

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-SECOND LEGISLATURE

—————  
FORTY-SIXTH DAY

St. Paul, Minnesota, Thursday, May 3, 2001

The Senate met at 9:00 a.m. and was called to order by the President.

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Sandra Hanawalt.

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

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

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

May 3, 2001

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Don Samuelson  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2001 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 2001	Date Filed 2001
	967	65	2:52 p.m. May 2	May 2
	1151	66	2:54 p.m. May 2	May 2
	1188	67	2:56 p.m. May 2	May 2
	1192	68	2:58 p.m. May 2	May 2
	1522	69	2:50 p.m. May 2	May 2
	1681	70	2:49 p.m. May 2	May 2

Sincerely,  
Mary Kiffmeyer  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the adoption by the House of the following House Concurrent Resolution:

**House Concurrent Resolution No. 3:** A House concurrent resolution relating to adopting Permanent Joint Rules of the Senate and House of Representatives.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 2, 2001

Senator Moe, R.D. moved that House Concurrent Resolution No. 3 be laid on the table. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Pursuant to Rule 26, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 2359 a Special Order to be heard immediately.

### SPECIAL ORDER

**S.F. No. 2359:** A bill for an act relating to education; providing for early childhood through adult education including general education, education excellence, special education, facilities and technology, fund transfers, nutrition programs, early childhood programs, prevention, self-sufficiency and lifelong learning, libraries, state agencies, and technical amendments; appropriating money; amending Minnesota Statutes 2000, sections 93.22; 119A.05; 119A.12, by adding subdivisions; 119A.13, subdivision 4; 119A.21; 119A.22; 119A.52; 119B.011, subdivisions 7, 19, by adding subdivisions; 119B.02, subdivisions 1, 2; 119B.03, subdivisions 3, 9, 10, by adding a subdivision; 119B.05, subdivision 5; 119B.061, subdivisions 1, 4; 119B.08; 119B.09, subdivisions 1, 2, 7; 119B.10; 119B.11, subdivision 1; 119B.12, subdivision 2; 119B.13, subdivisions 1, 6; 119B.15; 119B.24; 120B.07; 120B.30, subdivision 1; 120B.35; 121A.16; 121A.17, subdivisions 1, 3, 4, 5; 121A.19; 122A.09, subdivision 4; 122A.162; 122A.163; 122A.18, subdivisions 1, 4; 122A.21; 122A.26, subdivision 3; 122A.60, subdivision 3; 122A.61, subdivision 1; 123B.36, subdivision 1; 123B.37, subdivision 1; 123B.42, subdivision 3; 123B.57, subdivision 8; 123B.59, subdivision 1; 123B.75, subdivision 5; 123B.88, subdivision 1; 123B.92, subdivision 9; 124D.11, subdivisions 4, 5, by adding subdivisions; 124D.128, subdivisions 1, 2, 3,

6, by adding a subdivision; 124D.13, subdivisions 8, 9, by adding subdivisions; 124D.135, subdivisions 1, 3, 7, by adding a subdivision; 124D.15; 124D.16; 124D.221, subdivisions 1, 2; 124D.453, subdivision 3; 124D.454, subdivision 11; 124D.52, subdivision 2; 124D.522; 124D.531, subdivisions 1, 3; 124D.69, subdivision 1; 124D.74, subdivisions 1, 2, 3, 4, 6; 124D.75, subdivision 6; 124D.76; 124D.78, subdivision 1; 124D.81, subdivisions 1, 3, 5, 6, 7; 125A.17; 125A.515; 125A.76, subdivisions 1, 4; 125A.79, subdivisions 1, 7; 125B.20, subdivision 1; 125B.21; 125B.25, subdivisions 1, 2, 6, 9; 126C.05, subdivisions 1, 15; 126C.10, subdivisions 1, 2, 3, 4, 5, 7, 8, 13, 18, 24, 28, by adding subdivisions; 126C.12, subdivisions 1, 2, 3, 4, 5, by adding a subdivision; 126C.125; 126C.13, subdivision 1; 126C.15, subdivision 2; 126C.16, by adding a subdivision; 126C.17, subdivisions 1, 2, 5, 6, by adding a subdivision; 126C.18, by adding a subdivision; 126C.40, subdivision 1; 126C.41, subdivision 2; 127A.41, subdivisions 8, 9; 127A.45, subdivision 12, by adding a subdivision; 127A.51; 214.01, subdivision 3; 214.04, subdivisions 1, 3; 214.12, subdivision 1; 298.28, subdivision 4; Laws 2000, chapter 489, article 2, sections 34, 37; Laws 2000, chapter 489, article 3, section 24; Laws 2000, chapter 489, article 5, section 21; Laws 2000, chapter 489, article 5, section 23; Laws 2000, chapter 489, article 7, section 15, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 93; 119A; 119B; 122A; 124D; 126C; 134; repealing Minnesota Statutes 2000, sections 119A.13, subdivisions 1, 2, 3; 119A.14, subdivision 2; 119A.23; 119B.011, subdivision 20; 119B.03, subdivisions 1, 2, 4, 5, 6, 6a, 8; 119B.05, subdivision 1; 119B.07; 119B.09, subdivision 3; 119B.11, subdivision 4; 120A.41; 124D.1155; 124D.128, subdivision 7; 124D.33; 124D.331; 124D.85; 125B.20, subdivision 3; 126C.10, subdivisions 9, 10, 11, 12, 19, 20, 21, 22, 23; 126C.11; Laws 1999, chapter 241, article 3, section 5, as amended; Laws 2000, chapter 254, section 30; Laws 2000, chapter 489, article 1, section 18.

Senator Stumpf moved to amend S.F. No. 2359 as follows:

Page 34, after line 24, insert:

"Sec. 45. Minnesota Statutes 2000, section 127A.41, subdivision 8, is amended to read:

Subd. 8. [APPROPRIATION TRANSFERS.] If a direct appropriation from the general fund to the department for any education aid or grant authorized in this chapter and chapters 122A, 123A, 123B, 124D, 125A, 126C, and 134, excluding appropriations under sections 124D.135, 124D.16, 124D.20, 124D.21, 124D.22, 124D.52, 124D.53, 124D.54, 124D.55, and 124D.56, exceeds the amount required, the commissioner may transfer the excess to any education aid or grant appropriation that is insufficient. However, section 126C.20 applies to a deficiency in the direct appropriation for general education aid. Excess appropriations must be allocated proportionately among aids or grants that have insufficient appropriations. The commissioner of finance shall make the necessary transfers among appropriations according to the determinations of the commissioner. If the amount of the direct appropriation for the aid or grant plus the amount transferred according to this subdivision is insufficient, the commissioner shall prorate the available amount among eligible districts. The state is not obligated for any additional amounts."

Page 177, delete lines 35 and 36

Page 178, delete lines 1 to 4

Page 178, line 5, delete "4" and insert "3"

Page 178, line 15, delete "5" and insert "4"

Page 178, line 23, delete "6" and insert "5"

Page 178, line 30, delete "7" and insert "6"

Page 178, line 36, delete "8" and insert "7"

Page 179, line 5, delete "9" and insert "8"

Page 179, line 9, delete "10" and insert "9"

Page 179, delete lines 27 to 35

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Scheevel moved to amend S.F. No. 2359 as follows:

Page 14, line 3, after the first comma, insert "stable revenue," and delete ", minus its phased revenue adjustment"

Page 14, line 13, delete "\$4,070" and insert "\$4,400"

Page 14, line 14, delete "\$5,135" and insert "\$4,400"

Page 14, line 21, before the comma, insert "and thereafter" and delete everything after the comma

Page 14, delete lines 22 to 31

Page 14, line 32, delete everything before "the"

Pages 15 and 16, delete sections 15 and 16

Page 16, line 22, before the comma, insert "and thereafter" and delete everything after the comma

Page 16, delete lines 23 to 36

Page 17, delete lines 1 to 22

Page 17, line 23, delete everything before "a"

Page 17, line 35, delete "(f)" and insert "(c)"

Page 18, line 19, before the comma, insert "and thereafter" and delete everything after the comma

Page 18, delete lines 20 to 36

Page 19, delete lines 1 to 12

Page 19, line 13, delete everything before "a"

Page 22, line 21, delete "\$20" and insert "\$10"

Page 22, line 22, delete "\$60" and insert "\$30"

Page 22, line 32, delete "\$30" and insert "\$11"

Page 22, line 33, delete "\$90" and insert "\$33"

Page 23, line 3, delete "\$20" and insert "\$10"

Page 23, line 10, delete "\$30" and insert "\$11"

Page 23, line 21, delete "\$13" and insert "\$10"

Page 23, line 22, delete "\$39" and insert "\$30"

Page 23, line 33, delete "\$14" and insert "\$11"

Page 23, line 34, delete "\$42" and insert "\$33"

Page 24, line 4, delete "\$13" and insert "\$10"

Page 24, line 11, delete "\$14" and insert "\$33"

Pages 24 and 25, delete sections 25 and 26 and insert:

"Sec. 23. Minnesota Statutes 2000, section 126C.10, is amended by adding a subdivision to read:

Subd. 29. [STABLE REVENUE.] The stable revenue for each district equals the stable allowance times the pupils in average daily membership for the school year. The stable allowance for fiscal year 2003 is \$364. The stable allowance for fiscal year 2004 and thereafter is \$377.

[EFFECTIVE DATE.] This section is effective for revenue for fiscal year 2003."

Page 29, delete section 35

Pages 31 to 33, delete sections 38 to 40

Page 33, delete section 42

Pages 35 to 37, delete section 46

Page 39, delete sections 49 and 50

Pages 40 and 41, delete sections 53 and 54

Page 43, delete lines 3 to 5

Page 43, line 6, delete "10" and insert "9"

Page 43, delete lines 12 to 14

Page 43, line 15, delete "(b)" and insert "(a)"

Page 43, line 17, delete "(c)" and insert "(b)"

Page 71, delete lines 13 to 36

Page 72, delete line 1

Page 72, line 2, delete "8" and insert "7"

Page 72, line 9, delete "9" and insert "8"

Page 72, line 22, delete "10" and insert "9"

Page 72, line 32, delete "11" and insert "10"

Page 73, line 4, delete "12" and insert "11"

Page 73, line 9, delete "13" and insert "12"

Page 73, line 16, delete "14" and insert "13"

Page 73, line 21, delete "15" and insert "14"

Page 73, line 30, delete "16" and insert "15"

Page 74, line 1, delete "17" and insert "16"

Page 74, line 19, delete "18" and insert "17"

Page 74, line 27, delete "19" and insert "18"

Page 74, line 32, delete "20" and insert "19"

Page 75, line 1, delete "21" and insert "20"

Page 75, line 10, delete "22" and insert "21"

Page 75, line 24, delete "23" and insert "22"

Page 76, line 5, delete "24" and insert "23"

Page 76, delete lines 12 to 36

Page 77, delete lines 1 to 6

Page 77, line 7, delete "28" and insert "24"

Page 77, line 21, delete "29" and insert "25"

Page 78, line 3, delete "30" and insert "26"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

Senator Pappas imposed a call of the Senate for the balance of the proceedings on S.F. No. 2359. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Scheevel amendment.

The roll was called, and there were yeas 26 and nays 37, as follows:

Those who voted in the affirmative were:

Bachmann	Foley	Knutson	Ourada	Stevens
Belanger	Frederickson	Larson	Pariseau	Terwilliger
Berg	Johnson, Debbie	Limmer	Reiter	
Day	Kierlin	Neuville	Robling	
Dille	Kiscaden	Oliver	Scheevel	
Fischbach	Kleis	Olson	Schwab	

Those who voted in the negative were:

Anderson	Johnson, Dave	Lesewski	Pogemiller	Scheid
Berglin	Johnson, Dean	Lessard	Price	Stumpf
Betzold	Johnson, Doug	Lourey	Ranum	Tomassoni
Chaudhary	Kelley, S.P.	Marty	Rest	Vickerman
Cohen	Kelly, R.C.	Metzen	Ring	Wiger
Fowler	Kinkel	Moe, R.D.	Sabo	
Higgins	Krentz	Orfield	Sams	
Hottinger	Langseth	Pappas	Samuelson	

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

Senator Bachmann moved to amend S.F. No. 2359 as follows:

Page 14, line 13, delete "\$4,070" and insert "\$4,076"

Page 14, line 14, delete "\$5,135" and insert "\$5,142"

Page 28, line 36, delete "\$5" and insert "\$11"

Page 29, line 1, after "and" insert "\$12 in fiscal year 2003 and"

Page 43, line 32, delete the new language

Page 44, lines 15 and 19, delete the new language and reinstate the stricken language

Page 44, line 20, delete the new language

Page 45, line 14, delete the new language

Pages 46 to 48, delete section 2

Page 66, delete lines 1 and 2

Page 66, line 3, delete "(2)" and insert "(1)"

Page 66, line 5, delete "(3)" and insert "(2)"

Page 66, line 7, delete "(4)" and insert "(3)"

Page 66, line 9, delete "(5)" and insert "(4)"

Page 66, line 11, delete "(6)" and insert "(5)"

Page 66, line 14, delete "(7)" and insert "(6)"

Page 66, line 18, delete "(8)" and insert "(7)"

Page 71, line 17, delete "\$4,500,000" and insert "\$1,450,000"

Page 71, line 18, delete "\$4,500,000" and insert "\$250,000"

Page 76, delete lines 12 to 18

Page 76, line 19, delete "26" and insert "25"

Page 76, line 32, delete "27" and insert "26"

Page 77, line 7, delete "28" and insert "27"

Page 77, line 21, delete "29" and insert "28"

Page 78, line 3, delete "30" and insert "29"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 34, as follows:

Those who voted in the affirmative were:

Bachmann	Fowler	Knutson	Olson	Scheevel
Belanger	Johnson, Debbie	Larson	Ourada	Schwab
Day	Kierlin	Limmer	Pariseau	
Dille	Kiscaden	Neuville	Reiter	
Fischbach	Kleis	Oliver	Robling	

Those who voted in the negative were:

Berglin	Johnson, Dean	Marty	Price	Samuelson
Betzold	Kelley, S.P.	Metzen	Ranum	Scheid
Chaudhary	Kelly, R.C.	Moe, R.D.	Rest	Stumpf
Foley	Kinkel	Murphy	Ring	Tomassoni
Higgins	Krentz	Orfield	Robertson	Vickerman
Hottinger	Lessard	Pappas	Sabo	Wiger
Johnson, Dave	Lourey	Pogemiller	Sams	

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

Senator Pogemiller moved to amend S.F. No. 2359 as follows:

Page 44, lines 23 and 24, reinstate the stricken language

Page 44, line 25, reinstate the stricken language and delete the new language

Page 44, line 26, strike "and" and insert "the" and after "process" insert ", and the order of administration"

Page 44, line 28, strike everything after the period

Page 44, strike line 29

The motion prevailed. So the amendment was adopted.

Senator Reiter moved to amend S.F. No. 2359 as follows:

Page 71, line 17, delete "\$4,500,000" and insert "\$4,276,000"

Page 78, after line 27, insert:

"Subd. 31. [PARALLEL BLOCK SCHEDULE; MOUNDS VIEW.] For a grant to independent school district No. 621, Mounds View, for a pilot project to establish a parallel block schedule strategy in grades 1 through 3 to efficiently arrange instructional time and reduce the size of instructional groups to a teacher to student ratio of 1 to 15:

\$224,000                                    .....                                    2002

Independent school district No. 621, Mounds View, must establish three pilot sites in the school district. Mounds View must report the results of the pilot project to the department of children, families, and learning for dissemination to other school districts throughout the state."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 32, as follows:

Those who voted in the affirmative were:

- |                 |          |          |           |             |
|-----------------|----------|----------|-----------|-------------|
| Belanger        | Kierlin  | Limmer   | Pariseau  | Stevens     |
| Day             | Kiscaden | Marty    | Reiter    | Terwilliger |
| Dille           | Kleis    | Neuville | Robertson |             |
| Fischbach       | Knutson  | Oliver   | Robling   |             |
| Frederickson    | Larson   | Olson    | Scheevel  |             |
| Johnson, Debbie | Lesewski | Ourada   | Schwab    |             |

Those who voted in the negative were:

- |           |               |            |           |           |
|-----------|---------------|------------|-----------|-----------|
| Berglin   | Johnson, Dave | Lourey     | Ranum     | Stumpf    |
| Betzold   | Johnson, Dean | Metzen     | Rest      | Tomassoni |
| Chaudhary | Kelley, S.P.  | Murphy     | Ring      | Vickerman |
| Foley     | Kelly, R.C.   | Orfield    | Sabo      | Wiger     |
| Fowler    | Kinkel        | Pappas     | Sams      |           |
| Higgins   | Langseth      | Pogemiller | Samuelson |           |
| Hottinger | Lessard       | Price      | Scheid    |           |

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

Senator Limmer moved to amend S.F. No. 2359 as follows:

Page 194, after line 28, insert:

"Sec. 16. [RETURN OF FUNDS TO PEW CHARITABLE TRUSTS.]

(a) The legislature finds that the department of children, families, and learning wrongly established grant contracts with counties and nonprofit organizations to avoid funds being returned to grantors or canceled to the general fund. The department circumvented controls over program budgets, state procurement, and employee expense reimbursement guidelines. Department employees acted in ways that undermine the integrity of the state's financial operations, made false statements, dealt dishonestly with nonprofit organizations, and damaged the credibility of the state. The legislature also finds that these ethical lapses at the department were not the product of a



single individual but of several people and raise questions about management practices and complicity. Finally, the legislature finds that the department has failed to provide restitution to the Pew Charitable Trusts.

(b) Thus, the commissioner of children, families, and learning must return \$113,423 of unspent funds received from the Pew Charitable Trusts through the Trusts' agreement with the Amherst H. Wilder Foundation that provided grants to the state of Minnesota and certain local units of government in the state for the period from June 9, 1994, through June 30, 1997, and the subsequent agreement between Pew Charitable Trusts and the state to extend the original grant period through June 30, 1998. The commissioner of finance shall determine the time and manner in which the department of children, families, and learning shall return the \$113,423 of unspent funds, plus interest as set by the commissioner of finance, to the Pew Charitable Trusts. The department of children, families, and learning must pay this money from its existing budget. Money may not be appropriated specifically for the purposes of this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Limmer then moved to amend the Limmer amendment to S.F. No. 2359 as follows:

Page 1, delete lines 4 to 18

Page 1, line 19, delete "(b) Thus,"

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

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

Senator Kleis moved to amend S.F. No. 2359 as follows:

Page 51, line 34, after the period, insert "In awarding grants under this section, the commissioner shall consider geographical balance."

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 2359 as follows:

Page 71, line 17, delete "\$4,500,000" and insert "\$4,480,000"

Page 194, after line 28, insert:

"Sec. 16. [LEGISLATIVE TASK FORCE ON EQUITABLE EDUCATION FUNDING.]

(a) The legislative task force on equitable education funding of public schools consists of 12 members. The speaker of the house of representatives, using geographical balance as a consideration, shall appoint four members from the house, two of whom must be from the minority caucus. The subcommittee on committees of the senate committee on rules and administration, using geographical balance as a consideration, shall appoint four members from the senate, two of whom must be from the minority caucus. The task force membership shall also consist of the following persons or their designees:

- (1) the commissioner of children, families, and learning;
- (2) the executive director of the Minnesota school boards association;
- (3) one of the co-presidents of Education Minnesota; and
- (4) the executive director of the Minnesota association of school administrators.

(b) The task force shall study and make recommendations to the legislature by January 15, 2002, on any changes in statutes and rules needed to improve equity in the kindergarten through

grade 12 education funding system. The task force shall consider, at least, how to resolve funding disparities that occur from student to student based on formulas created by state law. Additionally, the task force shall examine the role of funding decisions made by voters within a school district and their effect on equity. The goals of the task force shall include consolidating funding formulas, improving the general public's understanding of the education finance system, creating more equitable education funding on a per student basis, and remaining within the current overall levels of aid and levy.

(c) The task force shall seek the input of various kindergarten through grade 12 education stakeholders as well as the general public in making its recommendations. The department of children, families, and learning shall provide administrative support to the task force and assist the task force and the staff of the legislature with task force duties. Upon submission of its recommendations, the task force expires.

(d) The task force may employ staff, contract for consulting services, and may reimburse the expenses of persons requested to assist it in its duties other than state employees. The director of the legislative coordinating commission shall assist the task force in administrative matters."

Page 196, after line 8, insert:

"Subd. 7. [LEGISLATIVE TASK FORCE.] For expenses approved by the legislative task force under section 16:

\$20,000                      ....                      2002 "

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Kelley, S.P. moved to amend the Neuville amendment to S.F. No. 2359 as follows:

Page 1, line 25, after "equity" insert "and quality"

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

Senator Neuville moved to amend the Neuville amendment to S.F. No. 2359 as follows:

Page 1, line 20, delete "one of the co-presidents" and insert "the president"

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

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

Senator Knutson moved to amend S.F. No. 2359 as follows:

Page 71, lines 17 and 18, delete "\$4,500,000" and insert "\$2,000,000"

Page 194, after line 28, insert:

"Sec. 16. [SCHOOLS' ACADEMIC AND FINANCIAL PERFORMANCE EVALUATION; INDEPENDENT CONTRACTOR.]

(a) To assist taxpayers, educators, school board members, and state and local officials in realizing their commitment to improving student achievement and the management of school systems, the commissioner of children, families, and learning shall contract with an independent school evaluation services contractor to evaluate and report on the academic and financial performance of the state's independent school districts using six core categories of analysis:

(1) school district expenditures;

(2) students' performance outcomes based on multiple indicia including students' test scores, attendance rates, dropout rates, and graduation rates;

(3) return on resources to determine the extent to which student outcomes improve commensurate with increases in district spending;

(4) school district finances, taxes, and debt to establish the context for analyzing the district's return on resources under clause (3);

(5) students' learning environment to establish the context for analyzing the district's return on resources under clause (3); and

(6) school district demographics to establish the socioeconomic context for analyzing the district's return on resources under clause (3).

(b) In order to compare the regional and socioeconomic peers of particular school districts, monitor educational changes over time, and identify important educational trends, the contractor shall use the six core categories of analysis to:

- (1) identify allocations of baseline and incremental school district spending;
- (2) connect student achievement with expenditure patterns;
- (3) track school district financial health;
- (4) observe school district debt and capital spending levels; and
- (5) measure the return on a school district's educational resources.

(c) The contractor under paragraph (a) shall evaluate and report on the academic and financial performance of all school districts.

(d) The contractor must complete its written report and submit it to the commissioner within 360 days of the date on which the contract is signed. The commissioner immediately must make the report available in a readily accessible format to state and local elected officials, members of the public, educators, parents, and other interested individuals. The commissioner, upon receiving an individual's request, also must make available all draft reports prepared by the contractor, consistent with Minnesota Statutes, chapter 13."

Page 196, after line 8, insert:

"Subd. 7. [SCHOOL DISTRICT'S ACADEMIC AND FINANCIAL PERFORMANCE.] For contracting with an independent school evaluation services contractor for the purposes of section 16:

<u>\$2,500,000</u>	<u>.....</u>	<u>2002</u>
<u>\$2,500,000</u>	<u>.....</u>	<u>2003</u>

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 34, as follows:

Those who voted in the affirmative were:

Berg	Johnson, Debbie	Lesewski	Ourada	Schwab
Chaudhary	Kierlin	Lessard	Pariseau	Stevens
Day	Kiscaden	Limmer	Reiter	Terwilliger
Dille	Kleis	Neuville	Robertson	
Fischbach	Knutson	Oliver	Robling	
Frederickson	Larson	Olson	Scheevel	

Those who voted in the negative were:

Anderson	Bachmann	Berglin	Betzold	Cohen
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Foley	Kinkel	Murphy	Rest	Solon
Fowler	Krentz	Orfield	Ring	Stumpf
Hottinger	Lourey	Pappas	Sabo	Tomassoni
Johnson, Dean	Marty	Pogemiller	Sams	Wiener
Kelley, S.P.	Metzen	Price	Samuelson	Wiger
Kelly, R.C.	Moe, R.D.	Ranum	Scheid	

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

Senator Krentz moved to amend S.F. No. 2359 as follows:

Page 195, line 5, before the period, insert "; and \$41,000 each year is for the Minnesota academy of science"

The motion prevailed. So the amendment was adopted.

Senator Reiter moved to amend S.F. No. 2359 as follows:

Page 72, line 1, after the period, insert "The commissioner shall consider a grant to independent school district No. 621, Mounds View, for a pilot project to establish a parallel block schedule strategy in grades 1 through 3."

The motion prevailed. So the amendment was adopted.

### RECONSIDERATION

Having voted on the prevailing side, Senator Chaudhary moved that the vote whereby the first Reiter amendment to S.F. No. 2359 was not adopted on May 3, 2001, be now reconsidered. The motion prevailed. So the vote was reconsidered.

The question was taken on the adoption of the first Reiter amendment.

The roll was called, and there were yeas 26 and nays 32, as follows:

Those who voted in the affirmative were:

Belanger	Kierlin	Limmer	Reiter	Stevens
Chaudhary	Kiscaden	Neuville	Robertson	Terwilliger
Day	Kleis	Oliver	Robling	
Fischbach	Knutson	Olson	Sams	
Frederickson	Larson	Ourada	Scheevel	
Johnson, Debbie	Lessard	Pariseau	Schwab	

Those who voted in the negative were:

Anderson	Hottinger	Metzen	Ranum	Tomassoni
Bachmann	Johnson, Dean	Moe, R.D.	Rest	Vickerman
Betzold	Kelley, S.P.	Murphy	Ring	Wiener
Cohen	Kelly, R.C.	Orfield	Sabo	Wiger
Dille	Kinkel	Pappas	Samuelson	
Foley	Langseth	Pogemiller	Scheid	
Fowler	Lourey	Price	Stumpf	

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

Senator Oliver moved to amend S.F. No. 2359 as follows:

Page 43, after line 21, insert:

"(d) Minnesota Statutes 2000, section 126C.17, subdivisions 2 and 3, are repealed."

Amend the title accordingly

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

Senator Reiter moved to amend S.F. No. 2359 as follows:

Pages 108 and 109, delete section 5

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 41, as follows:

Those who voted in the affirmative were:

Bachmann	Fischbach	Kleis	Neuville	Reiter
Belanger	Frederickson	Knutson	Olson	Rest
Day	Johnson, Debbie	Lesewski	Ourada	Robling
Dille	Kierlin	Limmer	Pariseau	Scheevel

Those who voted in the negative were:

Anderson	Johnson, Dave	Lourey	Ranum	Stumpf
Berg	Johnson, Dean	Marty	Ring	Tomassoni
Berglin	Johnson, Doug	Metzen	Robertson	Vickerman
Betzold	Kelley, S.P.	Moe, R.D.	Sabo	Wiener
Chaudhary	Kelly, R.C.	Murphy	Sams	Wiger
Cohen	Kinkel	Orfield	Samuelson	
Fowler	Krentz	Pappas	Scheid	
Higgins	Langseth	Pogemiller	Schwab	
Hottinger	Lessard	Price	Solon	

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

Senator Schwab moved to amend S.F. No. 2359 as follows:

Page 23, line 7, delete "and does not have a"

Page 23, delete line 8

Page 24, line 8, delete everything after the second comma

Page 24, line 9, delete everything before "equals"

Pages 33 and 34, delete section 43

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

Senator Kiscaden moved to amend S.F. No. 2359 as follows:

Page 14, line 13, delete "\$4,070" and insert "\$4,065"

Page 14, line 14, delete "\$5,135" and insert "\$5,130"

Page 65, after line 28, insert:

"Sec. 29. Minnesota Statutes 2000, section 124D.86, subdivision 3, is amended to read:

Subd. 3. [INTEGRATION REVENUE.] For fiscal year 2000 and later fiscal years, integration revenue equals the following amounts:

(1) for independent school district No. 709, Duluth, \$207 times the adjusted pupil units for the school year;

(2) for independent school district No. 625, St. Paul, \$446 times the adjusted pupil units for the school year;

(3) for special school district No. 1, Minneapolis, \$536 times the adjusted pupil units for the school year; and

(4) for a district not listed in clause (1), (2), or (3) that must implement a plan under Minnesota Rules, parts 3535.0100 to 3535.0180, where the district's enrollment of protected students, as defined under Minnesota Rules, part 3535.0110, exceeds 15 percent, the lesser of (i) the actual cost of implementing the plan during the fiscal year minus the aid received under subdivision 6, or (ii) \$150 times the adjusted pupil units for the school year; and

(4) (5) for a district not listed in clause (1), (2), or (3) that is required to implement a plan according to the requirements of Minnesota Rules, parts 3535.0100 to 3535.0180, the lesser of

(i) the actual cost of implementing the plan during the fiscal year minus the aid received under subdivision 6, or

(ii) \$93 times the adjusted pupil units for the school year.

Any money received by districts in clauses (1) to (3) which exceeds the amount received in fiscal year 2000 shall be subject to the budget requirements in subdivision 1a.

**[EFFECTIVE DATE.]** This section is effective for aid payable in fiscal year 2002."

Page 72, line 3, delete "\$59,795,000" and insert "\$64,522,000"

Page 72, line 4, delete "\$59,946,000" and insert "\$64,728,000"

Page 72, line 6, delete "\$54,066,000" and insert "\$58,793,000"

Page 72, line 7, delete "\$6,007,000" and insert "\$6,533,000"

Page 72, line 8, delete "\$53,939,000" and insert "\$58,195,000"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 35 and nays 28, as follows:

Those who voted in the affirmative were:

Anderson	Johnson, Dave	Larson	Olson	Scheid
Belanger	Johnson, Dean	Lesewski	Pariseau	Schwab
Betzold	Johnson, Debbie	Limmer	Ranum	Stevens
Chaudhary	Kelley, S.P.	Marty	Rest	Terwilliger
Dille	Kierlin	Metzen	Ring	Vickerman
Fowler	Kiscaden	Neuville	Robertson	Wiener
Frederickson	Knutson	Oliver	Scheevel	Wiger

Those who voted in the negative were:

Berg	Higgins	Krentz	Pappas	Samuelson
Berglin	Hottinger	Langseth	Pogemiller	Solon
Cohen	Johnson, Doug	Lessard	Price	Stumpf
Day	Kelly, R.C.	Lourey	Robling	Tomassoni
Fischbach	Kinkel	Moe, R.D.	Sabo	
Foley	Kleis	Orfield	Sams	

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 2359 as follows:

Page 105, line 7, delete "\$12,771,000" and insert "\$12,421,000"

Page 105, line 10, delete "\$11,471,000" and insert "\$11,121,000"

Page 105, line 11, delete "\$1,275,000" and insert "\$1,236,000"

Page 106, after line 35, insert:

"Subd. 13. [TECHNOLOGY GRANT; LE CENTER.] For a technology integration grant to independent school district No. 392, Le Center:

\$350,000                      .....                      2002

The grant may be used for facilities review, land acquisition costs, or technology purposes designed to demonstrate successful and effective uses of technology for students and teachers to improve student achievement.

This appropriation is available until June 30, 2003."

The motion prevailed. So the amendment was adopted.

Senator Knutson moved to amend S.F. No. 2359 as follows:

Page 14, line 3, delete ", minus its phased revenue adjustment"

Page 14, line 13, delete "\$4,070" and insert "\$4,514"

Page 14, line 14, delete "\$5,135" and insert "\$4,650"

Page 14, line 21, before the comma, insert "and thereafter" and delete everything after the comma

Page 14, delete lines 22 to 31

Page 14, line 32, delete everything before "the"

Page 16, line 22, before the comma, insert "and thereafter" and delete everything after the comma

Page 16, delete lines 23 to 36

Page 17, delete lines 1 to 22

Page 17, line 23, delete everything before "a"

Page 17, line 35, delete "(f)" and insert "(c)"

Page 18, line 19, before the comma, insert "and thereafter" and delete everything after the comma

Page 18, delete lines 20 to 36

Page 19, delete lines 1 to 12

Page 19, line 13, delete everything before "a"

Pages 31 and 32, delete sections 38 and 39

Page 32, line 36, delete "\$150" and insert "\$600"

Page 33, delete section 42

Pages 35 to 37, delete section 46

Page 39, delete sections 49 and 50

Pages 40 and 41, delete sections 53 and 54

Page 43, delete lines 3 to 5

Page 43, line 6, delete "10" and insert "9"

Page 43, delete lines 12 to 14

Page 43, line 15, delete "(b)" and insert "(a)"

Page 43, line 17, delete "(c)" and insert "(b)"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 23 and nays 32, as follows:

Those who voted in the affirmative were:

Bachmann	Foley	Kleis	Olson	Schwab
Belanger	Hottinger	Knutson	Pariseau	Stevens
Day	Johnson, Debbie	Lesewski	Reiter	Terwilliger
Dille	Kierlin	Limmer	Robertson	
Fischbach	Kiscaden	Oliver	Robling	

Those who voted in the negative were:

Anderson	Johnson, Dave	Metzen	Ring	Tomassoni
Berglin	Johnson, Dean	Orfield	Sabo	Vickerman
Betzold	Kelley, S.P.	Pappas	Sams	Wiener
Chaudhary	Kinkel	Pogemiller	Samuelson	Wiger
Cohen	Langseth	Price	Scheid	
Fowler	Lessard	Ranum	Solon	
Higgins	Lourey	Rest	Stumpf	

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

Senator Scheevel moved to amend S.F. No. 2359 as follows:

Page 69, after line 5, insert:

"Sec. 31. Minnesota Statutes 2000, section 179A.20, is amended by adding a subdivision to read:

Subd. 2b. [NO SCHOOL DISTRICT CONTRACTS WITH TEACHERS THAT ARE NOT STRUCTURALLY BALANCED.] (a) For the purposes of this subdivision, the term "structurally balanced" means all expenditure projections for the time period specified in this subdivision are fully supported by revenue projections for that time period.

(b) A school board must not enter into a contract with the exclusive representative of the teachers that is not structurally balanced for a time period that corresponds to the term of the contract and the following year beginning on the July 1 following the specified end date of that contract. Failure to enter into a contract to implement a proposed contract settlement that violates the provisions of this subdivision shall not be an unfair labor practice under section 179A.13, subdivision 2. The provisions of section 123B.05 shall not apply to a contract or an interest arbitration decision that is not structurally balanced and that is not approved by the date specified therein.

(c) The school board must make a good-faith determination as to whether a proposed contract settlement is structurally balanced for the time period specified prior to its approval of that contract. The resolution adopted by the school board making the determination that the proposed contract is structurally balanced must include or incorporate written findings and specific calculations to support the determination. The findings and calculations must be available to members of the school board and the public at the meeting at which the resolution is adopted. A copy of the resolution shall be available for inspection or copying at the school district office after the resolution has been adopted. A copy of the resolution with supporting findings and



calculations shall also be attached to the uniform collective bargaining agreement settlement document filed with the commissioner of finance under section 179A.07, subdivision 7, and the commissioner of children, families, and learning.

(d) An arbitrator in an interest arbitration must make a good-faith determination as to whether an interest arbitration decision for a teacher contract is structurally balanced for the time period specified and must prove that structural balance in the decision. The decision by the arbitrator must include or incorporate written findings and specific calculations to support the determination that the decision is structurally balanced. The findings and calculations must be available to members of the school board and the public after the decision has been made. A copy of the decision with supporting findings and calculations shall also be attached to the uniform collective bargaining agreement settlement document filed with the commissioner of finance under section 179A.07, subdivision 7, and the commissioner of children, families, and learning.

(e) In making a determination as to whether a contract settlement or interest arbitration decision is structurally balanced for the term of the contract and the following year, the board or the arbitrator shall review revenue and expenditure projections for the three-year time period specified based on laws in effect at the time the determination is made.

(1) Revenue projections must be based on all federal, state, and other local revenue sources in effect for the time period specified at the time the determination is made.

(2) Revenue projections must be based on pupil unit projections for the time period specified.

(3) Expenditure projections must be based on the costs of this contract and the projected costs of the contract with the teachers for the third year of the time period specified.

(4) Expenditure projections must be based on the projected seniority of the staff during each year of the time period specified and on current teacher-to-student ratios. The projections must include projected movement through contract steps and lanes each year during the time period specified to reflect increased seniority leading to step changes and increased education or training leading to lane changes.

(5) Expenditure projections must include anticipated costs of fringe benefits, including but not limited to health insurance, during each year of the time period specified.

(6) Expenditure projections must include projected staff retirements and the hiring of projected new teachers during the time period specified. The projections must include projected payouts of severance pay, accumulated sick leave or other leave if any, vacation pay if any, and other benefits to retiring employees or employees leaving employment in the district.

(7) Expenditure projections must include all other projected nonteacher-contract-related general fund expenditures for the time period specified.

(f) A school board or an arbitrator may determine that a contract with the exclusive representative of the teachers is structurally balanced for the time period specified if, taking into account at least the projections specified in paragraph (e) and such other projections as may be necessary, the projected general fund expenditures for each year of the time period specified will not exceed projected general fund revenues for that year, including undesignated general fund balances accumulated during prior fiscal years as available revenues for that year.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies to contracts between school boards and exclusive representatives of teachers for the time period July 1, 2003, to June 30, 2005, and thereafter."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 27 and nays 35, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Knutson	Olson	Schwab
Belanger	Johnson, Debbie	Lesewski	Pariseau	Stevens
Berg	Kelly, R.C.	Lessard	Reiter	Terwilliger
Day	Kierlin	Limmer	Robertson	
Dille	Kiscaden	Neuville	Robling	
Fischbach	Kleis	Oliver	Scheevel	

Those who voted in the negative were:

Anderson	Higgins	Krentz	Pappas	Sams
Berglin	Hottinger	Langseth	Pogemiller	Scheid
Betzold	Johnson, Dave	Lourey	Price	Stumpf
Chaudhary	Johnson, Dean	Marty	Ranum	Tomassoni
Cohen	Johnson, Doug	Metzen	Rest	Vickerman
Foley	Kelley, S.P.	Moe, R.D.	Ring	Wiener
Fowler	Kinkel	Orfield	Sabo	Wiger

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

Senator Bachmann moved to amend S.F. No. 2359 as follows:

Pages 110 to 114, delete section 1

Pages 135 to 139, delete sections 29 to 36

Pages 141 to 148, delete section 42

Page 148, delete lines 9 to 36

Page 149, delete lines 1 to 21

Page 149, before line 22, insert:

"Sec. 33. Minnesota Statutes 2000, section 124D.16, subdivision 2, is amended to read:"

Page 150, after line 3, insert:

"Sec. 34. Minnesota Statutes 2000, section 124D.16, is amended by adding a subdivision to read:"

Page 150, after line 14, insert:

"Sec. 35. Minnesota Statutes 2000, section 124D.16, subdivision 3, is amended to read:"

Page 150, delete lines 26 to 28

Page 150, before line 29, insert:

"Sec. 36. Minnesota Statutes 2000, section 124D.16, is amended by adding a subdivision to read:"

Page 151, after line 13, insert:

"Sec. 37. Minnesota Statutes 2000, section 124D.16, is amended by adding a subdivision to read:"

Page 151, line 22, delete "44" and insert "38"

Pages 152 to 160, delete sections 45 and 46

Page 160, line 26, delete "\$12,195,000" and insert "\$10,395,000"

Page 160, line 27, delete "\$12,395,000" and insert "\$10,395,000"

Page 160, line 29, delete "\$11,156,000" and insert "\$9,356,000"

Page 160, line 30, delete "\$1,240,000" and insert "\$1,040,000"

Page 160, line 31, delete "\$11,155,000" and insert "\$9,355,000"

Page 160, line 35, delete "\$22,558,000" and insert "\$20,758,000"

Page 160, line 36, delete "\$22,663,000" and insert "\$20,663,000"

Page 161, line 2, delete "\$20,522,000" and insert "\$18,722,000"

Page 161, line 3, delete "\$2,280,000" and insert "\$2,066,000"

Page 161, line 4, delete "\$20,383,000" and insert "\$18,597,000"

Page 161, line 9, delete "\$5,368,000" and insert "\$2,661,000"

Page 161, line 13, delete "\$5,102,000" and insert "\$2,395,000"

Page 161, delete lines 14 to 22

Page 161, line 23, delete "6" and insert "5"

Page 161, line 30, delete "7" and insert "6"

Page 162, line 2, delete "8" and insert "7"

Page 162, line 9, delete "9" and insert "8"

Page 162, line 16, delete "10" and insert "9"

Page 162, line 22, delete "11" and insert "10"

Page 162, line 26, delete "12" and insert "11"

Page 162, line 30, delete "13" and insert "12"

Page 162, line 36, delete "14" and insert "13"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 44, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, Debbie	Larson	Oliver	Reiter
Belanger	Kierlin	Limmer	Olson	Scheevel
Day	Knutson	Neuville	Pariseau	Stevens
Fischbach				

Those who voted in the negative were:

Anderson	Hottinger	Langseth	Pappas	Scheid
Berglin	Johnson, Dave	Lesewski	Price	Solon
Betzold	Johnson, Dean	Lessard	Ranum	Stumpf
Chaudhary	Johnson, Doug	Lourey	Rest	Terwilliger
Cohen	Kelley, S.P.	Marty	Ring	Tomassoni
Dille	Kelly, R.C.	Metzen	Robertson	Vickerman
Foley	Kinkel	Moe, R.D.	Sabo	Wiener
Fowler	Kleis	Murphy	Sams	Wiger
Higgins	Krentz	Orfield	Samuelson	

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

Senator Kiscaden moved to amend the Kiscaden amendment to S.F. No. 2359, adopted by the Senate May 3, 2001, as follows:

Page 1, delete lines 2 and 3

Page 2, after line 8, insert:

"Page 75, line 4, delete "\$12,458,000" and insert "\$7,658,000"

Page 75, line 5, delete "\$12,496,000" and insert "\$7,696,000"

Page 75, line 7, delete "\$11,216,000" and insert "\$6,416,000"

Page 75, line 8, delete "\$1,246,000" and insert "\$6,713,000"

Page 75, line 9, delete "\$11,250,000" and insert "\$6,983,000"

Page 75, after line 9, insert:

"If the appropriation is insufficient, the aid shall be prorated."

The motion prevailed. So the amendment was adopted.

Senator Olson moved to amend S.F. No. 2359 as follows:

Page 69, after line 22, insert:

"Sec. 32. [ACCESS TO TESTS.]

The commissioner of children, families, and learning must adopt and publish a policy to provide public and parental access for review of basic skills tests, Minnesota comprehensive assessments, or any other such statewide test and assessment. Parents or guardians shall also have access to their student's accompanying test results and answers."

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

S.F. No. 2359 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 46 and nays 18, as follows:

Those who voted in the affirmative were:

Anderson	Hottinger	Lesewski	Reiter	Stevens
Berglin	Johnson, Dean	Lessard	Rest	Stumpf
Betzold	Johnson, Doug	Limmer	Ring	Tomassoni
Chaudhary	Kelley, S.P.	Lourey	Robertson	Vickerman
Cohen	Kelly, R.C.	Moe, R.D.	Sabo	Wiener
Fischbach	Kinkel	Orfield	Sams	Wiger
Foley	Kleis	Pappas	Samuelson	
Fowler	Krentz	Pogemiller	Scheevel	
Frederickson	Langseth	Price	Scheid	
Higgins	Larson	Ranum	Schwab	

Those who voted in the negative were:

Bachmann	Dille	Kiscaden	Neuvillie	Robling
Belanger	Johnson, Dave	Knutson	Oliver	Terwilliger
Berg	Johnson, Debbie	Marty	Olson	
Day	Kierlin	Metzen	Pariseau	

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

Senator Moe, R.D. moved that S.F. No. 2359 be laid on the table. The motion prevailed.

### MOTIONS AND RESOLUTIONS - CONTINUED

Senator Moe, R.D. moved that S.F. No. 866 be taken from the table. The motion prevailed.

**S.F. No. 866:** A bill for an act relating to education; providing for family and early childhood education, children and family support programs, prevention, and self-sufficiency and lifelong learning; providing for kindergarten through grade 12 general education, education excellence, special programs, facilities and technology, libraries; and advisory committees and miscellaneous kindergarten through grade 12 education provisions; providing for rulemaking; repealing, modifying, and expanding certain provisions of the kindergarten through grade 12 education code; amending Minnesota Statutes 2000, sections 13.319, by adding a subdivision; 13.32, subdivision 3; 13.43, by adding a subdivision; 13.46, subdivision 2; 16B.616, subdivision 4; 119A.05, subdivision 2; 119A.15, subdivision 5a; 119A.43, subdivisions 1, 11; 119B.011, subdivisions 7, 19; 119B.02, subdivision 1, by adding a subdivision; 119B.26; 120A.22, subdivision 7; 120B.11, subdivision 5; 120B.22, subdivision 1; 120B.30, subdivision 1; 121A.06; 121A.11, subdivision 1; 121A.15; 121A.26; 121A.27; 121A.28; 121A.29, subdivision 1; 121A.32, subdivision 1; 121A.34; 121A.55; 121A.69, subdivision 3; 122A.09, subdivision 6; 122A.15; 122A.22; 122A.24, subdivision 3; 122A.25, by adding a subdivision; 122A.31, subdivision 2; 122A.40, subdivisions 5, 8, 19; 122A.41, subdivisions 7, 13, 15, by adding a subdivision; 122A.51; 122A.58, subdivision 1; 122A.60, subdivision 1; 122A.64; 122A.68, subdivisions 1, 7; 122A.69; 122A.70, subdivision 2; 122A.91; 122A.92; 123A.06, subdivision 1; 123A.442, subdivision 2; 123B.02, subdivisions 1, 2, 3; 123B.04, subdivisions 2, 5; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.147; 123B.36, subdivision 1; 123B.42, subdivision 3; 123B.43; 123B.44, subdivision 6; 123B.445; 123B.49, subdivision 1; 123B.51, subdivisions 1, 5; 123B.71, subdivisions 1, 4, 8, 9; 123B.73, subdivision 1; 123B.75, subdivision 5, by adding a subdivision; 123B.83, subdivision 1; 123B.90, subdivision 2; 123B.91, subdivision 1; 124D.02, subdivision 1; 124D.03, subdivisions 3, 4; 124D.09, subdivisions 5, 6, 7, 12; 124D.10, subdivisions 1, 4, 6, 8, 15, 19; 124D.115, subdivision 3; 124D.118, subdivisions 2, 3; 124D.28, subdivision 1; 124D.30, subdivision 3; 124D.35; 124D.37; 124D.40, subdivision 2; 124D.41; 124D.42, subdivision 7; 124D.46, subdivision 1; 124D.47, subdivision 2; 124D.49, subdivision 3; 124D.50, subdivisions 2, 3; 124D.59, subdivision 2; 124D.65, subdivision 6; 124D.74, subdivision 1; 124D.80, subdivisions 1, 2, 3; 124D.84, subdivision 1; 124D.88, subdivision 2; 124D.892; 124D.894; 124D.94, subdivisions 2, 4; 125A.023, subdivision 4; 125A.027, by adding a subdivision; 125A.09, subdivision 11; 125A.11, subdivision 3; 125A.27, subdivision 15; 125A.28; 125A.515; 125A.76, subdivisions 1, 2; 125B.05, subdivisions 1, 2; 125B.20, subdivisions 1, 4; 126C.05, subdivision 1; 126C.10, subdivisions 1, 9; 126C.17, subdivisions 1, 6, 9, 10, 11; 126C.23, subdivision 5; 126C.31; 126C.41, subdivision 3; 126C.43, subdivision 3; 126C.48, subdivision 8; 127A.05, subdivisions 1, 3; 127A.06; 127A.30; 127A.41, subdivisions 5, 7; 127A.42; 127A.50, subdivision 2; 129C.10, subdivision 3; 134.31, subdivision 5; 179A.20, subdivision 3; 256.045, subdivision 3b; 626.556, subdivisions 2, 3, 4, 7, 10, 10b, 10d, 10e, 10i, 10j, 11; Laws 2000, chapter 489, article 2, section 39, subdivision 2; Laws 2000, chapter 489, article 3, section 25, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 122A; repealing Minnesota Statutes 2000, sections 119A.43, subdivision 6; 120B.10; 120B.11, subdivisions 3, 4, 7; 120B.24; 121A.03, subdivision 3; 121A.16; 121A.32, subdivisions 2, 4, 5; 121A.41, subdivision 3; 122A.19, subdivision 2; 122A.32; 122A.33; 122A.40, subdivision 6; 122A.42; 122A.52; 122A.53; 122A.71; 122A.72; 122A.75; 123A.06, subdivision 3; 123A.07; 123A.15, subdivision 1; 123A.35; 123A.36; 123A.37; 123A.38; 123A.39, subdivisions 1, 2, 4; 123A.40; 123A.41, subdivisions 1, 4; 123A.43; 123B.02, subdivisions 5, 6, 9, 10, 11, 13, 16; 123B.04, subdivision 4; 123B.11; 123B.15; 123B.16; 123B.17; 123B.18; 123B.19; 123B.40; 123B.51, subdivisions 2, 3, 4; 123B.71, subdivisions 3, 10; 123B.744; 123B.84; 123B.87; 123B.88, subdivisions 11, 12, 13, 18, 20, 21, 22; 123B.93; 123B.95, subdivision 3; 124D.02, subdivisions 2, 3, 4; 124D.06; 124D.07; 124D.081, subdivision 1; 124D.09, subdivisions 2, 8, 25, 26; 124D.10, subdivision 13; 124D.115, subdivisions 1, 2; 124D.118, subdivision 1; 124D.12; 124D.121; 124D.122; 124D.123; 124D.124; 124D.125; 124D.126; 124D.127; 124D.128, subdivisions 1, 3, 5, 6; 124D.23, subdivision 9; 124D.31;

124D.34, subdivision 5; 124D.43; 124D.46, subdivision 3; 124D.47, subdivision 1; 124D.50, subdivisions 1, 2, 3; 124D.60, subdivision 3; 124D.65, subdivisions 8, 9, 10; 124D.68, subdivision 1; 124D.72; 124D.81, subdivision 7; 124D.88, subdivision 1; 124D.895; 124D.90, subdivision 5; 124D.91; 124D.92; 124D.93; 125B.02; 125B.07, subdivisions 1, 3, 5; 125B.09; 125B.11; 126C.01, subdivision 10; 126C.10, subdivisions 12, 23; 126C.16, subdivision 2; 126C.17, subdivision 12; 126C.18; 126C.22; 126C.42, subdivisions 2, 3; 126C.47; 127A.05, subdivision 5; 127A.41, subdivision 4; 127A.44; Minnesota Rules, parts 3501.0280, subpart 3; 3505.4300; 3520.0400; 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644; 3545.0600; 3545.0700; 3545.0800; 3545.0900; 3550.0100.

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

Page 28, after line 3, insert:

"Section 1. Minnesota Statutes 2000, section 120B.031, is amended by adding a subdivision to read:

Subd. 13. [PROFILE OF LEARNING WAIVER.] The commissioner shall waive all the profile of learning rules for districts that pass a resolution to provide instruction reflecting rigorous academic standards, distinguishable from the minimum competencies reflected in the basic requirements assessment. The requirement for high school graduation must include:

(1) the basic requirements; and

(2) rigorous academic standards which meet or exceed state standards and assessment methods adopted by the district, which must measure student learning in at least the following subject areas: communication skills, including reading and writing, literature, and fine arts; mathematics, including at least geometry and algebra; science, including at least biology and physical science; social studies, including at least history, geography, economics, and government; health and physical education; and computer sciences."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

### CALL OF THE SENATE

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

The question was taken on the adoption of the Neuville amendment.

The roll was called, and there were yeas 29 and nays 33, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Langseth	Neuville	Samuelson
Belanger	Johnson, Debbie	Larson	Olson	Scheevel
Berg	Kierlin	Lesewski	Pariseau	Schwab
Day	Kinkel	Lessard	Reiter	Stevens
Fischbach	Kleis	Limmer	Robling	Vickerman
Fowler	Knutson	Murphy	Sams	

Those who voted in the negative were:

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

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

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

Page 27, after line 27, insert:

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

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

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 21 and nays 42, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, Debbie	Larson	Pariseau	Stevens
Belanger	Kelly, R.C.	Lesewski	Reiter	
Berg	Kierlin	Limmer	Robling	
Day	Kleis	Neuville	Scheevel	
Fischbach	Knutson	Olson	Schwab	

Those who voted in the negative were:

Anderson	Hottinger	Lourey	Price	Stumpf
Berglin	Johnson, Dave	Marty	Ranum	Terwilliger
Betzold	Johnson, Dean	Metzen	Rest	Tomassoni
Chaudhary	Kelley, S.P.	Moe, R.D.	Ring	Vickerman
Cohen	Kinkel	Murphy	Robertson	Wiener
Foley	Kiscaden	Oliver	Sabo	Wiger
Fowler	Krentz	Orfield	Sams	
Frederickson	Langseth	Pappas	Samuelson	
Higgins	Lessard	Pogemiller	Scheid	

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

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

Page 48, after line 17, insert:

"Sec. 20. Laws 2000, chapter 489, article 6, section 44, subdivision 2.

Subd. 2. [MABEL-CANTON INDEPENDENT SCHOOL DISTRICT NO. 238.] Notwithstanding subdivision 1 and Minnesota Statutes, section 120A.40, for the 2000-2001 school year only and thereafter, independent school district No. 238, Mabel-Canton, may start the school year up to five weekdays before Labor Day for the purpose of scheduling an additional academic term during the regular school year."

Re-number the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

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

Page 28, after line 3, insert:

"Section 1. Minnesota Statutes 2000, section 120B.031, subdivision 1, is amended to read:

Subdivision 1. [SCHOOL SITE DETERMINES REQUIRED CONTENT STANDARDS.] (a) Notwithstanding any rule or law to the contrary, by August 15 of each year, each school district, area learning center, and charter school must notify the commissioner of the preparatory and high school content standards offered and required at each site under paragraph (b).

(b)(1) Each public school site, by a majority vote of the licensed teachers and administrators at the site voting jointly and by a majority vote of the school board;

(2) each area learning center, by a majority vote of the licensed teachers and administrators at the site voting jointly and by a majority vote of the school board of the district in which the center is located; and

(3) each charter school, by a majority vote of the licensed teachers and administrators at the charter school voting jointly and with approval of the school's sponsor, must determine the number of preparatory and high school content standards that the school site offers to students and that the school site requires students to complete, including the number of high school content standards students must complete to graduate.

(c) If a school site and the local school board, the area learning center and the school board of the district in which the center is located, or a charter school and its sponsor, are unable to agree on the preparatory or high school content standards offered and required for students under paragraph (b), students at the school site must complete the state-required content standards required by the most recent vote under paragraph (b).

~~(d) In addition to the reporting requirement under paragraph (a), a district, area learning center, and charter school shall report to the commissioner the schedule, by school year, that each school site will use to implement all the state-required preparatory and high school content standards.~~

~~(e) Each district shall continue to implement the profile of learning, provide learning opportunities for all students in all preparatory content standards in learning areas one to nine, and provide learning opportunities for students sufficient to meet the state graduation requirements in the high school content standards in all learning areas. A district shall offer at least one foreign language in learning area ten.~~

~~(f) (d) To implement preparatory and high school content standards, school sites must work to improve the scope and sequence of curriculum, research-based instructional skills of teachers and other district staff who work with students, and alternative assessments of student achievement."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Bachmann	Frederickson	Knutson	Neuville	Scheevel
Belanger	Johnson, Dean	Langseth	Oliver	Schwab
Berg	Johnson, Debbie	Larson	Olson	Stevens
Day	Kierlin	Lesewski	Pariseau	Vickerman
Dille	Kinkel	Lessard	Reiter	
Fischbach	Kiscaden	Limmer	Robling	
Fowler	Kleis	Marty	Sams	

Those who voted in the negative were:

Anderson	Hottinger	Metzen	Rest	Terwilliger
Berglin	Johnson, Dave	Moe, R.D.	Ring	Tomassoni
Betzold	Johnson, Doug	Orfield	Robertson	Wiener
Chaudhary	Kelley, S.P.	Pappas	Sabo	Wiger
Cohen	Kelly, R.C.	Pogemiller	Samuelson	
Foley	Krentz	Price	Scheid	
Higgins	Lourey	Ranum	Stumpf	



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

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

Page 27, after line 27, insert:

"Sec. 22. [LEGISLATIVE TASK FORCE ON REDUCING THE COMPLEXITY OF KINDERGARTEN THROUGH GRADE 12 EDUCATION FUNDING STATUTES AND RULES.]

(a) The legislative task force on reducing the complexity of kindergarten through grade 12 education funding consists of 12 members. The speaker of the house of representatives shall appoint four members from the house, two of whom must be from the minority caucus. The subcommittee on committees of the senate committee on rules and administration shall appoint four members from the senate, two of whom must be from the minority caucus. The task force membership shall also consist of the following persons or their designees:

- (1) the commissioner of the department of children, families, and learning;
- (2) the executive director of the Minnesota school boards association;
- (3) the executive director of the Minnesota association of school business officials; and
- (4) the parent of a school-age child appointed by the governor.

(b) The task force shall study and make recommendations to the legislature by January 15, 2002, on any changes in statutes and rules needed to simplify, clarify, and reduce the complexity of the kindergarten through grade 12 education funding system. The task force shall consider, at least, the following in making its recommendations for changes in statutes and rules:

- (1) the extent to which funding system provisions are readable and understandable;
- (2) the extent to which the funding system can be simplified;
- (3) the extent to which references to other sections or provisions of law or rule are minimized;
- (4) the extent to which definitional provisions are incorporated in the text of the statutes or rules;
- (5) the extent to which the legislative process of funding kindergarten through grade 12 education can be improved to provide school districts with timely, accurate information concerning legislative decisions; and

(6) the coordination of state funding with school district budget timing deadlines and teacher contract nonrenewal dates.

(c) The task force shall seek the input of various kindergarten through grade 12 education stakeholders as well as the general public in making its recommendations. The task force may call upon the staff of the legislature and the department of children, families, and learning to assist with its duties. Upon submission of its recommendations, the task force expires."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

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

Page 48, after line 22, insert:

"Sec. 21. [GRADUATION RULE AMENDMENTS.]

(a) Beginning no later than July 1, 2001, the commissioner shall amend Minnesota Rules, chapter 3501, for state graduation requirements according to paragraph (b) using the expedited process under Minnesota Statutes, section 14.389.

(b) The commissioner shall:

(1) amend the heading of Minnesota Rules, part 3501.0449, subpart 4, to read "personal and family financial management and investment;"

(2) amend Minnesota Rules, part 3501.0468, subpart 3, to include a "personal and family financial management and investment" content standard; and

(3) require student completion of the "personal and family financial management and investment" content standard at either the middle school level or the high school level or both."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Pappas moved to amend the Dille amendment to S.F. No. 866 as follows:

Page 1, line 5, delete "shall" and insert "may"

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

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

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

Page 48, after line 22, insert:

"Sec. 21. [PARTICIPATION IN ATHLETIC ACTIVITIES; MSHSL STUDY.]

The Minnesota state high school league must prepare a written report by February 15, 2002, for the legislative committees charged with overseeing kindergarten through grade 12 education policy that indicates the interest of charter school students in participating in athletic activities available in the students' resident district. The Minnesota state high school league at least must:

(1) survey the students enrolled in the state's charter schools to determine how interested the students are in participating in various athletic activities offered by their resident school district;

(2) review the ability of charter schools to independently or through a cooperative sponsorship provide students with various athletic activities; and

(3) determine whether the league's cooperative sponsorship rules need to be amended to facilitate cooperative sponsorship arrangements involving charter schools. The Minnesota state high school league must cover the costs of this report.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Pappas moved to amend the Wiger amendment to S.F. No. 866, adopted by the Senate April 23, 2001, as follows:

Page 4, line 1, strike the comma

Page 4, line 2, strike everything before the period and insert "The board shall not require a test

of pedagogical knowledge or licensure specific teaching skills as a condition of licensure unless the board can demonstrate a statistically significant relationship between a person's performance on the test and effectiveness as a teacher"

The motion prevailed. So the amendment was adopted.

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

Page 48, after line 22, insert:

"Sec. 21. [PROFILE OF LEARNING REVISIONS.]

Subdivision 1. [CONTENT STANDARDS AND LEARNING AREAS.] The commissioner of children, families, and learning shall contract to develop content standard and learning area improvements that were presented to the legislature in the Achieve, Inc. report pursuant to Laws 2000, chapter 500, section 19.

Subd. 2. [RECOMMENDATIONS; REPORT.] The commissioner of children, families, and learning must report the recommendations for the revised content standards and learning areas to the education committees of the legislature by January 1, 2002.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Pappas moved to amend the second Oliver amendment to S.F. No. 866 as follows:

Page 1, delete lines 4 to 8

Page 1, line 9, delete "Subd. 2. [RECOMMENDATIONS; REPORT.]"

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

Senator Oliver moved to amend the second Oliver amendment to S.F. No. 866 as follows:

Page 1, line 10, after "recommendations" insert "responding to the Achieve report"

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

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

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

Page 28, after line 3, insert:

"Section 1. [120A.415] [EXTENDED SCHOOL CALENDAR.]

A school board that offers licensed kindergarten through grade 12 teachers the opportunity for more staff development training and additional salary under section 122A.40, subdivisions 7 and 7a, or 122A.41, subdivisions 4 and 4a, must adopt as its school calendar a total of 240 days of student instruction and staff development, of which the total number of staff development days equals the difference between the total number of days of student instruction and 240 days. A school board may schedule additional staff development days throughout the calendar year.

[EFFECTIVE DATE.] This section is effective for the 2001-2002 school year and thereafter."

Page 32, after line 1, insert:

"Sec. 5. Minnesota Statutes 2000, section 122A.40, subdivision 7, is amended to read:

Subd. 7. [TERMINATION OF CONTRACT AFTER PROBATIONARY PERIOD.] (a) A

teacher who has completed a probationary period in any district, and who has not been discharged or advised of a refusal to renew the teacher's contract pursuant to under subdivision 5, shall elect to have a continuing contract with such district where contract terms and conditions, including salary and salary increases, are established based either on the length of the school calendar or an extended school calendar under section 120A.415. Thereafter, the teacher's contract must remain in full force and effect, except as modified by mutual consent of the board and the teacher, until terminated by a majority roll call vote of the full membership of the board prior to April 1 upon one of the grounds specified in subdivision 9 or July 1 upon one of the grounds specified in subdivision 10 or 11, or until the teacher is discharged pursuant to subdivision 13, or by the written resignation of the teacher submitted prior to April 1. If an agreement as to the terms and conditions of employment for the succeeding school year has not been adopted pursuant to the provisions of sections 179A.01 to 179A.25 prior to March 1, the teacher's right of resignation is extended to the 30th calendar day following the adoption of said contract in compliance with section 179A.20, subdivision 5. Such written resignation by the teacher is effective as of June 30 if submitted prior to that date and the teachers' right of resignation for the school year then beginning shall cease on July 15. Before a teacher's contract is terminated by the board, the board must notify the teacher in writing and state its ground for the proposed termination in reasonable detail together with a statement that the teacher may make a written request for a hearing before the board within 14 days after receipt of such notification. If the grounds are those specified in subdivision 9 or 13, the notice must also state a teacher may request arbitration under subdivision 15. Within 14 days after receipt of this notification the teacher may make a written request for a hearing before the board or an arbitrator and it shall be granted upon reasonable notice to the teacher of the date set for hearing, before final action is taken. If no hearing is requested within such period, it shall be deemed acquiescence by the teacher to the board's action. Such termination shall take effect at the close of the school year in which the contract is terminated in the manner aforesaid. Such contract may be terminated at any time by mutual consent of the board and the teacher and this section does not affect the powers of a board to suspend, discharge, or demote a teacher under and pursuant to other provisions of law.

(b) A teacher electing to have a continuing contract based on the extended school calendar under section 120A.415 must participate in staff development training under subdivision 7a and shall receive an increased base salary.

**[EFFECTIVE DATE.]** This section is effective for the 2001-2002 school year and thereafter.

Sec. 6. Minnesota Statutes 2000, section 122A.40, is amended by adding a subdivision to read:

Subd. 7a. **[ADDITIONAL STAFF DEVELOPMENT AND SALARY.]** (a) A teacher electing to have a continuing contract based on the extended school calendar under section 120A.415 must participate in a total number of staff development days where the total number of such days equals the difference between the total number of days of student instruction and 240 days. Staff development includes peer mentoring, peer gathering, continuing education, professional development, or other training. A school board may schedule such days throughout the calendar year. Staff development programs provided during such days shall enable teachers to achieve the staff development outcomes under section 122A.60, subdivision 3.

(b) A public employer and the exclusive representative of the teachers must include terms in the collective bargaining agreement for all teachers who participate in additional staff development days under paragraph (a) that increase base salaries.

**[EFFECTIVE DATE.]** This section is effective for the 2001-2002 school year and thereafter.

Sec. 7. Minnesota Statutes 2000, section 122A.41, subdivision 4, is amended to read:

Subd. 4. **[PERIOD OF SERVICE AFTER PROBATIONARY PERIOD; DISCHARGE OR DEMOTION.]** (a) After the completion of such probationary period, without discharge, such teachers as are thereupon reemployed shall continue in service and hold their respective position during good behavior and efficient and competent service and must not be discharged or demoted except for cause after a hearing. The terms and conditions of a teacher's employment contract, including salary and salary increases, must be based either on the length of the school year or an extended school calendar under section 120A.415.

(b) A probationary teacher is deemed to have been reemployed for the ensuing school year, unless the school board in charge of such school gave such teacher notice in writing before July 1 of the termination of such employment.

(c) A teacher electing to have an employment contract based on the extended school calendar under section 120A.415 must participate in staff development training under subdivision 4a and shall receive an increased base salary.

**[EFFECTIVE DATE.]** This section is effective for the 2001-2002 school year and thereafter.

Sec. 8. Minnesota Statutes 2000, section 122A.41, is amended by adding a subdivision to read:

Subd. 4a. [ADDITIONAL STAFF DEVELOPMENT AND SALARY.] (a) A teacher electing to have a continuing contract based on the extended school calendar under section 120A.415 must participate in a total number of staff development days where the total number of such days equals the difference between the total number of days of student instruction and 240 days. Staff development includes peer mentoring, peer gathering, continuing education, professional development, or other training. A school board may schedule such days throughout the calendar year. Staff development programs provided during such days shall enable teachers to achieve the staff development outcomes under section 122A.60, subdivision 3.

(b) A public employer and the exclusive representative of the teachers must include terms in the collective bargaining agreement for all teachers who participate in additional staff development days under paragraph (a) that increase base salaries.

**[EFFECTIVE DATE.]** This section is effective for the 2001-2002 school year and thereafter."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

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

Page 36, after line 10, insert:

"Sec. 9. [123B.305] [REASONABLE ACCESS; DISTRIBUTION OF WRITTEN MATERIALS; OFF-TIME USE OF SCHOOL FACILITIES.]

(a) A public school district may adopt a policy to give charitable nonprofit organizations that provide programs or services to children or youth with reasonable access to the school's facilities for the purpose of distributing written materials appropriate to the school setting. A district is not required to distribute written materials that disrupt the school's educational program. If a school adopts a policy it must not deny a charitable nonprofit organization reasonable access under this paragraph based on the organization's membership, policies or ideological views.

(b) A public school must apply the same conditions to all charitable nonprofit organizations that seek off-time use of the school's facilities and must not deny the organization access to the school's facilities because of the organization's membership, policies or ideological views.

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

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 28 and nays 36, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Larson	Olson	Schwab
Belanger	Johnson, Debbie	Lesewski	Pariseau	Stevens
Berg	Kierlin	Lessard	Reiter	Terwilliger
Day	Kiscaden	Limmer	Robertson	Vickerman
Dille	Kleis	Neuville	Robling	
Fischbach	Knutson	Oliver	Scheevel	

Those who voted in the negative were:

Anderson	Johnson, Dave	Lourey	Price	Stumpf
Berglin	Johnson, Dean	Marty	Ranum	Tomassoni
Betzold	Johnson, Doug	Metzen	Rest	Wiener
Chaudhary	Kelley, S.P.	Moe, R.D.	Ring	Wiger
Cohen	Kelly, R.C.	Murphy	Sabo	
Fowler	Kinkel	Orfield	Sams	
Higgins	Krentz	Pappas	Samuelson	
Hottinger	Langseth	Pogemiller	Scheid	

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

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

Page 110, after line 14, insert:

"Sec. 4. Minnesota Statutes 2000, section 121A.23, subdivision 1, is amended to read:

Subdivision 1. [SEXUALLY TRANSMITTED DISEASES PROGRAM.] The commissioner of children, families, and learning, in consultation with the commissioner of health, shall assist districts in developing and implementing a program to prevent and reduce the risk of sexually transmitted infections and diseases, including but not exclusive to human immune deficiency virus and human papilloma virus. Each district must have a program that includes at least:

- (1) planning materials, guidelines, and other technically accurate and updated information;
- (2) a ~~comprehensive, technically accurate, and updated curriculum that includes helping students to abstain from sexual activity until marriage~~ educating students that abstinence from sexual activity outside of marriage is the expected standard and explaining the value and significance of the institution of marriage;
- (3) cooperation and coordination among districts and SCs;
- (4) a targeting of adolescents, especially those who may be at high risk of contracting sexually transmitted infections and diseases, for prevention efforts;
- (5) involvement of parents and other community members;
- (6) in-service training for appropriate district staff and school board members;
- (7) collaboration with state agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program;
- (8) collaboration with local community health services, agencies and organizations having a sexually transmitted infection and disease prevention or sexually transmitted infection and disease risk reduction program; and
- (9) participation by state and local student organizations.

The department may provide assistance at a neutral site to a nonpublic school participating in a district's program. District programs must not conflict with the health and wellness curriculum developed under Laws 1987, chapter 398, article 5, section 2, subdivision 7.

If a district fails to develop and implement a program to prevent and reduce the risk of sexually transmitted infection and disease, the department must assist the service cooperative in the region serving that district to develop or implement the program."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

S.F. No. 866 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 60 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Day	Limmer	Oliver	Reiter
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So the bill, as amended, was passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

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

### MESSAGES FROM THE HOUSE

Mr. President:

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

**S.F. No. 1326:** A joint resolution relating to redistricting; establishing districting principles for legislative and congressional plans.

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

Paulsen, Knoblach and Pelowski.

Senate File No. 1326 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 3, 2001

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1261:

**H.F. No. 1261:** A bill for an act relating to the operation of state government; continuing a task force on agency purchases from correctional industries; requiring an annual report from the department of corrections; providing certification standards for juvenile facilities; requiring standards for chemical dependency treatment programs; requiring the commissioner of corrections to establish a health care peer review committee; requiring commissioner of corrections to contract with commissioner of human services for background studies of individuals providing services in certain facilities; removing certain obsolete provisions in correction law; clarifying responsibilities and updating language in law governing correctional psychiatric unit; authorizing a corrections agent to request a review of an offender's risk level based on offender behavior in the community; providing for investigation of deaths occurring in correctional facilities; requiring judges to determine if offenders are eligible for challenge incarceration programs based upon correctional department criteria; defining criminal sexual conduct to include certain employees working in correctional facilities; requiring mandatory sex offender assessments for repeat offenders; providing that human immunodeficiency virus testing data of sex offenders to be maintained in correctional medical records; amending Minnesota Statutes 2000, sections 16B.181, subdivision 2; 241.016, subdivision 1; 241.018; 241.021, subdivisions 1, 4, 4a, 6, by adding a subdivision; 241.67, subdivision 8; 241.69; 242.32, subdivision 1a; 243.05, subdivision 6; 243.51, subdivision 2; 243.53, subdivision 1; 244.052, subdivision 3; 244.17, subdivision 1; 244.173; 390.11, subdivision 1, by adding a subdivision; 390.32, by adding a subdivision; 609.105, by adding a subdivision; 609.341, subdivision 11; 609.344, subdivision 1; 609.345, subdivision 1; 609.3452, subdivision 1, by adding subdivisions; 611A.19; Laws 1996, chapter 463, section 16, subdivision 3, as amended; repealing Minnesota Statutes 2000, sections 241.016, subdivision 2; 241.018; 241.19; 241.272, subdivision 7; 242.51.

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

Bishop, Tuma and Hilstrom have been appointed as such committee on the part of the House.

House File No. 1261 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 May 3, 2001

Senator Chaudhary moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1261, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 1515.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 3, 2001

### FIRST READING OF HOUSE BILLS

The following bill was read the first time.

**H.F. No. 1515:** A bill for an act relating to education; providing for family and early childhood education; modifying Head Start program; consolidating child care assistance programs; modifying early childhood screening, early childhood family education, and school readiness programs; directing allocation of federal child care development funds; consolidating certain advisory councils; establishing youth after-school enrichment program; modifying adult basic education program; requiring a report; providing for early childhood program evaluation; making various clarifying and technical changes; appropriating money; amending Minnesota Statutes



2000, sections 119A.12, by adding subdivisions; 119A.13, subdivision 4; 119A.21; 119A.22; 119A.51, by adding a subdivision; 119A.52; 119A.53; 119B.011, subdivisions 5, 7, 11, 12, 18, 19, by adding subdivisions; 119B.02, subdivisions 1, 2, 3, by adding subdivisions; 119B.061, subdivisions 1, 2, 4, 5; 121A.17, subdivision 1; 121A.30; 124D.135, by adding subdivisions; 124D.16, subdivision 2, by adding subdivisions; 124D.19, by adding subdivisions; 124D.20, subdivisions 1, 5, by adding a subdivision; 124D.221, subdivisions 1, 2, by adding a subdivision; 124D.518, subdivision 5; 124D.52, subdivision 2; 124D.522; 124D.531, subdivisions 1, 3, 7; 125A.28; 125B.20, subdivision 1; 134.31, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 119A; 119B; 124D; 134; repealing Minnesota Statutes 2000, sections 119A.13, subdivisions 1, 2, 3; 119A.14, subdivision 2; 119A.23; 119B.011, subdivision 20; 119B.03; 119B.04; 119B.05; 119B.06; 119B.07; 119B.074; 119B.08; 119B.09; 119B.10; 119B.11; 119B.12; 119B.13; 119B.14; 119B.15; 119B.16; 124D.16, subdivision 4; 124D.33; 124D.331; 125B.20, subdivision 3; Minnesota Rules, parts 3530.2610; 3530.2612; 3530.2614; 3530.2616; 3530.2618; 3530.2620; 3530.2622; 3530.2624; 3530.2626; 3530.2628; 3530.2630; 3530.2632; 3530.2634; 3530.2636; 3530.2638; 3530.2640; 3530.2642; 3530.2644.

Senator Moe, R.D. moved that H.F. No. 1515 be laid on the table. The motion prevailed.

### REPORTS OF COMMITTEES

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

#### **Senator Johnson, Doug from the Committee on Finance, to which was re-referred**

**S.F. No. 179:** A bill for an act relating to civil commitment; modifying a definition; modifying the standard for an emergency or judicial hold; extending the potential hospitalization stay under early intervention; requiring certain hearings on neuroleptic medications to be combined with a civil commitment proceeding; amending Minnesota Statutes 2000, sections 253B.02, subdivision 13; 253B.05, subdivision 1; 253B.066, subdivision 1; 253B.07, subdivisions 2, 7.

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

Pages 1 and 2, delete sections 1 and 2

Pages 4 and 5, delete section 5

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to civil commitment; requiring certain hearings on neuroleptic medications to be combined with a civil commitment proceeding; amending Minnesota Statutes 2000, sections 253B.066, subdivision 1; 253B.07, subdivision 2."

And when so amended the bill do pass. Amendments adopted. Report adopted.

### SECOND READING OF SENATE BILLS

S.F. No. 179 was read the second time.

### 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. 1261: Senators Chaudhary, Ranum and Schwab.

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Senator Moe, R.D. moved that S.F. No. 1402 be taken from the table and referred to the Committee on Rules and Administration. The motion prevailed.

**S.F. No. 1402:** A bill for an act relating to capital improvements; authorizing spending for public purposes, including, but not limited to, acquiring and bettering public land and buildings and other public improvements of a capital nature with certain conditions; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 2000, sections 16B.335, subdivision 3; 103F.161, subdivision 3; 123A.443, subdivision 1; 136F.60, subdivision 2; 446A.072, subdivision 4; Laws 1998, chapter 404, section 23, subdivision 30.

Senator Moe, R.D. moved that H.F. No. 1266 be taken from the table and referred to the Committee on Rules and Administration. The motion prevailed.

**H.F. No. 1266:** A bill for an act relating to agriculture; providing funding for the department of agriculture, the board of animal health, the Minnesota horticultural society, and the agricultural utilization research institute; changing certain fees and charges; creating, extending, and expanding certain programs; establishing, changing, and clarifying terms and procedures; refunding certain fines; providing a civil penalty; appropriating money; amending Minnesota Statutes 2000, sections 17.102, subdivision 3; 17.1025; 17.117; 17.85; 18B.065, subdivision 5; 18E.04, subdivisions 2, 4, 5; 28A.04, subdivision 1; 32.394, subdivision 8e; 38.02, subdivision 1; 41A.09, subdivision 2a; 103B.3369, subdivision 5; 116.07, subdivision 7; 116O.09, subdivision 1a; 169.871, subdivision 1; 169.872, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 17; 41A; repealing Minnesota Statutes 2000, section 31.11, subdivision 2.

**Senators Bachmann, Neville, Olson, Limmer and Sams introduced--**

**Senate Resolution No. 128:** A Senate resolution recognizing May 3, 2001, as a Day of Prayer in Minnesota.

Referred to the Committee on Rules and Administration.

**Senators Ranum; Moe, R.D.; Chaudhary; Cohen and Hottinger introduced--**

**Senate Resolution No. 129:** A Senate resolution in honor of the forthcoming inaugural visit to Minnesota of His Holiness the Fourteenth Dalai Lama on the 8th and 9th of May, in the year 2001.

Referred to the Committee on Rules and Administration.

**Senator Sabo introduced--**

**Senate Resolution No. 130:** A Senate resolution honoring the 2000-2001 Augsburg College Wrestling Team.

Referred to the Committee on Rules and Administration.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Senators Stevens, Kleis and Fischbach introduced--**

**S.F. No. 2366:** A resolution memorializing the governor to declare a flood emergency.

Referred to the Committee on Rules and Administration.

**MEMBERS EXCUSED**

Senator Wiener was excused from the Session of today from 9:00 a.m. to 12:50 p.m. Senator Cohen was excused from the Session of today from 12:10 to 1:05 p.m. Senator Berg was excused from the Session of today from 12:20 to 1:20 p.m. Senator Higgins was excused from the Session of today from 1:00 to 2:00 p.m. Senators Berglin; Johnson, Dave and Johnson, Doug were excused from the Session of today from 1:30 to 2:00 p.m. Senator Bachmann was excused from the Session of today from 2:45 to 3:05 p.m. Senator Ourada was excused from the Session of today at 3:00 p.m. Senator Murphy was excused from the Session of today from 3:45 to 5:00 p.m. Senator Solon was excused from the Session of today at 4:25 p.m.

**ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Friday, May 4, 2001. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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