	Kahn	McCollum	Pugh	Vandever
Carlson	Gray	Krinkie	Milbert	Rhodes	Wejzman
Chaudhary	Greenfield	Kuisle	Mullery	Rukavina	
Clark, K.	Greiling	Larson, D.	Murphy	Skoglund	
Dawkins	Haas	Leighton	Opatz	Solberg	
Dorman	Hilty	Lenczewski	Orfield	Swapinski	

Not having received the constitutionally required two-thirds vote, the bill was not reconsidered and not repassed.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3516, A bill for an act relating to natural resources; allowing expenditure of appropriated money for certain seminars and conferences; clarifying certain prohibitions related to the operation of snowmobiles, all-terrain vehicles, and motorboats; modifying composition of the outdoor recreation system; modifying disposition of certain receipts; designating a migratory waterfowl refuge; modifying certain rulemaking authority; eliminating trawling fees; providing for acquisition of critical aquatic habitat; modifying commissioner's authority to remove rough fish; providing for replacement licenses; modifying minnow retailer and turtle license provisions; clarifying forfeiture procedure; modifying mineral land provisions; increasing project amount for security in place of bonds; granting legislative approval for certain water usage; authorizing the commissioner of natural resources to use snowmobile grant-in-aid funds to reimburse eligible recipients for certain snowmobile trail grooming equipment expenses; amending Minnesota Statutes 1998, sections 9.071; 86A.04; 86B.331, subdivision 1; 93.05; 93.055; 93.14; 93.15; 93.16; 93.17; 93.193, subdivision 1; 93.21; 93.22; 93.25, subdivisions 1 and 2; 93.26; 93.27; 93.28; 93.285, subdivisions 2 and 3; 93.335, subdivision 1; 93.43; 97A.095, by adding a subdivision; 97A.405, by adding a subdivision; 97A.475, subdivision 30, and by adding a subdivision; 97C.041; 97C.501, subdivisions 1 and 2; and 97C.605, subdivisions 1 and 2; Minnesota Statutes 1999 Supplement, sections 84.91, subdivision 1; 97A.065, subdivision 2; 169.1217, subdivision 7a; 290.431; 290.432; and 574.264, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 84; 93; and 97C; repealing Minnesota Statutes 1998, sections 93.07; 93.08; 93.09; 93.10; 93.11; 93.12; 93.13; 93.18; 93.19; 93.191; 93.192; 93.202; 93.23; 93.24; 93.283; 93.285, subdivisions 4 and 5; 93.30; 93.31; 93.32; 93.335, subdivisions 4 and 5; 93.34, subdivisions 1 and 3; 93.351; 93.352; 93.353; 93.354; 93.355; 93.356; 93.357; 93.37; 93.38; 93.39; 93.42; and 97B.312.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McCollum moved that the House concur in the Senate amendments to H. F. No. 3516 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3516, A bill for an act relating to natural resources; allowing expenditure of appropriated money for certain seminars and conferences; clarifying certain prohibitions related to the operation of snowmobiles, all-terrain vehicles, and motorboats; modifying composition of the outdoor recreation system; modifying disposition of certain

receipts; designating a migratory waterfowl refuge; modifying certain rulemaking authority; eliminating trawling fees; providing for acquisition of critical aquatic habitat; modifying commissioner's authority to remove rough fish; modifying minnow retailer and turtle license provisions; clarifying forfeiture procedure; modifying mineral land provisions; increasing project amount for security in place of bonds; granting legislative approval for certain water usage; providing for replacement firearms deer licenses; making the experimental two-deer license in certain counties permanent; modifying moose and turkey separate selection processes; authorizing certain expenditures relating to emergency firefighting; clarifying restrictions for certain motorboat operators; modifying certain fee setting authority of the commissioner of natural resources; appropriating money; amending Minnesota Statutes 1998, sections 9.071; 84.925, subdivision 1; 86A.04; 86B.331, subdivision 1; 88.12, subdivision 2; 93.05; 93.055; 93.14; 93.15; 93.16; 93.17; 93.193, subdivision 1; 93.21; 93.22; 93.25, subdivisions 1 and 2; 93.26; 93.27; 93.28; 93.285, subdivisions 2 and 3; 93.335, subdivision 1; 93.43; 97A.095, by adding a subdivision; 97A.405, by adding a subdivision; 97A.431, subdivision 4; 97A.435, subdivision 4; 97A.475, subdivision 30, and by adding a subdivision; 97B.015, subdivisions 2 and 4; 97B.301, subdivision 4; 97C.041; 97C.501, subdivisions 1 and 2; and 97C.605, subdivisions 1 and 2; Minnesota Statutes 1999 Supplement, sections 84.86, subdivision 1; 84.91, subdivision 1; 97A.065, subdivision 2; 97B.025; 169.1217, subdivision 7a; 290.431; 290.432; and 574.264, subdivision 1; Laws 1999, chapter 231, section 5, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 84; 93; and 97C; repealing Minnesota Statutes 1998, sections 93.07; 93.08; 93.09; 93.10; 93.11; 93.12; 93.13; 93.18; 93.19; 93.191; 93.192; 93.202; 93.23; 93.24; 93.283; 93.285, subdivisions 4 and 5; 93.30; 93.31; 93.32; 93.335, subdivisions 4 and 5; 93.34, subdivisions 1 and 3; 93.351; 93.352; 93.353; 93.354; 93.355; 93.356; 93.357; 93.37; 93.38; 93.39; 93.42; and 97B.312.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 110 yeas and 18 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Huntley	Mahoney	Pawlenty	Sykora
Abrams	Entenza	Jaros	Mares	Paymar	Tingelstad
Anderson, I.	Erhardt	Jennings	Mariani	Pelowski	Tomassoni
Bakk	Erickson	Johnson	Marko	Peterson	Trimble
Biernat	Finseth	Juhnke	McCollum	Pugh	Tuma
Bishop	Folliard	Kahn	Milbert	Rest	Tunheim
Bradley	Fuller	Kalis	Molnau	Rhodes	Wagenius
Broecker	Gleason	Kelliher	Mulder	Rostberg	Wejzman
Carlson	Goodno	Knoblach	Mullery	Rukavina	Wenzel
Carruthers	Gray	Koskinen	Murphy	Schumacher	Westerberg
Cassell	Greenfield	Kubly	Ness	Seagren	Westfall
Chaudhary	Greiling	Kuisle	Nornes	Seifert, J.	Westrom
Clark, K.	Gunther	Larsen, P.	Opatz	Skoe	Winter
Daggett	Hackbarth	Larson, D.	Orfield	Skoglund	Wolf
Davids	Harder	Leighton	Osskopp	Solberg	Spk. Sviggum
Dawkins	Hasskamp	Lenczewski	Osthoff	Stanek	
Dehler	Hilty	Leppik	Otremba	Storm	
Dempsey	Holsten	Lieder	Ozment	Swapinski	
Dorman	Howes	Luther	Paulsen	Swenson	

Those who voted in the negative were:

Boudreau	Gerlach	Kielkucki	Olson	Seifert, M.	Vandever
Buesgens	Haas	Krinkie	Reuter	Smith	Wilkin
Clark, J.	Holberg	Lindner	Rifenberg	Van Dellen	Workman

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 3835.

PATRICK E. FLAHAVER, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3835, A resolution memorializing the President of the United States and the President's Council on Environmental Quality to expedite the environmental impact statement of the United States Forest Service to begin reducing fuel loadings within the Boundary Waters Canoe Area Wilderness.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Bakk moved that the rule therein be suspended and an urgency be declared so that S. F. No. 3835 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Bakk moved that the rules of the House be so far suspended that S. F. No. 3835 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 3835 was read for the second time.

S. F. No. 3835, A resolution memorializing the President of the United States and the President's Council on Environmental Quality to expedite the environmental impact statement of the United States Forest Service to begin reducing fuel loadings within the Boundary Waters Canoe Area Wilderness.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 119 yeas and 2 nays as follows:

Those who voted in the affirmative were:

Abeler	Chaudhary	Erickson	Hackbarth	Kahn	Leppik
Anderson, I.	Clark, J.	Finseth	Harder	Kalis	Lieder
Bakk	Clark, K.	Folliard	Hasskamp	Kelliher	Lindner
Biernat	Daggett	Fuller	Hilty	Kielkucki	Luther
Bishop	Davids	Gerlach	Holberg	Knoblach	Mahoney
Boudreau	Dawkins	Gleason	Holsten	Koskinen	Mares
Bradley	Dehler	Goodno	Howes	Kubly	Mariani
Broecker	Dempsey	Gray	Huntley	Kuisle	Marko
Buesgens	Dorman	Greenfield	Jaros	Larsen, P.	McCollum
Carlson	Dorn	Greiling	Jennings	Larson, D.	Milbert
Carruthers	Entenza	Gunther	Johnson	Leighton	Mulder
Cassell	Erhardt	Haas	Juhnke	Lenczewski	Mullery

Murphy	Otremba	Rifenberg	Skoglund	Tomassoni	Westerberg
Ness	Ozment	Rostberg	Solberg	Trimble	Westfall
Nornes	Pawlenty	Rukavina	Stanek	Tunheim	Westrom
Olson	Pelowski	Schumacher	Storm	Van Dellen	Wilkin
Opatz	Peterson	Seagren	Swapinski	Vandever	Winter
Orfield	Pugh	Seifert, J.	Swenson	Wagenius	Workman
Osskopp	Rest	Seifert, M.	Sykora	Wejcman	Spk. Sviggum
Osthoff	Rhodes	Skoe	Tingelstad	Wenzel	

Those who voted in the negative were:

Smith Wolf

The bill was passed and its title agreed to.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day for Wednesday, May 17, 2000:

S. F. No. 2826; H. F. No. 3110; S. F. Nos. 2761, 3156, 2693 and 702; H. F. No. 2952; S. F. No. 3216; H. F. Nos. 3402 and 4143; and S. F. No. 3019.

CALENDAR FOR THE DAY

S. F. No. 2826 was reported to the House.

Molnau moved that S. F. No. 2826 be temporarily laid over on the Calendar for the Day. The motion prevailed.

H. F. No. 3110 was reported to the House.

Kielkucki moved that H. F. No. 3110 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2761 was reported to the House.

Bishop moved that S. F. No. 2761 be temporarily laid over on the Calendar for the Day. The motion prevailed.

Trimble was excused between the hours of 5:05 p.m. and 11:10 p.m.

S. F. No. 3156 was reported to the House.

Goodno moved to amend S. F. No. 3156, the unofficial engrossment, as follows:

Pages 5 to 10, delete sections 7 to 13

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Greiling was excused between the hours of 5:10 p.m. and 6:00 p.m.

Goodno moved to amend S. F. No. 3156, the unofficial engrossment, as amended, as follows:

Page 12, line 28, strike the comma and insert a colon

Page 12, line 31, before "the" insert "(1) if the contract was terminated by the health plan company," and after "provider" insert "and all enrollees being treated by that provider"

Page 12, line 33, after "provider" insert a semicolon and after "and" insert "(2)"

Page 13, line 7, delete "(1)" and insert "(i)"

Page 13, line 8, delete "(2)" and insert "(ii)"

Page 13, line 9, delete "(3)" and insert "(iii)"

Page 13, line 10, delete "(4)" and insert "(iv)"

The motion prevailed and the amendment was adopted.

Goodno moved to amend S. F. No. 3156, the unofficial engrossment, as amended, as follows:

Pages 3 and 4, delete section 5

The motion prevailed and the amendment was adopted.

Erhardt and Osthoff moved to amend S. F. No. 3156, the unofficial engrossment, as amended, as follows:

Page 13, line 1, delete "with a"

Page 13, line 2, delete "life expectancy of 180 days or less"

Page 14, line 30, delete "with a life expectancy of 180 days or less"

A roll call was requested and properly seconded.

The question was taken on the Erhardt and Osthoff amendment and the roll was called. There were 106 yeas and 19 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Jaros	Mares	Pelowski	Swenson
Abrams	Entenza	Jennings	Mariani	Peterson	Sykora
Anderson, I.	Erhardt	Johnson	Marko	Pugh	Tingelstad
Bakk	Erickson	Juhnke	McCollum	Rest	Tomassoni
Biernat	Finseth	Kahn	Milbert	Rhodes	Tuma
Bishop	Folliard	Kalis	Mullery	Rifenberg	Tunheim
Broecker	Fuller	Kelliher	Murphy	Rukavina	Van Dellen
Carlson	Gerlach	Knoblach	Ness	Schumacher	Vandever
Carruthers	Gleason	Koskinen	Nornes	Seagren	Wagenius
Cassell	Gray	Kubly	Opatz	Seifert, J.	Wejcman
Chaudhary	Greenfield	Larsen, P.	Orfield	Seifert, M.	Wenzel
Clark, J.	Hackbarth	Larson, D.	Osskopp	Skoe	Westerberg
Clark, K.	Harder	Leighton	Osthoff	Skoglund	Westfall
Daggett	Hasskamp	Lenczewski	Otremba	Smith	Westrom
Dawkins	Hilty	Leppik	Ozment	Solberg	Winter
Dehler	Holsten	Lieder	Paulsen	Stanek	Workman
Dempsey	Howes	Luther	Pawlenty	Storm	
Dorman	Huntley	Mahoney	Paymar	Swapinski	

Those who voted in the negative were:

Boudreau	Goodno	Krinkie	Mulder	Wilkin
Bradley	Gunther	Kuisle	Olson	Wolf
Buesgens	Haas	Lindner	Reuter	Spk. Sviggum
Davids	Kielkucki	Molnau	Rostberg	

The motion prevailed and the amendment was adopted.

Goodno moved that S. F. No. 3156, as amended, be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 2693 was reported to the House.

Seifert, M., moved that S. F. No. 2693 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 702 was reported to the House.

Kuisle, Abrams, Rest, Daggett and McElroy moved to amend S. F. No. 702 as follows:

Page 5, after line 21, insert:

"Sec. 3. Minnesota Statutes 1999 Supplement, section 505.08, subdivision 3, is amended to read:

Subd. 3. [PREMATURE REFERENCE TO PLAT; FORFEITURE.] Any person who shall dispose of; ~~or lease; or offer to sell~~ any land included in a plat by reference to the plat before the same is recorded, shall forfeit to the county \$100 for each lot, or part of a lot, so disposed of; ~~or leased; or offered;~~ and any official, land surveyor, or person whose duty it is to comply with any of the provisions of this chapter, shall forfeit not less than \$100 for each month during which compliance is delayed. All forfeitures under this chapter shall be recovered in an action brought in the name of the county. Notwithstanding any provisions of this subdivision to the contrary, this subdivision shall not apply to an offer to sell or lease a unit in a proposed common interest community as defined in chapter 515B."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

S. F. No. 702, A bill for an act relating to transportation; authorizing county review of plats on real property that is bordering existing or proposed county highways; authorizing dispute resolution between city and county; amending Minnesota Statutes 1998, sections 462.358, subdivision 3b; and 505.03, subdivision 2.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 14 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Holberg	Leppik	Paulsen	Stanek
Abrams	Dorman	Holsten	Lieder	Pawlenty	Storm
Anderson, I.	Dorn	Hoves	Lindner	Paymar	Swapinski
Bakk	Entenza	Huntley	Luther	Pelowski	Swenson
Biernat	Erhardt	Jaros	Mares	Peterson	Sykora
Bishop	Finseth	Jennings	Mariani	Pugh	Tingelstad
Boudreau	Folliard	Johnson	Milbert	Rest	Tomassoni
Bradley	Fuller	Juhnke	Molnau	Reuter	Tuma
Broecker	Gleason	Kahn	Mulder	Rhodes	Tunheim
Carlson	Goodno	Kalis	Mullery	Rifenberg	Van Dellen
Carruthers	Gray	Kelliher	Murphy	Rostberg	Wenzel
Cassell	Greenfield	Kielkucki	Ness	Rukavina	Westerberg
Chaudhary	Gunther	Koskinen	Nornes	Schumacher	Westfall
Clark, J.	Haas	Kubly	Olson	Seagren	Westrom
Clark, K.	Hackbarth	Kuisele	Opatz	Seifert, M.	Winter
Daggett	Harder	Larson, D.	Osskopp	Skoe	Workman
Davids	Hasskamp	Leighton	Otremba	Smith	Spk. Sviggum
Dawkins	Hilty	Lenczewski	Ozment	Solberg	

Those who voted in the negative were:

Buesgens	Gerlach	Mahoney	Seifert, J.	Wilkin
Dehler	Krinkie	Marko	Vandevveer	Wolf
Erickson	Larsen, P.	Orfield	Wejzman	

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

H. F. No. 3110, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

H. F. No. 3110, A bill for an act relating to education; repealing a provision relating to participation in Minnesota amateur sports commission exhibitions; repealing Minnesota Statutes 1999 Supplement, section 128C.02, subdivision 3a.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 93 yeas and 33 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Molnau	Rhodes	Tuma
Anderson, I.	Entenza	Jaros	Mullery	Rifenberg	Tunheim
Bakk	Erhardt	Juhnke	Murphy	Rostberg	Vandever
Biernat	Erickson	Kalis	Ness	Rukavina	Wejzman
Boudreau	Finseth	Kielkucki	Nornes	Schumacher	Wenzel
Broecker	Fuller	Knoblach	Olson	Seagren	Westerberg
Carlson	Gleason	Koskinen	Opatz	Seifert, J.	Westfall
Carruthers	Goodno	Kubly	Orfield	Seifert, M.	Westrom
Cassell	Gray	Kuisle	Otremba	Skoe	Wilkin
Chaudhary	Gunther	Larsen, P.	Ozment	Skoglund	Winter
Clark, J.	Haas	Leighton	Paulsen	Solberg	Wolf
Daggett	Hackbarth	Lenczewski	Pawlenty	Stanek	Workman
Davids	Harder	Lieder	Paymar	Storm	Spk. Sviggum
Dehler	Hasskamp	Mares	Pelowski	Swenson	
Dempsey	Holberg	Marko	Peterson	Sykora	
Dorman	Holsten	McCollum	Rest	Tingelstad	

Those who voted in the negative were:

Abrams	Folliard	Johnson	Lindner	Osskopp	Tomassoni
Bishop	Gerlach	Kahn	Luther	Osthoff	Van Dellen
Bradley	Greenfield	Kelliher	Mahoney	Pugh	Wagenius
Buesgens	Hilty	Krinkie	Mariani	Reuter	
Clark, K.	Huntley	Larson, D.	Milbert	Smith	
Dawkins	Jennings	Leppik	Mulder	Swapinski	

The bill was passed and its title agreed to.

H. F. No. 2952 was reported to the House.

Nornes moved to amend H. F. No. 2952, the second engrossment, as follows:

Page 3, after line 6, insert:

"Sec. 3. Minnesota Statutes 1998, section 168.10, subdivision 1c, is amended to read:

Subd. 1c. [COLLECTOR'S VEHICLE, COLLECTOR LICENSE.] Any motor vehicle, including any truck, that is at least 20 model years old and manufactured after 1935, or any motor vehicle of a defunct make defined as any car or truck originally licensed as a separate identifiable make as designated by the division of motor vehicles, and

owned and operated solely as a collector's vehicle, shall be listed for taxation and registration as follows: An affidavit shall be executed stating the name and address of the person from whom purchased and of the new owner, the make of the motor vehicle, year and number of the model, the manufacturer's identification number and that the vehicle is owned and operated solely as a collector's item and not for general transportation purposes. The owner must also prove that the owner also has one or more vehicles with regular license plates or dealer plates. If the registrar is satisfied that the affidavit is true and correct and the owner pays a \$25 tax, the registrar shall list the vehicle for taxation and registration and shall issue a single number plate.

The number plate issued shall bear the inscription "Collector," "Minnesota" and the registration number or other combination of characters authorized under section 168.12, subdivision 2a, but no date. The number plate is valid without renewal as long as the vehicle is in existence. The registrar has the power to revoke the plate for failure to comply with this subdivision."

Page 31, line 23, after "3" insert "4;"

Page 31, line 24, delete "12; 13; 28; and 31" and insert "13; 14; 29; and 32"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Johnson, Hausman, Luther and McCollum moved to amend H. F. No. 2952, the second engrossment, as amended, as follows:

Page 5, line 3, after the semicolon, insert "and"

Page 5, line 10, delete "; and" and insert a period

Page 5, delete lines 11 to 26

A roll call was requested and properly seconded.

The question was taken on the Johnson et al amendment and the roll was called. There were 72 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Jennings	Luther	Osthoff	Skoglund
Anderson, I.	Dorn	Johnson	Mahoney	Otremba	Smith
Bakk	Entenza	Juhnke	Mares	Ozment	Solberg
Biernat	Folliard	Kahn	Marko	Paymar	Stanek
Carlson	Gleason	Kalis	McCollum	Pelowski	Swapinski
Carruthers	Gray	Kelliher	Milbert	Peterson	Tingelstad
Cassell	Greenfield	Koskinen	Mullery	Pugh	Tomassoni
Chaudhary	Greiling	Kubly	Murphy	Rest	Tuma
Clark, K.	Hasskamp	Larson, D.	Ness	Rukavina	Vandever
Daggett	Howes	Leighton	Olson	Seagren	Wagenius
Dawkins	Huntley	Lenczewski	Orfield	Seifert, J.	Wejzman
Dehler	Jaros	Lieder	Osskopp	Seifert, M.	Winter

Those who voted in the negative were:

Abrams	Erickson	Holberg	Molnau	Schumacher	Westrom
Bishop	Finseth	Holsten	Mulder	Skoe	Wilkin
Boudreau	Fuller	Kielkucki	Nornes	Storm	Wolf
Bradley	Gerlach	Knoblach	Opatz	Swenson	Workman
Broecker	Goodno	Krinkie	Paulsen	Sykora	Spk. Sviggum
Buesgens	Gunther	Kuisle	Pawlenty	Tunheim	
Clark, J.	Haas	Larsen, P.	Reuter	Van Dellen	
Davids	Hackbarth	Leppik	Rhodes	Wenzel	
Dorman	Harder	Lindner	Rifenberg	Westerberg	
Erhardt	Hilty	McElroy	Rostberg	Westfall	

The motion prevailed and the amendment was adopted.

Krinkie; Kuisle; Larsen, P., and Workman moved to amend H. F. No. 2952, the second engrossment, as amended, as follows:

Page 2, line 20, delete "INTERREGIONAL" and insert "TRUNK"

Page 2, line 21, delete "CORRIDOR" and insert "HIGHWAY"

Page 2, line 22, delete "CORRIDOR" and insert "TRUNK HIGHWAY"

Page 2, line 26, delete "development of" and insert "construction of a trunk highway"

Page 2, line 27, delete "an interregional transportation corridor"

Page 11, delete section 12 and insert:

"Sec. 12. Minnesota Statutes 1999 Supplement, section 174.70, is amended by adding a subdivision to read:

Subd. 4. [NONMETROPOLITAN IMPLEMENTATION.] To reduce the proliferation of communications towers outside the metropolitan area, the commissioner may, by purchase, lease, gift, exchange, or other means, obtain sites for the erection of towers and the location of equipment and may construct buildings and structures needed for the existing communications system. The commissioner may negotiate with commercial wireless service providers and telecommunication infrastructure developers to obtain sites, towers, and equipment, except these sites, towers, and equipment may not be obtained or used for the 800 megahertz multijurisdictional trunked public safety voice radio system outside of the metropolitan area. Notwithstanding sections 161.433, 161.434, 161.45, and 161.46, the commissioner may by agreement allow commercial wireless service providers to install privately owned equipment on state-owned lands, buildings, and other structures under the jurisdiction of the commissioner when it is practical and feasible to do so. The commissioner shall charge a site use fee for the value of the property or structure made available. In lieu of a site use fee, the commissioner may make agreements with commercial wireless service providers to place state equipment on privately owned towers and may accept (1) improvements to state-owned public communications system facilities or real or personal property, or (2) services provided by a commercial wireless service provider."

Page 12, delete section 13

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2952, A bill for an act relating to transportation; allowing the commissioner of transportation to convey interest in certain land to property owners; allowing interest on repayment of money advanced to department of transportation for trunk highway development; regulating drivers licenses; changing collector vehicle registration provision; modifying provisions for speed limits in highway work zones; transferring responsibility for distributing certain funds for highway safety to commissioner of public safety; transferring responsibilities from transportation regulation board to commissioner of transportation; modifying transportation revolving loan fund provisions; making technical and clarifying changes; giving the commissioner of transportation certain powers relating to nonmetropolitan communications system; amending Minnesota Statutes 1998, sections 161.24, subdivision 4; 168.10, subdivision 1c; 169.14, subdivision 5d; 171.02, subdivision 2; 171.321, subdivision 2; 174.02, subdivisions 4 and 5; 174.10, subdivisions 1, 3, and 4; 174A.02, subdivisions 1 and 2; 174A.04; 218.031, subdivision 2; 218.041, subdivisions 4, 5, and 6; 219.384, subdivision 2; 219.402; and 446A.085, as amended; Minnesota Statutes 1999 Supplement, sections 171.29, subdivision 2; 174.70, by adding a subdivision; 174A.02, subdivision 4; 174A.06; 219.074, subdivision 2; and 221.031, subdivision 1; Laws 1999, chapter 238, article 1, section 2, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 161; repealing Minnesota Statutes 1998, sections 174A.01; 174A.02, subdivision 5; 174A.03; 174A.05; 218.021; 218.025; 218.031, subdivisions 1, 3, 4, 5, 6, 7, 8, 9, and 10; 218.041, subdivisions 1, 2, 7, and 8; 219.558; 219.559; 219.56; 219.681; 219.69; 219.691; 219.692; 219.695; 219.70; 219.71; 219.741; 219.743; 219.751; 219.755; 219.85; 219.97; 222.631; 222.632; and 222.633.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Huntley	Luther	Pawlenty	Swapinski
Abrams	Dorn	Jaros	Mahoney	Paymar	Swenson
Anderson, I.	Erhardt	Jennings	Mares	Pelowski	Sykora
Bakk	Erickson	Johnson	Marko	Peterson	Tingelstad
Biernat	Finseth	Juhnke	McCollum	Pugh	Tomassoni
Bishop	Folliard	Kahn	McElroy	Rest	Tuma
Boudreau	Fuller	Kalis	Milbert	Reuter	Tunheim
Bradley	Gerlach	Kelliher	Molnau	Rhodes	Van Dellen
Broecker	Goodno	Kielkucki	Mulder	Rifenberg	Vandever
Buesgens	Gray	Knoblach	Mullery	Rostberg	Wagenius
Carlson	Greenfield	Koskinen	Murphy	Rukavina	Wejcman
Carruthers	Greiling	Krinkie	Ness	Schumacher	Wenzel
Cassell	Gunther	Kubly	Nornes	Seagren	Westerberg
Chaudhary	Haas	Kuisle	Olson	Seifert, J.	Westfall
Clark, J.	Hackbarth	Larsen, P.	Opatz	Seifert, M.	Westrom
Clark, K.	Harder	Larson, D.	Orfield	Skoe	Wilkin
Daggett	Hasskamp	Leighton	Osskopp	Skoglund	Winter
Davids	Hilty	Lenczewski	Osthoff	Smith	Wolf
Dawkins	Holberg	Leppik	Otremba	Solberg	Workman
Dehler	Holsten	Lieder	Ozment	Stanek	
Dempsey	Howes	Lindner	Paulsen	Storm	

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

Speaker pro tempore Abrams called Paulsen to the Chair.

S. F. No. 2693, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Abrams moved to amend S. F. No. 2693, the unofficial engrossment, as follows:

Pages 1 to 4, delete sections 1 to 11

Page 4, line 26, after "1," insert "as amended by Laws 2000, chapter 490, article 10, section 20,"

Page 5, lines 31 to 34, delete the underscoring

Pages 6 and 7, delete section 13

Page 7, line 8, delete "325D.091" and insert "325D.421"

Page 9, delete lines 20 and 21, and insert "This act is effective July 1, 2000."

Renumber the sections in sequence

Correct internal references

Delete the title and insert:

"A bill for an act relating to tobacco; regulating sales of certain cigarettes; prohibiting sales of certain cigarettes; defining contraband; providing a private cause of action; amending Minnesota Statutes 1998, section 297F.21, subdivision 1, as amended by Laws 2000, chapter 490, article 10, section 20; proposing coding for new law in Minnesota Statutes, chapter 325D."

The motion prevailed and the amendment was adopted.

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

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorman	Holsten	Lindner	Paulsen	Storm
Abrams	Dorn	Howes	Luther	Pawlenty	Swapinski
Anderson, I.	Entenza	Huntley	Mahoney	Paymar	Swenson
Bakk	Erhardt	Jaros	Mares	Pelowski	Sykora
Biernat	Erickson	Johnson	Marko	Peterson	Tingelstad
Bishop	Finseth	Juhnke	McCollum	Pugh	Tomassoni
Boudreau	Folliard	Kahn	McElroy	Rest	Tuma
Bradley	Fuller	Kalis	Milbert	Reuter	Tunheim
Broecker	Gerlach	Kelliher	Molnau	Rhodes	Van Dellen
Buesgens	Gleason	Kielkucki	Mulder	Rifenberg	Vandever
Carlson	Goodno	Knoblach	Mullery	Rostberg	Wagenius
Carruthers	Gray	Koskinen	Murphy	Rukavina	Wejcman
Cassell	Greenfield	Krinkie	Ness	Schumacher	Wenzel
Chaudhary	Greiling	Kubly	Nornes	Seagren	Westerberg
Clark, J.	Gunther	Kuisle	Olson	Seifert, J.	Westfall
Clark, K.	Haas	Larsen, P.	Opatz	Seifert, M.	Westrom
Daggett	Hackbarth	Larson, D.	Orfield	Skoe	Wilkin
Davids	Harder	Leighton	Osskopp	Skoglund	Winter
Dawkins	Hasskamp	Lenczewski	Osthoff	Smith	Wolf
Dehler	Hilty	Leppik	Otremba	Solberg	Workman
Dempsey	Holberg	Lieder	Ozment	Stanek	Spk. Sviggum

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

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 3730.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3730

A bill for an act relating to public finance; exempting certain bonds from the definition of business subsidy; authorizing certain investments by joint powers investment trusts; exempting certain airport obligations from the public sale requirement; providing for state payment of county debt obligations upon potential default; extending sunsets for self-executing special service district and housing improvement district laws; authorizing special assessments for communications facilities; modifying interest rate requirements; increasing bonding authority for the financing of metropolitan area transit and paratransit capital expenditures; altering qualifications for residential rental bonds; providing that the Uniform Commercial Code does not apply to government security interests; appropriating money; amending Minnesota Statutes 1998, sections 118A.05, subdivision 4; 360.036, subdivision 2; 428A.101; 428A.21; 429.021, subdivision 1; 474A.047, subdivision 1; and 475.78; Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; 473.39, subdivision 1g; and 475.56; proposing coding for new law in Minnesota Statutes, chapter 373.

May 17, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3730, 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. 3730 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 118A.05, subdivision 4, is amended to read:

Subd. 4. [MINNESOTA JOINT POWERS INVESTMENT TRUST.] Government entities may enter into agreements or contracts for:

(1) shares of a Minnesota joint powers investment trust whose investments are restricted to securities described in this ~~subdivision, subdivision 2, section~~ and section 118A.04;

(2) units of a short-term investment fund established and administered pursuant to regulation 9 of the Office of the Comptroller of the Currency, in which investments are restricted to securities described in this section and section 118A.04;

(3) shares of an investment company which is registered under the Federal Investment Company Act of 1940 and which holds itself out as a money market fund meeting the conditions of rule 2a-7 of the Securities and Exchange Commission and is rated in one of the two highest rating categories for money market funds by at least one nationally recognized statistical rating organization; or

(4) shares of an investment company which is registered under the Federal Investment Company Act of 1940, and whose shares are registered under the Federal Securities Act of 1933, as long as the investment company's fund receives the highest credit rating and is rated in one of the two highest risk rating categories by at least one nationally recognized statistical rating organization and is invested in financial instruments with a final maturity no longer than 13 months.

Sec. 2. Minnesota Statutes 1998, section 360.036, subdivision 2, is amended to read:

Subd. 2. [ISSUANCE OF BONDS.] (a) Bonds to be issued by a municipality under sections 360.011 to 360.076, shall be authorized and issued in the manner and within the limitation prescribed by laws or the charter of the municipality for the issuance and authorization of bonds for public purposes generally, except as provided in paragraphs (b) and (c).

(b) No election is required to authorize the issuance of the bonds if:

(1) a board organized under section 360.042 recommends by a resolution adopted by a vote of not less than 60 percent of its members the issuance of bonds, and ~~(2)~~ the bonds are authorized by a resolution of the governing body of each of the municipalities acting jointly pursuant to section 360.042, adopted by a vote of not less than 60 percent of its members; or

(2) the bonds are being issued for the purpose of financing the costs of constructing, enlarging, or improving airports and other air navigation facilities; and

(i) the governing body estimates that passenger facility charges and other revenues pledged to the payment thereof will be at least 20 percent of the debt service payable on the bonds in any year;

(ii) the project will be funded in part by a federal grant for airport development; and

(iii) the principal amount of the bonds issued under this clause does not exceed 25 percent of the amount of the federal grant.

(c) If the bonds are general obligations of the municipality, the levy of taxes required by section 475.61 to pay principal and interest on the bonds is not included in computing or applying any levy limitation applicable to the municipality.

Sec. 3. [373.45] [STATE PAYMENT OF DEBT OBLIGATION UPON POTENTIAL DEFAULT; REPAYMENT; STATE OBLIGATION NOT DEBT.]

Subdivision 1. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given.

(b) "Authority" means the Minnesota public facilities authority.

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

(d) "Debt obligation" means a general obligation bond issued by a county to provide funds for the construction of:

(1) jails;

(2) correctional facilities;

(3) law enforcement facilities;

(4) social services and human services facilities; or

(5) solid waste facilities.

Subd. 2. [APPLICATION.] (a) This section provides a state guarantee of the payment of principal and interest on debt obligations if:

- (1) the obligations are issued after June 30, 2000;
- (2) application to the public facilities authority is made before issuance; and
- (3) the obligations are covered by an agreement meeting the requirements of subdivision 3.

(b) Applications to be covered by the provisions of this section must be made in a form and contain the information prescribed by the authority. Applications are subject to a fee of \$500 for the first bond issue requested by the county and \$250 for each bond issue thereafter.

(c) Application fees paid under this section must be deposited in a separate county bond guarantee account in the general fund. Money in the county bond guarantee account is appropriated to the authority for purposes of administering this section.

(d) Neither the authority nor the commissioner is required to promulgate administrative rules under this section and the procedures and requirements established by the authority or commissioner under this section are not subject to chapter 14.

Subd. 3. [AGREEMENT.] (a) In order for specified debt obligations of a county to be covered by the provisions of this section, the county must enter an agreement with the authority obligating the county to be bound by the provisions of this section. This agreement must be in a form prescribed by the authority and contain any provisions required by the authority, including at least an obligation to:

(1) deposit with the paying agent three days before the date on which the payment is due an amount sufficient to make that payment;

(2) notify the authority, if the county will be unable to make all or a portion of the payment; and

(3) include a provision in the bond resolution and county's agreement with the paying agent for the debt obligation that requires the paying agent to inform the commissioner if it becomes aware of a default or potential default in the payment of principal or interest on that issue or if, on the day two business days before the date a payment is due on that issue, there are insufficient funds to make the payment on deposit with the paying agent. Funds invested in a refunding escrow account established under section 475.67 that are to become available to the paying agent on a principal or interest payment date are deemed to be on deposit with the paying agent three business days before the payment date.

(b) The provisions of an agreement under this subdivision are binding as to an issue as long as any debt obligation of the issue remains outstanding.

(c) This section is a contract with bondholders and may not be amended or repealed for the covered bonds so long as the covered bonds are outstanding.

Subd. 4. [NOTIFICATIONS; PAYMENT; APPROPRIATION.] (a) After receipt of a notice of a default or potential default in payment of principal or interest in debt obligations covered by this section or an agreement under this section, and after consultation with the county, the paying agent, and after verification of the accuracy of the information provided, the authority shall notify the commissioner of the potential default. The notice must include a final figure as to the amount due that the county will be unable to repay on the date due.

(b) Upon receipt of this notice from the authority, the commissioner shall issue a warrant and authorize the authority to pay to the paying agent for the debt obligation the specified amount on or before the date due. The amounts needed for the purposes of this subdivision are annually appropriated to the authority from the general fund.

Subd. 5. [INTEREST ON STATE PAID AMOUNT.] If the state has paid part or all of the principal or interest due on a county's debt obligation, the amount paid bears interest from the date paid by the state until the date of repayment. The interest rate is the state treasurer's invested cash rate as it is certified by the commissioner. Interest only accrues on the amounts paid and outstanding less the reduction in aid under subdivision 7 and other payments received from the county.

Subd. 6. [PLEDGE OF COUNTY'S FULL FAITH AND CREDIT.] If the state has paid part or all of the principal or interest due on a county's debt obligation, the county's pledge of its full faith and credit and unlimited taxing powers to repay the principal and interest due on those debt obligations becomes, without an election or the requirement of a further authorization, a pledge of the full faith and credit and unlimited taxing powers of the county to repay to the state the amount paid, with interest. Amounts paid by the state must be repaid in the order in which the state payments were made.

Subd. 7. [AID REDUCTION FOR REPAYMENT.] (a) Except as provided in paragraph (b), the commissioner may reduce, by the amount paid by the state under this section on behalf of the county, plus the interest due on the state payments, the following aids payable to the county:

- (1) homestead and agricultural credit aid and disparity reduction aid payable under section 273.1398;
- (2) county criminal justice aid payable under section 477A.0121; and
- (3) family preservation aid payable under section 477A.0122.

The amount of any aid reduction reverts from the appropriate account to the state general fund.

(b) If, after review of the financial situation of the county, the authority advises the commissioner that a total reduction of the aids would cause an undue hardship on the county, the authority, with the approval of the commissioner, may establish a different schedule for reduction of aids to repay the state. The amount of aids to be reduced are decreased by any amounts repaid to the state by the county from other revenue sources.

Subd. 8. [TAX LEVY FOR REPAYMENT.] (a) With the approval of the authority, a county may levy in the year the state makes a payment under this section an amount up to the amount necessary to provide funds for the repayment of the amount paid by the state plus interest through the date of estimated repayment by the county. The proceeds of this levy may be used only for this purpose unless they exceed the amount actually due. Any excess must be used to repay other state payments made under this section or must be deposited in the debt redemption fund of the county. The amount of aids to be reduced to repay the state are decreased by the amount levied.

(b) If the state is not repaid in full for a payment made under this section by November 30 of the calendar year following the year in which the state makes the payment, the authority shall require the county to certify a property tax levy in an amount up to the amount necessary to provide funds for repayment of the amount paid by the state plus interest through the date of estimated repayment by the county. To prevent undue hardship, the authority may allow the county to certify the levy over a five-year period. The proceeds of the levy may be used only for this purpose unless they are in excess of the amount actually due, in which case the excess must be used to repay other state payments made under this section or must be deposited in the debt redemption fund of the county. If the authority orders the county to levy, the amount of aids reduced to repay the state are decreased by the amount levied.

(c) A levy under this subdivision is an increase in the levy limits of the county for purposes of section 275.065, subdivision 6, and must be explained as a specific increase at the meeting required under that provision.

Subd. 9. [MANDATORY PLAN; TECHNICAL ASSISTANCE.] If the state makes payments on behalf of a county under this section or the county defaults in the payment of principal or interest on an outstanding debt obligation, it must submit a plan to the authority for approval specifying the measures it intends to implement to resolve the issues which led to its inability to make the payment and to prevent further defaults. If the authority determines that a county's plan is not adequate, the authority shall notify the county that the plan has been disapproved, the reasons for the disapproval, and that the state will not make future payments under this section for debt obligations of the affected county issued after the date specified in that notice until its plan is approved. The authority may also notify the county that until its plan is approved, aids due the county will be withheld after a date specified in the notice.

Subd. 10. [CONTINUING DISCLOSURE AGREEMENTS.] The authority may enter into written agreements or contracts relating to the continuing disclosure of information needed to facilitate the ability of counties to issue debt obligations according to federal securities laws, rules, and regulations, including securities and exchange commission rules and regulations, section 240.15c2-12. The agreements or contracts may be in any form the authority deems reasonable and in the state's best interests.

Sec. 4. Minnesota Statutes 1998, section 428A.101, is amended to read:

428A.101 [SPECIAL SERVICE DISTRICT; SUNSET OF SELF-EXECUTING PROVISIONS.]

~~The establishment of a new special service district after June 30, 2001, must be made pursuant to enabling legislation under Minnesota Statutes 1994, sections 428A.01 to 428A.10 2005, requires enactment of a special law authorizing the establishment.~~

Sec. 5. Minnesota Statutes 1998, section 429.021, subdivision 1, is amended to read:

Subdivision 1. [IMPROVEMENTS AUTHORIZED.] The council of a municipality shall have power to make the following improvements:

(1) To acquire, open, and widen any street, and to improve the same by constructing, reconstructing, and maintaining sidewalks, pavement, gutters, curbs, and vehicle parking strips of any material, or by grading, graveling, oiling, or otherwise improving the same, including the beautification thereof and including storm sewers or other street drainage and connections from sewer, water, or similar mains to curb lines.

(2) To acquire, develop, construct, reconstruct, extend, and maintain storm and sanitary sewers and systems, including outlets, holding areas and ponds, treatment plants, pumps, lift stations, service connections, and other appurtenances of a sewer system, within and without the corporate limits.

(3) To construct, reconstruct, extend, and maintain steam heating mains.

(4) To install, replace, extend, and maintain street lights and street lighting systems and special lighting systems.

(5) To acquire, improve, construct, reconstruct, extend, and maintain water works systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants, and other appurtenances of a water works system, within and without the corporate limits.

(6) To acquire, improve and equip parks, open space areas, playgrounds, and recreational facilities within or without the corporate limits.

(7) To plant trees on streets and provide for their trimming, care, and removal.

(8) To abate nuisances and to drain swamps, marshes, and ponds on public or private property and to fill the same.

(9) To construct, reconstruct, extend, and maintain dikes and other flood control works.

(10) To construct, reconstruct, extend, and maintain retaining walls and area walls.

(11) To acquire, construct, reconstruct, improve, alter, extend, operate, maintain, and promote a pedestrian skyway system. Such improvement may be made upon a petition pursuant to section 429.031, subdivision 3.

(12) To acquire, construct, reconstruct, extend, operate, maintain, and promote underground pedestrian concourses.

(13) To acquire, construct, improve, alter, extend, operate, maintain, and promote public malls, plazas or courtyards.

(14) To construct, reconstruct, extend, and maintain district heating systems.

(15) To construct, reconstruct, alter, extend, operate, maintain, and promote fire protection systems in existing buildings, but only upon a petition pursuant to section 429.031, subdivision 3.

(16) To acquire, construct, reconstruct, improve, alter, extend, and maintain highway sound barriers.

(17) To improve, construct, reconstruct, extend, and maintain gas and electric distribution facilities owned by a municipal gas or electric utility.

(18) To improve, construct, extend, and maintain facilities for Internet access and other communications purposes, if the council finds that:

(i) the facilities are necessary to make available Internet access or other communications services that are not and will not be available through other providers or the private market in the reasonably foreseeable future; and

(ii) the service to be provided by the facilities will not compete with service provided by private entities.

Sec. 6. [451.10] [DISTRICT HEATING SYSTEM.]

Subdivision 1. [APPLICATION.] Sections 451.10 to 451.17 apply to a city that:

(1) owns and operates a district heating system either directly by the city council or by a utility board or utility commission of the city; and

(2) has taken action under law or charter to discontinue the operation of the district heating system in whole or in part.

Subd. 2. [SUPERSEDES OTHER LAW.] Sections 451.10 to 451.17 apply to the cities described in subdivision 1 notwithstanding a contrary provision in a city charter or in any other law including section 451.09.

Subd. 3. [SUPPLEMENTAL TO OTHER LAW.] The powers granted by sections 451.10 to 451.17 are supplemental and additional to other powers granted by law or charter.

Sec. 7. [451.11] [POLICY; PURPOSE.]

Subdivision 1. [FINDINGS.] The legislature finds that it is in the public interest that cities owning and operating a district heating system that have determined to discontinue the system in whole or in part be authorized to establish and conduct a program to provide replacement heating and related equipment to the owners of property whose district heating service is discontinued. The legislature also finds that the cities should be authorized to adopt and implement programs to provide for the installation of energy conservation equipment and measures to enhance the efficient and economical use of energy in buildings and structures served by a district heating system and in which replacement heating systems are installed under sections 451.10 to 451.17.

Subd. 2. [PUBLIC PURPOSE.] The legislature further finds that expenditures made by cities for a purpose in sections 451.10 to 451.17 are expenditures for a public purpose.

Sec. 8. [451.12] [DEFINITIONS.]

Subdivision 1. [APPLICATION.] In sections 451.10 to 451.17 the definitions in this section apply.

Subd. 2. [CITY.] "City" means a city, however organized, acting through its city council or through a public utilities commission duly created by law or charter.

Subd. 3. [REPLACEMENT HEATING SYSTEM IMPROVEMENT.] "Replacement heating system improvement" means and includes furnaces, boilers, and similar heat generating and exchanging equipment together with related equipment, duct work, and control mechanisms that are installed to provide heating, ventilating, and air conditioning services in a building or structure whose district heating service has been discontinued by a city.

Subd. 4. [ENERGY CONSERVATION IMPROVEMENT.] (a) "Energy conservation improvement" means and includes, but is not limited to, the following devices, methods, and materials, if recommended by an energy audit approved in a program and having a maximum cost of \$20,000, that increase the efficiency of the use of energy in a building or structure:

- (1) insulation and ventilation;
- (2) storm windows, thermal windows, and storm doors;
- (3) caulking and weatherstripping;
- (4) heating system modifications; and
- (5) thermostats or lighting controls.

(b) The term does not include a device or method that creates, converts, or actively uses energy from renewable resources such as wind, solar, or biomass.

Subd. 5. [PROGRAM.] "Program" means a statement of goals, procedures, standards of eligibility, and methods of financing for the installation of heating replacement system improvements and energy conservation improvements.

Subd. 6. [IMPROVEMENT.] "Improvement" includes replacement heating system improvements and energy conservation improvements.

Sec. 9. [451.13] [PROGRAM.]

Subdivision 1. [AFTER NOTICE AND HEARING.] A program may be adopted by resolution of the city council of a city after reasonable notice and hearing provided for by the city council.

Subd. 2. [ELEMENTS.] The program must contain at least the following elements:

(1) a description of the kinds of property eligible for assistance with heating replacement improvements and energy conservation improvements;

(2) procedures for accomplishing the improvements by the city or private contractors;

(3) methods of financing the installation of the heating replacement and energy conservation improvements; and

(4) the administrative agency of the city responsible for conducting the program.

Subd. 3. [DELEGATION.] The city council may by resolution delegate the responsibility for the conduct of the program to a public utilities commission or public utilities board of the city.

Sec. 10. [451.14] [INSTALLING THE IMPROVEMENTS.]

Subdivision 1. [METHODS.] The program may provide for the methods of installing the improvements set out in this subdivision.

(a) The city may contract with one or more contractors to perform work and furnish materials for the improvements.

(b) The owner of a building or structure eligible for an improvement may contract for the installation of the improvement, subject to approval by the city as provided in the program.

(c) The city may contract with a property owner for the installation of an improvement by the property owner, but no payment under section 451.15 may be made for the property owner's labor.

Subd. 2. [INSPECTION AND CERTIFICATION.] The program must provide a method by which a city official or employee may inspect and is to certify the completed installation of the improvement to ensure compliance with city codes and ordinances and other standards specified in the program.

Subd. 3. [COMPETITIVE BIDS.] Contracts entered into under subdivision 1, paragraph (a), are subject to competitive bidding requirements of law.

Sec. 11. [451.15] [PAYMENTS; FINANCING.]

Subdivision 1. [FINANCING.] The program may include one or more of the methods described in this section for financing the cost of the installation of improvements.

Subd. 2. [CASH.] The city may contract with a property owner for the payment in cash of the cost of the installation of the improvements upon completion of the installation of the improvements. The payment must be secured by:

(1) a deposit with the city of 90 percent of the contract price; or

(2) a written commitment from a bank or other financial institution approved in the program to lend the property owner the full amount of the contract price for payment to the city.

Subd. 3. [PROMISSORY NOTE.] The city may accept payment of the contract price by a promissory note from the property owner delivered at the time of entering into the contract payable at such times, not exceeding ten years, and in the amounts and at the interest rate specified in the program.

Subd. 4. [LIEN AS SECURITY.] The balance of payments due under subdivision 2 and the entire principal of and interest on a promissory note delivered under subdivision 3 are secured by a lien created by this subdivision on the real property on which the improvements are made. If payment is not made according to the terms of the program, or the note, the chief financial officer of the city may certify the entire amount so due to the county auditor for collection as other taxes are collected.

Subd. 5. [SPECIAL ASSESSMENTS.] The program may provide that at the request of the property owner the unpaid cost of the installation of an improvement is to be specially assessed against the real property on which the improvement is installed in the manner provided by section 429.101, except that:

(1) the adoption of an ordinance is not required; and

(2) obligations issued to finance the improvements must mature not later than ten years from the date of their issuance.

Sec. 12. [451.16] [FINANCING; OBLIGATIONS.]

Subdivision 1. [BONDS; OTHER OBLIGATIONS.] In addition to the authority to issue obligations under section 429.101, a city may issue its bonds or other obligations to finance the cost of the installation of improvements as provided in this section.

Subd. 2. [REVENUE OBLIGATIONS.] A city may issue and sell its revenue obligations payable solely from the revenues derived or to be derived from assessments and payments from property owners under section 451.15, which revenues must be pledged to the payment of the obligations. Obligations issued under this subdivision are considered to be payable wholly from the income of a revenue producing convenience within the meaning of sections 475.51 and 475.58.

Subd. 3. [GENERAL OBLIGATIONS.] A city may issue and sell its general obligations under chapter 475, payable from the revenues and assessments derived or to be derived from property owners under section 451.15, which revenues must be pledged to the payment of the obligations. General obligations must not be issued unless the pledged revenues are estimated to equal at least 105 percent of the amount necessary to pay when due the principal of and interest on the obligations. Obligations issued under this subdivision are considered to be payable wholly from the income of a revenue producing convenience within the meaning of sections 475.51 and 475.58.

Sec. 13. [451.17] [CITY OF VIRGINIA.]

The city of Virginia is considered to have complied with section 451.09, notwithstanding section 451.09, subdivision 4.

Sec. 14. Minnesota Statutes 1999 Supplement, section 473.39, subdivision 1g, is amended to read:

Subd. 1g. [OBLIGATIONS; 2000-2002.] In addition to the authority in subdivisions 1a, 1b, 1c, 1d, and 1e, the council may issue certificates of indebtedness, bonds, or other obligations under this section in an amount not exceeding ~~\$36,000,000~~ \$55,400,000, which may be used for capital expenditures, other than for construction, maintenance, or operation of light rail transit, as prescribed in the council's transit capital improvement program and for related costs, including the costs of issuance and sale of the obligations. The funds must be proportionally spent on capital improvement projects as recommended by the regional transit capital evaluation committee.

Sec. 15. Minnesota Statutes 1998, section 474A.047, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] (a) An issuer may only use the proceeds from residential rental bonds if the proposed project meets one of the following:

(1) the proposed project is a single room occupancy project and all the units of the project will be occupied by individuals whose incomes at the time of their initial residency in the project are 50 percent or less of the greater of the statewide or county median income adjusted for household size as determined by the federal Department of Housing and Urban Development;

(2) the proposed project is a multifamily project where at least 75 percent of the units have two or more bedrooms and at least one-third of the 75 percent have three or more bedrooms; or

(3) the proposed project is a multifamily project that meets the following requirements:

(i) the proposed project is the rehabilitation of an existing ~~multifamily~~ building which meets the requirements for minimum rehabilitation expenditures in sections 42(e)(2) and 42(e)(3)(A) of the Internal Revenue Code;

(ii) the proposed project involves participation by the Minnesota housing finance agency or a local unit of government in the financing of the acquisition or rehabilitation of the project. For purposes of this subdivision, "participation" means an activity other than the issuance of the bonds; and

(iii) the proposed project must be occupied by individuals or families whose incomes at the time of their initial residency in the project meet the requirements of section 42(g) of the Internal Revenue Code.

(b) The maximum rent for a proposed single room occupancy unit under paragraph (a), clause (1), is 30 percent of the amount equal to 30 percent of the greater of the statewide or county median income for a one-member household as determined by the federal Department of Housing and Urban Development. The maximum rent for at least 75 percent of the units of a multifamily project under paragraph (a), clause (2), is 30 percent of the amount equal to 50 percent of the greater of the statewide or county median income as determined by the federal Department of Housing and Urban Development based on a household size with 1.5 persons per bedroom.

(c) The proceeds from residential rental bonds may be used for a project for which project-based federal rental assistance payments are made only if:

(1) the owner of the project enters into a binding agreement with the Minnesota housing finance agency under which the owner is obligated to extend any existing low-income affordability restrictions and any contract or agreement for rental assistance payments for the maximum term permitted, including any renewals thereof; and

(2) the Minnesota housing finance agency certifies that project reserves will be maintained at closing of the bond issue and budgeted in future years at the lesser of:

(i) the level described in Minnesota Rules, part 4900.0010, subpart 7, item A, subitem (2), effective May 1, 1997; or

(ii) the level of project reserves available prior to the bond issue, provided that additional money is available to accomplish repairs and replacements needed at the time of bond issue.

Sec. 16. Minnesota Statutes 1999 Supplement, section 475.56, is amended to read:

475.56 [INTEREST RATE.]

(a) Any municipality issuing obligations under any law may issue obligations bearing interest at a single rate or at rates varying from year to year which may be lower or higher in later years than in earlier years. Such higher rate for any period prior to maturity may be represented in part by separate coupons designated as additional coupons, extra coupons, or B coupons, but the highest aggregate rate of interest contracted to be so paid for any period shall not exceed the maximum rate authorized by law. Such higher rate may also be represented in part by the issuance of additional obligations of the same series, over and above but not exceeding two percent of the amount otherwise authorized to be issued, and the amount of such additional obligations shall not be included in the amount required by section 475.59 to be stated in any bond resolution, notice, or ballot, or in the sale price required by section 475.60 or any other law to be paid; but if the principal amount of the entire series exceeds its cash sale price, such excess shall not, when added to the total amount of interest payable on all obligations of the series to their stated maturity dates, cause the average annual rate of such interest to exceed the maximum rate authorized by law. This section does not authorize a provision in any such obligations for the payment of a higher rate of interest after maturity than before.

(b) Any municipality issuing obligations under any law may sell original issue discount obligations having a stated principal amount in excess of the authorized amount and the sale price, provided that:

(1) the sale price does not exceed by more than two percent the amount of obligations otherwise authorized to be issued;

(2) the underwriting fee, discount, or other sales or underwriting commission does not exceed two percent of the sale price; and

(3) the discount rate necessary to present value total principal and interest payments over the term of the issue to the sale price does not exceed the lesser of the maximum rate permitted by law for municipal obligations or ten percent.

(c) Any obligation ~~of an issue of obligations otherwise subject to section 475.55, subdivision 1,~~ may bear interest at a rate varying periodically at the time or times and on the terms, including convertibility to a fixed rate of interest, determined by the governing body of the municipality, but the rate of interest for any period shall not exceed ~~the any~~ the any maximum rate of interest for the obligations ~~determined in accordance with section 475.55, subdivision 1 established by law.~~ For purposes of section 475.61, subdivisions 1 and 3, the interest payable on variable rate obligations for their term shall be determined as if their rate of interest is ~~the maximum rate permitted for the obligations under section 475.55, subdivision 1,~~ or the lesser of the maximum rate of interest payable on the obligations in accordance

with their terms or the rate estimated for such purpose by the governing body, but if the interest rate is subsequently converted to a fixed rate the levy may be modified to provide at least five percent in excess of amounts necessary to pay principal of and interest at the fixed rate on the obligations when due. For purposes of computing debt service or interest pursuant to section 475.67, subdivision 12, interest throughout the term of bonds issued pursuant to this subdivision is deemed to accrue at the rate of interest first borne by the bonds. The provisions of this paragraph do not apply to general obligations issued by a statutory or home rule charter city with a population of less than 7,500, as defined in section 477A.011, subdivision 3, or to general obligations that are not rated A or better, or an equivalent subsequently established rating, by Standard and Poor's Corporation, Moody's Investors Service or other similar nationally recognized rating agency, except that any statutory or home rule charter city, regardless of population or bond rating, may issue variable rate obligations as a participant in a bond pooling program established by the league of Minnesota cities that meets this bond rating requirement.

Sec. 17. Minnesota Statutes 1998, section 475.78, is amended to read:

475.78 [PERFECTION OF PLEDGE; SECURITY INTERESTS.]

Neither filing nor possession is required to perfect the security interest created by any pledge or appropriation of revenues or funds of the municipality, including any of its investments, to the payment of bonds issued by the municipality. Notwithstanding any contrary provision of law, article 9 of the Uniform Commercial Code does not apply to security interests created by a municipality or the state, except security interests in equipment and fixtures.

Sec. 18. Laws 2000, chapter 484, article 1, section 4, subdivision 3, is amended to read:

Subd. 3. [COMMITTEE REPORT.] The committee shall issue its report within 90 days of its initial meeting. The committee may request one 60-day extension from the county board. The report must contain the committee's recommendation for the preferred organizational option for a county economic development service provider, including the distance ~~of the radius of the extraterritorial parcel from the boundary of the city~~ that may be controlled by each affected city in subdivision 5. ~~This extraterritorial parcel~~ The distance may not exceed two miles from the city boundary. The report must contain written findings on issues considered by the committee including, but not limited to, the following:

(1) identification of the current level of economic development, housing, and community development programs and services provided by existing agencies, any existing gaps in programs and services, and the capacity and ability of those agencies to expand their activities; and

(2) the recommended organizational option for providing needed economic development, housing, and community development services in the most efficient, effective manner.

Sec. 19. Laws 2000, chapter 484, article 1, section 4, subdivision 5, is amended to read:

Subd. 5. [AREA OF OPERATION.] The area of operation of a county economic development service provider created under this section shall include all cities within a county that have adopted resolutions electing to participate. A city may adopt a resolution electing to withdraw participation. The withdrawal election may be made every fifth year following adoption of the resolution electing participation. The withdrawal election is effective on the anniversary date of the original resolution provided notice is given to the county economic development authority not less than 90 nor more than 180 days prior to that anniversary date. The city electing to withdraw retains any rights, obligations, and liabilities it obtained or incurred during its participation. Any city within the county shall have the option to adopt a resolution to prohibit the county economic development service provider created under this section from operating within its boundaries and (1) within an agreed upon urban service area, or (2) within the boundary distance approved in the committee report referenced in subdivision 3. If a city prohibits a county economic development service provider created under this section from operating within its boundaries, the city's property taxpayers shall not be subject to the property tax levied for the county economic development service provider.

Sec. 20. [APPROPRIATION AVAILABILITY EXTENDED.]

The appropriation in Laws 1995, chapter 220, section 19, subdivision 4, paragraph (g), clause (2), as amended by Laws 1996, chapter 407, section 50, is available until June 30, 2001.

Sec. 21. [REPLACEMENT TRANSIT SERVICE; ELIGIBILITY.]

(a) Notwithstanding the eligibility requirements in Minnesota Statutes, section 473.388, subdivision 2, the city of Minnetonka is eligible for the replacement service program under Minnesota Statutes, section 473.388, if the city first applies for assistance or exercises the local levy option under Minnesota Statutes, section 473.388, before June 30, 2003.

(b) Notwithstanding the eligibility requirements in Minnesota Statutes, section 473.388, subdivision 2, the city of Shorewood is eligible for the replacement service program under Minnesota Statutes, section 473.388, if the city first applies for assistance or exercises the local levy option under Minnesota Statutes, section 473.388, before June 30, 2003.

Sec. 22. [PUBLIC SAFETY RADIO SYSTEM CONTRACTS.]

Any contracts relating to an 800 megahertz trunked radio network for service shall be let for bid only on a competitive basis.

The trunked backbone network and 800 megahertz radios used on it must include at a minimum features that meet open standards of interoperability. The contracting government authority may not accept any feature enhancement that would interfere with or impede the interoperability of the network as a whole or with any radios regardless of manufacturer.

Sec. 23. [NO LOCAL APPROVAL; EFFECTIVE DATE.]

Sections 6 to 13 do not require local approval as they fit within the exception in Minnesota Statutes, section 645.023, subdivision 1, clause (a). Sections 6 to 13 are effective the day after final enactment.

Sec. 24. [APPLICATION.]

Sections 14 and 25 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 25. [REPEALER.]

Minnesota Statutes 1998, section 473.867, subdivision 4, is repealed.

Sec. 26. [APPROPRIATION.]

\$354,000 is appropriated from the general fund to the commissioner of revenue for fiscal year 2001 to administer the provisions of Laws 2000, chapter 490, articles 4, 5, and 10.

Sec. 27. [EFFECTIVE DATE.]

Sections 1, 22, and 25 are effective the day following final enactment. Section 3 is effective the day following final enactment and applies to bonds issued after a rating has been obtained for the program from a national rating agency. Section 20 is effective retroactively from December 31, 1999."

Delete the title and insert:

"A bill for an act relating to public finance; authorizing certain investments by joint powers investment trusts; exempting certain airport obligations from the public sale requirement; providing for state payment of certain county debt obligations upon potential default and authorizing means for repayment by the county; extending sunset for self-executing special service district laws; authorizing special assessments for communications facilities; modifying authority to issue variable rate bonds; providing for replacement heating systems and related energy conservation measures in cities discontinuing district heating systems; making technical changes to description of area served by nonmetropolitan county economic development authorities; increasing authority for debt obligations for the financing of the metropolitan council's transit capital improvement program; altering qualifications for residential rental bonds; providing that the Uniform Commercial Code does not apply to certain government security interests; allowing certain cities to be eligible for replacement transit service; regulating 800 megahertz radio contract requirements; eliminating a limitation on the amount of certain grants; funding administration of Laws 2000, chapter 490, articles 4, 5, and 10; appropriating money and extending the availability of an appropriation; amending Minnesota Statutes 1998, sections 118A.05, subdivision 4; 360.036, subdivision 2; 428A.101; 429.021, subdivision 1; 474A.047, subdivision 1; and 475.78; Minnesota Statutes 1999 Supplement, sections 473.39, subdivision 1g; and 475.56; Laws 2000, chapter 484, article 1, section 4, subdivisions 3 and 5; proposing coding for new law in Minnesota Statutes, chapters 373; and 451; repealing Minnesota Statutes 1998, section 473.867, subdivision 4."

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

Senate Conferees: LAWRENCE J. POGEMILLER, LINDA SCHEID AND ARLENE J. LESEWSKI.

House Conferees: RON ABRAMS, DAN MCELROY AND ANN H. REST.

Abrams moved that the report of the Conference Committee on S. F. No. 3730 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3730, A bill for an act relating to public finance; exempting certain bonds from the definition of business subsidy; authorizing certain investments by joint powers investment trusts; exempting certain airport obligations from the public sale requirement; providing for state payment of county debt obligations upon potential default; extending sunsets for self-executing special service district and housing improvement district laws; authorizing special assessments for communications facilities; modifying interest rate requirements; increasing bonding authority for the financing of metropolitan area transit and paratransit capital expenditures; altering qualifications for residential rental bonds; providing that the Uniform Commercial Code does not apply to government security interests; appropriating money; amending Minnesota Statutes 1998, sections 118A.05, subdivision 4; 360.036, subdivision 2; 428A.101; 428A.21; 429.021, subdivision 1; 474A.047, subdivision 1; and 475.78; Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; 473.39, subdivision 1g; and 475.56; proposing coding for new law in Minnesota Statutes, chapter 373.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 85 yeas and 42 nays as follows:

Those who voted in the affirmative were:

Abeler	Biernat	Broecker	Daggett	Dorman	Fuller
Abrams	Bishop	Carruthers	Davids	Erhardt	Goodno
Anderson, I.	Boudreau	Cassell	Dehler	Finseth	Gunther
Bakk	Bradley	Chaudhary	Dempsey	Folliard	Haas

Hackbarth	Kubly	Ness	Rest	Swapinski	Westrom
Harder	Kuisle	Nornes	Rhodes	Swenson	Wilkin
Hasskamp	Larson, D.	Olson	Rifenberg	Sykora	Winter
Holberg	Leighton	Opatz	Rostberg	Tingelstad	Wolf
Holsten	Leppik	Osskopp	Rukavina	Tuma	Workman
Howes	Lieder	Otremba	Schumacher	Tunheim	Spk. Sviggum
Huntley	Mares	Ozment	Seagren	Van Dellen	
Jaros	McElroy	Paulsen	Seifert, M.	Vandever	
Jennings	Molnau	Pawlenty	Skoe	Wenzel	
Juhnke	Mulder	Pelowski	Solberg	Westerberg	
Knoblach	Murphy	Peterson	Stanek	Westfall	

Those who voted in the negative were:

Buesgens	Erickson	Johnson	Larsen, P.	Milbert	Seifert, J.
Carlson	Gerlach	Kahn	Lenczewski	Mullery	Skoglund
Clark, J.	Gleason	Kalis	Lindner	Orfield	Smith
Clark, K.	Gray	Kelliher	Luther	Osthoff	Storm
Dawkins	Greenfield	Kielkucki	Mahoney	Paymar	Tomassoni
Dorn	Greiling	Koskinen	Marko	Pugh	Wagenius
Entenza	Hilty	Krinkie	McCollum	Reuter	Wejzman

The bill was repassed, as amended by Conference, and its title agreed to.

Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

CALENDAR FOR THE DAY

S. F. No. 2826, which was temporarily laid over earlier today on the Calendar for the Day, was again reported to the House.

Holberg; Krinkie; Erickson; Sykora; Hackbarth; Sviggum; Tuma; Wilkin; Erhardt; Gerlach; Buesgens; Paulsen; Van Dellen; Harder; Lindner; Bishop; Clark, J.; Molnau; Davids; Seifert, M.; Abrams; Reuter and Westerberg moved to amend S. F. No. 2826, the unofficial engrossment, as follows:

Page 9, after line 15, insert:

"Sec. 9. [REPEALER AND REINSTATEMENT.]

Laws 2000, chapter 492, article 1, section 88, is repealed. Notwithstanding Minnesota Statutes, section 645.36, Minnesota Statutes 1999 Supplement, section 16C.065 is revived."

Page 9, line 17, delete "and" and after "8" insert ", and 9"

Renumber subsequent section

Amend the title accordingly

A roll call was requested and properly seconded.

POINT OF ORDER

Entenza raised a point of order pursuant to rule 3.21 that the Holberg et al amendment was not in order. The Speaker ruled the point of order not well taken and the Holberg et al amendment in order.

Entenza appealed the decision of the Speaker.

A roll call was requested and properly seconded.

LAY ON THE TABLE

Pawlenty moved to lay the Entenza appeal of the decision of the Speaker on the table.

A roll call was requested and properly seconded.

The question was taken on the Pawlenty motion and the roll was called.

Pursuant to rule 2.05, the Speaker excused Biernat from voting on the Pawlenty motion on S. F. No. 2826.

There were 68 yeas and 57 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Holberg	Molnau	Rostberg	Vandever
Abrams	Dorman	Holsten	Mulder	Seagren	Westerberg
Bishop	Erhardt	Howes	Ness	Seifert, J.	Westfall
Boudreau	Erickson	Kielkucki	Nornes	Seifert, M.	Westrom
Bradley	Finseth	Knoblach	Olson	Smith	Wilkin
Broecker	Fuller	Krinkie	Osskopp	Stanek	Wolf
Buesgens	Gerlach	Kuisle	Ozment	Storm	Workman
Cassell	Goodno	Larsen, P.	Paulsen	Swenson	Spk. Sviggum
Clark, J.	Gunther	Leppik	Pawlenty	Sykora	
Daggett	Haas	Lindner	Reuter	Tingelstad	
Davids	Hackbarth	Mares	Rhodes	Tuma	
Dehler	Harder	McElroy	Rifenberg	Van Dellen	

Those who voted in the negative were:

Anderson, I.	Carruthers	Dorn	Gleason	Greiling	Huntley
Bakk	Chaudhary	Entenza	Gray	Hasskamp	Jaros
Carlson	Clark, K.	Folliard	Greenfield	Hilty	Jennings

Johnson	Larson, D.	McCollum	Otremba	Schumacher	Tunheim
Juhnke	Leighton	Milbert	Paymar	Skoe	Wagenius
Kahn	Lenczewski	Mullery	Pelowski	Skoglund	Wenzel
Kalis	Lieder	Murphy	Peterson	Solberg	Winter
Kelliher	Luther	Opatz	Pugh	Swapinski	
Koskinen	Mahoney	Orfield	Rest	Tomassoni	
Kubly	Marko	Osthoff	Rukavina	Trimble	

The motion prevailed and the appeal of the decision of the Speaker was laid on the table.

CALL OF THE HOUSE

On the motion of Entenza and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Entenza	Huntley	Luther	Pawlenty	Swapinski
Abrams	Erhardt	Jaros	Mahoney	Paymar	Swenson
Anderson, I.	Erickson	Jennings	Mares	Pelowski	Sykora
Bakk	Finseth	Johnson	Marko	Peterson	Tingelstad
Bishop	Folliard	Juhnke	McCollum	Pugh	Tomassoni
Boudreau	Fuller	Kahn	McElroy	Rest	Trimble
Bradley	Gerlach	Kalis	Milbert	Reuter	Tuma
Broecker	Gleason	Kelliher	Molnau	Rhodes	Tunheim
Buesgens	Goodno	Kielkucki	Mulder	Rifenberg	Van Dellen
Carlson	Gray	Knoblach	Mullery	Rostberg	Vandever
Carruthers	Greenfield	Koskinen	Murphy	Rukavina	Wagenius
Cassell	Greiling	Krinkie	Ness	Schumacher	Wenzel
Chaudhary	Gunther	Kubly	Nornes	Seagren	Westerberg
Clark, J.	Haas	Kuisle	Olson	Seifert, J.	Westfall
Clark, K.	Hackbarth	Larsen, P.	Opatz	Seifert, M.	Westrom
Daggett	Harder	Larson, D.	Orfield	Skoe	Wilkin
Davids	Hasskamp	Leighton	Osskopp	Skoglund	Winter
Dehler	Hilty	Lenczewski	Osthoff	Smith	Wolf
Dempsey	Holberg	Leppik	Otremba	Solberg	Workman
Dorman	Holsten	Lieder	Ozment	Stank	Spk. Sviggum
Dorn	Howes	Lindner	Paulsen	Storm	

Pawlenty moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

POINT OF ORDER

Pawlenty raised a point of order pursuant to section 124, of "Mason's Manual of Legislative Procedure," relating to Personalities Not Permitted in Debate. The Speaker ruled the point of order well taken.

POINT OF ORDER

Seifert, M., raised a point of order pursuant to rule 2.40 relating to Admittance to the Floor. The Speaker ruled the point of order well taken.

Holberg withdrew the Holberg et al amendment to S. F. No. 2826, the unofficial engrossment.

Molnau moved to amend S. F. No. 2826, the unofficial engrossment, as follows:

Strike the amendments reported by the Committee on Rules and Legislative Administration on Monday, April 10, 2000.

The motion prevailed and the amendment was adopted.

S. F. No. 2826, A bill for an act relating to public employment; ratifying certain labor agreements; making technical changes to the Public Employment Labor Relations Act; amending Minnesota Statutes 1998, sections 15A.0815, subdivisions 2 and 3; 85A.02, subdivision 5a; 179A.18, subdivision 1; and 349A.02, subdivision 1; Minnesota Statutes 1999 Supplement, section 179A.04, subdivision 3.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called.

Pursuant to rule 2.05, the Speaker excused Biernat from voting on final passage of S. F. No. 2826.

There were 116 yeas and 9 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Jennings	Mares	Peterson	Tingelstad
Abrams	Erhardt	Johnson	Marko	Pugh	Tomassoni
Anderson, I.	Finseth	Juhnke	McCollum	Rest	Trimble
Bakk	Folliard	Kahn	McElroy	Rhodes	Tuma
Bishop	Fuller	Kalis	Milbert	Rifenberg	Tunheim
Boudreau	Gleason	Kelliher	Molnau	Rostberg	Van Dellen
Bradley	Goodno	Kielkucki	Mullery	Rukavina	Vandever
Broecker	Gray	Knobloch	Murphy	Schumacher	Wagenius
Carlson	Greenfield	Koskinen	Ness	Seagren	Wenzel
Carruthers	Greiling	Kubly	Nornes	Seifert, J.	Westfall
Cassell	Gunther	Kuisle	Opatz	Seifert, M.	Westrom
Chaudhary	Haas	Larsen, P.	Orfield	Skoe	Wilkin
Clark, J.	Hackbarth	Larson, D.	Osskopp	Skoglund	Winter
Clark, K.	Harder	Leighton	Osthoff	Smith	Wolf
Daggett	Hasskamp	Lenczewski	Otremba	Solberg	Workman
Davids	Hilty	Leppik	Ozment	Stanek	Spk. Sviggum
Dehler	Holsten	Lieder	Paulsen	Storm	
Dempsey	Howes	Lindner	Pawlenty	Swapinski	
Dorman	Huntley	Luther	Paymar	Swenson	
Dorn	Jaros	Mahoney	Pelowski	Sykora	

Those who voted in the negative were:

Buesgens	Gerlach	Krinkie	Olson	Westerberg
Erickson	Holberg	Mulder	Reuter	

The bill was passed and its title agreed to.

CALL OF THE HOUSE LIFTED

Pugh moved that the call of the House be suspended. The motion prevailed and it was so ordered.

MOTION TO ADJOURN SINE DIE

Haas moved that the House adjourn sine die.

A roll call was requested and properly seconded.

The question was taken on the Haas motion and the roll was called. There were 19 yeas and 106 nays as follows:

Those who voted in the affirmative were:

Boudreau	Chaudhary	Haas	Olson	Van Dellen
Broecker	Erickson	Krinkie	Reuter	Wilkin
Buesgens	Gerlach	Lindner	Rukavina	Workman
Carruthers	Gleason	Mulder	Tomassoni	

Those who voted in the negative were:

Abeler	Erhardt	Johnson	Mares	Paymar	Swapinski
Abrams	Finseth	Juhnke	Marko	Pelowski	Swenson
Anderson, I.	Folliard	Kahn	McCollum	Peterson	Sykora
Bakk	Fuller	Kalis	McElroy	Pugh	Tingelstad
Biernat	Goodno	Kelliher	Milbert	Rest	Trimble
Bishop	Gray	Kielkucki	Molnau	Rhodes	Tuma
Bradley	Greenfield	Knoblach	Mullery	Rifenberg	Tunheim
Carlson	Greiling	Koskinen	Murphy	Rostberg	Vandev eer
Cassell	Gunther	Kubly	Ness	Schumacher	Wagenius
Clark, J.	Hackbarth	Kuisle	Nornes	Seagren	Wenzel
Clark, K.	Harder	Larsen, P.	Opatz	Seifert, J.	Westerberg
Daggett	Hasskamp	Larson, D.	Orfield	Seifert, M.	Westfall
Davids	Hilty	Leighton	Osskopp	Skoe	Westrom
Dehler	Holsten	Lenczewski	Osthoff	Skoglund	Winter
Dempsey	Howes	Leppik	Otremba	Smith	Wolf
Dorman	Huntley	Lieder	Ozment	Solberg	Spk. Sviggum
Dorn	Jaros	Luther	Paulsen	Stanek	
Entenza	Jennings	Mahoney	Pawlenty	Storm	

The motion did not prevail.

S. F. No. 3216 was reported to the House.

Seagren moved to amend S. F. No. 3216 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 2590, the second engrossment:

"ARTICLE 1

EDUCATION CODE; COMPULSORY ATTENDANCE

Section 1. Minnesota Statutes 1998, section 120A.05, is amended by adding a subdivision to read:

Subd. 3a. [CHARTER SCHOOL.] "Charter school" means a public school formed according to section 124D.10.

Sec. 2. Minnesota Statutes 1998, section 120A.22, subdivision 1, is amended to read:

Subdivision 1. [PARENTAL RESPONSIBILITY.] The parent of a child is primarily responsible for assuring that the child acquires knowledge and skills that are essential for effective citizenship and that the child is enrolled in school under section 120A.22, subdivision 4.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective for the 2000-2001 school year and later.

ARTICLE 2

CURRICULUM AND ASSESSMENT

Section 1. Minnesota Statutes 1998, section 120B.11, subdivision 2, is amended to read:

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

- (1) district goals for instruction and curriculum;
- (2) a process for evaluating each student's progress toward meeting graduation standards and identifying the strengths and weaknesses of instruction and curriculum affecting students' progress;
- (3) a system for periodically reviewing all instruction and curriculum; and
- (4) a plan for improving instruction and curriculum; ~~and~~
- ~~(5) an instruction plan that includes education effectiveness processes developed under section 122A.625 and integrates instruction, curriculum, and technology.~~

Sec. 2. Minnesota Statutes 1998, section 120B.11, subdivision 5, is amended to read:

Subd. 5. [REPORT.] (a) By October 1 of each year, the school board shall use standard statewide reporting procedures the commissioner develops and adopt a report that includes the following:

- (1) student performance goals for meeting state graduation standards adopted for that year;

- (2) results of local assessment data, and any additional test data;
- (3) the annual school district improvement plans;
- (4) information about district and learning site progress in realizing previously adopted improvement plans; and
- (5) the amount and type of revenue attributed to each education site as defined in section 123B.04, subdivision 2.

(b) The school board shall publish the report in the local newspaper with the largest circulation in the district or by mail. The board shall make a copy of the report available to the public for inspection. The board shall send a copy of the report to the commissioner of children, families, and learning by October 15 of each year.

(c) The title of the report shall contain the name and number of the school district and read "Annual Report on Curriculum, Instruction, and Student Performance." ~~The report must include at least the following information about advisory committee membership:~~

- ~~(1) the name of each committee member and the date when that member's term expires;~~
- ~~(2) the method and criteria the school board uses to select committee members; and~~
- ~~(3) the date by which a community resident must apply to next serve on the committee.~~

Sec. 3. Minnesota Statutes 1998, section 120B.22, subdivision 1, is amended to read:

Subdivision 1. [VIOLENCE PREVENTION CURRICULUM.] ~~(a)~~ The commissioner of children, families, and learning, in consultation with the commissioners of health and human services, state minority councils, battered women's programs, sexual assault centers, representatives of religious communities, and the assistant commissioner of the office of drug policy and violence prevention, shall assist districts on request in developing or implementing a violence prevention program for students in kindergarten to grade 12 that can be integrated into existing curriculum. ~~The purpose of the program is to help students learn how to resolve conflicts within their families and communities in nonviolent, effective ways:~~

~~(b) Each district is encouraged to integrate into its existing curriculum a program for violence prevention that includes at least:~~

~~(1) a comprehensive, accurate, and age appropriate curriculum on violence prevention, nonviolent conflict resolution, sexual, racial, and cultural harassment, and student hazing that promotes equality, respect, understanding, effective communication, individual responsibility, thoughtful decision making, positive conflict resolution, useful coping skills, critical thinking, listening and watching skills, and personal safety;~~

~~(2) planning materials, guidelines, and other accurate information on preventing physical and emotional violence, identifying and reducing the incidence of sexual, racial, and cultural harassment, and reducing child abuse and neglect;~~

~~(3) a special parent education component of early childhood family education programs to prevent child abuse and neglect and to promote positive parenting skills, giving priority to services and outreach programs for at-risk families;~~

~~(4) involvement of parents and other community members, including the clergy, business representatives, civic leaders, local elected officials, law enforcement officials, and the county attorney;~~

~~(5) collaboration with local community services, agencies, and organizations that assist in violence intervention or prevention, including family-based services, crisis services, life management skills services, case coordination services, mental health services, and early intervention services;~~

- ~~(6) collaboration among districts and service cooperatives;~~
- ~~(7) targeting early adolescents for prevention efforts, especially early adolescents whose personal circumstances may lead to violent or harassing behavior;~~
- ~~(8) opportunities for teachers to receive in-service training or attend other programs on strategies or curriculum designed to assist students in intervening in or preventing violence in school and at home; and~~
- ~~(9) administrative policies that reflect, and a staff that models, nonviolent behaviors that do not display or condone sexual, racial, or cultural harassment or student hazing.~~
- ~~(c) The department may provide assistance at a neutral site to a nonpublic school participating in a district's program.~~

Sec. 4. Minnesota Statutes 1998, section 120B.23, subdivision 2, is amended to read:

Subd. 2. [GRANT APPLICATION.] To be eligible to receive a grant, a school district, an education district, a service cooperative, or a group of districts that cooperate for a particular purpose must submit an application to the commissioner in the form and manner and according to the timeline established by the commissioner. The application must describe how the applicant will: (1) continue or integrate into its existing K-12 curriculum a program for violence prevention ~~that contains the program components listed in section 120B.22;~~ (2) collaborate with local organizations involved in violence prevention and intervention; and (3) structure the program to reflect the characteristics of the children, their families and the community involved in the program. The commissioner may require additional information from the applicant. When reviewing the applications, the commissioner shall determine whether the applicant has met the requirements of this subdivision.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective for the 2000-2001 school year and later.

ARTICLE 3

STUDENT RIGHTS, RESPONSIBILITIES, AND BEHAVIOR

Section 1. Minnesota Statutes 1998, section 121A.06, is amended to read:

121A.06 [REPORTS OF DANGEROUS WEAPON INCIDENTS IN SCHOOL ZONES.]

Subdivision 1. [DEFINITIONS.] As used in this section:

- (1) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;
- (2) "school" has the meaning given it in section 120A.22, subdivision 4; and
- (3) "school zone" has the meaning given it in section 152.01, subdivision 14a, clauses (1) and (3).

Subd. 2. [REPORTS; CONTENT.] ~~By January 1, 1994,~~ The commissioner, in consultation with the criminal and juvenile information policy group, shall ~~develop~~ maintain a standardized form to be used by schools to report incidents involving the use or possession of a dangerous weapon in school zones. The form shall include the following information:

- (1) a description of each incident, including a description of the dangerous weapon involved in the incident;
- (2) where, at what time, and under what circumstances the incident occurred;

(3) information about the offender, other than the offender's name, including the offender's age; whether the offender was a student and, if so, where the offender attended school; and whether the offender was under school expulsion or suspension at the time of the incident;

(4) information about the victim other than the victim's name, if any, including the victim's age; whether the victim was a student and, if so, where the victim attended school; and if the victim was not a student, whether the victim was employed at the school;

(5) the cost of the incident to the school and to the victim; and

(6) the action taken by the school administration to respond to the incident.

The commissioner also shall develop an alternative reporting format that allows school districts to provide aggregate data, with an option to use computer technology to report the data.

Subd. 3. [REPORTS; FILING REQUIREMENTS.] By ~~February 1~~ and July 1 of each year, each school shall report incidents involving the use or possession of a dangerous weapon in school zones to the commissioner. The reports must be made on the standardized forms or using the alternative format developed by the commissioner under subdivision 2. The commissioner shall compile the information it receives from the schools and report it annually to the commissioner of public safety, the criminal and juvenile information policy group, and the legislature.

Sec. 2. Minnesota Statutes 1998, section 121A.15, is amended to read:

121A.15 [HEALTH STANDARDS; IMMUNIZATIONS; SCHOOL CHILDREN.]

Subdivision 1. [IMMUNIZATION REQUIREMENT.] Except as provided in subdivisions 3, 4, and 10, no person over two months old may be allowed to enroll or remain enrolled in any elementary or secondary school or child care facility in this state until the person has submitted to the administrator ~~or other person having general control and supervision of the school or child care facility~~, one of the following statements:

(1) a statement from ~~a physician or a public clinic which provides immunizations~~ an immunization provider stating that the person has received immunization, consistent with medically acceptable standards, against measles after having attained the age of 12 months, rubella, diphtheria, tetanus, pertussis, polio, mumps, haemophilus influenza type b, and hepatitis B; or

(2) a statement from ~~a physician or a public clinic which provides immunizations~~ an immunization provider stating that the person has received immunizations, consistent with medically acceptable standards, against measles after having attained the age of 12 months, rubella, mumps, and haemophilus influenza type b and that the person has commenced a schedule of immunizations for diphtheria, tetanus, pertussis, polio, and hepatitis B and which indicates the month and year of each immunization received.

Subd. 2. [SCHEDULE OF IMMUNIZATIONS.] No person who has commenced a treatment schedule of immunization pursuant to subdivision 1, clause (2), may remain enrolled in any child care facility, elementary, or secondary school in this state after 18 months of enrollment unless there is submitted to the administrator, ~~or other person having general control and supervision of the school or child care facility~~, a statement from ~~a physician or a public clinic which provides immunizations~~ an immunization provider that the person has completed the primary schedule of immunizations for diphtheria, tetanus, pertussis, polio, and hepatitis B. The statement must include the month and year of each additional immunization received. For a child less than seven years of age, a primary schedule of immunizations shall consist of four doses of vaccine for diphtheria, tetanus, and pertussis and three doses of vaccine for poliomyelitis and hepatitis B. For a child seven years of age or older, a primary schedule of immunizations shall consist of three doses of vaccine for diphtheria, tetanus, polio, and hepatitis B as specified in subdivision 10.

Subd. 3. [EXEMPTIONS FROM IMMUNIZATIONS.] (a) If a person is at least seven years old and has not been immunized against pertussis, the person must not be required to be immunized against pertussis.

(b) If a person is at least 18 years old and has not completed a series of immunizations against poliomyelitis, the person must not be required to be immunized against poliomyelitis.

(c) If a statement, signed by a physician, is submitted to the administrator ~~or other person having general control and supervision of the school or child care facility~~ stating that an immunization is contraindicated for medical reasons or that laboratory confirmation of the presence of adequate immunity exists, the immunization specified in the statement need not be required.

(d) If a notarized statement signed by the minor child's parent or guardian or by the emancipated person is submitted to the administrator ~~or other person having general control and supervision of the school or child care facility~~ stating that the person has not been immunized as prescribed in subdivision 1 because of the conscientiously held beliefs of the parent or guardian of the minor child or of the emancipated person, the immunizations specified in the statement shall not be required. This statement must also be forwarded to the commissioner of the department of health.

(e) If the person is under 15 months, the person is not required to be immunized against measles, rubella, or mumps.

(f) If a person is at least five years old and has not been immunized against haemophilus influenza type b, the person is not required to be immunized against haemophilus influenza type b.

Subd. 4. [SUBSTITUTE IMMUNIZATION STATEMENT.] (a) A person who is enrolling or enrolled in an elementary or secondary school or child care facility may substitute a statement from the emancipated person or a parent or guardian if the person is a minor child in lieu of the statement from ~~a physician or public clinic which provides immunizations an immunization provider~~. If the statement is from a parent or guardian or emancipated person, the statement must indicate the month and year of each immunization given.

(b) In order for the statement to be acceptable for a person who is enrolling in an elementary school and who is six years of age or younger, it must indicate that the following was given: no less than one dose of vaccine each for measles, mumps, and rubella ~~given separately or in combination~~; no less than four doses of vaccine for poliomyelitis, unless the third dose was given after the fourth birthday, then three doses are minimum; no less than five doses of vaccine for diphtheria, tetanus, and pertussis, unless the fourth dose was given after the fourth birthday, then four doses are minimum; and no less than three doses of vaccine for hepatitis B as specified in subdivision 10.

(c) In order for the statement to be consistent with subdivision 10 and acceptable for a person who is enrolling in an elementary or secondary school and is age seven through age 19, the statement must indicate that the person has received no less than one dose of vaccine each for measles, mumps, and rubella ~~given separately or in combination~~, and no less than three doses of vaccine for poliomyelitis, diphtheria, tetanus, and hepatitis B.

(d) In order for the statement to be acceptable for a person who is enrolling in a secondary school, and who was born after 1956 and is 20 years of age or older, the statement must indicate that the person has received no less than one dose of vaccine each for measles, mumps, and rubella ~~given separately or in combination~~, and no less than one dose of vaccine for diphtheria and tetanus within the preceding ten years.

(e) In order for the statement to be acceptable for a person who is enrolling in a child care facility and who is at least 15 months old but who has not reached five years of age, it must indicate that the following were given: no less than one dose of vaccine each for measles, mumps, and rubella ~~given separately or in combination~~; no less than one dose of vaccine for haemophilus influenza type b; no less than four doses of vaccine for diphtheria, tetanus, and pertussis; and no less than three doses of vaccine for poliomyelitis.

(f) In order for the statement to be acceptable for a person who is enrolling in a child care facility and who is five or six years of age, it must indicate that the following was given: no less than one dose of vaccine each for measles, mumps, and rubella ~~given separately or in combination~~; no less than four doses of vaccine for diphtheria, tetanus, and pertussis; and no less than three doses of vaccine for poliomyelitis.

(g) In order for the statement to be acceptable for a person who is enrolling in a child care facility and who is seven years of age or older, the statement must indicate that the person has received no less than one dose of vaccine each for measles, mumps, and rubella ~~given separately or in combination~~ and consistent with subdivision 10, and no less than three doses of vaccine for poliomyelitis, diphtheria, and tetanus.

(h) The commissioner of health, on finding that any of the above requirements are not necessary to protect the public's health, may suspend for one year that requirement.

Subd. 5. [TRANSFER OF IMMUNIZATION STATEMENTS.] If a person transfers from one elementary or secondary school to another, the school board of a public school district or the administrator of a nonpublic school may allow the person up to a maximum of 30 days to submit one or more of the statements as specified in subdivision 1 or 3, during which time the person may enroll in and attend the school. If a person enrolls in a child care facility in which at least 75 percent of children in the facility participate on a one-time only or occasional basis to a maximum of 45 hours per child, per month, or is placed in a facility by a crisis nursery, the person shall be exempt from all requirements of this section for up to five consecutive days, starting from the first day of attendance.

Subd. 6. [SUSPENSION OF IMMUNIZATION REQUIREMENT.] The commissioner of health, on finding that an immunization required pursuant to this section is not necessary to protect the public's health, may suspend for one year the requirement that children receive that immunization.

Subd. 7. [FILE ON IMMUNIZATION RECORDS.] Each school or child care facility shall maintain on file immunization records for all persons in attendance that contain the information required by subdivisions 1, 2, and 3. The school shall maintain the records for at least five years after the person attains the age of majority. The department of health and the board of health, as defined in section 145A.02, subdivision 2, in whose jurisdiction the school or child care facility is located, shall have access to the files maintained pursuant to this subdivision. When a person transfers to another elementary or secondary school or child care facility, the administrator ~~or other person having general control and supervision of the school or child care facility~~ shall assist the person's parent or guardian in the transfer of the immunization file to the person's new school or child care facility within 30 days of the transfer. Upon the request of a public or private post-secondary educational institution, as defined in section 135A.14, the administrator ~~or other person having general control or supervision of a school~~ shall assist in the transfer of a student's immunization file to the post-secondary institution.

Subd. 8. [REPORT.] The administrator ~~or other person having general control and supervision of the elementary or secondary school~~ shall file a report with the commissioner on all persons enrolled in the school. The superintendent of each district shall file a report with the commissioner for all persons within the district receiving instruction in a home school in compliance with sections 120A.22 and 120A.24. The parent of persons receiving instruction in a home school shall submit the statements as required by subdivisions 1, 2, 3, and 4 to the superintendent of the district in which the person resides by October 1 of each school year. The school report must be prepared on forms developed jointly by the commissioner of health and the commissioner of children, families, and learning and be distributed to the local districts by the commissioner of health. The school report must state the number of persons attending the school, the number of persons who have not been immunized according to subdivision 1 or 2, and the number of persons who received an exemption under subdivision 3, clause (c) or (d). The school report must be filed with the commissioner of children, families, and learning within 60 days of the commencement of each new school term. Upon request, a district must be given a 60-day extension for filing the school report. The commissioner of children, families, and learning shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The administrator ~~or other person having general control and supervision of the child care facility~~ shall file a report with the commissioner of human services on all persons enrolled in the child care facility. The child care facility report must be prepared on forms developed jointly by the commissioner of health and the

commissioner of human services and be distributed to child care facilities by the commissioner of health. The child care facility report must state the number of persons enrolled in the facility, the number of persons with no immunizations, the number of persons who received an exemption under subdivision 3, clause (c) or (d), and the number of persons with partial or full immunization histories. The child care facility report must be filed with the commissioner of human services by November 1 of each year. The commissioner of human services shall forward the report, or a copy thereof, to the commissioner of health who shall provide summary reports to boards of health as defined in section 145A.02, subdivision 2. The report required by this subdivision is not required of a family child care or group family child care facility, for prekindergarten children enrolled in any elementary or secondary school provided services according to sections 125A.05 and 125A.06, nor for child care facilities in which at least 75 percent of children in the facility participate on a one-time only or occasional basis to a maximum of 45 hours per child, per month.

Subd. 9. [DEFINITIONS.] As used in this section the following terms have the meanings given them.

(a) "Elementary or secondary school" includes any public school as defined in section 120A.05, subdivisions 9, 11, 13, and 17, or nonpublic school, church, or religious organization, or home school in which a child is provided instruction in compliance with sections 120A.22 and 120A.24.

(b) "Person enrolled in any elementary or secondary school" means a person born after 1956 and enrolled in grades kindergarten through 12, and a child with a disability receiving special instruction and services as required in ~~sections section 125A.03 to 125A.24 and 125A.65~~, excluding a child being provided services according to section 125A.05, paragraph (c), or 125A.06, paragraph (d) (a), clause (3) or (7).

(c) "Child care facility" includes those child care programs subject to licensure under chapter 245A, and Minnesota Rules, chapters 9502 and 9503.

(d) "Family child care" means child care for no more than ten children at one time of which no more than six are under school age. The licensed capacity must include all children of any caregiver when the children are present in the residence.

(e) "Group family child care" means child care for no more than 14 children at any one time. The total number of children includes all children of any caregiver when the children are present in the residence.

(f) "Administrator" means any individual having general control and supervision of a school or child care facility.

(g) "Immunization provider" means any physician, health care provider, or public clinic that provides immunizations.

Subd. 10. [REQUIREMENTS FOR IMMUNIZATION STATEMENTS.] A statement required to be submitted under subdivisions 1, 2, and 4 to document evidence of immunization shall include month, day, and year for immunizations administered after January 1, 1990.

~~(a) For persons enrolled in grades 7 and 12 during the 1996-1997 school term, the statement must indicate that the person has received a dose of tetanus and diphtheria toxoid no earlier than 11 years of age.~~

~~(b) Except as specified in paragraph (c), for persons enrolled in grades 7, 8, and 12 during the 1997-1998 school term, the statement must indicate that the person has received a dose of tetanus and diphtheria toxoid no earlier than 11 years of age.~~

~~(c)~~ Except as specified in paragraph ~~(c)~~ (c), for persons enrolled in grades 7 through 12 during the 1998-1999 school term and for each year thereafter, the statement must indicate that the person has received a dose of tetanus and diphtheria toxoid no earlier than 11 years of age.

~~(d)~~ (b) For persons enrolled in grades 7 through 12 during the 1996-1997 school year and for each year thereafter, the statement must indicate that the person has received at least two doses of vaccine against measles, mumps, and rubella, ~~given alone or separately~~ and given not less than one month apart.

~~(e)~~ (c) A person who has received at least three doses of tetanus and diphtheria toxoids, with the most recent dose given after age six and before age 11, is not required to have additional immunization against diphtheria and tetanus until ten years have elapsed from the person's most recent dose of tetanus and diphtheria toxoid.

~~(f)~~ (d) The requirement for hepatitis B vaccination shall apply to persons enrolling in kindergarten beginning with the 2000-2001 school term.

~~(g)~~ (e) The requirement for hepatitis B vaccination shall apply to persons enrolling in grade 7 beginning with the 2001-2002 school term.

Subd. 11. [COMMISSIONER OF HUMAN SERVICES; CONTINUED RESPONSIBILITIES.] Nothing in this section relieves the commissioner of human services of the responsibility, under chapter 245A, to inspect and assure that statements required by this section are on file at child care programs subject to licensure.

Sec. 3. Minnesota Statutes 1998, section 121A.34, is amended to read:

121A.34 [SCHOOL SAFETY PATROLS.]

Subdivision 1. [ESTABLISHMENT.] ~~In the exercise of authorized control and supervision over pupils attending schools and other educational institutions, both public and private, The governing board or other directing authority of any such school or institution is empowered to authorize the organization under section 120A.22, subdivision 4, except a home school, may organize and supervision of supervise school safety patrols for the purpose of influencing to influence and encouraging encourage other pupils to refrain from crossing public highways at points other than regular crossings and for the purpose of directing to direct pupils when and where to cross highways.~~

Subd. 2. [APPOINTMENT OF MEMBERS.] ~~Unless the parents or guardian of a pupil object in writing to the school authorities to the appointment of the pupil on a school safety patrol, it is lawful for any A pupil over nine years of age to old may be appointed and designated as a member of to the patrol in any school in which. If there are no pupils who have attained such age at least nine years old, then any pupil in the highest grade therein may be so appointed and designated. The pupil's parent or guardian may refuse the appointment in writing to school authorities.~~ School authorities may also appoint and designate nonpupil adults as members of a school safety patrol on a voluntary or for-hire basis.

Subd. 3. [LIABILITY NOT TO ATTACH.] ~~No liability shall attach either to the A school, educational institution, governing board, directing authority, or any individual director, board member, superintendent, principal, teacher, or other school authority by virtue of the organization, maintenance, or operation of such a school safety patrol shall not be liable because of injuries sustained by any pupil, whether a member of the patrol or otherwise by reason of due to the operation and maintenance of the patrol.~~

Subd. 4. [IDENTIFY, OPERATION.] Identification and operation of school safety patrols shall be uniform throughout the state and the method of identification and signals to be used shall be as prescribed by the commissioner of public safety. School safety patrol members may wear fluorescent reflective vests.

Sec. 4. Minnesota Statutes 1998, section 121A.55, is amended to read:

121A.55 [POLICIES TO BE ESTABLISHED.]

(a) The commissioner of children, families, and learning shall promulgate guidelines to assist each school board. Each school board shall establish uniform criteria for dismissal and adopt written policies and rules to effectuate the purposes of sections 121A.40 to 121A.56. The policies shall emphasize preventing dismissals through early

detection of problems and shall be designed to address students' inappropriate behavior from recurring. The policies shall recognize the continuing responsibility of the school for the education of the pupil during the dismissal period. The alternative educational services, if the pupil wishes to take advantage of them, must be adequate to allow the pupil to make progress towards meeting the graduation standards adopted under section 120B.02 and help prepare the pupil for readmission.

(b) An area learning center under section 123A.05 may not prohibit an expelled or excluded pupil from enrolling solely because a district expelled or excluded the pupil. The board of the area learning center may use the provisions of the Pupil Fair Dismissal Act to exclude a pupil or to require an admission plan.

~~(c) The commissioner shall actively encourage and assist school districts to cooperatively establish alternative educational services within school buildings or at alternative program sites that offer instruction to pupils who are dismissed from school for willfully engaging in dangerous, disruptive, or violent behavior, including for possessing a firearm in a school zone.~~

Sec. 5. Minnesota Statutes 1998, section 121A.69, subdivision 3, is amended to read:

Subd. 3. [SCHOOL BOARD POLICY.] Each school board shall adopt a written policy governing student or staff hazing. The policy must apply to student behavior that occurs on or off school property and during and after school hours. ~~The policy must include reporting procedures and disciplinary consequences for violating the policy. Disciplinary consequences must be sufficiently severe to deter violations and appropriately discipline prohibited behavior.~~ Disciplinary consequences must conform with sections 121A.41 to 121A.56. Each school must include the policy in the student handbook on school policies.

Sec. 6. [REPEALER.]

Minnesota Statutes 1998, sections 121A.03, subdivision 3; 121A.16; and 121A.70, are repealed.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 to 6 are effective for the 2000-2001 school year and later.

ARTICLE 4

TEACHERS AND OTHER EDUCATORS

Section 1. Minnesota Statutes 1998, section 122A.09, subdivision 6, is amended to read:

Subd. 6. [REGISTER OF PERSONS LICENSED.] The executive secretary of the board of teaching shall keep a record of the proceedings of and a register of all persons licensed pursuant to the provisions of this chapter. ~~The register must show the name, address, license number and the renewal of the license. The board must on July 1, of each year or as soon thereafter as is practicable, compile a list of such duly licensed teachers and transmit a copy of the list to the board.~~ A copy of the register must be available during business hours at the office of the board to any interested person.

Sec. 2. Minnesota Statutes 1998, section 122A.15, is amended to read:

122A.15 [TEACHERS, SUPERVISORY AND SUPPORT PERSONNEL, DEFINITIONS, LICENSURE.]

Subdivision 1. [TEACHERS.] The term "teachers" for the purpose of licensure, means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and ~~speech therapists~~ educational speech-language pathologists.

Subd. 2. [SUPERVISORY PERSONNEL.] "Supervisory personnel" for the purpose of licensure means superintendents, principals, and professional employees who devote 50 percent or more of their time to administrative or supervisory duties over other personnel; ~~and includes athletic coaches.~~

Sec. 3. Minnesota Statutes 1998, section 122A.162, is amended to read:

122A.162 [LICENSURE RULES.]

The commissioner may not make, amend, or repeal rules relating to licensure of school personnel not licensed by the board of teaching unless specifically authorized to do so by enacted law.

Sec. 4. Minnesota Statutes 1998, section 122A.22, is amended to read:

122A.22 [DISTRICT RECORDING OF TEACHER LICENSES.]

No person shall be accounted a qualified teacher until the person has filed either a teaching license for record or a certified copy of a teaching license with the district superintendent where the person intends to teach ~~a license, or certified copy of a license, authorizing the person to teach school in the district school system.~~

Sec. 5. Minnesota Statutes 1999 Supplement, section 122A.40, subdivision 5, is amended to read:

Subd. 5. [PROBATIONARY PERIOD.] (a) The first three consecutive years of a teacher's first teaching experience in Minnesota in a single district is deemed to be a probationary period of employment, and after completion thereof, the probationary period in each district in which the teacher is thereafter employed shall be one year. The school board must adopt a plan for written evaluation of teachers during the probationary period. Evaluation must occur at least three times each year for a teacher performing services on 120 or more school days, at least two times each year for a teacher performing services on 60 to 119 school days, and at least one time each year for a teacher performing services on fewer than 60 school days. Days devoted to parent-teacher conferences, teachers' workshops, and other staff development opportunities and days on which a teacher is absent from school must not be included in determining the number of school days on which a teacher performs services. Except as otherwise provided in paragraph (b), during the probationary period any annual contract with any teacher may or may not be renewed as the school board shall see fit. ~~However,~~ The board must give any such probationary teacher whose contract it declines to renew for the following school year written notice to that effect before July 1. If the teacher requests reasons for any nonrenewal of a teaching contract, the board must give the teacher its reason in writing, including a statement that appropriate supervision was furnished describing the nature and the extent of such supervision furnished the teacher during the employment by the board, within ten days after receiving such request. The school board may, after a hearing held upon due notice, discharge a teacher during the probationary period for cause, effective immediately, under section 122A.44.

(b) A board must discharge a probationary teacher, effective immediately, upon receipt of notice under section 122A.20, subdivision 1, paragraph (b), that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse.

Sec. 6. Minnesota Statutes 1998, section 122A.40, subdivision 8, is amended to read:

Subd. 8. [PEER REVIEW FOR ~~CONTINUING CONTRACT~~ TEACHERS.] A school board and an exclusive representative of the teachers in the district shall develop a peer review process for continuing contract teachers and probationary teachers through joint agreement.

Sec. 7. Minnesota Statutes 1998, section 122A.41, subdivision 5, is amended to read:

Subd. 5. [PEER REVIEW FOR ~~CONTINUING CONTRACT~~ TEACHERS.] A school board and an exclusive representative of the teachers in the district must develop a peer review process for nonprobationary and probationary teachers through joint agreement.

Sec. 8. Minnesota Statutes 1999 Supplement, section 122A.58, subdivision 1, is amended to read:

Subdivision 1. [TERMINATION; HEARING.] Before a district terminates during the interscholastic sport season the coaching duties of an employee who is ~~required to hold a license as an athletic coach from the commissioner of children, families, and learning~~ the head varsity coach of the interscholastic sport at the secondary school level, the district must notify the employee in writing and state its reason for the proposed termination. Within 14 days of receiving this notification, the employee may request in writing a hearing on the termination before the commissioner. If a hearing is requested, the commissioner must hold a hearing within 25 days according to the hearing procedures specified in section 122A.40, subdivision 14, and the termination is final upon the order of the commissioner after the hearing.

Sec. 9. Minnesota Statutes 1999 Supplement, section 122A.60, subdivision 1, is amended to read:

Subdivision 1. [STAFF DEVELOPMENT COMMITTEE.] A school board must use the revenue authorized in section 122A.61 for in-service education for programs under section 120B.22, ~~subdivision 2~~, or for staff development plans under this section. The board must establish an advisory staff development committee to develop the plan, assist site professional development teams in developing a site plan consistent with the goals of the plan, and evaluate staff development efforts at the site level. A majority of the advisory committee and the site professional development team must be teachers representing various grade levels, subject areas, and special education. The advisory committee must also include nonteaching staff, parents, and administrators. Districts must report staff development results and expenditures to the commissioner in the form and manner determined by the commissioner. The expenditure report must include expenditures by the board for district level activities and expenditures made by the staff. The report must provide a breakdown of expenditures for (1) curriculum development and programs, (2) in-service education, workshops, and conferences, and (3) the cost of teachers or substitute teachers for staff development purposes. Within each of these categories, the report must also indicate whether the expenditures were incurred at the district level or the school site level, and whether the school site expenditures were made possible by the grants to school sites that demonstrate exemplary use of allocated staff development revenue. These expenditures are to be reported using the UFARS system. The commissioner shall report the staff development expenditure data to the education committees of the legislature by February 15 each year.

Sec. 10. Minnesota Statutes 1998, section 122A.68, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] A school district with a teaching residency plan approved by the board of teaching may hire graduates of approved Minnesota teacher preparation programs as teaching residents. A district shall employ each resident for one school year. The district and the resident may agree to extend the residency for one additional school year. A school may employ no more than one teaching resident for every eight full-time equivalent licensed teachers. ~~No more than 600 eligible teachers may be employed as teacher residents in any one school year.~~

Sec. 11. Minnesota Statutes 1998, section 122A.68, subdivision 7, is amended to read:

Subd. 7. [RECOMMENDATION FOR LICENSURE REQUIREMENTS.] The board of teaching must ~~develop~~ maintain for teachers of students in prekindergarten through grade 12, model teaching residency outcomes and assessments, and mentoring programs.

Sec. 12. Minnesota Statutes 1998, section 122A.69, is amended to read:

122A.69 [~~PRACTICE OR~~ STUDENT TEACHERS.]

The board may, by agreements with teacher preparing institutions, arrange for classroom experience in the district for ~~practice or~~ student teachers who have completed not less than two years of an approved teacher education program. ~~Such practice~~ Student teachers must be provided with appropriate supervision by a fully qualified teacher under rules promulgated by the board. ~~Practice~~ Student teachers are deemed employees of the school district in

which they are rendering services for purposes of workers' compensation; liability insurance, if provided for other district employees in accordance with section 123B.23; and legal counsel in accordance with the provisions of section 123B.25.

Sec. 13. Minnesota Statutes 1998, section 122A.70, subdivision 2, is amended to read:

Subd. 2. [APPLICATIONS.] The board of teaching must make application forms available to sites interested in developing or expanding a mentorship program. A school district, a group of school districts, or a coalition of districts, teachers and teacher education institutions may apply for a teacher mentorship program grant. The board of teaching, ~~in consultation with the teacher mentoring task force,~~ must approve or disapprove the applications. To the extent possible, the approved applications must reflect effective mentoring components, include a variety of coalitions and be geographically distributed throughout the state. The board of teaching must encourage the selected sites to consider the use of its assessment procedures.

Sec. 14. Minnesota Statutes 1998, section 122A.91, is amended to read:

122A.91 [DESIGNATED STATE OFFICIAL.]

For the purposes of the agreement set forth in section 122A.90, the designated state official for this state is the ~~commissioner of children, families, and learning~~ executive secretary of the board of teaching.

Sec. 15. Minnesota Statutes 1998, section 122A.92, is amended to read:

122A.92 [RECORD OF CONTRACTS.]

Two copies of all contracts made on behalf of this state pursuant to the agreement set forth in section 122A.90 must be kept on file in the office of the ~~commissioner of children, families, and learning~~ board of teaching.

Sec. 16. [REVISOR INSTRUCTION.]

In the next and subsequent editions of Minnesota Statutes and Minnesota Rules, the revisor of statutes shall renumber Minnesota Statutes, section 122A.61, subdivision 2, as Minnesota Statutes, section 124D.311. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

Sec. 17. [REPEALER.]

Minnesota Statutes 1998, sections 122A.163; 122A.19, subdivision 2; 122A.32; 122A.40, subdivision 6; 122A.41, subdivision 3; 122A.49, subdivisions 1, 2, and 4; 122A.52; 122A.53; 122A.71; 122A.72, subdivisions 1, 2, 3, and 5; and 122A.75; and Minnesota Statutes 1999 Supplement, section 122A.72, subdivision 4, are repealed.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 17 are effective for the 2000-2001 school year and later.

ARTICLE 5

SCHOOL DISTRICTS; FORMS FOR ORGANIZING

Section 1. Minnesota Statutes 1999 Supplement, section 123A.06, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM FOCUS.] ~~(a) The programs and services of a center must focus on academic and learning skills, applied learning opportunities, trade and vocational skills, work-based learning opportunities, work experience, youth service to the community, transition services, and English language and literacy programs for children whose primary language is a language other than English. Applied learning, work-based learning, and~~

service learning may best be developed in collaboration with a local education and transitions partnership, culturally based organizations, mutual assistance associations, or other community resources. In addition to offering programs, the center shall coordinate the use of other available educational services, special education services, social services, health services, and post-secondary institutions in the community and services area.

(b) Consistent with the requirements of sections 121A.40 to 121A.56, a school district may provide an alternative education program for a student who is within the compulsory attendance age under section 120A.20, and who is involved in severe or repeated disciplinary action.

Sec. 2. [REPEALER.]

(a) Minnesota Statutes 1998, sections 123A.15, subdivision 1; 123A.35; 123A.36, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, and 11; 123A.37; 123A.38; 123A.39, subdivisions 1, 2, and 4; 123A.40; 123A.41, subdivision 1; and 123A.43; and Minnesota Statutes 1999 Supplement, section 123A.36, subdivisions 1 and 2, are repealed.

(b) Minnesota Statutes 1998, section 123A.41, subdivision 4, is repealed.

Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2, paragraph (a), are effective for the 2000-2001 school year and later. Section 2, paragraph (b), is effective July 1, 2002.

ARTICLE 6

SCHOOL DISTRICT POWERS AND DUTIES

Section 1. Minnesota Statutes 1998, section 123B.02, subdivision 1, is amended to read:

Subdivision 1. [BOARD AUTHORITY.] The board must have the general charge of the business of the district, the school houses, and of the interests of the schools thereof. The board's authority to govern and manage the district, to carry out its duties and responsibilities, and to conduct the business of the district includes implied powers in addition to any specific powers granted by the legislature.

Sec. 2. Minnesota Statutes 1998, section 123B.04, subdivision 2, is amended to read:

Subd. 2. [AGREEMENT.] (a) Either the school board or the ~~school~~ site decision-making team may request that the school board enter into an agreement with a ~~school~~ site decision-making team concerning the governance, management, or control of the school. A school site decision-making team may include ~~the school principal;~~ teachers in the school or their designee, other employees in the school, parents of pupils in the school, representatives of pupils in the school, or other members in the community. ~~The school site decision-making team shall include the school principal or other person having general control and supervision of the school. A principal employed at a school must be a member of the site decision-making team. A school district must provide notice to parents about site decision-making teams and inform parents about how to be involved with the site decision-making team.~~ The site decision-making team must reflect the diversity of the student body of the education site. No more than one-half of the members shall be employees of the district.

(b) School site decision-making agreements must delegate powers, duties, and broad management responsibilities to site teams and involve staff members, students as appropriate, and parents in decision making.

(c) An agreement shall include a statement of powers, duties, responsibilities, and authority to be delegated to and within the site.

(d) An agreement may include:

(1) an achievement contract according to subdivision 4;

(2) a mechanism to allow principals, or other persons having general control and supervision of the school, to make decisions regarding how financial and personnel resources are best allocated at the site and from whom goods or services are purchased;

(3) a mechanism to implement parental involvement programs under section 124D.895 and to provide for effective parental communication and feedback on this involvement at the site level;

(4) a provision that would allow the team to determine who is hired into licensed and nonlicensed positions;

(5) a provision that would allow teachers to choose the principal or other person having general control;

(6) an amount of revenue allocated to the site under subdivision 3; and

(7) any other powers and duties determined appropriate by the board.

The school board of the district remains the legal employer under clauses (4) and (5).

(e) Any powers or duties not delegated to the school site management team in the school site management agreement shall remain with the school board.

~~(f) Approved agreements shall be filed with the commissioner. If a school board denies a request to enter into a school site management agreement, it shall provide a copy of the request and the reasons for its denial to the commissioner.~~

Sec. 3. Minnesota Statutes 1998, section 123B.04, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER'S ROLE.] The commissioner of children, families, and learning, in consultation with appropriate educational organizations, shall:

~~(1)~~ upon request, provide technical support for districts and sites with agreements under this section;

~~(2)~~ conduct and compile research on the effectiveness of site decision making; and

~~(3)~~ periodically report on and evaluate the effectiveness of site management agreements on a statewide basis.

Sec. 4. Minnesota Statutes 1998, section 123B.143, subdivision 1, is amended to read:

Subdivision 1. [CONTRACT; DUTIES.] All districts maintaining a classified secondary school must employ a superintendent who shall be an ex officio nonvoting member of the school board. The authority for selection and employment of a superintendent must be vested in the board in all cases. An individual employed by a board as a superintendent shall have an initial employment contract for a period of time no longer than three years from the date of employment. Any subsequent employment contract must not exceed a period of three years. A board, at its discretion, may or may not renew an employment contract. A board must not, by action or inaction, extend the duration of an existing employment contract. Beginning 365 days prior to the expiration date of an existing employment contract, a board may negotiate and enter into a subsequent employment contract to take effect upon the expiration of the existing contract. A subsequent contract must be contingent upon the employee completing the terms of an existing contract. If a contract between a board and a superintendent is terminated prior to the date specified in the contract, the board may not enter into another superintendent contract with that same individual that has a term that extends beyond the date specified in the terminated contract. A board may terminate a superintendent during the term of an employment contract for any of the grounds specified in section 122A.40,

subdivision 9 or 13. A superintendent shall not rely upon an employment contract with a board to assert any other continuing contract rights in the position of superintendent under section 122A.40. Notwithstanding the provisions of sections 122A.40, subdivision 10 or 11, 123A.32, 123A.75, or any other law to the contrary, no individual shall have a right to employment as a superintendent based on order of employment in any district. If two or more districts enter into an agreement for the purchase or sharing of the services of a superintendent, the contracting districts have the absolute right to select one of the individuals employed to serve as superintendent in one of the contracting districts and no individual has a right to employment as the superintendent to provide all or part of the services based on order of employment in a contracting district. The superintendent of a district shall ~~perform the following~~:

(1) ~~visit and supervise the schools in the district, report and make recommendations about their condition when advisable or on request by the board;~~

(2) ~~recommend to the board employment and dismissal of teachers;~~

(3) ~~superintend school grading practices and examinations for promotions;~~

(4) ~~make reports required by the commissioner;~~

(5) (2) by January 10, submit an annual report to the commissioner in a manner prescribed by the commissioner, in consultation with school districts, identifying the ~~expenditures that the district requires to ensure an 80 percent and a 90 percent student passage rate on the basic standards test taken in the eighth highest student passage rate the district expects to attain on the reading, math, and writing basic skills tests by the 12th grade~~, identifying the amount of expenditures that the district requires to ~~ensure a 99 percent attain the targeted~~ student passage rate ~~on the basic standards test by 12th grade~~, and how much the district is cross-subsidizing programs with special education, ~~compensatory basic skills~~, and general education revenue; and

(6) (3) ~~perform other~~ duties prescribed by the board.

Sec. 5. Minnesota Statutes 1998, section 123B.147, as amended by Laws 1998, chapter 398, article 5, section 55, is amended to read:

123B.147 [PRINCIPALS.]

Subdivision 1. [PRINCIPAL MAY SUPERVISE SCHOOL BUILDING.] Each public school building, as defined by section 120A.05, subdivisions 9, 11, and 13, in an independent district may be under the supervision of a principal who is assigned to that responsibility by the board of education in that district upon the recommendation of the superintendent of schools of that district. If pupils in kindergarten through grade 12 attend school in one building, one principal, who holds either an elementary or a secondary principal's license, may supervise the building.

Subd. 2. [VALID PRINCIPAL LICENSE REQUIRED.] Each principal ~~assigned the responsibility~~ responsible for the supervision of supervising a school building shall hold a valid license in the assigned position of supervision and administration as established by the rules of the commissioner of children, families, and learning.

Subd. 3. [PRINCIPALS' DUTIES.] The principal shall ~~provide administrative, supervisory, and instructional leadership services, under the supervision of the superintendent of schools of the district and in accordance with the policies, rules, and regulations of the board of education, for the planning, management, operation, and evaluation of the education program of the building or buildings to which the principal is assigned~~ perform administrative and supervisory duties as determined by the school district.

Sec. 6. Minnesota Statutes 1999 Supplement, section 123B.36, subdivision 1, is amended to read:

Subdivision 1. [SCHOOL BOARDS MAY REQUIRE FEES.] (a) For purposes of this subdivision, "home school" means a home school as defined in sections 120A.22 and 120A.24 with five or fewer students receiving instruction.

(b) A school board is authorized to require payment of fees in the following areas:

(1) in any program where the resultant product, in excess of minimum requirements and at the pupil's option, becomes the personal property of the pupil;

(2) admission fees or charges for extra curricular activities, where attendance is optional and where the admission fees or charges a student must pay to attend or participate in an extracurricular activity is the same for all students, regardless of whether the student is enrolled in a public or a home school;

(3) a security deposit for the return of materials, supplies, or equipment;

(4) personal physical education and athletic equipment and apparel, although any pupil may personally provide it if it meets reasonable requirements and standards relating to health and safety established by the board;

(5) items of personal use or products that a student has an option to purchase such as student publications, class rings, annuals, and graduation announcements;

(6) fees specifically permitted by any other statute, including but not limited to section 171.05, subdivision 2; provided (i) driver education fees do not exceed the actual cost to the school and school district of providing driver education, and (ii) the driver education courses are open to enrollment to persons between the ages of 15 and 18 who reside or attend school in the school district;

(7) field trips considered supplementary to a district educational program;

(8) any authorized voluntary student health and accident benefit plan;

(9) for the use of musical instruments owned or rented by the district, a reasonable rental fee not to exceed either the rental cost to the district or the annual depreciation plus the actual annual maintenance cost for each instrument;

(10) transportation of pupils to and from extra curricular activities conducted at locations other than school, where attendance is optional;

(11) transportation of pupils to and from school for which aid for fiscal year 1996 is not authorized under Minnesota Statutes 1994, section 124.223, subdivision 1, and for which levy for fiscal year 1996 is not authorized under Minnesota Statutes 1994, section 124.226, subdivision 5, if a district charging fees for transportation of pupils establishes guidelines for that transportation to ensure that no pupil is denied transportation solely because of inability to pay;

(12) motorcycle classroom education courses conducted outside of regular school hours; provided the charge must not exceed the actual cost of these courses to the school district;

(13) transportation to and from post-secondary institutions for pupils enrolled under the post-secondary enrollment options program under section 123B.88, subdivision 22. Fees collected for this service must be reasonable and must be used to reduce the cost of operating the route. Families who qualify for mileage reimbursement under section 124D.09, subdivision 22, may use their state mileage reimbursement to pay this fee. If no fee is charged, districts must allocate costs based on the number of pupils riding the route; and

(14) admission fees or charges to a part-time student over age 21 attending a secondary school class or program other than a student participating in the graduation incentives program under section 124D.68 or a student receiving instruction under section 125A.03.

Sec. 7. Minnesota Statutes 1999 Supplement, section 123B.43, is amended to read:

123B.43 [USE OF INDIVIDUALIZED INSTRUCTIONAL MATERIALS.]

(a) The commissioner shall assure that textbooks and individualized instructional materials loaned to nonpublic school pupils are secular, neutral, nonideological and that they are incapable of diversion for religious use.

(b) Textbooks and individualized instructional materials must not be used in religious courses, devotional exercises, religious training or any other religious activity.

(c) Textbooks and individualized instructional materials must be loaned only to individual pupils upon the request of a parent or guardian or the pupil on a form designated for this use by the commissioner. The request forms shall provide for verification by the parent or guardian or pupil that the requested textbooks and individualized instructional materials are for the use of the individual pupil in connection with a program of instruction in the pupil's elementary or secondary school.

~~(d) The servicing school district or the intermediary service area must take adequate measures to ensure an accurate and periodic inventory of all textbooks and individualized instructional materials loaned to elementary and secondary school pupils attending nonpublic schools. The commissioner of children, families, and learning shall promulgate rules under the provisions of chapter 14 to terminate the eligibility of any nonpublic school pupil if the commissioner determines, after notice and opportunity for hearing, that the textbooks or individualized instructional materials have been used in a manner contrary to the provisions of section 123B.41, subdivision 5, 123B.42, or this section or any rules promulgated by the commissioner of children, families, and learning.~~

(e) Nothing contained in section 123B.41, subdivision 5, 123B.42, or this section shall be construed to authorize the making of any payments to a nonpublic school or its faculty, staff or administrators for religious worship or instruction or for any other purpose.

Sec. 8. Minnesota Statutes 1998, section 123B.49, subdivision 1, is amended to read:

Subdivision 1. [ACTIVITIES OUTSIDE DISTRICT LIMITS.] ~~Whenever it appears to be beneficial and for the best interest of the district and the pupils of the district to carry on any school sport activities or educational activities connected with their studies outside of the territorial limits of the district,~~ The board may authorize such school sport or educational activities to be conducted outside of the territorial limits of the district under such rules and regulations as the board deems sufficient. The district may pay all necessary costs ~~therefor~~, including transportation, from the district funds available.

Sec. 9. Minnesota Statutes 1999 Supplement, section 123B.49, subdivision 4, is amended to read:

Subd. 4. [BOARD ~~CONTROL~~ AUTHORIZATION OF EXTRACURRICULAR ACTIVITIES.] (a) The board may ~~take charge of and control~~ authorize all extracurricular activities of the teachers and children of the public schools in the district. Extracurricular activities means all direct and personal services for pupils for their enjoyment that are managed and operated under the guidance of an adult or staff member. The board shall allow all resident pupils receiving instruction in a home school as defined in section 123B.36, subdivision 1, paragraph (a), to be eligible to fully participate in extracurricular activities on the same basis as public school students.

(b) Extracurricular activities have all of the following characteristics:

(1) they are not offered for school credit nor required for graduation;

(2) they are generally conducted outside school hours, or if partly during school hours, at times agreed by the participants, and approved by school authorities;

(3) the content of the activities is determined primarily by the pupil participants under the guidance of a staff member or other adult.

(c) If the board does not ~~take charge of and control~~ authorize extracurricular activities, these activities shall be self-sustaining with all expenses, except direct salary costs and indirect costs of the use of school facilities, met by dues, admissions, or other student fundraising events. The general fund must reflect only those salaries directly related to and readily identified with the activity and paid by public funds. Other revenues and expenditures for extra curricular activities must be recorded according to the "Manual of Instruction for Uniform Student Activities Accounting for Minnesota School Districts and Area Vocational-Technical Colleges." Extracurricular activities not under board control must have an annual financial audit and must also be audited annually for compliance with this section.

(d) If the board ~~takes charge of and controls~~ authorizes extracurricular activities, any or all costs of these activities may be provided from school revenues and all revenues and expenditures for these activities shall be recorded in the same manner as other revenues and expenditures of the district.

(e) If the board ~~takes charge of and controls~~ authorizes extracurricular activities, the teachers or pupils in the district must not participate in such activity, nor shall the school name or any allied name be used in connection therewith, except by consent and direction of the board.

Sec. 10. Minnesota Statutes 1998, section 123B.51, subdivision 1, is amended to read:

Subdivision 1. [SITES.] According to section 126C.40, subdivision 1, or 465.71, when funds are available, the board may locate and acquire necessary sites of ~~schoolhouses~~ schools or enlargements, or additions to existing ~~schoolhouse~~ sites by lease, purchase or condemnation under the right of eminent domain; it may erect ~~schoolhouses~~ schools on the sites; it may erect or purchase garages for district-owned school buses. When property is taken by eminent domain by authority of this subdivision when needed by the district for such purposes, the fact that the property has been acquired by the owner under the power of eminent domain or is already devoted to public use, shall not prevent its acquisition by the district. The board may sell or exchange ~~schoolhouses~~ schools or sites, and execute deeds of conveyance thereof.

Sec. 11. Minnesota Statutes 1998, section 123B.51, subdivision 5, is amended to read:

Subd. 5. [~~SCHOOLHOUSE~~ SCHOOL CLOSING.] The board may close a ~~schoolhouse~~ school only after a public hearing on the question of the necessity and practicability of the proposed closing. Published notice of the hearing shall be given for two weeks in the official newspaper of the district. The time and place of the meeting, the description and location of the ~~schoolhouse~~ school, and a statement of the reasons for the closing must be specified in the notice. Parties requesting to give testimony for and against the proposal shall be heard by the board before it makes a final decision to close or not to close the ~~schoolhouse~~ school.

Sec. 12. Minnesota Statutes 1998, section 123B.83, subdivision 1, is amended to read:

Subdivision 1. [REDUCE STATUTORY OPERATING DEBT.] (a) ~~Beginning in fiscal year 1978 and in each year thereafter,~~ A district which had statutory operating debt on June 30, 1977 pursuant to section 126C.42 must limit its expenditures in each fiscal year so that the amount of its statutory operating debt calculated at the end of that fiscal year is not greater than the amount of the district's statutory operating debt as of June 30, 1977, as certified and adjusted by the commissioner, increased by an amount equal to 2-1/2 percent of that district's operating expenditures for the fiscal year for which the statutory operating debt calculation is being made.

(b) When a district is no longer required to levy pursuant to section 126C.42, subdivision 1, subdivision 2 is applicable.

Sec. 13. Minnesota Statutes 1998, section 123B.90, subdivision 1, is amended to read:

Subdivision 1. [SCHOOL BUS SAFETY WEEK.] The third week of school is designated as school bus safety week.

~~A school board may designate one day of school bus safety week as school bus driver day.~~

Sec. 14. Minnesota Statutes 1999 Supplement, section 123B.90, subdivision 2, is amended to read:

Subd. 2. [STUDENT TRAINING.] (a) Each district and each nonpublic school that has pupils transported by school bus within the district's boundary at public expense must provide ~~public school~~ pupils enrolled in grades kindergarten through grade 10 with age-appropriate school bus safety training. The training ~~must be results-oriented and shall~~ must consist of both classroom instruction and practical training using a school bus. ~~Upon completing the training, a student shall be able to demonstrate knowledge and understanding of at least the following competencies and concepts that encompass at least the following:~~

- (1) transportation by school bus is a privilege and not a right;
- (2) district policies for student conduct and school bus safety;
- (3) appropriate conduct while on the school bus consistent with school discipline policies;
- (4) the danger zones surrounding a school bus;
- (5) procedures for safely boarding and leaving a school bus;
- (6) procedures for safe street or road crossing;
- (7) school bus evacuation and other emergency procedures; and
- (8) appropriate training on the use of lap belts or lap and shoulder belts, if the district uses buses equipped with lap belts or lap and shoulder belts.

~~(b) Each nonpublic school located within the district must provide all nonpublic school pupils enrolled in grades kindergarten through 10 who are transported by school bus at public expense and attend school within the district's boundaries with training as required in paragraph (a). The school district shall make a bus available to the nonpublic school for the practical training if the district transports the nonpublic students. Each nonpublic school shall provide the instruction.~~

~~(c) All students enrolled in grades kindergarten through 3 who are transported by school bus and are enrolled during the first or second week of school must demonstrate achievement of the school bus safety training competencies by the end of the third week of school. All students enrolled in grades 4 through 10 who are transported by school bus and are enrolled during the first or second week of school must demonstrate achievement of the competencies by the end of the sixth week of school. Students enrolled in grades kindergarten through 10 who enroll in a school after the second week of school and are transported by school bus shall undergo school bus safety training and demonstrate achievement of the school bus safety competencies within four weeks of the first day of attendance. The pupil transportation safety director in each district must certify to the commissioner annually that all students transported by school bus within the district have satisfactorily demonstrated knowledge and understanding of the school bus safety competencies according to this section or provide an explanation for a student's failure to demonstrate the competencies. The principal or other chief administrator of each nonpublic school must certify annually to the public transportation safety director of the district in which the school is located that all of the school's students transported by school bus at public expense have received training. A district may deny transportation to a student who fails to demonstrate the competencies, unless the student is unable to achieve the competencies due to a disability, or to a student who attends a nonpublic school that fails to provide training as required by this subdivision.~~

~~(d) A district and a nonpublic school with students transported by school bus at public expense must, to the extent possible, provide kindergarten pupils with bus safety training before the first day of school.~~

~~(e) A district and a nonpublic school with students transported by school bus at public expense must also provide student safety education for bicycling and pedestrian safety, for students enrolled in grades kindergarten through 5.~~

~~(f) (d) A district and a nonpublic school with students transported by school bus at public expense must make reasonable accommodations for the school bus, bicycle, and pedestrian safety training of pupils known to speak English as a second language and pupils with disabilities.~~

Sec. 15. Minnesota Statutes 1999 Supplement, section 123B.91, subdivision 1, is amended to read:

Subdivision 1. [COMPREHENSIVE POLICY.] Each district must develop and implement a comprehensive, written policy governing pupil transportation safety, including transportation of nonpublic school students, when applicable. The policy shall, at minimum, contain:

- (1) provisions for appropriate student bus safety training under section 123B.90;
- (2) rules governing student conduct on school buses and in school bus loading and unloading areas;
- (3) a statement of parent or guardian responsibilities relating to school bus safety;
- (4) provisions for notifying students and parents or guardians of their responsibilities and the rules, including the district's seat belt policy, if applicable;
- (5) an intradistrict system for reporting school bus accidents or misconduct and a system for dealing with local law enforcement officials in cases of criminal conduct on a school bus;
- (6) a discipline policy to address violations of school bus safety rules, including procedures for revoking a student's bus riding privileges in cases of serious or repeated misconduct;
- (7) a system for integrating school bus misconduct records with other discipline records;
- (8) a statement of bus driver duties;
- (9) planned expenditures for safety activities under section 123B.89 and, where applicable, provisions governing bus monitor qualifications, training, and duties;
- (10) rules governing the use and maintenance of type III vehicles, drivers of type III vehicles, qualifications to drive a type III vehicle, qualifications for a type III vehicle and the circumstances under which a student may be transported in a type III vehicle;
- (11) operating rules and procedures;
- (12) provisions for annual bus driver in-service training and evaluation;
- (13) emergency procedures;
- (14) a system for maintaining and inspecting equipment;
- (15) requirements of the school district, if any, that exceed state law minimum requirements for school bus operations; and

(16) requirements for basic first aid training, which must include the Heimlich maneuver and procedures for dealing with obstructed airways, shock, bleeding, and seizures.

~~Districts are encouraged to use the model policy developed by the Minnesota school boards association, the department of public safety, and the department of children, families, and learning, as well as the current edition of the "National Standards for School Buses and Operations" published by the National Safety Council, in developing safety policies. Each district shall review its policy annually and make appropriate amendments, which must be submitted to the school bus safety advisory committee within one month of approval by the school board.~~

Sec. 16. [REPEALER.]

Minnesota Statutes 1998, sections 123B.02, subdivisions 5, 10, and 13; 123B.11; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.744; 123B.93; and 123B.95, subdivision 3; and Minnesota Statutes 1999 Supplement, section 123B.02, subdivision 9, are repealed.

Sec. 17. [EFFECTIVE DATE.]

Sections 1 to 16 are effective for the 2000-2001 school year and later.

ARTICLE 7

EDUCATION PROGRAMS

Section 1. Minnesota Statutes 1998, section 124D.02, subdivision 1, is amended to read:

Subdivision 1. [KINDERGARTEN INSTRUCTION.] ~~The board may establish and maintain one or more kindergartens for the instruction of children and after July 1, 1974, shall provide kindergarten instruction for all eligible children, either in the district or in another district. All children to be eligible for kindergarten must be at least five years of age on September 1 of the calendar year in which the school year commences. In addition all children selected under an early admissions policy established by the school board may be admitted. Nothing in this section shall prohibit a school district from establishing head start, prekindergarten, or nursery school classes for children below kindergarten age, consistent with section 120A.20, subdivision 1.~~ The board shall provide kindergarten instruction for all eligible children, either in the district or in another district. All children to be eligible for kindergarten must be at least five years of age on September 1 of the calendar year in which the school year commences. Nothing in this section shall prohibit a school district from establishing head start, prekindergarten, or nursery school classes for children below kindergarten age, consistent with section 120A.20, subdivision 1. Any school board with evidence that providing kindergarten will cause an extraordinary hardship on the school district may apply to the commissioner of children, families, and learning for an exception.

Sec. 2. Minnesota Statutes 1998, section 124D.03, subdivision 3, is amended to read:

Subd. 3. [PUPIL APPLICATION PROCEDURES.] In order that a pupil may attend a school or program in a nonresident district, the pupil's parent or guardian must submit an application to the nonresident district. ~~Before submitting an application, the pupil and the pupil's parent or guardian must explore with a school guidance counselor, or other appropriate staff member employed by the district the pupil is currently attending, the pupil's academic or other reason for applying to enroll in a nonresident district. The pupil's application must identify the reason for enrolling in the nonresident district.~~ The parent or guardian of a pupil must submit an application by January 15 for initial enrollment beginning the following school year. The application must be on a form provided by the department of children, families, and learning. A particular school or program may be requested by the parent. Once enrolled in a nonresident district, the pupil may remain enrolled and is not required to submit annual or periodic applications. To return to the resident district or to transfer to a different nonresident district, the parent or guardian of the pupil must provide notice to the resident district or apply to a different nonresident district by ~~January 15~~ March 1 for enrollment beginning the following school year. Each district must accept or reject an application it receives and notify the parent or guardian in writing within 30 calendar days of receiving the application. A notification of acceptance must include the date enrollment can begin. Within ten days of receiving the notification from the nonresident district, the parent or guardian must inform the nonresident district whether the pupil intends to enroll in the nonresident district.

Sec. 3. Minnesota Statutes 1998, section 124D.09, subdivision 5, is amended to read:

Subd. 5. [AUTHORIZATION; NOTIFICATION.] ~~Notwithstanding any other law to the contrary,~~ An 11th or 12th grade pupil enrolled in a school or an American Indian-controlled tribal contract or grant school eligible for aid under section 124D.83, except a foreign exchange pupil enrolled in a district under a cultural exchange program, may apply to an eligible institution, as defined in subdivision 3, to enroll in nonsectarian courses offered by that post-secondary institution. If an institution accepts a secondary pupil for enrollment under this section, the institution shall send written notice to the pupil, the pupil's school or school district, and the commissioner within ten days of acceptance. The notice must indicate the course and hours of enrollment of that pupil. If the pupil enrolls in a course for post-secondary credit, the institution must notify the pupil about payment in the customary manner used by the institution.

Sec. 4. Minnesota Statutes 1998, section 124D.09, subdivision 6, is amended to read:

Subd. 6. [~~COUNSELING PARENTAL CONSENT.~~] ~~To the extent possible, the school or school district must provide counseling services to pupils and their parents or guardian before the pupils enroll in courses under this section to ensure that the pupils and their parents or guardian are fully aware of the risks and possible consequences of enrolling in post-secondary courses. The school or school district must provide information on the program including who may enroll, what institutions and courses are eligible for participation, the decision-making process for granting academic credits, financial arrangements for tuition, books and materials, eligibility criteria for transportation aid, available support services, the need to arrange an appropriate schedule, consequences of failing or not completing a course in which the pupil enrolls, the effect of enrolling in this program on the pupil's ability to complete the required high school graduation requirements, and the academic and social responsibilities that must be assumed by the pupils and their parents or guardian. The person providing counseling shall encourage pupils and their parents or guardian to also use available counseling services at the post-secondary institutions before the quarter or semester of enrollment to ensure that anticipated plans are appropriate.~~

Prior to enrolling in a course, the pupil and the pupil's parents or guardian must sign a form that must be provided by the school or school district and may be obtained from a post-secondary institution stating ~~that they have received the information specified in this subdivision and~~ that they understand the responsibilities that must be assumed in enrolling in this program. The department must, upon request, provide technical assistance to a school or school district in developing appropriate forms and counseling guidelines.

Sec. 5. Minnesota Statutes 1998, section 124D.09, subdivision 7, is amended to read:

Subd. 7. [DISSEMINATION OF INFORMATION; NOTIFICATION OF INTENT TO ENROLL.] By March 1 of each year, a district must provide general information about the program to all pupils in grades 10 and 11. ~~To assist the district in planning, a pupil shall inform the district by March 30 of each year of the pupil's intent to enroll in post-secondary courses during the following school year. A pupil is not bound by notifying or not notifying the district by March 30.~~

Sec. 6. Minnesota Statutes 1998, section 124D.10, subdivision 1, is amended to read:

Subdivision 1. [~~PURPOSES~~ EXPECTED OUTCOMES.] (a) ~~The purpose of this section is~~ expected outcomes of a charter school are to:

- (1) improve pupil learning;
- (2) increase learning opportunities for pupils;
- (3) encourage the use of different and innovative teaching methods;
- (4) require the measurement of learning outcomes and create different and innovative forms of measuring outcomes;

(5) establish new forms of accountability for schools; or

(6) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

(b) This section does not provide a means to keep open a school that otherwise would be closed. Applicants in these circumstances bear the burden of proving that conversion to a charter school fulfills a purpose specified in this subdivision, independent of the school's closing.

Sec. 7. Minnesota Statutes 1999 Supplement, section 124D.10, subdivision 6, is amended to read:

Subd. 6. [CONTRACT.] The sponsor's authorization for a charter school must be in the form of a written contract signed by the sponsor and the board of directors of the charter school. The contract must be completed within 90 days of the commissioner's approval of the sponsor's proposed authorization. The contract for a charter school must be in writing and contain at least the following:

(1) a description of a program that carries out one or more of the purposes expected outcomes in subdivision 1;

(2) specific outcomes pupils are to achieve under subdivision 10;

(3) admission policies and procedures;

(4) management and administration of the school;

(5) requirements and procedures for program and financial audits;

(6) how the school will comply with subdivisions 8, 13, 16, and 23;

(7) assumption of liability by the charter school;

(8) types and amounts of insurance coverage to be obtained by the charter school;

(9) the term of the contract, which may be up to three years; and

(10) if the board of directors or the operators of the charter school provide special instruction and services for children with a disability under sections 125A.03 to 125A.24, and 125A.65, a description of the financial parameters within which the charter school will operate to provide the special instruction and services to children with a disability.

Sec. 8. Minnesota Statutes 1999 Supplement, section 124D.10, subdivision 15, is amended to read:

Subd. 15. [REVIEW AND COMMENT.] The department must review and comment on the evaluation, by the ~~chartering school district sponsor~~, of the performance of a charter school before the charter school's contract is renewed. ~~The information from the review and comment shall be reported to the commissioner of children, families, and learning in a timely manner. Periodically, the commissioner shall report trends or suggestions based on the evaluation of charter school contracts to the education committees of the state legislature. The commissioner shall report annually to the house and senate education policy committees on emerging issues affecting charter schools, including common problems encountered by charter schools, leasing information, sponsorship information, student achievement and demographic enrollment data, and innovative and best practices used in charter school programs.~~

Sec. 9. Minnesota Statutes 1998, section 124D.10, subdivision 19, is amended to read:

Subd. 19. [~~DISSEMINATE AVAILABLE INFORMATION.~~] ~~The sponsor, the operators, and the department of children, families, and learning, after consulting with charter school sponsors and operators, must disseminate~~ make information available to the public on how to form and operate a charter school and how to utilize the offerings of a charter school. ~~Particular groups to be targeted include low-income families and communities, and students of color.~~

Sec. 10. Minnesota Statutes 1998, section 124D.115, subdivision 3, is amended to read:

Subd. 3. [PROGRAM REIMBURSEMENT.] (a) ~~State funds are provided to reimburse school breakfasts.~~ Each school year, the state must reimburse schools in the amount of 5.1 cents for each fully paid breakfast and for each free and reduced price breakfast not eligible for the "severe need" rate.

(b) In addition to paragraph (a), each school year the state must reimburse schools 10.5 cents for each free and reduced price breakfast not eligible for the "severe need" rate if between 33 and 40 percent of the school lunches served during the second preceding school year were served free or at a reduced price.

Sec. 11. Minnesota Statutes 1998, section 124D.118, subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT; SCHOOL PARTICIPATION.] ~~Each district in the state is encouraged to participate in the state-supported school milk program for kindergartners.~~ Participating districts must provide one serving of milk on each school day to each kindergarten student attending a public or nonpublic school in the district. No student is required to accept the milk that is provided by the district. The program must be promoted and operated under the direction of the commissioner or the commissioner's designee.

Sec. 12. Minnesota Statutes 1998, section 124D.118, subdivision 3, is amended to read:

Subd. 3. [PROGRAM GUIDELINES; DUTIES OF ~~THE~~ COMMISSIONER.] (a) The commissioner shall:

(1) ~~encourage all districts to participate in the school milk program for kindergartners;~~

(2) ~~prepare~~ maintain program guidelines, ~~not subject to chapter 14 until July 1, 1998,~~ which will effectively and efficiently distribute appropriated and donated money to participating districts; and

(~~3~~) (2) seek donations and matching funds from appropriate private and public sources.

(b) Program guidelines may provide for disbursement to districts through a mechanism of prepayments or by reimbursement for approved program expenses.

Sec. 13. Minnesota Statutes 1999 Supplement, section 124D.121, is amended to read:

124D.121 [DEFINITION OF FLEXIBLE LEARNING YEAR PROGRAM.]

(a) "Flexible learning year program" means any district plan approved by the commissioner that utilizes buildings and facilities during the entire year or that provides forms of optional scheduling of pupils and personnel during the learning year in elementary and secondary schools or residential facilities for children with a disability.

(b) An eligible district may operate a flexible learning year program in one or more of the district's day or residential facilities for children with a disability.

Sec. 14. Minnesota Statutes 1999 Supplement, section 124D.126, subdivision 1, is amended to read:

Subdivision 1. [POWERS AND DUTIES.] The commissioner must:

(1) not promulgate, amend, or repeal rules necessary to the operation of sections 124D.12 to 124D.127 unless specifically authorized to do so by enacted law;

(2) cooperate with and provide supervision of flexible learning year programs to determine compliance with the provisions of sections 124D.12 to 124D.127, the commissioner's standards and qualifications, and the proposed program as submitted and approved;

(3) provide any necessary adjustments of (a) attendance and membership computations and (b) the dates and percentages of apportionment of state aids; and

(4) consistent with the definition of "average daily membership" in section 126C.05, subdivision 8, furnish the board of a district implementing a flexible learning year program with a formula for computing average daily membership. This formula must be computed so that tax levies to be made by the district, state aids to be received by the district, and any and all other formulas based upon average daily membership are not affected solely as a result of adopting this plan of instruction.

Sec. 15. Minnesota Statutes 1998, section 124D.128, subdivision 1, is amended to read:

Subdivision 1. [PROGRAM ESTABLISHED.] A learning year program provides instruction throughout the year. A pupil may participate in the program and accelerate attainment of grade level requirements or graduation requirements. A learning year program may begin after the close of the regular school year in June. The program may be for students in one or more grade levels from kindergarten through grade 12.

Students may participate in the program if they reside in:

~~(1) a district that has been designated a learning year site under subdivision 2;~~

~~(2) a district that is a member of the same education district as a site; or~~

~~(3) a district that participates in the same area learning center program as a site.~~

Sec. 16. Minnesota Statutes 1998, section 124D.34, subdivision 4, is amended to read:

Subd. 4. [FOUNDATION PROGRAMS AND DUTIES.] The foundation shall advance applied leadership and intracurricular vocational learning experiences for students. ~~These may include, but are not limited to:~~

~~(1) recognition programs and awards for students demonstrating excellence in applied leadership;~~

~~(2) summer programs for student leadership, career development, applied academics, and mentorship programs with business and industry;~~

~~(3) recognition programs for teachers, administrators, and others who make outstanding contributions to school-to-work programs;~~

~~(4) outreach programs to increase the involvement of urban and suburban students;~~

~~(5) organized challenges requiring cooperation and competition for secondary and post-secondary students;~~

~~(6) assistance and training to community teams to increase career awareness and empowerment of youth as community leaders; and~~

~~(7) assessment and activities in order to plan for and implement continuous improvement.~~

~~To the extent possible, the foundation shall make these programs available to students in all parts of the state.~~

Sec. 17. Minnesota Statutes 1998, section 124D.35, is amended to read:

124D.35 [YOUTH ENTREPRENEURSHIP EDUCATION PROGRAM.]

~~The commissioner shall establish~~ A youth entrepreneurship education program to ~~improve the academic and entrepreneurial skills of students and aid in their transition from school to business creation. The program shall strengthen local economies by creating jobs that enable citizens to remain in their communities and~~ teach youth to create businesses that combine academic knowledge with entrepreneurial skills is established to expose youth to business creation and to foster cooperation among educators, economic development professionals, business leaders, and representatives of labor. Assistance under this section shall be available to new or existing student-operated or school-operated businesses that have an educational purpose, and provide service or products for customers or clients who do not attend or work at the sponsoring school. The commissioner may require an equal local match for assistance under this section up to the maximum grant amount of \$20,000.

Sec. 18. Minnesota Statutes 1998, section 124D.37, is amended to read:

124D.37 [PURPOSE EXPECTED OUTCOMES OF THE MINNESOTA YOUTH WORKS ACT.]

The purposes expected outcomes of sections 124D.37 to 124D.45 are to:

- ~~(1) renew the ethic of~~ promote civic responsibility in Minnesota;
- ~~(2) empower youth to improve their life opportunities through youth~~ literacy, job placement, and other essential life skills;
- ~~(3) empower government to meet its responsibility to prepare young people to be contributing members of society;~~
- ~~(4) help meet human, educational, environmental, and public safety needs, particularly those needs relating to poverty;~~
- ~~(5) prepare a citizenry that is academically competent, ready for work, and socially responsible;~~
- ~~(6) demonstrate the connection between youth and~~ meaningful community service, ~~community service and education, and education and meaningful opportunities in the business community activities;~~
- ~~(7) demonstrate the connection between providing opportunities for at-risk youth and reducing crime rates and the social costs of troubled youth;~~
- ~~(8) (5) create linkages for a comprehensive youth service and learning program in Minnesota including school age programs, higher education programs, youth work programs, and service corps programs; and~~
- ~~(9) (6) coordinate federal and state activities that advance the purposes in this section.~~

Sec. 19. Minnesota Statutes 1998, section 124D.40, subdivision 2, is amended to read:

Subd. 2. [GRANT AUTHORITY.] The commission ~~and, beginning January 1, 1997, the council~~ must use any state appropriation and any available federal funds, including any grant received under federal law, to award grants to establish programs for youth works meeting the requirements of section 124D.41. At least one grant each must be available for a metropolitan proposal, a rural proposal, and a statewide proposal. If a portion of the suburban metropolitan area is not included in the metropolitan grant proposal, the statewide grant proposal must incorporate

at least one suburban metropolitan area. ~~In awarding grants, the commission and, beginning January 1, 1997, the council may select at least one residential proposal and one nonresidential proposal, provided the proposals meet or exceed the criteria in section 124D.41.~~

Sec. 20. Minnesota Statutes 1998, section 124D.41, is amended to read:

124D.41 [GRANT APPLICATIONS.]

Subdivision 1. [APPLICATIONS REQUIRED.] An organization seeking federal or state grant money under sections 124D.39 to 124D.44 shall prepare and submit to the commission ~~and, beginning January 1, 1997, the council~~ an application that meets the requirements ~~of this section developed by the commission~~. The commission ~~and, beginning January 1, 1997, the council~~ must develop, ~~and the applying organizations must comply with, the form and manner of the application requirements that meet the expected outcomes in section 124D.37.~~

Subd. 2. [APPLICATION CONTENT.] An applicant on its application must describe how it intends to meet the expected outcomes under section 124D.37 and this subdivision, which include:

(1) ~~propose~~ proposing a program to provide participants the opportunity to perform community service to meet specific unmet community needs, and participate in classroom, work-based, and service-learning; and

(2) ~~assess~~ assessing the community's unmet educational, human, environmental, and public safety needs, the resources and programs available for meeting those needs, and how young people participated in assessing community needs;

(3) ~~describe the educational component of the program, including classroom hours per week, classroom time for participants to reflect on the program experience, and anticipated academic outcomes related to the service experience;~~

(4) ~~describe the work to be performed, the ratio of youth participants to crew leaders and mentors, and the expectations and qualifications for crew leaders and mentors;~~

(5) ~~describe local funds or resources available to meet the match requirements of section 124D.44;~~

(6) ~~describe any funds available for the program from sources other than the requested grant;~~

(7) ~~describe any agreements with local businesses to provide participants with work-learning opportunities and mentors;~~

(8) ~~describe any agreement with local post-secondary educational institutions to offer participants course credits for their community service-learning experience;~~

(9) ~~describe any agreement with a local high school or an alternative learning center to provide remedial education, credit for community service work and work-based learning, or graduate equivalency degrees;~~

(10) ~~describe any pay for service or other program delivery mechanism that will provide reimbursement for benefits conferred or recover costs of services participants perform;~~

(11) ~~describe how local resources will be used to provide support and assistance for participants to encourage them to continue with the program, fulfill the terms of the contract, and remain eligible for any postservice benefit;~~

(12) ~~describe the arbitration mechanism for dispute resolution required under section 124D.42, subdivision 2;~~

(13) ~~describe involvement of community leaders in developing broad-based support for the program;~~

~~(14) describe the consultation and sign-off process to be used with any local labor organization representing employees in the area engaged in work similar to that proposed for the program to ensure that no current employees or available employment positions will be displaced by program participants;~~

~~(15) certify to the commission and, beginning January 1, 1997, the council, and to any certified bargaining representatives representing employees of the applying organization that the project will not decrease employment opportunities that would be available without the project, will not displace current employees including any partial displacement in the form of reduced hours of work other than overtime, wages, employment benefits, or regular seasonal work; will not impair existing labor agreements; and will not result in the substitution of project funding for preexisting funds or sources of funds for ongoing work;~~

~~(16) describe the length of the required service period, which may not be less than six months or more than two years, a method to incorporate a participant's readiness to advance or need for postservice financial assistance into individual service requirements, and any opportunity for participating part time or in another program;~~

~~(17) describe a program evaluation plan that contains cost-effectiveness measures, measures of participant success including educational accomplishments, job placements, community contributions, and ongoing volunteer activities; outcome measures based on a preprogram and postprogram survey of community rates of arrest, incarceration, teenage pregnancy, and other indicators of youth in trouble, and a list of local resources dedicated to reducing these rates;~~

~~(18) describe a three-year financial plan for maintaining the program;~~

~~(19) describe the role of local youth in developing all aspects of the grant proposal; and~~

~~(20) describe the process by which the local private industry council participated in, and reviewed the grant application.~~

Sec. 21. Minnesota Statutes 1998, section 124D.42, subdivision 7, is amended to read:

Subd. 7. [TRAINING AND EDUCATION REQUIREMENTS.] Each grantee organization must assess and work to enhance the educational level of each entering participant. ~~Each grantee shall work to enhance the educational skills of each participant. The commission and, beginning January 1, 1997, the council may coordinate or contract with educational institutions or other providers for educational services and evaluation.~~ All grantees shall give priority to educating and training participants who do not have a high school diploma or its equivalent, or who cannot afford post-secondary training and education.

Sec. 22. Minnesota Statutes 1998, section 124D.46, subdivision 1, is amended to read:

Subdivision 1. [GOALS ESTABLISHMENT.] ~~To better prepare all learners to make transitions between education and employment,~~ A comprehensive education and employment transitions system is established that is driven by multisector partnerships and takes a lifelong an integrated approach to workforce development. ~~The goals of the statewide education and employment transitions system are~~ shall develop and implement methods:

(1) to improve the skills learners need to achieve greater levels of self-sufficiency through education, training, and work;

(2) to improve work-related counseling and information about career opportunities and vocational education programs available to learners to facilitate workforce development;

(3) to integrate opportunities for work-based learning, service-learning, and other applied learning methods into ~~the elementary, secondary, and post-secondary curriculum and~~ state and local graduation standards;

~~(4) to increase participation in employment opportunities and demonstrate the relationship between education and employment at the elementary, secondary, and post-secondary education levels;~~

~~(5) to promote the efficient use of public and private resources by coordinating elementary, secondary, and post-secondary education with related government programs;~~

~~(6) (5) to expand educational options available to all learners through collaborative efforts between school districts, post-secondary institutions, employers, organized labor, workers, learners, parents, community-based organizations, and other interested parties;~~

~~(7) (6) to increase opportunities for women, minorities, individuals with a disability, and at-risk learners to fully participate in work-based learning; and~~

~~(8) to establish performance standards for learners that integrate state and local graduation standards and generally recognized industry and occupational skill standards; and~~

~~(9) (7) to provide support systems including a unified labor market information system; a centralized quality assurance system with information on learner achievement, employer satisfaction, and measurable system outcomes; a statewide marketing system to promote the importance of lifework development; a comprehensive professional development system for public and private sector partners; and a comprehensive system for providing technical support to local partnerships for education and employment transitions.~~

Sec. 23. Minnesota Statutes 1998, section 124D.47, subdivision 2, is amended to read:

Subd. 2. [YOUTH APPRENTICESHIP PROGRAMS.] (a) A comprehensive youth apprenticeship program must require representatives of secondary and post-secondary school systems, affected local businesses, industries, occupations and labor, as well as the local community, to be actively and collaboratively involved in advising and managing the program and ensuring, in consultation with local private industry councils, that the youth apprenticeship program meets local labor market demands, provides student apprentices with the high skill training necessary for career advancement, meets applicable state graduation requirements and labor standards, pays apprentices for their work and provides support services to program participants.

(b) Local employers, collaborating with labor organizations where appropriate, must assist the program by analyzing workplace needs, creating work-related curriculum, employing and adequately paying youth apprentices engaged in work-related learning in the workplace, training youth apprentices to become skilled in an occupation, providing student apprentices with a workplace mentor, periodically informing the school of an apprentice's progress, and making a reasonable effort to employ youth apprentices who successfully complete the program.

(c) A student participating in a comprehensive youth apprenticeship program must sign a youth apprenticeship agreement with participating entities that obligates youth apprentices, their parents or guardians, employers, and schools to meet program requirements; ~~indicates how academic instruction, work-based learning, and worksite learning and experience will be integrated; ensures that successful youth apprentices will receive a recognized credential of academic and occupational proficiency; and establishes the wage rate and other benefits for which youth apprentices are eligible while employed during the program.~~

(d) Secondary school principals, counselors, or business mentors familiar with the education to employment transitions system must inform entering secondary school students about available occupational and career opportunities and the option of entering a youth apprenticeship or other work-based learning program to obtain post-secondary academic and occupational credentials.

Sec. 24. Minnesota Statutes 1998, section 124D.49, subdivision 3, is amended to read:

Subd. 3. [LOCAL EDUCATION AND EMPLOYMENT TRANSITIONS SYSTEMS.] A local education and employment transitions partnership must assess the needs of employers, employees, and learners, and develop a plan for implementing and achieving the objectives of a local or regional education and employment transitions system.

The plan must provide for a comprehensive local system for assisting learners and workers in making the transition from school to work or for retraining in a new vocational area. The ~~objectives~~ expected outcomes of a local education and employment transitions system include:

(1) increasing the effectiveness of the educational programs ~~and curriculum of elementary, secondary, and post-secondary schools~~ that meet state and local graduation standards and the work site in preparing prepare students in the skills and knowledge needed to be successful in the workplace;

(2) implementing learner outcomes for students in grades ~~kindergarten~~ 7 through 12 designed to introduce the world of work and to explore career opportunities, including nontraditional career opportunities;

(3) ~~eliminating barriers to providing effective integrated applied learning, service-learning, or work-based curriculum;~~

(4) ~~increasing opportunities to apply academic knowledge and skills, including skills needed in the workplace, in local settings which include the school, school-based enterprises, post-secondary institutions, the workplace, and the community;~~

(5) ~~increasing applied instruction in the attitudes and skills essential for success in the workplace, including cooperative working, leadership, problem-solving, and respect for diversity;~~

(6) providing staff training for vocational guidance counselors, teachers, and other appropriate staff in the importance of preparing learners for the transition to work, and in methods of providing instruction that incorporate applied learning, work-based learning, and service-learning experiences;

(7) (4) identifying and enlisting local and regional employers who can effectively provide work-based or service-learning opportunities, including, but not limited to, apprenticeships, internships, and mentorships;

(8) (5) recruiting community and workplace mentors including peers, parents, employers and employed individuals from the community, and employers of high school students;

(9) (6) identifying current and emerging educational, training, and employment needs of the area or region, especially within industries with potential for job growth;

(10) (7) improving the coordination and effectiveness of local vocational and job training programs, including vocational education, adult basic education, tech prep, apprenticeship, service-learning, youth entrepreneur, youth training and employment programs administered by the commissioner of economic security, and local job training programs under the Job Training Partnership Act, United States Code, title 29, section 1501, et seq.;

(11) (8) identifying and applying for federal, state, local, and private sources of funding for vocational or applied learning programs;

(12) (9) providing students with current information and counseling about career opportunities, potential employment, educational opportunities in post-secondary institutions, workplaces, and the community, and the skills and knowledge necessary to succeed;

(13) (10) providing educational technology, including interactive television networks and other distance learning methods, to ensure access to a broad variety of work-based learning opportunities; and

(14) (11) including students with disabilities in a district's vocational or applied learning program and ways to serve at-risk learners through collaboration with area learning centers under sections 123A.05 to 123A.09, or other alternative programs; and.

~~(15) providing a warranty to employers, post-secondary education programs, and other post-secondary training programs, that learners successfully completing a high school work-based or applied learning program will be able to apply the knowledge and work skills included in the program outcomes or graduation requirements. The warranty shall require education and training programs to continue to work with those learners that need additional skill development until they can demonstrate achievement of the program outcomes or graduation requirements.~~

Sec. 25. Minnesota Statutes 1998, section 124D.50, subdivision 2, is amended to read:

Subd. 2. [SERVICE-LEARNING PROGRAMS DEVELOPED.] The commissioner, in consultation with the commission, shall develop a service-learning ~~program curriculum that includes~~ a policy framework and strategies for youth community service and an infrastructure for mentoring youth. The commissioner shall include in the curriculum at least the following:

(1) youth community service strategies that enable young people to make significant contributions to the welfare of their community through such organizations as schools, colleges, government agencies, and community-based organizations or through individual efforts;

(2) mentoring strategies that enable young people to be matched with caring, responsible individuals who can encourage and guide the young people in their personal growth and development;

(3) guidelines, criteria, and procedures for community service programs that incorporate the results of the study in subdivision 1; and

(4) criteria for community service activities and service-learning.

Sec. 26. Minnesota Statutes 1998, section 124D.50, subdivision 3, is amended to read:

Subd. 3. [STRUCTURING PROGRAMS ACCORDING TO GRADE OR EDUCATION LEVEL.] The service-learning ~~curriculum framework~~ must accommodate students' grade level or the last completed grade level of the participants not currently enrolled in school. Schools must provide at least the following:

(1) for students in grades 7 to 9, an opportunity to learn about service-learning activities and possible occupations;

(2) for students in grade 10, an opportunity to apply for service-learning under section 124D.19 subdivision 10, and youth apprenticeship programs; and

(3) for students in grades 11 and 12 and young people not currently enrolled in school, an opportunity to become involved in community service activities, participate in youth apprenticeship programs, and, depending upon the individual's demonstrated abilities, complete high school or pursue post-secondary coursework.

Sec. 27. Minnesota Statutes 1998, section 124D.65, subdivision 6, is amended to read:

Subd. 6. [PARTICIPATION OF NONPUBLIC SCHOOL PUPILS.] In counting the number of pupils of limited English proficiency for purposes of this section, districts may include pupils of limited English proficiency who attend nonpublic schools in the district. A district which counts those pupils and receives aid pursuant to this section must offer those pupils the same programs on the same terms that it offers to pupils of limited English proficiency who attend the public school. A program provided for a nonpublic school pupil pursuant to this subdivision must be provided at a public school ~~or~~ a neutral site as defined in section 123B.41, subdivision 13, the nonpublic school, or any other suitable location. The school district must make the final decision on the location of these services. Nonpublic school pupils served by a district's educational program for pupils of limited English proficiency must be counted for average daily membership pursuant to sections 126C.01, subdivisions 6 to 8, and 126C.19, subdivisions 1 to 4.

Sec. 28. Minnesota Statutes 1998, section 124D.892, is amended to read:

124D.892 [~~OFFICE OF DESEGREGATION/INTEGRATION.~~]

Subdivision 1. [ESTABLISHMENT.] (a) ~~An office of desegregation/integration is established in~~ The department commissioner of children, families, and learning ~~to~~ must coordinate and support activities related to student enrollment, student and staff recruitment and retention, transportation, and interdistrict cooperation among ~~metropolitan~~ school districts.

(b) At the request of a ~~metropolitan~~ school district involved in cooperative desegregation/integration efforts, the ~~office~~ commissioner shall perform any of the following activities:

(1) assist districts with interdistrict student transfers, including student recruitment, counseling, placement, and transportation;

(2) coordinate and disseminate information about schools and programs;

(3) assist districts with new magnet schools and programs;

(4) assist districts in providing staff development and in-service training; and

(5) coordinate and administer staff exchanges.

(c) The ~~office~~ commissioner shall collect data on the efficacy of districts' desegregation/integration efforts and make recommendations based on the data. The ~~office~~ commissioner shall periodically consult with the metropolitan council to coordinate school desegregation/integration efforts with the housing, social, economic, and infrastructure needs of the metropolitan area. The ~~office~~ commissioner shall develop a process for resolving students' disputes and grievances about student transfers under a desegregation/integration plan.

Subd. 2. [COORDINATION.] The commissioner may request information or assistance from, or contract with, any state or local agency or officer, local unit of government, or recognized expert to assist the commissioner in performing the activities described in subdivision 1.

Subd. 3. [ADVISORY BOARD.] The commissioner shall establish an advisory board composed of:

(1) eight superintendents, each of whom shall be selected by the superintendents of the school districts located in whole or in part within each of the eight metropolitan districts established under section 473.123, subdivision 3c; and

(2) one person each selected by the Indian affairs council, the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, and the council on affairs of Chicano/Latino people.

The advisory board shall advise the ~~office~~ commissioner on complying with the requirements under subdivision 1. The advisory board may solicit comments from teachers, parents, students, and interested community organizations and others.

Sec. 29. Minnesota Statutes 1999 Supplement, section 124D.94, subdivision 2, is amended to read:

Subd. 2. [CREATION OF FOUNDATION.] There is created the Minnesota academic excellence foundation. ~~The purpose of the~~ foundation shall ~~be to~~ promote academic excellence in Minnesota public and nonpublic schools and communities through public-private partnerships. The foundation shall be a nonprofit organization. The board of directors of the foundation and foundation activities are under the direction of the commissioner of children, families, and learning.

Sec. 30. Minnesota Statutes 1998, section 124D.94, subdivision 4, is amended to read:

Subd. 4. [FOUNDATION PROGRAMS.] The foundation ~~may~~ shall develop programs that advance the concept of educational excellence in Minnesota public and nonpublic schools and communities through public-private partnerships. ~~These may include, but are not limited to:~~

- ~~(a) recognition programs and awards for students demonstrating academic excellence;~~
- ~~(b) summer institute programs for students with special talents;~~
- ~~(c) recognition programs for teachers, administrators, and others who contribute to academic excellence;~~
- ~~(d) summer mentorship programs with business and industry for students with special career interests and high academic achievements;~~
- ~~(e) governor's awards ceremonies and special campaigns to promote awareness and expectation for academic achievement;~~
- ~~(f) an academic league to provide organized challenges requiring cooperation and competition for public and nonpublic pupils in elementary and secondary schools;~~
- ~~(g) systemic transformation initiatives and assistance and training to community teams to increase school performance in the state's education institutions through strategic quality planning for continuous improvement; empowerment of multiple stakeholders, validation of results via customer-supplier relationships, and a total system approach based on best practices in key process areas; and~~
- ~~(h) activities to measure customer satisfaction for delivery of services to education institutions in order to plan for and implement continuous improvement.~~

~~To the extent possible, the foundation shall make these programs available to students in all parts of the state.~~

Sec. 31. [REVISOR INSTRUCTION.]

In the next and subsequent editions of Minnesota Statutes and Minnesota Rules, the revisor of statutes shall renumber each section of Minnesota Statutes in column A with the number in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.

<u>Column A</u>	<u>Column B</u>
<u>124D.35</u>	<u>124D.46, subd. 5</u>
<u>124D.46, subd. 4</u>	<u>268.665, subd. 7</u>
<u>124D.47, subd. 2</u>	<u>124D.46, subd. 6</u>

Sec. 32. [REPEALER.]

Minnesota Statutes 1998, sections 124D.02, subdivision 4; 124D.06; 124D.07; 124D.081, subdivision 1; 124D.118, subdivision 1; 124D.124; 124D.125, subdivisions 1, 2, 4, and 5; 124D.30; 124D.47, subdivision 1; 124D.91; 124D.92; and 124D.93, subdivisions 2, 3, and 6; and Minnesota Statutes 1999 Supplement, sections 124D.122; 124D.127; and 124D.93, subdivisions 1, 4, and 5, are repealed.

Sec. 33. [EFFECTIVE DATE.]

Sections 1 to 32 are effective for the 2000-2001 school year and later.

ARTICLE 8

EDUCATION AND TECHNOLOGY

Section 1. Minnesota Statutes 1998, section 125B.05, as amended by Laws 1999, chapter 241, article 5, section 15, is amended to read:

125B.05 [STATE INFORMATION SYSTEM.]

Subdivision 1. [INFORMATION SYSTEM.] The department of children, families, and learning shall develop and maintain a ~~computerized~~ an information system for state information needs.

Subd. 2. [PURPOSES.] The purposes of the ~~computerized~~ information system shall be:

- (a) To provide comparable and accurate educational information in a manner which is timely and economical;
- (b) To ensure accountability for state appropriations;
- (c) To collect data to assess the needs of learners and children;
- (d) To provide school districts with an educational information system capability which will meet school district management needs; and
- (e) To provide for ~~computerized~~ analysis of educational information to meet the management needs of the state of Minnesota.

Subd. 3. [SOFTWARE DEVELOPMENT.] A school district, charter school, or cooperative unit may not implement a financial, student, or staff software system until the system has been reviewed by the department to ensure that it provides the required data elements and format.

Sec. 2. Minnesota Statutes 1999 Supplement, section 125B.20, is amended to read:

125B.20 [TELECOMMUNICATION ACCESS GRANT AND STATEWIDE COORDINATION.]

Subdivision 1. [ESTABLISHMENT; ~~PURPOSE~~ OUTCOMES.] ~~The purpose of developing a statewide school district telecommunications network is to expand the availability of a broad range of courses and degrees to students throughout the state, to share information resources to improve access, quality, and efficiency, to improve learning, and distance cooperative learning opportunities, and to promote the exchange of ideas among students, parents, teachers, media generalists, librarians, and the public. In addition, through the development of this statewide telecommunications network emphasizing cost-effective, competitive connections, all Minnesotans will benefit by enhancing access to telecommunications technology throughout the state. Network connections for school districts and public libraries are coordinated and fully integrated into the existing state telecommunications and interactive television networks to achieve comprehensive and efficient interconnectivity of school districts and libraries to higher education institutions, state agencies, other governmental units, agencies, and institutions throughout Minnesota. Expanding the ranges of courses available to students throughout the state is the expected outcome of developing a statewide telecommunications network.~~ A school district may apply to the commissioner for a grant under subdivision 2, and a regional public library may apply under subdivision 3. The Minnesota education telecommunications council established in Laws 1995, First Special Session chapter 3, article 12, section 7, shall establish priorities for awarding grants, making grant awards, and being responsible for the coordination of networks.

Subd. 2. [SCHOOL DISTRICT TELECOMMUNICATIONS GRANT.] (a) Priority will be given to a school district that has not received access to interactive video, data connection, or both under the telecommunications access grant program. Districts may apply for a grant under this subdivision to: (1) establish connections among

school districts, and between school districts and the state information infrastructure administered by the department of administration under section 16B.465; or (2) if such a connection meeting minimum electronic connectivity standards is already established, enhance telecommunications capacity for a school district. A district may submit a grant application for interactive television with higher capacity connections in order to maintain multiple simultaneous connections. ~~To ensure coordination among school districts, a school district must submit its grant application to the council through the telecommunications access grant cluster of which the district is a member.~~

(b) The application from a school district must, at a minimum, contain information to document for each applicant school district the following:

(1) that the proposed connection meets the minimum standards and employs an open network architecture that will ensure interconnectivity and interoperability with other education institutions and libraries;

(2) that the proposed connection and system will be connected to the state information infrastructure through the department of administration under section 16B.465;

(3) that the proposed connection and system will be connected to the higher education telecommunication network and that a governance agreement has been adopted which includes agreements between the school district system, a higher education regional council, libraries, and coordinating entities;

(4) the telecommunication vendor selected to provide service from the district to a state information infrastructure hub or to a more cost-effective connection point to the state information infrastructure; and

(5) other information, as determined by the commissioner in consultation with the education telecommunications council, to ensure that connections are coordinated, meet state standards and are cost-effective, and that service is provided in an efficient and cost-effective manner.

~~(c) A school district may include, in its grant application, telecommunications access for collaboration with nonprofit arts organizations for the purpose of educational programs, or access for a secondary media center that: (1) is a member of a multitype library system; (2) is open during periods of the year when classroom instruction is occurring; and (3) has licensed school media staff on site.~~

~~(d)~~ (c) The Minnesota education telecommunications council shall award grants and the funds shall be dispersed by the commissioner. Grant applications must be submitted to the commissioner by a telecommunications access grant cluster organization. For the purposes of the grant, a school district may include a charter school under section 124D.10, or the Minnesota state academies. Based on the award made by the council, all grants under this subdivision shall be paid by the commissioner directly to a school district (unless this application requests that the funds be paid to the coordinating agency). Nonpublic schools as defined in section 237.065, subdivision 2, located within the district may access the network. The nonpublic school is responsible for actual costs for connection from the school to the access site.

~~(e)~~ (d) Money awarded under this section may be used only for the purposes explicitly stated in the grant application.

Subd. 3. [REGIONAL LIBRARY TELECOMMUNICATION GRANT.] (a) A regional public library system may apply for a telecommunication access grant. Priority will be given to public libraries that have not received access to data connection under the telecommunications access grant program. The grant must be used to create or expand the capacity of electronic data access and connect the library system with the state information infrastructure administered by the department of administration under section 16B.465. To be eligible for a telecommunications access grant, a regional public library system must meet the level of local support required under section 134.34.

(b) Any grant award under this subdivision may not be used to substitute for any existing local funds allocated to provide electronic access, or equipment for library staff or the public, or local funds previously dedicated to other library operations.

(c) An application for a regional public library telecommunications access grant must, at a minimum, contain information to document the following:

(1) that the connection meets the minimum standards and employs an open network architecture that will ensure interconnectivity and interoperability with other libraries and the educational system;

(2) that the connection is being established through the most cost-effective means and that the public library has explored and coordinated connections through school districts or other governmental agencies;

(3) that the proposed connection and system will be connected to the state information infrastructure through the department of administration under section 16B.465;

(4) that the proposed connection and system will be connected to the higher education and to the school district telecommunication networks subject to a governance agreement with one or more school districts and a higher education regional council specifying how the system will be coordinated;

(5) the telecommunication vendor selected to provide service from the library to a state information infrastructure hub or through a more cost-effective connection point to the state information infrastructure; and

(6) other information, as determined by the commissioner, to ensure that connections are coordinated, meet state standards, are cost-effective, and that service is provided in an efficient and cost-effective manner so that libraries throughout the state are connected in as seamless a manner as technically possible.

Subd. 4. [AWARD OF GRANTS.] The council shall develop application forms and procedures for telecommunication access grants. The council shall select the grant recipient ~~and shall promptly notify any applicant that is found not to be qualified.~~ The commissioner shall make the grant payments directly to the school district or regional library system. At the request of the district or regional library system, the commissioner may make the grant payment directly to the coordinating organization.

Subd. 5. [E-RATES.] The telecommunication access grant clusters are required to file e-rate applications for telecommunication access grant-related expenditures on behalf of grant participants in their clusters. Discounts received on telecommunication access grant expenditures shall be used to offset or reduce operations funding provided by the state.

Sec. 3. [REPEALER.]

Minnesota Statutes 1998, section 125B.02, is repealed.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective for the 2000-2001 school year and later.

ARTICLE 9

EDUCATION FUNDING

Section 1. Minnesota Statutes 1999 Supplement, section 126C.05, subdivision 1, is amended to read:

Subdivision 1. [PUPIL UNIT.] Pupil units for each Minnesota resident pupil in average daily membership enrolled in the district of residence, in another district under sections 123A.05 to 123A.08, 124D.03, 124D.06, 124D.07, 124D.08, or 124D.68; in a charter school under section 124D.10; or for whom the resident district pays tuition under section 123A.18, 123A.22, 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision. A district may not count a person, other than a person enrolled in the graduation incentives program under section 124D.68, who is over the age of 21 or who has graduated from high school and is enrolled as a part-time student in a class or program as a pupil unit.

(a) A prekindergarten pupil with a disability who is enrolled in a program approved by the commissioner and has an individual education plan is counted as the ratio of the number of hours of assessment and education service to 825 times 1.25 with a minimum of 0.28, but not more than 1.25.

(b) A prekindergarten pupil who is assessed but determined not to be handicapped is counted as the ratio of the number of hours of assessment service to 825 times 1.25.

(c) A kindergarten pupil with a disability who is enrolled in a program approved by the commissioner is counted as the ratio of the number of hours of assessment and education services required in the fiscal year by the pupil's individual education program plan to 875, but not more than one.

(d) A kindergarten pupil who is not included in paragraph (c) is counted as .557 of a pupil unit for fiscal year 2000 and thereafter.

(e) A pupil who is in any of grades 1 to 3 is counted as 1.115 pupil units for fiscal year 2000 and thereafter.

(f) A pupil who is any of grades 4 to 6 is counted as 1.06 pupil units for fiscal year 1995 and thereafter.

(g) A pupil who is in any of grades 7 to 12 is counted as 1.3 pupil units.

(h) A pupil who is in the post-secondary enrollment options program is counted as 1.3 pupil units.

Sec. 2. Minnesota Statutes 1998, section 126C.31, is amended to read:

126C.31 [POLICY.]

~~Financing the education of our children is one of state government's most important functions. In performing this function, the state seeks to provide sufficient funding while encouraging equity, accountability, and incentives toward quality improvement. To help achieve these goals and to help control future spending growth, The state will fund core instruction and related support services, will facilitate improvement in the quality and delivery of programs and services encourage equity and accountability, and will equalize revenues raised locally for discretionary purposes.~~

Sec. 3. [REPEALER.]

Minnesota Statutes 1998, section 124D.68, subdivision 8, is repealed.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective for the 2000-2001 school year and later.

ARTICLE 10

STATE ADMINISTRATION OF EDUCATION

Section 1. Minnesota Statutes 1999 Supplement, section 127A.05, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT AND DUTIES.] The department shall be under the administrative control of the commissioner of children, families, and learning which office is established. The governor shall appoint the commissioner under the provisions of section 15.06.

The commissioner shall be a person who possesses educational attainment and breadth of experience in the administration of public education and of the finances pertaining thereto commensurate with the spirit and intent of this code. Notwithstanding any other law to the contrary, the commissioner may appoint up to two deputy commissioners who shall serve in the unclassified service. The commissioner shall also appoint other employees

as may be necessary for the organization of the department. The commissioner shall perform such duties as the law and rules may provide and be held responsible for the efficient administration and discipline of the department. The commissioner is charged with the execution of powers and duties to promote public education in the state and to safeguard the finances pertaining thereto.

Sec. 2. Minnesota Statutes 1998, section 127A.05, subdivision 3, is amended to read:

Subd. 3. [GENERAL SUPERVISION OVER PUBLIC SCHOOLS AND EDUCATIONAL AGENCIES.] The commissioner of children, families, and learning shall ~~adopt goals for and~~ exercise general supervision over public schools and other public educational agencies in the state, ~~classify and standardize public elementary and secondary schools, and prepare for them outlines and suggested courses of study.~~ The commissioner shall develop a plan to attain the adopted goals. The commissioner may recognize educational accrediting agencies for the sole purposes of sections 120A.22, 120A.24, and 120A.26.

Sec. 3. Minnesota Statutes 1998, section 127A.06, is amended to read:

127A.06 [RECOMMENDATIONS; BUDGET.]

~~The commissioner of children, families, and learning shall recommend to the governor and legislature such modification and unification of laws relating to the state system of education as shall make those laws more readily understood and more effective in execution.~~ The commissioner of children, families, and learning shall prepare a biennial education budget which shall be submitted to the governor and legislature, such budget to contain a complete statement of finances pertaining to the ~~maintenance~~ operations of the state department and to the distribution of state aid.

Sec. 4. Minnesota Statutes 1998, section 127A.41, subdivision 7, is amended to read:

Subd. 7. [SCHEDULE ADJUSTMENTS.] ~~(a) It is the intention of the legislature to encourage efficient and effective use of staff and facilities by districts. Districts are encouraged to consider both cost and energy saving measures.~~

~~(b)~~ Any district operating a program pursuant to sections 124D.12 to 124D.127, 124D.128, or 124D.25 to 124D.29, or operating a commissioner-designated area learning center program under section 123A.09, or that otherwise receives the approval of the commissioner to operate its instructional program to avoid an aid reduction in any year, may adjust the annual school schedule for that program throughout the calendar year.

Sec. 5. [REPEALER.]

Minnesota Statutes 1998, section 127A.41, subdivision 4, is repealed.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective for the 2000-2001 school year and later.

ARTICLE 11

ARTS SCHOOL

Section 1. Minnesota Statutes 1999 Supplement, section 129C.10, subdivision 3, is amended to read:

Subd. 3. [POWERS AND DUTIES OF BOARD.] (a) The board has the powers necessary for the care, management, and control of the Perpich center for arts education and all its real and personal property. The powers shall include, but are not limited to, those listed in this subdivision.

(b) The board may employ and discharge necessary employees, and contract for other services to ensure the efficient operation of the center for arts education.

(c) The board may receive and award grants. The board may establish a charitable foundation and accept, in trust or otherwise, any gift, grant, bequest, or devise for educational purposes and hold, manage, invest, and dispose of them and the proceeds and income of them according to the terms and conditions of the gift, grant, bequest, or devise and its acceptance. The board must adopt internal procedures to administer and monitor aids and grants.

~~(d) The board may establish or coordinate evening, continuing education, extension, and summer programs for teachers and pupils:~~

~~(e) The board may identify pupils who have artistic talent, either demonstrated or potential, in dance, literary arts, media arts, music, theater, and visual arts, or in more than one art form:~~

~~(f) The board must educate pupils with artistic talent by providing:~~

~~(1) an interdisciplinary academic and arts program for pupils in the 11th and 12th grades. The total number of pupils accepted under this clause and clause (2) shall not exceed 300;~~

~~(2) additional instruction to pupils for a 13th grade. Pupils eligible for this instruction are those enrolled in 12th grade who need extra instruction and who apply to the board, or pupils enrolled in the 12th grade who do not meet learner outcomes established by the board;~~

~~(3) intensive arts seminars for one or two weeks for pupils in grades 9 to 12;~~

~~(4) (3) summer arts institutes for pupils in grades 9 to 12;~~

~~(5) (4) artist mentor and extension programs in regional sites; and~~

~~(6) (5) teacher education programs for indirect curriculum delivery.~~

~~(g) The board may determine the location for the Perpich center for arts education and any additional facilities related to the center, including the authority to lease a temporary facility:~~

~~(h) (e) The board must plan for the enrollment of pupils on an equal basis from each congressional district.~~

~~(i) The board may establish task forces as needed to advise the board on policies and issues. The task forces expire as provided in section 15.059, subdivision 6.~~

~~(j) The board may request the commissioner of children, families, and learning for assistance and services:~~

~~(k) (f) The board may enter into contracts with other public and private agencies and institutions for residential and building maintenance services if it determines that these services could be provided more efficiently and less expensively by a contractor than by the board itself. The board may also enter into contracts with public or private agencies and institutions, school districts or combinations of school districts, or service cooperatives to provide supplemental educational instruction and services.~~

~~(l) (g) The board may provide or contract for services and programs by and for the center for arts education, including a store, operating in connection with the center; theatrical events; and other programs and services that, in the determination of the board, serve the purposes of the center.~~

~~(m) (h) The board may provide for transportation of pupils to and from the center for arts education for all or part of the school year, as the board considers advisable and subject to its rules. Notwithstanding any other law to the contrary, and the board may charge a reasonable fee for transportation of pupils. Every driver providing~~

transportation of pupils under this paragraph must possess all qualifications required by the commissioner of children, families, and learning. The board may contract for furnishing authorized transportation under rules established by the commissioner of children, families, and learning and may purchase and furnish gasoline to a contract carrier for use in the performance of a contract with the board for transportation of pupils to and from the center for arts education. When transportation is provided, scheduling of routes, establishment of the location of bus stops, the manner and method of transportation, the control and discipline of pupils, and any other related matter is within the sole discretion, control, and management of the board.

~~(n)~~ (i) The board may provide room and board for its pupils. If the board provides room and board, it shall charge a reasonable fee for the room and board. The fee is not subject to chapter 14 and is not a prohibited fee according to sections 123B.34 to 123B.39.

~~(o)~~ (j) The board may establish and set fees for services and programs. If the board sets fees not authorized or prohibited by the Minnesota public school fee law, it may do so without complying with the requirements of section 123B.38.

~~(p)~~ (k) The board may apply for all competitive grants administered by agencies of the state and other government or nongovernment sources.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for the 2000-2001 school year.

ARTICLE 12

REPEAL OF RULES

Section 1. [REPEALER.]

Minnesota Rules, parts 3505.4300; 3520.0400; 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644; 3545.0600; 3545.0700; 3545.0800; 3545.0900; and 3550.0100, are repealed.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; repealing, modifying, and expanding certain provisions of the kindergarten through grade 12 education code; amending Minnesota Statutes 1998, sections 120A.05, by adding a subdivision; 120A.22, subdivision 1; 120B.11, subdivisions 2 and 5; 120B.22, subdivision 1; 120B.23, subdivision 2; 121A.06; 121A.15; 121A.34; 121A.55; 121A.69, subdivision 3; 122A.09, subdivision 6; 122A.15; 122A.162; 122A.22; 122A.40, subdivision 8; 122A.41, subdivision 5; 122A.68, subdivisions 1 and 7; 122A.69; 122A.70, subdivision 2; 122A.91; 122A.92; 123B.02, subdivision 1; 123B.04, subdivisions 2 and 5; 123B.143, subdivision 1; 123B.147, as amended; 123B.49, subdivision 1; 123B.51, subdivisions 1 and 5; 123B.83, subdivision 1; 123B.90, subdivision 1; 124D.02, subdivision 1; 124D.03, subdivision 3; 124D.09, subdivisions 5, 6, and 7; 124D.10, subdivisions 1 and 19; 124D.115, subdivision 3; 124D.118, subdivisions 2 and 3; 124D.128, subdivision 1; 124D.34, subdivision 4; 124D.35; 124D.37; 124D.40, subdivision 2; 124D.41; 124D.42, subdivision 7; 124D.46, subdivision 1; 124D.47, subdivision 2; 124D.49, subdivision 3; 124D.50, subdivisions 2 and 3; 124D.65, subdivision 6; 124D.892; 124D.94, subdivision 4; 125B.05, as amended; 126C.31; 127A.05, subdivision 3; 127A.06; and 127A.41, subdivision 7; Minnesota Statutes 1999 Supplement, sections 122A.40, subdivision 5; 122A.58, subdivision 1; 122A.60,

subdivision 1; 123A.06, subdivision 1; 123B.36, subdivision 1; 123B.43; 123B.49, subdivision 4; 123B.90, subdivision 2; 123B.91, subdivision 1; 124D.10, subdivisions 6 and 15; 124D.121; 124D.126, subdivision 1; 124D.94, subdivision 2; 125B.20; 126C.05, subdivision 1; 127A.05, subdivision 1; and 129C.10, subdivision 3; repealing Minnesota Statutes 1998, sections 121A.03, subdivision 3; 121A.16; 121A.70; 122A.163; 122A.19, subdivision 2; 122A.32; 122A.40, subdivision 6; 122A.41, subdivision 3; 122A.49, subdivisions 1, 2, and 4; 122A.52; 122A.53; 122A.71; 122A.72, subdivisions 1, 2, 3, and 5; 122A.75; 123A.15, subdivision 1; 123A.35; 123A.36, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, and 11; 123A.37; 123A.38; 123A.39, subdivisions 1, 2, and 4; 123A.40; 123A.41, subdivisions 1 and 4; 123A.43; 123B.02, subdivisions 5, 10, and 13; 123B.11; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.744; 123B.93; 123B.95, subdivision 3; 124D.02, subdivision 4; 124D.06; 124D.07; 124D.081, subdivision 1; 124D.118, subdivision 1; 124D.124; 124D.125; subdivisions 1, 2, 4, and 5; 124D.30; 124D.47, subdivision 1; 124D.68, subdivision 8; 124D.91; 124D.92; 124D.93, subdivisions 2, 3, and 6; 125B.02; and 127A.41, subdivision 4; Minnesota Statutes 1999 Supplement, sections 122A.72, subdivision 4; 123A.36, subdivisions 1 and 2; 123B.02, subdivision 9; 124D.122; 124D.127; and 124D.93, subdivisions 1, 4, and 5; Minnesota Rules, parts 3505.4300; 3520.0400; 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644; 3545.0600; 3545.0700; 3545.0800; 3545.0900; and 3550.0100."

The motion prevailed and the amendment was adopted.

Seagren and Entenza moved to amend S. F. No. 3216, as amended, as follows:

Page 25, after line 36, insert:

"Sec. 2. Minnesota Statutes 1999 Supplement, section 123B.03, subdivision 1, is amended to read:

Subdivision 1. [BACKGROUND CHECK REQUIRED.] (a) A school hiring authority, as defined in subdivision 3, shall request a criminal history background check from the superintendent of the bureau of criminal apprehension on all individuals who are offered employment in the school, as defined in subdivision 3. In order to be eligible for employment, an individual who is offered employment must provide an executed criminal history consent form and a money order or check payable to either the bureau of criminal apprehension or the school hiring authority, at the election of the school hiring authority, in an amount equal to the actual cost to the bureau of criminal apprehension and the school district of conducting the criminal history background check. A school hiring authority electing to receive payment may, at its discretion, accept payment in the form of a negotiable instrument other than a money order or check and shall pay the superintendent of the bureau of criminal apprehension directly to conduct the background check. The superintendent of the bureau of criminal apprehension shall conduct the background check by retrieving criminal history data maintained in the criminal justice information system computers. A school hiring authority, at its discretion, may elect not to request a criminal history background check on an individual who holds an initial entrance license issued by the state board of teaching or the commissioner of children, families, and learning within the 12 months preceding an offer of employment.

(b) A school hiring authority may use the results of a criminal background check conducted at the request of another school hiring authority if:

- (1) the results of the criminal background check are on file with the other school hiring authority or otherwise accessible;
- (2) the other school hiring authority conducted a criminal background check within the previous 12 months;
- (3) the individual who is the subject of the criminal background check executes a written consent form giving a school hiring authority access to the results of the check; and

(4) there is no reason to believe that the individual has committed an act subsequent to the check that would disqualify the individual for employment.

(c) A school hiring authority may, at its discretion, request a criminal history background check from the superintendent of the bureau of criminal apprehension on any individual who seeks to enter a school or its grounds for the purpose of serving as a school volunteer or working as an independent contractor or student employee. In order for an individual to enter a school or its grounds under this paragraph when the school hiring authority elects to request a criminal history background check on the individual, the individual first must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school district in an amount equal to the actual cost to the bureau of criminal apprehension and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

(d) For all nonstate residents who are offered employment in a school, a school hiring authority shall request a criminal history background check on such individuals from the superintendent of the bureau of criminal apprehension and from the government agency performing the same function in the resident state or, if no government entity performs the same function in the resident state, from the Federal Bureau of Investigation. Such individuals must provide an executed criminal history consent form and a money order, check, or other negotiable instrument payable to the school hiring authority in an amount equal to the actual cost to the government agencies and the school district of conducting the criminal history background check. Notwithstanding section 299C.62, subdivision 1, the cost of the criminal history background check under this paragraph is the responsibility of the individual.

Notwithstanding paragraph (c), an individual who is not a licensed teacher but who provides classroom instruction and receives payment from the school district for the instruction must receive a criminal history background check from the superintendent of the bureau of criminal apprehension according to the terms of paragraph (a) before the individual is eligible to provide the instruction.

EFFECTIVE DATE: Section 1 is effective the day following final enactment."

Page 37, lines 15 to 36, reinstate the stricken language

Page 38, lines 1 to 16, reinstate the stricken language

Page 38, line 16, delete "(d)"

Page 41, lines 3 to 9, reinstate the stricken language

Page 43, line 19, reinstate the stricken language and delete the new language

Page 44, line 11, reinstate the stricken language and delete the new language

Page 49, line 13, reinstate the stricken language and delete the new language

Page 49, line 15, reinstate the stricken language and delete the new language

Page 53, line 21, reinstate "GOALS" and delete "ESTABLISHMENT"

Page 53, line 26, reinstate the stricken language

Page 53, line 27, reinstate "are" and delete "shall develop and implement"

Page 53, line 28, delete "methods"

Page 56, line 10, reinstate the stricken language and delete the new language

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Reuter moved to amend S. F. No. 3216, as amended, as follows:

Page 6, after line 5, insert:

"Sec. 5. [TESTING FOR BASIC REQUIREMENT OF WRITTEN COMPOSITION.]

Subdivision 1. [JANUARY 26, 2000, WRITTEN COMPOSITION TEST RESULTS.] (a) Notwithstanding any law or rule to the contrary, within seven days of the effective date of this section, every school district, the department of children, families, and learning, every independent vendor contracted to score the state test of the basic requirement for written composition under the graduation rule in Minnesota Statutes, section 120B.02, and administered on January 26, 2000, or any other persons or entities that have in their possession the test booklets or test prompt for the basic requirement for written composition administered to students on January 26, 2000, must destroy the test booklets, test prompt, and associated materials. No report on a student's response may be made other than reporting the test score. If a report has been made based on the January 26, 2000, written composition test, it must be destroyed. The test prompt for the basic requirement for written composition administered on January 26, 2000, may no longer be administered to students. The school district, department of children, families, and learning, independent vendor, or any other persons or entities that destroys the test booklets, test prompt, and associated materials must confirm in writing to the chairs of the house and senate education committees that the test booklets, test prompt, and associated materials in their possession were destroyed. Only the test score for each student shall be recorded and all other materials directly or indirectly associated with this test must be destroyed.

(b) A student's response to the state test of the basic requirement in written composition must not be included in educational data on the student and is exempt from the requirements of Minnesota Statutes, section 626.556. For the purposes of this subdivision, "educational data" is as defined in Minnesota Statutes, section 13.32, subdivision 1.

(c) Reporting of test responses by students is exempt from Minnesota Statutes, section 626.556, and no disciplinary action may be imposed under that section.

Subd. 2. [TEST PROMPTS.] Any test prompt developed or administered for the state's basic skills test for written composition under Minnesota Statutes, section 120B.02, after the effective date of this section must not pertain to a student's personal characteristics, family, values, attitudes, or conscientiously held beliefs. The test instructions must include notification that a student's written composition will be returned to the student's school district after scoring is completed so that schools, teachers, and students have the opportunity to review them for diagnosis of student writing proficiency and identification of needs for further instruction.

Subd. 3. [CONFLICT OF LAW.] This section supersedes any conflicting provision of law or rule to the contrary."

Page 6, line 8, after the period, insert "Section 5, subdivisions 1, paragraph (a), 2, and 3, are effective the day following final enactment. Section 5, subdivision 1, paragraphs (b) and (c), are effective retroactive to January 27, 2000."

Correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Reuter amendment and the roll was called. There were 79 yeas and 38 nays as follows:

Those who voted in the affirmative were:

Abeler	Finseth	Kielkucki	Ness	Seagren	Wenzel
Abrams	Fuller	Knoblach	Nornes	Seifert, J.	Westerberg
Boudreau	Gerlach	Krinkie	Olson	Seifert, M.	Westfall
Bradley	Goodno	Kubly	Osskopp	Skoe	Westrom
Broecker	Gunther	Kuisle	Ozment	Smith	Wilkin
Buesgens	Haas	Larsen, P.	Paulsen	Stanek	Winter
Carlson	Hackbarth	Larson, D.	Pawlenty	Storm	Wolf
Cassell	Harder	Lenczewski	Pelowski	Swenson	Workman
Clark, J.	Hasskamp	Lindner	Peterson	Sykora	Spk. Sviggum
Daggett	Holberg	Luther	Rest	Tingelstad	
Davids	Holsten	Mares	Reuter	Tuma	
Dehler	Jennings	Milbert	Rifenberg	Tunheim	
Dempsey	Juhnke	Molnau	Rostberg	Van Dellen	
Erickson	Kalis	Mulder	Schumacher	Vandever	

Those who voted in the negative were:

Anderson, I.	Erhardt	Howes	Leppik	Orfield	Solberg
Bakk	Folliard	Huntley	Lieder	Otremba	Tomassoni
Biernat	Gleason	Jaros	Mahoney	Paymar	Wagenius
Bishop	Gray	Johnson	McCollum	Pugh	
Carruthers	Greenfield	Kahn	McElroy	Rhodes	
Chaudhary	Greiling	Kelliher	Mullery	Rukavina	
Dorman	Hilty	Koskinen	Opatz	Skoglund	

The motion prevailed and the amendment was adopted.

S. F. No. 3216, A bill for an act relating to education; repealing, modifying, and expanding certain provisions of the kindergarten through grade 12 education code; amending Minnesota Statutes 1998, sections 120A.05, by adding subdivisions; 120A.22, subdivisions 1 and 5; 120B.11, subdivision 5; 120B.22, subdivision 1; 121A.06; 121A.11, subdivision 1; 121A.15; 121A.26; 121A.27; 121A.28; 121A.29, subdivision 1; 121A.32, subdivision 1; 121A.34; 121A.55; 121A.69, subdivision 3; 122A.09, subdivision 6; 122A.15; 122A.22; 122A.40, subdivisions 3, 8, and 19; 122A.41, subdivision 15; 122A.51; 122A.68, subdivisions 1 and 7; 122A.69; 122A.70, subdivision 2; 122A.91; 122A.92; 123B.02, subdivisions 1 and 2; 123B.04, subdivisions 2 and 5; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.147, as amended; 123B.49, subdivision 1; 123B.51, subdivisions 1 and 5; 123B.83, subdivision 1; 123B.90, subdivision 1; 124D.02, subdivision 1; 124D.03, subdivision 3; 124D.09, subdivisions 5, 6, 7, and 12; 124D.10, subdivisions 1 and 19; 124D.115, subdivision 3; 124D.118, subdivisions 2 and 3; 124D.28, subdivision 1; 124D.29, by adding a subdivision; 124D.30, subdivision 3; 124D.34, subdivision 4; 124D.35; 124D.37; 124D.40, subdivision 2; 124D.41; 124D.42, subdivision 7; 124D.46, subdivision 1; 124D.47, subdivision 2; 124D.49, subdivision 3; 124D.50, subdivisions 2 and 3; 124D.65, subdivision 6; 124D.74, subdivision 1; 124D.88, subdivision 2; 124D.892; 124D.894; 124D.94, subdivision 4; 125B.05, subdivisions 1 and 2; 126C.17, subdivision 11; 126C.31; 127A.05, subdivision 3; 127A.06; 127A.41, subdivision 7; Minnesota Statutes 1999 Supplement, sections 122A.40, subdivision 5; 122A.58, subdivision 1; 122A.60, subdivision 1; 123A.06, subdivision 1; 123B.02, subdivision 3; 123B.36, subdivision 1; 123B.43; 123B.445; 123B.49, subdivision 4; 123B.73, subdivision 1; 123B.90, subdivision 2; 123B.91, subdivision 1; 124D.10, subdivisions 6 and 15; 124D.94, subdivision 2; 125B.20, subdivisions 1 and 4; 126C.05, subdivision 1; 126C.48, subdivision 8; 127A.05, subdivision 1; 127A.42, subdivision 2; 129C.10,

subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 1998, sections 120A.41; 120B.10; 120B.11, subdivisions 3, 4, and 7; 120B.24; 121A.03, subdivision 3; 121A.11, subdivision 2; 121A.16; 121A.32, subdivisions 2, 4, and 5; 121A.41, subdivision 3; 122A.162; 122A.19, subdivision 2; 122A.32; 122A.33; 122A.40, subdivision 6; 122A.42; 122A.43, subdivisions 1, 2, 3, 4, and 6; 122A.45; 122A.49; 122A.52; 122A.53; 122A.54; 122A.55; 122A.56; 122A.57; 122A.71; 122A.72, subdivisions 1, 2, 3, and 5; 122A.75; 123A.07; 123A.15, subdivision 1; 123A.35; 123A.36, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, and 11; 123A.37; 123A.38; 123A.39, subdivisions 1, 2, and 4; 123A.40; 123A.41, subdivisions 1 and 4; 123A.43; 123B.02, subdivisions 5, 6, 10, 11, 13, and 16; 123B.04, subdivision 4; 123B.11; 123B.147, subdivisions 1 and 3; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.40; 123B.49, subdivisions 2 and 3; 123B.51, subdivisions 2, 3, and 4; 123B.744; 123B.84; 123B.87; 123B.88, subdivisions 11, 13, 18, 20, and 22; 123B.93; 123B.95, subdivision 3; 124D.02, subdivisions 2, 3, and 4; 124D.03, subdivisions 5, 7, 9, and 10; 124D.06; 124D.07; 124D.081, subdivision 1; 124D.09, subdivisions 2, 8, 25, and 26; 124D.10, subdivision 13; 124D.115, subdivisions 1 and 2; 124D.118, subdivision 1; 124D.12; 124D.123; 124D.124; 124D.125; 124D.128, subdivisions 1, 3, 4, 5, and 6; 124D.31; 124D.34, subdivision 5; 124D.43; 124D.46, subdivision 3; 124D.47, subdivision 1; 124D.50, subdivisions 1, 2, and 3; 124D.60, subdivision 3; 124D.65, subdivisions 8, 9, and 10; 124D.68, subdivision 1; 124D.72; 124D.81, subdivision 7; 124D.88, subdivision 1; 124D.895; 124D.90, subdivision 5; 124D.91; 124D.92; 124D.93, subdivisions 2, 3, and 6; 125B.02; 125B.07, subdivisions 1 and 5; 125B.09; 125B.11; 127A.05, subdivision 5; and 127A.41, subdivision 4; Minnesota Statutes 1999 Supplement, sections 122A.72, subdivision 4; 123A.06, subdivision 3; 123A.36, subdivisions 1 and 2; 123B.02, subdivision 9; 123B.88, subdivisions 12 and 21; 124D.121; 124D.122; 124D.126; 124D.127; 124D.128, subdivisions 2 and 7; 124D.93, subdivisions 1, 4, and 5; and 125B.07, subdivision 3; Minnesota Rules, parts 3505.4300; 3520.0400; 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644; 3545.0600; 3545.0700; 3545.0800; 3545.0900; and 3550.0100.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 114 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	Erhardt	Jennings	Mahoney	Pawlenty	Storm
Abrams	Erickson	Juhnke	Mares	Paymar	Swenson
Bakk	Finseth	Kahn	Marko	Pelowski	Sykora
Bishop	Folliard	Kalis	McCollum	Peterson	Tingelstad
Boudreau	Fuller	Kelliher	McElroy	Pugh	Trimble
Bradley	Gerlach	Kielkucki	Milbert	Rest	Tuma
Broecker	Gleason	Knoblach	Molnau	Reuter	Tunheim
Carlson	Goodno	Koskinen	Mulder	Rhodes	Van Dellen
Carruthers	Greiling	Krinkie	Mullery	Rifenberg	Vandever
Cassell	Gunther	Kubly	Murphy	Rostberg	Wagenius
Chaudhary	Haas	Kuisle	Ness	Rukavina	Wenzel
Clark, J.	Hackbarth	Larsen, P.	Nornes	Schumacher	Westerberg
Clark, K.	Harder	Larson, D.	Opatz	Seagren	Westfall
Daggett	Hasskamp	Leighton	Orfield	Seifert, J.	Westrom
Davids	Hilty	Lenczewski	Osskopp	Seifert, M.	Wilkin
Dehler	Holberg	Leppik	Osthoff	Skoe	Winter
Dempsey	Holsten	Lieder	Otremba	Skoglund	Wolf
Dorman	Howes	Lindner	Ozment	Smith	Workman
Entenza	Jaros	Luther	Paulsen	Stanek	Spk. Sviggum

Those who voted in the negative were:

Huntley

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

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 3110, A bill for an act relating to education; repealing a provision relating to participation in Minnesota amateur sports commission exhibitions; repealing Minnesota Statutes 1999 Supplement, section 128C.02, subdivision 3a.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 3819.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3819, A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 1998, sections 161.32, subdivision 7, as added; 256B.501, subdivision 13, as added; 268.059; 349.163, subdivision 9, as added; 462A.201, subdivision 2; and 477A.06, subdivision 3, as amended; Minnesota Statutes 1999 Supplement, sections 123B.54, as amended; 125A.76, subdivision 1, as amended; 245.4871, subdivision 4, as amended; 256B.431, subdivision 28, as amended; 290.01, subdivision 19, as amended; and 477A.06, subdivision 1, as amended; Laws 1999, chapter 241, article 2, section 60, subdivision 14, as amended; chapter 243, article 1, section 2, as amended; and chapter 245, article 1, section 2, subdivision 8, as amended; and Laws 2000, chapter 296, section 1; chapter 429, section 1; chapter 444, article 1, section 6; chapter 461, article 17, section 14; chapter 463, section 23, subdivision 2; chapter 479, articles 1, section 2, subdivision 12; and 2, section 1; chapter 488, articles 8, section 2, subdivisions 4 and 6; and 10, section 37; chapter 489, articles 2, section 34; 5, section 28, subdivision 4; and 6, section 44, subdivision 1; and chapter 492, article 1, sections 1; 5, subdivisions 4 and 5; 12, subdivision 10; 22, subdivision 3; 23; 25; and 26, subdivision 1; Minnesota Statutes, section 58.135, as added; 2000 H.F. No. 2891, section 1, if enacted; repealing Laws 1999, chapter 241, article 1, section 64; and Laws 2000, chapter 492, article 1, section 7, subdivision 31.

The bill was read for the first time.

SUSPENSION OF RULES

Pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, Seifert, J., moved that the rule therein be suspended and an urgency be declared so that S. F. No. 3819 be given its second and third readings and be placed upon its final passage. The motion prevailed.

Seifert, J., moved that the rules of the House be so far suspended that S. F. No. 3819 be given its second and third readings and be placed upon its final passage. The motion prevailed.

S. F. No. 3819 was read for the second time.

S. F. No. 3819, A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 1998, sections 161.32, subdivision 7, as added; 256B.501, subdivision 13, as added; 268.059; 349.163, subdivision 9, as added; 462A.201, subdivision 2; and 477A.06, subdivision 3, as amended; Minnesota Statutes 1999 Supplement, sections 123B.54, as amended; 125A.76, subdivision 1, as amended; 245.4871, subdivision 4, as amended; 256B.431, subdivision 28, as amended; 290.01, subdivision 19, as amended; and 477A.06, subdivision 1, as amended; Laws 1999, chapter 241, article 2, section 60, subdivision 14, as amended; chapter 243, article 1, section 2, as amended; and chapter 245, article 1, section 2, subdivision 8, as amended; and Laws 2000, chapter 296, section 1; chapter 429, section 1; chapter 444, article 1, section 6; chapter 461, article 17, section 14; chapter 463, section 23, subdivision 2; chapter 479, articles 1, section 2, subdivision 12; and 2, section 1; chapter 488, articles 8, section 2, subdivisions 4 and 6; and 10, section 37; chapter 489, articles 2, section 34; 5, section 28, subdivision 4; and 6, section 44, subdivision 1; and chapter 492, article 1, sections 1; 5, subdivisions 4 and 5; 12, subdivision 10; 22, subdivision 3; 23; 25; and 26, subdivision 1; Minnesota Statutes, section 58.135, as added; 2000 H.F. No. 2891, section 1, if enacted; repealing Laws 1999, chapter 241, article 1, section 64; and Laws 2000, chapter 492, article 1, section 7, subdivision 31.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 121 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Dorn	Howes	Luther	Paymar	Tingelstad
Abrams	Entenza	Huntley	Mahoney	Pelowski	Tomassoni
Anderson, I.	Erhardt	Jaros	Mares	Peterson	Trimble
Bakk	Erickson	Jennings	Marko	Pugh	Tuma
Biernat	Finseth	Johnson	McCollum	Rest	Tunheim
Bishop	Folliard	Juhnke	McElroy	Rhodes	Van Dellen
Boudreau	Fuller	Kahn	Milbert	Rifenberg	Vandever
Bradley	Gerlach	Kalis	Molnau	Rostberg	Wagenius
Broecker	Gleason	Kelliher	Mulder	Rukavina	Wenzel
Buesgens	Goodno	Kielkucki	Mullery	Schumacher	Westerberg
Carlson	Gray	Knoblach	Murphy	Seagren	Westfall
Carruthers	Greenfield	Koskinen	Ness	Seifert, J.	Westrom
Cassell	Greiling	Kubly	Nornes	Seifert, M.	Wilkin
Chaudhary	Gunther	Kuisle	Opatz	Skoe	Winter
Clark, J.	Haas	Larsen, P.	Orfield	Skoglund	Wolf
Clark, K.	Hackbarth	Larson, D.	Osskopp	Smith	Spk. Sviggum
Daggett	Harder	Leighton	Osthoff	Stanek	
Davids	Hasskamp	Lenczewski	Otremba	Storm	
Dehler	Hilty	Leppik	Ozment	Swapinski	
Dempsey	Holberg	Lieder	Paulsen	Swenson	
Dorman	Holsten	Lindner	Pawlenty	Sykora	

Those who voted in the negative were:

Krinkie	Olson	Reuter	Solberg	Workman
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The bill was passed and its title agreed to.

MOTION TO ADJOURN SINE DIE

Reuter moved that the House adjourn sine die.

A roll call was requested and properly seconded.

The question was taken on the Reuter motion and the roll was called. There were 28 yeas and 97 nays as follows:

Those who voted in the affirmative were:

Bakk	Clark, J.	Holberg	Olson	Smith	Westfall
Boudreau	Daggett	Holsten	Reuter	Swenson	Wilkin
Broecker	Erickson	Krinkie	Rostberg	Tomassoni	Workman
Buesgens	Gerlach	Lindner	Rukavina	Van Dellen	
Carruthers	Haas	Mulder	Seifert, M.	Westerberg	

Those who voted in the negative were:

Abeler	Finseth	Juhnke	Mares	Pawlenty	Sykora
Abrams	Folliard	Kahn	Marko	Paymar	Tingelstad
Anderson, I.	Fuller	Kalis	McCollum	Pelowski	Trimble
Biernat	Goodno	Kelliher	McElroy	Peterson	Tuma
Bishop	Gray	Kielkucki	Milbert	Pugh	Tunheim
Bradley	Greenfield	Knoblach	Molnau	Rest	Vandever
Carlson	Greiling	Koskinen	Mullery	Rhodes	Wagenius
Cassell	Gunther	Kubly	Murphy	Rifenberg	Wenzel
Chaudhary	Hackbarth	Kuisle	Ness	Schumacher	Westrom
Clark, K.	Harder	Larsen, P.	Nornes	Seagren	Winter
Davids	Hasskamp	Larson, D.	Opatz	Seifert, J.	Wolf
Dehler	Hilty	Leighton	Orfield	Skoe	Spk. Sviggum
Dempsey	Howes	Lenczewski	Osskopp	Skoglund	
Dorman	Huntley	Leppik	Osthoff	Solberg	
Dorn	Jaros	Lieder	Otremba	Stanek	
Entenza	Jennings	Luther	Ozment	Storm	
Erhardt	Johnson	Mahoney	Paulsen	Swapinski	

The motion did not prevail.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

This is to notify you that the Senate is about to adjourn the Eighty-First Legislative Session sine die.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 3286.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3286

A bill for an act relating to education; amending state graduation requirements; amending graduation rules; amending Minnesota Statutes 1998, sections 120A.41; and 120B.03, subdivision 2, and by adding subdivisions; Minnesota Statutes 1999 Supplement, sections 120B.02; and 120B.30, subdivision 1; repealing Minnesota Statutes 1998, sections 120B.03, subdivisions 1 and 3; and 120B.04; Minnesota Rules, parts 3501.0330, subparts 2, item A, and 7, item B; 3501.0370, subparts 1, 2, and 4; 3501.0420, subparts 1, item D, and 4; and 3501.0430.

May 17, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3286, 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. 3286 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 120A.41, is amended to read:

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

A school board's annual school calendar must include at least three additional days of student instruction or staff development training related to implementing section 120B.03, subdivision 1a, paragraph (f), beyond the number of days of student instruction the board formally adopted as its school calendar at the beginning of the 1996-1997 school year.

Sec. 2. Minnesota Statutes 1999 Supplement, section 120B.02, is amended to read:

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

(a) The legislature is committed to establishing a rigorous, results-oriented graduation rule for Minnesota's public school students. To that end, the commissioner shall use its rulemaking authority under section 127A.05, subdivision 4, to adopt a statewide, results-oriented graduation rule to be implemented starting with students beginning ninth grade in the 1996-1997 school year. The commissioner shall not prescribe in rule or otherwise the

delivery system or form of instruction that ~~local 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.

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

(1) the rule is intended to raise academic expectations for students, teachers, and schools;

(2) any state action regarding the rule must evidence consideration of school district autonomy; and

(3) the department of children, families, and learning, with the assistance of school districts, must make available information about all state initiatives related to the rule to students and parents, teachers, and the general public in a timely format that is appropriate, comprehensive, and readily understandable.

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

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

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

(1) read, listen, and view;

(2) write and speak;

(3) arts and literature;

(4) mathematical concepts and applications;

(5) inquiry and research;

(6) scientific concepts and applications;

(7) social studies;

(8) physical education and lifetime fitness;

(9) economics and business;

(10) world languages; and

(11) technical and vocational education.

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

~~(f) The commissioner shall report in writing to the legislature annually by January 15 on its progress in developing and implementing the graduation requirements according to the requirements of this subdivision and section 120B.10 until such time as all the graduation requirements are implemented.~~

(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.03, subdivisions 4, 5, and 6, based on information each district, area learning center and charter school provides.

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

(i) School districts are not required to adopt specific provisions of the Goals 2000 and the federal School-to-Work programs.

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

Subd. 1a. [SCHOOL SITE DETERMINES REQUIRED CONTENT STANDARDS.] (a) Notwithstanding any rule or law to the contrary, by August 15 of each year, each school district, area learning center, and charter school must notify the commissioner of the preparatory and high school content standards required at each site under paragraph (b).

(b)(1) Each public school site, by a majority vote of the licensed teachers and administrators at the site voting jointly and by a majority vote of the school board;

(2) each area learning center, by a majority vote of the licensed teachers and administrators at the site voting jointly and by a majority vote of the school board of the district in which the center is located; and

(3) each charter school by a majority vote of the licensed teachers and administrators at the charter school voting jointly and with approval of the school's sponsor, must determine the number of preparatory and high school content standards that the school site requires students to complete, including the number of high school content standards students must complete to graduate.

(c) If a school site and the local school board, the area learning center and the school board of the district in which the center is located, or a charter school and its sponsor, are unable to agree on the preparatory or high school content standards required for students under paragraph (b), students at the school site must complete the state-required content standards.

(d) In addition to the reporting requirement under paragraph (a), a district, area learning center, and charter school shall report to the commissioner the schedule, by school year, that each school site will use to implement all the state required preparatory and high school content standards.

(e) Each district shall continue to implement the profile of learning, provide learning opportunities for all students in all preparatory content standards in learning areas one to nine, and provide learning opportunities for students sufficient to meet the state graduation requirements in the high school content standards in all learning areas. A district shall offer at least one foreign language in learning area ten.

(f) To implement preparatory and high school content standards, school sites must work to improve the scope and sequence of curriculum, research-based instructional skills of teachers and other district staff who work with students, and alternative assessments of student achievement.

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

Subd. 1b. [TRANSCRIPT DATA.] For the 1998-1999 school year and later, a student's transcript shall record work completed in each content standard implemented in the district, area learning center, or charter school. For high school content standards completed before the 2000-2001 school year, a student may request that the transcript record a "complete" or "incomplete" and not the numeric score recorded in an earlier school year.

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

Subd. 2a. [PERFORMANCE ASSESSMENTS.] Districts, area learning centers, and charter schools are not required to use state or locally developed performance packages to assess student achievement of a content standard. A district, area learning center, or charter school must select performance assessments that have a grading system comparable to the criteria established under the definition of rubric contained in rule and consistent with section 120B.03, subdivision 9. Districts, area learning centers, and charter schools may use one or more assessment methods to measure student performance on one or more content standards. The commissioner shall not mandate in rule or otherwise the assessment methods that local sites must use to meet the requirements under this section.

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

Subd. 4. [RIGOROUS COURSE OF STUDY; WAIVER.] (a) Upon receiving a student's application approved by the student's parent or guardian, and with the recommendation of the student's teacher, a school district, area learning center, or charter school must declare that a student has completed a content standard if the local school board, the school board of the school district in which the area learning center is located, or charter school board of directors determines that:

(1) the student is participating in a course of study including an advanced placement or international baccalaureate course or a learning opportunity outside the curriculum of the district, area learning center, or charter school that is equally or more rigorous than the content standard required by the district, area learning center, or charter school or the state graduation rule; and

(2) achieving the content standard to be waived would preclude the student from participating in the rigorous course of study or learning opportunity.

(b) A student who satisfactorily completes a post-secondary enrollment options course or program under section 124D.09, that has been approved under paragraph (c), is not required to complete other requirements of the content standards corresponding to that specific rigorous course of study.

(c) By August 15, 2002, and each year thereafter, the board of regents of the University of Minnesota, the board of trustees of the Minnesota state colleges and universities, and the governing boards of Minnesota private colleges shall determine the courses offered at each post-secondary institution under the post-secondary enrollment options program that meet the requirements of paragraph (a) and shall notify the commissioner of those courses offered that meet the requirements. The commissioner shall make available a listing of the post-secondary enrollment options courses offered at post-secondary institutions meeting the requirements of this section.

(d) Notwithstanding paragraph (a) or (b), a student who entered ninth grade before the 2001-2002 school year and satisfactorily completes an advanced placement or international baccalaureate course, or a post-secondary enrollment options course under section 124D.09, satisfies the requirements of the content standards corresponding to that specific rigorous course of study.

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

Subd. 5. [STUDENTS HELD HARMLESS; WAIVER.] A local school board, the school board of the school district in which the area learning center is located, or a charter school board of directors may waive any content standard for a student or group of students who entered ninth grade before the 2000-2001 school year if the governing board of the school site determines that the students could not meet the site's content standard due to circumstances related to implementing the profile of learning that were beyond the students' control.

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

Subd. 6. [STUDENT TRANSFERS; OTHER WAIVERS.] A district, area learning center and charter school must establish processes by which to transfer as completed:

(1) those content standards that other school sites within the district or other public schools verify on transcripts as completed;

(2) the work that educational institutions outside the state accept for completing the equivalent of content standards and verify on transcripts as completed; and

(3) a student's opportunities to complete high school content standards through learning the student acquires outside the district's curriculum, if the local governing board determines the work or learning the student completed differs from the content standards at the school site in which the student is enrolled and the student is unable to fulfill the content standards at the enrolling site.

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

Subd. 7. [COMPLETION OF A CONTENT STANDARD.] Districts, area learning centers, and charter schools may:

(1) establish more than one content standard in a single course, consistent with section 120B.02, paragraph (f);

(2) develop a system allowing students to meet a content standard through different subject areas; and

(3) determine at what grade levels a content standard may be completed.

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

Subd. 8. [RECORDS.] A district, area learning center, and charter school shall maintain records of the following at each site to submit to the commissioner for audit at the commissioner's request:

(1) examples of local assessments used to measure students' completion of a content standard;

(2) aggregate data on students' completion of each high school content standard;

(3) aggregate data on each year's high school graduates, including the number of high school content standards completed, and the level of achievement earned on each standard;

(4) anonymous examples of student work in each high school content standard; and

(5) the number and identity of available content standards, the number of required content standards, and the number of content standards completed by students.

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

Subd. 9. [SCORING.] The grade level of a student shall not prohibit a student from receiving the highest state exemplar score upon completion of a content standard. Teachers may assign a score of "0" to incomplete student work on a standard. The assessment of the content standard must be included as part of the student's grade for a subject or course.

Sec. 12. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 10. [HIGH STANDARDS TOOL LIBRARY.] (a) The commissioner shall maintain a high standards tool library that offers teachers in each of the content standards at all grade levels examples of assessment tools to assess students' achievement of standards, examples of lesson plans, best practices methods, research on proven methods, and examples of exemplar work aligned to the content standards.

(b) By June 30, 2000, the commissioner shall have established a variety of tools described in paragraph (a). The tool library must be interactive and allow teachers to submit a variety of tools. In addition to commissioner-approved tools, the commissioner shall reserve a portion of the tool library for tools submitted by teachers without the commissioner's review.

Sec. 13. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 11. [TECHNOLOGY AND RECORDKEEPING.] (a) The commissioner shall designate to school districts, area learning centers, and charter schools software packages for reporting student performance on the content standards. The commissioner shall ensure that the designated recordkeeping software is capable of transferring student records between schools and school districts and is available to school districts at a minimal cost. The commissioner shall convene an advisory group composed of qualified experts and interested stakeholders to recommend to districts and charter schools recordkeeping practices under the graduation rule. The commissioner must also report on technology needs for efficient daily classroom recordkeeping and accountability reporting.

(b) The commissioner shall notify the education committees of the legislature that the requirements in paragraph (a) have been met.

Sec. 14. Minnesota Statutes 1998, section 120B.03, is amended by adding a subdivision to read:

Subd. 12. [EXAMINATION AND EVALUATION PANEL.] The commissioner shall establish an academic panel to examine, evaluate, and sustain the rigor of the content standards contained in the Minnesota graduation rule. The commissioner shall consider regional representation when selecting members for the panel. The panel shall be composed of:

(1) two teachers selected by education Minnesota, one of which shall have been a teacher of the year, and one with national board certification;

(2) deans of the colleges of education from the University of Minnesota, a Minnesota state college, and a Minnesota private college;

(3) a director of curriculum and instruction;

(4) an assessment practitioner;

(5) a school board member selected by the Minnesota school boards association; and

(6) an elementary school principal, a middle school principal, and a high school principal, each selected by the state organization representing such principals.

In the process of examining, evaluating, and sustaining the rigor of the state standards, the panel shall consult with recognized national and international education experts on academic standards and the independent office of educational accountability under section 120B.31, subdivision 3. The panel shall receive and analyze the report from the external review of the profile of learning standards, procedures, and assessments now underway through a contract with the department of children, families, and learning. The external review must evaluate the quality of the state's standards and assessments as an integrated educational system. The panel may make recommendations for refining the profile of learning based on the external review and must compare and report the rigor of the state standards and the north star standard by December 15, 2000, to the commissioner. The recommendations may include changes effected through administrative changes and changes in statutes or rule. Beginning July 1, 2001, and on every even-numbered year thereafter, the panel shall submit its evaluation of the rigor of the state standards and make recommendations to the commissioner.

Sec. 15. Minnesota Statutes 1999 Supplement, section 120B.30, subdivision 1, is amended to read:

Subdivision 1. [STATEWIDE TESTING.] (a) The commissioner, with advice from experts with appropriate technical qualifications and experience and stakeholders, shall include in the comprehensive assessment system, for each grade level to be tested, a ~~single statewide norm-referenced or criterion-referenced test, or a combination of a norm-referenced and a criterion-referenced test,~~ which shall be ~~highly correlated~~ aligned with the state's graduation standards and administered annually to all students in the third, fifth, and eighth grades. The commissioner shall establish one or more months during which schools shall administer the 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. Notwithstanding Minnesota Rules, part 3501.0050, subpart 2, at the written request of a parent or guardian, and with the recommendation of the student's teacher, a district may offer the test of basic requirements in reading, math, or writing to an individual student beginning in grade 5. The student must take the same test on the same date as administered to students in eighth grade or higher. Third and fifth grade test results shall be available to districts for diagnostic purposes affecting student learning and district instruction and curriculum, and for establishing educational accountability. The commissioner must disseminate to the public the third and fifth grade test results upon receiving those results.

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

(c) ~~The comprehensive assessment system shall include an evaluation of commissioner shall report school site and school district performance student academic achievement levels during the 1997-1998 school year and thereafter using an established performance baseline developed from students' test scores under this section that records, at a minimum, of the current and two immediately preceding school years. The report shall include students' unweighted mean test scores in each tested subject, a second performance baseline that reports, at a minimum, the same unweighted mean test scores of only those students enrolled in the school by January 1 of the previous school year, and a third performance baseline that reports the same unweighted test scores of all students except those students receiving limited English proficiency instruction. The evaluation report also shall record separately, in proximity to the reported performance baselines levels, the percentages of students who are eligible to receive a free or reduced price school meal, demonstrate limited English proficiency, or are eligible to receive special education services.~~

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

(1) uniform statewide testing of all third, fifth, eighth, and post-eighth grade students ~~with that provides~~ exemptions, only with parent or guardian approval, ~~from the testing requirement only~~ for those very few students for whom the student's individual education plan team under sections 125A.05 and 125A.06, determines that the

student is incapable of taking a statewide test, or for a limited English proficiency student under section 124D.59, subdivision 2, if the student has been in the United States for fewer than 12 months and for whom special language barriers exist, such as the student's native language does not have a written form or the district does not have access to appropriate interpreter services for the student's native language;

(2) educational indicators that can be aggregated and compared across school districts and across time on a statewide basis, including average daily attendance, high school graduation rates, and high school drop-out rates by age and grade level;

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

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

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

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

Sec. 16. Minnesota Statutes 1999 Supplement, section 120B.35, is amended to read:

120B.35 [STUDENT ACADEMIC ACHIEVEMENT LEVELS.]

(a) Each school year, a school district must determine if the student achievement levels at each school site meet state and local expectations. If student achievement levels at a school site do not meet state and local expectations for two out of three consecutive school years, beginning with the 2000-2001 school year, the district must work with the school site to adopt a plan to raise student achievement levels to meet state and local expectations. The legislature will determine state expectations after receiving a recommendation from the commissioner of children, families, and learning. ~~The commissioner must submit recommendations to the legislature by January 15, 2000.~~

(b) The department, at a district's request, must assist the district and the school site in developing a plan to improve student achievement. The plan must include parental involvement components.

Sec. 17. [BEST PRACTICES NETWORK.]

By June 30, 2000, the commissioner of children, families, and learning shall establish a best practices network for learning areas one through ten, and by June 30, 2001, in learning area 11, under the profile of learning.

Sec. 18. [TECHNICAL AND VOCATIONAL EDUCATION.]

The commissioner of children, families, and learning shall report to the education committees of the legislature by January 15, 2001, on recommendations regarding graduation standards rules or realignment of standards for implementing a technical and vocational education learning area.

Sec. 19. [CONTENT OF EXTERNAL REVIEW.]

The commissioner shall contract with an independent organization to evaluate the quality of the state's standards as an integrated educational system. The contractor's report must include:

(1) an analysis of the content of the state standards;

(2) comparisons and specific recommendations for revision by benchmarking the state's standards to other states' standards;

(3) whether the standards are clear, specific, and measurable, and whether they are understandable by teachers, parents, and students, and whether the standards are set at an appropriate level of difficulty for a particular grade level; and

(4) what changes can strengthen the quality and alignment of the state's standards.

Sec. 20. [GRADUATION RULE AMENDMENTS.]

Beginning no later than July 1, 2000, the commissioner shall amend Minnesota Rules, chapter 3501, for state graduation requirements according to this section using the expedited process under Minnesota Statutes, section 14.389. In addition to technical changes and corrections adopted according to Minnesota Statutes, section 127A.05, subdivision 4, the commissioner shall:

(1) amend Minnesota Rules, part 3501.0370, subpart 3, to add to the grading criteria the option of "0" for student work on an assessment or standard;

(2) delete all references in rule requiring school sites or school districts to use state or locally developed performance packages and make all use of all performance packages, including for purposes of student assessment, optional at the discretion of the school site or school district;

(3) amend the definition of "performance package" under Minnesota Rules, part 3501.0320, subpart 2, item E, to make all use of performance packages optional, consistent with clause (2); and

(4) amend Minnesota Rules, part 3501.0320, subpart 2, item F, to define "rubric" to mean the criteria the commissioner sets and districts must use to measure student work that meets the specifications of a content standard, consistent with clauses (2) and (3).

Sec. 21. [REPEALER.]

(a) Minnesota Statutes 1998, sections 120B.03, subdivisions 1, 2, and 3; and 120B.04, are repealed.

(b) Minnesota Rules, parts 3501.0330, subpart 2, item A; 3501.0360; 3501.0370, subparts 1, 2, and 4; 3501.0420, subpart 1, item D, and subpart 4; and 3501.0430, are repealed.

(c) Minnesota Rules part 3501.0330, subpart 7, item B, is repealed effective July 1, 2001.

Sec. 22. [EFFECTIVE DATE.]

Sections 1 to 21 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; balancing statewide accountability and district autonomy under the profile of learning; amending grading criteria and recordkeeping practices; amending Minnesota Statutes 1998, sections 120A.41; and 120B.03, by adding subdivisions; Minnesota Statutes 1999 Supplement, sections 120B.02; 120B.30, subdivision 1; and 120B.35; repealing Minnesota Statutes 1998, sections 120B.03, subdivisions 1, 2, and 3; and 120B.04; Minnesota Rules, parts 3501.0330, subpart 2, item A; 3501.0330, subpart 7, item B; 3501.0360; 3501.0370, subparts 1, 2, and 4; 3501.0420, subpart 1, item D, and subpart 4; and 3501.0430."

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

Senate Conferees: LAWRENCE J. POGEMILLER, LINDA SCHEID AND MARTHA R. ROBERTSON.

House Conferees: ROBERT NESS AND MARY ELLEN OTREMBA.

Ness moved that the report of the Conference Committee on S. F. No. 3286 be adopted and that the bill be repassed as amended by the Conference Committee.

A roll call was requested and properly seconded.

The Speaker called Abrams to the Chair.

The question was taken on the Ness motion and the roll was called. There were 80 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Jaros	Lieder	Osskopp	Solberg
Anderson, I.	Erhardt	Jennings	Luther	Osthoff	Swapinski
Bakk	Finseth	Johnson	Mahoney	Otremba	Sykora
Biernat	Folliard	Juhnke	Mares	Paymar	Tomassoni
Bishop	Gleason	Kahn	Marko	Pelowski	Trimble
Bradley	Goodno	Kalis	McCollum	Peterson	Tunheim
Carlson	Gray	Kelliher	McElroy	Pugh	Wagenius
Carruthers	Greenfield	Koskinen	Milbert	Rest	Westfall
Chaudhary	Greiling	Kubly	Mullery	Rhodes	Winter
Clark, K.	Harder	Kuisle	Murphy	Rukavina	Spk. Sviggum
Davids	Hasskamp	Larson, D.	Ness	Schumacher	
Dempsey	Hilty	Leighton	Nornes	Seagren	
Dorman	Howes	Lenczewski	Opatz	Skoe	
Dorn	Huntley	Leppik	Orfield	Skoglund	

Those who voted in the negative were:

Abrams	Erickson	Kielkucki	Ozment	Smith	Wenzel
Boudreau	Fuller	Knoblach	Paulsen	Stanek	Westerberg
Broecker	Gerlach	Krinkie	Pawlenty	Storm	Westrom
Buesgens	Gunther	Larsen, P.	Reuter	Swenson	Wilkin
Cassell	Haas	Lindner	Rifenberg	Tingelstad	Wolf
Clark, J.	Hackbarth	Molnau	Rostberg	Tuma	Workman
Daggett	Holberg	Mulder	Seifert, J.	Van Dellen	
Dehler	Holsten	Olson	Seifert, M.	Vandev eer	

The motion prevailed.

S. F. No. 3286, A bill for an act relating to education; amending state graduation requirements; amending graduation rules; amending Minnesota Statutes 1998, sections 120A.41; and 120B.03, subdivision 2, and by adding subdivisions; Minnesota Statutes 1999 Supplement, sections 120B.02; and 120B.30, subdivision 1; repealing

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

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 82 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Abeler	Entenza	Jaros	Leppik	Osskopp	Solberg
Anderson, I.	Erhardt	Jennings	Lieder	Osthoff	Swapinski
Bakk	Finseth	Johnson	Mahoney	Otremba	Sykora
Biernat	Folliard	Juhnke	Mares	Paymar	Tomassoni
Bishop	Fuller	Kahn	Marko	Pelowski	Trimble
Bradley	Gleason	Kalis	McCollum	Peterson	Tuma
Carlson	Goodno	Kelliher	McElroy	Pugh	Tunheim
Carruthers	Gray	Koskinen	Milbert	Rest	Wagenius
Chaudhary	Greenfield	Kubly	Mullery	Rhodes	Westfall
Clark, K.	Greiling	Kuisle	Murphy	Rukavina	Westrom
Davids	Hasskamp	Larsen, P.	Ness	Schumacher	Winter
Dempsey	Hilty	Larson, D.	Nornes	Seagren	Spk. Sviggum
Dorman	Howes	Leighton	Opatz	Skoe	
Dorn	Huntley	Lenczewski	Orfield	Skoglund	

Those who voted in the negative were:

Abrams	Erickson	Kielkucki	Ozment	Smith	Westerberg
Boudreau	Gerlach	Knoblach	Paulsen	Stanek	Wilkin
Broecker	Gunther	Krinkie	Pawlenty	Storm	Wolf
Buesgens	Haas	Lindner	Reuter	Swenson	Workman
Cassell	Hackbarth	Luther	Rifenberg	Tingelstad	
Clark, J.	Harder	Molnau	Rostberg	Van Dellen	
Daggett	Holberg	Mulder	Seifert, J.	Vandever	
Dehler	Holsten	Olson	Seifert, M.	Wenzel	

The bill was repassed, as amended by Conference, and its title agreed to.

The Speaker resumed the Chair.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 2190, A bill for an act relating to education; modifying the composition of the school site decision-making team; amending Minnesota Statutes 1998, section 123B.04, subdivision 2.

PATRICK E. FLAHAVEN, Secretary of the Senate

MOTION TO CONCUR

Rest moved that the House concur in the Senate amendments to H. F. No. 2190 and that the bill be repassed as amended by the Senate.

A roll call was requested and properly seconded.

The question was taken on the Rest motion and the roll was called. There were 27 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Clark, J.	Jennings	Luther	Ozment	Sykora	Workman
Dehler	Juhnke	Mares	Paulsen	Tuma	Spk. Sviggum
Harder	Knoblach	McElroy	Reuter	Westerberg	
Holsten	Krinkie	Mulder	Schumacher	Westrom	
Jaros	Lindner	Olson	Swenson	Wolf	

Those who voted in the negative were:

Abeler	Dempsey	Hackbarth	Lenczewski	Pawlenty	Stanek
Abrams	Dorman	Hasskamp	Leppik	Paymar	Storm
Anderson, I.	Dorn	Hilty	Lieder	Pelowski	Swapinski
Bakk	Entenza	Holberg	Mahoney	Peterson	Tingelstad
Biernat	Erhardt	Howes	Marko	Pugh	Tomassoni
Bishop	Erickson	Huntley	McCollum	Rest	Trimble
Boudreau	Finseth	Johnson	Milbert	Rhodes	Tunheim
Bradley	Folliard	Kahn	Molnau	Rifenberg	Van Dellen
Broecker	Fuller	Kalis	Mullery	Rostberg	Vandever
Buesgens	Gerlach	Kelliher	Murphy	Rukavina	Wagenius
Carlson	Gleason	Kielkucki	Ness	Seagren	Wenzel
Carruthers	Goodno	Koskinen	Nornes	Seifert, J.	Westfall
Cassell	Gray	Kubly	Opatz	Seifert, M.	Wilkin
Chaudhary	Greenfield	Kuise	Orfield	Skoe	Winter
Clark, K.	Greiling	Larsen, P.	Osskopp	Skoglund	
Daggett	Gunther	Larson, D.	Osthoff	Smith	
Davids	Haas	Leighton	Otremba	Solberg	

The motion did not prevail.

LAY ON THE TABLE

Abrams moved that H. F. No. 2190, as amended by the Senate, be laid on the table. The motion prevailed and H. F. No. 2190, as amended by the Senate, was laid on the table.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 14, A senate concurrent resolution relating to the delivery of bills to the Governor after final adjournment.

PATRICK E. FLAHAVEN, Secretary of the Senate

SUSPENSION OF RULES

Pawlenty moved that the rules be so far suspended that Senate Concurrent Resolution No. 14 be now considered and placed upon its adoption. The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 14

A senate concurrent resolution relating to the delivery of bills to the Governor after final adjournment.

Whereas, the Minnesota Constitution, Article IV, Section 23, authorizes the presentation to the Governor after sine die adjournment of bills that passed in the last three days of the Session; *Now, Therefore*,

Be It Resolved by the Senate of the State of Minnesota, the House of Representatives concurring, that upon adjournment sine die of the 81st regular session of the Legislature, bills shall be presented to the Governor as follows:

(a) The Speaker of the House of Representatives, the Chief Clerk of the House of Representatives, the President of the Senate, and the Secretary of the Senate shall certify and sign each bill in the same manner and upon the same certification as each bill is signed for presentation to the Governor prior to adjournment sine die, and each of those officers shall continue in his designated capacity during the three days following the date of final adjournment.

(b) The Chief Clerk of the House of Representatives and the Secretary of the Senate, in accordance with the rules of the respective bodies and under the supervision and direction of the standing Committee on Rules and Legislative Administration and the standing Committee on Rules and Administration, shall carefully enroll each bill and present them to the Governor in the same manner as each bill is enrolled and presented to the Governor prior to the adjournment of the Legislature sine die.

(c) The Revisor of Statutes shall continue to assist in all of the functions relating to enrollment of bills of the House of Representatives and of the Senate under the supervision of the Chief Clerk of the House of Representatives and the Secretary of the Senate in the same manner that the assistance was rendered prior to the adjournment of the Legislature sine die.

Be It Further Resolved that the Secretary of the Senate is directed to deliver copies of this resolution to the Governor and the Secretary of State.

Pawlenty moved that Senate Concurrent Resolution No. 14 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 14 was adopted.

MOTIONS AND RESOLUTIONS

Holberg moved that her name be stricken as an author on H. F. No. 3149. The motion prevailed.

Knoblach moved that the name of Olson be added as an author on H. F. No. 3214. The motion prevailed.

Sviggum moved that the name of Hausman be added as an author on H. F. No. 4147. The motion prevailed.

Vandever moved that his name be stricken as an author on H. F. No. 4162. The motion prevailed.

Greiling moved that the names of Hackbarth, Abeler, McGuire, Tingelstad and Westerberg be added as authors on H. F. No. 4172. The motion prevailed.

Buesgens moved that the name of Reuter be added as an author on H. F. No. 4175. The motion prevailed.

Carlson moved that his name be stricken as an author on H. F. No. 2190. The motion prevailed.

Rest moved that her name be stricken and the name of Olson be added as chief author on H. F. No. 2190. The motion prevailed.

Buesgens moved that H. F. No. 2810 be returned to its author. The motion prevailed.

Daggett moved that H. F. No. 2942 be returned to its author. The motion prevailed.

Pawlenty moved that H. F. No. 3986 be returned to its author. The motion prevailed.

Skoglund introduced:

House Resolution No. 24, A house resolution concerning the recognition of the Million Mom March on Mother's Day, 2000.

The resolution was referred to the Committee on Rules and Legislative Administration.

Finseth, Tunheim, Bakk, Howes and Hackbarth introduced:

House Resolution No. 25, A house resolution concerning the banning of snowmobiles from National Parks.

The resolution was referred to the Committee on Rules and Legislative Administration.

Pawlenty moved that the Chief Clerk be and he is hereby instructed to inform the Senate and the Governor by message that the House of Representatives is about to adjourn this 81st Session sine die. The motion prevailed.

MOTION TO ADJOURN SINE DIE

Pawlenty moved that the House do now adjourn sine die. The motion prevailed and the Speaker declared the House adjourned sine die.

EDWARD A. BURDICK, Chief Clerk, House of Representatives