

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-FIRST LEGISLATURE

ONE HUNDRED EIGHTH DAY

St. Paul, Minnesota, Monday, April 17, 2000

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Dr. Randy K. Taber.

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

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

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

The President declared a quorum present.

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

MEMBERS EXCUSED

Senator Lessard was excused from the Session of today.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communications were received.

April 13, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 3566, 3423, 2742, 3307, 2514, 2949, 3290, 3154, 3348, 2987, 2547, 83, 3701, 3195, 3150, 2848, 619 and 3259.

Sincerely,
Jesse Ventura, Governor

April 13, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

I have vetoed and am returning Chapter Number 383, S.F. No. 76, a bill modifying DWI motor vehicle forfeiture proceedings requirements.

This bill does not require a financial institution to reimburse law enforcement agencies for their cost when the sale of the forfeited vehicle does not equal or exceed the loan balance. Current law provides an incentive for the lien holder to get the maximum value for the forfeited vehicle because they must pay the costs incurred by law enforcement before satisfying their lien. This bill eliminates the incentive and would result in increased costs to the taxpayers.

There are other workable provisions of this bill. However, based on this section of the bill and the fiscal implications, I am compelled to veto this bill.

Sincerely,
Jesse Ventura, Governor

Senator Moe, R.D. moved that S.F. No. 76 and the veto message thereon be laid on the table. The motion prevailed.

April 13, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

I have vetoed and am returning Chapter Number 388, S.F. No. 3291, a bill changing lien provisions for towed motor vehicles.

This bill will adversely affect the towing industry by forcing the industry to absorb the costs of towing and storing abandoned vehicles. Owners of the vehicles would bear no responsibility for the towing, storage or disposal costs of the vehicle, but would be permitted to obtain their possessions from the vehicle. Those possessions may be worth more than the vehicle itself. Under this bill, if the vehicle is sold for less than the amount of the lien, the bank or financing company would get the entire sum, and the towing company would receive nothing for their towing and storage costs.

This law could cause towing costs to increase significantly. Small towing companies may go out of business. Larger companies would pass the costs on to paying consumers and the insurance industry, which would, in effect, raise insurance premiums for everyone. We ask towing companies to perform a service for the citizens of the state by removing damaged or broken down vehicles from our highways and streets. We should not be requiring them to do so at their own expense. For these reasons, I am vetoing this bill.

Sincerely,
Jesse Ventura, Governor

Senator Moe, R.D. moved that S.F. No. 3291 and the veto message thereon be laid on the table. The motion prevailed.

April 14, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

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

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 2000	Date Filed 2000
3566		366	4:42 p.m. April 13	April 13
3423		367	4:51 p.m. April 13	April 13
	3331	368	4:41 p.m. April 13	April 13
	1326	369	4:25 p.m. April 13	April 13
	3576	370	4:44 p.m. April 13	April 13
	3109	371	4:52 p.m. April 13	April 13
2742		372	4:27 p.m. April 13	April 13
3307		373	4:53 p.m. April 13	April 13
2514		374	4:54 p.m. April 13	April 13
2949		375	4:55 p.m. April 13	April 13
3290		376	4:45 p.m. April 13	April 13
3154		377	4:45 p.m. April 13	April 13
3348		378	4:30 p.m. April 13	April 13
2987		379	4:56 p.m. April 13	April 13
2547		380	4:46 p.m. April 13	April 13
	2888	381	4:57 p.m. April 13	April 13
83		382	4:58 p.m. April 13	April 13
3701		384	4:47 p.m. April 13	April 13
3195		385	4:50 p.m. April 13	April 13
3150		386	4:25 p.m. April 13	April 13
2848		387	4:49 p.m. April 13	April 13
619		389	5:00 p.m. April 13	April 13
3259		407	4:39 p.m. April 13	April 13

Sincerely,
Mary Kiffmeyer
Secretary of State

April 14, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 3138, 3346, 2795, 2877, 2655, 2783, 2968, 3626, 1495, 1896, 3410, 3082, 2794, 3018, 3116, 173, 3108, 2363, 3338, and 1231.

Sincerely,
Jesse Ventura, Governor

April 14, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

I have vetoed and am returning Chapter Number 397, S.F. No. 884, a bill providing marriage license fee reductions for premarital education.

I do not believe that government has a role in marriage counseling. This bill is overly intrusive and increases costs for those who choose not to receive premarital counseling. I understand the authors' intent and share their concerns about our high divorce rate, however, I do not believe that government should intervene in a couple's marital decisions.

Sincerely,
Jesse Ventura, Governor

Senator Moe, R.D. moved that S.F. No. 884 and the veto message thereon be laid on the table. The motion prevailed.

April 14, 2000

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

I have vetoed and am returning Chapter Number 412, S.F. No. 3387, Abortion Informed Consent.

Sincerely,
Jesse Ventura, Governor

Senator Moe, R.D. moved that S.F. No. 3387 and the veto message thereon be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS

S.F. No. 2686 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2686

A bill for an act relating to health; establishing requirements for the sale of funeral goods and services and preneed funeral arrangements; modifying the enforcement authority of the commissioner of health; modifying licensing requirements for funeral establishments; prohibiting certain solicitations of sales by funeral providers; requiring certain disclosures by funeral providers; prohibiting certain deceptive acts and practices for funeral providers; establishing requirements for preneed funeral agreements; amending Minnesota Statutes 1998, sections 149A.02, subdivision 22, and by adding subdivisions; 149A.08, subdivisions 1, 3, 4, and by adding a subdivision; 149A.70, by adding subdivisions; 149A.71, subdivisions 1, 2, 3, and 4; 149A.72, subdivisions 5, 6, 7, 9, 10, 11, 12, and 13; 149A.73, subdivisions 1, 3, 4, and by adding a subdivision; 149A.75; and 149A.97, subdivisions 1, 2, 3, 6, 9, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 149A.

April 12, 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. 2686, 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. 2686 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 149A.02, is amended by adding a subdivision to read:

Subd. 3a. [BURIAL SITE GOODS.] "Burial site goods" means any goods sold or offered for sale or rental directly to the public for use in connection with the final disposition of a dead human body.

Sec. 2. Minnesota Statutes 1998, section 149A.02, is amended by adding a subdivision to read:

Subd. 3b. [BURIAL SITE SERVICES.] "Burial site services" means any services sold or offered for sale directly to the public for use in connection with the final disposition of a dead human body.

Sec. 3. Minnesota Statutes 1998, section 149A.02, subdivision 22, is amended to read:

Subd. 22. [FUNERAL PROVIDER.] "Funeral provider" means any person that sells or offers to sell funeral goods or funeral services, burial site goods, or burial site services to the public. "Funeral provider" does not include monument builders who sell and install markers and headstones, with or without foundations, at retail to the public, but do not sell any other funeral good, funeral service, burial good, or burial site service.

Sec. 4. Minnesota Statutes 1998, section 149A.02, is amended by adding a subdivision to read:

Subd. 33a. [PRENEED CONSUMER.] "Preneed consumer" means an individual who arranges for funeral goods, funeral services, burial site goods, or burial site services prior to the death of that individual or another individual, and who funds those goods or services through prepayment to a funeral provider or through purchase of an insurance policy.

Sec. 5. Minnesota Statutes 1998, section 149A.08, subdivision 1, is amended to read:

Subdivision 1. [AUTHORIZATION.] In addition to any other remedy provided by law, the commissioner may issue a cease and desist order to:

(1) stop a person from violating or threatening to violate any law, rule, order, stipulation agreement, settlement, compliance agreement, license, or permit which the commissioner is empowered to regulate, enforce, or issue; or

(2) prohibit a funeral provider from engaging in the sale of preneed funeral goods, funeral services, burial site goods, or burial site services if the funeral provider has been found in violation of any provision of this chapter.

Sec. 6. Minnesota Statutes 1998, section 149A.08, is amended by adding a subdivision to read:

Subd. 2a. [SALE OF PRENEED GOODS OR SERVICES; CONTENTS OF ORDER, HEARING, WHEN EFFECTIVE.] (a) This subdivision applies to cease and desist orders issued pursuant to subdivision 1, clause (2).

(b) In addition to the requirements of subdivision 2, a cease and desist order must also specify that the hearing to which the funeral provider has a right occurs, if requested, before the order goes into effect and that a timely request for a hearing automatically stays the cease and desist order.

(c) A request for a hearing must be in writing, must be delivered to the commissioner by certified mail within 20 calendar days after the funeral provider receives the order, and must specifically state the reasons for seeking review of the order. If the funeral provider fails to request a hearing in writing within 20 calendar days of receipt of the order, the cease and desist order becomes the final order of the commissioner. If a funeral provider makes a timely request for a hearing, the cease and desist order is automatically stayed pending the outcome of the hearing. The commissioner must initiate a hearing within 30 calendar days from the date of receiving the written request for hearing. The hearing shall be conducted pursuant to sections 14.57 to 14.62. No earlier than ten calendar days but within 30 calendar days of receiving the presiding administrative law judge's report, the commissioner shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require.

Sec. 7. Minnesota Statutes 1998, section 149A.08, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR HEARING; HEARING; AND FINAL ORDER.] This subdivision applies to cease and desist orders issued pursuant to subdivision 1, clause (1). A request for hearing must be in writing, delivered to the commissioner by certified mail within 20 calendar days after the receipt of the cease and desist order, and specifically state the reasons for seeking review of the order. The commissioner must initiate a hearing within 30 calendar days from the date of receipt of the written request for hearing. The hearing shall be conducted pursuant to sections 14.57 to 14.62. No earlier than ten calendar days but within 30 calendar days of receipt of the presiding administrative law judge's report, the commissioner shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require. If, within 20 calendar days of receipt of the cease and desist order, the subject of the order fails to request a hearing in writing, the cease and desist order becomes the final order of the commissioner.

Sec. 8. Minnesota Statutes 1998, section 149A.08, subdivision 4, is amended to read:

Subd. 4. [REQUEST FOR STAY.] This subdivision applies to cease and desist orders issued pursuant to subdivision 1, clause (1). When a request for a stay accompanies a timely hearing request, the commissioner may, in the commissioner's discretion, grant the stay. If the commissioner does not grant a requested stay, the commissioner shall refer the request to the office of administrative hearings within three working days from the receipt of the request. Within ten calendar days after receiving the request from the commissioner, an administrative law judge shall issue a recommendation to grant or deny the stay. The commissioner shall grant or deny the stay within five calendar days of receiving the administrative law judge's recommendation.

Sec. 9. Minnesota Statutes 1998, section 149A.70, is amended by adding a subdivision to read:

Subd. 5a. [SOLICITATIONS PROHIBITED IN CERTAIN SITUATIONS.] No funeral provider may directly or indirectly:

(1) call upon an individual at a grave site, in a hospital, nursing home, hospice, or similar institution or facility, or at a visitation, wake, or reviewal for the purpose of soliciting the sale of funeral goods, funeral services, burial site goods, or burial site services or for the purpose of making arrangements for a funeral or the final disposition of a dead human body, without a specific request for solicitation from that individual;

(2) solicit the sale of funeral goods, funeral services, burial site goods, or burial site services from an individual whose impending death is readily apparent, without a specific request for solicitation from that individual; or

(3) engage in telephone solicitation of an individual who has the right to control the final disposition of a dead human body within ten days after the death of the individual whose body is being disposed, without a specific request for solicitation from that individual.

This subdivision does not apply to communications between an individual and a funeral provider who is related to the individual by blood, adoption, or marriage.

Sec. 10. Minnesota Statutes 1998, section 149A.70, is amended by adding a subdivision to read:

Subd. 8. [DISCLOSURE OF OWNERSHIP.] All funeral establishments and funeral providers must clearly state by whom they are owned in all business literature, correspondence, and contracts.

Sec. 11. Minnesota Statutes 1998, section 149A.70, is amended by adding a subdivision to read:

Subd. 9. [DISCLOSURE OF CHANGE OF OWNERSHIP.] (a) Within 15 days of a change in ownership of a funeral establishment or funeral provider, the funeral establishment or funeral provider shall notify all preneed consumers by first class mail of the change in ownership. The notification shall advise the preneed consumers of their right to transfer all preneed trust funds to a new funeral provider and shall advise all preneed consumers who have revocable preneed trusts of their right to terminate the trust and receive a refund of all principal paid into the trust, plus interest accrued.

(b) For purposes of this subdivision:

(1) "change in ownership" means:

(i) the sale or transfer of all or substantially all of the assets of a funeral establishment or funeral provider;

(ii) the sale or transfer of a controlling interest of a funeral establishment or funeral provider; or

(iii) the termination of the business of a funeral establishment or funeral provider where there is no transfer of assets or stock; and

(2) "controlling interest" means:

(i) an interest in a partnership of greater than 50 percent; or

(ii) greater than 50 percent of the issued and outstanding shares of a stock of a corporation.

Sec. 12. Minnesota Statutes 1998, section 149A.71, subdivision 1, is amended to read:

Subdivision 1. [UNFAIR OR DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods or funeral services, burial site goods, or burial site services to the public, it is an unfair or deceptive act or practice for a funeral provider to fail to furnish accurate price information disclosing the cost to the purchaser for each of the specific funeral goods and funeral services, burial site goods, or burial site services used in connection with the disposition of dead human bodies to persons inquiring about the purchase of funerals. Any funeral provider who complies with the preventive requirements in subdivision 2 is not engaged in the unfair or deceptive acts or practices defined in this section.

Sec. 13. Minnesota Statutes 1998, section 149A.71, subdivision 2, is amended to read:

Subd. 2. [PREVENTIVE REQUIREMENTS.] (a) To prevent unfair or deceptive acts or practices, the requirements of this subdivision must be met.

(b) Funeral providers must tell persons who ask by telephone about the funeral provider's offerings or prices any accurate information from the price lists described in paragraphs (c) to (e) and any other readily available information that reasonably answers the questions asked.

(c) Funeral providers must make available for viewing to people who inquire in person about the offerings or prices of funeral goods or burial site goods, separate printed or typewritten price lists. Each funeral provider must have a separate price list for each of the following types of goods that are sold or offered for sale:

(1) caskets;

(2) alternative containers;

- (3) outer burial containers; ~~and~~
- (4) cremation containers and cremated remains containers;
- (5) markers; and
- (6) headstones.

(d) Each separate price list must contain the name of the funeral provider's place of business and a caption describing the list as a price list for one of the types of funeral goods or burial site goods described in paragraph (c), clauses (1) to (4) (6). The funeral provider must offer the list upon beginning discussion of, but in any event before showing, the specific funeral goods or burial site goods and must provide a photocopy of the price list, for retention, if so asked by the consumer. The list must contain, at least, the retail prices of all the specific funeral goods and burial site goods offered which do not require special ordering, enough information to identify each, and the effective date for the price list. In lieu of a written price list, other formats, such as notebooks, brochures, or charts may be used if they contain the same information as would the printed or typewritten list, and display it in a clear and conspicuous manner. However, funeral providers are not required to make a specific price list available if the funeral providers place the information required by this paragraph on the general price list described in paragraph (e).

(e) Funeral providers must give a printed or typewritten price list, for retention, to persons who inquire in person about the funeral goods or, funeral services, burial site goods, or burial site services or prices offered by the funeral provider. The funeral provider must give the list upon beginning discussion of either the prices of or the overall type of funeral service or disposition or specific funeral goods or, funeral services, burial site goods, or burial site services offered by the provider. This requirement applies whether the discussion takes place in the funeral establishment or elsewhere. However, when the deceased is removed for transportation to the funeral establishment, an in-person request for authorization to embalm does not, by itself, trigger the requirement to offer the general price list. If the provider, in making an in-person request for authorization to embalm, discloses that embalming is not required by law except in certain special cases, the provider is not required to offer the general price list. Any other discussion during that time about prices or the selection of funeral goods or, funeral services, burial site goods, or burial site services triggers the requirement to give the consumer a general price list. The general price list must contain the following information:

- (1) the name, address, and telephone number of the funeral provider's place of business;
- (2) a caption describing the list as a "general price list";
- (3) the effective date for the price list;
- (4) the retail prices, in any order, expressed either as a flat fee or as the prices per hour, mile, or other unit of computation, and other information described as follows:
 - (i) forwarding of remains to another funeral establishment, together with a list of the services provided for any quoted price;
 - (ii) receiving remains from another funeral establishment, together with a list of the services provided for any quoted price;
 - (iii) separate prices for each cremation offered by the funeral provider, with the price including an alternative or cremation container, any crematory charges, and a description of the services and container included in the price, where applicable, and the price of cremation where the purchaser provides the container;
 - (iv) separate prices for each immediate burial offered by the funeral provider, including a casket or alternative container, and a description of the services and container included in that price, and the price of immediate burial where the purchaser provides the casket or alternative container;

- (v) transfer of remains to the funeral establishment;
- (vi) embalming;
- (vii) other preparation of the body;
- (viii) use of facilities, equipment, or staff for viewing;
- (ix) use of facilities, equipment, or staff for funeral ceremony;
- (x) use of facilities, equipment, or staff for memorial service;
- (xi) use of equipment or staff for graveside service;
- (xii) hearse or funeral coach; and
- (xiii) limousine; and

(xiv) separate prices for all cemetery-specific goods and services, including all goods and services associated with interment and burial site goods and services and excluding markers and headstones;

(5) the price range for the caskets offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or casket sale location." or the prices of individual caskets, as disclosed in the manner described in paragraphs (c) and (d);

(6) the price range for the alternative containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or alternative container sale location." or the prices of individual alternative containers, as disclosed in the manner described in paragraphs (c) and (d);

(7) the price range for the outer burial containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or outer burial container sale location." or the prices of individual outer burial containers, as disclosed in the manner described in paragraphs (c) and (d);

(8) the price range for the cremation containers and cremated remains containers offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or cremation container sale location." or the prices of individual cremation containers and cremated remains containers, as disclosed in the manner described in paragraphs (c) and (d);

(9) the price for the basic services of funeral ~~director~~ provider and staff, together with a list of the principal basic services provided for any quoted price and, if the charge cannot be declined by the purchaser, the statement "This fee for our basic services will be added to the total cost of the funeral arrangements you select. (This fee is already included in our charges for direct cremations, immediate burials, and forwarding or receiving remains.)" If the charge cannot be declined by the purchaser, the quoted price shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." This services fee is the only funeral provider fee for services, facilities, or unallocated overhead permitted by this subdivision to be nondeclinable, unless otherwise required by law;

(10) if the price for basic services, as described in clause (9), is not applicable, the statement "Please note that a fee for the use of our basic services is included in the price of our caskets. Our services include (specify services provided)." The fee shall include all charges for the recovery of unallocated funeral provider overhead, and funeral providers may include in the required disclosure the phrase "and overhead" after the word "services." The statement must be placed on the general price list, together with the casket price range or the prices of individual caskets. This services fee is the only funeral provider fee for services, facilities, or unallocated overhead permitted by this subdivision to be nondeclinable, unless otherwise required by law; and

(11) the price range for the markers and headstones offered by the funeral provider, together with the statement "A complete price list will be provided at the funeral establishment or marker or headstone sale location." or the prices of individual markers and headstones, as disclosed in the manner described in paragraphs (c) and (d).

(f) Funeral providers must give an itemized written statement, for retention, to each consumer who arranges a funeral or other disposition of human remains at the conclusion of the discussion of the arrangements. The itemized written statement must be signed by the consumer selecting the goods and services and. If the statement is provided at a funeral establishment, the statement must be signed by the licensed funeral director or mortician planning the arrangements. If the statement is provided by any other funeral provider, the statement must be signed by an authorized agent of the funeral provider. The statement must list the funeral goods and, funeral services, burial site goods, or burial site services selected by that consumer and the prices to be paid for each item, specifically itemized cash advance items (these prices must be given to the extent then known or reasonably ascertainable if the prices are not known or reasonably ascertainable, a good faith estimate shall be given and a written statement of the actual charges shall be provided before the final bill is paid), and the total cost of goods and services selected. The information required by this paragraph may be included on any contract, statement, or other document which the funeral provider would otherwise provide at the conclusion of discussion of arrangements.

(g) Funeral providers must give any other price information, in any other format, in addition to that required by paragraphs (c) to (e) so long as the written statement required by paragraph (f) is given when required.

(h) Upon receiving actual notice of the death of an individual with whom a funeral provider has entered a preneed funeral agreement, the funeral provider must provide a copy of all preneed funeral agreement documents to the person who controls final disposition of the human remains or to the designee of the person controlling disposition. The person controlling disposition shall be provided with these documents at the time of the person's first contact with the funeral provider, if the first contact occurs in person at a funeral establishment, crematory, or other place of business of the funeral provider. If the contact occurs by other means or at another location, the documents must be provided within 24 hours of the first contact.

Sec. 14. Minnesota Statutes 1998, section 149A.71, subdivision 3, is amended to read:

Subd. 3. [PRICES DISPLAYED.] Any funeral provider who sells or offers to sell funeral goods or burial site goods to the public shall, at all times, display the retail price of all displayed funeral goods or burial site goods in a conspicuous place on the goods. "Conspicuous place" means a place where any consumer viewing the funeral goods or burial site goods would be able to see and read the price and reasonably understand that the price seen is the price of the funeral goods or burial site goods viewed. Displayed funeral goods or burial site goods are those goods that the funeral provider regularly maintains in inventory and makes available for viewing and purchase by the consumer.

Sec. 15. Minnesota Statutes 1998, section 149A.71, subdivision 4, is amended to read:

Subd. 4. [CASKET, ALTERNATE CONTAINER, AND CREMATION CONTAINER SALES; RECORDS; REQUIRED DISCLOSURES.] Any funeral provider who sells or offers to sell a casket, alternate container, or cremation container to the public must maintain a record of each sale that includes the name of the purchaser, the purchaser's mailing address, the name of the decedent, the date of the decedent's death, and the place of death. These records shall be open to inspection by the commissioner and reported to the commissioner. Any funeral provider selling a casket, alternate container, or cremation container to the public, and not having charge of the final disposition of the dead human body, shall enclose within the casket, alternate container, or cremation container information provided by the commissioner that includes a blank certificate of death, and a copy of the statutes and rules controlling the removal, preparation, transportation, arrangements for disposition, and final disposition of a dead human body. ~~This section~~ ~~subdivision~~ does not apply to morticians, funeral directors, funeral establishments, crematories, or wholesale distributors of caskets, alternate containers, or cremation containers.

Sec. 16. Minnesota Statutes 1998, section 149A.72, subdivision 5, is amended to read:

Subd. 5. [RENTAL CASKETS; DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods or, funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to fail to disclose that a casket has been used in a previous funeral ceremony when that is the case.

Sec. 17. Minnesota Statutes 1998, section 149A.72, subdivision 6, is amended to read:

Subd. 6. [RENTAL CASKETS; PREVENTIVE MEASURES.] To prevent deceptive acts or practices, funeral providers must place the following disclosure in immediate conjunction with the prices shown for funeral goods or funeral services where a casket may be rented rather than purchased: "If you choose a funeral service where a rental casket is provided, the casket used for the funeral service may have been used in a previous funeral service. If the casket has been used in a previous funeral service, the interior lining has either been replaced or thoroughly cleaned."

Sec. 18. Minnesota Statutes 1998, section 149A.72, subdivision 7, is amended to read:

Subd. 7. [OUTER BURIAL CONTAINER PROVISIONS; DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods or, funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to represent that state or local laws or regulations, or particular cemeteries, require outer burial containers when that is not the case or to fail to disclose to consumers arranging funerals that state law or local law does not require the purchase of an outer burial container.

Sec. 19. Minnesota Statutes 1998, section 149A.72, subdivision 9, is amended to read:

Subd. 9. [GENERAL PROVISIONS ON LEGAL AND CEMETERY REQUIREMENTS; DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods or, funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to represent that federal, state, or local laws, or particular cemeteries or crematories, require the purchase of any funeral goods or, funeral services, burial site goods, or burial site services when that is not the case.

Sec. 20. Minnesota Statutes 1998, section 149A.72, subdivision 10, is amended to read:

Subd. 10. [GENERAL PROVISIONS ON LEGAL AND CEMETERY REQUIREMENTS; PREVENTIVE REQUIREMENTS.] To prevent deceptive acts or practices, funeral providers must identify and briefly describe in writing on the statement of funeral goods and, funeral services, burial site goods, and burial site services selected, as described in section 149A.71, subdivision 2, paragraph (f), any legal, cemetery, or crematory requirement which the funeral provider represents to consumers as compelling the purchase of funeral goods or, funeral services, burial site goods, or burial site services for the funeral which that consumer is arranging.

Sec. 21. Minnesota Statutes 1998, section 149A.72, subdivision 11, is amended to read:

Subd. 11. [PROVISIONS ON PRESERVATIVE AND PROTECTIVE VALUE CLAIMS; DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods or, funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to represent that funeral goods or, funeral services, burial site goods, or burial site services will delay the natural decomposition of human remains for a long term or indefinite time or to represent that funeral goods or burial site goods have protective features, beyond a lid sealing casket, or will protect the body from grave site substances, when that is not the case.

Sec. 22. Minnesota Statutes 1998, section 149A.72, subdivision 12, is amended to read:

Subd. 12. [CASH ADVANCE PROVISIONS; DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods or, funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to represent that the price charged for a cash advance item is the same as the cost to the funeral provider for the item when that is not the case or to fail to disclose to the consumer arranging the funeral that the price

charged for a cash advance item is not the same as the cost to the funeral provider when that is not the case.

Sec. 23. Minnesota Statutes 1998, section 149A.72, subdivision 13, is amended to read:

Subd. 13. [CASH ADVANCE PROVISIONS; PREVENTIVE REQUIREMENTS.] To prevent deceptive acts or practices, funeral providers must place the following sentence in the itemized statement of funeral goods ~~and~~, funeral services, burial site goods, and burial site services selected, in immediate conjunction with the list of itemized cash advance items required by section 149A.71, subdivision 2, paragraph (f): "We charge you for our services in obtaining (specify cash advance items provided).", if the funeral provider makes a charge upon, or receives and retains a rebate, commission, or trade or volume discount upon a cash advance item.

Sec. 24. Minnesota Statutes 1998, section 149A.73, subdivision 1, is amended to read:

Subdivision 1. [CASKET FOR CREMATION PROVISIONS; DECEPTIVE ACTS OR PRACTICES.] In selling or offering to sell funeral goods ~~or~~, funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to require that a casket be purchased for cremation.

Sec. 25. Minnesota Statutes 1998, section 149A.73, subdivision 3, is amended to read:

Subd. 3. [OTHER REQUIRED PURCHASES OF FUNERAL GOODS ~~OR~~, FUNERAL SERVICES, BURIAL SITE GOODS, OR BURIAL SITE SERVICES; DECEPTIVE ACTS OR PRACTICES.] (a) In selling or offering to sell funeral goods ~~or~~, funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to condition the furnishing of any funeral good ~~or~~, funeral service, burial site good, or burial site service to a consumer arranging a funeral upon the purchase of any other funeral good ~~or~~, funeral service, burial site good, or burial site service, except as may be otherwise required by law or to charge any fee as a condition to furnishing any funeral goods ~~or~~, funeral services, burial site goods, or burial site services to a consumer arranging a funeral, other than the fees for services of funeral director and staff, other funeral services ~~and~~, funeral goods, burial site goods, and burial site services selected by the purchaser, and other funeral goods ~~or~~, funeral services, burial site goods, or burial site services required to be purchased, as explained on the itemized statement in accordance with section 149A.72, subdivision 10.

(b) In selling or offering to sell funeral goods, funeral services, burial site goods, or burial site services to the public, it is a deceptive act or practice for a funeral provider to charge an increased price for the handling, placing, or setting of a funeral good or burial site good based upon the fact that the good was not purchased from that funeral provider.

Sec. 26. Minnesota Statutes 1998, section 149A.73, subdivision 4, is amended to read:

Subd. 4. [OTHER REQUIRED PURCHASES OF FUNERAL GOODS ~~OR~~, FUNERAL SERVICES, BURIAL SITE GOODS, OR BURIAL SITE SERVICES; PREVENTIVE REQUIREMENTS.] To prevent unfair or deceptive acts or practices, funeral providers must place the following disclosure in the general price list, immediately above the prices required by section 149A.71, subdivision 2, paragraph (e), clauses (4) to (10): "The goods and services shown below are those we can provide to our customers. You may choose only the items you desire. If legal or other requirements mean that you must buy any items you did not specifically ask for, we will explain the reason in writing on the statement we provide describing the funeral goods ~~and~~, funeral services, burial site goods, and burial site services you selected." However, if the charge for "services of funeral director and staff" cannot be declined by the purchaser, the statement shall include the sentence "However, any funeral arrangements you select will include a charge for our basic services." between the second and third sentences of the sentences specified in this subdivision. The statement may include the phrase "and overhead" after the word "services" if the fee includes a charge for the recovery of unallocated funeral overhead. If the funeral provider does not include this disclosure statement, then the following disclosure statement must be placed in the statement of funeral goods ~~and~~, funeral services, burial site goods, and burial site services selected, as described in section 149A.71, subdivision 2, paragraph (f): "Charges are only for those items

that you selected or that are required. If we are required by law or by a cemetery or crematory to use any items, we will explain the reasons in writing below." A funeral provider is not in violation of this subdivision by failing to comply with a request for a combination of goods or services which would be impossible, impractical, or excessively burdensome to provide.

Sec. 27. Minnesota Statutes 1998, section 149A.73, is amended by adding a subdivision to read:

Subd. 5. [RENTAL OF FUNERAL GOODS.] It is a deceptive act or practice for a funeral provider to require as a condition of providing any funeral good or burial site good that the funeral good or burial site good be purchased by a consumer when rental of the good is practicable.

Sec. 28. [149A.745] [FUNERAL INDUSTRY PRACTICES; PROHIBITION ON PREINTERMENT OF OUTER BURIAL CONTAINERS.]

A funeral provider is prohibited from interring a lined and sealed outer burial container until the death of the beneficiary.

Sec. 29. Minnesota Statutes 1998, section 149A.75, is amended to read:

149A.75 [FUNERAL INDUSTRY PRACTICES; RETENTION OF DOCUMENTS.]

Funeral providers must retain and make available for inspection true and accurate copies of the applicable price lists specified in section 149A.71, subdivision 2, paragraphs (c) to (e), for a minimum of one calendar year after the date of their last distribution to customers. In addition, funeral providers must retain a copy of each statement of funeral goods and funeral services, burial site goods, and burial site services selected, as described in section 149A.71, subdivision 2, paragraph (f), for a minimum of three calendar years from the date of the arrangement conference. Following this period and subject to any other laws requiring retention of records, the funeral provider may then place the records in storage or reduce them to microfilm, microfiche, laser disc, or any other method that can produce an accurate reproduction of the original record, for retention for a period of ten calendar years from the date of the arrangement conference. At the end of this period and subject to any other laws requiring retention of records, the funeral provider may destroy the records by shredding, incineration, or any other manner that protects the privacy of the individuals identified in the records.

Sec. 30. Minnesota Statutes 1998, section 149A.97, subdivision 1, is amended to read:

Subdivision 1. [PURPOSE AND INTENT.] It is the intent of the legislature that this section be construed as a limitation upon the manner in which a funeral provider is permitted to accept funds in prepayment of funeral services or burial site services to be performed in the future or in prepayment of funeral or burial goods to be used in connection with the final disposition of human remains. It is further intended to allow members of the public to arrange and pay for funerals, funeral services, funeral or burial goods, or final dispositions funeral goods, funeral services, burial site goods, or burial site services for themselves and their families in advance of need while at the same time providing all possible safeguards so that the prepaid funds cannot be dissipated, whether intentionally or not, so as to be available for the payment of the services and goods selected.

Sec. 31. Minnesota Statutes 1998, section 149A.97, subdivision 2, is amended to read:

Subd. 2. [SCOPE AND REQUIREMENTS.] This section shall not apply to any funeral goods or burial site goods purchased and delivered, either at purchase or within a commercially reasonable amount of time thereafter. When prior to the death of any person, that person or another, on behalf of that person, enters into any transaction, makes a contract, or any series or combination of transactions or contracts with a funeral provider lawfully doing business in Minnesota, other than an insurance company licensed to do business in Minnesota selling approved insurance or annuity products, by the terms of which, goods or services related to the final disposition of that person will be furnished at-need, then the total of all money paid by the terms of the transaction, contract, or series or combination of transactions or contracts shall be held in trust for the purpose for which it has been paid. The person for whose benefit the money

was paid shall be known as the beneficiary, the person or persons who paid the money shall be known as the purchaser, and the funeral provider shall be known as the depositor.

Sec. 32. Minnesota Statutes 1998, section 149A.97, subdivision 3, is amended to read:

Subd. 3. [NATURE OF TRUST.] Except as provided in this section, nothing in this section shall abate the rights, duties, and powers granted under chapters 501B and 520. A trust created for the holding of preneed arrangement funds shall be revocable, in its entirety, unless specifically limited by the person purchasing the preneed funeral goods ~~and or services~~, funeral services, burial site goods, or burial site services. If the purchaser chooses to limit the revocability of the trust funds, the limitation must be declared in the trust instrument and must be limited to an amount equivalent to the allowable supplemental security income asset exclusion used for determining eligibility for public assistance at the time the trust is created.

Sec. 33. Minnesota Statutes 1998, section 149A.97, is amended by adding a subdivision to read:

Subd. 3a. [REQUIREMENTS FOR PRENEED FUNERAL AGREEMENTS.] It is unlawful for any person residing or doing business in this state to enter a preneed funeral agreement unless the agreement:

(1) is written in clear, understandable language and printed in a type that is easy to read in size and style;

(2) contains a complete, itemized description of the funeral goods, funeral services, burial site goods, or burial site services selected or purchased, including, when appropriate, manufacturer's name, model numbers, style numbers, and description of the type of material used in construction;

(3) discloses clearly and conspicuously whether the prices of the goods and services selected are guaranteed;

(4) discloses that funding options for a preneed funeral agreement consist of either prepayment to the funeral provider or the purchase of an insurance policy;

(5) discloses whether the funds received from the purchaser are required to be placed in a trust and, if the funds are required to be placed in a trust, provides the following information:

(i) lists the location of the trust account, including the name, address, and telephone number of the institution where the money will be held and any identifying account numbers, the amount of money to be trusted, and the names of the trustees; and

(ii) advises the purchaser as to the disposition of the interest from the trust and as to responsibility for taxes owed on the interest;

(6) contains the names, addresses, and telephone numbers of the Minnesota department of health as the regulatory agency for preneed trust accounts and the Minnesota attorney general's office as the regulatory agency that handles consumer complaints;

(7) discloses clearly and conspicuously that any person who makes payment under a preneed funeral agreement may cancel the agreement subject to the procedures for cancellation specified in subdivision 6a;

(8) contains the following statement, in bold-faced type and a minimum size of ten points:

"Within 15 calendar days after receipt of any money required to be held in trust, all such money must be deposited in a banking institution, savings association, or credit union, organized under state or federal laws, the accounts of which are insured by an instrumentality of the federal government. The person for whose benefit the money was paid according to this agreement shall be known as the beneficiary; the person or persons who paid the money shall be known as the purchaser; and the funeral provider shall be known as the depositor. The money must be carried in a separate account with the names of the depositor and the purchaser as trustees for the beneficiary.

The preneed arrangement trust shall be considered an asset of the purchaser until the death of the beneficiary. At the death of the beneficiary, the money in the trust shall be considered an asset of the beneficiary's estate, to the extent that the value of the trust exceeds the actual value for the goods and services provided at-need. This does not alter any asset exclusion requirements that exist under federal law. The depositor as trustee must disclose in writing the location of the trust account, including the name and address of the institution where the money is being held and any identifying account numbers, to the beneficiary when the money is deposited and when there are any subsequent changes to the location of the trust account.";

(9) for agreements with revocable trusts, contains the following statement, in bold-faced type and a minimum size of ten points:

"REVOCABLE TRUST:

The preneed arrangement trust being created by the purchaser is revocable. These trust funds, including all principal and accrued interest, are the purchaser's assets. The purchaser may withdraw the principal and accrued interest at any time prior to the death of the beneficiary. At the death of the beneficiary, the funds shall be distributed in their entirety, principal plus accrued interest, with no fees retained by the trustees as administrative fees. The funds shall be distributed for the payment of the at-need funeral goods, funeral services, burial site goods, or burial site services selected, with any excess funds distributed to the beneficiary's estate. At any time before or at the time of the beneficiary's death, the purchaser may transfer the preneed arrangements and related trust funds for use in the payment of funeral goods, funeral services, burial site goods, or burial site services. The purchaser may not be charged any fee in connection with the transfer of a preneed arrangement and trust funds.";

(10) for agreements with irrevocable trusts, contains the following statement, in bold-faced type and a minimum size of ten points:

"IRREVOCABLE TRUST:

A trust created to hold preneed arrangement funds is revocable in its entirety unless specifically limited by the purchaser. The purchaser has chosen to create an irrevocable trust in the amount of \$ (insert the dollar amount of the purchaser's irrevocable trust). The revocable portion of this trust fund is limited to that amount that exceeds the allowable supplemental security income asset exclusion used for determining eligibility for public assistance at the time the trust is created. The principal and accrued interest may not be withdrawn from the trust prior to the beneficiary's death, except to the extent that the trust funds exceed the irrevocable trust limitation. At the time of the beneficiary's death, the funds shall be distributed in their entirety, principal plus accrued interest, with no fees retained by the trustees as administrative fees. The funds shall be distributed for the payment of the at-need funeral goods, funeral services, burial site goods, or burial site services selected, with any excess funds distributed to the beneficiary's estate. At any time prior to or at the time of the beneficiary's death, the purchaser may transfer the preneed arrangements and trust funds for use in the payment of funeral goods, funeral services, burial site goods, or burial site services. The purchaser may not be charged any fee in connection with the transfer of a preneed arrangement and trust funds.";

(11) provides that if the particular funeral goods, funeral services, burial site goods, or burial site services specified in the agreement are unavailable at the time of delivery, the funeral provider must furnish goods and services similar in style and at least equal in quality to the material and workmanship of the goods or services specified and that the representative of the beneficiary has the right to choose the goods or services to be substituted; and

(12) contains an itemization of the sale of grave lots, spaces, lawn crypts, niches, or mausoleum crypts separate from all other goods and services selected.

Sec. 34. Minnesota Statutes 1998, section 149A.97, is amended by adding a subdivision to read:

Subd. 4a. [FINANCE CHARGES ON PRENEED ARRANGEMENTS PROHIBITED.]
Funeral providers are prohibited from assessing finance charges on preneed arrangements.

Sec. 35. Minnesota Statutes 1998, section 149A.97, subdivision 6, is amended to read:

Subd. 6. [DISBURSEMENT OF TRUST FUNDS.] The funds held in trust, including principal and accrued interest, may be distributed prior to the death of the beneficiary upon demand by the purchaser as specified in subdivision 6a, to the extent that the trust is designated revocable. At the death of the beneficiary and with satisfactory proof of death provided to the institution holding the trust funds, the funds, including principal and accrued interest, may be distributed by either the depositor as trustee or the purchaser as trustee, subject to section 149A.80. The funds shall be distributed in their entirety, with no fees to be retained by the trustees as administrative fees. The funds shall be distributed for the payment of the actual at-need value of the funeral goods ~~and/or~~, funeral services, burial site goods, or burial site services selected with any excess funds distributed to the estate of the decedent.

Sec. 36. Minnesota Statutes 1998, section 149A.97, is amended by adding a subdivision to read:

Subd. 6a. [CANCELLATION OF AGREEMENT FOR PRENEED ARRANGEMENTS.] (a) If a purchaser cancels an agreement for an irrevocable trust for preneed arrangements at any time before midnight of the third business day after the date of the agreement, the purchaser shall receive a refund of all consideration paid according to the agreement. The refund must be distributed to the purchaser within 15 business days following receipt by the funeral provider of the cancellation notice from the purchaser.

(b) If the purchaser cancels an agreement for a revocable trust for preneed arrangements at any time after the date of the agreement, all funds held in a revocable trust, including all principal and accrued interest, must be distributed to the purchaser within 15 business days following receipt by the funeral provider of the cancellation notice.

(c) Cancellation is evidenced by the purchaser giving written notice of cancellation to the funeral provider at the address provided in the agreement. Notice of cancellation, if given by mail, is effective upon deposit in a mailbox, properly addressed to the funeral provider and postage prepaid. Notice of cancellation need not take any specific form and is sufficient if it indicates, by any form of written expression, the intention of the purchaser not to be bound by the agreement.

Sec. 37. Minnesota Statutes 1998, section 149A.97, subdivision 9, is amended to read:

Subd. 9. [REQUIRED RECORDS.] Every funeral provider lawfully doing business in Minnesota that accepts funds under subdivision 2 must create and maintain on its premises or other business location in Minnesota an accurate record of every trust fund established with the funeral provider as trustee. The record must contain the following information:

- (1) the names of the purchaser, beneficiary, and depositor;
- (2) the date, location, identifying account numbers, and amount of the funds originally deposited;
- (3) any subsequent changes to the location of the account, identifying account number, or trustee designation;
- (4) the date, amount, and payee of any distributions from the account; and
- (5) all supporting documentation, including a copy of the original trust agreement, copies of any contracts for the purchase of preneed funeral goods and services, and any other appropriate documentation.

Sec. 38. [RECOMMENDATIONS.]

The commissioner of health shall make recommendations by January 15, 2001, to the chairs of the senate health and family security budget division and the house health and human services finance division on whether there is a need for additional funding for ongoing implementation of the regulatory provisions of Minnesota Statutes, chapter 149A, and if so, proposals for an alternative funding source other than the general fund.

Sec. 39. [EFFECTIVE DATE.]

Section 10 is effective January 1, 2001."

Delete the title and insert:

"A bill for an act relating to health; establishing requirements for the sale of funeral goods and services and preneed funeral arrangements; modifying the enforcement authority of the commissioner of health; prohibiting certain solicitations of sales by funeral providers; requiring certain disclosures by funeral providers; prohibiting certain deceptive acts and practices for funeral providers; establishing requirements for preneed funeral agreements; amending Minnesota Statutes 1998, sections 149A.02, subdivision 22, and by adding subdivisions; 149A.08, subdivisions 1, 3, 4, and by adding a subdivision; 149A.70, by adding subdivisions; 149A.71, subdivisions 1, 2, 3, and 4; 149A.72, subdivisions 5, 6, 7, 9, 10, 11, 12, and 13; 149A.73, subdivisions 1, 3, 4, and by adding a subdivision; 149A.75; and 149A.97, subdivisions 1, 2, 3, 6, 9, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 149A."

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

Senate Conferees: (Signed) Claire A. Robling, Deanna L. Wiener, William V. Belanger, Jr.

House Conferees: (Signed) Ann H. Rest, Dan McElroy, Gregory M. Davids

Senator Robling moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2686 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2686 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 2951 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 2951

A bill for an act relating to municipalities; clarifying the use of alternative dispute resolution in certain proceedings; requiring a report to the legislature; exempting the office of strategic and

long-range planning from adopting rules until a certain date; providing instructions to the revisor of statutes; amending Minnesota Statutes 1999 Supplement, section 414.12; repealing Minnesota Statutes 1998, section 414.10.

April 6, 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. 2951, 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. 2951 be further amended as follows:

Page 3, line 29, delete "2002" and insert "2001"

Page 4, after line 3, insert:

"Sec. 5. [EFFECTIVE DATES.]

Subdivision 1. [PROCEEDINGS.] Section 1, subdivisions 1, 2, and 4, are effective retroactive to June 1, 1999, and apply to all matters pending on or commenced on or after that date. Sections 2 and 3 are effective the day following final enactment.

Subd. 2. [COSTS.] Section 1, subdivision 3, is effective retroactive to June 1, 1999, and applies only to boundary adjustment matters commenced on or after June 1, 1999. In any proceeding in which a decision by the Minnesota municipal board prior to June 1, 1999, was enjoined by court order, the disputing parties are liable for any costs as provided in section 1, subdivision 3, incurred on or after June 1, 1999. For all boundary adjustment matters commenced before June 1, 1999, all costs must be allocated as provided in law and rule prior to the abolition of the Minnesota municipal board, and the maximum total amount the parties may be charged by the office of strategic and long-range planning, the office of administrative hearings, or as part of an arbitration is no more than the Minnesota municipal board could have charged if the matter had been heard and decided by the board. Costs that exceed what the municipal board could have charged must be paid by the office of strategic and long-range planning."

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

Senate Conferees: (Signed) Jim Vickerman, John C. Hottinger, Claire A. Robling

House Conferees: (Signed) Peg Larsen, Ray Vandever, Tom Rukavina

Senator Vickerman moved that the foregoing recommendations and Conference Committee Report on S.F. No. 2951 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 2951 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 59 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Cohen	Flynn	Higgins	Kelly, R.C.
Belanger	Day	Foley	Hottinger	Kierlin
Berg	Dille	Frederickson	Johnson, D.E.	Kinkel
Betzold	Fischbach	Hanson	Kelley, S.P.	Kiscaden

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

S.F. No. 3581 and the Conference Committee Report thereon were reported to the Senate.

CONFERENCE COMMITTEE REPORT ON S.F. NO. 3581

A bill for an act relating to liquor; authorizing the city of Minneapolis to issue an on-sale wine and malt liquor license for the Illusion Theatre and the Hollywood Theatre; authorizing winemaking on premises stores; authorizing the city of St. Paul to issue an on-sale wine and malt liquor license to the Great American History Theater; exempting an on-sale intoxicating liquor license in Bemidji from statutory restrictions on proximity to a state university; authorizing the cities of Duluth, Springfield, and Eveleth, to issue on-sale intoxicating liquor licenses; authorizing the city of Anoka to issue an on-sale wine license; amending Minnesota Statutes 1999 Supplement, section 340A.404, subdivisions 2 and 2b; Laws 1999, chapter 202, section 15; proposing coding for new law in Minnesota Statutes, chapter 340A.

April 12, 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. 3581, 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. 3581 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 37.21, is amended to read:

37.21 [SALE OF LIQUORS.]

Subdivision 1. [LIQUOR PROHIBITED.] No person may sell, barter, give away, or otherwise dispose of or introduce, have, or keep for barter, gift, or sale, any intoxicating liquors of any kind upon or within one-half mile of the state fairgrounds, or aid and abet any of those acts. The presence and possession of any kind of these liquors, in any quantity, upon the person or upon the premises leased or occupied by any person within these limits is a public nuisance and is prima facie evidence of the purpose of the person to barter, give away, or sell the liquor. Any person who violates this section is guilty of a misdemeanor.

Subd. 2. [EXCEPTIONS.] Notwithstanding subdivision 1, the state agricultural society may authorize, under terms and conditions it chooses, the sale, possession, and consumption of intoxicating liquors at special events taking place on the fairgrounds at times other than during the annual fair including, but not limited to, family reunions, class reunions, weddings, conventions, and similar events. This section does not authorize the society to issue retail licenses for the sale of alcoholic beverages.

Sec. 2. Minnesota Statutes 1998, section 340A.101, subdivision 7, is amended to read:

Subd. 7. [CLUB.] "Club" is an incorporated organization organized under the laws of the state for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:

(1) has more than ~~50~~ 30 members;

(2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members;

(3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose. No member, officer, agent, or employee shall receive any profit from the distribution or sale of beverages to the members of the club, or their guests, beyond a reasonable salary or wages fixed and voted each year by the governing body.

Sec. 3. Minnesota Statutes 1999 Supplement, section 340A.404, subdivision 2, is amended to read:

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

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

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

(d) The city of Minneapolis may issue an on-sale intoxicating liquor license to the American Association of University Women, Minneapolis branch, for use on the premises owned by the American Association of University Women, Minneapolis branch, at 2115 Stevens Avenue South in Minneapolis, notwithstanding limitations of law, or local ordinances, or charter provisions relating to zoning or school or church distances.

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

(f) The city of Minneapolis may issue an on-sale wine license and an on-sale malt liquor license to the Brave New Workshop Theatre located at 3001 Hennepin Avenue South, ~~and to the Theatre de la Jeune Lune, the Illusion Theatre located at 528 Hennepin Avenue South, and the Hollywood Theatre located at 2815 Johnson Street Northeast,~~ notwithstanding any law or local ordinance or charter provision. The license authorizes sales on all days of the week.

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

Sec. 4. [340A.34] [WINEMAKING ON PREMISES STORE.]

A commercial establishment in which individuals make wine on the premises for personal and

family use only and not for resale, using ingredients or materials or both supplied by the establishment, is not required to be licensed under this chapter if the establishment is operated in accordance with Code of Federal Regulations, title 27, section 24.75. No person under the age of 21 years may participate in the making of wine in such an establishment. Alcoholic beverages may not be sold or otherwise provided to customers of an establishment described in this section unless the establishment holds the appropriate license for such sale or provision.

Sec. 5. [340A.419] [WINE TASTINGS CONDUCTED BY EXCLUSIVE LIQUOR STORE.]

Subdivision 1. [DEFINITION.] For purposes of this section, a "wine tasting" is an event of not more than four hours' duration at which persons pay a fee to participate and are allowed to consume wine by the glass without paying a separate charge for each glass.

Subd. 2. [TASTINGS.] (a) Notwithstanding any other law, an exclusive liquor store may conduct a wine tasting on the premises of a holder of an on-sale intoxicating liquor license that is not a temporary license if the exclusive liquor store complies with this section.

(b) No wine at a wine tasting under this section may be sold for off-premises consumption. A participant in the tasting may fill out a form indicating preferences for wine. The form may be held on the premises of the exclusive liquor store to assist the participant in making an off-sale purchase at a later date.

(c) Notwithstanding any other law, an exclusive liquor store may purchase or otherwise obtain wine for a wine tasting conducted under this section from a wholesaler licensed to sell wine. The wholesaler may sell or give wine to an exclusive liquor store for a wine tasting conducted under this section and may provide personnel to assist in the wine tasting.

(d) An exclusive liquor store that conducts a wine tasting under this section must use any fees collected from participants in the tasting only to defray the cost of conducting the tasting.

Sec. 6. Laws 1999, chapter 202, section 15, is amended to read:

Sec. 15. [CITY OF BEMIDJI; LIQUOR LICENSE.]

The city of Bemidji may issue one on-sale intoxicating liquor license in addition to the number authorized by law. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, other than Minnesota Statutes, section 340A.412, subdivision 4, paragraph (a), clause (8), apply to the licenses license authorized under this section.

Sec. 7. [CITY OF DULUTH; LAKE SUPERIOR CENTER AUTHORITY.]

Notwithstanding any law, ordinance, or charter provision to the contrary, the city of Duluth may issue an on-sale intoxicating liquor license to the Lake Superior Center authority for certain events at the Lake Superior Center. The license shall limit the sale of intoxicating liquor to persons leasing space in the Lake Superior Center and their guests for the purpose of conducting any convention, banquet, conference, meeting, or social affair. The fee for the license shall be set by the Duluth city council. The license must be issued in accordance with laws governing issuance of on-sale intoxicating liquor licenses in cities of the first class not inconsistent with this section and with city charter provisions and ordinances not inconsistent with this section.

Sec. 8. [CITY OF SPRINGFIELD; AUTHORIZATION.]

The city of Springfield may authorize a holder of a retail on-sale intoxicating liquor license issued by the city to dispense intoxicating liquor at an event on December 31, 2000, and January 1, 2001, at a facility owned by the city, notwithstanding Minnesota Statutes, section 340A.504, subdivision 3. All provisions of Minnesota Statutes, section 340A.404, subdivision 4, paragraph (a), apply to the authority granted under this section. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 9. [CITY OF EVELETH; LIQUOR LICENSE.]

Notwithstanding other law, the city of Eveleth may issue one on-sale intoxicating liquor license to the Quad Cities Joint Recreational Center authority. The authority may, but shall not be required to, contract with an independent contractor to operate the on-sale liquor establishment. The independent contractor need not hold a license in its own name. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 10. [WINE LICENSE; MAIN STREET STAGE THEATRE.]

The city of Anoka may issue an on-sale wine license to the Lyric Arts Company of Anoka, Inc. for the Main Street Stage Theatre. The license authorizes sales on all days of the week to holders of tickets for performances at the theater. All provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license authorized under this section.

Sec. 11. [CITY OF COTTAGE GROVE; LIQUOR LICENSE.]

The city of Cottage Grove may issue to the Cottage Grove economic development authority, and the Cottage Grove economic development authority may hold, an on-sale intoxicating liquor license for the River Oaks golf course grounds, clubhouse, and restaurant located in the city of Cottage Grove. The provisions of Minnesota Statutes, chapter 340A, not inconsistent with this section, apply to the license issued under this section. The provisions of Minnesota Statutes, sections 340A.603 and 340A.604, apply to the establishment licensed under this section as if the establishment were a municipal liquor store, provided that the commissioner of public safety may not impose any penalty on the establishment under those sections if the city has imposed a comparable or greater penalty on the licensee for the same offense.

Sec. 12. [CITY OF COTTAGE GROVE; LIABILITY.]

The city of Cottage Grove is the licensee under section 11 for purposes of compliance with Minnesota Statutes, section 340A.409. The city of Cottage Grove is deemed the seller of alcoholic beverages under the license authorized by section 11 for purposes of Minnesota Statutes, sections 340A.801 and 340A.802.

Sec. 13. [INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE; SHERMAN TOWNSHIP.]

An election conducted in Sherman township in Redwood county on the question of the issuance by the county of Sunday sales licenses to establishments located in the town may be held on the day of the annual election of town officers or at a special election called and conducted by the town board. The cost of the election must be borne by the applicant for the Sunday sales license.

Sec. 14. [EFFECTIVE DATE; LOCAL APPROVAL.]

Section 3 is effective the day after the governing body of Minneapolis and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 6 is effective the day after the governing body of Bemidji and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 7 is effective the day after the governing body of Duluth and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 8 is effective the day after the governing body of Springfield and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 9 is effective the day after the governing body of Eveleth and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Section 10 is effective the day after the governing body of Anoka and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3. Sections 11 and 12 are effective on approval by the Cottage Grove city council and compliance with Minnesota Statutes, section 645.021. Section 13 is effective the day after the governing body of Sherman township in Redwood county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3."

Delete the title and insert:

"A bill for an act relating to liquor; providing exceptions to the prohibition on intoxicating liquors at the state fairgrounds; modifying the definition of club; authorizing the city of Minneapolis to issue an on-sale wine and malt liquor license for the Illusion Theatre and the Hollywood Theatre; exempting winemaking-on-premises stores from state licensing with certain restrictions; authorizing exclusive liquor stores to conduct wine tastings; exempting an on-sale intoxicating liquor license in Bemidji from statutory restrictions on proximity to a state university; authorizing the cities of Duluth, Springfield, Eveleth, and Cottage Grove to issue on-sale intoxicating liquor licenses; authorizing the city of Anoka to issue an on-sale wine license; authorizing an election on Sunday liquor sales in Sherman township; amending Minnesota Statutes 1998, sections 37.21; and 340A.101, subdivision 7; Minnesota Statutes 1999 Supplement, section 340A.404, subdivision 2; Laws 1999, chapter 202, section 15; proposing coding for new law in Minnesota Statutes, chapter 340A."

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

Senate Conferees: (Signed) Sam G. Solon, James P. Metzen, Cal Larson

House Conferees: (Signed) Erik Paulsen, Gregory M. Davids, Matt Entenza

Senator Solon moved that the foregoing recommendations and Conference Committee Report on S.F. No. 3581 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

S.F. No. 3581 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Sams moved that H.F. No. 3692 and the Conference Committee Report thereon be taken from the table. The motion prevailed.

CONFERENCE COMMITTEE REPORT ON H.F. NO. 3692

A bill for an act relating to agriculture; amending feedlot permit provisions; providing specific requirements for feedlot permit rules; adding requirements for administrative penalty orders; requiring a report; amending Minnesota Statutes 1998, sections 116.06, by adding a subdivision; 116.07, subdivision 7c; and 116.0713; Minnesota Statutes 1999 Supplement, sections 116.07, subdivision 7; and 116.072, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 18B.

April 11, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 3692, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 3692 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [18C.432] [MANURE APPLICATOR EDUCATION AND TRAINING.]

Subdivision 1. [EDUCATION AND TRAINING.] (a) The commissioner shall develop, in conjunction with the University of Minnesota extension service, innovative educational and training programs addressing manure applicator concerns, including water quality protection and the development of manure management plans.

(b) The commissioner shall appoint educational planning committees which must include representatives of industry.

(c) Specific current regulatory concerns must be discussed and, if appropriate, incorporated into each training session.

(d) The commissioner may approve programs from private industry and nonprofit organizations that meet minimum requirements for education, training, and certification.

(e) The commissioner shall report to the house and senate agriculture policy and funding committees by January 30, 2001, with recommendations for training, examination, certification, and costs of a private applicator manure certification program.

Subd. 2. [TRAINING MANUAL AND EXAMINATION DEVELOPMENT.] The commissioner, in conjunction with the University of Minnesota extension service, shall continually revise and update manure applicator training manuals and examinations. Questions in the examinations must be determined by the commissioner. Manuals and examinations must include manure management practices that discuss prevention of manure occurrence in waters of the state.

Sec. 2. [18C.433] [PRIVATE MANURE APPLICATOR CERTIFICATION.]

Subdivision 1. [REQUIREMENT.] Beginning January 1, 2005, except for a commercial animal waste technician, only a certified private manure applicator may apply animal waste from a feedlot that:

(1) has a capacity of 300 animal units or more; and

(2) does not have an updated manure management plan that meets the requirements of pollution control agency rules.

Subd. 2. [CERTIFICATION.] (a) The commissioner shall prescribe certification requirements and provide training. The training may be done in cooperation with other government agencies and must be at least three hours in duration.

(b) A person must apply to the commissioner for certification as a private manure applicator. The certification expires March 1 of the third calendar year after the initial year of certification.

(c) The commissioner shall issue a private manure applicator card to a certified private manure applicator.

Subd. 3. [FEES.] (a) A person applying to be certified as a private manure applicator must pay a nonrefundable \$10 application fee.

(b) A \$5 fee must be paid for the issuance of a duplicate private manure applicator card.

Sec. 3. Minnesota Statutes 1998, section 116.06, is amended by adding a subdivision to read:

Subd. 4a. [ANIMAL UNIT.] "Animal unit" means a unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer for an animal feedlot or manure storage area calculated by multiplying the number of animals of each type in clauses (1) to (9) by the respective multiplication factor and summing the resulting values for the total number of animal units. For purposes of this chapter, the following multiplication factors apply:

(1) one mature dairy cow, whether milked or dry:

(i) over 1,000 pounds, 1.4 animal units; or

(ii) under 1,000 pounds, 1.0 animal unit;

(2) one cow and calf pair, 1.2 units;

(3) one calf, 0.2 unit;

(4) one slaughter steer, 1.0 animal unit;

(5) head of feeder cattle or heifer, 0.7 unit;

(6) one head of swine:

(i) over 300 pounds, 0.4 animal unit;

(ii) between 55 pounds and 300 pounds, 0.3 animal unit; and

(iii) under 55 pounds, 0.05 animal unit;

(7) one horse, 1.0 animal unit;

(8) one sheep or lamb, 0.1 animal unit;

(9) one chicken:

(i) one laying hen or broiler, if the facility has a liquid manure system, 0.033 animal unit; or

(ii) one chicken if the facility has a dry manure system:

(A) over five pounds, 0.005 animal unit; or

(B) under five pounds, 0.003 animal unit;

(10) one turkey:

(i) over five pounds, 0.018 animal unit; or

(ii) under five pounds, 0.005 animal unit;

(11) one duck, 0.01 animal unit; and

(12) for animals not listed in clauses (1) to (8), the number of animal units is the average weight of the animal in pounds divided by 1,000 pounds.

Sec. 4. Minnesota Statutes 1999 Supplement, section 116.07, subdivision 7, is amended to read:

Subd. 7. [COUNTIES; PROCESSING OF APPLICATIONS FOR ANIMAL LOT PERMITS.]

Any Minnesota county board may, by resolution, with approval of the pollution control agency, assume responsibility for processing applications for permits required by the pollution control agency under this section for livestock feedlots, poultry lots or other animal lots. The responsibility for permit application processing, if assumed by a county, may be delegated by the county board to any appropriate county officer or employee.

(a) For the purposes of this subdivision, the term "processing" includes:

(1) the distribution to applicants of forms provided by the pollution control agency;

(2) the receipt and examination of completed application forms, and the certification, in writing, to the pollution control agency either that the animal lot facility for which a permit is sought by an applicant will comply with applicable rules and standards, or, if the facility will not comply, the respects in which a variance would be required for the issuance of a permit; and

(3) rendering to applicants, upon request, assistance necessary for the proper completion of an application.

(b) For the purposes of this subdivision, the term "processing" may include, at the option of the county board, issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or rules promulgated pursuant to it, subject to review, suspension, and reversal by the pollution control agency. The pollution control agency shall, after written notification, have 15 days to review, suspend, modify, or reverse the issuance of the permit. After this period, the action of the county board is final, subject to appeal as provided in chapter 14. For permit applications filed after October 1, 2001, section 15.99 applies to feedlot permits issued by the agency or a county pursuant to this subdivision.

(c) For the purpose of administration of rules adopted under this subdivision, the commissioner and the agency may provide exceptions for cases where the owner of a feedlot has specific written plans to close the feedlot within five years. These exceptions include waiving requirements for major capital improvements.

(d) For purposes of this subdivision, a discharge caused by an extraordinary natural event such as a precipitation event of greater magnitude than the 25-year, 24-hour event, tornado, or flood in excess of the 100-year flood is not a "direct discharge of pollutants."

(e) In adopting and enforcing rules under this subdivision, the commissioner shall cooperate closely with other governmental agencies.

(f) The pollution control agency shall work with the Minnesota extension service, the department of agriculture, the board of water and soil resources, producer groups, local units of government, as well as with appropriate federal agencies such as the Natural Resources Conservation Service and the Farm Service Agency, to notify and educate producers of rules under this subdivision at the time the rules are being developed and adopted and at least every two years thereafter.

(g) The pollution control agency shall adopt rules governing the issuance and denial of permits for livestock feedlots, poultry lots or other animal lots pursuant to this section. A feedlot permit is not required for livestock feedlots with more than ten but less than 50 animal units; provided they are not in shoreland areas. A livestock feedlot permit does not become required solely because of a change in the ownership of the buildings, grounds, or feedlot. These rules apply both to permits issued by counties and to permits issued by the pollution control agency directly.

(h) The pollution control agency shall exercise supervising authority with respect to the processing of animal lot permit applications by a county.

(i) Any new rules or amendments to existing rules proposed under the authority granted in this subdivision, or to implement new fees on animal feedlots, must be submitted to the members of legislative policy and finance committees with jurisdiction over agriculture and the environment prior to final adoption. The rules must not become effective until 90 days after the proposed rules are submitted to the members.

(j) Until new rules are adopted that provide for plans for manure storage structures, any plans for a liquid manure storage structure must be prepared or approved by a registered professional engineer or a United States Department of Agriculture, Natural Resources Conservation Service employee.

(k) A county may adopt by ordinance standards for animal feedlots that are more stringent than standards in pollution control agency rules.

(l) After January 1, 2001, a county that has not accepted delegation of the feedlot permit program must hold a public meeting prior to the agency issuing a feedlot permit for a feedlot facility with 300 or more animal units, unless another public meeting has been held with regard to the feedlot facility to be permitted.

(m) After the proposed rules published in the State Register, volume 24, number 25, are finally adopted, the agency may not impose additional conditions as a part of a feedlot permit, unless specifically required by law or agreed to by the feedlot operator.

(n) For the purposes of feedlot permitting, a discharge from land-applied manure or a manure stockpile that is managed according to agency rule must not be subject to a fine for a discharge violation.

(o) For the purposes of feedlot permitting, manure that is land applied, or a manure stockpile that is managed according to agency rule, must not be considered a discharge into waters of the state, unless the discharge is to waters of the state, as defined by section 103G.005, subdivision 17, except type 1 or type 2 wetlands, as defined in section 103G.005, subdivision 17b, and does not meet discharge standards established for feedlots under agency rule.

(p) Unless the upgrade is needed to correct an immediate public health threat under section 145A.04, subdivision 8, the agency may not require a feedlot operator:

(1) to spend more than \$3,000 to upgrade an existing feedlot with less than 300 animal units unless cost-share money is available to the feedlot operator for 75 percent of the cost of the upgrade; or

(2) to spend more than \$10,000 to upgrade an existing feedlot with between 300 and 500 animal units, unless cost-share money is available to the feedlot operator for 75 percent of the cost of the upgrade or \$50,000, whichever is less.

Sec. 5. Minnesota Statutes 1998, section 116.07, subdivision 7c, is amended to read:

Subd. 7c. [NPDES PERMITTING REQUIREMENTS.] (a) The agency must issue National Pollutant Discharge Elimination System permits for feedlots with 1,000 animal units or more and that meet the definition of a "concentrated animal feeding operation" in Code of Federal Regulations, title 40, section 122.23, based on the following schedule:

~~(1) for applications received after April 22, 1998, a permit for a newly constructed or expanded animal feedlot with 2,000 or more animal units must be issued as an individual permit;~~

~~(2) for applications received after January 1, 1999, a permit for a newly constructed or expanded animal feedlot with between 1,000 and 2,000 animal units that is identified as a priority by the commissioner, using criteria established under paragraph (e) (d), must be issued as an individual permit; and~~

~~(3) (2) after January 1, 2001, all an existing feedlots with 1,000 or more animal units feedlot that is identified as a priority by the commissioner, using criteria established under paragraph (e) must be issued as an individual or general National Pollutant Discharge Elimination System permit; and~~

~~(b) By October 1, 1999, (3) the agency must issue a general National Pollutant Discharge Elimination System permit for animal feedlots with between 1,000 and 2,000 animal units that are not identified under paragraph (a), clause (1) or (2).~~

~~(e)~~ (b) Prior to the issuance of a general National Pollutant Discharge Elimination System permit for a category of animal feedlot facility permittees, the agency must hold at least one public hearing on the permit issuance.

~~(d)~~ (c) To the extent practicable, the agency must include a public notice and comment period for an individual National Pollutant Discharge Elimination System permit concurrent with any public notice and comment for:

(1) the purpose of environmental review of the same facility under chapter 116D; or

(2) the purpose of obtaining a conditional use permit from a local unit of government where the local government unit is the responsible governmental unit for purposes of environmental review under chapter 116D.

~~(e)~~ By January 1, 1999, (d) The commissioner, in consultation with the feedlot and manure management advisory committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual National Pollutant Discharge Elimination System permit is required under paragraph (a), clause ~~(2)~~, ~~for an animal feedlot with between 1,000 and 2,000 animal units~~ (1). The criteria must be based on proximity to waters of the state, facility design, and other site-specific environmental factors.

~~(f)~~ By January 1, 2000, (e) The commissioner, in consultation with the feedlot and manure management advisory committee, created under section 17.136, and other interested parties must develop criteria for determining whether an individual National Pollutant Discharge Elimination System permit is required for an existing animal feedlot, under paragraph (a), clause ~~(3)~~ (2). The criteria must be based on violations and other compliance problems at the facility.

(f) The commissioner, in consultation with the feedlot and manure management advisory committee, created under section 17.136, and other interested parties must develop criteria for determining when an individual National Pollutant Discharge Elimination System permit is transferred from individual to general permit status.

(g) Notwithstanding the provisions in paragraph (a), until January 1, 2001, the commissioner may issue an individual National Pollutant Discharge Elimination System permit for an animal feedlot. After the general permit is issued and the criteria under paragraphs (d) and (e) are developed, individual permits issued pursuant to this paragraph that do not fit the criteria for an individual permit under the applicable provisions of paragraph (d) or (e) must be transferred to general permit status.

(h) The commissioner, in consultation with the feedlot and manure management advisory committee, created under section 17.136, and other interested parties must develop criteria for determining which feedlots are required to apply for and obtain a National Pollutant Discharge Elimination System permit and which feedlots are required to apply for and obtain a state disposal system permit based upon the actual or potential to discharge.

Sec. 6. Minnesota Statutes 1998, section 116.0713, is amended to read:

116.0713 [LIVESTOCK ODOR.]

(a) The pollution control agency must:

(1) monitor and identify potential livestock facility violations of the state ambient air quality standards for hydrogen sulfide, using a protocol for responding to citizen complaints regarding feedlot odor and its hydrogen sulfide component, including the appropriate use of portable monitoring equipment that enables monitoring staff to follow plumes;

(2) when livestock production facilities are found to be in violation of ambient hydrogen sulfide standards, take appropriate actions necessary to ensure compliance, utilizing appropriate technical assistance and enforcement and penalty authorities provided to the agency by statute and rule.

(b) Livestock production facilities are exempt from state ambient air quality standards while

manure is being removed and for seven days after manure is removed from barns or manure storage facilities.

(c) For a livestock production facility having greater than 300 animal units, the maximum cumulative exemption in a calendar year under paragraph (b) is 21 days for the removal process.

(d) The operator of a livestock production facility that claims exemption from state ambient air quality standards under paragraph (b) must provide notice of that claim to either the pollution control agency or the county feedlot officer delegated under section 116.07.

(e) State ambient air quality standards are applicable at the property boundary of a farm or a parcel of agricultural land on which a livestock production facility is located, except that if the owner or operator of the farm or parcel obtains an air quality easement from the owner of land adjoining the farm or parcel, the air quality standards must be applicable at the property boundary of the adjoining land to which the easement pertains. The air quality easement must be for no more than five years, must be in writing, and must be available upon request by the agency or the county feedlot officer. Notwithstanding the provisions of this paragraph, state ambient air quality standards are applicable at locations to which the general public has access. The "general public" does not include employees or other categories of people who have been directly authorized by the property owner to enter or remain on the property for a limited period of time and for a specific purpose, or trespassers.

(f) The agency may not require air emission modeling for a type of livestock system that has not had a hydrogen sulfide emission violation.

Sec. 7. Minnesota Statutes 1999 Supplement, section 116.072, subdivision 13, is amended to read:

Subd. 13. [FEEDLOT ADMINISTRATIVE PENALTY ORDERS.] (a) Prior to the commissioner proposing an administrative penalty order to a feedlot operator for a violation of feedlot laws or rules, the agency staff who will determine if a penalty is appropriate and who will determine the size of the penalty shall offer to meet with the feedlot operator to discuss the violation, and to allow the feedlot operator to present any information that may affect any agency decisions on the administrative penalty order.

(b) Notwithstanding subdivision 5, for serious feedlot law or rule violations for which an administrative penalty order is issued under this section, not less than 75 percent of the penalty may must be forgiven if:

(1) the abated penalty is used for approved measures to mitigate the violation for which the administrative penalty order was issued or for environmental improvements to the farm; and

(2) the commissioner determines that the violation has been corrected or that appropriate steps are being taken to correct the action.

Sec. 8. Laws 1998, chapter 401, section 52, is amended to read:

Sec. 52. [PERMIT REQUIREMENTS.]

Until June 30, 2000 six months after preparation and final approval by the environmental quality board of the generic environmental impact statement required under Laws 1998, chapter 366, section 86, subdivision 2, or June 1 following approval of the statement, whichever date is later, neither the pollution control agency nor a county board may issue a permit for the construction of an open-air clay, earthen, or flexible membrane lined swine waste lagoon. This section does not apply to repair or modification related to an environmental improvement of an existing lagoon.

Sec. 9. [TIMELY RESPONSE TO PERMIT APPLICATIONS; REPORT ON NEEDS.]

If the agency determines that it is unable to accomplish timely response to animal feedlot permit applications under Minnesota Statutes, section 15.99, using existing resources, the

commissioner shall, not later than October 15, 2000, report to the commissioner of finance and the environment and agriculture policy and finance committees of the senate and house of representatives on the additional resources needed to accomplish timely response.

Sec. 10. [RULES FOR ANIMAL FEEDLOTS AND STORAGE, TRANSPORTATION, AND UTILIZATION OF MANURE.]

(a) The pollution control agency shall amend the proposed permanent rules relating to animal feedlots and storage, transportation, and utilization of manure, published in the State Register, volume 24, number 25, pages 848 to 884, December 20, 1999, according to this section and pursuant to Minnesota Statutes, section 14.388.

(b) The agency shall remove the following provisions of the proposed rules:

(1) restrictions on the pasturing of animals, including winter feeding areas that comply with Minnesota Statutes, section 116.07, subdivision 7, paragraph (o);

(2) the requirement for a manure management plan, except in the case of a feedlot requiring a feedlot permit;

(3) the inclusion in the animal unit definition of manure that is produced by animals that are not owned or managed by the person who accepts manure from another party; and

(4) the requirement that a feedlot must include a pollution prevention plan as part of their feedlot permit application.

(c) In the rules, the agency shall not require:

(1) a feedlot operator to remove manure packs and mounding, except as necessary to prevent pollution;

(2) information on the permit application that is not specifically required in the rules, unless the feedlot operator will be using a new technology;

(3) more than the following information on the newspaper notification of proposed construction or expansion:

(i) name of the owner or owners;

(ii) name of the facility;

(iii) location of the facility by county, township, section, or quarter-section;

(iv) species of livestock and total animal units; and

(v) type of building and manure storage system;

(4) the regulation of process-generated wastewater, unless it contains manure;

(5) that a feedlot must be issued an individual state disposal system permit, unless the feedlot meets the criteria established for individual permits under Minnesota Statutes, section 116.07, subdivision 7c; and

(6) registration or a permit for a livestock facility located on county fairgrounds.

(d) In the rules, the agency shall:

(1) include a registration notice provision requiring the permitting authority to notify feedlot operators at least 90 days prior to the reregistration deadline;

(2) include a provision requiring that a receipt of registration be sent back to the feedlot operator within 30 days of receipt of the registration by the agency or the delegated county;

(3) provide that feedlot permits remain in effect until a new permit is issued by the agency or a county;

(4) provide that location restrictions for schools and child care centers apply only to licensed child care centers, the public schools defined in Minnesota Statutes, section 120A.05, and private schools, excluding home school sites;

(5) allow for compliance with interim corrective measures for eligible open lots by October 1, 2005, and final compliance by October 1, 2010;

(6) allow direct notification of a feedlot permit application in lieu of the newspaper notification as provided in Minnesota Statutes, section 116.07, subdivision 7a;

(7) allow a short-term stockpile site for 365 days;

(8) include only a general reference that the rules do not preempt the adoption or enforcement of zoning ordinances or plans by counties, townships, or cities;

(9) allow manure storage facility specifications that are proposed by a registered professional engineer or a United States Department of Agriculture, Natural Resources Conservation Service employee and that meet federal and state discharge and water quality restrictions;

(10) include an exemption from the prohibition on reuse of a short-term stockpiling site in the preceding or following calendar years for a site where manure is stockpiled for less than ten days and the site is not used as a stockpile site for more than six times in a calendar year; and

(11) provide that the management of nutrients from manure can be consistent with guidelines, definitions, or recommendations published by the University of Minnesota or another land grant college in a contiguous state.

Sec. 11. [FEEDLOT UPGRADES; REPORT, FINANCIAL ASSISTANCE.]

(a) The commissioner of agriculture, in close collaboration with the commissioner of the pollution control agency and in consultation with the commissioner of finance and a representative of the board of water and soil resources, shall study the need for state financial assistance by operators of feedlots with a capacity of less than 1,000 animal units required to upgrade facilities under proposed livestock feedlot rules published in the State Register, volume 24, number 25.

(b) The study must identify the specific financial needs of operators of feedlots with capacities:

(1) less than 100 animal units;

(2) more than 100 but less than 300 animal units; and

(3) more than 300 but less than 500 animal units.

(c) Not later than February 1, 2001, the commissioner of agriculture shall report the findings of the study to the standing committees of the senate and house of representatives with jurisdiction over agriculture and environment policy issues and budgeting. The report must include recommendations to the legislature on anticipated state costs to provide matching funds for feedlot upgrades under Minnesota Statutes, section 116.07, subdivision 7, paragraph (p).

Sec. 12. [MORATORIUM ON UPGRADE REQUIREMENTS FOR SMALL FEEDLOTS.]

Until the funding proposal for feedlots with a capacity less than 100 animal units required by section 11 has been enacted and funding under the proposal has been made available, the pollution control agency may not require the operator of an existing feedlot with less than 100 animal units to upgrade the feedlot, unless cost-share money is available to the feedlot operator for 75 percent of the cost of the upgrade or the upgrade is needed to correct an immediate public health threat under Minnesota Statutes, section 145A.04, subdivision 8.

Sec. 13. [WORKGROUP; REPORT.]

The commissioner of the pollution control agency shall convene a workgroup consisting of representatives from Natural Resources Conservation Services and private sector licensed professional engineers, including individuals with expertise in hydraulics, structural systems, and geology, to review and propose design standards for liquid manure storage facilities in areas susceptible to soil collapse and sinkhole formation. This review shall include an evaluation of whether such standards should be volume based or animal unit based. The commissioner shall submit the findings and recommendations of the workgroup to the senate and house agriculture and rural development committees by October 31, 2000.

Sec. 14. [PRIVATE MANURE APPLICATOR EDUCATION AND TRAINING PLAN.]

(a) The commissioner of agriculture shall study and develop a plan, in conjunction with the University of Minnesota extension service, for innovative educational and training programs addressing manure applicator concerns, including water quality protection and the development of manure management plans.

(b) The commissioner shall appoint educational planning committees, which must include representatives of industry.

(c) Specific current regulatory concerns must be discussed and, if appropriate, incorporated into the plan.

(d) The commissioner may consider programs from private industry and nonprofit organizations that meet minimum requirements for education, training, and certification.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 14 are effective the day following final enactment."

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

House Conferees: (Signed) William Kuisle, Dan Dorman, Rod Skoe

Senate Conferees: (Signed) Dallas C. Sams, Becky Lourey, Steve Dille

Senator Sams moved that the foregoing recommendations and Conference Committee Report on H.F. No. 3692 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 3692 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

The roll was called, and there were yeas 43 and nays 22, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.H.	Lesewski	Ourada	Scheevel
Berg	Kelly, R.C.	Limmer	Pariseau	Solon
Day	Kierlin	Lourey	Piper	Stevens
Dille	Kinkel	Metzen	Pogemiller	Stumpf
Fischbach	Kiscaden	Moe, R.D.	Robertson	Terwilliger
Frederickson	Kleis	Murphy	Robling	Vickerman
Hanson	Knutson	Neuville	Runbeck	Ziegler
Janezich	Langseth	Oliver	Sams	
Johnson, D.E.	Larson	Olson	Samuelson	

Those who voted in the negative were:

Anderson	Foley	Krentz	Price	Wiener
Berglin	Higgins	Laidig	Ranum	Wiger
Betzold	Hottinger	Marty	Ring	
Cohen	Junge	Novak	Scheid	
Flynn	Kelley, S.P.	Pappas	Spear	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Messages From the House, Reports of Committees and Second Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2946, and repassed said bill in accordance with the report of the Committee, so adopted.

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

Senate File No. 2946 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 17, 2000

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2785, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2785: A bill for an act relating to motor vehicles; exempting utility-owned vehicles from certain weight restrictions; amending Minnesota Statutes 1998, sections 169.825, by adding a subdivision; and 169.87, by adding a subdivision.

Senate File No. 2785 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 17, 2000

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 2456, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 2456: A bill for an act relating to local government; authorizing Wright county to convey certain county ditches to the cities of St. Michael and Albertville.

Senate File No. 2456 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 17, 2000

Mr. President:

I have the honor to announce that the House has acceded to the request of the Senate for the appointment of a Conference Committee, consisting of 5 members of the House, on the amendments adopted by the House to the following Senate File:

S.F. No. 2677: A bill for an act relating to crime prevention; recodifying the driving while impaired crimes and related provisions; making numerous clarifying, technical, and substantive changes in the pursuit of simplification; amending Minnesota Statutes 1998, section 629.471; Minnesota Statutes 1999 Supplement, sections 260B.171, subdivision 7; 260B.225, subdivision 4; and 609.035, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 169A; repealing Minnesota Statutes 1998, sections 168.042; 169.01, subdivisions 61, 68, 82, 83, 86, 87, 88, and 89; 169.121, subdivisions 1, 1a, 1b, 1d, 2, 3b, 3c, 5, 5a, 5b, 6, 7, 8, 9, 10, 10a, 11, and 12; 169.1211; 169.1215; 169.1216; 169.1217, subdivisions 2, 3, 4, 5, 6, and 8; 169.1218; 169.1219; 169.122, subdivisions 1, 2, 3, and 4; 169.123, subdivisions 2, 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 6, 7, 8, and 10; 169.124; 169.125; 169.126; 169.1261; 169.1265; 169.128; and 169.129, subdivision 3; Minnesota Statutes 1999 Supplement, sections 169.121, subdivisions 1c, 3, 3d, 3f, and 4; 169.1217, subdivisions 1, 7, 7a, and 9; 169.122, subdivision 5; 169.123, subdivisions 1 and 5c; and 169.129, subdivision 1.

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

Fuller; Stanek; Broecker; Larson, D. and Carruthers.

Senate File No. 2677 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 17, 2000

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on House File No. 2451, and repassed said bill in accordance with the report of the Committee, so adopted.

House File No. 2451 is herewith transmitted to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 17, 2000

CONFERENCE COMMITTEE REPORT ON H.F. NO. 2451

A bill for an act relating to telecommunications; modifying telephone company property depreciation provisions; amending Minnesota Statutes 1998, section 237.22; repealing Minnesota Statutes 1998, section 237.773, subdivision 5; Minnesota Rules, parts 7810.7000; 7810.7100; 7810.7200; 7810.7300; 7810.7400; 7810.7500; 7810.7600; 7810.7700; 7810.7800; 7810.7900; and 7810.8000.

April 12, 2000

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H.F. No. 2451, that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H.F. No. 2451 be further amended as follows:

Page 1, after line 9, insert:

"Section 1. Minnesota Statutes 1998, section 216C.051, subdivision 9, is amended to read:

Subd. 9. [EXPIRATION.] This section is repealed ~~June 30, 2000~~ March 15, 2001."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "extending expiration date of legislative electric energy task force;"

Page 1, line 4, delete "section" and insert "sections 216C.051, subdivision 9; and"

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

House Conferees: (Signed) Gregory M. Davids, Ken Wolf, Loren Jennings

Senate Conferees: (Signed) Steven G. Novak, Mark Ourada

Senator Novak moved that the foregoing recommendations and Conference Committee Report on H.F. No. 2451 be now adopted, and that the bill be repassed as amended by the Conference Committee. The motion prevailed. So the recommendations and Conference Committee Report were adopted.

H.F. No. 2451 was read the third time, as amended by the Conference Committee, and placed on its repassage.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Flynn	Kiscaden	Marty	Robertson	Runbeck
Kelley, S.P.	Lourey			

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 3839:

H.F. No. 3839: A bill for an act relating to health; modifying provisions for speech-language pathologists, audiologists, unlicensed mental health practitioners, alcohol and drug counselors, and hearing instrument dispensers; requiring a study; extending a board; amending Minnesota Statutes 1998, sections 148.512, subdivision 5; 148.515, subdivision 3; 148.517, by adding a subdivision; 148.518, subdivision 2; 148.5193, subdivisions 1, 2, 4, 6, and by adding a subdivision; 148.5196, subdivision 3; 148B.60, subdivision 3; 148B.68, subdivision 1; 148B.69, by adding a subdivision; 148B.71, subdivision 1; 148C.01, subdivisions 2, 7, 9, 10, and by adding a subdivision; 148C.03, subdivision 1; 148C.04, by adding subdivisions; 148C.06, subdivisions 1 and 2; 148C.09,

subdivisions 1 and 1a; 148C.10, by adding a subdivision; 148C.11, subdivision 1; 153A.13, subdivision 9, and by adding subdivisions; 153A.14, subdivisions 1, 2a, 2h, 4, 4a, and by adding subdivisions; and 153A.15, subdivision 1; Laws 99, chapter 223, article 2, section 81, as amended; repealing Minnesota Statutes 1998, sections 148.5193, subdivisions 3 and 5; and 148C.04, subdivision 5.

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

Goodno, Boudreau and Wejzman have been appointed as such committee on the part of the House.

House File No. 3839 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 17, 2000

Senator Kiscaden moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 3839, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

SUSPENSION OF RULES

Senator Moe, R.D. moved that Joint Rule 2.03 be suspended as it relates to the Committee Report on H.F. No. 2190. The motion prevailed.

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

Senators Piper, Pogemiller and Stumpf from the Committee on Children, Families and Learning, to which was referred

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.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

HIGH STANDARDS FOR ALL STUDENTS

Section 1. [120B.015] [HIGH STANDARDS FOR ALL STUDENTS.]

Subdivision 1. [DISTRICT OR CHARTER SCHOOL DETERMINATION OF HIGH STANDARDS.] (a) Each district, by a majority vote of the licensed teachers and administrators in the district and by a majority vote of the school board, and each charter school by a majority vote of the licensed teachers and administrators at the charter school and with the approval of the school's sponsor, shall implement high standards for all students according to requirements under the profile of learning in sections 120B.02 and 120B.03, or according to the requirements under the north star standard in sections 120B.021 to 120B.0250.

(b) Districts implementing the north star standard are not exempt from the basic requirements of the graduation rule and the statewide testing requirements under section 120B.30.

(c) If the board or sponsor and the licensed teachers and administrators are not able to reach an agreement under paragraph (a), the district or charter school must implement the profile of learning.

Subd. 2. [REPORTING REQUIREMENTS.] (a) Districts or charter schools implementing the north star standard are required to report to the commissioner similar student data, site level data, and district data that is required of districts or charter schools implementing the profile of learning.

(b) A district or charter school implementing the north star standard must make available information showing that the locally developed course credits meet or exceed the rigorous state standards established in rule under the profile of learning.

Subd. 3. [STUDENT TRANSCRIPTS.] For the 2000-2001 school year and later, a student's transcript shall list content standards completed under the state profile of learning or list local course credits completed under the north star standard. A district, area learning center, or charter school shall format student transcripts according to specifications provided by the commissioner.

Subd. 4. [COMMISSIONER REQUIREMENTS.] (a) The commissioner shall develop and disseminate to school districts and charter schools implementing the north star standard a uniform method for reporting student performance on the north star standard.

(b) The commissioner shall periodically review and report on student achievement for districts implementing the north star standard.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.

ARTICLE 2

PROFILE OF LEARNING

Section 1. Minnesota Statutes 1998, section 120A.41, is amended to read:

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

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

Sec. 2. Minnesota Statutes 1999 Supplement, section 120B.02, is amended to read:

120B.02 [RESULTS-ORIENTED GRADUATION RULE; BASIC SKILLS REQUIREMENTS; PROFILE OF LEARNING.]

(a) The legislature is committed to establishing a rigorous, results-oriented graduation rule for Minnesota's public school students. To that end, the commissioner shall use its rulemaking authority under section 127A.05, subdivision 4, to adopt a statewide, results-oriented graduation rule to be implemented starting with students beginning ninth grade in the 1996-1997 school year. The commissioner shall not prescribe in rule or otherwise the delivery system or form of instruction that local sites must use to meet the requirements contained in this rule.

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

(1) the rule is intended to raise academic expectations for students, teachers, and schools;

(2) any state action regarding the rule must evidence consideration of school district autonomy; and

(3) the department of children, families, and learning, with the assistance of school districts, must make available information about all state initiatives related to the rule to students and parents, teachers, and the general public in a timely format that is appropriate, comprehensive, and readily understandable.

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

(d) The content of the graduation rule must differentiate between minimum competencies reflected in the basic requirements assessment and rigorous profile of learning standards. When fully implemented, the requirements for high school graduation in Minnesota must include both basic requirements and the required profile of learning. The profile of learning must measure student performance using performance-based assessments compiled over time that integrate higher academic standards, higher order thinking skills, and application of knowledge from a variety of content areas. The profile of learning shall include a broad range of academic experience and accomplishment necessary to achieve the goal of preparing students to function effectively as purposeful thinkers, effective communicators, self-directed learners, productive group participants, and responsible citizens. ~~The commissioner shall develop and disseminate to school districts a uniform method for reporting student performance on the profile of learning.~~

(e) The profile of learning shall contain 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.

~~(e)~~ (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 shall make available to the public, including in electronic format for the Internet, a report of the content standards required at each school site, the required content standards for graduation for each school site, the number of content standards offered at each school site, and number of individual student waivers approved by the district, area learning center, or charter school according to section 120B.03, subdivision 4, paragraphs (a), (b), and (c), based on information provided by each district, area learning center, and charter school.~~

(h) Districts, area learning centers, or charter schools shall not be required to adopt specific provisions of the Goals 2000 program and federal School-to-Work.

(i) For the period of time during which a school district or charter school implements the north star standard under sections 120B.021 to 120B.0250, the district or charter school is exempt from paragraphs (a) to (g) and related provisions implementing the profile of learning.

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

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

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

(b) Each public high school site, by a majority vote of the licensed teachers and administrators at the site and by a majority vote of the school board, and each charter school educating high school students by a majority vote of the licensed teachers and administrators at the charter school and with approval of the school's sponsor, shall determine the number of content standards that the site requires for students for graduation.

(c) Each school site educating students in any grade kindergarten through grade 8, by a majority vote of the licensed teachers and administrators at the site and by a majority vote of the school board, and each charter school educating students in any grade kindergarten through grade 8 by a majority vote of the licensed teachers and administrators at the charter school and with approval of the school's sponsor, shall determine the number of content standards that the site requires for students at the preparatory levels.

(d) Each area learning center, by a majority vote of the licensed teachers and administrators at the site and by a majority vote of the school board of the district in which the center is located, shall determine the number of content standards that the site requires for students.

(e) If the board and a site or a charter school and its sponsor are unable to agree on the required content standards for students as determined under paragraph (b), (c), or (d), students at the site shall be required to complete the content standards as required by state law and rules.

(f) In addition to the reporting requirement under paragraph (a), a district, area learning center, and charter school shall report to the commissioner the time frame that each site will use to fully implement content standards required of students according to state law and rules.

(g) Each district, area learning center, and charter school shall continue to fully implement the profile of learning as required by all applicable laws and rules. Districts, area learning centers, and charter schools shall continue to provide learning opportunities for all students in all preparatory content standards in learning areas one to nine and provide learning opportunities sufficient to meet graduation requirements in high school content standards in all 11 learning areas. Each district and charter school shall offer at least one foreign language in learning area ten. To fully implement content standards, districts, area learning centers, and charter schools 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 account for 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 score of "complete" or "incomplete" and not the numeric score recorded in an earlier school year.

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

Subd. 2. [PERFORMANCE PACKAGES ASSESSMENTS.] ~~Teachers are not required to use a state model performance package. Teachers are encouraged to develop and use a performance~~

package that equals or exceeds the difficulty of the state model performance package. Districts, area learning centers, and charter schools shall choose the methods used to assess student achievement of a content standard. The performance assessment method selected by the district, area learning center, or charter school must have a scoring system that is comparable to state assessments. Districts, area learning centers, and charter schools may use more than one assessment to meet the requirements of a content standard. The commissioner shall not mandate in rule or otherwise the assessments that local sites must use to meet the requirements contained in this section.

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

Subd. 4. [RIGOROUS COURSE OF STUDY; WAIVER.] (a) Upon receiving a student's application approved by the student's parent or guardian, and with the recommendation of the student's teacher or college instructor, a school district, area learning center, or charter school may 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 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 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 prior to the 2000-2001 school year when the 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 determines that the standard could not have been met due to graduation standards implementation circumstances beyond the control of the student.

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

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

Subd. 5. [COMPLETION OF A CONTENT STANDARD.] Districts, area learning centers, and charter schools may:

(1) establish more than one content standard in a single course;

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

Subd. 6. [RECORDS.] A district, area learning center, and charter school shall maintain records of the following at each site to be submitted for audit at the request of the commissioner:

(1) examples of local assessments used to assess student completion of a content standard;

- (2) aggregate data on student's completion of each high school content standard;
- (3) aggregate data on each year's high school graduates, including the number of high school content standards completed, and the number of each score earned on each standard;
- (4) examples of some student work in each high school content standard; and
- (5) the number and identity of available content standards, number of required standards, and the number of standards completed by students.

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

Subd. 7. [TECHNOLOGY AND RECORDKEEPING.] The commissioner shall designate to school districts, area learning centers, and charter schools software packages for reporting student performance on the profile of learning. 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 profile of learning. The commissioner must also report on technology needs for daily classroom recordkeeping and accountability reporting.

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

Subd. 8. [SCORING.] The grade level of a student shall not prohibit a student from receiving a state exemplar score upon completion of a content standard. Teachers may assign a score of "0" to incomplete student work on a standard. The assessment of student achievement must be included as part of the student's grade for a subject or course.

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

Subd. 9. [INFORMATION TO PARENTS AND TO THE PUBLIC.] Each district, area learning center, and charter school shall make available to parents, guardians, and to the public information about graduation requirements, the assessment methods used by the district or charter school, and student achievement information.

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. [EXAMINATION AND EVALUATION PANEL.] The commissioner shall establish an academic panel to examine, evaluate, and sustain the rigor of the content standards contained in the Minnesota graduation rule. The commissioner shall consider regional representation when selecting members for the panel. The panel shall be composed of:

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

(3) a director of curriculum and instruction; and

(4) an assessment practitioner.

In the process of examining, evaluating, and sustaining the rigor of the state standards, the panel shall consult with recognized national and international education experts on academic standards. The panel shall receive and analyze the report from the external review of the profile of learning standards, procedures, and assessments now underway through a contract with the department of children, families, and learning. The 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 compare the rigor of the state standards and the north star standards 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, the north star standards, and make recommendations to the commissioner.

Sec. 14. 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 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;

(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. 15. 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 the 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. 16. [THREE-DAY BEST PRACTICES SEMINARS.]

The commissioner of children, families, and learning, in consultation with education Minnesota, shall provide voluntary three-day best practices seminars during the summer of 2000. The seminars shall provide intensive professional development for public school teachers on best practices associated with the content standards contained in the Minnesota graduation rule. This section is not effective if an appropriation for this purpose is not enacted in this act or any other act during the 2000 legislative session.

Sec. 17. [BEST PRACTICES NETWORK.]

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

Sec. 18. [GRADUATION RULE AMENDMENTS.]

Beginning no later than July 1, 2000, the commissioner shall amend Minnesota Rules, chapter 3501, for state graduation requirements using the expedited process under Minnesota Statutes 1998, section 14.389. In addition to technical changes, corrections, clarifications, and similarly needed revisions, the commissioner shall amend Minnesota Rules, part 3501.0370, subpart 3, to

add to the scoring criteria the option of a score of "0" for student work on an assessment or standard.

Sec. 19. [TEST RESULTS RETURNED; PROMPT ELIMINATED.]

(a) Upon the request of the student a school district must return to the student the written response to the January 26, 2000, test prompt from the state's basic skills test for written composition under Minnesota Statutes, section 120B.02, within 15 calendar days of receiving the students' scored responses. District personnel shall not have access to the students' responses for any purpose except to return the responses to the students. The remainder of the tests shall be destroyed.

(b) The test prompt for the state's basic skills test for written composition administered on January 26, 2000, shall no longer be administered to students.

Sec. 20. [TECHNICAL AND VOCATIONAL EDUCATION.]

The commissioner of children, families, and learning and the examination and evaluation panel under Minnesota Statutes, section 120B.03, shall report to the education committees of the legislature by January 15, 2001, on recommendations regarding graduation standards rules or realignment of standards for a technical and vocational education learning area.

Sec. 21. [CONTENT OF EXTERNAL REVIEW.]

The commissioner shall contract with an independent organization to evaluate the quality of the state's standards and assessments 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
- (4) what changes can strengthen the quality and alignment of the state's standards and assessments.

Sec. 22. [REPEALER.]

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

Minnesota Rules, part 3501.0330, subpart 2, item A, is repealed.

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

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

Sec. 23. [EFFECTIVE DATES.]

Section 2 is effective for the 2000-2001 school year. Sections 1 and 3 to 22 are effective the day following final enactment.

ARTICLE 3

NORTH STAR STANDARD

Section 1. [120B.021] [CITATION.]

Sections 120B.021 to 120B.0250 may be cited as the "north star standard for genuine academic excellence."

Sec. 2. [120B.0211] [GOAL.]

Subdivision 1. [GOAL.] Sections 120B.021 to 120B.0250 establish the educational and academic requirements that students must meet to be eligible to receive a high school diploma.

Subd. 2. [PURPOSE.] The north star standard for genuine academic excellence is premised on the following:

(1) the north star standard is intended to raise academic expectations progressively throughout the kindergarten through grade 12 experience for students, teachers, and schools;

(2) it is essential that, as much as possible, all students reach a level of minimum competency, but the goal must be that all students be expected and encouraged to reach their greatest potential. The standard is the pursuit of academic excellence;

(3) any state action regarding the north star standard must evidence consideration of parent, student, teacher, and school district autonomy. The delivery system or form of instruction that local sites must use to meet the standard must not be prescribed; and

(4) for the purpose of local implementation of the north star standard, school districts shall consult with psychometric experts or other interested and knowledgeable educators for proven curriculum, testing, assessment, methods, and practices.

Sec. 3. [120B.0212] [SCOPE.]

Sections 120B.021 to 120B.0250 govern the minimum requirements that public school districts must establish for students to earn a high school diploma.

Sec. 4. [120B.0213] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] As used in sections 120B.021 to 120B.0250, the terms defined in this section have the meanings given them.

Subd. 2. [GRADE SPECIFIC COURSE AND HIGH SCHOOL COURSE CREDIT.] (a) "Grade specific" means the grade appropriate course content established by the school district. Grade specific course content is not required to be age dependent.

(b) "Course" means a set of school district curriculum specifications in a learning area for one school year.

(c) "High school course credit" is the equivalent of one hour per school day during one school year of study in a learning area for grades 9 to 12.

Subd. 3. [LEARNING AREA.] (a) "Learning area" means one of the eight categories into which all preparatory courses, and one of the ten categories into which all high school course credits are organized.

(b) The high school learning areas include:

(1) English language and grammar;

(2) literature and composition;

(3) mathematics;

(4) science;

(5) history and government/citizenship;

(6) personal fitness and lifestyle;

(7) the arts, an elective learning area;

(8) personal management, an elective learning area;

(9) world language, an elective learning area; and

(10) vocational education, an elective learning area.

(c) The preparatory learning areas include:

(1) English language and grammar;

(2) literature and composition;

(3) mathematics;

(4) science;

(5) history, geography, and government/citizenship;

(6) arts;

(7) personal fitness and lifestyle; and

(8) second languages.

Subd. 4. [COURSE PLAN.] "Course plan" means a grade specific written set of district curriculum specifications in a learning area and must include: (1) the teacher's name; (2) the grade level; (3) course sequence; (4) class teaching syllabus; (5) the number of course credits students may earn; (6) the instructional materials used for the class; (7) homework and parental support expectations; (8) the testing requirements, quizzes, or other evaluations; (9) grading credit or methods used; and (10) the requirements that students are expected to successfully complete in the course.

Subd. 5. [PARENTAL ACCESS AND PUBLIC ACCOUNTABILITY.] The course plan must be available in the nearest public/school library and must include:

(1) a grade level, course-specific remediation plan prepared by the school district, which must be used concurrently during the course and may include summer school and criteria for repeating a grade or course; and

(2) a school district grading process that determines when a student's course plan is successfully completed, and assigns a grade to the student's work according to the grading criteria.

Subd. 6. [GRADUATION REQUIREMENTS.] "Graduation requirements" means the number and distribution of high school course credits that a district must offer and a student must successfully complete to be eligible for a high school diploma.

Subd. 7. [EXEMPTION.] "Exemption" means that a student with an individual education plan or section 504 accommodation plan is not required to complete a particular course credit.

Subd. 8. [MODIFICATION.] "Modification" means an adjustment of a test that changes the course credit for a student with an individual education plan or section 504 accommodation plan.

Sec. 5. [120B.0214] [GRADUATION REQUIREMENTS.]

Subdivision 1. [NORTH STAR STANDARD.] School district course credits are contained in sections 120B.0222 to 120B.0240. The preparatory courses are contained in sections 120B.0233 to 120B.0240. High school course credits are contained in sections 120B.0222 to 120B.0232. High school graduation requirements are contained in subdivisions 3 to 5.

Subd. 2. [DISTRICTS AND STUDENTS.] (a) A district must provide learning opportunities for all students in all preparatory courses in learning areas one to eight, and learning opportunities sufficient for students to complete high school course credits in ten learning areas and meet school district graduation requirements.

(b) Students are encouraged to exceed the specifications for all preparatory and high school standards contained in sections 120B.0222 to 120B.0240.

(c) A student must successfully complete at least 21 course credits for graduation. A student may select electives from any course credit in learning areas one to ten under subdivision 3.

Subd. 3. [DISTRIBUTION REQUIREMENTS FOR HIGH SCHOOL GRADUATION.] A student must successfully complete all specifications of at least 21 high school course credits to be eligible for high school graduation. The student must complete 15 of the 21 high school course credits as follows:

- (1) two course credits from learning area one, English language and grammar;
- (2) two course credits from learning area two, literature and composition;
- (3) three course credits from learning area three, mathematics;
- (4) two course credits from learning area four, science;
- (5) four course credits from learning area five, history and government/citizenship;
- (6) two course credits from learning area six, personal fitness and lifestyle;
- (7) no course credits from learning area seven, the arts, which is an elective;
- (8) no course credits from learning area eight, personal management, which is an elective;
- (9) no course credits from learning area nine, world language; and
- (10) no course credits from learning area ten, vocational education, which is an elective.

Subd. 4. [ELECTIVE REQUIREMENTS.] In addition to the distribution requirements under subdivision 3, students also must complete six additional course credits of the student's choice from the high school course credits listed in sections 120B.0222 to 120B.0232.

Subd. 5. [ADDITIONAL REQUIREMENTS.] (a) A student must complete one application of technology in each of the following three learning areas:

- (1) area two, literature and composition;
- (2) area three, mathematics; and
- (3) area four, science.

(b) A district may establish additional requirements.

Subd. 6. [VARIATIONS.] A student must successfully complete the requirements in subdivisions 1 to 5 unless the district specifically establishes variations for the student. Variations for a student from the requirements in subdivisions 1 to 5 are permitted only under section 120B.0215 or 120B.0216.

Sec. 6. [120B.0215] [VARIATIONS FOR STUDENTS WITH INDIVIDUAL EDUCATION PLANS OR SECTION 504 ACCOMMODATION PLANS.]

Subdivision 1. [DETERMINATION OF REQUIREMENTS.] (a) A student in kindergarten through grade 8 with an individual education plan or section 504 accommodation plan shall have all courses considered by the student's individual education plan team or section 504 accommodation plan team for inclusion in the student's individual education plan or section 504 accommodation plan under subdivision 2.

(b) A student's individual education plan team or section 504 accommodation plan team must consider the graduation requirements under section 120B.0214 for inclusion in the student's individual education plan or section 504 accommodation plan when a student with a disability is

14 years old or registers for grade 9, whichever is first. An individual education plan team also must consider the student's transition plan when determining which of the required and elective courses to include in the student's individual education plan.

Subd. 2. [INDIVIDUALIZED PLANS.] (a) For a student in kindergarten through grade 8 with an individual education plan or section 504 accommodation plan, the student's individual education plan team or section 504 accommodation plan team may modify preparatory courses for the student in the individual education plan or section 504 accommodation plan. The team must determine the specifications of a course the student will pursue under the selected modification. If the team determines that the student is exempt from one or more of the courses, it must explain the exemption in the student's individual education plan or section 504 accommodation plan. When the team adopts an exempt status for a course, it must determine whether or not a different standard or individual education plan goal specific to the learning area is appropriate and include that goal in the student's plan.

(b) For a high school student with an individual education plan or section 504 accommodation plan, the student's individual education plan team or section 504 accommodation plan team must:

- (1) determine whether the student will pursue the course credits without modification;
- (2) determine whether one or more of the 21 required course credits will be modified to an individual level;
- (3) define the elective course credits that the student also will pursue and whether, for each elective, the student will pursue the course credit without modification or have the course credit modified to an individual level; or
- (4) determine whether the student is exempt from one or more of the graduation requirements under section 120B.0214, subdivisions 3 to 5.

When the team adopts exempt status for a course credit, it must determine whether or not a different standard or individual education plan goal specific to the learning area is appropriate and include that goal in the student's plan.

(c) A student's individual education plan team or section 504 accommodation plan team must determine the specifications of a preparatory or high school course credit the student will pursue when the team modifies a course credit. When a course credit is modified, the student's individual education plan team or section 504 accommodation plan team must determine the appropriate assessment of the modified course credit.

Sec. 7. [120B.0216] [ENGLISH PROFICIENCY; INDIVIDUAL GRADUATION PLANS.]

A district must establish and maintain procedures giving students the opportunity to complete both preparatory courses and high school course credits. Graduation requirements for a student must be as specified in section 120B.0214, subdivisions 3 to 5, unless section 120B.0215 applies or unless modified in an individual graduation plan developed and annually reviewed by a team that includes school advisory staff designated by the district, the student's teachers, the student's parent or guardian, and the student. A district must not modify specifications for standards in learning areas one to nine to permit a student to complete a standard in a language other than English.

Sec. 8. [120B.0217] [TESTING AND SCORING STUDENT ACHIEVEMENT.]

Subdivision 1. [DISTRICT CRITERION REFERENCED TESTING REQUIREMENTS.] (a) Districts shall develop local criterion-referenced testing consistent with this section.

(b) A district must:

- (1) test student performance in preparatory courses and high school course credits; and
- (2) establish processes by which to transfer as completed (i) those course credits that other Minnesota public school districts verify on transcripts as completed, (ii) the work that

post-secondary educational institutions or educational institutions outside the state accept for completion of course credits and verify on transcripts as completed, and (iii) a student's opportunities to complete high school course credits through learning the student acquires outside the district's curriculum.

Subd. 2. [GRADING.] The district must establish a letter grade between A and F for teacher grading of students who complete a course assignment or course. Assessments may include grade point averages when tests that measure specifics are used. Incomplete student work on the course receives a grade of I and does not complete a grade level or course credit.

Sec. 9. [120B.0218] [HIGH SCHOOL STUDENT TRANSCRIPT DATA.]

Subdivision 1. [TRANSCRIPT INFORMATION.] A district must include on a high school student's transcript the following information:

(1) the high school course credits the student successfully completed;

(2) the grade or sequence level the student achieved on each high school course credit, or a notation that the course credit has been certified as completed through the district's process for transferring credit under section 120B.0217, subdivision 1, paragraph (b), clause (2); and

(3) the date the student successfully completed each high school course credit.

Subd. 2. [TRANSCRIPT FORMAT.] A district must format a high school student transcript according to generally accepted academic and vocational specifications.

Sec. 10. [120B.0219] [NOTICE TO PARENTS AND STUDENTS.]

In addition to other applicable notice requirements, the district must notify parents and students in writing about:

(1) the course credit taught and assessed in the school curriculum;

(2) the procedures for advising the student and the student's parent or guardian about graduation requirements and for accessing these procedures;

(3) the procedures by which students may meet graduation requirements with course credits successfully completed outside the district's curriculum; and

(4) the district's individual student progress and achievement reporting schedule.

Sec. 11. [120B.0220] [IMPLEMENTATION REPORTING.]

A school annually must submit to the local school board a report containing the policies and procedures for:

(1) ensuring that all high school students have access to comprehensive academic school curriculum that integrates technology and provides instruction and tests for assessing course content from all ten learning areas under sections 120B.0222 to 120B.0232 sufficient to meet graduation requirements;

(2) testing and assessing a student's understanding and demonstration of the course content;

(3) staff development designed to continuously improve curriculum, instruction, and tests and assessments;

(4) allowing a student to meet a graduation requirement for a course credit, whether the district offers the course content in its school curriculum or the student accomplishes the work in another learning environment, including a process for transferring credits completed in another Minnesota school district, recognizing work completed in other schools and post-secondary institutions, and awarding credit for achievements in extracurricular activities, activities outside of the school, previous learning, and community and work experiences;

(5) periodically advising a student and the student's parent or guardian of the student's progress and achievement and of the choices and opportunities available to the student for learning, graduating, and achieving the student's post-secondary educational and career goals;

(6) recordkeeping and reporting student achievement; and

(7) allowing the student and the student's parent or guardian to appeal district policies and procedures.

Sec. 12. [120B.0221] [OTHER DISTRICT RESPONSIBILITIES.]

A district must maintain records of the following, which it must submit for audit at the state's request, to allow the periodic review of district graduation standards, opportunities, and requirements:

(1) course plans used to test and assess students' completion of preparatory courses and high school course credits;

(2) aggregated records of students' completion of each high school course credit; and

(3) aggregated data on each year's high school graduates, including average number of high school course credits completed, and each grade earned on each course credit.

Sec. 13. [120B.0222] [CONTENT STANDARDS; HIGH SCHOOL LEVEL.]

The specifications of the high school course credits are at least those in sections 120B.0223 to 120B.0232, which districts may supplement at their election.

Sec. 14. [120B.0223] [LEARNING AREA ONE; ENGLISH LANGUAGE AND GRAMMAR.]

Subdivision 1. [HIGH SCHOOL COURSE CREDIT FOR LEARNING AREA ONE.] The specifications for high school course credits in learning area one are at least those described in this section.

Subd. 2. [ENGLISH LANGUAGE AND GRAMMAR.] A student should be able to demonstrate the ability to comprehend and evaluate complex information in fiction or nonfiction by reading, listening, and viewing varied English language selections containing complex information.

Subd. 3. [ENGLISH LANGUAGE AND GRAMMAR; TECHNICAL INFORMATION.] A student should be able to demonstrate the ability to read and apply technical information from varied English language documents.

Sec. 15. [120B.0224] [LEARNING AREA TWO; LITERATURE AND COMPOSITION.]

Subdivision 1. [HIGH SCHOOL COURSE CREDITS FOR LEARNING AREA TWO.] Specifications for high school course credits in learning area two are at least those described in this section.

Subd. 2. [LITERATURE.] A student should be able to demonstrate the ability to interpret and evaluate complex works of famous American and world literature, including works of prose, poetry, and theater, by:

(1) describing the elements of literature for intent, form, and context to historical, cultural, and social background of selected works; and

(2) demonstrating the ability to communicate an informed interpretation of any selection of literary works.

Subd. 3. [COMPOSITION.] A student should be able to demonstrate the ability to write original compositions for a variety of academic purposes and situations using correct grammar,

language mechanics, and other conventions of standard written English. The student must also correct the grammatical and other writing errors made to appear in a recognized work of fiction or nonfiction appropriate for this purpose.

Subd. 4. [TECHNICAL WRITING.] A student should be able to demonstrate the ability to write in the English language for a variety of technical purposes, situations, and audiences by writing original technical compositions that include a set of procedures or directions, a report or proposal, and informational correspondence describing a complex process, procedure, or device for a particular audience.

Subd. 5. [PUBLIC SPEAKING.] A student should be able to demonstrate the ability to construct and deliver speeches for a variety of purposes, situations, and audiences using English language conventions.

Subd. 6. [INTERPERSONAL COMMUNICATION.] A student should be able to demonstrate understanding of interpersonal communication strategies, the components of the interpersonal communication process, and how various factors affect patterns of communication, interaction, and problem solving.

Sec. 16. [120B.0225] [LEARNING AREA THREE; MATHEMATICS.]

Subdivision 1. [HIGH SCHOOL COURSE CREDITS FOR LEARNING AREA THREE.] Specifications for high school content standards in learning area three are at least those described in this section.

Subd. 2. [MATHEMATICS.] A student should be able to demonstrate a knowledge of mathematical relationships and solve problems.

Subd. 3. [DATA ANALYSIS.] A student should be able to demonstrate understanding of:

- (1) the statistical concepts of measures of center, variability, and rank;
- (2) differences between correlation and causation;
- (3) sampling procedures;
- (4) line or curve of best fit; and
- (5) concepts related to uncertainty of randomness, permutations, combinations, and theoretical and experimental probabilities.

Subd. 4. [ALGEBRA.] A student should be able to understand:

- (1) rates of change in different models of linear relationships and characteristics of polynomial, exponential, and periodic functions and relations;
- (2) functional notation; and
- (3) terminology using properties of algebra to justify reasoning through a logical argument.

Subd. 5. [GEOMETRY.] A student should be able to understand:

- (1) the characteristics of geometric figures in both two and three dimensions, including reflections, rotations, and translations;
- (2) congruence and similarity;
- (3) perimeter, area, and volume;
- (4) distance;
- (5) scaling; and

(6) symmetry.

Sec. 17. [120B.0226] [LEARNING AREA FOUR; SCIENCE.]

Subdivision 1. [HIGH SCHOOL CONTENT STANDARDS FOR LEARNING AREA FOUR.] Specifications for high school content standards in learning area four are at least those described in this section.

Subd. 2. [BIOLOGY.] A student should be able to demonstrate understanding of biological concepts, theories, and principles including cell theory, mechanisms of heredity, biological change over time, the interdependence of organisms, material cycles and energy flow in living systems, the behavior of organisms, and the historical significance of major scientific advances through the investigation and analysis of cells, organisms, and ecosystems.

Subd. 3. [CHEMISTRY.] A student should be able to demonstrate understanding of concepts, theories, and principles in chemistry by investigating and analyzing:

(1) atomic theory;

(2) relationships between the structure and properties of matter including organic and inorganic bonding, periodicity, and solutions chemistry;

(3) chemical reactions;

(4) interactions of energy and matter; and

(5) the historical significance of major scientific advances.

Subd. 4. [PHYSICS.] A student should be able to demonstrate understanding of matter, forces, and energy by investigating and analyzing the concepts of motion, force, laws of conservation, electricity, magnetism, waves, energy, and work, and the historical significance of major scientific advances.

Sec. 18. [120B.0227] [LEARNING AREA FIVE; HISTORY AND GOVERNMENT/CITIZENSHIP.]

Subdivision 1. [HIGH SCHOOL COURSE CREDITS FOR LEARNING AREA FIVE.] Specifications for high school course credits in learning area five are at least those described in this section.

Subd. 2. [THEMES OF MINNESOTA, UNITED STATES, AND WORLD HISTORY.] A student should be able to demonstrate understanding of the Declaration of Independence, the United States Constitution, Northwest Ordinance, and founding principles, truths, and themes related to key events, concepts, and people in the historical development of the United States. A student must demonstrate knowledge of historical events and contributions of key people from different time periods through reading and constructing time lines of key events and the actions of important people, the contributions of key historical people, and cause and effect relationships of events over an extended period of time, including:

(1) the convergence of people, colonization, settlement, and the American Revolution;

(2) expansion, the Civil War, and the Reconstruction;

(3) the relationship between American Indian tribal governments and federal and state government;

(4) industrialization, the emergence of modern America, and the Great Depression;

(5) World War II;

(6) postwar United States to the present; and

(7) Minnesota and world history.

Subd. 3. [UNITED STATES GOVERNMENT/CITIZENSHIP.] A student should be able to demonstrate understanding of the foundations, rights, and responsibilities of United States citizenship including:

(1) how the United States, as established by the Declaration of Independence, Constitution, and Northwest Ordinance, embodies the principles and ideals of a constitutional representative republic and individual self-governance;

(2) the rights and responsibilities of United States citizens, noncitizens, and dual citizens; and

(3) the formal and informal structures within which interest groups exercise power.

Sec. 19. [120B.0228] [LEARNING AREA SIX; PERSONAL FITNESS AND LIFESTYLE.]

Subdivision 1. [HIGH SCHOOL COURSE CREDITS FOR LEARNING AREA SIX.] Specifications for high school course credits in learning area six are at least those described in this section.

Subd. 2. [INDIVIDUAL AND COMMUNITY HEALTH.] A student should be able to demonstrate an understanding of decision-making processes and community health practices that promote healthful nutrition and dietary practices, and physical fitness, and that reduce and prevent tobacco use, drug and alcohol use, and injuries.

Subd. 3. [PHYSICAL EDUCATION AND FITNESS.] A student should be able to use decision-making processes to select appropriate physical activities to achieve fitness and demonstrate understanding of the training needed to improve fitness and the rules and skills associated with physical activities.

Sec. 20. [120B.0229] [LEARNING AREA SEVEN; THE ARTS; AN ELECTIVE.]

Subdivision 1. [HIGH SCHOOL CONTENT STANDARDS FOR LEARNING AREA SEVEN.] Specifications for high school course credits in learning area seven are at least those described in this section.

Subd. 2. [ARTS CREATION AND PERFORMANCE.] In music, dance, theater, visual arts, creative writing, or media arts, a student should be able to demonstrate understanding of the elements, techniques, and processes of the selected art form and how works of the art form are structured. Also, using the art form, the student must create or perform, or both, an original artistic presentation that includes a single complex work or multiple works.

Sec. 21. [120B.0230] [LEARNING AREA EIGHT; PERSONAL MANAGEMENT; AN ELECTIVE.]

Subdivision 1. [HIGH SCHOOL COURSE CREDITS FOR LEARNING AREA EIGHT.] Specifications for high school course credits in learning area eight are at least those specified in this section.

Subd. 2. [ECONOMIC SYSTEMS.] By using the fundamental concepts of economics, a student should be able to demonstrate understanding of the interactive nature of local, national, and global economic systems, and how consumer choices and government decisions impact those systems.

Subd. 3. [PERSONAL AND FAMILY RESOURCE MANAGEMENT.] A student should be able to apply principles of personal and family resource management and informed decision making.

Subd. 4. [BUSINESS MANAGEMENT.] A student should be able to use fundamentals of informed decision making and business management, including:

(1) personnel management procedures;

(2) customer, employee, and management practices;

- (3) use of banking services;
- (4) forms of business organization; and
- (5) current labor-related laws.

Sec. 22. [120B.0231] [LEARNING AREA NINE; WORLD LANGUAGE; AN ELECTIVE.]

Subdivision 1. [HIGH SCHOOL COURSE CREDIT IN WORLD LANGUAGE.] Specifications for the high school course credit in learning area nine are at least those described in this section.

Subd. 2. [WORLD LANGUAGE.] A student should be able to demonstrate understanding of a foreign, domestic, technical, or symbolic language other than English and communicate in a second language.

Sec. 23. [120B.0232] [LEARNING AREA TEN; VOCATIONAL EDUCATION; AN ELECTIVE.]

Subdivision 1. [HIGH SCHOOL CONTENT STANDARDS FOR LEARNING AREA TEN.] Specifications for high school course credits in learning area ten are at least those described in this section.

Subd. 2. [VOCATIONAL OPTIONS.] School districts must determine the scope and sequence of these vocational electives which must reflect the educational needs and diversity of the district and the vocational education interests of students enrolled in the district and community residents.

Sec. 24. [120B.0233] [PREPARATORY COURSES IN LEARNING AREA ONE; ENGLISH LANGUAGE AND GRAMMAR.]

A student should be able to demonstrate comprehension of English and grammar that is appropriate for the student's grade level by reading, listening, and viewing nonfiction and fiction selections to identify main ideas and support details, retell main events or ideas in sequence, pronounce new words using phonics, demonstrate techniques of improving and expanding vocabulary, and demonstrate a grade-level-appropriate reading rate.

Sec. 25. [120B.0234] [PREPARATORY COURSES IN LEARNING AREA TWO; LITERATURE AND COMPOSITION.]

Subdivision 1. [READING AND WRITING.] A student should be able to demonstrate the ability to read, write, and use correct spelling and grammar for a variety of academic purposes, situations, and audiences for the student's grade level.

Subd. 2. [PUBLIC SPEAKING.] A student should be able to demonstrate the ability to speak to an audience.

Sec. 26. [120B.0235] [PREPARATORY COURSES IN LEARNING AREA THREE; MATHEMATICS.]

Subdivision 1. [NUMBER RELATIONSHIPS.] A student should be able to:

- (1) use number relationships to represent information and solve problems;
- (2) describe and analyze two- and three-dimensional shapes and spaces using appropriate whole and partial units, including metric, to measure length, time, weight, volume, temperature, angle, and area, and names and properties of common two- and three-dimensional shapes;
- (3) describe and compare two- and three-dimensional geometric figures existing in the physical world; and
- (4) measure, including identifying the type of measurement required, selecting the appropriate tools and units of measurement, and measuring accurately.

Subd. 2. [NUMBER OPERATIONS.] A student should be able to demonstrate understanding of:

- (1) concepts of place value, variables, and equations;
- (2) when and how to use number operations;
- (3) addition, subtraction, and multiplication of single-digit multiples of powers of ten; and
- (4) when and how to use a variety of estimation strategies.

Subd. 3. [BASIC CONCEPTS OF COORDINATE.] A student should be able to:

(1) demonstrate understanding of basic concepts of coordinate, by knowing precise mathematical names and properties of two- and three-dimensional shapes, converting common measurement units within the metric system and customary systems, and understanding how properties of shapes affect stability and rigidity of objects; and

(2) recognize and describe shape, size, and position of two- and three-dimensional objects and the images of the objects under transformations.

Subd. 4. [NUMBER CONCEPTS.] A student should be able to demonstrate understanding of:

(1) number concepts including place value, exponents, prime and composite numbers, multiples, and factors;

(2) fractions, decimals, percents, integers, and numbers in scientific notation that translate among equivalent forms; and

(3) how to compare and order numbers within a set.

Subd. 5. [CONCEPTS OF ALGEBRA.] A student should be able to:

(1) analyze patterns and use concepts of algebra to represent mathematical relationships, including demonstrating understanding of the concepts of variables, expressions, and equations; and

(2) use properties of mathematics to informally justify reasoning.

Subd. 6. [GRADE LEVEL KNOWLEDGE; USE OF CALCULATORS.] Knowledge of the concepts under this section must be appropriate for the student's grade level. Districts are encouraged not to permit student use of calculators for kindergarten through grade 5.

Sec. 27. [120B.0236] [PREPARATORY COURSES IN LEARNING AREA FOUR; SCIENCE.]

Subdivision 1. [PHYSICAL AND LIFE SCIENCE.] A student should be able to demonstrate knowledge of basic science concepts of physical science and life science that is appropriate for the student's grade level.

Subd. 2. [BIOLOGY.] A student should be able to demonstrate an understanding of:

(1) characteristics of organisms including plants, animals, and microorganisms;

(2) basic structures and functions of the human body; and

(3) cycles and patterns in living organisms and physical systems.

Sec. 28. [120B.0237] [PREPARATORY COURSES IN LEARNING AREA FIVE; HISTORY, GEOGRAPHY, AND GOVERNMENT/CITIZENSHIP.]

Subdivision 1. [HISTORY.] A student should be able to demonstrate grade-level understanding of the Declaration of Independence, the United States Constitution, Northwest Ordinance, and

founding principles, truths, and themes related to key events, concepts, and people in the historical development of the United States, including:

- (1) the convergence of people, colonization, settlement, and the American Revolution;
- (2) expansion, the Civil War, and the Reconstruction;
- (3) the relationship between American Indian tribal governments and federal and state government;
- (4) industrialization, the emergence of modern America, and the Great Depression;
- (5) World War II;
- (6) postwar United States to the present; and
- (7) Minnesota and world history.

A student should be able to demonstrate knowledge of historical events and contributions of key people from different time periods through reading and constructing time lines of key events and the actions of important people, the contributions of key historical people, and cause and effect relationships of events over an extended period of time.

Subd. 2. [GEOGRAPHY.] A student should be able to demonstrate a grade level understanding of the physical world including the United States capitals, continents, oceans, land forms, rocks, minerals, solids, waters of the earth, weather, climate, natural animal life, and natural plant life. A student must demonstrate a grade level ability to locate specific places or parts of the earth's surface or physical environment.

Subd. 3. [GOVERNMENT/CITIZENSHIP.] A student should be able to demonstrate grade level understanding of the foundations, rights, and responsibilities of United States citizenship including:

- (1) how the United States, as established by the Declaration of Independence, Constitution, and Northwest Ordinance, embodies the principles and ideals of a constitutional representative republic and individual self-governance;
- (2) the rights and responsibilities of United States citizens, noncitizens, and dual citizens; and
- (3) the formal and informal structures within which interest groups exercise power.

Sec. 29. [120B.0238] [PREPARATORY COURSES IN LEARNING AREA SIX; THE ARTS.]

Subdivision 1. [ART FORMS.] (a) A student should be able to describe at least three of the art forms in this section using the vocabulary of the art form and identify similarities and differences between different art forms in:

- (1) visual art;
- (2) music;
- (3) theater; and
- (4) dance.

(b) Expectations regarding student work under this section must be appropriate for the student's grade level.

Subd. 2. [ARTISTIC CREATIVITY AND PERFORMANCE; ARTISTIC INTERPRETATION.] (a) A student should be able to:

- (1) know the expressive and technical elements of an art form; and

(2) perform or present in each art form, including using principles and elements of the art form and creating original works in a variety of contexts.

(b) A student should be able to interpret and evaluate a variety of art works, performances, or presentations by analyzing art works using the elements, principles, and styles of the art form and evaluating works of art.

Sec. 30. [120B.0239] [PREPARATORY CONTENT STANDARDS IN LEARNING AREA SEVEN; PERSONAL FITNESS AND LIFESTYLE.]

(a) A student should be able to demonstrate a grade level understanding of activities that promote personal fitness, health, nutrition, and safety.

(b) A student should be able to demonstrate a grade level understanding of:

(1) the consequences of using drugs, alcohol, and tobacco;

(2) the strategies to prevent the spread of communicable diseases;

(3) the strategies for preventing accidents; and

(4) age-appropriate nutritional recommendations.

(c) A student should be able to demonstrate a grade level understanding of motor skills and physical fitness and participate in physical activities that develop motor skills and physical fitness.

Sec. 31. [120B.0240] [PREPARATORY COURSES IN LEARNING AREA EIGHT; SECOND LANGUAGES.]

A student should be able to demonstrate the ability to communicate in another language on age-appropriate topics, including knowing and understanding language features needed for communication.

Sec. 32. [120B.0250] [ASSESSMENT OF PERFORMANCE IN PUBLIC SCHOOLS.]

(a) Public schools shall annually assess the performance of every child enrolled in public school using a nationally norm-referenced standardized achievement examination. The local school board annually shall select the examination for each grade level. The board must notify the parent or guardian of every child of the name and date of the test at least 14 calendar days before the test is given. Parents who object to the test must notify the school of their objection in writing and name an alternative nationally norm-referenced standardized achievement examination for their child to take. The school must give the child the alternative examination within a reasonable period of time of when the test selected by the board is given. School officials shall place children's test results in their education records.

(b) Each local school board shall establish a written policy indicating what assistance the school district will make available to children and their parents when a child's total battery score on an achievement examination is at or below the 30th percentile.

Sec. 33. Minnesota Statutes 1999 Supplement, section 126C.10, subdivision 14, is amended to read:

Subd. 14. [USES OF TOTAL OPERATING CAPITAL REVENUE.] Total operating capital revenue may be used only for the following purposes:

(1) to acquire land for school purposes;

(2) to acquire or construct buildings for school purposes;

(3) to rent or lease buildings, including the costs of building repair or improvement that are part of a lease agreement;

(4) to improve and repair school sites and buildings, and equip or reequip school buildings with permanent attached fixtures;

- (5) for a surplus school building that is used substantially for a public nonschool purpose;
- (6) to eliminate barriers or increase access to school buildings by individuals with a disability;
- (7) to bring school buildings into compliance with the Uniform Fire Code adopted according to chapter 299F;
- (8) to remove asbestos from school buildings, encapsulate asbestos, or make asbestos-related repairs;
- (9) to clean up and dispose of polychlorinated biphenyls found in school buildings;
- (10) to clean up, remove, dispose of, and make repairs related to storing heating fuel or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined in section 296A.01;
- (11) for energy audits for school buildings and to modify buildings if the audit indicates the cost of the modification can be recovered within ten years;
- (12) to improve buildings that are leased according to section 123B.51, subdivision 4;
- (13) to pay special assessments levied against school property but not to pay assessments for service charges;
- (14) to pay principal and interest on state loans for energy conservation according to section 216C.37 or loans made under the Northeast Minnesota Economic Protection Trust Fund Act according to sections 298.292 to 298.298;
- (15) to purchase or lease interactive telecommunications equipment;
- (16) by board resolution, to transfer money into the debt redemption fund to: (i) pay the amounts needed to meet, when due, principal and interest payments on certain obligations issued according to chapter 475; or (ii) pay principal and interest on debt service loans or capital loans according to section 126C.70;
- (17) to pay operating capital-related assessments of any entity formed under a cooperative agreement between two or more districts;
- (18) to purchase or lease computers and related materials, copying machines, telecommunications equipment, and other noninstructional equipment;
- (19) to purchase or lease assistive technology or equipment for instructional programs;
- (20) to purchase textbooks;
- (21) to purchase new and replacement library books or technology;
- (22) to purchase vehicles;
- (23) to purchase or lease telecommunications equipment, computers, and related equipment for integrated information management systems for:
 - (i) managing and reporting learner outcome information for all students under a the state's results-oriented graduation rule or the north star standard for genuine academic excellence;
 - (ii) managing student assessment, services, and achievement information required for students with individual education plans; and
 - (iii) other classroom information management needs; and
- (24) to pay personnel costs directly related to the acquisition, operation, and maintenance of telecommunications systems, computers, related equipment, and network and applications software.

Sec. 34. Minnesota Statutes 1999 Supplement, section 290.0674, subdivision 1, is amended to read:

Subdivision 1. [CREDIT ALLOWED.] An individual is allowed a credit against the tax imposed by this chapter in an amount equal to the amount paid for education-related expenses for a qualifying child in kindergarten through grade 12. For purposes of this section, "education-related expenses" means:

(1) fees or tuition for instruction by an instructor under section 120A.22, subdivision 10, clause (1), (2), (3), (4), or (5), or by a member of the Minnesota music teachers association, for instruction outside the regular school day or school year, including tutoring, driver's education offered as part of school curriculum, regardless of whether it is taken from a public or private entity or summer camps, in grade or age appropriate curricula that supplement curricula and instruction available during the regular school year, that assists a dependent to improve knowledge of core curriculum areas or to expand knowledge and skills under the state's graduation rule or the north star standard under section 120B.02 and that do not include the teaching of religious tenets, doctrines, or worship, the purpose of which is to instill such tenets, doctrines, or worship;

(2) expenses for textbooks, including books and other instructional materials and equipment used in elementary and secondary schools in teaching only those subjects legally and commonly taught in public elementary and secondary schools in this state. "Textbooks" does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to instill such tenets, doctrines, or worship, nor does it include books or materials for extracurricular activities including sporting events, musical or dramatic events, speech activities, driver's education, or similar programs;

(3) a maximum expense of \$200 per family for personal computer hardware, excluding single purpose processors, and educational software that assists a dependent to improve knowledge of core curriculum areas or to expand knowledge and skills under the graduation rule ~~under section 120B.02~~ or the north star standard purchased for use in the taxpayer's home and not used in a trade or business regardless of whether the computer is required by the dependent's school; and

(4) the amount paid to others for transportation of a qualifying child attending an elementary or secondary school situated in Minnesota, North Dakota, South Dakota, Iowa, or Wisconsin, wherein a resident of this state may legally fulfill the state's compulsory attendance laws, which is not operated for profit, and which adheres to the provisions of the Civil Rights Act of 1964 and chapter 363.

For purposes of this section, "qualifying child" has the meaning given in section 32(c)(3) of the Internal Revenue Code.

Sec. 35. [LAW AND RULE EXEMPTION.]

For the period during which a school district implements the north star standard under Minnesota Statutes, sections 120B.021 to 120B.0250, the district is exempt from the following:

(1) Minnesota Statutes, section 120B.02, paragraphs (a) to (g), and related provisions implementing the profile of learning; and

(2) Minnesota Rules, parts 3501.0300; 3501.0310; 3501.0320; 3501.0330; 3501.0340; 3501.0350; 3501.0360; 3501.0370; 3501.0380; 3501.0390; 3501.0400; 3501.0410; 3501.0420; 3501.0430; 3501.0440; 3501.0441; 3501.0442; 3501.0443; 3501.0444; 3501.0445; 3501.0446; 3501.0447; 3501.0448; 3501.0449; 3501.0450; 3501.0460; 3501.0461; 3501.0462; 3501.0463; 3501.0464; 3501.0465; 3501.0466; 3501.0467; 3501.0468; and 3501.0469.

Sec. 36. [EFFECTIVE DATE.]

Sections 1 to 35 are effective for the 2000-2001 school year and following.

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 scoring criteria and recordkeeping practices; and providing for the north star standard alternative to the profile of learning; amending Minnesota Statutes 1998, sections 120A.41; and 120B.03, subdivision 2, and by adding subdivisions; Minnesota Statutes 1999 Supplement, sections 120B.02; 120B.30, subdivision 1; 120B.35; 126C.10, subdivision 14; and 290.0674, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 120B; 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."

And when so amended the bill do pass.

Pursuant to Joint Rule 2.03, the bill was referred to the Committee on Rules and Administration.

Joint Rule 2.03 suspended. Amendments adopted. Report adopted.

SECOND READING OF HOUSE BILLS

H.F. No. 2190 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Junge moved that S.F. No. 551 be taken from the table. The motion prevailed.

S.F. No. 551: A bill for an act relating to domestic abuse; requiring battered women programs to coordinate services with child protection agencies; authorizing service of short form notification in lieu of personal service for orders for protection; expanding the definition of first degree murder in situations involving domestic abuse; providing enhanced penalties based upon a previous conviction or adjudication for malicious punishment of a child and other laws; adding assault in the fifth degree and domestic assault to definition of "crimes of violence"; increasing the cash bail for individuals charged with malicious punishment of a child; clarifying when evidence of similar prior conduct of an accused related to domestic abuse is admissible; changing a definition in the law related to the order of disposition of issues on a court's calendar; providing criminal penalties; amending Minnesota Statutes 1998, sections 260.133, subdivisions 1 and 2; 260.191, subdivision 1b; 518B.01, subdivisions 5, 8, and by adding subdivisions; 609.185; 609.224, subdivisions 2 and 4; 609.2242, subdivisions 2 and 4; 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; 609.345, subdivision 3; 609.377; 609.749, subdivisions 3 and 4; 611A.32, subdivision 2; 611A.34, subdivision 3; 624.712, subdivision 5; 626.556, subdivision 2; 626.558, subdivision 1; 629.471, subdivision 3; 630.36; and 634.20.

CONCURRENCE AND REPASSAGE

Senator Junge moved that the Senate concur in the amendments by the House to S.F. No. 551 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 551: A bill for an act relating to domestic abuse; authorizing service of short form notification in lieu of personal service for orders for protection; expanding the definition of first degree murder in situations involving domestic abuse; providing enhanced penalties based upon a previous conviction or adjudication for malicious punishment of a child and other laws; increasing the cash bail for individuals charged with malicious punishment of a child; clarifying when evidence of similar prior conduct of an accused related to domestic abuse is admissible; changing certain domestic abuse enforcement procedures; changing a definition in the law related to the order of disposition of issues on a court's calendar; providing criminal penalties; amending Minnesota Statutes 1998, sections 518B.01, subdivisions 5, 8, and by adding subdivisions; 609.185; 609.224, subdivisions 2 and 4; 609.2242, subdivisions 2 and 4; 609.342, subdivision 3;

609.343, subdivision 3; 609.344, subdivision 3; 609.345, subdivision 3; 609.377; 609.749, subdivisions 3 and 4; 629.471, subdivision 3; 630.36; and 634.20.

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

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kiscaden

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Krentz moved that H.F. No. 3046 be taken from the table. The motion prevailed.

H.F. No. 3046: A bill for an act relating to game and fish; requiring certain reports; modifying duties of citizen oversight committees; modifying certain licensing fees; appropriating money; amending Minnesota Statutes 1998, sections 97A.055, subdivisions 4 and 4a; 97A.475, subdivisions 2, 3, 6, 7, 8, 11, 12, 13, and 20; and 97A.485, subdivision 12.

Senator Krentz moved that H.F. No. 3046 be given a second reading and placed on General Orders. The motion prevailed.

H.F. No. 3046 was read the second time.

Senator Kinkel moved that H.F. No. 2809 and the veto message thereon be taken from the table. The motion prevailed.

H.F. No. 2809: A bill for an act relating to human services; clarifying admissions criteria for the Ah-Gwah-Ching center; requiring the center to provide information on and promote the use of the geriatric rapid assessment stabilization program; proposing coding for new law in Minnesota Statutes, chapter 251.

RECONSIDERATION

Senator Kinkel moved that H.F. No. 2809 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 adoption of the motion.

The roll was called, and there were yeas 60 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Kiscaden	Oliver	Robertson
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The motion prevailed. So the bill was repassed and its title agreed to, the objections of the Governor to the contrary notwithstanding.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Lourey moved that her name be stricken as a co-author to S.F. No. 2878. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Marty, Foley, Price and Ranum introduced--

S.F. No. 3822: A bill for an act relating to crime prevention; providing for an aggressive initiative against impaired driving and chemical dependency; increasing the tax on alcoholic beverages to fund this initiative; appropriating money; amending Minnesota Statutes 1998, sections 169.121, subdivisions 3b and 5a; 169.126, subdivisions 1 and 2; 297G.03, subdivisions 1 and 2; 297G.04, subdivisions 1 and 2; 299A.62, subdivision 2; and 609.135, by adding a subdivision; Minnesota Statutes 1999 Supplement, sections 254B.04, subdivision 1; and 299A.62, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

Referred to the Committee on Crime Prevention.

Senator Murphy introduced--

S.F. No. 3823: A bill for an act relating to taxation; utility property; providing a state paid refund to utilities for taxes on utility personal property; exempting certain new utility personal property from property tax; allowing certain counties, cities, and towns to impose an optional fee on certain utilities; requiring the public utilities commission to adjust utility rates for reduced utility property taxes; proposing coding for new law in Minnesota Statutes, chapters 216B; 272; and 273.

Referred to the Committee on Local and Metropolitan Government.

Senators Pappas, Higgins, Frederickson and Lesewski introduced--

S.F. No. 3824: A bill for an act relating to the state building code; directing the department of administration to adopt a building code for rehabilitation of historic structures; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on Governmental Operations and Veterans.

Senators Murphy; Knutson; Johnson, D.J.; Johnson, D.H. and Belanger introduced--

S.F. No. 3825: A bill for an act relating to taxation; providing a personal income tax exemption and an exemption or credit for dependents; providing a single factor corporate franchise tax apportionment formula; repealing MinnesotaCare premium and provider taxes; exempting sales to political subdivisions of a state; amending Minnesota Statutes 1998, sections 60A.15, subdivision 1; 62J.041, subdivision 1; 62Q.095, subdivision 6; 144.1494, subdivision 1; 144.1495, subdivision 2; 144.1496, subdivision 1; 214.16, subdivisions 2 and 3; 256L.02, subdivisions 3 and 4; 270B.01, subdivision 8; and 297A.47; Minnesota Statutes 1999 Supplement, sections 270B.14, subdivision 1; 290.01, subdivision 19b; 290.191, subdivisions 2 and 3; and 297A.25, subdivision 11; proposing coding for new law in Minnesota Statutes, chapters 16A; and 290; repealing Minnesota Statutes 1998, sections 16A.724; 16A.76; 62T.10; 144.1484, subdivision 2; 290.191, subdivision 4; 295.50, subdivisions 1, 2, 2a, 3, 6, 6a, 7, 9b, 9c, 10a, 10b, 12b, 13, 14, and 15; 295.51; 295.52, subdivisions 1, 1a, 2, 3, 4, 4a, and 6; 295.53, subdivisions 2, 3, and 4; 295.54; 295.55, subdivisions 1, 4, 5, 6, and 7; 295.56; 295.57, subdivisions 1, 2, and 3; 295.58; 295.581; 295.582; and 295.59; Minnesota Statutes 1999 Supplement, sections 13.99, subdivision 86b; 295.50, subdivision 4; 295.52, subdivisions 5 and 7; 295.53, subdivision 1; 295.55, subdivisions 2 and 3; and 295.57, subdivision 4.

Referred to the Committee on Taxes.

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

MOTIONS AND RESOLUTIONS

Senators Moe, R.D. and Day introduced--

Senate Concurrent Resolution No. 11: A Senate concurrent resolution relating to adjournment for more than three days.

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

1. Upon their adjournments on April 19, 2000, the Senate and House of Representatives may each set its next day of meeting for April 25, 2000.
2. Each house consents to adjournment of the other house for more than three days.

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

RECESS

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

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

APPOINTMENTS

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

H.F. No. 3839: Senators Kiscaden, Samuelson and Ring.

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

RECONSIDERATION

Having voted on the prevailing side, Senator Johnson, D.H. moved that the vote whereby the Conference Committee report on H.F. No. 1415 was rejected by the Senate on April 13, 2000, be now reconsidered.

CALL OF THE SENATE

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

The question was taken on the adoption of the Johnson, D.H. motion.

The roll was called, and there were yeas 32 and nays 32, as follows:

Those who voted in the affirmative were:

Berg	Johnson, D.H.	Lesewski	Ourada	Stevens
Day	Johnson, D.J.	Limmer	Pariseau	Stumpf
Dille	Kierlin	Lourey	Robling	Vickerman
Fischbach	Kinkel	Moe, R.D.	Sams	Ziegler
Hanson	Knutson	Murphy	Samuelson	
Janezich	Langseth	Neuville	Scheevel	
Johnson, D.E.	Larson	Olson	Solon	

Those who voted in the negative were:

Anderson	Higgins	Krentz	Pogemiller	Spear
Belanger	Hottinger	Laidig	Price	Terwilliger
Berglin	Junge	Marty	Ranum	Wiener
Betzold	Kelley, S.P.	Novak	Ring	Wieger
Cohen	Kelly, R.C.	Oliver	Robertson	
Foley	Kiscaden	Pappas	Runbeck	
Frederickson	Kleis	Piper	Scheid	

The motion did not prevail. So the vote was not reconsidered.

MEMBERS EXCUSED

Senator Johnson, D.J. was excused from the Session of today. Senator Johnson, D.H. was excused from the Session of today from 10:00 to 10:45 a.m. Senator Ourada was excused from the Session of today from 10:00 to 10:55 a.m. Senator Berglin was excused from the Session of today from 10:00 a.m. to 12:00 noon. Senator Metzen was excused from the Session of today at 1:00 p.m.

ADJOURNMENT

Senator Moe, R.D. moved that the Senate do now adjourn until 9:00 a.m., Tuesday, April 18, 2000. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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