

STATE OF MINNESOTA

Journal of the Senate

EIGHTY-THIRD LEGISLATURE

—————
FORTY-EIGHTH DAY

St. Paul, Minnesota, Friday, May 2, 2003

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Peter Nord.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

March 3, 2003

The Honorable James P. Metzen
President of the Senate

Dear Senator Metzen:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

METROPOLITAN COUNCIL

District One: Roger Scherer, 12001 Bass Lake Rd., Plymouth, in the county of Hennepin.

District Two: Tony Pistilli, 4309 Edinbrook Terrace N., Brooklyn Park, in the county of Hennepin.

District Three: Mary Hill Smith, 515 N. Ferndale Rd., Wayzata, in the county of Hennepin.

District Four: Julius C. Smith, 1185 Gallery Ln., Chaska, in the county of Carver.

District Five: Russell Susag, 7305 1st Ave. S., Richfield, in the county of Hennepin.

District Six: Margaret "Peggy" Leppik, 7500 Western Ave., Golden Valley, in the county of Hennepin.

District Seven: Annette Meeks, 19 S. 1st St., B-1501, Minneapolis, in the county of Hennepin.

District Eight: Lynette Wittsack, 2322 Taylor St. N.E., Minneapolis, in the county of Hennepin.

District Nine: Natalie Haas Steffen, 7007 - 164th Ave. N.W., Ramsey, in the county of Anoka.

District Ten: Duane Arens, 3137 Stinson Blvd. N.E., St. Anthony, in the county of Hennepin.

District Eleven: Marcel Eibensteiner, 14 Evergreen Ln., North Oaks, in the county of Ramsey.

District Twelve: Christopher Georgacas, 309 - 69th St. N., Mahtomedi, in the county of Washington.

District Thirteen: Song Lo Fawcett, 1075 Lombard Ave., St. Paul, in the county of Ramsey.

District Fourteen: Glen Skovholt, 1473 Grantham St., St. Paul, in the county of Ramsey.

District Fifteen: Thomas Egan, 864 Great Oaks Trl., Eagan, in the county of Dakota.

District Sixteen: Richard Aguilar, 204 Emerson Ave. E., West St. Paul, in the county of Dakota.

With the exception of Mr. Pistilli, whose effective date is March 19, 2003, the effective date of the above appointees is March 10, 2003. All sixteen members are appointed for terms that expire on January 1, 2007.

(Referred to the Committee on State and Local Government Operations.)

Sincerely,
Tim Pawlenty, Governor

MESSAGES FROM THE HOUSE

Mr. President:

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

S.F. No. 1524: A bill for an act relating to state government; appropriating money for the general legislative and administrative expenses of state government, criminal justice, and economic development; modifying provisions relating to state and local government operations; modifying certain fee and revenue provisions; modifying certain board and commission provisions; modifying certain public safety and judiciary provisions; amending Minnesota Statutes 2002, sections 3.885, subdivision 1; 3A.11, subdivision 1; 10A.02, by adding a subdivision; 10A.025, subdivision 2; 10A.04, by adding subdivisions; 10A.34, subdivision 1a, by adding a subdivision; 13.072, subdivisions 1, 2; 13.87, subdivision 3; 14.48, subdivision 3; 16A.11, subdivision 3; 16A.1285, subdivision 3; 16A.40; 16B.24, subdivision 5; 16B.465, subdivision 7; 16B.48, subdivision 2; 16B.54, by adding a subdivision; 16C.02, subdivision 6; 16C.05, subdivision 2, by adding a subdivision; 16C.06, subdivision 1; 16C.08, subdivisions 2, 3, 4, by adding a subdivision; 16D.08, subdivision 2; 16E.01, subdivision 3; 16E.07, subdivision 9; 43A.17, subdivision 9; 116J.8771; 154.18; 197.608; 239.101, subdivision 3, by adding a subdivision; 240.03; 240.10; 240.15, subdivision 6; 240.155, subdivision 1; 240A.03, subdivision

10; 240A.04; 240A.06, subdivision 1; 256B.435, subdivision 2a; 270.052; 270.44; 270A.07, subdivision 1; 271.06, subdivision 4; 289A.08, subdivision 16; 299C.10, subdivision 4, by adding a subdivision; 299C.48; 299F.46, subdivision 1, by adding subdivisions; 299M.03, by adding a subdivision; 303.14; 340A.301, by adding a subdivision; 349A.08, subdivision 5; 349A.15; 357.021, subdivisions 2, 7; 357.022; 357.08; 403.02, subdivision 10; 403.06; 403.07, subdivisions 1, 2, 3; 403.09, subdivision 1; 403.11; 403.113; 473.891, subdivision 10, by adding a subdivision; 473.898, subdivisions 1, 3; 473.901; 473.902, by adding a subdivision; 473.907, subdivision 1; 611A.72; 611A.73, subdivisions 2, 6; 611A.74; 624.22, subdivision 1; Laws 1998, chapter 366, section 80, as amended; Laws 2001, First Special Session chapter 8, article 4, section 2; proposing coding for new law in Minnesota Statutes, chapters 5; 15; 16C; 326; 473; repealing Minnesota Statutes 2002, sections 16B.50; 16C.07; 123B.73.

Senate File No. 1524 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 1, 2003

Senator Ranum moved that the Senate do not concur in the amendments by the House to S.F. No. 1524, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1511: A bill for an act relating to higher education; appropriating money for educational and related purposes to the higher education services office, board of trustees of the Minnesota state colleges and universities, board of regents of the University of Minnesota, and the Mayo Medical Foundation with certain restrictions; making various changes to the state grant program and the college savings plan; providing for purchasing and other administrative changes at MnSCU; authorizing revenue bonds; amending Minnesota Statutes 2002, sections 124D.42, subdivision 3; 135A.14, by adding a subdivision; 136A.08, subdivision 3; 136A.101, subdivision 5a; 136A.121, subdivisions 6, 7, 9, 9a, 13; 136A.125, subdivision 4; 136A.171; 136A.29, subdivision 9; 136A.69; 136F.12; 136F.40, subdivision 2; 136F.45, subdivisions 1, 2; 136F.581, subdivision 2; 136F.59, subdivision 3; 136F.60, subdivision 3; 136G.01; 136G.03, subdivision 31, by adding subdivisions; 136G.05, subdivisions 4, 5, 10; 136G.09, subdivisions 1, 2, 6, 7, 8, 9; 136G.11, subdivisions 1, 2, 3, 9, 13; 136G.13, subdivisions 1, 3; 137.44; 299A.45, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 135A; 136F; 136G; repealing Minnesota Statutes 2002, sections 124D.95; 136A.1211; 136A.122; 136A.124; 136F.13; 136F.56; 136F.582; 136F.59, subdivision 2; 136G.03, subdivision 25.

Senate File No. 1511 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 2003

Senator Hottinger, for Senator Pappas, moved that the Senate do not concur in the amendments by the House to S.F. No. 1511, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House.

CALL OF THE SENATE

Senator Hottinger imposed a call of the Senate for the balance of the proceedings on S.F. No. 1511. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Hottinger motion. The motion prevailed.

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 779.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 29, 2003

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 748 and 1404.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 30, 2003

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 437.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 1, 2003

FIRST READING OF HOUSE BILLS

The following bills were read the first time.

H.F. No. 779: A bill for an act relating to state government; appropriating money for environmental, natural resources, agricultural, and rural development purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2002, sections 16A.531, subdivision 1, by adding a subdivision; 17.451; 17.452, subdivisions 8, 10, 11, 12, 13, by adding subdivisions; 17.4988; 18.525; 18.78; 18.79, subdivisions 2, 3, 5, 6, 9, 10; 18.81, subdivisions 2, 3; 18.84, subdivision 3; 18.86; 18B.10; 18B.26, subdivision 3; 18B.37, by adding a subdivision; 21.89, subdivision 2; 21.90, subdivision 2; 21.901; 28A.08, subdivision 3; 28A.085, subdivision 1; 28A.09, subdivision 1; 32.394, subdivisions 8, 8b, 8d; 35.155; 38.02, subdivision 1; 41A.09, subdivisions 1, 2a, 3a, by adding subdivisions; 84.027, subdivision 13; 84.029, subdivision 1; 84.085, subdivision 1; 84.091, subdivisions 2, 3; 84.0911; 84.788, subdivisions 2, 3; 84.794, subdivision 2; 84.803, subdivision 2; 84.92, subdivision 8; 84.927, subdivision 2; 84A.02; 84A.21; 84A.32, subdivision 1; 84A.55, subdivision 8; 84D.14; 85.015, by adding a subdivision; 85.04; 85.052, subdivision 3; 85.053, subdivision 1; 85.055, subdivision 1; 85A.02, subdivision 17; 88.17, subdivision 1, by adding a subdivision; 97A.015, subdivisions 24, 52; 97A.045, subdivision 7, by adding a subdivision; 97A.071, subdivision 2; 97A.075, subdivisions 1, 2, 4, by adding a subdivision; 97A.105, subdivision 1; 97A.401, subdivision 3; 97A.411, subdivision 2; 97A.441, subdivision 7, by adding a subdivision; 97A.475, subdivisions 2, 3, 4, 5, 10, 15, 26, 27, 28, 29, 30, 38, 39, 40, 42, by adding a subdivision; 97A.505, by adding subdivisions; 97B.311; 103B.231, subdivision 3a; 103B.305, subdivision 3, by adding subdivisions; 103B.311, subdivisions 1, 2, 3, 4; 103B.315, subdivisions 4, 5, 6; 103B.321, subdivisions 1, 2; 103B.325, subdivisions 1, 2; 103B.331, subdivisions 1, 2, 3; 103B.3363, subdivision 3; 103B.3369, subdivisions 2, 4, 5, 6; 103B.355; 103D.341, subdivision 2; 103D.345, by adding a subdivision; 103D.405, subdivision 2; 103D.537; 103G.005, subdivision 10e; 103G.222, subdivisions 1, 3; 103G.2242, by adding subdivisions; 103G.271, subdivisions 6, 6a, by adding a subdivision; 103G.611, subdivision 1; 103G.615, subdivision 2; 103I.235, subdivision 1; 115.03, by adding subdivisions; 115.073;

115.56, subdivision 4; 115A.0716, subdivision 3; 115A.54, by adding a subdivision; 115A.545, subdivision 2; 115A.908, subdivision 2; 115A.9651, subdivision 6; 115B.17, subdivisions 6, 7, 14, 16; 115B.19; 115B.20; 115B.22, subdivision 7; 115B.25, subdivisions 1a, 4; 115B.26; 115B.30; 115B.31, subdivisions 1, 3, 4; 115B.32, subdivision 1; 115B.33, subdivision 1; 115B.34; 115B.36; 115B.40, subdivision 4; 115B.41, subdivisions 1, 2, 3; 115B.42, subdivision 2; 115B.421; 115B.445; 115B.48, subdivision 2; 115B.49, subdivisions 1, 3; 115C.02, subdivision 14; 115C.08, subdivision 4; 115C.09, subdivision 3, by adding subdivisions; 115C.11, subdivision 1; 115C.13; 115D.12, subdivision 2; 116.03, subdivision 2; 116.07, subdivisions 4d, 4h, 7a; 116.073, subdivisions 1, 2; 116.46, by adding subdivisions; 116.49, by adding subdivisions; 116.50; 116.994; 116C.834, subdivision 1; 116D.04, subdivisions 2a, 10, 11, 13, by adding a subdivision; 116O.09, subdivisions 1, 1a, 2, 3, 9, 12, 13, by adding subdivisions; 116P.02, subdivision 1; 116P.05, subdivision 2; 116P.09, subdivisions 4, 5, 7; 116P.10; 116P.14, subdivisions 1, 2; 297A.94; 297F.10, subdivision 1; 297H.13, subdivisions 1, 2; 325E.10, subdivision 1; 469.175, subdivision 7; 473.843, subdivision 2; 473.844, subdivision 1; 473.845, subdivisions 1, 3, 7, 8; 473.846; Laws 2002, chapter 355, section 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 18; 21; 84; 84B; 97B; 103B; 115C; 116; repealing Minnesota Statutes 2002, sections 1.31; 1.32; 17.110; 18.51; 18.52; 18.53; 18.54; 18.79, subdivisions 1, 7, 11; 18.85; 41A.09, subdivisions 1a, 5a, 6, 7, 8; 84.0887; 84.98; 84.99; 93.2235; 97A.105, subdivisions 3a, 3b; 97A.485, subdivision 12; 97B.731, subdivision 2; 103B.311, subdivisions 5, 6, 7; 103B.315, subdivisions 1, 2, 3, 7; 103B.321, subdivision 3; 103B.3369, subdivision 3; 115B.02, subdivision 1a; 115B.42, subdivision 1; 297H.13, subdivisions 3, 4; 325E.112, subdivisions 2, 3; 325E.113; 473.845, subdivision 4; Minnesota Rules, parts 1510.0281; 9300.0010; 9300.0020; 9300.0030; 9300.0040; 9300.0050; 9300.0060; 9300.0070; 9300.0080; 9300.0090; 9300.0100; 9300.0110; 9300.0120; 9300.0130; 9300.0140; 9300.0150; 9300.0160; 9300.0170; 9300.0180; 9300.0190; 9300.0200; 9300.0210.

Senator Hottinger moved that H.F. No. 779 be laid on the table. The motion prevailed.

H.F. No. 748: A bill for an act relating to state government; appropriating money for economic development, housing, and certain agencies of state government; modifying programs; regulating activities and practices; modifying penalty provisions; changing terms; authorizing a registration fee; modifying displaced homemaker provisions; increasing the petroleum inspection fee; requiring uniform mandatory penalties against license holders and a licensee's employees for sales to minors; providing for mitigating circumstances in assessing penalties; modifying motor vehicle installment sales provisions; amending Minnesota Statutes 2002, sections 13.462, subdivision 2; 16B.35, subdivision 1; 17.101, subdivision 1; 41A.036, subdivision 2; 43A.24, subdivision 2; 43A.27, subdivision 2; 47.59, subdivision 4a; 60A.14, subdivision 1; 79.56, subdivisions 1, 3; 115C.02, subdivision 14; 115C.08, subdivision 4; 115C.09, subdivision 3, by adding subdivisions; 115C.11, subdivision 1; 115C.13; 116.073, subdivisions 1, 2; 116.46, by adding subdivisions; 116.49, by adding subdivisions; 116.50; 116J.011; 116J.411, by adding a subdivision; 116J.415, subdivisions 1, 2, 4, 5, 7, 11; 116J.553, subdivision 2; 116J.554, subdivision 2; 116J.64, subdivision 2; 116J.8731, subdivisions 1, 4, 5, 7; 116J.8764, by adding a subdivision; 116J.955, subdivision 2; 116J.966, subdivision 1; 116J.994, subdivision 4; 116J.995; 116L.02; 116L.04, subdivisions 1, 1a; 116L.12, subdivision 4; 116L.17, subdivisions 2, 3, 8, by adding a subdivision; 116M.14, subdivision 4; 116O.03, subdivision 2; 116O.091, subdivision 7; 116O.12; 154.18; 168.66, subdivision 14; 168.71, subdivision 2; 168.75; 175.16, subdivision 1; 177.26, subdivisions 1, 2; 178.01; 178.03, subdivisions 1, 2; 181.9435, subdivision 1; 181.9436; 216A.03, subdivision 1; 216C.41, subdivision 1; 239.10, subdivision 3; 239.101, subdivision 3; 248.10; 268A.02, by adding a subdivision; 326.105; 354D.02, subdivision 2; 461.12, subdivision 2; 461.19; 624.20, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 60A; 115C; 178; repealing Minnesota Statutes 2002, sections 13.598, subdivision 2; 116J.411, subdivision 3; 116J.415, subdivisions 6, 9, 10; 116J.693; 116J.9665; 116L.03, subdivision 7; 138.91; 155A.03, subdivisions 14, 15; 155A.07, subdivision 9; 177.26, subdivision 3; 178.11; Minnesota Rules, part 2100.9300, subpart 1.

Senator Hottinger moved that H.F. No. 748 be laid on the table. The motion prevailed.

H.F. No. 1404: A bill for an act relating to education; providing for kindergarten through grade 12 education including general education, education excellence, special programs, facilities and

technology, nutrition, school accounting, other programs, deficiencies, state agencies, and academic content standard; providing for libraries; providing for early childhood and family education including early childhood family support, prevention, and self-sufficiency; requiring a school district primary election in certain circumstances; providing for recitation of the pledge of allegiance; providing for technical amendments to certain education provisions; changing the name of the department of children, families, and learning to the department of education; providing for teacher/school board contract arbitration and post arbitration procedures; providing for rulemaking; appropriating money; amending Minnesota Statutes 2002, sections 12.21, subdivision 3; 15.01; 84A.51, subdivision 4; 119A.01, subdivision 2; 119A.02, subdivisions 2, 3; 119A.52; 119B.011, subdivisions 8, 10, 20; 120A.02; 120A.05, subdivisions 4, 7, 9; 120A.24, subdivision 4; 120A.41; 121A.11, by adding subdivisions; 121A.21; 121A.23, subdivision 1, by adding a subdivision; 121A.41, subdivision 10; 121A.50; 121A.55; 121A.64; 122A.09, subdivision 10; 122A.12, subdivisions 1, 2; 122A.18, subdivision 7a; 122A.21; 122A.22; 122A.41, subdivision 2; 122A.414, by adding a subdivision; 122A.415, subdivisions 1, 3; 122A.63, subdivision 3; 123A.06, subdivision 3; 123A.18, subdivision 2; 123A.73, subdivisions 3, 4, 5; 123B.02, subdivisions 1, 14; 123B.36, subdivision 1; 123B.49, subdivision 4; 123B.51, subdivisions 3, 4; 123B.52, by adding a subdivision; 123B.53, subdivision 4; 123B.57, subdivisions 1, 4, 6; 123B.59, subdivisions 1, 2, 3, 5, by adding a subdivision; 123B.63, subdivisions 1, 2, 3, 4; 123B.72, subdivision 3; 123B.88, subdivision 2; 123B.90, subdivisions 2, 3; 123B.91, subdivision 1; 123B.92, subdivisions 1, 3, 9; 123B.93; 124D.03, subdivision 12; 124D.081, by adding a subdivision; 124D.09, subdivisions 3, 9, 10, 13, 16, 20; 124D.10, subdivisions 2a, 3, 4, 8, 13, 16, 20, 23a; 124D.11, subdivisions 1, 2, 4, 6, 9; 124D.118, subdivision 4; 124D.128, subdivisions 3, 6; 124D.13, subdivisions 2, 4, 8, 11; 124D.135, subdivisions 1, 8; 124D.15, subdivision 7; 124D.16, subdivisions 1, 6; 124D.19, subdivision 3; 124D.20, subdivisions 3, 5, by adding subdivisions; 124D.22, subdivision 3; 124D.42, subdivision 6; 124D.454, subdivisions 1, 2, 3, 8, 10, by adding a subdivision; 124D.52, subdivisions 1, 3; 124D.531, subdivisions 1, 2, 4, 7; 124D.59, subdivision 2; 124D.65, subdivision 5; 124D.86, subdivisions 1a, 3, 4, 5, 6; 125A.05; 125A.12; 125A.21, subdivision 2; 125A.28; 125A.30; 125A.76, subdivisions 1, 4; 125A.79, subdivisions 1, 6; 125B.21; 126C.05, subdivisions 1, 8, 14, 15, 16, 17, by adding a subdivision; 126C.10, subdivisions 1, 3, 4, 17, 18, 24, 28, by adding subdivisions; 126C.13, subdivision 4; 126C.15, subdivision 1; 126C.17, subdivisions 1, 2, 5, 7, 7a, 9, 13; 126C.21, subdivision 3; 126C.40, subdivision 1; 126C.42, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44; 126C.45; 126C.457; 126C.48, subdivision 3; 126C.55, subdivision 5; 126C.63, subdivisions 5, 8; 126C.69, subdivisions 2, 9; 127A.05, subdivisions 1, 3, 4; 127A.45, subdivisions 2, 3, 7a, 10, 12, 13, 14, 14a, 16; 127A.47, subdivisions 7, 8; 127A.49, subdivisions 2, 3; 128C.05, by adding a subdivision; 128D.11, subdivision 8; 134.34, subdivision 4; 169.26, subdivision 3; 169.28, subdivision 1; 169.435; 169.449, subdivision 1; 169.4501, subdivisions 3, 4; 169.4503, subdivision 4; 169.454, subdivision 6; 169.973, subdivision 1; 171.321, subdivision 5; 177.42, subdivision 2; 178.02, subdivision 1; 205A.03, subdivisions 1, 3, 4; 205A.06, subdivision 1a; 268.052, subdivisions 2, 4; 273.138, subdivision 6; 298.28, subdivision 4; 475.61, subdivisions 1, 3, 4; Laws 1965, chapter 705, as amended; Laws 2001, First Special Session chapter 6, article 2, section 64; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 123B; 124D; 125A; 126C; repealing Minnesota Statutes 2002, sections 15.014, subdivision 3; 93.22, subdivision 2; 93.223, subdivision 1; 119A.01, subdivision 1; 120B.23; 121A.49; 122A.60; 122A.61; 122A.62; 122A.64; 122A.65; 123A.73, subdivisions 7, 10, 11; 123B.05; 123B.59, subdivisions 6, 7; 123B.81, subdivision 6; 123B.90, subdivision 1; 124D.09, subdivision 15; 124D.115; 124D.1156; 124D.17; 124D.21; 124D.221; 124D.54; 124D.65, subdivision 4; 124D.84, subdivision 2; 124D.89; 124D.93; 125A.023, subdivision 5; 125A.09; 125A.47; 125A.79, subdivision 2; 125B.11; 126C.01, subdivision 4; 126C.05, subdivision 12; 126C.12; 126C.125; 126C.14; 126C.445; 126C.55, subdivision 5; 127A.41, subdivision 6; 144.401, subdivision 5; 169.441, subdivision 4; 239.004; Laws 1993, chapter 224, article 8, section 20, subdivision 2, as amended; Laws 2000, chapter 489, article 2, section 36, as amended; Laws 2001, First Special Session chapter 3, article 4, sections 1, 2; Laws 2001, First Special Session chapter 6, article 2, section 52; Laws 2001, First Special Session chapter 6, article 5, section 12, as amended; Minnesota Rules, parts 3500.0600; 3520.0400; 3520.1400; 3520.3300; 3530.1500; 3530.2700; 3530.4400; 3530.4500; 3530.4700; 3550.0100.

Senator Hottinger moved that H.F. No. 1404 be laid on the table. The motion prevailed.

H.F. No. 437: A bill for an act relating to state government; making changes to public assistance programs, health care programs, long-term care, continuing care for persons with disabilities, human services licensing, county initiatives, and children's services; establishing the Community Services Act; changing estate recovery provisions for medical assistance; changing health department provisions; modifying local public health grants; changing child care provisions; making forecast adjustments; appropriating money; amending Minnesota Statutes 2002, sections 16A.724; 61A.072, subdivision 6; 62A.315; 62A.48, by adding a subdivision; 62A.49, by adding a subdivision; 62A.65, subdivision 7; 62D.095, subdivision 2, by adding a subdivision; 62J.692, subdivision 4, by adding a subdivision; 62Q.19, subdivision 1; 62S.22, subdivision 1; 69.021, subdivision 11; 119B.011, subdivisions 5, 6, 15, 19, 21, by adding subdivisions; 119B.02, subdivision 1; 119B.03, subdivision 9; 119B.05, subdivision 1; 119B.08, subdivision 3; 119B.09, subdivisions 1, 2, 7, by adding subdivisions; 119B.11, subdivision 2a; 119B.12, subdivision 2; 119B.13, subdivisions 1, 2, 6, by adding subdivisions; 119B.16, subdivision 2, by adding subdivisions; 119B.19, subdivision 7; 119B.21, subdivision 11; 119B.23, subdivision 3; 124D.23, subdivision 2; 144.1222, by adding a subdivision; 144.125; 144.128; 144.1483; 144.1488, subdivision 4; 144.1491, subdivision 1; 144.1502, subdivision 4; 144.343, subdivision 1; 144.551, subdivision 1; 144A.04, subdivision 3, by adding a subdivision; 144A.071, subdivision 4a; 144A.10, by adding a subdivision; 144A.4605, subdivision 4; 144E.11, subdivision 6; 145.88; 145.881, subdivision 2; 145.882, subdivisions 1, 2, 3, 7, by adding a subdivision; 145.883, subdivisions 1, 9; 145A.02, subdivisions 5, 6, 7; 145A.06, subdivision 1; 145A.09, subdivisions 2, 4, 7; 145A.10, subdivisions 2, 10, by adding a subdivision; 145A.11, subdivisions 2, 4; 145A.12, subdivisions 1, 2, by adding a subdivision; 145A.13, by adding a subdivision; 145A.14, subdivision 2, by adding a subdivision; 147A.08; 148.5194, subdivisions 1, 2, 3, by adding a subdivision; 148.6445, subdivision 7; 153A.17; 174.30, subdivision 1; 179A.03, subdivision 7; 245.4932, subdivision 1; 245A.035, subdivision 3; 245A.04, subdivisions 3, 3b, 3d; 245A.09, subdivision 7; 245A.10; 245A.11, subdivisions 2a, 2b, by adding a subdivision; 245B.03, subdivision 2, by adding a subdivision; 245B.04, subdivision 2; 245B.06, subdivisions 2, 5, 8; 245B.07, subdivisions 6, 9, 11; 245B.08, subdivision 1; 246.54; 252.27, subdivision 2a; 252.32, subdivisions 1, 1a, 3, 3c; 252.41, subdivision 3; 252.46, subdivision 1; 253B.04, subdivision 1; 253B.05, subdivision 3; 256.01, subdivision 2; 256.012; 256.046, subdivision 1; 256.0471, subdivision 1; 256.476, subdivisions 3, 4, 5; 256.482, subdivision 8; 256.935, subdivision 1; 256.955, subdivisions 2a, 3, by adding subdivisions; 256.9657, subdivisions 1, 4, by adding a subdivision; 256.969, subdivisions 2b, 3a; 256.975, by adding a subdivision; 256.9754, subdivisions 2, 3, 4, 5; 256.98, subdivisions 3, 4, 8; 256.984, subdivision 1; 256B.055, by adding a subdivision; 256B.056, subdivisions 1a, 1c, 6; 256B.057, subdivisions 1, 2, 3b, 9, 10; 256B.0595, subdivisions 1, 2, by adding subdivisions; 256B.06, subdivision 4; 256B.061; 256B.0621, subdivision 4; 256B.0623, subdivisions 2, 4, 5, 6, 8; 256B.0625, subdivisions 5a, 9, 13, 17, 18a, 19c, 20, 23, by adding subdivisions; 256B.0627, subdivisions 1, 4, 9; 256B.0635, subdivisions 1, 2; 256B.064, subdivision 2; 256B.0911, subdivisions 3, 4d; 256B.0913, subdivisions 2, 4, 5, 6, 7, 8, 10, 12; 256B.0915, subdivision 3, by adding a subdivision; 256B.092, subdivisions 1a, 5; 256B.0945, subdivisions 2, 4; 256B.095; 256B.0951, subdivisions 1, 2, 3, 5, 7, 9; 256B.0952, subdivision 1; 256B.0953, subdivision 2; 256B.0955; 256B.15, subdivisions 1, 1a, 2, 3, 4, by adding subdivisions; 256B.19, subdivision 1; 256B.195, subdivisions 4, 5; 256B.31; 256B.32, subdivision 1; 256B.431, subdivisions 2r, 32, 36, by adding subdivisions; 256B.434, subdivisions 4, 10; 256B.47, subdivision 2; 256B.48, subdivision 1; 256B.501, subdivision 1, by adding a subdivision; 256B.5012, by adding a subdivision; 256B.5013, subdivision 4; 256B.5015; 256B.69, subdivisions 2, 4, 5a, 5c, by adding subdivisions; 256B.75; 256B.76; 256B.761; 256B.82; 256D.03, subdivisions 3, 3a, 4; 256D.06, subdivision 2; 256D.44, subdivision 5; 256D.46, subdivisions 1, 3; 256D.48, subdivision 1; 256F.10, subdivision 6; 256F.13, subdivisions 1, 2; 256G.05, subdivision 2; 256I.02; 256I.04, subdivision 3; 256I.05, subdivisions 1, 1a, 7c; 256J.01, subdivision 5; 256J.02, subdivision 2; 256J.021; 256J.08, subdivisions 35, 65, 82, 85, by adding subdivisions; 256J.09, subdivisions 2, 3, 3a, 3b, 8, 10; 256J.14; 256J.20, subdivision 3; 256J.21, subdivisions 1, 2; 256J.24, subdivisions 3, 5, 6, 7, 10; 256J.30, subdivision 9; 256J.31, subdivision 4; 256J.32, subdivisions 2, 4, 5a, by adding a subdivision; 256J.37, subdivision 9, by adding subdivisions; 256J.38, subdivisions 3, 4; 256J.40; 256J.42, subdivisions 4, 5, 6; 256J.425, subdivisions 1, 1a, 2, 3, 4, 6, 7; 256J.45, subdivision 2; 256J.46, subdivisions 1, 2, 2a; 256J.49, subdivisions 4, 5, 9, 13, by adding subdivisions; 256J.50, subdivisions 1, 8, 9, 10; 256J.51, subdivisions 1, 2, 3, 4; 256J.53, subdivisions 1, 2, 5; 256J.54, subdivisions 1, 2, 3, 5; 256J.55,

subdivisions 1, 2; 256J.56; 256J.57; 256J.62, subdivision 9; 256J.645, subdivision 3; 256J.66, subdivision 2; 256J.67, subdivisions 1, 3; 256J.69, subdivision 2; 256J.75, subdivision 3; 256J.751, subdivisions 1, 2, 5; 256L.02, by adding a subdivision; 256L.03, subdivisions 1, 3, 5; 256L.04, subdivision 1; 256L.05, subdivisions 1, 3, 3a, 3c, 4; 256L.06, subdivision 3; 256L.07, subdivisions 1, 2, 3; 256L.09, subdivision 4; 256L.12, subdivisions 6, 9, by adding subdivisions; 256L.15, subdivisions 1, 2, 3; 256L.17, subdivision 2; 257.05; 259.67, subdivision 4; 260C.141, subdivision 2; 261.035; 261.063; 295.55, subdivision 2; 326.42; 393.07, subdivisions 1, 5, 10; 466.03, subdivision 6d; 514.981, subdivision 6; 518.167, subdivision 1; 518.551, subdivision 7; 518.6111, subdivisions 2, 3, 4, 16; 524.3-805; 626.559, subdivision 5; 641.15, subdivision 2; Laws 1997, chapter 203, article 9, section 21, as amended; proposing coding for new law as Minnesota Statutes, chapter 256M; proposing coding for new law in Minnesota Statutes, chapters 62S; 119B; 144; 144A; 145; 145A; 148C; 256; 256B; 256D; 256I; 256J; 514; repealing Minnesota Statutes 2002, sections 16A.151, subdivision 5; 16A.87; 62J.17; 62J.66; 62J.68; 62J.694; 119B.061; 144.126; 144.1484; 144.1494; 144.1495; 144.1496; 144.1497; 144.395; 144.396; 144.401; 144.9507, subdivision 3; 144A.071, subdivision 5; 144A.35; 144A.36; 144A.38; 145.56, subdivision 2; 145.882, subdivisions 4, 5, 6, 8; 145.883, subdivisions 4, 7; 145.884; 145.885; 145.886; 145.888; 145.889; 145.890; 145.9266, subdivisions 2, 4, 5, 6, 7; 145.928, subdivision 9; 145A.02, subdivisions 9, 10, 11, 12, 13, 14; 145A.09, subdivision 6; 145A.10, subdivisions 5, 6, 8; 145A.11, subdivision 3; 145A.12, subdivisions 3, 4, 5; 145A.14, subdivisions 3, 4; 145A.17, subdivisions 2, 9; 148.5194, subdivision 3a; 148.6445, subdivision 9; 245.4712, subdivision 2; 245.478; 245.4886; 245.4888; 245.496; 245.714; 252.32, subdivision 2; 254A.17; 256.955, subdivision 8; 256.973; 256.9772; 256B.055, subdivision 10a; 256B.056, subdivision 3c; 256B.057, subdivision 1b; 256B.0625, subdivisions 35, 36; 256B.0928; 256B.0945, subdivisions 6, 7, 8, 9, 10; 256B.195, subdivision 5; 256B.437, subdivision 2; 256B.83; 256E.01; 256E.02; 256E.03; 256E.04; 256E.05; 256E.06; 256E.07; 256E.08; 256E.081; 256E.09; 256E.10; 256E.11; 256E.115; 256E.13; 256E.14; 256E.15; 256F.01; 256F.02; 256F.03; 256F.04; 256F.05; 256F.06; 256F.07; 256F.08; 256F.10, subdivision 7; 256F.11; 256F.12; 256F.14; 256J.02, subdivision 3; 256J.08, subdivisions 28, 70; 256J.24, subdivision 8; 256J.30, subdivision 10; 256J.462; 256J.47; 256J.48; 256J.49, subdivisions 1a, 2, 6, 7; 256J.50, subdivisions 2, 3, 3a, 5, 7; 256J.52; 256J.62, subdivisions 1, 2a, 4, 6, 7, 8; 256J.625; 256J.655; 256J.74, subdivision 3; 256J.751, subdivisions 3, 4; 256J.76; 256K.30; 256L.02, subdivision 3; 256L.04, subdivision 9; 257.075; 257.81; 260.152; 626.562; Laws 1998, chapter 407, article 4, section 63; Laws 2000, chapter 488, article 10, section 29; Laws 2001, First Special Session chapter 3, article 1, section 16; Laws 2001, First Special Session chapter 9, article 13, section 24; Laws 2002, chapter 374, article 9, section 8; Minnesota Rules, parts 4705.0100; 4705.0200; 4705.0300; 4705.0400; 4705.0500; 4705.0600; 4705.0700; 4705.0800; 4705.0900; 4705.1000; 4705.1100; 4705.1200; 4705.1300; 4705.1400; 4705.1500; 4705.1600; 4736.0010; 4736.0020; 4736.0030; 4736.0040; 4736.0050; 4736.0060; 4736.0070; 4736.0080; 4736.0090; 4736.0120; 4736.0130; 4763.0100; 4763.0110; 4763.0125; 4763.0135; 4763.0140; 4763.0150; 4763.0160; 4763.0170; 4763.0180; 4763.0190; 4763.0205; 4763.0215; 4763.0220; 4763.0230; 4763.0240; 4763.0250; 4763.0260; 4763.0270; 4763.0285; 4763.0295; 4763.0300; 9505.0324; 9505.0326; 9505.0327; 9505.3045; 9505.3050; 9505.3055; 9505.3060; 9505.3068; 9505.3070; 9505.3075; 9505.3080; 9505.3090; 9505.3095; 9505.3100; 9505.3105; 9505.3107; 9505.3110; 9505.3115; 9505.3120; 9505.3125; 9505.3130; 9505.3138; 9505.3139; 9505.3140; 9505.3680; 9505.3690; 9505.3700; 9545.2000; 9545.2010; 9545.2020; 9545.2030; 9545.2040; 9550.0010; 9550.0020; 9550.0030; 9550.0040; 9550.0050; 9550.0060; 9550.0070; 9550.0080; 9550.0090; 9550.0091; 9550.0092; 9550.0093.

Senator Hottinger moved that H.F. No. 437 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Senator Hottinger moved that the Committee Reports at the Desk be now adopted, with the exception of the reports pertaining to appointments. The motion prevailed.

Senator Cohen from the Committee on Finance, to which was referred

S.F. No. 552: A bill for an act relating to claims against the state; providing for payment of various claims; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. [ATTORNEY GENERAL.]

The attorney general shall pay \$33,190 to Kristin King Stapleton for losses not recovered from the client security board. This payment must come from the attorney general's existing appropriation.

Sec. 2. [DEPARTMENT OF CORRECTIONS.]

Subdivision 1. [COMMUNITY SERVICE AND SENTENCING TO SERVICE WORK.] The amounts in this subdivision are appropriated from the general fund to the commissioner of corrections in fiscal year 2004 as full and final payment under Minnesota Statutes, section 3.739, of claims against the state for injuries suffered by and medical services provided to individuals who were injured while performing community service or sentencing to service work for correctional purposes.

(a) For claims under \$500 each and other claims already paid by the department, \$23,352.42.

(b) For medical services provided to Jeffrey Ferraro, who was injured while performing sentencing to service work in Polk county, \$2,894.39.

(c) For payment to Vernon Mizer for a permanent partial disability suffered while performing sentencing to service work in Goodhue county, \$7,432.

(d) For payment to Michael Pierce for a permanent partial disability suffered while performing sentencing to service work ordered by the Itasca county district court, \$7,200, and for medical services provided as a result of that injury, \$506.16.

Subd. 2. [INDEPENDENT MEDICAL EXAMINATIONS.] \$3,150 is appropriated to the commissioner of corrections in fiscal year 2004 as reimbursement for the costs of independent medical examinations provided to injured persons making legislative claims.

Subd. 3. [INMATE INJURIES.] The amounts in this subdivision are appropriated from the general fund to the commissioner of corrections in fiscal year 2004 as full and final payment of claims against the state for permanent partial disabilities suffered while performing assigned duties in the Minnesota correctional facility-Faribault.

(a) To Andrew McNaney, \$4,880.

(b) To Roberto Ramos, \$5,144.

Sec. 3. [DEPARTMENT OF NATURAL RESOURCES.]

Subdivision 1. [BODE CLAIM.] (a) The department of natural resources shall pay from its existing appropriation the amount required to restore tiling on the farm of Linda and Judy Bode in Nicollet, Minnesota, that was destroyed by the department in 1992 and 1993, as a full and final settlement of their claim against the state. The payment must be no more than \$26,000.

(b) As determined by the Nicollet county hearings unit in 1980, the wetlands on the Bode farm is separate from the wetlands on the neighboring farm and is less than ten acres in size.

Subd. 2. [WADDELL CLAIM.] \$33,858.25 is appropriated from the general fund to the commissioner of natural resources in fiscal year 2004 for payment to Craig Waddell, of Remer, Minnesota, as a full and final settlement of his claim against the state for losses suffered because of a moratorium imposed on raising logs from Minnesota lake bottoms.

Sec. 4. [DEPARTMENT OF REVENUE.]

\$38,843 is appropriated from the health care access fund to the commissioner of revenue in

fiscal year 2004 for payment to Forest Pharmaceuticals, Inc., of St. Louis, Missouri, as a full and final settlement of its claim against the department for overpayment of MinnesotaCare taxes.

Sec. 5. [DEPARTMENT OF TRANSPORTATION.]

The payment by the department of transportation of \$2,500 from the trunk highway fund to Daniel and Florence Piekarski of Little Falls, Minnesota, as a full and final settlement of their claim against the department for costs of conversion to municipal water because of groundwater contamination, is authorized.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after the semicolon insert "authorizing a payment; confirming a decision;"

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

Senator Pogemiller from the Committee on Taxes, to which was referred

S.F. No. 1528: A bill for an act relating to education; providing for family and early childhood and kindergarten through grade 12 education, including general education, special programs, education reform, facilities and technology, fund transfers, nutrition programs, libraries, prevention, self-sufficiency and lifelong learning, state agencies, administrative amendment and repeal of certain provisions, technical amendments, repeal of profile of learning, and statewide accountability; providing for rulemaking; appropriating money; amending Minnesota Statutes 2002, sections 12.21, subdivision 3; 13.485, by adding a subdivision; 84A.51, subdivision 4; 119A.52; 119A.53; 119B.011, subdivision 20; 120A.05, subdivisions 9, 11; 120A.24, subdivision 4; 120A.41; 120B.02; 120B.30, subdivision 1; 120B.35, by adding a subdivision; 121A.21; 121A.23; 121A.41, subdivision 10; 121A.55; 121A.61, subdivision 3; 121A.64; 122A.09, subdivision 4; 122A.18, subdivision 7a; 122A.21; 122A.22; 122A.40, subdivision 5; 122A.41, subdivision 2; 122A.413; 122A.414, by adding a subdivision; 122A.415, subdivision 3; 122A.46, subdivision 9; 122A.63, subdivision 3; 123A.06, subdivision 3; 123A.18, subdivision 2; 123A.73, subdivisions 3, 4, 5; 123B.02, subdivision 1; 123B.14, subdivision 1; 123B.51, subdivisions 3, 4; 123B.53, subdivision 4; 123B.54; 123B.57, subdivisions 1, 2, 4, 6; 123B.59, subdivisions 1, 2, 3, 5, by adding a subdivision; 123B.62; 123B.63, subdivisions 1, 2, 3, 4; 123B.71, subdivisions 4, 9; 123B.72, subdivision 3; 123B.75, subdivision 5; 123B.88, subdivision 2; 123B.90, subdivisions 2, 3; 123B.91, subdivision 1; 123B.92, subdivisions 1, 3; 123B.93; 124D.03, subdivision 12; 124D.081, by adding a subdivision; 124D.09, subdivisions 3, 9, 10, 16, 20; 124D.10, subdivisions 2a, 3, 4, 13, 16, 20, 23a; 124D.11, subdivisions 1, 2, 6, 9; 124D.128, subdivision 2; 124D.13, subdivisions 4, 8; 124D.135, subdivision 8; 124D.15, subdivision 7; 124D.16, subdivisions 1, 6; 124D.19, subdivision 3; 124D.20, subdivision 5, by adding subdivisions; 124D.22, subdivision 3; 124D.454, subdivisions 1, 2, 3, 8, 10, by adding a subdivision; 124D.52, subdivision 3; 124D.531, subdivisions 1, 4, 7, by adding a subdivision; 124D.59, subdivision 2; 124D.65, subdivision 5; 124D.69, subdivision 3; 124D.86, subdivisions 1a, 3, 4, 5, 6; 124D.88, by adding a subdivision; 125A.023, subdivision 3; 125A.03; 125A.05; 125A.12; 125A.21, subdivision 2; 125A.28; 125A.30; 126C.05, subdivision 16; 126C.10, subdivisions 4, 6, 28; 126C.15, subdivision 1; 126C.17, subdivisions 5, 7a, 9, 11; 126C.19, by adding a subdivision; 126C.21, subdivision 3; 126C.42, subdivision 1; 126C.457; 126C.48, subdivision 3; 126C.55, subdivision 5; 126C.63, subdivisions 5, 8; 126C.69, subdivisions 2, 9; 127A.05, subdivisions 1, 4; 127A.45, subdivisions 2, 3, 7a, 10, 12, 13, 14, 16; 127A.47, subdivisions 7, 8; 127A.49, subdivisions 2, 3; 128C.02, subdivision 1; 128C.05, by adding a subdivision; 128D.11, subdivision 8; 134.001, by adding a subdivision; 134.22; 134.32; 169.26, subdivision 3; 169.28, subdivision 1; 169.435; 169.449, subdivision 1; 169.4501, subdivisions 3, 4; 169.4503, subdivision 4; 169.454, subdivisions 2, 6; 169.973, subdivision 1; 171.321, subdivision 5; 178.02, subdivision 1; 205A.07, by adding a subdivision; 273.138, subdivision 6; 298.28, subdivision 4; 354.094, subdivision 1; 475.61, subdivisions 1, 3, 4; 574.26, subdivision 2; 611A.78, subdivision 1; Laws 1965, chapter 705, as

amended; Laws 2000, chapter 489, article 2, section 36, as amended; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A; 123B; 124D; 125A; 125B; 127A; 134; repealing Minnesota Statutes 2002, sections 15.014, subdivision 3; 119A.08; 119A.51; 120B.031; 122A.414; 122A.415; 123A.73, subdivisions 7, 10, 11; 123B.81, subdivision 6; 123B.90, subdivision 1; 124D.65, subdivision 4; 124D.84, subdivision 2; 124D.93; 125A.023, subdivision 5; 125A.09; 125A.47; 125A.75, subdivision 8; 125B.11; 126C.01, subdivision 4; 126C.125; 126C.14; 126C.55, subdivision 5; 127A.41, subdivision 6; 128C.01, subdivision 5; 128C.02, subdivision 8; 128C.13; 144.401, subdivision 5; 169.441, subdivision 4; 239.004; Laws 2001, First Special Session chapter 3, article 4, sections 1, 2; Laws 2001, First Special Session chapter 6, article 2, sections 52, 64, 70; Laws 2001, First Special Session chapter 6, article 5, section 12, as amended; Minnesota Rules, parts 3500.0600; 3501.0300; 3501.0310; 3501.0320; 3501.0330; 3501.0340; 3501.0350; 3501.0370; 3501.0380; 3501.0390; 3501.0400; 3501.0410; 3501.0420; 3501.0440; 3501.0441; 3501.0442; 3501.0443; 3501.0444; 3501.0445; 3501.0446; 3501.0447; 3501.0448; 3501.0449; 3501.0450; 3501.0460; 3501.0461; 3501.0462; 3501.0463; 3501.0464; 3501.0465; 3501.0466; 3501.0467; 3501.0468; 3501.0469; 3520.0400; 3520.1400; 3520.3300; 3530.1500; 3530.2700; 3530.4400; 3530.4500; 3530.4700; 3550.0100.

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

Pages 2 to 5, delete sections 1 and 2 and insert:

"Section 1. Minnesota Statutes 2002, section 123B.77, subdivision 3, is amended to read:

Subd. 3. [STATEMENT FOR COMPARISON AND CORRECTION.] By October 1 of the calendar year for those districts conducting a school district election on the first Tuesday after the first Monday in November in the same calendar year under section 123B.62, 123B.63, 126C.17, 126C.69, or 475.58, or by November 30 of the calendar year of the submission of the unaudited financial data for all other districts, the district must provide to the commissioner audited financial data for the preceding fiscal year. The audit must be conducted in compliance with generally accepted governmental auditing standards, the federal Single Audit Act, and the Minnesota legal compliance guide issued by the office of the state auditor. An audited financial statement prepared in a form which will allow comparison with and correction of material differences in the unaudited financial data shall be submitted to the commissioner and the state auditor by December 31. The audited financial statement must also provide a statement of assurance pertaining to uniform financial accounting and reporting standards compliance and a copy of the management letter submitted to the district by the school district's auditor."

Pages 6 to 20, delete sections 6 to 24

Pages 21 to 28, delete sections 26 to 32

Page 30, line 11, after "disorder" insert "in grades 9 through 12"

Page 30, line 17, after "disturbance" insert "in grades 9 through 12 that is"

Pages 40 and 41, delete sections 15 and 16

Pages 52 to 57, delete sections 28 to 36

Page 65, delete sections 50 and 51

Pages 66 to 72, delete sections 53 and 54

Page 72, delete lines 26 and 27

Page 74, delete section 2

Pages 86 to 88, delete section 8

Page 88, line 9, delete "125A.75, subdivision 8;"

Pages 92 to 94, delete sections 5 to 7

Pages 95 to 97, delete sections 9 and 10

Page 98, lines 2, 3, and 20, delete the new language and reinstate the stricken language

Page 98, lines 7 and 8, delete the new language

Page 98, lines 12 to 19, delete the new language

Page 98, line 24, delete "(d)" and insert "(c)"

Pages 98 to 101, delete sections 12 to 15

Pages 106 to 116, delete sections 20 to 30

Page 116, delete lines 29 to 36

Page 117, delete lines 1 to 18

Page 117, line 19, delete "5" and insert "2"

Page 117, delete lines 31 to 36

Page 118, delete lines 1 to 11

Pages 118 to 125, delete articles 5 and 6

Pages 126 and 127, delete sections 1 and 2

Pages 130 and 131, delete section 6

Page 133, delete section 9

Pages 139 and 140, delete section 13

Pages 140 to 147, delete articles 8 and 9

Pages 147 to 149, delete sections 1 to 3

Pages 149 to 151, delete sections 5 to 7

Pages 151 to 204, delete articles 11 and 12

Page 228, line 2, delete "1" and insert "7"

Page 228, line 4, delete "3 to 12" and insert "9 to 18"

Pages 348 and 349, delete article 25

Renumber the articles and sections in sequence

Delete the title and insert:

"A bill for an act relating to education; providing for family and early childhood and kindergarten through grade 12 education, including general education, special programs, education reform, facilities and technology, state agencies, repeal of profile of learning, and statewide accountability; providing for rulemaking; appropriating money; amending Minnesota Statutes 2002, sections 13.485, by adding a subdivision; 120A.05, subdivision 11; 120A.24, subdivision 4; 120A.41; 120B.02; 120B.30, subdivision 1; 120B.35, by adding a subdivision; 121A.21; 121A.23; 121A.41, subdivision 10; 121A.55; 121A.61, subdivision 3; 121A.64; 122A.09, subdivision 4; 122A.18, subdivision 7a; 122A.22; 122A.40, subdivision 5; 122A.413; 122A.46, subdivision 9; 123B.14, subdivision 1; 123B.57, subdivision 2; 123B.59, subdivision 2; 123B.62; 123B.71, subdivisions 4, 9; 123B.77, subdivision 3; 123B.88, subdivision 2; 123B.90, subdivisions 2, 3; 123B.91, subdivision 1; 124D.09, subdivision 20; 124D.10, subdivisions 2a, 3, 4, 16, 20; 124D.13, subdivisions 4, 8; 124D.15, subdivision 7; 124D.16, subdivision 1; 125A.023, subdivision 3;

125A.03; 125A.28; 125A.30; 128C.02, subdivision 1; 128C.05, by adding a subdivision; 169.28, subdivision 1; 169.4503, subdivision 4; 169.454, subdivisions 2, 6; 171.321, subdivision 5; 205A.07, by adding a subdivision; 354.094, subdivision 1; 574.26, subdivision 2; 611A.78, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A; 123B; 124D; 125A; 125B; repealing Minnesota Statutes 2002, sections 15.014, subdivision 3; 119A.08; 119A.51; 120B.031; 122A.414; 122A.415; 123B.90, subdivision 1; 124D.65, subdivision 4; 124D.93; 125A.09; 125A.47; 126C.125; 128C.01, subdivision 5; 128C.02, subdivision 8; 128C.13; 144.401, subdivision 5; 169.441, subdivision 4; 239.004; Minnesota Rules, parts 3501.0300; 3501.0310; 3501.0320; 3501.0330; 3501.0340; 3501.0350; 3501.0370; 3501.0380; 3501.0390; 3501.0400; 3501.0410; 3501.0420; 3501.0440; 3501.0441; 3501.0442; 3501.0443; 3501.0444; 3501.0445; 3501.0446; 3501.0447; 3501.0448; 3501.0449; 3501.0450; 3501.0460; 3501.0461; 3501.0462; 3501.0463; 3501.0464; 3501.0465; 3501.0466; 3501.0467; 3501.0468; 3501.0469."

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

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

H.F. No. 1214 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1214	1350				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 1214 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1214 and insert the language after the enacting clause of S.F. No. 1350; further, delete the title of H.F. No. 1214 and insert the title of S.F. No. 1350.

And when so amended H.F. No. 1214 will be identical to S.F. No. 1350, and further recommends that H.F. No. 1214 be given its second reading and substituted for S.F. No. 1350, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

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

H.F. No. 314 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
314	210				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 314 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 314 and insert the language after the enacting clause of S.F. No. 210, the first engrossment; further, delete the title of H.F. No. 314 and insert the title of S.F. No. 210, the first engrossment.

And when so amended H.F. No. 314 will be identical to S.F. No. 210, and further recommends

that H.F. No. 314 be given its second reading and substituted for S.F. No. 210, and that the Senate File be indefinitely postponed.

Pursuant to Rule 45, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Senator Lourey from the Committee on Health and Family Security, to which was referred the following appointment as reported in the Journal for March 13, 2003:

DEPARTMENT OF HEALTH
COMMISSIONER

Dianne Mandernach

Reports the same back with the recommendation that the appointment be confirmed.

Senator Hottinger moved that the foregoing committee report be laid on the table. The motion prevailed.

Senator Lourey from the Committee on Health and Family Security, to which was referred the following appointment as reported in the Journal for January 27, 2003:

DEPARTMENT OF HUMAN SERVICES
COMMISSIONER

Kevin Goodno

Reports the same back with the recommendation that the appointment be confirmed.

Senator Hottinger moved that the foregoing committee report be laid on the table. The motion prevailed.

SECOND READING OF SENATE BILLS

S.F. Nos. 552 and 1528 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1214 and 314 were read the second time.

MOTIONS AND RESOLUTIONS

Senator Ranum moved that the name of Senator Dibble be added as a co-author to S.F. No. 1518. The motion prevailed.

Senator Moua moved that the name of Senator Dibble be added as a co-author to S.F. No. 1520. The motion prevailed.

Senators Bachmann, Limmer, Neuville, Olson and Day introduced--

Senate Resolution No. 71: A Senate resolution recognizing May 1, 2003, as a Day of Prayer in Minnesota.

Referred to the Committee on Rules and Administration.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Senators Pappas, Anderson, Dibble, Moua and Marty introduced--

S.F. No. 1529: A bill for an act relating to business corporations; imposing liability on a corporation and its board for damages caused to the public interest; prescribing criminal penalties and civil penalties and remedies; amending Minnesota Statutes 2002, section 302A.251.

Referred to the Committee on Judiciary.

Senators Betzold, Kiscaden, Cohen and Kubly introduced--

S.F. No. 1530: A bill for an act relating to animals; imposing limits on ownership and possession of certain dangerous animals; requiring registration; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

Referred to the Committee on Agriculture, General Legislation and Veterans Affairs.

Senator Murphy introduced--

S.F. No. 1531: A bill for an act relating to energy; enacting the Renewable Energy for a New Economic Development Horizon Act; imposing a renewable energy standard and a renewable energy objective; requiring rulemaking; proposing coding for new law in Minnesota Statutes, chapter 216B; repealing Minnesota Statutes 2002, section 216B.1691.

Referred to the Committee on Commerce and Utilities.

Senator Cohen, for the Committee on Finance, introduced--

S.F. No. 1532: A bill for an act relating to state government; making changes to public assistance programs, health care programs, long-term care, continuing care for persons with disabilities, occupational licenses, children services, estate recovery provisions for medical assistance, adult mental health and alternative programs for offenders with mental illness; changing health department provisions; transferring programs and funding from the department of children, families, and learning; requiring certain correctional institutions to permit multiple occupancy of cells; providing juvenile court jurisdiction for juveniles alleged to have committed traffic offenses; authorizing the state public defender to investigate decisions of the department of corrections; authorizing the state public defender to recommend correctional agencies to take corrective actions upon complaints; requiring defendants with 180 days or less remaining on terms of imprisonment to serve those remaining terms in local correctional facilities; requiring law enforcement agencies to disclose certain information to community crime prevention groups; making forecast adjustments; appropriating money; amending Minnesota Statutes 2002, sections 13.461, by adding a subdivision; 13.69, subdivision 1; 62E.06, subdivision 1; 62J.17, subdivision 2; 62J.23, by adding a subdivision; 62J.692, subdivisions 1, 2, 3, 4, 5, 7, 8; 62J.694, by adding a subdivision; 62L.05, subdivision 4; 62Q.19, subdivision 2; 116J.70, subdivision 2a; 119B.011, subdivisions 5, 6, 15, 19, by adding a subdivision; 119B.02, subdivision 1; 119B.03, subdivision 9; 119B.05, subdivision 1; 119B.09, subdivision 7; 119B.11, subdivision 2a; 119B.12, subdivision 2; 119B.13, subdivisions 2, 6, by adding a subdivision; 119B.19, subdivision 7; 119B.21, subdivision 11; 124D.23, subdivision 1; 144.1222, by adding a subdivision; 144.125; 144.128; 144.1488, subdivision 4; 144.1491, subdivision 1; 144.1502, subdivision 4; 144.335, subdivision 1; 144.35; 144.395, by adding a subdivision; 144.396, subdivisions 7, 11, 12; 144.414, subdivision 3; 144.551, subdivision 1; 144.99, subdivision 1; 144A.4605, subdivision 4; 144E.29; 144E.50, subdivision 5; 147A.08; 148.5194, subdivisions 1, 2, 3, by adding a subdivision; 148.6445, subdivision 7; 148C.01, subdivisions 2, 12, by adding subdivisions; 148C.03, subdivision 1; 148C.0351, subdivision 1, by adding a subdivision; 148C.04; 148C.05, subdivision 1, by adding

subdivisions; 148C.07; 148C.10, subdivisions 1, 2; 148C.11; 150A.05, subdivision 2; 151.47, subdivision 1; 153A.17; 171.06, subdivision 3; 171.07, by adding a subdivision; 243.53, subdivision 1; 245.4874; 245.493, subdivision 1a; 245A.035, subdivision 3; 245A.04, subdivisions 3b, 3d; 245A.10; 245A.11, subdivision 2a; 252.27, subdivision 2a; 252.32, subdivisions 1, 1a, 3, 3c; 253B.05, by adding a subdivision; 256.01, subdivision 2; 256.012; 256.046, subdivision 1; 256.0471, subdivision 1; 256.476, subdivisions 1, 3, 4, 5, 11; 256.955, subdivision 2a; 256.9657, subdivisions 1, 4, by adding a subdivision; 256.969, subdivisions 2b, 3a; 256.975, by adding a subdivision; 256.98, subdivision 8; 256.984, subdivision 1; 256B.056, subdivisions 1c, 6; 256B.057, subdivisions 2, 3b, 9, 10; 256B.0595, subdivisions 1, 2, by adding subdivisions; 256B.061; 256B.0621, subdivision 4; 256B.0623, subdivisions 2, 4, 5, 6, 8; 256B.0625, subdivisions 9, 13, 17, 19c, by adding subdivisions; 256B.0627, subdivisions 1, 4, 9; 256B.0635, subdivisions 1, 2; 256B.064, subdivision 2; 256B.0911, subdivision 4d; 256B.0913, subdivisions 2, 4, 5, 6, 7, 8, 10, 12; 256B.0915, subdivision 3, by adding a subdivision; 256B.092, subdivision 5, by adding a subdivision; 256B.0945, subdivisions 2, 4; 256B.15, subdivisions 1, 1a, 2, 3, 4, by adding subdivisions; 256B.19, by adding a subdivision; 256B.195, subdivisions 3, 5; 256B.32, subdivision 1; 256B.431, subdivisions 2r, 32, by adding subdivisions; 256B.434, subdivision 4; 256B.437, subdivisions 2, 6; 256B.47, subdivision 2; 256B.5012, by adding a subdivision; 256B.5013, by adding a subdivision; 256B.69, subdivisions 2, 4, 5, 5a, 5c, 5g, 6a, 6b, 8, by adding a subdivision; 256B.75; 256B.76; 256B.761; 256B.82; 256D.03, subdivisions 3, 3a; 256D.053, subdivision 1; 256I.02; 256I.04, subdivision 3; 256I.05, subdivisions 1, 1a, 7c; 256J.02, subdivision 2; 256J.021; 256J.08, by adding subdivisions; 256J.09, subdivisions 2, 3a, 10; 256J.21, subdivision 2; 256J.24, subdivision 3; 256J.37, subdivision 9; 256J.38, subdivision 3; 256J.40; 256J.42, subdivision 5; 256J.425, subdivisions 2, 3, 4, 6; 256J.50, subdivisions 1, 8; 256J.55, subdivision 2; 256J.56; 256J.751, subdivisions 2, 5; 256L.05, subdivisions 3a, 4; 256L.06, subdivision 3; 256L.07, subdivisions 1, 3, by adding a subdivision; 256L.12, subdivision 6; 256L.15, subdivision 3, by adding a subdivision; 257.0769; 259.21, subdivision 6; 259.67, subdivisions 4, 7; 260B.007, subdivisions 3, 6, 16; 260B.101, subdivision 1; 260B.103, subdivision 1; 260B.105, subdivision 3; 260B.157, subdivision 1; 260B.171, subdivision 5; 260B.176, subdivision 2; 260B.178, subdivision 1; 260B.193, subdivision 2; 260B.225, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9; 260B.235, subdivision 6; 260C.007, subdivision 11; 260C.141, subdivision 2; 295.53, subdivision 1; 297I.15, subdivisions 1, 4; 319B.40; 326.42; 357.021, subdivisions 6, 7; 393.07, subdivisions 5, 10; 514.981, subdivision 6; 518.551, subdivisions 12, 13; 524.3-805; 609.105, subdivision 1, by adding subdivisions; 609.145, by adding a subdivision; 609.2231, by adding a subdivision; Laws 1997, chapter 245, article 2, section 11; proposing coding for new law in Minnesota Statutes, chapters 62J; 62Q; 97A; 119B; 144; 144A; 148C; 150B; 243; 245; 246; 256B; 256J; 481; 514; 609; 611; 611A; repealing Minnesota Statutes 2002, sections 62J.15; 62J.152; 62J.451; 62J.452; 62J.66; 62J.68; 119B.061; 144.126; 144.1494; 144.1495; 144.1496; 144.1497; 144A.071, subdivision 5; 144A.35; 144A.36; 144A.38; 148.5194, subdivision 3a; 148.6445, subdivision 9; 148C.0351, subdivision 2; 148C.05, subdivisions 2, 3, 4; 148C.06; 148C.10, subdivision 1a; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 252.32, subdivision 2; 256.482, subdivision 8; 256.955, subdivision 8; 256B.0625, subdivisions 5a, 35, 36; 256B.0917; 256B.0945, subdivision 10; 256B.095; 256B.0951; 256B.0952; 256B.0953; 256B.0954; 256B.0955; 256B.437, subdivision 2; 256B.5013, subdivision 4; 256J.08, subdivision 70; 256J.425, subdivision 7; 256J.47; Laws 1997, chapter 203, article 9, section 21, as amended; Laws 1998, chapter 407, article 4, section 63; Laws 1998, chapter 407, article 6, section 111; Laws 2000, chapter 488, article 10, section 28; Laws 2000, chapter 488, article 10, section 29; Laws 2001, First Special Session chapter 3, article 1, section 16; Laws 2001, First Special Session chapter 9, article 10, section 62; Laws 2001, First Special Session chapter 9, article 13, section 24; Laws 2002, chapter 374, article 9, section 8; Minnesota Rules, parts 4747.0030, subparts 25, 28, 30; 4747.0040, subpart 3, item A; 4747.0060, subpart 1, items A, B, D; 4747.0070, subparts 4, 5; 4747.0080; 4747.0090; 4747.0100; 4747.0300; 4747.0400, subparts 2, 3; 4747.0500; 4747.0600; 4747.1000; 4747.1100, subpart 3; 4747.1600; 4763.0100; 4763.0110; 4763.0125; 4763.0135; 4763.0140; 4763.0150; 4763.0160; 4763.0170; 4763.0180; 4763.0190; 4763.0205; 4763.0215; 4763.0220; 4763.0230; 4763.0240; 4763.0250; 9505.0324; 9505.0326; 9505.0327; 9505.3045; 9505.3050; 9505.3055; 9505.3060; 9505.3068; 9505.3070; 9505.3075; 9505.3080; 9505.3090; 9505.3095; 9505.3100; 9505.3105; 9505.3107; 9505.3110; 9505.3115; 9505.3120; 9505.3125; 9505.3130; 9505.3138; 9505.3139; 9505.3140; 9505.3680; 9505.3690; 9505.3700.

Under the Rules of the Senate, laid over one day.

Senators Skoe, Langseth, Stumpf, Sams and Senjem introduced--

S.F. No. 1533: A bill for an act relating to local government aid; providing local government aids to cities; authorizing an optional local sales tax; amending Minnesota Statutes 2002, sections 477A.011, subdivisions 27, 34, by adding subdivisions; 477A.013, subdivision 9, by adding subdivisions; 477A.03, subdivision 2; repealing Minnesota Statutes 2002, sections 477A.011, subdivisions 28, 29, 30, 31, 32, 33, 36, 37; 477A.03, subdivision 4.

Referred to the Committee on Taxes.

Senators Johnson, D.E.; Langseth; Moua and Rest introduced--

S.F. No. 1534: A bill for an act relating to appropriations; appropriating money for transportation, public safety, and other purposes; authorizing issuance of trunk highway bonds; modifying motor fuel taxes and motor vehicle registration fees; modifying provisions relating to contract awards, property appraisals, highways and highway rest areas, high-occupancy vehicle lanes, county and town cartways, forecasts of highway-related revenues and expenditures, safe routes to school programs, transportation utility fees and assessments, pavement striping, bus rapid transit and other transit, a land exchange, and other transportation-related activities; providing for fees, funds and accounts, transfers, allocations, and expenditures; modifying provisions regulating motor vehicles and license plates, speed limits and other traffic regulations, traffic accidents, surcharges on trooper-issued traffic citations, vehicle insurance, drivers' licenses and identification cards, public safety officer benefit funds, and other activities related to public safety; authorizing administrative powers, penalties, and remedies for public safety purposes; requiring studies and reports; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 16A.88, subdivision 1; 16C.10, subdivision 7; 117.232, subdivision 1; 160.02, by adding a subdivision; 160.28, by adding a subdivision; 161.04, by adding a subdivision; 161.20, subdivision 3; 162.07, subdivision 1, by adding subdivisions; 163.11, by adding subdivisions; 164.08, subdivision 2; 168.011, subdivision 22; 168.013, subdivision 1a; 168.12, subdivisions 2e, 5; 168.54, subdivision 4; 168A.29, subdivision 1; 169.01, by adding a subdivision; 169.09, subdivision 1; 169.14, subdivisions 2, 4, 5a; 169.18, subdivision 7; 169.42, subdivisions 1, 5; 169.686, subdivision 1; 169.791, subdivision 1; 169.796, by adding a subdivision; 169.797, subdivision 4a; 169.798, subdivision 1, by adding a subdivision; 169.89, by adding a subdivision; 171.015, by adding a subdivision; 171.04, subdivision 1; 171.05, subdivision 2b; 171.055, subdivision 2; 171.06, subdivisions 2, 3; 171.061, subdivision 4; 171.07, subdivisions 3, 4; 171.20, subdivision 4; 171.27; 171.29, subdivision 2; 174.02, by adding a subdivision; 174.03, by adding a subdivision; 174.24, subdivisions 1, 3b; 275.71, subdivision 5; 296A.07, subdivision 3; 296A.08, subdivision 2; 297B.09, subdivision 1; 299A.465, subdivision 4; 299D.03, subdivisions 5, 6, by adding a subdivision; 299E.01, by adding a subdivision; 360.305, subdivision 4; Laws 1999, chapter 238, article 1, section 2, subdivision 2; Laws 2000, chapter 433, section 4; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 2; Laws 2002, chapter 374, article 11, section 10, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 171; 174; 275; 299A; repealing Minnesota Statutes 2002, sections 16A.88, subdivision 3; 169.794; 169.799; 174.242; Minnesota Rules, parts 7403.1300; 7413.0400; 7413.0500.

Referred to the Committee on Taxes.

RECESS

Senator Hottinger moved that the Senate do now recess subject to the call of the President. The motion prevailed.

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

CALL OF THE SENATE

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

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

Senator Hottinger moved that the Committee Report at the Desk be now adopted. The motion prevailed.

Senator Pogemiller from the Committee on Taxes, to which was referred

S.F. No. 1534: A bill for an act relating to appropriations; appropriating money for transportation, public safety, and other purposes; authorizing issuance of trunk highway bonds; modifying motor fuel taxes and motor vehicle registration fees; modifying provisions relating to contract awards, property appraisals, highways and highway rest areas, high-occupancy vehicle lanes, county and town cartways, forecasts of highway-related revenues and expenditures, safe routes to school programs, transportation utility fees and assessments, pavement striping, bus rapid transit and other transit, a land exchange, and other transportation-related activities; providing for fees, funds and accounts, transfers, allocations, and expenditures; modifying provisions regulating motor vehicles and license plates, speed limits and other traffic regulations, traffic accidents, surcharges on trooper-issued traffic citations, vehicle insurance, drivers' licenses and identification cards, public safety officer benefit funds, and other activities related to public safety; authorizing administrative powers, penalties, and remedies for public safety purposes; requiring studies and reports; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 16A.88, subdivision 1; 16C.10, subdivision 7; 117.232, subdivision 1; 160.02, by adding a subdivision; 160.28, by adding a subdivision; 161.04, by adding a subdivision; 161.20, subdivision 3; 162.07, subdivision 1, by adding subdivisions; 163.11, by adding subdivisions; 164.08, subdivision 2; 168.011, subdivision 22; 168.013, subdivision 1a; 168.12, subdivisions 2e, 5; 168.54, subdivision 4; 168A.29, subdivision 1; 169.01, by adding a subdivision; 169.09, subdivision 1; 169.14, subdivisions 2, 4, 5a; 169.18, subdivision 7; 169.42, subdivisions 1, 5; 169.686, subdivision 1; 169.791, subdivision 1; 169.796, by adding a subdivision; 169.797, subdivision 4a; 169.798, subdivision 1, by adding a subdivision; 169.89, by adding a subdivision; 171.015, by adding a subdivision; 171.04, subdivision 1; 171.05, subdivision 2b; 171.055, subdivision 2; 171.06, subdivisions 2, 3; 171.061, subdivision 4; 171.07, subdivisions 3, 4; 171.20, subdivision 4; 171.27; 171.29, subdivision 2; 174.02, by adding a subdivision; 174.03, by adding a subdivision; 174.24, subdivisions 1, 3b; 275.71, subdivision 5; 296A.07, subdivision 3; 296A.08, subdivision 2; 297B.09, subdivision 1; 299A.465, subdivision 4; 299D.03, subdivisions 5, 6, by adding a subdivision; 299E.01, by adding a subdivision; 360.305, subdivision 4; Laws 1999, chapter 238, article 1, section 2, subdivision 2; Laws 2000, chapter 433, section 4; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 2; Laws 2002, chapter 374, article 11, section 10, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 171; 174; 275; 299A; repealing Minnesota Statutes 2002, sections 16A.88, subdivision 3; 169.794; 169.799; 174.242; Minnesota Rules, parts 7403.1300; 7413.0400; 7413.0500.

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

Page 3, line 43, after "construction" insert "for the civil air patrol"

Page 15, line 7, after "money" insert "(1)"

Page 15, line 11, before the period, insert "or (2) from capitol security"

Page 15, line 15, delete the first "24,307,000" and insert "24,402,000" and delete the second "24,307,000" and insert "24,362,000"

Page 27, line 4, delete "1" and insert "4"

Page 27, line 7, delete "Sections 2 to 6" and insert "All other sections"

Page 27, line 8, delete "3 and 4" and insert "6 and 7"

Page 35, after line 25, insert:

"Sec. 16. Minnesota Statutes 2002, section 168.013, subdivision 3, is amended to read:

Subd. 3. [APPLICATION; CANCELLATION; EXCESSIVE GROSS WEIGHT FORBIDDEN.] (a) The applicant for all licenses based on gross weight shall state the unloaded weight of the motor vehicle, trailer, or semitrailer and the maximum load the applicant proposes to carry on it, the sum of which constitutes the gross weight upon which the license tax must be paid. However, the declared gross weight upon which the tax is paid must not be less than 1-1/4 times the declared unloaded weight of the motor vehicle, trailer, or semitrailer to be registered, except recreational vehicles taxed under subdivision 1g, school buses taxed under subdivision 18, and tow trucks or towing vehicles defined in section 169.01, subdivision 52. The gross weight of a tow truck or towing vehicle is the actual weight of the tow truck or towing vehicle fully equipped, but does not include the weight of a wrecked or disabled vehicle towed or drawn by the tow truck or towing vehicle.

(b) The gross weight of a motor vehicle, trailer, or semitrailer must not exceed the gross weight upon which the license tax has been paid by more than four percent or 1,000 pounds, whichever is greater;

provided that, a vehicle transporting unfinished forest products on a highway, other than a highway that is part of the system of interstate and defense highways, in accordance with paragraph (d)(3):

(1) shall not exceed its gross vehicle weight upon which the license tax has been paid, or gross axle weight on any axle, by more than five percent and, notwithstanding other law to the contrary, is not subject to any fee, fine, or other assessment or penalty for exceeding a gross vehicle or axle weight by up to five percent; and

(2) between the dates set by the commissioner in accordance with section 169.826, subdivision 1, is not subject to any provision of paragraph (d) or chapter 169 limiting the gross axle weight of any individual axle unless the entire vehicle also exceeds its gross vehicle weight plus its weight allowance allowed in clause (1) and plus any weight allowance permitted under section 169.826, in which case the vehicle is subject to all applicable penalties for excess weight violations.

(c) The gross weight of the motor vehicle, trailer, or semitrailer for which the license tax is paid must be indicated by a distinctive character on the license plate or plates except as provided in subdivision 12 and the plate or plates must be kept clean and clearly visible at all times.

(d) The owner, driver, or user of a motor vehicle, trailer, or semitrailer, upon conviction for transporting a gross weight in excess of the gross weight for which it was registered or for operating a vehicle with an axle weight exceeding the maximum lawful axle load weight, is guilty of a misdemeanor and subject to increased registration or reregistration according to the following schedule:

(1) Upon conviction for transporting a gross weight in excess of the gross weight for which a motor vehicle, trailer, or semitrailer is registered by more than the allowance set forth in paragraph (b) but less than 25 percent, or for operating or using a motor vehicle, trailer, or semitrailer with an axle weight exceeding the maximum lawful axle load as provided in sections 169.822 to 169.829 by more than the allowance set forth in paragraph (b) but less than 25 percent, the owner, driver,

or user of the motor vehicle, trailer, or semitrailer used to commit the violation, in addition to any penalty imposed for the misdemeanor, shall apply to the registrar to increase the authorized gross weight to be carried on the vehicle to a weight equal to or greater than the gross weight the owner, driver, or user was convicted of carrying. The increase is computed for the balance of the calendar year on the basis of 1/12 of the annual tax for each month remaining in the calendar year beginning with the first day of the month in which the violation occurred. If the additional registration tax computed upon that weight, plus the tax already paid, amounts to more than the regular tax for the maximum gross weight permitted for the vehicle under sections 169.822 to 169.829, that additional amount must nevertheless be paid into the highway fund, but the additional tax thus paid does not authorize or permit any person to operate the vehicle with a gross weight in excess of the maximum legal weight as provided by sections 169.822 to 169.829. Unless the owner within 30 days after a conviction applies to increase the authorized weight and pays the additional tax as provided in this section, the registrar shall revoke the registration on the vehicle and demand the return of the registration card and plates issued on that registration.

(2) Upon conviction of an owner, driver, or user of a motor vehicle, trailer, or semitrailer for transporting a gross weight in excess of the gross weight for which the motor vehicle, trailer, or semitrailer was registered by 25 percent or more or for operating or using the vehicle or trailer with an axle weight exceeding the maximum lawful axle load as provided in sections 169.822 to 169.829 by 25 percent or more, and in addition to any penalty imposed for the misdemeanor, the registrar shall either (i) cancel the reciprocity privileges on the vehicle involved if the vehicle is being operated under reciprocity or (ii) if the vehicle is not being operated under reciprocity, cancel the certificate of registration on the vehicle operated and demand the return of the registration certificate and registration plates. The registrar may not cancel the registration or reciprocity privileges for any vehicle found in violation of seasonal load restrictions imposed under section 169.87 unless the axle weight exceeds the year-round weight limit for the highway on which the violation occurred. The registrar may investigate any allegation of gross weight violations and demand that the operator show cause why all future operating privileges in the state should not be revoked unless the additional tax assessed is paid.

(3) Clause (1) does not apply to the first haul of unprocessed or raw farm products or unfinished forest products, when the registered gross weight is not exceeded by more than ten percent. For purposes of this clause, "first haul" means (i) the first, continuous transportation of unprocessed or raw farm products from the place of production or on-farm storage site to any other location within 50 miles of the place of production or on-farm storage site, or (ii) the continuous or noncontinuous transportation of unfinished forest products from the place of production to the place of final processing or manufacture located within 200 miles of the place of production.

(4) When the registration on a motor vehicle, trailer, or semitrailer is revoked by the registrar according to this section, the vehicle must not be operated on the highways of the state until it is registered or reregistered, as the case may be, and new plates issued, and the registration fee is the annual tax for the total gross weight of the vehicle at the time of violation. The reregistration pursuant to this subdivision of any vehicle operating under reciprocity agreements pursuant to section 168.181 or 168.187 must be at the full annual registration fee without regard to the percentage of vehicle miles traveled in this state."

Page 48, after line 7, insert:

"Sec. 35. Minnesota Statutes 2002, section 169.826, subdivision 1, is amended to read:

Subdivision 1. [WINTER INCREASE AMOUNTS.] The limitations provided in sections 169.822 to 169.829 are increased:

(1) by ten percent between the dates set by the commissioner for each zone established by the commissioner based on a freezing index model each winter, statewide;

(2) ~~by ten percent between the dates set by the commissioner based on a freezing index model each winter, in the zone bounded as follows: beginning at Pigeon River in the northeast corner of Minnesota; thence in a southwesterly direction along the north shore of Lake Superior to the~~

~~northeastern city limits of Duluth; thence along the eastern and southern city limits of Duluth to the junction with trunk highway No. 210; thence westerly along trunk highway No. 210 to the junction with trunk highway No. 10; thence northwesterly along trunk highway No. 10 to the Minnesota-North Dakota border; thence northerly along that border to the Minnesota-Canadian Border; thence easterly along said Border to Lake Superior; and~~

~~(3) Subd. 1a. [HARVEST SEASON INCREASE AMOUNT.] The limitations provided in sections 169.822 to 169.829 are increased by ten percent from the beginning of harvest to November 30 each year for the movement of sugar beets, carrots, and potatoes from the field of harvest to the point of the first unloading. Transfer of the product from a farm vehicle or small farm trailer, within the meaning of chapter 168, to another vehicle is not considered to be the first unloading. The commissioner shall not issue permits under this clause subdivision if to do so will result in a loss of federal highway funding to the state.~~

Sec. 36. Minnesota Statutes 2002, section 169.826, is amended by adding a subdivision to read:

Subd. 1b. [NINE-TON COUNTY ROADS.] Despite the provisions of subdivision 5 and sections 169.824, subdivision 2, paragraph (a), clause (2), and 169.832, subdivision 11, a vehicle or combination of vehicles with a gross vehicle weight up to 88,000 pounds may be operated on a nine-ton county road, consistent with the increases allowed for vehicles operating on a ten-ton road, during the time when the increases under subdivision 1 are in effect in that zone.

Sec. 37. Minnesota Statutes 2002, section 169.85, subdivision 2, is amended to read:

Subd. 2. [UNLOADING.] (a) Upon weighing a vehicle and load, as provided in this section, an officer may require the driver to stop the vehicle in a suitable place and remain standing until a portion of the load is removed that is sufficient to reduce the gross weight of the vehicle to the limit permitted under either section 168.013, subdivision 3, paragraph (b), or sections 169.822 to 169.829, whichever is the lesser violation, if any. A suitable place is a location where loading or tampering with the load is not prohibited by federal, state, or local law, rule, or ordinance.

(b) Except as provided in paragraph (c), a driver may be required to unload a vehicle only if the weighing officer determines that (1) on routes subject to the provisions of sections 169.822 to 169.829, the weight on an axle exceeds the lawful gross weight prescribed by sections 169.822 to 169.829, by 2,000 pounds or more, or the weight on a group of two or more consecutive axles in cases where the distance between the centers of the first and last axles of the group under consideration is ten feet or less exceeds the lawful gross weight prescribed by sections 169.822 to 169.829, by 4,000 pounds or more; or (2) on routes designated by the commissioner in section 169.832, subdivision 11, the overall weight of the vehicle or the weight on an axle or group of consecutive axles exceeds the maximum lawful gross weights prescribed by sections 169.822 to 169.829; or (3) the weight is unlawful on an axle or group of consecutive axles on a road restricted in accordance with section 169.87. Material unloaded must be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

(c) If the gross weight of the vehicle does not exceed the vehicle's registered gross weight plus the weight allowance set forth in section 168.013, subdivision 3, paragraph (b), and plus, if applicable, the weight allowance permitted under section 169.826, then the driver is not required to unload under paragraph (b).

Sec. 38. Minnesota Statutes 2002, section 169.86, subdivision 5, is amended to read:

Subd. 5. [FEE; PROCEEDS TO TRUNK HIGHWAY FUND.] The commissioner, with respect to highways under the commissioner's jurisdiction, may charge a fee for each permit issued. All such fees for permits issued by the commissioner of transportation shall be deposited in the state treasury and credited to the trunk highway fund. Except for those annual permits for which the permit fees are specified elsewhere in this chapter, the fees shall be:

(a) \$15 for each single trip permit.

(b) \$36 for each job permit. A job permit may be issued for like loads carried on a specific route for a period not to exceed two months. "Like loads" means loads of the same product, weight, and dimension.

(c) \$60 for an annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) motor vehicles used to alleviate a temporary crisis adversely affecting the safety or well-being of the public;

(2) motor vehicles which travel on interstate highways and carry loads authorized under subdivision 1a;

(3) motor vehicles operating with gross weights authorized under section 169.826, subdivision 1, ~~clause (3)~~ 1a;

(4) special pulpwood vehicles described in section 169.863;

(5) motor vehicles bearing snowplow blades not exceeding ten feet in width; and

(6) noncommercial transportation of a boat by the owner or user of the boat.

(d) \$120 for an oversize annual permit to be issued for a period not to exceed 12 consecutive months. Annual permits may be issued for:

(1) mobile cranes;

(2) construction equipment, machinery, and supplies;

(3) manufactured homes;

(4) implements of husbandry when the movement is not made according to the provisions of paragraph (i);

(5) double-deck buses;

(6) commercial boat hauling.

(e) For vehicles which have axle weights exceeding the weight limitations of sections 169.822 to 169.829, an additional cost added to the fees listed above. However, this paragraph applies to any vehicle described in section 168.013, subdivision 3, paragraph (b), but only when the vehicle exceeds its gross weight allowance set forth in that paragraph, and then the additional cost is for all weight, including the allowance weight, in excess of the permitted maximum axle weight. The additional cost is equal to the product of the distance traveled times the sum of the overweight axle group cost factors shown in the following chart:

Overweight Axle Group Cost Factors

Weight (pounds) exceeding weight limitations on axles	Cost Per Mile For Each Group Of:		
	Two consec- utive axles spaced within 8 feet or less	Three consec- utive axles spaced within 9 feet or less	Four consec- utive axles spaced within 14 feet or less
0-2,000	.12	.05	.04
2,001-4,000	.14	.06	.05
4,001-6,000	.18	.07	.06
6,001-8,000	.21	.09	.07
8,001-10,000	.26	.10	.08
10,001-12,000	.30	.12	.09
12,001-14,000	Not permitted	.14	.11
14,001-16,000	Not permitted	.17	.12
16,001-18,000	Not permitted	.19	.15
18,001-20,000	Not permitted	Not permitted	.16
20,001-22,000	Not permitted	Not permitted	.20

The amounts added are rounded to the nearest cent for each axle or axle group. The additional cost does not apply to paragraph (c), clauses (1) and (3).

For a vehicle found to exceed the appropriate maximum permitted weight, a cost-per-mile fee of 22 cents per ton, or fraction of a ton, over the permitted maximum weight is imposed in addition to the normal permit fee. Miles must be calculated based on the distance already traveled in the state plus the distance from the point of detection to a transportation loading site or unloading site within the state or to the point of exit from the state.

(f) As an alternative to paragraph (e), an annual permit may be issued for overweight, or oversize and overweight, construction equipment, machinery, and supplies. The fees for the permit are as follows:

Gross Weight (pounds) of Vehicle	Annual Permit Fee
90,000 or less	\$200
90,001 - 100,000	\$300
100,001 - 110,000	\$400
110,001 - 120,000	\$500
120,001 - 130,000	\$600
130,001 - 140,000	\$700
140,001 - 145,000	\$800

If the gross weight of the vehicle is more than 145,000 pounds the permit fee is determined under paragraph (e).

(g) For vehicles which exceed the width limitations set forth in section 169.80 by more than 72 inches, an additional cost equal to \$120 added to the amount in paragraph (a) when the permit is issued while seasonal load restrictions pursuant to section 169.87 are in effect.

(h) \$85 for an annual permit to be issued for a period not to exceed 12 months, for refuse-compactor vehicles that carry a gross weight of not more than: 22,000 pounds on a single rear axle; 38,000 pounds on a tandem rear axle; or, subject to section 169.828, subdivision 2, 46,000 pounds on a tridem rear axle. A permit issued for up to 46,000 pounds on a tridem rear axle must limit the gross vehicle weight to not more than 62,000 pounds.

(i) For vehicles exclusively transporting implements of husbandry, an annual permit fee of \$24. A vehicle operated under a permit authorized by this paragraph may be moved at the discretion of the permit holder without prior route approval by the commissioner if:

- (1) the total width of the transporting vehicle, including load, does not exceed 14 feet;
- (2) the vehicle is operated only between sunrise and 30 minutes after sunset, and is not operated at any time after 12:00 noon on Sundays or holidays;
- (3) the vehicle is not operated when visibility is impaired by weather, fog, or other conditions that render persons and other vehicles not clearly visible at 500 feet;
- (4) the vehicle displays at the front and rear of the load or vehicle a pair of flashing amber lights, as provided in section 169.59, subdivision 4, whenever the overall width of the vehicle exceeds 126 inches; and
- (5) the vehicle is not operated on a trunk highway with a surfaced roadway width of less than 24 feet unless such operation is authorized by the permit.

A permit under this paragraph authorizes movements of the permitted vehicle on an interstate highway, and movements of 75 miles or more on other highways."

Pages 61 to 64, delete sections 47 and 48

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, delete everything before "pavement"

Page 1, line 16, before "speed" insert "vehicle weight limits,"

Page 1, line 32, delete the second "subdivision" and insert "subdivisions" and after "1a" insert ", 3"

Page 1, line 39, after the second semicolon, insert "169.826, subdivision 1, by adding a subdivision;"

Page 2, line 1, delete "275.71, subdivision 5;"

Page 2, line 12, delete "275;"

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

SUSPENSION OF RULES

Senator Hottinger moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 1534 and that the rules of the Senate be so far suspended as to give S.F. No. 1534 its second reading and place it on General Orders. The motion prevailed.

S.F. No. 1534 was read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Day moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Johnson, D.E. be added as chief author to S.F. No. 655. The motion prevailed.

Senator Bachmann moved that Senate Resolution No. 71 be withdrawn from the Committee on Rules and Administration.

CALL OF THE SENATE

Senator Hottinger imposed a call of the Senate for the balance of the proceedings on Senate Resolution No. 71. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Bachmann motion. The motion prevailed.

Senate Resolution No. 71: A Senate resolution recognizing May 1, 2003, as a Day of Prayer in Minnesota.

WHEREAS, the citizens of the state of Minnesota are a diverse group of people, with nearly every nationality and a variety of religious traditions being represented; and

WHEREAS, the history of our state is replete with leaders who voluntarily called upon their God, whether the need was great or small; and

WHEREAS, civic and national days of prayer have a long and venerable history in our constitutional republic, dating back to the First Continental Congress in 1775; and

WHEREAS, the Declaration of Independence, our first statement as Americans of national purpose and identity, made "the laws of Nature and of Nature's God" the foundation of our United States of America and asserted that people have inalienable rights that are God-given; and

WHEREAS, in 1988, legislation setting aside the first Thursday in May in each year as a National Day of Prayer was passed unanimously by both houses of Congress and signed by President Ronald Reagan; and

WHEREAS, the National Day of Prayer is an opportunity for Americans of all faiths to join in united prayer to acknowledge our dependence on God, to give thanks for blessings received, to request healing for wounds endured, and to ask God to guide our leaders, bless our troops, and bring wholeness to the United States and its citizens; and

WHEREAS, May 1, 2003, marks the fifty-second consecutive observance of the National Day of Prayer in cities and towns throughout the United States; and

WHEREAS, this year it is fitting that we pray especially for American armed services members serving in Iraq or supporting those who serve there; and

WHEREAS, the citizens of Minnesota should gather together on this day in their homes, churches, meeting places, and chosen places of worship to pray in their own way for unity of the hearts of all humankind and for strong moral character in the lives of the people of all nations, as well as peace and understanding throughout the world; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it recognizes May 1, 2003, as a Day of Prayer in the state of Minnesota and commends this observance to all citizens.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare an enrolled copy of this resolution, to be authenticated by his signature and that of the Chair of the Senate Rules and Administration Committee, and transmit it to the National Prayer Committee.

Senator Bachmann moved the adoption of the foregoing resolution.

The question was taken on the adoption of the resolution.

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

Those who voted in the affirmative were:

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

The motion prevailed. So the resolution was adopted.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Hottinger moved that H.F. No. 779 be taken from the table. The motion prevailed.

H.F. No. 779: A bill for an act relating to state government; appropriating money for environmental, natural resources, agricultural, and rural development purposes; establishing and modifying certain programs; providing for regulation of certain activities and practices; providing for accounts, assessments, and fees; amending Minnesota Statutes 2002, sections 16A.531, subdivision 1, by adding a subdivision; 17.451; 17.452, subdivisions 8, 10, 11, 12, 13, by adding subdivisions; 17.4988; 18.525; 18.78; 18.79, subdivisions 2, 3, 5, 6, 9, 10; 18.81, subdivisions 2, 3; 18.84, subdivision 3; 18.86; 18B.10; 18B.26, subdivision 3; 18B.37, by adding a subdivision; 21.89, subdivision 2; 21.90, subdivision 2; 21.901; 28A.08, subdivision 3; 28A.085, subdivision 1;

28A.09, subdivision 1; 32.394, subdivisions 8, 8b, 8d; 35.155; 38.02, subdivision 1; 41A.09, subdivisions 1, 2a, 3a, by adding subdivisions; 84.027, subdivision 13; 84.029, subdivision 1; 84.085, subdivision 1; 84.091, subdivisions 2, 3; 84.0911; 84.788, subdivisions 2, 3; 84.794, subdivision 2; 84.803, subdivision 2; 84.92, subdivision 8; 84.927, subdivision 2; 84A.02; 84A.21; 84A.32, subdivision 1; 84A.55, subdivision 8; 84D.14; 85.015, by adding a subdivision; 85.04; 85.052, subdivision 3; 85.053, subdivision 1; 85.055, subdivision 1; 85A.02, subdivision 17; 88.17, subdivision 1, by adding a subdivision; 97A.015, subdivisions 24, 52; 97A.045, subdivision 7, by adding a subdivision; 97A.071, subdivision 2; 97A.075, subdivisions 1, 2, 4, by adding a subdivision; 97A.105, subdivision 1; 97A.401, subdivision 3; 97A.411, subdivision 2; 97A.441, subdivision 7, by adding a subdivision; 97A.475, subdivisions 2, 3, 4, 5, 10, 15, 26, 27, 28, 29, 30, 38, 39, 40, 42, by adding a subdivision; 97A.505, by adding subdivisions; 97B.311; 103B.231, subdivision 3a; 103B.305, subdivision 3, by adding subdivisions; 103B.311, subdivisions 1, 2, 3, 4; 103B.315, subdivisions 4, 5, 6; 103B.321, subdivisions 1, 2; 103B.325, subdivisions 1, 2; 103B.331, subdivisions 1, 2, 3; 103B.3363, subdivision 3; 103B.3369, subdivisions 2, 4, 5, 6; 103B.355; 103D.341, subdivision 2; 103D.345, by adding a subdivision; 103D.405, subdivision 2; 103D.537; 103G.005, subdivision 10e; 103G.222, subdivisions 1, 3; 103G.2242, by adding subdivisions; 103G.271, subdivisions 6, 6a, by adding a subdivision; 103G.611, subdivision 1; 103G.615, subdivision 2; 103I.235, subdivision 1; 115.03, by adding subdivisions; 115.073; 115.56, subdivision 4; 115A.0716, subdivision 3; 115A.54, by adding a subdivision; 115A.545, subdivision 2; 115A.908, subdivision 2; 115A.9651, subdivision 6; 115B.17, subdivisions 6, 7, 14, 16; 115B.19; 115B.20; 115B.22, subdivision 7; 115B.25, subdivisions 1a, 4; 115B.26; 115B.30; 115B.31, subdivisions 1, 3, 4; 115B.32, subdivision 1; 115B.33, subdivision 1; 115B.34; 115B.36; 115B.40, subdivision 4; 115B.41, subdivisions 1, 2, 3; 115B.42, subdivision 2; 115B.421; 115B.445; 115B.48, subdivision 2; 115B.49, subdivisions 1, 3; 115C.02, subdivision 14; 115C.08, subdivision 4; 115C.09, subdivision 3, by adding subdivisions; 115C.11, subdivision 1; 115C.13; 115D.12, subdivision 2; 116.03, subdivision 2; 116.07, subdivisions 4d, 4h, 7a; 116.073, subdivisions 1, 2; 116.46, by adding subdivisions; 116.49, by adding subdivisions; 116.50; 116.994; 116C.834, subdivision 1; 116D.04, subdivisions 2a, 10, 11, 13, by adding a subdivision; 116O.09, subdivisions 1, 1a, 2, 3, 9, 12, 13, by adding subdivisions; 116P.02, subdivision 1; 116P.05, subdivision 2; 116P.09, subdivisions 4, 5, 7; 116P.10; 116P.14, subdivisions 1, 2; 297A.94; 297F.10, subdivision 1; 297H.13, subdivisions 1, 2; 325E.10, subdivision 1; 469.175, subdivision 7; 473.843, subdivision 2; 473.844, subdivision 1; 473.845, subdivisions 1, 3, 7, 8; 473.846; Laws 2002, chapter 355, section 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 18; 21; 84; 84B; 97B; 103B; 115C; 116; repealing Minnesota Statutes 2002, sections 1.31; 1.32; 17.110; 18.51; 18.52; 18.53; 18.54; 18.79, subdivisions 1, 7, 11; 18.85; 41A.09, subdivisions 1a, 5a, 6, 7, 8; 84.0887; 84.98; 84.99; 93.2235; 97A.105, subdivisions 3a, 3b; 97A.485, subdivision 12; 97B.731, subdivision 2; 103B.311, subdivisions 5, 6, 7; 103B.315, subdivisions 1, 2, 3, 7; 103B.321, subdivision 3; 103B.3369, subdivision 3; 115B.02, subdivision 1a; 115B.42, subdivision 1; 297H.13, subdivisions 3, 4; 325E.112, subdivisions 2, 3; 325E.113; 473.845, subdivision 4; Minnesota Rules, parts 1510.0281; 9300.0010; 9300.0020; 9300.0030; 9300.0040; 9300.0050; 9300.0060; 9300.0070; 9300.0080; 9300.0090; 9300.0100; 9300.0110; 9300.0120; 9300.0130; 9300.0140; 9300.0150; 9300.0160; 9300.0170; 9300.0180; 9300.0190; 9300.0200; 9300.0210.

SUSPENSION OF RULES

Senator Hottinger moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 779 and that the rules of the Senate be so far suspended as to give H.F. No. 779 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 779 was read the second time.

Senator Sams moved to amend H.F. No. 779 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 779, and insert the language after the enacting clause, and the title, of S.F. No. 1523, the first engrossment.

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 779. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 779 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 37 and nays 25, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Johnson, D.J.	Koering	Nienow	Robling
Day	Jungbauer	LeClair	Olson	Rosen
Fischbach	Kiscaden	Limmer	Ortman	Ruud
Gaither	Kleis	McGinn	Ourada	Senjem
Hann	Knutson	Neuville	Reiter	Wergin

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

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Senator Hottinger moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 1528 and that the rules of the Senate be so far suspended as to give S.F. No. 1528, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 1528: A bill for an act relating to education; providing for family and early childhood and kindergarten through grade 12 education, including general education, special programs, education reform, facilities and technology, state agencies, repeal of profile of learning, and statewide accountability; providing for rulemaking; appropriating money; amending Minnesota Statutes 2002, sections 13.485, by adding a subdivision; 120A.05, subdivision 11; 120A.24, subdivision 4; 120A.41; 120B.02; 120B.30, subdivision 1; 120B.35, by adding a subdivision; 121A.21; 121A.23; 121A.41, subdivision 10; 121A.55; 121A.61, subdivision 3; 121A.64; 122A.09, subdivision 4; 122A.18, subdivision 7a; 122A.22; 122A.40, subdivision 5; 122A.413; 122A.46, subdivision 9; 123B.14, subdivision 1; 123B.57, subdivision 2; 123B.59, subdivision 2; 123B.62; 123B.71, subdivisions 4, 9; 123B.77, subdivision 3; 123B.88, subdivision 2; 123B.90, subdivisions 2, 3; 123B.91, subdivision 1; 124D.09, subdivision 20; 124D.10, subdivisions 2a, 3, 4, 16, 20; 124D.13, subdivisions 4, 8; 124D.15, subdivision 7; 124D.16, subdivision 1; 125A.023, subdivision 3; 125A.03; 125A.28; 125A.30; 128C.02, subdivision 1; 128C.05, by adding a subdivision; 169.28, subdivision 1; 169.4503, subdivision 4; 169.454, subdivisions 2, 6; 171.321, subdivision 5; 205A.07, by adding a subdivision; 354.094, subdivision 1; 574.26, subdivision 2; 611A.78, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 120B; 122A; 123B; 124D; 125A; 125B; repealing Minnesota Statutes 2002, sections 15.014, subdivision

3; 119A.08; 119A.51; 120B.031; 122A.414; 122A.415; 123B.90, subdivision 1; 124D.65, subdivision 4; 124D.93; 125A.09; 125A.47; 126C.125; 128C.01, subdivision 5; 128C.02, subdivision 8; 128C.13; 144.401, subdivision 5; 169.441, subdivision 4; 239.004; Minnesota Rules, parts 3501.0300; 3501.0310; 3501.0320; 3501.0330; 3501.0340; 3501.0350; 3501.0370; 3501.0380; 3501.0390; 3501.0400; 3501.0410; 3501.0420; 3501.0440; 3501.0441; 3501.0442; 3501.0443; 3501.0444; 3501.0445; 3501.0446; 3501.0447; 3501.0448; 3501.0449; 3501.0450; 3501.0460; 3501.0461; 3501.0462; 3501.0463; 3501.0464; 3501.0465; 3501.0466; 3501.0467; 3501.0468; 3501.0469.

Senator Stumpf moved to amend S.F. No. 1528 as follows:

Pages 49 to 54, delete sections 1 to 4

Pages 59 to 61, delete sections 10 to 12

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Kelley moved to amend S.F. No. 1528 as follows:

Page 2, delete section 1

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Kelley imposed a call of the Senate for the balance of the proceedings on S.F. No. 1528. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 31, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

The motion prevailed. So the amendment was adopted.

Senator Murphy moved to amend S.F. No. 1528 as follows:

Page 6, after line 9, insert:

"Sec. 6. Minnesota Statutes 2002, section 121A.11, is amended by adding a subdivision to read:

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

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

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

All public and charter schools must set aside time each week for civics education. Civics education includes, but is not limited to, recitation of the pledge of allegiance to the United States of America, discussion of the history and meaning of the pledge of allegiance, American patriotic songs, United States history, the Bill of Rights, United States Constitution, Declaration of Independence, discussion of current events, or any other activities related to government.

A local school board or a charter school board of directors may waive this requirement.

(b) Any student or teacher may decline to participate in recitation of the pledge. At the beginning of the school year, the adult person in charge of the class or school shall discuss the history and reason for recitation of the pledge of allegiance with the students. As part of that discussion, the person in charge shall inform the students that anyone not wishing to participate in the recitation of the pledge for any personal reason may elect not to do so and others should respect the right to make that choice.

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

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

Sec. 7. Minnesota Statutes 2002, section 121A.11, is amended by adding a subdivision to read:

Subd. 4. [INSTRUCTION.] Unless the requirement in subdivision 3 is waived by a majority vote of the school board, a school district must instruct students in the proper etiquette toward, correct display of, and respect for the flag, and in patriotic exercises. The instruction is recommended to be part of the district's fifth grade social studies curriculum.

[EFFECTIVE DATE.] This section is effective the day following final enactment. Each school district must begin the instruction required under this section no later than the 2003-2004 school year."

Page 26, after line 27, insert:

"Sec. 27. Minnesota Statutes 2002, section 124D.10, subdivision 8, is amended to read:

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

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

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

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

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

(f) A charter school may not charge tuition.

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

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

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

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

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

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

[EFFECTIVE DATE.] This section is effective 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 Neuville moved to amend S.F. No. 1528 as follows:

Page 27, after line 23, insert:

"Sec. 26. Minnesota Statutes 2002, section 124D.11, subdivision 4, is amended to read:

Subd. 4. [BUILDING LEASE AID.] When a charter school finds it economically advantageous to rent or lease a building or land for any instructional purposes and it determines that the total operating capital revenue under section 126C.10, subdivision 13, is insufficient for this purpose, it may apply to the commissioner for building lease aid for this purpose. The commissioner must review and either approve or deny a lease aid application using the following criteria:

(1) the reasonableness of the price based on current market values;

(2) the extent to which the lease conforms to applicable state laws and rules; and

(3) the appropriateness of the proposed lease in the context of the space needs and financial circumstances of the charter school.

A charter school must not use the building lease aid it receives for custodial, maintenance service, utility, or other operating costs. The amount of building lease aid per pupil unit served for a charter school for any year shall not exceed the lesser of (a) 90 percent of the approved cost or (b) the product of the pupil units served for the current school year times \$1,500 the greater of the charter school's building lease aid per pupil unit served for fiscal year 2003 or \$1,200.

[EFFECTIVE DATE.] This section is effective for revenue for fiscal year 2004.

Sec. 27. Minnesota Statutes 2002, section 124D.11, subdivision 6, is amended to read:

Subd. 6. [OTHER AID, GRANTS, REVENUE.] (a) A charter school is eligible to receive other aids, grants, and revenue according to chapters 120A to 129C, as though it were a district.

(b) Notwithstanding paragraph (a), a charter school may not receive aid, a grant, or revenue if a levy is required to obtain the money, except as otherwise provided in this section.

(c) Federal aid received by the state must be paid to the school, if it qualifies for the aid as though it were a school district.

(d) A charter school may receive money from any source for capital facilities needs. In the year-end report to the commissioner of children, families, and learning, the charter school shall report the total amount of funds received from grants and other outside sources.

~~(e) Notwithstanding paragraph (a) or (b), a charter school may apply for a grant to receive the aid portion of integration revenue under section 124D.86, subdivision 3, for enrolled students who are residents of a district that is eligible for integration revenue. The commissioner shall determine grant recipients and may adopt application guidelines. The grants must be competitively determined and must demonstrate that enrolling pupils in the charter school contributes to desegregation or integration purposes as determined by the commissioner. If the charter school has elected not to provide transportation under section 124D.10, subdivision 16, the aid shall be reduced by the amount per pupil unit specified for the district where the charter school is located under section 123B.92, subdivision 8.~~

[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 32 and nays 34, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Bachmann moved to amend S.F. No. 1528 as follows:

Pages 72 to 216, delete articles 7 to 18 and insert:

"ARTICLE 7

PROFILE OF LEARNING

Section 1. [120B.001] [REPEALING PROFILE OF LEARNING STATUTES AND RULES AND RELATED STATEWIDE TESTING REQUIREMENT.]

(a) Notwithstanding sections 120B.02, 120B.031, 120B.30, 120B.31, and 120B.35, or other law to the contrary, the commissioner of children, families, and learning must not implement the profile of learning portion of the state's results-oriented graduation rule and all rules under Minnesota Rules, chapter 3501, related to the profile of learning portion of the state's results-oriented graduation rule described in this chapter are repealed.

(b) The requirement under section 120B.30 for a test aligned with the profile of learning portion of the state's graduation standards that is administered annually to all students in grades 3, 5, 7, 8, 10, and 11 is repealed. This repeal does not apply to the state's basic skills tests in reading, mathematics, and written composition.

[EFFECTIVE DATE.] Paragraph (a) of this section is effective the day following final enactment and applies to the 2003-2004 school year and later. Paragraph (b) of this section is effective immediately and applies to the 2005-2006 school year and later.

Sec. 2. [REPLACING PROFILE OF LEARNING STATUTES AND RULES.]

Subdivision 1. [STAKEHOLDER ADVICE ON STANDARDS.] The commissioner of children, families, and learning must consider advice from at least the following stakeholders in developing statewide rigorous core academic standards in English, mathematics, science, and history and geography to replace the profile of learning:

- (1) parents of school-age children and members of the public throughout the state;
- (2) teachers throughout the state currently licensed and providing instruction in English, mathematics, science, or history and geography and licensed elementary and secondary school principals throughout the state currently administering a school site;
- (3) currently serving members of local school boards and charter school boards throughout the state;
- (4) faculty teaching core subjects at postsecondary institutions in Minnesota; and
- (5) representatives of the Minnesota business community.

Subd. 2. [PARAMETERS FOR ACADEMIC STANDARDS.] The academic standards must:

- (1) be based on factual, objective, verifiable knowledge in English, mathematics, science, and history and geography;
- (2) be clear, concise, measurable, and grade-level appropriate;
- (3) preserve and promote fundamental American principles stated in the Declaration of Independence and the Constitution of the United States and other such principles as national sovereignty, natural law, and free market enterprise;
- (4) not mandate a specific teaching methodology nor include work-based learning or any other content standard inconsistent with this subdivision; and
- (5) be assessed using tests aligned with the academic standards established under this section.

Subd. 3. [COMMISSIONER TO PRESENT PROPOSED RULES TO THE LEGISLATURE.] (a) The commissioner must present to the legislature proposed rules for implementing statewide rigorous core academic standards in English, mathematics, science, and history and geography as follows:

- (1) by April 15, 2003, present proposed rules for implementing statewide rigorous core academic standards in English and mathematics;
- (2) present a statewide plan for students, educators, schools, and school districts to make the transition from the profile of learning to the standards described under this act;

(3) by March 1, 2004, present proposed rules for implementing statewide rigorous core academic standards in science;

(4) by March 1, 2005, present proposed rules for implementing statewide rigorous core academic standards in history and geography.

(b) All proposed rules the commissioner presents must comply with the requirements of this section.

(c) A school district, no later than the 2007-2008 school year, must incorporate into its existing locally established graduation requirements the state graduation requirements premised on rules proposed under this section. A school district that incorporates these state graduation requirements before the 2007-2008 school year must provide students who enter the ninth grade in or before the 2004-2005 school year with the opportunity to earn a diploma based on existing locally established graduation requirements in effect when the students entered the ninth grade. District efforts to develop, implement, or improve instruction or curriculum as a result of the provisions of this section must be consistent with Minnesota Statutes, sections 120B.10, 120B.11, and 120B.20.

Subd. 4. [RULES IMPLEMENTING READING AND MATH STANDARDS.] The commissioner must adopt rules under Minnesota Statutes, section 14.388, clause (2), for implementing the statewide rigorous core academic standards in English and mathematics described in subdivision 3, clause (1).

[EFFECTIVE DATE.] Subdivisions 1, 2, and 3 are effective the day following final enactment. Subdivision 4 is effective April 30, 2003.

Sec. 3. [INTERIM ALTERNATIVE.]

If the legislature does not authorize the commissioner under section 2, subdivision 4, to adopt rules to implement statewide rigorous core academic standards in English and mathematics that are effective for the 2003-2004 school year, each school district and charter school shall continue to implement academic English and mathematics standards consistent with Minnesota Statutes 2002, section 120A.22, subdivision 9, until such rules to implement statewide rigorous core academic standards in English and mathematics are adopted.

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

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 35, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Kierlin moved to amend S.F. No. 1528 as follows:

Page 35, after line 32, insert:

"Sec. 40. [PILOT PROJECT; CARE AND TREATMENT CHARTER SCHOOL.]

Subdivision 1. [PILOT PROJECT AUTHORIZED.] A pilot project is created to evaluate the educational effectiveness of combining a care and treatment program with a charter school.

Subd. 2. [APPLICATION.] Northwood Children's Services may apply to the commissioner of education to form a care and treatment pilot charter school under the provisions of this section and Minnesota Statutes, section 124D.10. Before forming the care and treatment pilot charter school, Northwood Children's Services must file an affidavit with the commissioner stating its intent to form the pilot charter school. The affidavit must state the terms and conditions under which the care and treatment pilot charter school would operate. The commissioner must approve or disapprove Northwood Children's Services' proposed authorization within 60 days of receipt of the affidavit. Northwood Children's Services must include in its application the items required in a charter school's contract under Minnesota Statutes, section 124D.10, subdivision 6, and any other information the commissioner may request to approve or disapprove the application.

Subd. 3. [ENROLLMENT.] Notwithstanding Minnesota Statutes, section 124D.10, subdivision 9, a care and treatment center pilot charter school shall give preference for enrollment to participants in the center's care and treatment programs.

Subd. 4. [PLACEMENT OF STUDENTS; RESPONSIBILITIES FOR PROVIDING EDUCATION.] Notwithstanding Minnesota Statutes, section 125A.515, subdivision 3, a care and treatment center operating a charter school may notify the department of education of its intent to provide education services, including special education if eligible, to all students placed in the facility for care and treatment.

Subd. 5. [REVENUE.] A care and treatment center pilot charter school is eligible for revenue as if it were a charter school under Minnesota Statutes, section 124D.11, except that it does not qualify for charter school lease aid under Minnesota Statutes, section 124D.11, subdivision 4, and charter school start-up aid under Minnesota Statutes, section 124D.11, subdivision 8.

Subd. 6. [FINANCIAL INFORMATION.] A charter school operating under this section must keep financial records sufficient to allow audits under Minnesota Statutes, section 124D.10, subdivisions 6a and 8.

Subd. 7. [REPORT.] Northwood Children's Services must annually report to the education committees of the legislature on the charter school's success in integrating educational services into the students' care and treatment programs.

Subd. 8. [EXPIRATION.] The authority granted Northwood Children's Services under this section applies only to the school's first six years of operation. This section expires after the school's sixth year of operation.

[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 30 and nays 34, as follows:

Those who voted in the affirmative were:

Bachmann	Frederickson	Kierlin	Koering	McGinn
Day	Gaither	Kiscaden	Larson	Michel
Dille	Hann	Kleis	LeClair	Neuville
Fischbach	Jungbauer	Knutson	Limmer	Nienow

Olson	Ourada	Reiter	Rosen	Senjem
Ortman	Pariseau	Robling	Ruud	Wergin

Those who voted in the negative were:

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

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

Senator Wergin moved to amend S.F. No. 1528 as follows:

Page 4, after line 8, insert:

"Sec. 5. Minnesota Statutes 2002, section 124D.59, subdivision 2, is amended to read:

Subd. 2. [PUPIL OF LIMITED ENGLISH PROFICIENCY.] (a) "Pupil of limited English proficiency" means a pupil in kindergarten through grade 12 who meets the following requirements:

(1) the pupil ~~in kindergarten through grade 12~~, as declared by a parent or guardian first learned a language other than English, comes from a home where the language usually spoken is other than English, or usually speaks a language other than English; and

(2) ~~for a pupil in kindergarten through grade 2~~, the pupil is determined by developmentally appropriate measures, which might include observations, teacher judgment, parent recommendations, or developmentally appropriate assessment instruments, to lack the necessary English skills to participate fully in classes taught in English; ~~or~~.

~~(3) the (b) Notwithstanding paragraph (a), a pupil in grades 3 4 through 12 scores who was enrolled in a Minnesota public school on the dates during the previous school year when a commissioner-provided assessment was administered that measures the pupil's emerging academic English shall not be counted as a pupil of limited English proficiency in calculating limited English proficiency pupil units under section 126C.05, subdivision 17, and shall not generate state limited English proficiency aid under section 124D.65, subdivision 5, unless the pupil scored below the state cutoff score on an assessment measuring emerging academic English provided by the commissioner during the previous school year.~~

~~(c) Notwithstanding paragraphs (a) and (b), a pupil in kindergarten through grade 12 shall not be counted as a pupil of limited English proficiency in calculating limited English proficiency pupil units under section 126C.05, subdivision 17, and shall not generate state limited English proficiency aid under section 124D.65, subdivision 5, if:~~

~~(1) the pupil is not enrolled during the current fiscal year in an educational program for pupils of limited English proficiency in accordance with sections 124D.58 to 124D.64; or~~

~~(2) the pupil has generated five or more years of average daily membership in Minnesota public schools since July 1, 1996.~~

Sec. 6. Minnesota Statutes 2002, section 124D.65, subdivision 5, is amended to read:

Subd. 5. [SCHOOL DISTRICT LEP REVENUE.] ~~(a) A school district's limited English proficiency programs revenue for fiscal year 2000 equals the state total limited English proficiency programs revenue, minus the amount determined under paragraph (b), times the ratio of the district's adjusted limited English proficiency programs base revenue to the state total adjusted limited English proficiency programs base revenue.~~

~~(b) Notwithstanding paragraph (a), if the limited English proficiency programs base revenue for a district equals zero, the limited English proficiency programs revenue equals the sum of the following amounts, computed using current year data:~~

~~(1) 68 percent of the salary of one full-time equivalent teacher for each 40 pupils of limited English proficiency enrolled, or 68 percent of the salary of one-half of a full-time teacher in a district with 20 or fewer pupils of limited English proficiency enrolled; and~~

~~(2) for supplies and equipment purchased or rented for use in the instruction of pupils of limited English proficiency an amount equal to 47 percent of the sum actually spent by the district but not to exceed an average of \$47 in any one school year for each pupil of limited English proficiency receiving instruction.~~

~~(e) A district's limited English proficiency programs revenue for fiscal year 2001-2004 and later equals the product of \$584 \$700 times the greater of 20 or the number of adjusted marginal cost average daily membership of eligible pupils of limited English proficiency enrolled in the district during the current fiscal year.~~

~~(d) A pupil ceases to generate state limited English proficiency aid in the school year following the school year in which the pupil attains the state cutoff score on a commissioner-provided assessment that measures the pupil's emerging academic English.~~

Sec. 7. Minnesota Statutes 2002, section 126C.05, subdivision 17, is amended to read:

Subd. 17. [LEP PUPIL UNITS.] (a) Limited English proficiency pupil units for fiscal year 1998 2004 and thereafter shall be determined according to this subdivision.

(b) The limited English proficiency concentration percentage for a district equals the product of 100 times the ratio of:

(1) the number of eligible pupils of limited English proficiency in average daily membership enrolled in the district during the current fiscal year; to

(2) the number of pupils in average daily membership enrolled in the district.

(c) The limited English proficiency pupil units for each eligible pupil enrolled in a program for pupils of limited English proficiency in accordance with sections 124D.58 to 124D.64 average daily membership equals the lesser of one or the quotient obtained by dividing the limited English proficiency concentration percentage for the pupil's district of enrollment by 11.5.

(d) Limited English proficiency pupil units shall be counted by the district of enrollment.

(e) Notwithstanding paragraph (d), for the purposes of this subdivision, pupils enrolled in a cooperative or intermediate school district shall be counted by the district of residence.

(f) For the purposes of this subdivision, the terms defined in section 124D.59 have the same meaning.

Sec. 8. Minnesota Statutes 2002, section 126C.10, subdivision 1, is amended to read:

Subdivision 1. [GENERAL EDUCATION REVENUE.] (a) ~~For fiscal year 2002, the general education revenue for each district equals the sum of the district's basic revenue, basic skills revenue, training and experience revenue, secondary sparsity revenue, elementary sparsity revenue, transportation sparsity revenue, total operating capital revenue, equity revenue, transition revenue, and supplemental revenue.~~

~~(b) For fiscal year years 2003 and later 2004, the general education revenue for each district equals the sum of the district's basic revenue, basic skills revenue, training and experience revenue, secondary sparsity revenue, elementary sparsity revenue, transportation sparsity revenue, total operating capital revenue, and equity revenue.~~

~~(b) For fiscal year 2005 and later, the general education revenue for each district equals the sum of the district's basic revenue, basic skills revenue, training and experience revenue, secondary sparsity revenue, elementary sparsity revenue, transportation sparsity revenue, total operating capital revenue, equity revenue, and complementary revenue.~~

Sec. 9. Minnesota Statutes 2002, section 126C.10, subdivision 4, is amended to read:

Subd. 4. [BASIC SKILLS REVENUE.] (a) ~~For fiscal year 2002, a school district's basic skills revenue equals the sum of:~~

- ~~(1) compensatory revenue under subdivision 3; plus~~
- ~~(2) limited English proficiency revenue according to section 124D.65, subdivision 5; plus~~
- ~~(3) \$190 times the limited English proficiency pupil units according to section 126C.05, subdivision 17; plus~~
- ~~(4) \$22.50 times the number of adjusted marginal cost pupil units in kindergarten to grade 8.~~

(b) For fiscal year 2003 2004 and later, a school district's basic skills revenue equals the sum of:

- (1) compensatory revenue under subdivision 3; plus
- (2) limited English proficiency revenue under section 124D.65, subdivision 5; plus
- (3) \$190 \$250 times the limited English proficiency pupil units under section 126C.05, subdivision 17.

Sec. 10. Minnesota Statutes 2002, section 126C.10, is amended by adding a subdivision to read:

Subd. 29. [COMPLEMENTARY REVENUE.] (a) For fiscal year 2005 and later, a school district's complementary revenue is equal to its complementary revenue allowance, defined in paragraph (b) times its average daily membership for that year.

(b) A district's complementary revenue allowance is \$15 in fiscal year 2005 and \$10 for fiscal year 2006 and later.

[EFFECTIVE DATE.] This section is effective for revenue for fiscal year 2005."

Page 4, after line 20, insert:

"Sec. 12. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF CHILDREN, FAMILIES, AND LEARNING.] The sums indicated in this section are appropriated from the general fund to the department of children, families, and learning for the fiscal years designated.

Subd. 2. [GENERAL EDUCATION AID.] For general education aid under Minnesota Statutes, section 126C.13, subdivision 4:

<u>\$4,762,631,000</u>	<u>.....</u>	<u>2004</u>
<u>\$5,139,127,000</u>	<u>.....</u>	<u>2005</u>

The 2004 appropriation includes \$857,432,000 for 2003 and \$3,905,199,000 for 2004.

The 2005 appropriation includes \$1,012,428,000 for 2004 and \$4,126,699,000 for 2005."

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 31 and nays 34, as follows:

Those who voted in the affirmative were:

Bachmann	Belanger	Day	Dille	Fischbach
----------	----------	-----	-------	-----------

Frederickson	Kleis	McGinn	Ourada	Senjem
Gaither	Knutson	Michel	Pariseau	Wergin
Hann	Koering	Neuville	Reiter	
Jungbauer	Larson	Nienow	Robling	
Kierlin	LeClair	Olson	Rosen	
Kiscaden	Limmer	Ortman	Ruud	

Those who voted in the negative were:

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

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

Senator McGinn moved to amend S.F. No. 1528 as follows:

Page 18, after line 23, insert:

"Sec. 19. Minnesota Statutes 2002, section 123B.143, is amended by adding a subdivision to read:

Subd. 3. [CONTRACT VALIDITY.] Each initial or subsequent employment contract or amendment to a contract for any person employed by a board as a superintendent shall be valid only if:

(1) it is approved as a separate agenda item by a majority of the board on a recorded vote during a regularly scheduled meeting held in an ordinary location for board meetings; and

(2) prior to approval under this subdivision, a school board must provide a report with the proposed contract that projects any and all costs to the school district as a result of the provisions of the contract. The projections must be complete and reasonable. All projections and calculations must be made available to the public at least one month prior to and at the meeting where the contract is considered in a manner consistent with state law on public notice and access to public data."

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 64 and nays 0, as follows:

Those who voted in the affirmative were:

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

The motion prevailed. So the amendment was adopted.

Senator Hann moved to amend S.F. No. 1528 as follows:

Page 18, after line 23, insert:

"Sec. 19. Minnesota Statutes 2002, section 123B.143, is amended by adding a subdivision to read:

Subd. 1a. [HIRING OPTION.] Notwithstanding subdivision 1 and sections 122A.15, subdivision 2; and 122A.18, subdivision 1; and Minnesota Rules, chapter 3512, a school board may hire any person it deems qualified to be its superintendent to serve at the pleasure of the board under this subdivision. The board may authorize the payment of compensation for the superintendent's services in an amount to be determined by the board. A superintendent hired under this subdivision may be removed by the board at any time at the pleasure of the board and shall have no right of action against the board for removal."

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 30 and nays 34, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Koering	Neuville	Reiter
Belanger	Jungbauer	Larson	Nienow	Robling
Day	Kierlin	LeClair	Olson	Rosen
Dille	Kiscaden	Limmer	Ortman	Ruud
Frederickson	Kleis	McGinn	Ourada	Senjem
Gaither	Knutson	Michel	Pariseau	Wergin

Those who voted in the negative were:

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

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

Senator Limmer moved to amend S.F. No. 1528 as follows:

Page 16, after line 31, insert:

"Sec. 16. Minnesota Statutes 2002, section 123B.02, is amended by adding a subdivision to read:

Subd. 21. [USE OF PUBLIC RESOURCES.] A school district or its employees must not use public resources or students to produce, convey, or disseminate materials or messages advocating the passage or defeat of a ballot question, the passage or defeat of legislation pending in the legislature, or the election of any candidate for public office."

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 30 and nays 33, as follows:

Those who voted in the affirmative were:

Bachmann	Day	Fischbach	Gaither	Kierlin
Belanger	Dille	Frederickson	Hann	Kiscaden

Kleis	LeClair	Neuville	Ourada	Rosen
Knutson	Limmer	Nienow	Pariseau	Ruud
Koering	McGinn	Olson	Reiter	Senjem
Larson	Michel	Ortman	Robling	Wergin

Those who voted in the negative were:

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

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

Senator Kiscaden moved to amend S.F. No. 1528 as follows:

Page 14, after line 23, insert:

"Subd. 4. [PARAPROFESSIONALS CREDENTIALS.] The establishment of a state credential does not preclude a paraprofessional from being able to assist a licensed teacher in providing student instruction if that person meets criteria established by the school board."

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

Senator Hann moved to amend S.F. No. 1528 as follows:

Page 49, line 25, after the semicolon, insert "123B.05;"

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 30 and nays 35, as follows:

Those who voted in the affirmative were:

Bachmann	Gaither	Koering	Neuville	Reiter
Belanger	Hann	Larson	Nienow	Robling
Day	Kierlin	LeClair	Olson	Rosen
Dille	Kiscaden	Limmer	Ortman	Ruud
Fischbach	Kleis	McGinn	Ourada	Senjem
Frederickson	Knutson	Michel	Pariseau	Wergin

Those who voted in the negative were:

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

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

Senator Rosen moved to amend S.F. No. 1528 as follows:

Page 16, after line 31, insert:

"Sec. 16. Minnesota Statutes 2002, section 122A.60, subdivision 1, is amended to read:

Subdivision 1. [STAFF DEVELOPMENT COMMITTEE.] A school board must use the revenue authorized in section 122A.61 for in-service education for programs under section 120B.22, subdivision 2, or for staff development plans under this section. The board ~~must~~ may establish an advisory staff development committee to ~~develop~~ assist in the development of a staff

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

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 17. Minnesota Statutes 2002, section 122A.60, subdivision 3, is amended to read:

Subd. 3. [STAFF DEVELOPMENT OUTCOMES.] The board, after review of the recommendations of the advisory staff development committee, if any, must adopt a staff development plan for improving student achievement. The plan must be consistent with education outcomes that the school board determines. The plan must include ongoing staff development activities that contribute toward continuous improvement in achievement of the following goals:

(1) improve student achievement of state and local education standards in all areas of the curriculum by using best practices methods;

(2) effectively meet the needs of a diverse student population, including at-risk children, children with disabilities, and gifted children, within the regular classroom and other settings;

(3) provide an inclusive curriculum for a racially, ethnically, and culturally diverse student population that is consistent with the state education diversity rule and the district's education diversity plan;

(4) improve staff collaboration and develop mentoring and peer coaching programs for teachers new to the school or district;

(5) effectively teach and model violence prevention policy and curriculum that address early intervention alternatives, issues of harassment, and teach nonviolent alternatives for conflict resolution; and

(6) provide teachers and other members of site-based management teams with appropriate management and financial management skills.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 18. Minnesota Statutes 2002, section 122A.61, subdivision 1, is amended to read:

Subdivision 1. [STAFF DEVELOPMENT REVENUE.] A district is required to reserve an amount equal to at least two percent of the basic revenue under section 126C.10, subdivision 2, for in-service education for programs under section 120B.22, subdivision 2, for staff development plans, including plans for challenging instructional activities and experiences under section 122A.60, and for curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, the cost of substitute teachers staff development purposes, preservice and in-service education for special education professionals and paraprofessionals, and other related costs for staff development efforts. A district may annually waive the requirement to reserve ~~their~~ its basic revenue under this section if a majority vote of the licensed teachers in the

district and a majority vote of the school board agree to a resolution to waive the requirement. A district in statutory operating debt is exempt from reserving basic revenue according to this section. Districts may expend an additional amount of unreserved revenue for staff development based on their needs. ~~With the exception of amounts reserved for staff development from revenues allocated directly to school sites, the board must initially allocate 50 percent of the reserved revenue to each school site in the district on a per teacher basis, which must be retained by the school site until used. The board may retain 25 percent to be used for district wide staff development efforts. The remaining 25 percent of the revenue must be used to make grants to school sites for best practices methods. A grant~~ The revenue appropriated by the school board may be used for any purpose authorized under section 120B.22, subdivision 2, 122A.60, or for the costs of curriculum development and programs, other in-service education, teachers' workshops, teacher conferences, substitute teachers for staff development purposes, and other staff development efforts, ~~and determined by the site professional development team. The A site professional development team must demonstrate to the school board the extent to which staff at the site have met the outcomes of the program. The board may withhold a portion of initial allocation of the revenue if the board determines that the staff development outcomes are not being met.~~

[EFFECTIVE DATE.] This section is effective July 1, 2003."

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 29 and nays 35, as follows:

Those who voted in the affirmative were:

Bachmann	Gaither	Larson	Nienow	Robling
Belanger	Hann	LeClair	Olson	Rosen
Day	Kierlin	Limmer	Ortman	Ruud
Dille	Kiscaden	McGinn	Ourada	Senjem
Fischbach	Kleis	Michel	Pariseau	Wergin
Frederickson	Knutson	Neuville	Reiter	

Those who voted in the negative were:

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

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

Senator Limmer moved to amend S.F. No. 1528 as follows:

Page 5, after line 26, insert:

"Sec. 5. [120B.19] [TEACHING OF HOMOSEXUALITY OR BISEXUALITY.]

A school district must not authorize or permit the promotion of homosexuality or bisexuality or allow the teaching of homosexuality or bisexuality as an acceptable lifestyle. This promotion or teaching is prohibited."

Page 31, after line 12, insert:

"Sec. 35. Minnesota Statutes 2002, section 363.021, is amended to read:

363.021 [CONSTRUCTION OF LAW.]

Nothing in this chapter shall be construed to:

(1) mean the state of Minnesota condones homosexuality or bisexuality or any equivalent lifestyle;

(2) authorize or permit the promotion of homosexuality or bisexuality in education institutions or require allow the teaching in education institutions of homosexuality or bisexuality as an acceptable lifestyle; this promotion or teaching is prohibited;

(3) authorize or permit the use of numerical goals or quotas, or other types of affirmative action programs, with respect to homosexuality or bisexuality in the administration or enforcement of the provisions of this chapter; or

(4) authorize the recognition of or the right of marriage between persons of the same sex."

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 19 and nays 41, as follows:

Those who voted in the affirmative were:

Bachmann	Kleis	Limmer	Olson	Robling
Day	Knutson	McGinn	Ourada	Rosen
Fischbach	Larson	Neuville	Pariseau	Wergin
Hann	LeClair	Nienow	Reiter	

Those who voted in the negative were:

Anderson	Foley	Lourey	Ranum	Sparks
Bakk	Gaither	Marko	Rest	Stumpf
Belanger	Higgins	Marty	Sams	Tomassoni
Berglin	Hottinger	Metzen	Saxhaug	Vickerman
Betzold	Johnson, D.E.	Michel	Scheid	Wiger
Chaudhary	Kelley	Moua	Senjem	
Cohen	Kierlin	Murphy	Skoe	
Dibble	Kubly	Pappas	Skoglund	
Dille	Langseth	Pogemiller	Solon	

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

S.F. No. 1528 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 36 and nays 28, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Hann	LeClair	Olson	Rosen
Day	Kierlin	Limmer	Ortman	Ruud
Dille	Kleis	McGinn	Ourada	Senjem
Fischbach	Knutson	Michel	Pariseau	Wergin
Frederickson	Koering	Neuville	Reiter	
Gaither	Larson	Nienow	Robling	

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

Senator Hottinger moved that S.F. No. 1528 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Hottinger moved that H.F. No. 1404 be taken from the table. The motion prevailed.

H.F. No. 1404: A bill for an act relating to education; providing for kindergarten through grade 12 education including general education, education excellence, special programs, facilities and technology, nutrition, school accounting, other programs, deficiencies, state agencies, and academic content standard; providing for libraries; providing for early childhood and family education including early childhood family support, prevention, and self-sufficiency; requiring a school district primary election in certain circumstances; providing for recitation of the pledge of allegiance; providing for technical amendments to certain education provisions; changing the name of the department of children, families, and learning to the department of education; providing for teacher/school board contract arbitration and post arbitration procedures; providing for rulemaking; appropriating money; amending Minnesota Statutes 2002, sections 12.21, subdivision 3; 15.01; 84A.51, subdivision 4; 119A.01, subdivision 2; 119A.02, subdivisions 2, 3; 119A.52; 119B.011, subdivisions 8, 10, 20; 120A.02; 120A.05, subdivisions 4, 7, 9; 120A.24, subdivision 4; 120A.41; 121A.11, by adding subdivisions; 121A.21; 121A.23, subdivision 1, by adding a subdivision; 121A.41, subdivision 10; 121A.50; 121A.55; 121A.64; 122A.09, subdivision 10; 122A.12, subdivisions 1, 2; 122A.18, subdivision 7a; 122A.21; 122A.22; 122A.41, subdivision 2; 122A.414, by adding a subdivision; 122A.415, subdivisions 1, 3; 122A.63, subdivision 3; 123A.06, subdivision 3; 123A.18, subdivision 2; 123A.73, subdivisions 3, 4, 5; 123B.02, subdivisions 1, 14; 123B.36, subdivision 1; 123B.49, subdivision 4; 123B.51, subdivisions 3, 4; 123B.52, by adding a subdivision; 123B.53, subdivision 4; 123B.57, subdivisions 1, 4, 6; 123B.59, subdivisions 1, 2, 3, 5, by adding a subdivision; 123B.63, subdivisions 1, 2, 3, 4; 123B.72, subdivision 3; 123B.88, subdivision 2; 123B.90, subdivisions 2, 3; 123B.91, subdivision 1; 123B.92, subdivisions 1, 3, 9; 123B.93; 124D.03, subdivision 12; 124D.081, by adding a subdivision; 124D.09, subdivisions 3, 9, 10, 13, 16, 20; 124D.10, subdivisions 2a, 3, 4, 8, 13, 16, 20, 23a; 124D.11, subdivisions 1, 2, 4, 6, 9; 124D.118, subdivision 4; 124D.128, subdivisions 3, 6; 124D.13, subdivisions 2, 4, 8, 11; 124D.135, subdivisions 1, 8; 124D.15, subdivision 7; 124D.16, subdivisions 1, 6; 124D.19, subdivision 3; 124D.20, subdivisions 3, 5, by adding subdivisions; 124D.22, subdivision 3; 124D.42, subdivision 6; 124D.454, subdivisions 1, 2, 3, 8, 10, by adding a subdivision; 124D.52, subdivisions 1, 3; 124D.531, subdivisions 1, 2, 4, 7; 124D.59, subdivision 2; 124D.65, subdivision 5; 124D.86, subdivisions 1a, 3, 4, 5, 6; 125A.05; 125A.12; 125A.21, subdivision 2; 125A.28; 125A.30; 125A.76, subdivisions 1, 4; 125A.79, subdivisions 1, 6; 125B.21; 126C.05, subdivisions 1, 8, 14, 15, 16, 17, by adding a subdivision; 126C.10, subdivisions 1, 3, 4, 17, 18, 24, 28, by adding subdivisions; 126C.13, subdivision 4; 126C.15, subdivision 1; 126C.17, subdivisions 1, 2, 5, 7, 7a, 9, 13; 126C.21, subdivision 3; 126C.40, subdivision 1; 126C.42, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44; 126C.45; 126C.457; 126C.48, subdivision 3; 126C.55, subdivision 5; 126C.63, subdivisions 5, 8; 126C.69, subdivisions 2, 9; 127A.05, subdivisions 1, 3, 4; 127A.45, subdivisions 2, 3, 7a, 10, 12, 13, 14, 14a, 16; 127A.47, subdivisions 7, 8; 127A.49, subdivisions 2, 3; 128C.05, by adding a subdivision; 128D.11, subdivision 8; 134.34, subdivision 4; 169.26, subdivision 3; 169.28, subdivision 1; 169.435; 169.449, subdivision 1; 169.4501, subdivisions 3, 4; 169.4503, subdivision 4; 169.454, subdivision 6; 169.973, subdivision 1; 171.321, subdivision 5; 177.42, subdivision 2; 178.02, subdivision 1; 205A.03, subdivisions 1, 3, 4; 205A.06, subdivision 1a; 268.052, subdivisions 2, 4; 273.138, subdivision 6; 298.28, subdivision 4; 475.61, subdivisions 1, 3, 4; Laws 1965, chapter 705, as amended; Laws 2001, First Special Session chapter 6, article 2, section 64; proposing coding for new law in Minnesota Statutes, chapters 120B; 121A; 123B; 124D; 125A; 126C; repealing Minnesota Statutes 2002, sections 15.014, subdivision 3; 93.22, subdivision 2; 93.223, subdivision 1; 119A.01, subdivision 1; 120B.23; 121A.49; 122A.60; 122A.61; 122A.62; 122A.64; 122A.65; 123A.73, subdivisions 7, 10, 11; 123B.05; 123B.59, subdivisions 6, 7; 123B.81, subdivision 6; 123B.90, subdivision 1; 124D.09, subdivision 15; 124D.115; 124D.1156; 124D.17; 124D.21; 124D.221; 124D.54; 124D.65, subdivision 4; 124D.84, subdivision 2; 124D.89; 124D.93; 125A.023, subdivision 5; 125A.09;

125A.47; 125A.79, subdivision 2; 125B.11; 126C.01, subdivision 4; 126C.05, subdivision 12; 126C.12; 126C.125; 126C.14; 126C.445; 126C.55, subdivision 5; 127A.41, subdivision 6; 144.401, subdivision 5; 169.441, subdivision 4; 239.004; Laws 1993, chapter 224, article 8, section 20, subdivision 2, as amended; Laws 2000, chapter 489, article 2, section 36, as amended; Laws 2001, First Special Session chapter 3, article 4, sections 1, 2; Laws 2001, First Special Session chapter 6, article 2, section 52; Laws 2001, First Special Session chapter 6, article 5, section 12, as amended; Minnesota Rules, parts 3500.0600; 3520.0400; 3520.1400; 3520.3300; 3530.1500; 3530.2700; 3530.4400; 3530.4500; 3530.4700; 3550.0100.

SUSPENSION OF RULES

Senator Hottinger moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 1404 and that the rules of the Senate be so far suspended as to give H.F. No. 1404 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1404 was read the second time.

Senator Stumpf moved to amend H.F. No. 1404 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 1404, and insert the language after the enacting clause, and the title, of S.F. No. 1528, the second engrossment.

The motion prevailed. So the amendment was adopted.

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 1404. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 1404 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 36 and nays 26, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Hann	LeClair	Olson	Senjem
Day	Kierlin	Limmer	Ortman	Wergin
Dille	Kleis	McGinn	Ourada	
Fischbach	Knutson	Michel	Reiter	
Frederickson	Koering	Neuville	Robling	
Gaither	Larson	Nienow	Rosen	

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

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Stumpf moved that his name be stricken as chief author, shown as a co-author, and the name of Senator Kelley be shown as chief author to S.F. No. 1528. The motion prevailed.

SUSPENSION OF RULES

Senator Hottinger moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 1534 and that the rules of the Senate be so far suspended as to give S.F. No. 1534, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

S.F. No. 1534: A bill for an act relating to appropriations; appropriating money for transportation, public safety, and other purposes; authorizing issuance of trunk highway bonds; modifying motor fuel taxes and motor vehicle registration fees; modifying provisions relating to contract awards, property appraisals, highways and highway rest areas, high-occupancy vehicle lanes, county and town cartways, forecasts of highway-related revenues and expenditures, safe routes to school programs, pavement striping, bus rapid transit and other transit, a land exchange, and other transportation-related activities; providing for fees, funds and accounts, transfers, allocations, and expenditures; modifying provisions regulating motor vehicles and license plates, vehicle weight limits, speed limits and other traffic regulations, traffic accidents, surcharges on trooper-issued traffic citations, vehicle insurance, drivers' licenses and identification cards, public safety officer benefit funds, and other activities related to public safety; authorizing administrative powers, penalties, and remedies for public safety purposes; requiring studies and reports; making technical and clarifying changes; amending Minnesota Statutes 2002, sections 16A.88, subdivision 1; 16C.10, subdivision 7; 117.232, subdivision 1; 160.02, by adding a subdivision; 160.28, by adding a subdivision; 161.04, by adding a subdivision; 161.20, subdivision 3; 162.07, subdivision 1, by adding subdivisions; 163.11, by adding subdivisions; 164.08, subdivision 2; 168.011, subdivision 22; 168.013, subdivisions 1a, 3; 168.12, subdivisions 2e, 5; 168.54, subdivision 4; 168A.29, subdivision 1; 169.01, by adding a subdivision; 169.09, subdivision 1; 169.14, subdivisions 2, 4, 5a; 169.18, subdivision 7; 169.42, subdivisions 1, 5; 169.686, subdivision 1; 169.791, subdivision 1; 169.796, by adding a subdivision; 169.797, subdivision 4a; 169.798, subdivision 1, by adding a subdivision; 169.826, subdivision 1, by adding a subdivision; 169.85, subdivision 2; 169.86, subdivision 5; 169.89, by adding a subdivision; 171.015, by adding a subdivision; 171.04, subdivision 1; 171.05, subdivision 2b; 171.055, subdivision 2; 171.06, subdivisions 2, 3; 171.061, subdivision 4; 171.07, subdivisions 3, 4; 171.20, subdivision 4; 171.27; 171.29, subdivision 2; 174.02, by adding a subdivision; 174.03, by adding a subdivision; 174.24, subdivisions 1, 3b; 296A.07, subdivision 3; 296A.08, subdivision 2; 297B.09, subdivision 1; 299A.465, subdivision 4; 299D.03, subdivisions 5, 6, by adding a subdivision; 299E.01, by adding a subdivision; 360.305, subdivision 4; Laws 1999, chapter 238, article 1, section 2, subdivision 2; Laws 2000, chapter 433, section 4; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 2; Laws 2002, chapter 374, article 11, section 10, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 160; 161; 171; 174; 299A; repealing Minnesota Statutes 2002, sections 16A.88, subdivision 3; 169.794; 169.799; 174.242; Minnesota Rules, parts 7403.1300; 7413.0400; 7413.0500.

Senator Ourada moved to amend S.F. No. 1534 as follows:

Page 7, delete lines 25 to 29

CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on S.F. No. 1534. The Sergeant at Arms was instructed to bring in the absent members.

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

Senator Reiter moved to amend S.F. No. 1534 as follows:

Page 70, after line 19, insert:

"Sec. 52. Minnesota Statutes 2002, section 174.88, is amended by adding a subdivision to read:

Subd. 3. [NORTHSTAR COMMUTER RAIL LINE FUNDING.] The commissioner shall not spend any funds for construction or equipment of the Northstar commuter rail line until the governor or commissioner of transportation and the Burlington Northern Santa Fe railway have executed an agreement or memorandum of understanding that specifies the price to repair, operate, and maintain the Northstar commuter rail line."

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 9 and nays 51, as follows:

Those who voted in the affirmative were:

Bachmann	Limmer	Nienow	Robling	Senjem
LeClair	McGinn	Reiter	Rosen	

Those who voted in the negative were:

Anderson	Frederickson	Kubly	Ourada	Solon
Bakk	Gaither	Langseth	Pappas	Sparks
Berglin	Hann	Larson	Pogemiller	Stumpf
Betzold	Higgins	Lourey	Ranum	Tomassoni
Chaudhary	Johnson, D.E.	Marko	Rest	Vickerman
Cohen	Kelley	Marty	Ruud	Wergin
Day	Kierlin	Metzen	Sams	Wiger
Dibble	Kiscaden	Michel	Saxhaug	
Dille	Kleis	Moua	Scheid	
Fischbach	Knutson	Neuville	Skoe	
Foley	Koering	Ortman	Skoglund	

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

Senator Robling moved to amend S.F. No. 1534 as follows:

Page 26, delete lines 7 to 36

Page 27, delete lines 1 to 4

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 41, as follows:

Those who voted in the affirmative were:

Day	Hann	Koering	Neuville	Robling
Dille	Kierlin	Larson	Olson	Ruud
Fischbach	Kiscaden	Limmer	Ortman	
Frederickson	Kleis	McGinn	Ourada	
Gaither	Knutson	Michel	Pariseau	

Those who voted in the negative were:

Anderson	Higgins	Marty	Rest	Stumpf
Bachmann	Hottinger	Metzen	Rosen	Tomassoni
Bakk	Johnson, D.E.	Moua	Sams	Vickerman
Berglin	Kelley	Murphy	Saxhaug	Wergin
Betzold	Kubly	Nienow	Scheid	Wiger
Chaudhary	Langseth	Pappas	Senjem	
Cohen	LeClair	Pogemiller	Skoglund	
Dibble	Lourey	Ranum	Solon	
Foley	Marko	Reiter	Sparks	

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

Senator Ourada moved to amend S.F. No. 1534 as follows:

Page 26, after line 23, insert:

"(6) construction of marked trunk highway No. 23 Willmar bypass;"

Page 26, line 24, delete "(6)" and insert "(7)"

Page 26, line 27, delete "(7)" and insert "(8)"

Page 26, line 32, delete "(8)" and insert "(9)"

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

Senator Ourada then moved to amend S.F. No. 1534 as follows:

Page 26, after line 23, insert:

"(6) reconstruction of highway 46 from Albert Lea to county state-aid highway 6;"

Page 26, line 24, delete "(6)" and insert "(7)"

Page 26, line 27, delete "(7)" and insert "(8)"

Page 26, line 32, delete "(8)" and insert "(9)"

Page 26, line 36, delete "(7)" and insert "(8)"

Page 27, line 1, delete "(8)" and insert "(9)"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 37, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	LeClair	Ortman	Ruud
Bakk	Kierlin	Limmer	Ourada	Senjem
Day	Kiscaden	Michel	Pariseau	Sparks
Dille	Koering	Neuville	Reiter	Wergin
Gaither	Larson	Olson	Rosen	

Those who voted in the negative were:

Anderson	Frederickson	Marko	Ranum	Solon
Berglin	Higgins	Marty	Rest	Stumpf
Betzold	Hottinger	McGinn	Robling	Tomassoni
Chaudhary	Johnson, D.E.	Metzen	Sams	Vickerman
Cohen	Kelley	Moua	Saxhaug	Wiger
Dibble	Knutson	Murphy	Scheid	
Fischbach	Kubly	Nienow	Skoe	
Foley	Lourey	Pogemiller	Skoglund	

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

Senator McGinn moved to amend S.F. No. 1534 as follows:

Page 43, after line 30, insert:

"Sec. 24. Minnesota Statutes 2002, section 169.14, is amended by adding a subdivision to read:

Subd. 2a. [SPEED LIMIT ON INTERSTATE HIGHWAY 35E.] The commissioner shall designate the speed limit on marked interstate highway 35E from West Seventh Street to marked interstate highway 94 in St. Paul as 55 miles per hour, unless the commissioner designates a different speed limit on that highway after conducting an engineering and traffic investigation

under subdivision 4 and determining that a different speed limit is reasonable and safe. Any speed in excess of a speed limit designated under this section is unlawful."

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 36, as follows:

Those who voted in the affirmative were:

Bachmann	Kiscaden	Limmer	Ortman	Ruud
Day	Kleis	McGinn	Ourada	Senjem
Fischbach	Knutson	Michel	Pariseau	Wergin
Gaither	Koering	Neuville	Reiter	
Hann	Larson	Nienow	Robling	
Kierlin	LeClair	Olson	Rosen	

Those who voted in the negative were:

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

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

Senator Day moved to amend S.F. No. 1534 as follows:

Page 4, delete line 23 and insert:

"15,958,000 15,958,000"

Page 4, delete line 25 and insert:

"General 15,810,000 15,810,000"

Page 4, line 28, delete "\$1,003,000" and insert "\$2,002,000"

Page 5, delete line 21 and insert:

"836,593,000 907,027,000"

Page 6, delete line 18 and insert:

"636,957,000 685,450,000"

Page 6, delete line 23 and insert:

"325,000,000 325,000,000"

Page 6, delete line 25 and insert:

"311,957,000 310,457,000"

Page 6, delete line 52 and insert:

"40,149,000 60,583,000"

Page 6, line 53, delete "\$23,115,000" and insert "\$33,640,000"

Page 6, line 54, delete "\$20,616,000" and insert "\$54,012,000"

Page 7, delete line 13 and insert:

"197,741,000 197,741,000"

Page 7, delete lines 14 to 29

Page 8, line 42, delete "17,777,000" and insert "13,327,000"

Page 8, line 45, delete "17,721,000" and insert "13,327,000"

Page 9, delete lines 1 to 10

Page 11, delete lines 46 and 47 and insert:

"Sec. 3. METROPOLITAN COUNCIL
TRANSIT

55,693,000

56,573,000"

Page 11, line 49, delete "\$64,033,000" and insert "\$56,693,000"

Page 11, line 50, delete "\$66,533,000" and insert "\$57,693,000"

Page 11, delete line 52 and insert:

"53,453,000 53,453,000"

Page 11, delete lines 53 to 62

Page 12, delete line 1

Page 12, delete line 3 and insert:

"2,240,000 3,120,000"

Page 12, line 7, delete "\$8,100,000" and insert "\$3,240,000"

Page 12, line 8, delete "\$10,600,000" and insert "\$4,240,000"

Page 12, after line 8, insert:

"This appropriation is for paying 40 percent of operating costs for the Hiawatha light rail transit line after operating revenue and federal funds used for light rail transit operations. The remaining costs are to be paid as follows:

(1) up to \$2,400,000 the first year and up to \$3,343,000 the second year by the Hennepin county regional rail authority from its reserves; and

(2) up to \$960,000 the first year and up to \$1,337,000 the second year by the city of Minneapolis.

The metropolitan council may not spend any state funds for the operation of the Hiawatha light rail transit line other than the appropriation in this paragraph (c)."

Page 12, delete lines 33 to 43

Page 14, delete lines 45 to 47

Page 15, delete lines 1 to 15

Page 17, delete lines 1 to 7

Pages 17 to 27, delete article 2 and insert:

"ARTICLE 2
TRUNK HIGHWAY BONDING

Section 1. [HIGHWAY AND TRANSIT APPROPRIATIONS.]

Subdivision 1. [TRUNK HIGHWAY PROJECTS FINANCED BY STATE BONDS.] (a) \$550,000,000 is appropriated from the bond proceeds account in the trunk highway fund to the commissioner of transportation for trunk highway improvements. This appropriation is for:

(1) trunk highway improvements within the seven-county metropolitan area primarily for improving traffic flow and expanding highway capacity by eliminating traffic bottlenecks and improving segments of at-risk interregional corridors within the seven-county area; and

(2) trunk highway improvements on at-risk interregional corridors located outside the seven-county metropolitan area.

These appropriations include the cost of actual payment to landowners for lands acquired for highway right-of-way, payment to lessees, interest subsidies, and relocation expenses. Within each category in clauses (1) and (2), the commissioner shall spend not less than \$25,000,000 on highway safety and capacity improvement projects including but not limited to the addition of lanes on trunk highway corridors with known safety problems.

(b) The commissioner of transportation may use up to \$93,500,000 of this appropriation for program delivery.

(c) The commissioner shall use \$50,000,000 of this appropriation for accelerating transit capital improvements on trunk highways such as shoulder bus lanes, bus park-and-ride facilities, and ramp meter-bypass facilities.

Subd. 2. [REPORT.] The commissioner shall report to the committees having jurisdiction over transportation finance in the house of representatives and senate, no later than January 15, 2004, on projects selected to be funded by this appropriation. The report must include the geographic distribution of the selected projects and their adherence to the criteria listed in subdivision 1.

Subd. 3. [PROHIBITION.] The commissioner shall not award a construction contract with the proceeds from this section until 30 days after the submission of the report required in subdivision 2.

Subd. 4. [BOND SALE EXPENSES.] \$550,000 is appropriated from the bond proceeds account in the trunk highway fund to the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8.

Subd. 5. [ANTILAPSE.] Notwithstanding other law to the contrary, the appropriations in this section do not cancel until February 1, 2009.

Sec. 2. [BOND SALE.]

To provide the money appropriated in section 1, subdivisions 1 and 4, from the bond proceeds account in the trunk highway fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$550,550,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received from the sale of the bonds, must be deposited in the bond proceeds account in the trunk highway fund.

Sec. 3. [ADVANCE CONSTRUCTION.]

(a) Through June 30, 2009, the commissioner of transportation may spend up to \$550,000,000 on trunk highway improvements from funds approved for expenditure by the Federal Highway Administration and designated as advance construction funds.

(b) Any additional advance construction expenditures by the commissioner approved by the Federal Highway Administration through June 30, 2009, may be added to the amount in paragraph (a).

Sec. 4. [GREATER MINNESOTA TRANSIT.]

The commissioner of transportation may spend up to \$5,000,000 through June 30, 2008, in federal transit funds for capital assistance to public transit systems under Minnesota Statutes, section 174.24. This amount is in addition to any appropriations made by law for this purpose.

Sec. 5. [REPORT.]

The commissioner shall report by January 15 of each year of the 2004-2005 biennium to the chairs of the legislative committees with jurisdiction over transportation policy and finance on (1) how the department is spending the appropriations in this article for trunk highway improvements, and (2) the department's plans to implement trunk highway improvements funded under this article with current department staffing, and an analysis of the need for additional staffing and consultant services.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment."

Correct the subdivision and section totals and the summaries by fund accordingly

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 36, as follows:

Those who voted in the affirmative were:

Bachmann	Kierlin	LeClair	Ortman	Ruud
Day	Kiscaden	Limmer	Ourada	Senjem
Dille	Kleis	McGinn	Pariseau	Wergin
Fischbach	Knutson	Michel	Reiter	
Gaither	Koering	Neuville	Robling	
Hann	Larson	Olson	Rosen	

Those who voted in the negative were:

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

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

Senator Johnson, D.E. moved to amend S.F. No. 1534 as follows:

Page 27, after line 13, insert:

"Section 1. Minnesota Statutes 2002, section 13.44, subdivision 3, is amended to read:

Subd. 3. [REAL PROPERTY; APPRAISAL DATA.] (a) [CONFIDENTIAL OR PROTECTED NONPUBLIC DATA.] Estimated or appraised values of individual parcels of real property which are made by personnel of the state, its agencies and departments, or a political

subdivision or by independent appraisers acting for the state, its agencies and departments, or a political subdivision for the purpose of selling or acquiring land through purchase or condemnation are classified as confidential data on individuals or protected nonpublic data.

(b) [PUBLIC DATA.] The data made confidential or protected nonpublic by the provisions of paragraph (a) shall become public upon the occurrence of any of the following:

- (1) the negotiating parties exchange appraisals;
- (2) the data are submitted to a court appointed condemnation commissioner;
- (3) the data are presented in court in condemnation proceedings; or
- (4) the negotiating parties enter into an agreement for the purchase and sale of the property; or
- (5) the data are submitted to the owner under section 117.036."

Page 27, after line 36, insert:

"Sec. 4. [117.036] [APPRAISAL AND NEGOTIATION REQUIREMENTS APPLICABLE TO ACQUISITION OF PROPERTY FOR TRANSPORTATION PURPOSES.]

Subdivision 1. [APPLICATION.] This section applies to the acquisition of property for public highways, streets, roads, alleys, airports, mass transit facilities, or for other transportation facilities or purposes.

Subd. 2. [APPRAISAL.] (a) Before commencing an eminent domain proceeding under this chapter, the acquiring authority must obtain at least one appraisal for the property proposed to be acquired. In making the appraisal, the appraiser must confer with one or more of the owners of the property, if reasonably possible. At least 20 days before presenting a petition under section 117.055, the acquiring authority must provide the owner with a copy of the appraisal and inform the owner of the owner's right to obtain an appraisal under this section.

(b) The owner may obtain an appraisal by a qualified appraiser of the property proposed to be acquired. The owner is entitled to reimbursement for the reasonable costs of the appraisal from the acquiring authority up to the limits provided by section 117.085 at the time the owner submits the appraisal to the acquiring authority, provided that the owner does so within 60 days after the owner receives the appraisal from the authority under paragraph (a).

Subd. 3. [NEGOTIATION.] In addition to the appraisal requirements under subdivision 2, before commencing an eminent domain proceeding, the acquiring authority must make a good faith attempt to negotiate personally with the owner of the property in order to acquire the property by direct purchase instead of the use of eminent domain proceedings. In making this negotiation, the acquiring authority must consider the appraisals in its possession and other information that may be relevant to a determination of damages under this chapter."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Ourada moved to amend S.F. No. 1534 as follows:

Page 4, delete line 23 and insert:

"15,958,000 15,958,000"

Page 4, delete line 25 and insert:

"General 15,810,000 15,810,000"

Page 4, line 28, delete "\$1,003,000" and insert "\$2,002,000"

Page 5, delete line 21 and insert:

"836,593,000 907,027,000"

Page 6, delete line 18 and insert:

"636,957,000 685,450,000"

Page 6, delete line 23 and insert:

"325,000,000 325,000,000"

Page 6, delete line 25 and insert:

"311,957,000 310,457,000"

Page 6, delete line 52 and insert:

"40,149,000 60,583,000"

Page 6, line 53, delete "\$23,115,000" and insert "\$33,640,000"

Page 6, line 54, delete "\$20,616,000" and insert "\$54,012,000"

Page 7, delete line 13 and insert:

"197,741,000 197,741,000"

Page 7, delete lines 14 to 29

Page 8, line 42, delete "17,777,000" and insert "13,327,000"

Page 8, line 45, delete "17,721,000" and insert "13,327,000"

Page 9, delete lines 1 to 10

Page 11, delete lines 46 and 47 and insert:

"Sec. 3. METROPOLITAN COUNCIL
TRANSIT

55,693,000

56,573,000"

Page 11, line 49, delete "\$64,033,000" and insert "\$56,693,000"

Page 11, line 50, delete "\$66,533,000" and insert "\$57,693,000"

Page 11, delete line 52 and insert:

"53,453,000 53,453,000"

Page 11, delete lines 53 to 62

Page 12, delete line 1

Page 12, delete line 3 and insert:

"2,240,000 3,120,000"

Page 12, line 7, delete "\$8,100,000" and insert "\$3,240,000"

Page 12, line 8, delete "\$10,600,000" and insert "\$4,240,000"

Page 12, after line 8, insert:

"This appropriation is for paying 40 percent of operating costs for the Hiawatha light rail transit line after operating revenue and federal funds used for light rail transit operations. The remaining costs are to be paid as follows:

(1) up to \$2,400,000 the first year and up to \$3,343,000 the second year by the Hennepin county regional rail authority from its reserves; and

(2) up to \$960,000 the first year and up to \$1,337,000 the second year by the city of Minneapolis.

The metropolitan council may not spend any state funds for the operation of the Hiawatha light rail transit line other than the appropriation in this paragraph (c)."

Page 12, delete lines 33 to 43

Page 14, delete lines 45 to 47

Page 15, delete lines 1 to 15

Page 17, delete lines 1 to 7

Pages 17 to 27, delete article 2 and insert:

"ARTICLE 2

TRUNK HIGHWAY BONDING

Section 1. [HIGHWAY AND TRANSIT APPROPRIATIONS.]

Subdivision 1. [TRUNK HIGHWAY PROJECTS FINANCED BY STATE BONDS.] (a) \$550,000,000 is appropriated from the bond proceeds account in the trunk highway fund to the commissioner of transportation for trunk highway improvements. This appropriation is for:

(1) trunk highway improvements within the seven-county metropolitan area primarily for improving traffic flow and expanding highway capacity by eliminating traffic bottlenecks and improving segments of at-risk interregional corridors within the seven-county area; and

(2) trunk highway improvements on at-risk interregional corridors located outside the seven-county metropolitan area.

These appropriations include the cost of actual payment to landowners for lands acquired for highway right-of-way, payment to lessees, interest subsidies, and relocation expenses. Within each category in clauses (1) and (2), the commissioner shall spend not less than \$25,000,000 on highway safety and capacity improvement projects including but not limited to the addition of lanes on trunk highway corridors with known safety problems.

(b) The commissioner of transportation may use up to \$93,500,000 of this appropriation for program delivery.

(c) The commissioner shall use \$50,000,000 of this appropriation for accelerating transit capital improvements on trunk highways such as shoulder bus lanes, bus park-and-ride facilities, and ramp meter-bypass facilities.

Subd. 2. [REPORT.] The commissioner shall report to the committees having jurisdiction over transportation finance in the house of representatives and senate, no later than January 15, 2004, on projects selected to be funded by this appropriation. The report must include the geographic distribution of the selected projects and their adherence to the criteria listed in subdivision 1.

Subd. 3. [PROHIBITION.] The commissioner shall not award a construction contract with the proceeds from this section until 30 days after the submission of the report required in subdivision 2.

Subd. 4. [BOND SALE EXPENSES.] \$550,000 is appropriated from the bond proceeds account in the trunk highway fund to the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8.

Subd. 5. [ANTILAPSE.] Notwithstanding other law to the contrary, the appropriations in this section do not cancel until February 1, 2009.

Sec. 2. [BOND SALE.]

To provide the money appropriated in section 1, subdivisions 1 and 4, from the bond proceeds account in the trunk highway fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$550,550,000 in the manner, on the terms, and with the effect prescribed by Minnesota Statutes, sections 167.50 to 167.52, and by the Minnesota Constitution, article XIV, section 11, at the times and in the amounts requested by the commissioner of transportation. The proceeds of the bonds, except accrued interest and any premium received from the sale of the bonds, must be deposited in the bond proceeds account in the trunk highway fund.

Sec. 3. [ADVANCE CONSTRUCTION.]

(a) Through June 30, 2009, the commissioner of transportation may spend up to \$550,000,000 on trunk highway improvements from funds approved for expenditure by the Federal Highway Administration and designated as advance construction funds.

(b) Any additional advance construction expenditures by the commissioner approved by the Federal Highway Administration through June 30, 2009, may be added to the amount in paragraph (a).

Sec. 4. [GREATER MINNESOTA TRANSIT.]

The commissioner of transportation may spend up to \$5,000,000 through June 30, 2008, in federal transit funds for capital assistance to public transit systems under Minnesota Statutes, section 174.24. This amount is in addition to any appropriations made by law for this purpose.

Sec. 5. [REPORT.]

The commissioner shall report by January 15 of each year of the 2004-2005 biennium to the chairs of the legislative committees with jurisdiction over transportation policy and finance on (1) how the department is spending the appropriations in this article for trunk highway improvements, and (2) the department's plans to implement trunk highway improvements funded under this article with current department staffing, and an analysis of the need for additional staffing and consultant services.

Sec. 6. [BONDING APPROPRIATIONS.]

Subdivision 1. [LOCAL BRIDGES.] \$15,000,000 is appropriated from the state transportation fund to the commissioner of transportation for the replacement and rehabilitation of local bridges.

Subd. 2. [NORTH STAR COMMUTER RAIL.] \$10,000,000 is appropriated to the commissioner of transportation from the state transportation fund to acquire real property and lease right-of-way for, and to plan, design, engineer, construct, and equip a commuter rail line between the city of Rice and downtown Minneapolis. This appropriation must be spent for purposes as set forth in the Minnesota Constitution, article XI, section 5, clause (a), to acquire and better public lands and buildings and other public improvements of a capital nature, and for purposes as set forth in the Minnesota Constitution, article XI, section 5, clause (i), to improve and rehabilitate railroad rights-of-way and other rail facilities, whether public or private.

Subd. 3. [BOND SALE EXPENSES.] \$250,000 is appropriated to the commissioner of finance from the state transportation fund for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8. This appropriation is from the bond proceeds fund.

Sec. 7. [BOND SALE AUTHORIZATION.]

To provide the money appropriated in this article from the state transportation fund, the commissioner of finance shall sell and issue bonds of the state in an amount up to \$25,250,000 in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective the day following final enactment."

Correct the subdivision and section totals and the summaries by fund

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:

Day	Kierlin	Limmer	Ourada	Wergin
Dille	Kiscaden	McGinn	Robling	
Fischbach	Kleis	Michel	Rosen	
Frederickson	Knutson	Neuville	Ruud	
Gaither	Koering	Ortman	Senjem	

Those who voted in the negative were:

Anderson	Hann	Lourey	Pogemiller	Solon
Bachmann	Higgins	Marko	Ranum	Sparks
Bakk	Hottinger	Marty	Reiter	Stumpf
Berglin	Johnson, D.E.	Metzen	Rest	Tomassoni
Betzold	Kelley	Moua	Sams	Vickerman
Chaudhary	Kubly	Murphy	Saxhaug	Wiger
Cohen	Langseth	Olson	Scheid	
Dibble	Larson	Pappas	Skoe	
Foley	LeClair	Pariseau	Skoglund	

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

Senator Kleis moved to amend S.F. No. 1534 as follows:

Pages 89 to 98 delete article 4 and insert:

"ARTICLE 4

DRIVER'S LICENSE PROVISIONS

Section 1. [171.025] [PROOF OF IDENTITY AND RESIDENCY.]

Subdivision 1. [IN GENERAL.] (a) At the time of application for a driver's license, permit, or identification card, the applicant shall present a Minnesota driver's license, permit, or Minnesota identification card if one of these has been issued to the applicant.

(b) The Minnesota driver's license, identification card, or permit must not have expired more than:

(1) five years before it is presented if it has a color photograph or electronically produced or digitized image of the applicant; or

(2) one year before it is presented if it does not have a color photograph or electronically produced or digitized image of the applicant. A temporary seven-day driver's license issued to a Minnesota-licensed driver only by the state of Minnesota under section 169A.52, subdivision 7, paragraph (c), clause (2), may be presented if it is not expired more than one year.

(c) As proof of full name, date of birth, and identity, the applicant must present one primary document and one secondary document as defined in Minnesota Rules, part 7410.0400, subparts 2 and 3, or successor rules, if the applicant cannot present:

(1) a Minnesota driver's license, identification card, or permit that is current or has expired for five years or less with a color photograph or electronically produced or digitized image; or

(2) a Minnesota driver's license, identification card, or permit that is current or has been expired for one year or less without a color photograph or electronically produced or digitized image.

Subd. 2. [RESIDENCE ADDRESS ON LICENSE, PERMIT, OR IDENTIFICATION CARD.]

(a) The department shall issue a Minnesota driver's license, permit, or identification card only to an individual who has a residence address in the state at the time of application, by showing a residence number, street name, street type, directional if any, statutory or home rule charter city or town, state, and zip code.

(b) The applicant shall indicate on the application form for a Minnesota driver's license, identification card, or permit, the applicant's residence address in the state. An individual may have only one residence address where the individual is domiciled at any particular time. The residence address of the individual is presumed to continue until the contrary is shown.

Sec. 2. [171.028] [DOCUMENTING RESIDENCY; RULES AND REGULATIONS.]

Subdivision 1. [PERMANENT STATE RULES.] (a) Adopted exempt Minnesota Rules, part 7410.0400, subparts 2 and 3, as published in the State Register on July 8, 2002, shall become permanent on the day following final enactment of this section. These rules may subsequently be amended by the commissioner under chapter 14, to administer the provisions of this chapter.

(b) The documents specified in Minnesota Rules, part 7410.0400, subparts 2 and 3, or successor rules, are subject to the variance procedures and criteria in Minnesota Rules, part 7410.0600, or successor rules.

Subd. 2. [INCORPORATION OF FEDERAL REGULATIONS.] As authorized by Public Law 107-296, rules relating to identity and residency documentation standards adopted in Code of Federal Regulations by the United States Department of Homeland Security may be incorporated by reference by the commissioner. These rules may be subsequently amended by the commissioner under chapter 14 to administer the provisions of this chapter.

Subd. 3. [NON-ENGLISH DOCUMENTS; TRANSLATION.] All documents submitted to the department in a language other than English must be accompanied by a translation of that document into the English language.

Subd. 4. [PROOF OF RESIDENCY REQUIRED AT TIME OF APPLICATION.] Proof of residency is required at the time of application for an initial permit, driver's license, or identification card. The applicant must attest to a residence address in Minnesota and demonstrate proof of either lawful short-term admission to the United States, permanent United States resident status, indefinite authorized presence status, or United States citizenship.

Subd. 5. [PROOF OF RESIDENCY AT RENEWAL.] (a) Proof of residency is required at the time of application for renewal of a driver's license, permit, or identification card.

(b) A person with permanent United States resident status, indefinite authorized presence status, or United States citizenship must attest to a residence address in Minnesota.

(c) A person with lawful short-term admission to the United States must attest to a residence address in Minnesota and provide proof of lawful short-term admission status to the United States.

Subd. 6. [DOCUMENTS NOT SUFFICIENT TO PROVE RESIDENCY.] The presentation of a driver's license, permit, or identification card from another jurisdiction or another United States state is not acceptable as proof of permanent United States resident status, indefinite authorized presence status, lawful short-term admission to the United States, or United States citizenship.

Subd. 7. [DOCUMENTS SUFFICIENT TO PROVE RESIDENCY.] To demonstrate permanent United States resident status, indefinite authorized presence status, lawful short-term

admission, or United States citizenship, an applicant must attest to a Minnesota residence address on the application form and present a primary document specified in Minnesota Rules, part 7410.0400, subpart 2, or successor rules.

Subd. 8. [EVIDENCE REQUIRED WHEN NAME CHANGED.] If there has been a change in the individual's legal full name as it appears on the presented document specified in Minnesota Rules, part 7410.0400, subpart 2, or successor rules, the individual must also present evidence of a change of name as specified in Minnesota Rules, part 7410.0500, or successor rules.

Subd. 9. [LAWFUL SHORT-TERM ADMISSION STATUS.] (a) If the lawful admission period indicated on the federal primary document presented expires in 30 days or more from the date of application for the state driver's license, permit, or identification card, the department shall issue to the applicant a driver's license, permit, or identification card with a status check date that coincides with the lawful admission period on the federal primary document presented.

(b) The department shall not issue a driver's license, permit, or identification card if an individual has no lawful admission status to the United States or if the lawful short-term admission period expires in 30 days or less.

Subd. 10. [STATUS CHECK DATE.] A status check date that coincides with the federal lawful admission period indicated on the federal primary document presented must be indicated on the driver's license, permit, or identification card issued.

Subd. 11. [REISSUANCE.] (a) The department shall reissue a driver's license, permit, or identification card with a new status check date if the applicant presents an employment authorization card (I-688B, I-766 series) or notice of action (I-797A series) issued by the United States Department of Justice to the commissioner to indicate extension of the lawful admission period.

(b) If the applicant presents an accepted application from the United States Department of Justice for an extension of or change in the federal lawful admission period, the department shall reissue the driver's license, permit, or identification card with a status check date extension of six months from the date of the federal receipt for the extension or change in order to provide a grace period while the application for the extension is processed.

(c) The department shall reissue a driver's license, permit, or identification card without a status check date if (1) the applicant presents a subsequent federal document indicating permanent United States resident status, indefinite authorized presence status, or United States citizenship, and (2) the applicant pays the duplicate fee as specified in section 171.06.

Sec. 3. Minnesota Statutes 2002, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION; OTHER INFORMATION.] (a) An application must:

(1) state the full name, date of birth, sex, and residence address of the applicant;

(2) as may be required by the commissioner, contain a description of the applicant, which consists of the applicant's height in feet and inches, weight in pounds, and eye color, and any other facts pertaining to the applicant, the applicant's driving privileges, and the applicant's ability to operate a motor vehicle with safety;

(3) for a class C, class B, or class A driver's license, state the applicant's social security number or, for a class D driver's license, have a space for the applicant's social security number and state that providing the number is optional, or otherwise convey that the applicant is not required to enter the social security number;

(4) contain a space where the applicant may indicate a desire to make an anatomical gift according to paragraph (b); and

(5) contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7.

(b) If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application must contain statements sufficient to comply with the requirements of the Uniform Anatomical Gift Act (1987), sections 525.921 to 525.9224, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application must be accompanied by information describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

(1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and

(2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

(c) The application must be accompanied also by information containing relevant facts relating to:

(1) the effect of alcohol on driving ability;

(2) the effect of mixing alcohol with drugs;

(3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and

(4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 4. Minnesota Statutes 2002, section 171.07, subdivision 3, is amended to read:

Subd. 3. [IDENTIFICATION CARD; FEE.] (a) Upon payment of the required fee, the department shall issue to every qualifying applicant a Minnesota identification card. The department may not issue a Minnesota identification card to a person who has a driver's license, other than a limited license, from any jurisdiction, or has an identification card from any jurisdiction, unless and until the person's license or identification card from any jurisdiction has been invalidated. The card must bear a distinguishing number assigned to the applicant; a colored photograph or an electronically produced image of the applicant; the applicant's full name, date of birth, and residence address; a description of the applicant in the manner as the commissioner deems necessary; and the usual signature of the applicant.

(b) Each identification card issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(c) Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license."

(d) The fee for a Minnesota identification card is 50 cents when issued to a person who is mentally retarded, as defined in section 252A.02, subdivision 2; a physically disabled person, as defined in section 169.345, subdivision 2; or, a person with mental illness, as described in section 245.462, subdivision 20, paragraph (c).

Sec. 5. [171.075] [DRIVER'S IMAGE FOR LICENSE, PERMIT, OR CARD.]

Subdivision 1. [FULL FACE IMAGE.] The applicant for a driver's license, permit, or identification card must have a full face image taken by the department that is a representation of the true appearance of the applicant. The face of the applicant must be uncovered and unobscured.

Subd. 2. [USE OF PREVIOUS IMAGE.] The use of the previous image on file with the department is limited to:

(1) duplicate drivers' licenses and identification cards; and

(2) one renewal cycle for a person who applied to the department and certifies that the person is out of the state at the time the driver's license or identification card expires and intends to return within four years.

Subd. 3. [UPDATED IMAGE REQUIRED UPON RETURN.] Within 30 days after the return to Minnesota of an applicant whose previous image was used in accordance with subdivision 2, clause (2), the applicant shall appear at a driver's license renewal office and shall allow an updated image to be taken. The applicant shall comply with the identity provisions of Minnesota Rules, part 7410.0400, subparts 2 and 3, or successor rules.

Sec. 6. Minnesota Statutes 2002, section 171.14, is amended to read:

171.14 [CANCELLATION.]

Subdivision 1. [AUTHORITY.] The commissioner shall have authority to may cancel any driver's license or identification card upon determination determining that the licensee or cardholder:

(1) was not entitled to the issuance thereof hereunder, or that the licensee of the license or identification card;

(2) failed to give the required or correct information in the application, or;

(3) committed any fraud or deceit in making such application. The commissioner may also cancel the driver's license of any person who,; or

(4) at the time of the cancellation, would not have been entitled to receive a license under the provisions of section 171.04 this chapter.

Subd. 2. [CANCELLATION; DENIAL.] Pursuant to this section and section 171.04, the commissioner shall cancel a driver's license, permit, or identification card as follows, whichever occurs first:

(1) on the status check date unless the state document holder presents federal proof of extension of the lawful admission period or a receipt from the United States Department of Justice for an application for an extension or change in the lawful admission status; or

(2) when the department receives notice from the United States Department of Justice that the individual has been deported.

Subd. 3. [WARNING OF POSSIBLE CANCELLATION.] (a) If the status check date is to expire in more than 60 days, a notice warning the state document holder that the driver's license, permit, or identification card will be canceled on the status check date must be sent by first class mail to the document holder's residence address on file with the department. If application is being made and the status check date would expire in 60 days or less from the date of application, the department shall directly issue to the applicant a general notice warning of cancellation on the status check date and send a follow-up notice as described in paragraphs (b) and (c).

(b) The notice must contain:

(1) the person's full name, date of birth, unique state document number, and current address from the department record; and

(2) the date the notice is mailed or directly issued.

(c) The notice must indicate that:

(1) the driver's license, permit, or identification card will be canceled on the status check date;

(2) the driver's license, permit, or identification card may be reissued if the document holder presents federal proof of extension of the lawful admission period or a receipt from the United States Department of Justice for application for an extension or change of the lawful admission period; and

(3) the individual may request an administrative review of the possible cancellation under Minnesota Rules, part 7409.4600, or successor rules.

Subd. 4. [CANCELLATION ORDER.] (a) At least seven days before the status check date, the department shall issue to the document holder a cancellation order indicating that the driver's license, permit, or identification card is canceled. The notice must be sent by first class mail to the address shown on department records.

(b) The notice must contain:

(1) the person's full name, date of birth, unique state document number, and current address from the department record; and

(2) the date the order is mailed.

(c) The notice must indicate that:

(1) application may be made for a new driver's license, permit, or identification card if the individual can present proof to the department of current authorized legal presence in the United States; and

(2) the document holder may request an administrative review of the cancellation under Minnesota Rules, part 7409.4600, or successor rules.

Subd. 5. [ADMINISTRATIVE REVIEW.] Any administrative review of the cancellation of the state document or the denial to issue a state document under this part must be conducted under Minnesota Rules, part 7409.4600, or successor rules.

Subd. 6. [FEES.] (a) A state document holder who applies for a six-month extension of the status check date on the driver's license, permit, or identification card before the status check date expires must not be charged a fee for reissuance of the state document if there is no change to the address or name on the state document.

(b) If the status check date on the driver's license, permit, or identification card is current or has expired and the applicant presents federal documentation indicating an extended lawful admission period, the applicant must pay the fee for a duplicate card as specified in section 171.06.

(c) The state document holder is required to pay the renewal fee as specified in section 171.06 upon the expiration of the driver's license, permit, or identification card.

Sec. 7. Minnesota Statutes 2002, section 171.22, subdivision 2, is amended to read:

Subd. 2. [PENALTIES.] Any person who violates any provision of subdivision 1, ~~clause (7) or (8)~~, is guilty of a gross misdemeanor. Any person who violates any other provision of subdivision 1 is guilty of a misdemeanor.

Sec. 8. [171.324] [QUALIFICATIONS OF HAZARDOUS MATERIAL DRIVERS.]

Subdivision 1. [ENDORSEMENT.] Before being issued or renewing a class C, class B, or class A driver's license with a hazardous materials endorsement, the applicant must comply with federal regulations incorporated in this section.

Subd. 2. [ADOPTION OF FEDERAL REGULATIONS.] Public Law 107-56, section 1012, as implemented in Code of Federal Regulations, title 49, is incorporated by reference.

Subd. 3. [RULES.] The commissioner of public safety may adopt rules pursuant to section 14.388, clause (1), in order to implement this section.

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

Sec. 9. Minnesota Statutes 2002, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the bureau of criminal apprehension, the Minnesota division of driver and vehicle services, the Minnesota state patrol, a county sheriff's department, the suburban Hennepin regional park district park rangers, the department of natural resources division of enforcement, the University of Minnesota police department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) the use of forged documents in applying for a driver's license;

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4."

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 32, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	LeClair	Olson	Rosen
Day	Kierlin	Limmer	Ortman	Ruud
Dille	Kleis	McGinn	Ourada	Senjem
Fischbach	Knutson	Michel	Pariseau	Wergin
Frederickson	Koering	Neuville	Reiter	Wiger
Gaither	Larson	Nienow	Robling	

Those who voted in the negative were:

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

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

Senator Day moved to amend S.F. No. 1534 as follows:

Page 12, delete lines 3 to 8 and insert:

"2,240,000 3,120,000

This appropriation is for operations of the Hiawatha LRT line. The base for rail operations for fiscal year 2006 is \$3,240,000 and for fiscal year 2007 is \$4,240,000.

This appropriation is for paying 40 percent of operating costs for the Hiawatha light rail transit line after operating revenue and federal funds used for light rail transit operations. The remaining costs are to be paid as follows:

(1) up to \$2,400,000 the first year and up to \$3,343,000 the second year by the Hennepin county regional rail authority from its reserves; and

(2) up to \$960,000 the first year and up to \$1,337,000 the second year by the city of Minneapolis.

The metropolitan council may not spend any state funds for the operation of the Hiawatha light rail transit line other than the appropriation in this paragraph (c)."

Correct the subdivision and section totals and the summaries by fund

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:

Bachmann	Hann	Larson	Ortman	Ruud
Day	Kierlin	LeClair	Ourada	Senjem
Dille	Kiscaden	Limmer	Pariseau	Wergin
Fischbach	Kleis	McGinn	Reiter	
Frederickson	Knutson	Neuville	Robling	
Gaither	Koering	Nienow	Rosen	

Those who voted in the negative were:

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

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

Senator Ranum moved to amend S.F. No. 1534 as follows:

Page 65, line 13, strike "Eight" and insert "Seven"

Page 65, line 19, delete "Fourteen" and insert "Twenty"

Page 66, delete lines 15 to 19

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 33 and nays 25, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Gaither	Knutson	McGinn	Ourada
Day	Hann	Koering	Neuville	Pariseau
Dille	Kierlin	Larson	Nienow	Robling
Fischbach	Kiscaden	LeClair	Olson	Senjem
Frederickson	Kleis	Marty	Ortman	Wergin

The motion prevailed. So the amendment was adopted.

Senator Kleis moved to amend S.F. No. 1534 as follows:

Pages 89 to 98, delete article 4 and insert:

"ARTICLE 4

DRIVER'S LICENSE PROVISIONS

Section 1. [171.025] [PROOF OF IDENTITY AND RESIDENCY.]

Subdivision 1. [IN GENERAL.] (a) At the time of application for a driver's license, permit, or identification card, the applicant shall present a Minnesota driver's license, permit, or Minnesota identification card if one of these has been issued to the applicant.

(b) The Minnesota driver's license, identification card, or permit must not have expired more than:

(1) five years before it is presented if it has a color photograph or electronically produced or digitized image of the applicant; or

(2) one year before it is presented if it does not have a color photograph or electronically produced or digitized image of the applicant. A temporary seven-day driver's license issued to a Minnesota-licensed driver only by the state of Minnesota under section 169A.52, subdivision 7, paragraph (c), clause (2), may be presented if it is not expired more than one year.

(c) As proof of full name, date of birth, and identity, the applicant must present one primary document and one secondary document as defined in Minnesota Rules, part 7410.0400, subparts 2 and 3, or successor rules, if the applicant cannot present:

(1) a Minnesota driver's license, identification card, or permit that is current or has expired for five years or less with a color photograph or electronically produced or digitized image; or

(2) a Minnesota driver's license, identification card, or permit that is current or has been expired for one year or less without a color photograph or electronically produced or digitized image.

Subd. 2. [RESIDENCE ADDRESS ON LICENSE, PERMIT, OR IDENTIFICATION CARD.]

(a) The department shall issue a Minnesota driver's license, permit, or identification card only to an individual who has a residence address in the state at the time of application, by showing a residence number, street name, street type, directional if any, statutory or home rule charter city or town, state, and zip code.

(b) The applicant shall indicate on the application form for a Minnesota driver's license, identification card, or permit, the applicant's residence address in the state. An individual may have only one residence address where the individual is domiciled at any particular time. The residence address of the individual is presumed to continue until the contrary is shown.

Sec. 2. [171.028] [DOCUMENTING RESIDENCY; RULES AND REGULATIONS.]

Subdivision 1. [PERMANENT STATE RULES.] (a) Adopted exempt Minnesota Rules, part 7410.0400, subparts 2 and 3, as published in the State Register on July 8, 2002, shall become permanent on the day following final enactment of this section. These rules may subsequently be amended by the commissioner under chapter 14, to administer the provisions of this chapter.

(b) The documents specified in Minnesota Rules, part 7410.0400, subparts 2 and 3, or successor rules, are subject to the variance procedures and criteria in Minnesota Rules, part 7410.0600, or successor rules.

Subd. 2. [INCORPORATION OF FEDERAL REGULATIONS.] As authorized by Public Law 107-296, rules relating to identity and residency documentation standards adopted in Code of Federal Regulations by the United States Department of Homeland Security may be incorporated by reference by the commissioner. These rules may be subsequently amended by the commissioner under chapter 14 to administer the provisions of this chapter.

Subd. 3. [NON-ENGLISH DOCUMENTS; TRANSLATION.] All documents submitted to the department in a language other than English must be accompanied by a translation of that document into the English language.

Subd. 4. [PROOF OF RESIDENCY REQUIRED AT TIME OF APPLICATION.] Proof of residency is required at the time of application for an initial permit, driver's license, or identification card. The applicant must attest to a residence address in Minnesota and demonstrate proof of either lawful short-term admission to the United States, permanent United States resident status, indefinite authorized presence status, or United States citizenship.

Subd. 5. [PROOF OF RESIDENCY AT RENEWAL.] (a) Proof of residency is required at the time of application for renewal of a driver's license, permit, or identification card.

(b) A person with permanent United States resident status, indefinite authorized presence status, or United States citizenship must attest to a residence address in Minnesota.

(c) A person with lawful short-term admission to the United States must attest to a residence address in Minnesota and provide proof of lawful short-term admission status to the United States.

Subd. 6. [DOCUMENTS NOT SUFFICIENT TO PROVE RESIDENCY.] The presentation of a driver's license, permit, or identification card from another jurisdiction or another United States state is not acceptable as proof of permanent United States resident status, indefinite authorized presence status, lawful short-term admission to the United States, or United States citizenship.

Subd. 7. [DOCUMENTS SUFFICIENT TO PROVE RESIDENCY.] To demonstrate permanent United States resident status, indefinite authorized presence status, lawful short-term admission, or United States citizenship, an applicant must attest to a Minnesota residence address on the application form and present a primary document specified in Minnesota Rules, part 7410.0400, subpart 2, or successor rules.

Subd. 8. [EVIDENCE REQUIRED WHEN NAME CHANGED.] If there has been a change in the individual's legal full name as it appears on the presented document specified in Minnesota Rules, part 7410.0400, subpart 2, or successor rules, the individual must also present evidence of a change of name as specified in Minnesota Rules, part 7410.0500, or successor rules.

Subd. 9. [LAWFUL SHORT-TERM ADMISSION STATUS.] (a) If the lawful admission period indicated on the federal primary document presented expires in 30 days or more from the date of application for the state driver's license, permit, or identification card, the department shall issue to the applicant a driver's license, permit, or identification card with an expiration date that coincides with the lawful admission period on the federal primary document presented.

(b) The department shall not issue a driver's license, permit, or identification card if an individual has no lawful admission status to the United States or if the lawful short-term admission period expires in 30 days or less.

Sec. 3. Minnesota Statutes 2002, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION; OTHER INFORMATION.] (a) An application must:

(1) state the full name, date of birth, sex, and residence address of the applicant;

(2) as may be required by the commissioner, contain a description of the applicant, which consists of the applicant's height in feet and inches, weight in pounds, and eye color, and any other facts pertaining to the applicant, the applicant's driving privileges, and the applicant's ability to operate a motor vehicle with safety;

(3) for a class C, class B, or class A driver's license, state the applicant's social security number or, for a class D driver's license, have a space for the applicant's social security number and state that providing the number is optional, or otherwise convey that the applicant is not required to enter the social security number;

(4) contain a space where the applicant may indicate a desire to make an anatomical gift according to paragraph (b); and

(5) contain a notification to the applicant of the availability of a living will/health care directive designation on the license under section 171.07, subdivision 7.

(b) If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application must contain statements sufficient to comply with the requirements of the Uniform Anatomical Gift Act (1987), sections 525.921 to 525.9224, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application must be accompanied by information describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts, and the legal implications of making an anatomical gift, including the law governing revocation of anatomical gifts. The commissioner shall distribute a notice that must accompany all applications for and renewals of a driver's license or Minnesota identification card. The notice must be prepared in conjunction with a Minnesota organ procurement organization that is certified by the federal Department of Health and Human Services and must include:

(1) a statement that provides a fair and reasonable description of the organ donation process, the care of the donor body after death, and the importance of informing family members of the donation decision; and

(2) a telephone number in a certified Minnesota organ procurement organization that may be called with respect to questions regarding anatomical gifts.

(c) The application must be accompanied also by information containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;
- (2) the effect of mixing alcohol with drugs;
- (3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and
- (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

Sec. 4. Minnesota Statutes 2002, section 171.07, subdivision 3, is amended to read:

Subd. 3. [IDENTIFICATION CARD; FEE.] (a) Upon payment of the required fee, the department shall issue to every qualifying applicant a Minnesota identification card. The department may not issue a Minnesota identification card to a person who has a driver's license, other than a limited license, from any jurisdiction, or has an identification card from any jurisdiction, unless and until the person's license or identification card from any jurisdiction has been invalidated. The card must bear a distinguishing number assigned to the applicant; a colored photograph or an electronically produced image of the applicant; the applicant's full name, date of birth, and residence address; a description of the applicant in the manner as the commissioner deems necessary; and the usual signature of the applicant.

(b) Each identification card issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(c) Each Minnesota identification card must be plainly marked "Minnesota identification card - not a driver's license."

(d) The fee for a Minnesota identification card is 50 cents when issued to a person who is mentally retarded, as defined in section 252A.02, subdivision 2; a physically disabled person, as defined in section 169.345, subdivision 2; or, a person with mental illness, as described in section 245.462, subdivision 20, paragraph (c).

Sec. 5. Minnesota Statutes 2002, section 171.07, subdivision 4, is amended to read:

Subd. 4. [EXPIRATION.] (a) Except as otherwise provided in this subdivision, the expiration date of Minnesota identification cards of applicants under the age of 65 shall be the birthday of the applicant in the fourth year following the date of issuance of the card.

(b) Minnesota identification cards issued to applicants age 65 or over shall be valid for the lifetime of the applicant.

(c) The expiration date for an Under-21 identification card is the cardholder's 21st birthday. The commissioner shall issue an identification card to a holder of an Under-21 identification card who applies for the card, pays the required fee, and presents proof of identity and age, unless the commissioner determines that the applicant is not qualified for the identification card.

(d) The expiration date for a Minnesota identification card issued to an applicant with lawful short-term admission status must be the date that coincides with expiration of the federal admission period or four years after the date of issuance, whichever date first occurs.

Sec. 6. [171.075] [DRIVER'S IMAGE FOR LICENSE, PERMIT, OR CARD.]

Subdivision 1. [FULL FACE IMAGE.] The applicant for a driver's license, permit, or identification card must have a full face image taken by the department that is a representation of the true appearance of the applicant. The face of the applicant must be uncovered and unobscured.

Subd. 2. [USE OF PREVIOUS IMAGE.] The use of the previous image on file with the department is limited to:

- (1) duplicate drivers' licenses and identification cards; and

(2) one renewal cycle for a person who applied to the department and certifies that the person is out of the state at the time the driver's license or identification card expires and intends to return within four years.

Subd. 3. [UPDATED IMAGE REQUIRED UPON RETURN.] Within 30 days after the return to Minnesota of an applicant whose previous image was used in accordance with subdivision 2, clause (2), the applicant shall appear at a driver's license renewal office and shall allow an updated image to be taken. The applicant shall comply with the identity provisions of Minnesota Rules, part 7410.0400, subparts 2 and 3, or successor rules.

Sec. 7. Minnesota Statutes 2002, section 171.22, subdivision 2, is amended to read:

Subd. 2. [PENALTIES.] Any person who violates any provision of subdivision 1, ~~clause (7) or (8)~~, is guilty of a gross misdemeanor. Any person who ~~violates any other provision of subdivision 1~~ is guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 2002, section 171.27, is amended to read:

171.27 [EXPIRATION OF LICENSE.]

Subdivision 1. [DRIVER'S LICENSE.] Except as otherwise provided in this section, the expiration date for each driver's license, other than under-21 licenses, is the birthday of the driver in the fourth year following the date of issuance of the license. The birthday of the driver shall be as indicated on the application for a driver's license. A license may be renewed on or before expiration or within one year after expiration upon application, payment of the required fee, and passing the examination required of all drivers for renewal. Driving privileges shall be extended or renewed on or preceding the expiration date of an existing driver's license unless the commissioner believes that the licensee is no longer qualified as a driver.

Subd. 2. [UNDER-21 LICENSE.] The expiration date for each under-21 license shall be the 21st birthday of the licensee or the date of expiration of short-term admission status, whichever occurs earlier. Upon the licensee attaining the age of 21 and upon the application, payment of the required fee, and passing the examination required of all drivers for renewal, a driver's license shall be issued unless the commissioner determines that the licensee is no longer qualified as a driver.

Subd. 3. [PROVISIONAL LICENSE.] The expiration date for each provisional license is two years after the date of application for the provisional license or the date of expiration of short-term admission status, whichever occurs earlier.

Subd. 4. [LICENSE HELD BY PERSON SERVING IN ARMED FORCES.] Any valid Minnesota driver's license issued to a person then or subsequently on active duty with the Armed Forces of the United States, or the person's spouse, shall continue in full force and effect without requirement for renewal until 90 days after the date of the person's discharge from such service, provided that a spouse's license must be renewed if the spouse is residing within the state at the time the license expires or within 90 days after the spouse returns to Minnesota and resides within the state.

Subd. 5. [LICENSE HELD BY PERSON WITH LAWFUL SHORT-TERM ADMISSION STATUS.] The expiration date for a Minnesota driver's license issued to an applicant with lawful short-term admission status must be the date that coincides with expiration of the federal admission period or four years after the date of issuance, whichever date first occurs.

Subd. 6. [PROOF OF RESIDENCY AT RENEWAL.] Proof of residency is required at the time of application for renewal of a driving permit, driver's license, or state identification card.

Sec. 9. [171.324] [QUALIFICATIONS OF HAZARDOUS MATERIAL DRIVERS.]

Subdivision 1. [ENDORSEMENT.] Before being issued or renewing a class C, class B, or class A driver's license with a hazardous materials endorsement, the applicant must comply with federal regulations incorporated in this section.

Subd. 2. [ADOPTION OF FEDERAL REGULATIONS.] Public Law 107-56, section 1012, as implemented in Code of Federal Regulations, title 49, is incorporated by reference.

Subd. 3. [RULES.] The commissioner of public safety may adopt rules pursuant to section 14.388, clause (1), in order to implement this section.

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

Sec. 10. Minnesota Statutes 2002, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the bureau of criminal apprehension, the Minnesota division of driver and vehicle services, the Minnesota state patrol, a county sheriff's department, the suburban Hennepin regional park district park rangers, the department of natural resources division of enforcement, the University of Minnesota police department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) the use of forged documents in applying for a driver's license;

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 11. [REISSUING DRIVER'S LICENSE OR IDENTIFICATION CARD.]

Upon receipt of payment of the fee specified for a duplicate license under Minnesota Statutes, section 171.06, and surrender of the person's driver's license or identification card bearing the status check notation, the registrar shall issue a duplicate driver's license or duplicate identification card that does not bear a status check notation."

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 34, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	LeClair	Ortman	Ruud
Day	Kierlin	Limmer	Ourada	Senjem
Dille	Kleis	McGinn	Pariseau	Wergin
Fischbach	Knutson	Neuville	Reiter	Wiger
Frederickson	Koering	Nienow	Robling	
Gaither	Larson	Olson	Rosen	

Those who voted in the negative were:

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

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

Senator Kleis then moved to amend S.F. No. 1534 as follows:

Page 98, after line 27, insert:

"Sec. 9. Minnesota Statutes 2002, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a dangerous weapon as defined under section 609.02, subdivision 6, that the actor used or had in possession in furtherance of a crime.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the bureau of criminal apprehension, the Minnesota division of driver and vehicle services, the Minnesota state patrol, a county sheriff's department, the suburban Hennepin regional park district park rangers, the department of natural resources division of enforcement, the University of Minnesota police department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) the use of forged documents in applying for a driver's license;

(3) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4."

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 25 and nays 33, as follows:

Those who voted in the affirmative were:

Bachmann	Gaither	LeClair	Olson	Rosen
Day	Hann	Limmer	Ourada	Ruud
Dille	Kierlin	McGinn	Pariseau	Senjem
Fischbach	Kleis	Neuville	Reiter	Wergin
Frederickson	Larson	Nienow	Robling	Wiger

Those who voted in the negative were:

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

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

Senator Kleis then moved to amend S.F. No. 1534 as follows:

Page 94, lines 34 and 35, reinstate the stricken language and delete the new language

Page 94, line 36, delete the new language

Page 95, line 1, delete the new language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 33, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Limmer	Pariseau	Wergin
Day	Kierlin	McGinn	Reiter	Wiger
Dille	Kiscaden	Neuville	Robling	
Fischbach	Kleis	Nienow	Rosen	
Frederickson	Larson	Olson	Ruud	
Gaither	LeClair	Ourada	Senjem	

Those who voted in the negative were:

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

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

Senator Kleis then moved to amend S.F. No. 1534 as follows:

Pages 90 to 92, delete section 2 and insert:

"Sec. 2. [171.025] [PROOF OF IDENTITY AND RESIDENCY.]

Subdivision 1. [IN GENERAL.] (a) At the time of application for a driver's license, permit, or identification card, the applicant shall present a Minnesota driver's license, permit, or Minnesota identification card if one of these has been issued to the applicant.

(b) The Minnesota driver's license, identification card, or permit must not have expired more than:

(1) five years before it is presented if it has a color photograph or electronically produced or digitized image of the applicant; or

(2) one year before it is presented if it does not have a color photograph or electronically produced or digitized image of the applicant. A temporary seven-day driver's license issued to a Minnesota-licensed driver only by the state of Minnesota under section 169A.52, subdivision 7, paragraph (c), clause (2), may be presented if it is not expired more than one year.

(c) As proof of full name, date of birth, and identity, the applicant must present one primary document and one secondary document as defined in Minnesota Rules, part 7410.0400, subparts 2 and 3, or successor rules, if the applicant cannot present:

(1) a Minnesota driver's license, identification card, or permit that is current or has expired for five years or less with a color photograph or electronically produced or digitized image; or

(2) a Minnesota driver's license, identification card, or permit that is current or has been expired for one year or less without a color photograph or electronically produced or digitized image.

Subd. 2. [RESIDENCE ADDRESS ON LICENSE, PERMIT, OR IDENTIFICATION CARD.]

(a) The department shall issue a Minnesota driver's license, permit, or identification card only to an individual who has a residence address in the state at the time of application, by showing a residence number, street name, street type, directional if any, statutory or home rule charter city or town, state, and zip code.

(b) The applicant shall indicate on the application form for a Minnesota driver's license, identification card, or permit, the applicant's residence address in the state. An individual may have only one residence address where the individual is domiciled at any particular time. The residence address of the individual is presumed to continue until the contrary is shown.

Sec. 3. [171.028] [DOCUMENTING RESIDENCY; RULES AND REGULATIONS.]

Subdivision 1. [PERMANENT STATE RULES.] (a) Adopted exempt Minnesota Rules, part 7410.0400, subparts 2 and 3, as published in the State Register on July 8, 2002, shall become permanent on the day following final enactment of this section. These rules may subsequently be amended by the commissioner under chapter 14, to administer the provisions of this chapter.

(b) The documents specified in Minnesota Rules, part 7410.0400, subparts 2 and 3, or successor rules, are subject to the variance procedures and criteria in Minnesota Rules, part 7410.0600, or successor rules.

Subd. 2. [INCORPORATION OF FEDERAL REGULATIONS.] As authorized by Public Law 107-296, rules relating to identity and residency documentation standards adopted in Code of Federal Regulations by the United States Department of Homeland Security may be incorporated by reference by the commissioner. These rules may be subsequently amended by the commissioner under chapter 14 to administer the provisions of this chapter.

Subd. 3. [NON-ENGLISH DOCUMENTS; TRANSLATION.] All documents submitted to the department in a language other than English must be accompanied by a translation of that document into the English language.

Subd. 4. [PROOF OF RESIDENCY REQUIRED AT TIME OF APPLICATION.] Proof of residency is required at the time of application for an initial permit, driver's license, or identification card. The applicant must attest to a residence address in Minnesota and demonstrate

proof of either lawful short-term admission to the United States, permanent United States resident status, indefinite authorized presence status, or United States citizenship.

Subd. 5. [PROOF OF RESIDENCY AT RENEWAL.] (a) Proof of residency is required at the time of application for renewal of a driver's license, permit, or identification card.

(b) A person with permanent United States resident status, indefinite authorized presence status, or United States citizenship must attest to a residence address in Minnesota.

(c) A person with lawful short-term admission to the United States must attest to a residence address in Minnesota and provide proof of lawful short-term admission status to the United States.

Subd. 6. [DOCUMENTS NOT SUFFICIENT TO PROVE RESIDENCY.] The presentation of a driver's license, permit, or identification card from another jurisdiction or another United States state is not acceptable as proof of permanent United States resident status, indefinite authorized presence status, lawful short-term admission to the United States, or United States citizenship.

Subd. 7. [DOCUMENTS SUFFICIENT TO PROVE RESIDENCY.] To demonstrate permanent United States resident status, indefinite authorized presence status, lawful short-term admission, or United States citizenship, an applicant must attest to a Minnesota residence address on the application form and present a primary document specified in Minnesota Rules, part 7410.0400, subpart 2, or successor rules.

Subd. 8. [EVIDENCE REQUIRED WHEN NAME CHANGED.] If there has been a change in the individual's legal full name as it appears on the presented document specified in Minnesota Rules, part 7410.0400, subpart 2, or successor rules, the individual must also present evidence of a change of name as specified in Minnesota Rules, part 7410.0500, or successor rules.

Subd. 9. [LAWFUL SHORT-TERM ADMISSION STATUS.] (a) If the lawful admission period indicated on the federal primary document presented expires in 30 days or more from the date of application for the state driver's license, permit, or identification card, the department shall issue to the applicant a driver's license, permit, or identification card with an expiration date that coincides with the lawful admission period on the federal primary document presented.

(b) The department shall not issue a driver's license, permit, or identification card if an individual has no lawful admission status to the United States or if the lawful short-term admission period expires in 30 days or less."

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 32, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Limmer	Ourada	Senjem
Day	Kierlin	McGinn	Pariseau	Wergin
Dille	Kiscaden	Neuville	Reiter	Wiger
Fischbach	Kleis	Nienow	Robling	
Frederickson	Larson	Olson	Rosen	
Gaither	LeClair	Ortman	Ruud	

Those who voted in the negative were:

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

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

Senator Kleis then moved to amend S.F. No. 1534 as follows:

Page 96, after line 17, insert:

"Sec. 7. Minnesota Statutes 2002, section 171.22, subdivision 2, is amended to read:

Subd. 2. [PENALTIES.] Any person who violates any provision of subdivision 1, ~~clause (7) or (8)~~, is guilty of a gross misdemeanor. ~~Any person who violates any other provision of subdivision 1 is guilty of a misdemeanor."~~

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 30 and nays 33, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Larson	Olson	Rosen
Day	Kierlin	LeClair	Ortman	Ruud
Dille	Kiscaden	Limmer	Ourada	Sams
Fischbach	Kleis	McGinn	Pariseau	Senjem
Frederickson	Knutson	Neuville	Reiter	Wergin
Gaither	Koering	Nienow	Robling	Wiger

Those who voted in the negative were:

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

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

Senator Larson moved to amend S.F. No. 1534 as follows:

Page 81, after line 17, insert:

"Sec. 60. Minnesota Statutes 2002, section 357.021, subdivision 6, is amended to read:

Subd. 6. [SURCHARGES ON CRIMINAL AND TRAFFIC OFFENDERS.] (a) (1) The court shall impose and the court administrator shall collect a \$35 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. (2) The court shall impose and the court administrator shall collect a \$25 surcharge in addition to the fine and any other surcharge imposed, on every person who is subject to the surcharge under clause (1), and who was not apprehended or arrested by an officer of the state patrol.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the state treasurer.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the state treasurer.

Sec. 61. Minnesota Statutes 2002, section 357.021, subdivision 7, is amended to read:

Subd. 7. [DISBURSEMENT OF SURCHARGES BY STATE TREASURER.] (a) Except as provided in paragraphs (b) and (c), and (d), the state treasurer shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the game and fish fund to provide peace officer training for employees of the department of natural resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws;

(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent shall be credited to the general fund.

(b) The state treasurer shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to a criminal justice special projects account in the special revenue fund. This account is available for appropriation to the commissioner of public safety for grants to law enforcement agencies and for other purposes authorized by the legislature.

(c) \$25 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, must be forwarded to the law enforcement agency that made the arrest or issued the citation resulting in the surcharge for deposit as a supplement to the agency's operating fund.

(d) In addition to any amounts credited under paragraph (a), the state treasurer shall credit \$7 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund."

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 35, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Koering	McGinn	Reiter
Fischbach	Kierlin	Larson	Nienow	Rosen
Frederickson	Kleis	LeClair	Ortman	Ruud
Gaither	Knutson	Limmer	Pariseau	Senjem

Those who voted in the negative were:

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

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

Senator Ourada moved to amend S.F. No. 1534 as follows:

Page 9, after line 58, insert:

"(c) The commissioner of transportation shall transfer \$3,000,000 from the trunk highway fund to the trunk highway corridor protection revolving loan account."

Page 25, delete lines 16 and 17

The motion prevailed. So the amendment was adopted.

Senator Ourada then moved to amend S.F. No. 1534 as follows:

Page 12, delete lines 33 to 43

Page 17, delete lines 1 to 7

Correct the subdivision and section totals and the summaries by fund

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

Senator Day moved to amend S.F. No. 1534 as follows:

Page 30, line 11, delete everything after "fee"

Page 30, delete lines 12 and 13 and insert "must be used as follows:

(1) one-half for state road construction; and

(2) one-half must be transferred to the metropolitan council for expansion and improvement of bus transit services within the corridor."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 35, as follows:

Those who voted in the affirmative were:

Bachmann	Gaither	Knutson	Neuville	Robling
Day	Hann	Koering	Nienow	Rosen
Dille	Kierlin	Larson	Ortman	Ruud
Fischbach	Kiscaden	LeClair	Ourada	Senjem
Frederickson	Kleis	McGinn	Reiter	Wergin

Those who voted in the negative were:

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

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

Senator Reiter moved to amend S.F. No. 1534 as follows:

Page 41, after line 3, insert:

"Sec. 19. [168.1297] [UNITED WE STAND LICENSE PLATES.]

Subdivision 1. [GENERAL REQUIREMENTS AND PROCEDURES.] (a) The registrar shall issue special license plates bearing the words "United We Stand" to an applicant who:

(1) is an owner or joint owner of a passenger automobile, pickup truck, or van;

(2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

(3) pays the registration tax required under section 168.013;

(4) pays the fees required under this chapter;

(5) contributes a minimum of \$30 annually to the antiterrorism account established under subdivision 5; and

(6) complies with laws and rules governing registration and licensing of vehicles and drivers.

(b) Fees under paragraph (a), clauses (2) and (4), must be deposited in the highway user tax distribution fund.

(c) The application form for the special plates must clearly indicate that the annual contribution specified under paragraph (a), clause (5), is a minimum contribution to receive the special license plates and that the applicant may make an additional contribution to the account.

Subd. 2. [DESIGN.] After consultation with interested groups, the commissioner shall select a suitable design for the special plates. The design must include a representation of the United States flag and the words "United We Stand."

Subd. 3. [NO REFUND.] Contributions under this section may not be refunded.

Subd. 4. [PLATE TRANSFERS.] Notwithstanding section 168.12, subdivision 1, on payment of a transfer fee of \$5, plates issued under this section may be transferred to another passenger automobile, pickup truck, or van owned or jointly owned by the person to whom the special plates were issued. A fee collected under this subdivision must be deposited in the highway user tax distribution fund.

Subd. 5. [ANTITERRORISM ACCOUNT ESTABLISHED.] An antiterrorism account is established in the state treasury, consisting of money contributed to the account under subdivision 1, paragraph (a), clause (5). Money in the fund is appropriated to the commissioner for grants to:

(1) local law enforcement for training, equipment, and extraordinary personnel costs related to antiterrorism initiatives; and

(2) the national guard to provide security for the state's infrastructure."

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 Ranum moved to amend S.F. No. 1534 as follows:

Page 29, line 34, after "lanes" insert "on I-394"

Page 30, delete lines 14 to 16

Page 30, line 17, delete "4" and insert "3"

Senator Ranum requested division of her amendment as follows:

First portion:

Page 29, line 34, after "lanes" insert "on I-394"

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

The roll was called, and there were yeas 5 and nays 52, as follows:

Those who voted in the affirmative were:

Marko

Moua

Ranum

Skoe

Skoglund

Those who voted in the negative were:

Anderson	Hann	Larson	Pappas	Senjem
Bachmann	Higgins	LeClair	Pariseau	Solon
Bakk	Hottinger	Limmer	Pogemiller	Sparks
Betzold	Johnson, D.E.	McGinn	Reiter	Stumpf
Chaudhary	Kelley	Metzen	Rest	Tomassoni
Cohen	Kierlin	Michel	Robling	Vickerman
Day	Kiscaden	Murphy	Rosen	Wergin
Fischbach	Kleis	Neuville	Ruud	Wiger
Foley	Knutson	Nienow	Sams	
Frederickson	Kubly	Ortman	Saxhaug	
Gaither	Langseth	Ourada	Scheid	

The motion did not prevail. So the first portion of the amendment was not adopted.

Second portion:

Page 30, delete lines 14 to 16

Page 30, line 17, delete "4" and insert "3"

The question was taken on the adoption of the second portion of the amendment.

The roll was called, and there were yeas 10 and nays 48, as follows:

Those who voted in the affirmative were:

Berglin	Chaudhary	Dibble	Ranum	Skoe
Betzold	Cohen	Moua	Sams	Skoglund

Those who voted in the negative were:

Bachmann	Johnson, D.E.	LeClair	Pappas	Senjem
Bakk	Kelley	Limmer	Pariseau	Solon
Day	Kierlin	Marko	Pogemiller	Sparks
Fischbach	Kiscaden	McGinn	Reiter	Stumpf
Foley	Kleis	Metzen	Rest	Tomassoni
Frederickson	Knutson	Michel	Robling	Vickerman
Gaither	Koering	Neuville	Rosen	Wergin
Hann	Kubly	Nienow	Ruud	Wiger
Higgins	Langseth	Ortman	Saxhaug	
Hottinger	Larson	Ourada	Scheid	

The motion did not prevail. So the second portion of the amendment was not adopted.

Senator Johnson, D.E. moved to amend S.F. No. 1534 as follows:

Page 26, after line 23, insert:

"(6) reconstruction of the I-94 at Century Avenue and McKnight Road intersection in Ramsey county;"

Page 26, line 24, delete "(6)" and insert "(7)"

Page 26, line 27, delete "(7)" and insert "(8)"

Page 26, line 32, delete "(8)" and insert "(9)"

Page 26, line 36, delete "(7)" and insert "(8)"

Page 27, line 1, delete "(8)" and insert "(9)"

Page 94, after line 20, insert:

"Sec. 4. Minnesota Statutes 2002, section 171.07, subdivision 1, is amended to read:

Subdivision 1. [LICENSE; CONTENTS.] (a) Upon the payment of the required fee, the

department shall issue to every qualifying applicant a license designating the type or class of vehicles the applicant is authorized to drive as applied for. This license must bear a distinguishing number assigned to the licensee, the full name, date of birth, residence address and permanent mailing address if different, a description of the licensee in a manner as the commissioner deems necessary, and the usual signature of the licensee. No license is valid unless it bears the usual signature of the licensee. Every license must bear a colored photograph or an electronically produced image of the licensee.

(b) Every license issued to an applicant under the age of 21 must be of a distinguishing color and plainly marked "Under-21."

(c) The department shall use processes in issuing a license that prohibit, as nearly as possible, the ability to alter or reproduce a license, or prohibit the ability to superimpose a photograph or electronically produced image on a license, without ready detection.

(d) A license issued to an applicant age 65 or over must be plainly marked "senior" if requested by the applicant."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Pursuant to Rule 41, Senator Kleis moved that he be excused from voting on S.F. No. 1534. The motion prevailed.

S.F. No. 1534 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 35 and nays 28, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Hann	Larson	Olson	Rosen
Day	Jungbauer	LeClair	Ortman	Ruud
Dille	Kierlin	Limmer	Ourada	Senjem
Fischbach	Kiscaden	McGinn	Pariseau	Wergin
Frederickson	Knutson	Michel	Reiter	
Gaither	Koering	Neuville	Robling	

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

Senator Johnson, D.E. moved that S.F. No. 1534 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Hottinger moved that H.F. No. 627 be taken from the table. The motion prevailed.

H.F. No. 627: A bill for an act relating to appropriations; appropriating money for transportation, public safety, and other purposes; authorizing issuance of state bonds; modifying provisions relating to reverse auctions, land appraisal, archaeological or historic sites, high-occupancy vehicle lanes, highways and transportation corridors, town line roads and

easements, major transportation projects commission, advertisements for bids, regional railroad authorities, city transit capital improvement projects in metropolitan area, bus rapid transit and other transit, bus operator liability, local government permits, and other transportation-related activities; providing for fees, funds and accounts, transfers, allocations, and expenditures; modifying provisions regulating special mobile equipment, special vehicle license plates, speed limits and other traffic regulations, vehicle weight limits and other vehicle regulations, vehicle insurance requirements, drivers' licenses and identification cards, essential employee status, the capitol complex security oversight committee, and other activities related to public safety; authorizing administrative powers, penalties, and remedies for public safety purposes; requiring studies and reports; making technical and clarifying changes; changing transit funding, aid, and tax levy provisions; amending Minnesota Statutes 2002, sections 10A.01, subdivision 24; 13.44, subdivision 3; 16A.88, subdivision 1; 16C.10, subdivision 7; 84.87, subdivision 1; 138.40, subdivisions 2, 3; 160.28, by adding a subdivision; 161.08; 161.20, subdivision 3; 164.12; 168.011, subdivision 22; 168.013, subdivision 3; 168.12, subdivision 5; 168.54, subdivision 4; 168A.29, subdivision 1; 169.14, subdivision 5a, by adding a subdivision; 169.18, subdivision 11; 169.791, subdivision 1; 169.796, by adding a subdivision; 169.797, subdivision 4a; 169.798, subdivision 1, by adding a subdivision; 169.826, subdivision 1, by adding a subdivision; 169.86, subdivision 5; 169.87, by adding a subdivision; 171.06, subdivision 3; 171.07, subdivisions 1, 3; 171.13, by adding a subdivision; 171.14; 171.20, subdivision 4; 171.22, subdivision 2; 171.29, subdivision 2; 174.03, subdivision 6a; 174.22, by adding a subdivision; 174.24, subdivisions 1, 3b; 174.55, subdivision 2; 179A.03, subdivision 7; 179A.10, subdivision 2; 275.065, subdivision 3; 275.71, subdivision 5; 297B.09, subdivision 1; 299A.465, subdivision 4; 299E.01, by adding a subdivision; 299E.03, subdivision 3; 398A.03, subdivision 1; 471.345, subdivision 14; 473.399, subdivision 1; 473.3994, subdivision 2; 473.3997; 473.446, subdivision 1; 609.531, subdivision 1; Laws 1999, chapter 238, article 1, section 2, subdivision 2; Laws 2000, chapter 433, section 4; Laws 2001, First Special Session chapter 8, article 1, section 2, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 117; 160; 168; 171; 299A; 331A; 373; 398A; 414; 473; repealing Minnesota Statutes 2002, sections 16A.88, subdivision 3; 169.794; 169.799; 174.242; Minnesota Rules, parts 7403.1300; 7413.0400; 7413.0500.

SUSPENSION OF RULES

Senator Hottinger moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 627 and that the rules of the Senate be so far suspended as to give H.F. No. 627 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 627 was read the second time.

Senator Johnson, D.E. moved to amend H.F. No. 627 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 627, and insert the language after the enacting clause, and the title, of S.F. No. 1534, the second engrossment.

The motion prevailed. So the amendment was adopted.

Pursuant to Rule 41, Senator Kleis moved that he be excused from voting on all questions pertaining to H.F. No. 627. The motion prevailed.

CALL OF THE SENATE

Senator Kelley imposed a call of the Senate for the balance of the proceedings on H.F. No. 627. The Sergeant at Arms was instructed to bring in the absent members.

H.F. No. 627 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 35 and nays 29, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Hann	Larson	Nienow	Robling
Day	Jungbauer	LeClair	Olson	Rosen
Dille	Kierlin	Limmer	Ortman	Ruud
Fischbach	Kiscaden	McGinn	Ourada	Senjem
Frederickson	Knutson	Michel	Pariseau	Wergin
Gaither	Koering	Neuville	Reiter	

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

MOTIONS AND RESOLUTIONS - CONTINUED

SUSPENSION OF RULES

Senator Hottinger moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to S.F. No. 1532 and that the rules of the Senate be so far suspended as to give S.F. No. 1532 its second and third reading and place it on its final passage. The motion prevailed.

S.F. No. 1532 was read the second time.

S.F. No. 1532: A bill for an act relating to state government; making changes to public assistance programs, health care programs, long-term care, continuing care for persons with disabilities, occupational licenses, children services, estate recovery provisions for medical assistance, adult mental health and alternative programs for offenders with mental illness; changing health department provisions; transferring programs and funding from the department of children, families, and learning; requiring certain correctional institutions to permit multiple occupancy of cells; providing juvenile court jurisdiction for juveniles alleged to have committed traffic offenses; authorizing the state public defender to investigate decisions of the department of corrections; authorizing the state public defender to recommend correctional agencies to take corrective actions upon complaints; requiring defendants with 180 days or less remaining on terms of imprisonment to serve those remaining terms in local correctional facilities; requiring law enforcement agencies to disclose certain information to community crime prevention groups; making forecast adjustments; appropriating money; amending Minnesota Statutes 2002, sections 13.461, by adding a subdivision; 13.69, subdivision 1; 62E.06, subdivision 1; 62J.17, subdivision 2; 62J.23, by adding a subdivision; 62J.692, subdivisions 1, 2, 3, 4, 5, 7, 8; 62J.694, by adding a subdivision; 62L.05, subdivision 4; 62Q.19, subdivision 2; 116J.70, subdivision 2a; 119B.011, subdivisions 5, 6, 15, 19, by adding a subdivision; 119B.02, subdivision 1; 119B.03, subdivision 9; 119B.05, subdivision 1; 119B.09, subdivision 7; 119B.11, subdivision 2a; 119B.12, subdivision 2; 119B.13, subdivisions 2, 6, by adding a subdivision; 119B.19, subdivision 7; 119B.21, subdivision 11; 124D.23, subdivision 1; 144.1222, by adding a subdivision; 144.125; 144.128; 144.1488, subdivision 4; 144.1491, subdivision 1; 144.1502, subdivision 4; 144.335, subdivision 1; 144.35; 144.395, by adding a subdivision; 144.396, subdivisions 7, 11, 12; 144.414, subdivision 3; 144.551, subdivision 1; 144.99, subdivision 1; 144A.4605, subdivision 4; 144E.29; 144E.50, subdivision 5; 147A.08; 148.5194, subdivisions 1, 2, 3, by adding a subdivision; 148.6445, subdivision 7; 148C.01, subdivisions 2, 12, by adding subdivisions; 148C.03, subdivision 1; 148C.0351, subdivision 1, by adding a subdivision; 148C.04; 148C.05, subdivision 1, by adding

subdivisions; 148C.07; 148C.10, subdivisions 1, 2; 148C.11; 150A.05, subdivision 2; 151.47, subdivision 1; 153A.17; 171.06, subdivision 3; 171.07, by adding a subdivision; 243.53, subdivision 1; 245.4874; 245.493, subdivision 1a; 245A.035, subdivision 3; 245A.04, subdivisions 3b, 3d; 245A.10; 245A.11, subdivision 2a; 252.27, subdivision 2a; 252.32, subdivisions 1, 1a, 3, 3c; 253B.05, by adding a subdivision; 256.01, subdivision 2; 256.012; 256.046, subdivision 1; 256.0471, subdivision 1; 256.476, subdivisions 1, 3, 4, 5, 11; 256.955, subdivision 2a; 256.9657, subdivisions 1, 4, by adding a subdivision; 256.969, subdivisions 2b, 3a; 256.975, by adding a subdivision; 256.98, subdivision 8; 256.984, subdivision 1; 256B.056, subdivisions 1c, 6; 256B.057, subdivisions 2, 3b, 9, 10; 256B.0595, subdivisions 1, 2, by adding subdivisions; 256B.061; 256B.0621, subdivision 4; 256B.0623, subdivisions 2, 4, 5, 6, 8; 256B.0625, subdivisions 9, 13, 17, 19c, by adding subdivisions; 256B.0627, subdivisions 1, 4, 9; 256B.0635, subdivisions 1, 2; 256B.064, subdivision 2; 256B.0911, subdivision 4d; 256B.0913, subdivisions 2, 4, 5, 6, 7, 8, 10, 12; 256B.0915, subdivision 3, by adding a subdivision; 256B.092, subdivision 5, by adding a subdivision; 256B.0945, subdivisions 2, 4; 256B.15, subdivisions 1, 1a, 2, 3, 4, by adding subdivisions; 256B.19, by adding a subdivision; 256B.195, subdivisions 3, 5; 256B.32, subdivision 1; 256B.431, subdivisions 2r, 32, by adding subdivisions; 256B.434, subdivision 4; 256B.437, subdivisions 2, 6; 256B.47, subdivision 2; 256B.5012, by adding a subdivision; 256B.5013, by adding a subdivision; 256B.69, subdivisions 2, 4, 5, 5a, 5c, 5g, 6a, 6b, 8, by adding a subdivision; 256B.75; 256B.76; 256B.761; 256B.82; 256D.03, subdivisions 3, 3a; 256D.053, subdivision 1; 256I.02; 256I.04, subdivision 3; 256I.05, subdivisions 1, 1a, 7c; 256J.02, subdivision 2; 256J.021; 256J.08, by adding subdivisions; 256J.09, subdivisions 2, 3a, 10; 256J.21, subdivision 2; 256J.24, subdivision 3; 256J.37, subdivision 9; 256J.38, subdivision 3; 256J.40; 256J.42, subdivision 5; 256J.425, subdivisions 2, 3, 4, 6; 256J.50, subdivisions 1, 8; 256J.55, subdivision 2; 256J.56; 256J.751, subdivisions 2, 5; 256L.05, subdivisions 3a, 4; 256L.06, subdivision 3; 256L.07, subdivisions 1, 3, by adding a subdivision; 256L.12, subdivision 6; 256L.15, subdivision 3, by adding a subdivision; 257.0769; 259.21, subdivision 6; 259.67, subdivisions 4, 7; 260B.007, subdivisions 3, 6, 16; 260B.101, subdivision 1; 260B.103, subdivision 1; 260B.105, subdivision 3; 260B.157, subdivision 1; 260B.171, subdivision 5; 260B.176, subdivision 2; 260B.178, subdivision 1; 260B.193, subdivision 2; 260B.225, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9; 260B.235, subdivision 6; 260C.007, subdivision 11; 260C.141, subdivision 2; 295.53, subdivision 1; 297I.15, subdivisions 1, 4; 319B.40; 326.42; 357.021, subdivisions 6, 7; 393.07, subdivisions 5, 10; 514.981, subdivision 6; 518.551, subdivisions 12, 13; 524.3-805; 609.105, subdivision 1, by adding subdivisions; 609.145, by adding a subdivision; 609.2231, by adding a subdivision; Laws 1997, chapter 245, article 2, section 11; proposing coding for new law in Minnesota Statutes, chapters 62J; 62Q; 97A; 119B; 144; 144A; 148C; 150B; 243; 245; 246; 256B; 256J; 481; 514; 609; 611; 611A; repealing Minnesota Statutes 2002, sections 62J.15; 62J.152; 62J.451; 62J.452; 62J.66; 62J.68; 119B.061; 144.126; 144.1494; 144.1495; 144.1496; 144.1497; 144A.071, subdivision 5; 144A.35; 144A.36; 144A.38; 148.5194, subdivision 3a; 148.6445, subdivision 9; 148C.0351, subdivision 2; 148C.05, subdivisions 2, 3, 4; 148C.06; 148C.10, subdivision 1a; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 252.32, subdivision 2; 256.482, subdivision 8; 256.955, subdivision 8; 256B.0625, subdivisions 5a, 35, 36; 256B.0917; 256B.0945, subdivision 10; 256B.095; 256B.0951; 256B.0952; 256B.0953; 256B.0954; 256B.0955; 256B.437, subdivision 2; 256B.5013, subdivision 4; 256J.08, subdivision 70; 256J.425, subdivision 7; 256J.47; Laws 1997, chapter 203, article 9, section 21, as amended; Laws 1998, chapter 407, article 4, section 63; Laws 1998, chapter 407, article 6, section 111; Laws 2000, chapter 488, article 10, section 28; Laws 2000, chapter 488, article 10, section 29; Laws 2001, First Special Session chapter 3, article 1, section 16; Laws 2001, First Special Session chapter 9, article 10, section 62; Laws 2001, First Special Session chapter 9, article 13, section 24; Laws 2002, chapter 374, article 9, section 8; Minnesota Rules, parts 4747.0030, subparts 25, 28, 30; 4747.0040, subpart 3, item A; 4747.0060, subpart 1, items A, B, D; 4747.0070, subparts 4, 5; 4747.0080; 4747.0090; 4747.0100; 4747.0300; 4747.0400, subparts 2, 3; 4747.0500; 4747.0600; 4747.1000; 4747.1100, subpart 3; 4747.1600; 4763.0100; 4763.0110; 4763.0125; 4763.0135; 4763.0140; 4763.0150; 4763.0160; 4763.0170; 4763.0180; 4763.0190; 4763.0205; 4763.0215; 4763.0220; 4763.0230; 4763.0240; 4763.0250; 9505.0324; 9505.0326; 9505.0327; 9505.3045; 9505.3050; 9505.3055; 9505.3060; 9505.3068; 9505.3070; 9505.3075; 9505.3080; 9505.3090; 9505.3095; 9505.3100; 9505.3105; 9505.3107; 9505.3110; 9505.3115; 9505.3120; 9505.3125; 9505.3130; 9505.3138; 9505.3139; 9505.3140; 9505.3680; 9505.3690; 9505.3700.

CALL OF THE SENATE

Senator Berglin imposed a call of the Senate for the balance of the proceedings on S.F. No. 1532. The Sergeant at Arms was instructed to bring in the absent members.

Senator Berglin moved to amend S.F. No. 1532 as follows:

Delete everything after the enacting clause, and delete the title, of S.F. No. 1532, and insert the language after the enacting clause, and the title, of S.F. No. 821, as introduced.

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 25 and nays 37, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Larson	Neuville	Reiter
Day	Jungbauer	LeClair	Nienow	Rosen
Dille	Kiscaden	Limmer	Olson	Ruud
Fischbach	Kleis	McGinn	Ortman	Senjem
Gaither	Knutson	Michel	Pariseau	Wergin

Those who voted in the negative were:

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

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

Senator Berglin moved to amend S.F. No. 1532 as follows:

Pages 3 and 4, delete section 1 and insert:

"Section 1. Minnesota Statutes 2002, section 119B.03, subdivision 4, is amended to read:

Subd. 4. [FUNDING PRIORITY.] (a) First priority for child care assistance under the basic sliding fee program must be given to eligible non-MFIP families who do not have a high school or general equivalency diploma or who need remedial and basic skill courses in order to pursue employment or to pursue education leading to employment and who need child care assistance to participate in the education program. Within this priority, the following subpriorities must be used:

- (1) child care needs of minor parents;
- (2) child care needs of parents under 21 years of age; and
- (3) child care needs of other parents within the priority group described in this paragraph.

(b) Second priority must be given to parents who have completed their MFIP or work first transition year, or parents who are no longer receiving or eligible for diversionary work program supports.

(c) Third priority must be given to families who are eligible for portable basic sliding fee assistance through the portability pool under subdivision 9."

Page 56, after line 35, insert:

"Sec. 9. Minnesota Statutes 2002, section 256B.056, subdivision 1a, is amended to read:

Subd. 1a. [INCOME AND ASSETS GENERALLY.] Unless specifically required by state law

or rule or federal law or regulation, the methodologies used in counting income and assets to determine eligibility for medical assistance for persons whose eligibility category is based on blindness, disability, or age of 65 or more years, the methodologies for the supplemental security income program shall be used. Increases in benefits under title II of the Social Security Act shall not be counted as income for purposes of this subdivision until July 1 of each year. Effective upon federal approval, for children eligible under section 256B.055, subdivision 12, or for home and community-based waiver services whose eligibility for medical assistance is determined without regard to parental income, child support payments, including any payments made by an obligor in satisfaction of or in addition to a temporary or permanent order for child support, and social security payments are not counted as income. For families and children, which includes all other eligibility categories, the methodologies under the state's AFDC plan in effect as of July 16, 1996, as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law Number 104-193, shall be used, except that effective July 1, 2002, the \$90 and \$30 and one-third earned income disregards shall not apply and the disregard specified in subdivision 1c shall apply July 1, 2003, the earned income disregards and deductions are limited to those in subdivision 1c. For these purposes, a "methodology" does not include an asset or income standard, or accounting method, or method of determining effective dates."

Page 57, line 6, after the period, insert "This clause expires July 1, 2003."

Page 57, line 17, before the period, insert "and the following deductions shall be applied to each individual's income counted toward eligibility as allowed under the state's AFDC plan in effect as of July 16, 1996: dependent care and child support paid under court order"

Page 57, line 18, after the first "the" insert "four-month" and after "disregard" insert "in paragraph (b)"

Page 57, after line 22, insert:

"[EFFECTIVE DATE.] The amendments to paragraphs (b) and (c) are effective July 1, 2003.

Sec. 11. Minnesota Statutes 2002, section 256B.057, subdivision 1, is amended to read:

Subdivision 1. [PREGNANT WOMEN AND INFANTS.] (a) An infant less than one year of age or a pregnant woman who has written verification of a positive pregnancy test from a physician or licensed registered nurse, is eligible for medical assistance if countable family income is equal to or less than 275 percent of the federal poverty guideline for the same family size. For purposes of this subdivision, "countable family income" means the amount of income considered available using the methodology of the AFDC program under the state's AFDC plan as of July 16, 1996, as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law Number 104-193, except for the earned income disregard and employment deductions.

~~An amount equal to the amount of earned income exceeding 275 percent of the federal poverty guideline, up to a maximum of the amount by which the combined total of 185 percent of the federal poverty guideline plus the earned income disregards and deductions of the AFDC program under the state's AFDC plan as of July 16, 1996, as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law Number 104-193, exceeds 275 percent of the federal poverty guideline will be deducted for pregnant women and infants less than one year of age.~~

(b) An infant born on or after January 1, 1991, to a woman who was eligible for and receiving medical assistance on the date of the child's birth shall continue to be eligible for medical assistance without redetermination until the child's first birthday, as long as the child remains in the woman's household.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Sec. 12. Minnesota Statutes 2002, section 256B.057, subdivision 1b, is amended to read:

Subd. 1b. [PREGNANT WOMEN AND INFANTS; EXPANSION.] (a) This subdivision

supersedes subdivision 1 as long as the Minnesota health care reform waiver remains in effect. When the waiver expires, the commissioner of human services shall publish a notice in the State Register and notify the revisor of statutes. An infant less than two years of age or a pregnant woman who has written verification of a positive pregnancy test from a physician or licensed registered nurse, is eligible for medical assistance if countable family income is equal to or less than 275 percent of the federal poverty guideline for the same family size. For purposes of this subdivision, "countable family income" means the amount of income considered available using the methodology of the AFDC program under the state's AFDC plan as of July 16, 1996, as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law Number 104-193, except for the earned income disregard and employment deductions. An amount equal to the amount of earned income exceeding 275 percent of the federal poverty guideline, up to a maximum of the amount by which the combined total of 185 percent of the federal poverty guideline plus the earned income disregards and deductions of the AFDC program under the state's AFDC plan as of July 16, 1996, as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Public Law Number 104-193, exceeds 275 percent of the federal poverty guideline will be deducted for pregnant women and infants less than two years of age.

(b) An infant born on or after January 1, 1991, to a woman who was eligible for and receiving medical assistance on the date of the child's birth shall continue to be eligible for medical assistance without redetermination until the child's second birthday, as long as the child remains in the woman's household.

[EFFECTIVE DATE.] This section is effective July 1, 2003.

Pages 70 and 71, delete section 17 and insert:

"Sec. 20. Minnesota Statutes 2002, section 256B.0625, subdivision 17, is amended to read:

Subd. 17. **[TRANSPORTATION COSTS.]** (a) Medical assistance covers transportation costs incurred solely for obtaining emergency medical care or transportation costs incurred by ~~nonambulatory~~ eligible persons in obtaining emergency or nonemergency medical care when paid directly to an ambulance company, common carrier, or other recognized providers of transportation services. ~~For the purpose of this subdivision, a person who is incapable of transport by taxicab or bus shall be considered to be nonambulatory.~~

(b) Medical assistance covers special transportation, as defined in Minnesota Rules, part 9505.0315, subpart 1, item F, ~~if the provider receives and maintains a current physician's order by the recipient's attending physician certifying that the recipient has a physical or mental impairment that would prohibit the recipient from safely accessing and using a bus, taxi, other commercial transportation, or private automobile. The commissioner may use an order by the recipient's attending physician to certify that the recipient requires special transportation services.~~ Special transportation includes driver-assisted service to eligible individuals. Driver-assisted service includes passenger pickup at and return to the individual's residence or place of business, assistance with admittance of the individual to the medical facility, and assistance in passenger securement or in securing of wheelchairs or stretchers in the vehicle. The commissioner shall establish maximum medical assistance reimbursement rates for special transportation services for persons who need a wheelchair-accessible van or stretcher-accessible vehicle and for those who do not need a wheelchair-accessible van or stretcher-accessible vehicle. The average of these two rates per trip must not exceed \$15 for the base rate and \$1.40 per mile. Special transportation provided to nonambulatory persons who do not need a wheelchair-accessible van or stretcher-accessible vehicle, may be reimbursed at a lower rate than special transportation provided to persons who need a wheelchair-accessible van or stretcher-accessible vehicle. Special transportation providers must obtain written documentation from the health care service provider who is serving the recipient being transported, identifying the time that the recipient arrived. Special transportation providers may not bill for separate base rates for the continuation of a trip beyond the original destination. Special transportation providers must take recipients to the nearest appropriate health care provider, using the most direct route available. The maximum medical assistance reimbursement rates for special transportation services are:

(1) \$18 for the base rate and \$1.40 per mile for services to eligible persons who need a wheelchair-accessible van;

(2) \$12 for the base rate and \$1.35 per mile for services to eligible persons who do not need a wheelchair-accessible van; and

(3) \$36 for the base rate and \$1.40 per mile, and an attendant rate of \$9 per trip, for services to eligible persons who need a stretcher-accessible vehicle."

Page 99, after line 1, insert:

"Sec. 41. Minnesota Statutes 2002, section 256D.03, subdivision 4, is amended to read:

Subd. 4. [GENERAL ASSISTANCE MEDICAL CARE; SERVICES.] (a) For a person who is eligible under subdivision 3, paragraph (a), clause (3), general assistance medical care covers, except as provided in paragraph (c):

- (1) inpatient hospital services;
- (2) outpatient hospital services;
- (3) services provided by Medicare certified rehabilitation agencies;
- (4) prescription drugs and other products recommended through the process established in section 256B.0625, subdivision 13;
- (5) equipment necessary to administer insulin and diagnostic supplies and equipment for diabetics to monitor blood sugar level;
- (6) eyeglasses and eye examinations provided by a physician or optometrist;
- (7) hearing aids;
- (8) prosthetic devices;
- (9) laboratory and X-ray services;
- (10) physician's services;
- (11) medical transportation;
- (12) chiropractic services as covered under the medical assistance program;
- (13) podiatric services;
- (14) dental services;
- (15) outpatient services provided by a mental health center or clinic that is under contract with the county board and is established under section 245.62;
- (16) day treatment services for mental illness provided under contract with the county board;
- (17) prescribed medications for persons who have been diagnosed as mentally ill as necessary to prevent more restrictive institutionalization;
- (18) psychological services, medical supplies and equipment, and Medicare premiums, coinsurance and deductible payments;
- (19) medical equipment not specifically listed in this paragraph when the use of the equipment will prevent the need for costlier services that are reimbursable under this subdivision;
- (20) services performed by a certified pediatric nurse practitioner, a certified family nurse practitioner, a certified adult nurse practitioner, a certified obstetric/gynecological nurse practitioner, a certified neonatal nurse practitioner, or a certified geriatric nurse practitioner in

independent practice, if (1) the service is otherwise covered under this chapter as a physician service, (2) the service provided on an inpatient basis is not included as part of the cost for inpatient services included in the operating payment rate, and (3) the service is within the scope of practice of the nurse practitioner's license as a registered nurse, as defined in section 148.171;

(21) services of a certified public health nurse or a registered nurse practicing in a public health nursing clinic that is a department of, or that operates under the direct authority of, a unit of government, if the service is within the scope of practice of the public health nurse's license as a registered nurse, as defined in section 148.171; and

(22) telemedicine consultations, to the extent they are covered under section 256B.0625, subdivision 3b.

(b) Except as provided in paragraph (c), for a recipient who is eligible under subdivision 3, paragraph (a), clause (1) or (2), general assistance medical care covers the services listed in paragraph (a) with the exception of special transportation services.

(c) Gender reassignment surgery and related services are not covered services under this subdivision unless the individual began receiving gender reassignment services prior to July 1, 1995.

(d) In order to contain costs, the commissioner of human services shall select vendors of medical care who can provide the most economical care consistent with high medical standards and shall where possible contract with organizations on a prepaid capitation basis to provide these services. The commissioner shall consider proposals by counties and vendors for prepaid health plans, competitive bidding programs, block grants, or other vendor payment mechanisms designed to provide services in an economical manner or to control utilization, with safeguards to ensure that necessary services are provided. Before implementing prepaid programs in counties with a county operated or affiliated public teaching hospital or a hospital or clinic operated by the University of Minnesota, the commissioner shall consider the risks the prepaid program creates for the hospital and allow the county or hospital the opportunity to participate in the program in a manner that reflects the risk of adverse selection and the nature of the patients served by the hospital, provided the terms of participation in the program are competitive with the terms of other participants considering the nature of the population served. Payment for services provided pursuant to this subdivision shall be as provided to medical assistance vendors of these services under sections 256B.02, subdivision 8, and 256B.0625. For payments made during fiscal year 1990 and later years, the commissioner shall consult with an independent actuary in establishing prepayment rates, but shall retain final control over the rate methodology. ~~Notwithstanding the provisions of subdivision 3, an individual who becomes ineligible for general assistance medical care because of failure to submit income reports or recertification forms in a timely manner, shall remain enrolled in the prepaid health plan and shall remain eligible for general assistance medical care coverage through the last day of the month in which the enrollee became ineligible for general assistance medical care.~~

(e) There shall be no co-payment required of any recipient of benefits for any services provided under this subdivision. A hospital receiving a reduced payment as a result of this section may apply the unpaid balance toward satisfaction of the hospital's bad debts.

(f) Any county may, from its own resources, provide medical payments for which state payments are not made.

(g) Chemical dependency services that are reimbursed under chapter 254B must not be reimbursed under general assistance medical care.

(h) The maximum payment for new vendors enrolled in the general assistance medical care program after the base year shall be determined from the average usual and customary charge of the same vendor type enrolled in the base year.

(i) The conditions of payment for services under this subdivision are the same as the conditions specified in rules adopted under chapter 256B governing the medical assistance program, unless otherwise provided by statute or rule."

Page 101, line 20, after "or" insert "the four-month requirement in subdivision"

Page 108, delete lines 9 and 10 and insert "July 1, 2005, except for the purposes of checking for recipient eligibility, authorizing recipients for appropriate level of transportation, and monitoring provider compliance with section 256B.0625, subdivision 17. This prohibition does not apply to the purchase or management of common carrier transportation."

Page 109, after line 28, insert:

"Sec. 58. [NONPROFIT FOUNDATION GRANTS.]

(a) The commissioner of human services may accept grants or donations from a nonprofit charitable foundation for the purpose of increasing dental access in the medical assistance program.

(b) The commissioner may increase the critical access dental payments under Minnesota Statutes, section 256B.76, paragraph (c), and use any money received under paragraph (a) for the nonfederal state share of the medical assistance cost."

Page 199, delete line 18 and insert "during the previous 30 calendar days in:

(1) the same nursing facility;

(2) a nursing facility owned or operated by a related party; or

(3) a nursing facility or part of a facility that closed."

Page 236, line 19, delete "section 252.291" and insert "sections 245A.11 and 252.291"

Page 369, line 33, after the second "for" insert "residential"

Page 381, line 35, after the period, insert "The evaluation and other information required under this section must be provided to the chairs of the house of representatives and senate finance and policy committees having jurisdiction over corrections and human services issues by the date specified in this section."

Page 383, line 10, delete "2" and insert "1"

Page 414, delete line 24 and insert:

"General	\$3,922,741,000	\$3,853,872,000	\$7,776,613,000"
----------	-----------------	-----------------	------------------

Page 414, delete lines 30 to 32 and insert:

"Lottery Prize Fund	1,556,000	1,556,000	3,112,000"
"TOTAL	\$4,569,884,000	\$4,547,081,000	\$9,116,965,000"

Page 414, delete lines 39 and 40 and insert:

"Subdivision 1. Total Appropriation		\$4,271,783,000	\$4,249,174,000"
--	--	-----------------	------------------

Page 415, delete lines 8 and 9 and insert:

"Lottery Cash Flow	1,556,000	1,556,000"
-----------------------	-----------	------------

Page 416, line 65, after the semicolon, insert "and"

Page 417, line 7, delete the semicolon and insert a period

Page 417, delete lines 8 to 14

Page 420, line 39, delete "REDUCTION" and insert "INCREASE"

Page 420, line 45, delete "\$3,230,000" and insert "\$1,241,000"

Page 421, after line 14, insert:

"[FETAL ALCOHOL.] Of the appropriation from the general fund, \$400,000 each year is to the commissioner to contract with the Minnesota Organization on Fetal Alcohol Syndrome to award grants for fetal alcohol spectrum disorder (FASD) programs and services, including, but not limited to:

(1) professional training and education about FASD to health care, education, human service, judicial, and correctional professionals;

(2) grants to community organizations and coalitions to provide FASD prevention and intervention services;

(3) FASD diagnostic clinics that utilize a multidisciplinary team to provide a complete and comprehensive assessment of children and adults with FASD;

(4) intensive, one-to-one services for high-risk women who are heavy drinkers or drug users, are not connected to existing community resources, receive little or no prenatal care, and have delivered one baby affected by prenatal substance abuse; and

(5) programs and services specifically designed for those affected by FASD.

The Minnesota Organization on Fetal Alcohol Syndrome may retain five percent of the appropriation for administrative costs. Any unencumbered balance in the first year does not cancel but is available for the second year."

Page 422, line 2, delete "UNDOCUMENTED"

Page 422, line 6, delete "prenatal"

Page 422, line 7, delete "undocumented"

Page 422, line 8, after "women" insert "who are not otherwise eligible for federal financial participation"

Page 424, after line 15, insert:

"[DENTAL ACCESS GRANTS CARRYOVER AUTHORITY.] Any unspent portion of the appropriation from the health care access fund in fiscal years 2002 and 2003 for dental access grants under Minnesota Statutes, section 256B.53, shall not cancel but shall be allowed to carry forward to be spent in the biennium beginning July 1, 2003, for these purposes.

[STOP-LOSS FUND ACCOUNT.] The appropriation to the purchasing alliance stop-loss fund account established under Minnesota Statutes, section 256.956, subdivision 2, for fiscal years 2004 and 2005 shall only be available for claim reimbursements for qualifying enrollees who are members of purchasing alliances that meet the requirements described under Minnesota Statutes, section 256.956, subdivision 1, paragraph (f), clauses (1), (2), and (3)."

Page 425, delete lines 26 to 44 and insert:

"[TRIBAL PREPAID MEDICAL PROGRAMS.] A portion of state funding for the nonfederal share of prepaid medical assistance program (PMAP) administrative costs for county managed care advocacy and enrollment may be allocated to tribes that are establishing new PMAP programs."

Page 427, delete line 6 and insert:

"Lottery Prize Fund	1,408,000	1,408,000"
---------------------	-----------	------------

Page 427, delete line 26 and insert:

"Lottery Prize Fund	1,408,000	1,408,000"
---------------------	-----------	------------

Page 427, after line 45, insert:

"[COMPULSIVE GAMBLING.] Of the appropriation from the lottery prize fund, \$250,000 each year is for the following purposes:

(1) \$100,000 each year is for a grant to the Southeast Asian Problem Gambling Consortium. The consortium must provide statewide compulsive gambling prevention and treatment services for Lao, Hmong, Vietnamese, and Cambodian families, adults, and adolescents. The appropriation in this clause shall not become part of base level funding for the biennium beginning July 1, 2005. Any unencumbered balance of the appropriation in the first year does not cancel but is available for the second year; and

(2) \$150,000 each year is for a grant to a compulsive gambling council located in St. Louis county. The gambling council must provide a statewide compulsive gambling prevention and education project for adolescents. Any unencumbered balance of the appropriation in the first year of the biennium does not cancel but is available for the second year."

Page 429, after line 21, insert:

"[MORATORIUM EXCEPTIONS.] During fiscal year 2005, the commissioner of health may approve moratorium exception projects under Minnesota Statutes, section 144A.073, for which the full annualized state share of medical assistance costs does not exceed \$22,000."

Page 429, line 54, after the headnote, insert "(a)"

Page 429, line 58, after "programs" insert "for persons with disabilities"

Page 430, after line 4, insert:

"(b) For persons in receipt of services under Minnesota Statutes, section 256B.0915, who reside in licensed adult foster care beds for which a supplemental room and board payment was being made under Minnesota Statutes, section 256I.05, subdivision 1, counties may request an exception to the individual caps specified in Minnesota Statutes, section 256B.0915, subdivision 3, paragraph (b), not to exceed the difference between the individual cap and the client's monthly service expenditures plus the amount of the supplemental room and board rate. The county must submit a request to exceed the individual cap to the commissioner for approval."

Page 434, delete lines 37 to 54 and insert:

"[FETAL ALCOHOL.] Of the appropriation from the general fund, \$1,350,000 each year is to the commissioner to contract with the Minnesota Organization on Fetal Alcohol Syndrome to award grants for fetal alcohol spectrum disorder (FASD) programs and services, including, but not limited to:

- (1) professional training and education about FASD to health care, education, human service, judicial, and correctional professionals;
- (2) grants to community organizations and coalitions to provide FASD prevention and intervention services;
- (3) FASD diagnostic clinics that utilize a multidisciplinary team to provide a complete and comprehensive assessment of children and adults with FASD;
- (4) intensive, one-to-one services for high-risk women who are heavy drinkers or drug users, are not connected to existing community resources, receive little or no prenatal care, and have delivered one baby affected by prenatal substance abuse; and

(5) programs and services specifically designed for those affected by FASD.

The Minnesota Organization on Fetal Alcohol Syndrome may retain five percent of the appropriation for administrative costs. Any unencumbered balance in the first year does not cancel but is available for the second year."

Page 437, delete lines 26 to 29 and insert:

"Subdivision 1. Total Appropriation		2,787,000	2,787,000
-------------------------------------	--	-----------	-----------

Summary by Fund

General	2,241,000	2,241,000"
---------	-----------	------------

Page 437, line 46, delete "\$402,000" and insert "\$417,000"

Page 485, delete line 27 and insert:

"General	\$421,397,000	\$426,702,000	\$848,099,000"
----------	---------------	---------------	----------------

Page 485, delete line 30 and insert:

"TOTAL	\$422,397,000	\$427,702,000	\$850,099,000"
--------	---------------	---------------	----------------

Page 485, delete lines 36 and 37 and insert:

"Subdivision 1. Total Appropriation		\$368,202,000	\$373,507,000"
-------------------------------------	--	---------------	----------------

Page 486, delete line 1 and insert:

"General Fund		367,202,000	372,507,000"
---------------	--	-------------	--------------

Page 487, delete line 30 and insert:

"General Fund		14,647,000	14,647,000"
---------------	--	------------	-------------

Page 487, delete lines 32 to 41

Pages 488 to 499, delete sections 7 to 23

Page 508, lines 6 and 7, delete "31" and insert "14"

Page 508, line 8, delete "to 25, 30, and 33" and insert ", 8, 13, and 16"

Page 508, line 10, delete "27 to 29" and insert "10 to 12"

Correct the subdivision and section totals and the summaries by fund accordingly

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Berglin then moved to amend S.F. No. 1532 as follows:

Page 53, after line 35, insert:

"Sec. 6. Minnesota Statutes 2002, section 256.9685, is amended by adding a subdivision to read:

Subd. 3. [LIMITATION ON PAYMENTS TO OUT-OF-STATE PROVIDERS.] Payments under medical assistance, MinnesotaCare, and general assistance medical care are prohibited to hospitals located outside of Minnesota except under the following circumstances:

(1) in cases of emergency. For purposes of this subdivision, "emergency" means a condition that if not immediately treated could cause a person serious physical or mental disability, continuation of severe pain, or death. Labor and delivery is an emergency if it meets this definition;

(2) when not receiving care outside of Minnesota would endanger the health of the recipient;

(3) when care is more readily available in another state; and

(4) when the local trade area includes a portion of another state."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Berglin then moved to amend S.F. No. 1532 as follows:

Page 109, delete lines 16 to 28 and insert:

"The commissioner of human services shall assess the cost savings that could be generated by the mail order dispensing of prescription drugs to recipients of medical assistance, general assistance medical care, and the prescription drug program. The report shall include the viability of contracting with mail order pharmacy vendors to provide mail order dispensing for state public programs. The commissioner shall report to the chairs and ranking minority members of the health and human services finance committees by January 7, 2004."

The motion prevailed. So the amendment was adopted.

Senator Betzold moved to amend S.F. No. 1532 as follows:

Page 392, after line 20, insert:

"Sec. 7. [256.0451] [HEARING PROCEDURES.]

Subdivision 1. [SCOPE.] The requirements in this section apply to all fair hearings and appeals under section 256.045, subdivision 3, paragraph (a), clauses (1), (2), (3), (5), (6), and (7). Except as provided in subdivisions 3 and 19, the requirements under this section apply to fair hearings and appeals under section 256.045, subdivision 3, paragraph (a), clauses (4), (8), and (9).

The term "person" is used in this section to mean an individual who, on behalf of themselves or their household, is appealing or disputing or challenging an action, a decision, or a failure to act, by an agency in the human services system. When a person involved in a proceeding under this section is represented by an attorney or by an authorized representative, the term "person" also refers to the person's attorney or authorized representative. Any notice sent to the person involved in the hearing must also be sent to the person's attorney or authorized representative.

The term "agency" includes the county human services agency, the state human services agency, and, where applicable, any entity involved under a contract, subcontract, grant, or subgrant with the state agency or with a county agency, that provides or operates programs or services in which appeals are governed by section 256.045.

Subd. 2. [ACCESS TO FILES.] A person involved in a fair hearing appeal has the right of access to the person's complete case files and to examine all private welfare data on the person which has been generated, collected, stored, or disseminated by the agency. A person involved in a fair hearing appeal has the right to a free copy of all documents in the case file involved in a fair hearing appeal. "Case file" means the information, documents, and data, in whatever form, which

have been generated, collected, stored, or disseminated by the agency in connection with the person and the program or service involved.

Subd. 3. [AGENCY APPEAL SUMMARY.] (a) Except in fair hearings and appeals under section 256.045, subdivision 3, paragraph (a), clauses (4), (8), and (9), the agency involved in an appeal must prepare a state agency appeal summary for each fair hearing appeal. The state agency appeal summary shall be mailed or otherwise delivered to the person who is involved in the appeal at least three working days before the date of the hearing. The state agency appeal summary must also be mailed or otherwise delivered to the department's appeals office at least three working days before the date of the fair hearing appeal.

(b) In addition, the appeals referee shall confirm that the state agency appeal summary is mailed or otherwise delivered to the person involved in the appeal as required under paragraph (a). The person involved in the fair hearing should be provided, through the state agency appeal summary or other reasonable methods, appropriate information about the procedures for the fair hearing and an adequate opportunity to prepare. These requirements apply equally to the state agency or an entity under contract when involved in the appeal.

(c) The contents of the state agency appeal summary must be adequate to inform the person involved in the appeal of the evidence on which the agency relies and the legal basis for the agency's action or determination.

Subd. 4. [ENFORCING ACCESS TO FILES.] A person involved in a fair hearing appeal may enforce the right of access to data and copies of the case file by making a request to the appeals referee. The appeals referee will make an appropriate order enforcing the person's rights under the Minnesota Government Data Practices Act, including but not limited to, ordering access to files, data, and documents; continuing a hearing to allow adequate time for access to data; or prohibiting use by the agency of files, data, or documents which have been generated, collected, stored, or disseminated without compliance with the Minnesota Government Data Practices Act and which have not been provided to the person involved in the appeal.

Subd. 5. [PREHEARING CONFERENCES.] (a) The appeals referee prior to a fair hearing appeal may hold a prehearing conference to further the interests of justice or efficiency and must include the person involved in the appeal. A person involved in a fair hearing appeal or the agency may request a prehearing conference. The prehearing conference may be conducted by telephone, in person, or in writing. The prehearing conference may address the following:

- (1) disputes regarding access to files, evidence, subpoenas, or testimony;
- (2) the time required for the hearing or any need for expedited procedures or decision;
- (3) identification or clarification of legal or other issues that may arise at the hearing;
- (4) identification of and possible agreement to factual issues; and
- (5) scheduling and any other matter which will aid in the proper and fair functioning of the hearing.

(b) The appeals referee shall make a record or otherwise contemporaneously summarize the prehearing conference in writing, which shall be sent to both the person involved in the hearing, the person's attorney or authorized representative, and the agency.

Subd. 6. [APPEAL REQUEST FOR EMERGENCY ASSISTANCE OR URGENT MATTER.] (a) When an appeal involves an application for emergency assistance, the agency involved shall mail or otherwise deliver the state agency appeal summary to the department's appeals office within two working days of receiving the request for an appeal. A person may also request that a fair hearing be held on an emergency basis when the issue requires an immediate resolution. The appeals referee shall schedule the fair hearing on the earliest available date according to the urgency of the issue involved. Issuance of the recommended decision after an emergency hearing shall be expedited.

(b) The commissioner shall issue a written decision within five working days of receiving the recommended decision, shall immediately inform the parties of the outcome by telephone, and shall mail the decision no later than two working days following the date of the decision.

Subd. 7. [CONTINUANCE, RESCHEDULING, OR ADJOURNING A HEARING.] (a) A person involved in a fair hearing, or the agency, may request a continuance, a rescheduling, or an adjournment of a hearing for a reasonable period of time. The grounds for granting a request for a continuance, a rescheduling, or adjournment of a hearing include, but are not limited to, the following:

- (1) to reasonably accommodate the appearance of a witness;
- (2) to ensure that the person has adequate opportunity for preparation and for presentation of evidence and argument;
- (3) to ensure that the person or the agency has adequate opportunity to review, evaluate, and respond to new evidence, or where appropriate, to require that the person or agency review, evaluate, and respond to new evidence;
- (4) to permit the person involved and the agency to negotiate toward resolution of some or all of the issues where both agree that additional time is needed;
- (5) to permit the agency to reconsider a previous action or determination;
- (6) to permit or to require the performance of actions not previously taken; and
- (7) to provide additional time or to permit or require additional activity by the person or agency as the interests of fairness may require.

(b) Requests for continuances or for rescheduling may be made orally or in writing. The person or agency requesting the continuance or rescheduling must first make reasonable efforts to contact the other participants in the hearing or their representatives, and seek to obtain an agreement on the request. Requests for continuance or rescheduling should be made no later than three working days before the scheduled date of the hearing, unless there is a good cause as specified in subdivision 13. Granting a continuance or rescheduling may be conditioned upon a waiver by the requester of applicable time limits, but should not cause unreasonable delay.

Subd. 8. [SUBPOENAS.] A person involved in a fair hearing or the agency may request a subpoena for a witness, for evidence, or for both. A reasonable number of subpoenas shall be issued to require the attendance and the testimony of witnesses, and the production of evidence relating to any issue of fact in the appeal hearing. The request for a subpoena must show a need for the subpoena and the general relevance to the issues involved. The subpoena shall be issued in the name of the department and shall be served and enforced as provided in section 357.22 and the Minnesota Rules of Civil Procedure.

An individual or entity served with a subpoena may petition the appeals referee in writing to vacate or modify a subpoena. The appeals referee shall resolve such a petition in a prehearing conference involving all parties and shall make a written decision. A subpoena may be vacated or modified if the appeals referee determines that the testimony or evidence sought does not relate with reasonable directness to the issues of the fair hearing appeal; that the subpoena is unreasonable, over broad, or oppressive; that the evidence sought is repetitious or cumulative; or that the subpoena has not been served reasonably in advance of the time when the appeal hearing will be held.

Subd. 9. [NO EX PARTE CONTACT.] The appeals referee shall not have ex parte contact on substantive issues with the agency or with any person or witness in a fair hearing appeal. No employee of the department or agency shall review, interfere with, change, or attempt to influence the recommended decision of the appeals referee in any fair hearing appeal, except through the procedure allowed in subdivision 18. The limitations in this subdivision do not affect the commissioner's authority to review or reconsider decisions or make final decisions.

Subd. 10. [TELEPHONE OR FACE-TO-FACE HEARING.] A fair hearing appeal may be conducted by telephone, by other electronic media, or by an in-person, face-to-face hearing. At the request of the person involved in a fair hearing appeal or their representative, a face-to-face hearing shall be conducted with all participants personally present before the appeals referee.

Subd. 11. [HEARING FACILITIES AND EQUIPMENT.] The appeals referee shall conduct the hearing in the county where the person involved resides, unless an alternate location is mutually agreed upon before the hearing, or unless the person has agreed to a hearing by telephone. Hearings under section 256.045, subdivision 3, paragraph (a), clauses (4), (8), and (9), must be conducted in the county where the determination was made, unless an alternate location is mutually agreed upon before the hearing. The hearing room shall be of sufficient size and layout to adequately accommodate both the number of individuals participating in the hearing and any identified special needs of any individual participating in the hearing. The appeals referee shall ensure that all communication and recording equipment that is necessary to conduct the hearing and to create an adequate record is present and functioning properly. If any necessary communication or recording equipment fails or ceases to operate effectively, the appeals referee shall take any steps necessary, including stopping or adjourning the hearing, until the necessary equipment is present and functioning properly. All reasonable efforts shall be undertaken to prevent and avoid any delay in the hearing process caused by defective communication or recording equipment.

Subd. 12. [INTERPRETER AND TRANSLATION SERVICES.] The appeals referee has a duty to inquire and to determine whether any participant in the hearing needs the services of an interpreter or translator in order to participate in or to understand the hearing process. Necessary interpreter or translation services must be provided at no charge to the person involved in the hearing. If it appears that interpreter or translation services are needed but are not available for the scheduled hearing, the appeals referee shall continue or postpone the hearing until appropriate services can be provided.

Subd. 13. [FAILURE TO APPEAR; GOOD CAUSE.] If a person involved in a fair hearing appeal fails to appear at the hearing, the appeals referee may dismiss the appeal. The person may reopen the appeal if within ten working days the person submits information to the appeals referee to show good cause for not appearing. Good cause can be shown when there is:

- (1) a death or serious illness in the person's family;
- (2) a personal injury or illness which reasonably prevents the person from attending the hearing;
- (3) an emergency, crisis, or unforeseen event which reasonably prevents the person from attending the hearing;
- (4) an obligation or responsibility of the person which a reasonable person, in the conduct of one's affairs, could reasonably determine takes precedence over attending the hearing;
- (5) lack of or failure to receive timely notice of the hearing in the preferred language of the person involved in the hearing; and
- (6) excusable neglect, excusable inadvertence, excusable mistake, or other good cause as determined by the appeals referee.

Subd. 14. [COMMENCEMENT OF HEARING.] The appeals referee shall begin each hearing by describing the process to be followed in the hearing, including the swearing-in of witnesses, how testimony and evidence are presented, the order of examining and cross-examining witnesses, and the opportunity for an opening statement and a closing statement. The appeals referee shall identify for the participants the issues to be addressed at the hearing and shall explain to the participants the burden of proof which applies to the person involved and the agency. The appeals referee shall confirm, prior to proceeding with the hearing, that the state agency appeal summary, if required under subdivision 3, has been properly completed and provided to the person involved in the hearing, and that the person has been provided documents and an opportunity to review the case file, as provided in this section.

Subd. 15. [CONDUCT OF THE HEARING.] The appeals referee shall act in a fair and impartial manner at all times. At the beginning of the hearing the agency must designate one person as their representative who shall be responsible for presenting the agency's evidence and questioning any witnesses. The appeals referee shall make sure that the person and the agency are provided sufficient time to present testimony and evidence, to confront and cross-examine all adverse witnesses, and to make any relevant statement at the hearing. The appeals referee shall make reasonable efforts to explain the hearing process to persons who are not represented, and shall ensure that the hearing is conducted fairly and efficiently. Upon the reasonable request of the person or the agency involved, the appeals referee may direct witnesses to remain outside the hearing room, except during their individual testimony. The appeals referee shall not terminate the hearing before affording the person and the agency a complete opportunity to submit all admissible evidence, and reasonable opportunity for oral or written statement. When a hearing extends beyond the time which was anticipated, the hearing shall be rescheduled or continued from day-to-day until completion. Hearings that have been continued shall be timely scheduled to minimize delay in the disposition of the appeal.

Subd. 16. [SCOPE OF ISSUES ADDRESSED AT THE HEARING.] The hearing shall address the correctness and legality of the agency's action and shall not be limited simply to a review of the propriety of the agency's action. The person involved may raise and present evidence on all legal claims or defenses arising under state or federal law as a basis for appealing or disputing an agency action, but not constitutional claims beyond the jurisdiction of the fair hearing. The appeals referee may take official notice of adjudicative facts.

Subd. 17. [BURDEN OF PERSUASION.] The burden of persuasion is governed by specific state or federal law and regulations that apply to the subject of the hearing. If there is no specific law, then the participant in the hearing who asserts the truth of a claim is under the burden to persuade the appeals referee that the claim is true.

Subd. 18. [INVITING COMMENT BY DEPARTMENT.] The appeals referee or the commissioner may determine that a written comment by the department about the policy implications of a specific legal issue could help resolve a pending appeal. Such a written policy comment from the department shall be obtained only by a written request that is also sent to the person involved and to the agency or its representative. When such a written comment is received, both the person involved in the hearing and the agency shall have adequate opportunity to review, evaluate, and respond to the written comment, including submission of additional testimony or evidence, and cross-examination concerning the written comment.

Subd. 19. [DEVELOPING THE RECORD.] The appeals referee shall accept all evidence, except evidence privileged by law, that is commonly accepted by reasonable people in the conduct of their affairs as having probative value on the issues to be addressed at the hearing. Except in fair hearings and appeals under section 256.045, subdivision 3, paragraph (a), clauses (4), (8), and (9), in cases involving medical issues such as a diagnosis, a physician's report, or a review team's decision, the appeals referee shall consider whether it is necessary to have a medical assessment other than that of the individual making the original decision. When necessary, the appeals referee shall require an additional assessment be obtained at agency expense and made part of the hearing record. The appeals referee shall ensure for all cases that the record is sufficiently complete to make a fair and accurate decision.

Subd. 20. [UNREPRESENTED PERSONS.] In cases involving unrepresented persons, the appeals referee shall take appropriate steps to identify and develop in the hearing relevant facts necessary for making an informed and fair decision. These steps may include, but are not limited to, asking questions of witnesses, and referring the person to a legal services office. An unrepresented person shall be provided an adequate opportunity to respond to testimony or other evidence presented by the agency at the hearing. The appeals referee shall ensure that an unrepresented person has a full and reasonable opportunity at the hearing to establish a record for appeal.

Subd. 21. [CLOSING OF THE RECORD.] The agency must present its evidence prior to or at the hearing. The agency shall not be permitted to submit evidence after the hearing except by

agreement at the hearing between the person involved, the agency, and the appeals referee. If evidence is submitted after the hearing, based on such an agreement, the person involved and the agency must be allowed sufficient opportunity to respond to the evidence. When necessary, the record shall remain open to permit a person to submit additional evidence on the issues presented at the hearing.

Subd. 22. [DECISIONS.] A timely, written decision must be issued in every appeal. Each decision must contain a clear ruling on the issues presented in the appeal hearing, and should contain a ruling only on questions directly presented by the appeal and the arguments raised in the appeal.

(a) [TIMELINESS.] A written decision must be issued within 90 days of the date the person involved requested the appeal unless a shorter time is required by law. An additional 30 days is provided in those cases where the commissioner refuses to accept the recommended decision.

(b) [CONTENTS OF HEARING DECISION.] The decision must contain both findings of fact and conclusions of law, clearly separated and identified. The findings of fact must be based on the entire record. Each finding of fact made by the appeals referee shall be supported by a preponderance of the evidence unless a different standard is required under the regulations of a particular program. The "preponderance of the evidence" means, in light of the record as a whole, the evidence leads the appeals referee to believe that the finding of fact is more likely to be true than not true. The legal claims or arguments of a participant do not constitute either a finding of fact or a conclusion of law, except to the extent the appeals referee adopts an argument as a finding of fact or conclusion of law.

The decision shall contain at least the following:

- (1) a listing of the date and place of the hearing and the participants at the hearing;
- (2) a clear and precise statement of the issues, including the dispute under consideration and the specific points which must be resolved in order to decide the case;
- (3) a listing of the material, including exhibits, records, reports, placed into evidence at the hearing, and upon which the hearing decision is based;
- (4) the findings of fact based upon the entire hearing record. The findings of fact must be adequate to inform the participants and any interested person in the public of the basis of the decision. If the evidence is in conflict on an issue which must be resolved, the findings of fact must state the reasoning used in resolving the conflict;
- (5) conclusions of law that address the legal authority for the hearing and the ruling, and which give appropriate attention to the claims of the participants to the hearing;
- (6) a clear and precise statement of the decision made resolving the dispute under consideration in the hearing; and
- (7) written notice of the right to appeal to district court or to request reconsideration, and of the actions required and the time limits for taking appropriate action to appeal to district court or to request a reconsideration.

(c) [NO INDEPENDENT INVESTIGATION.] The appeals referee shall not independently investigate facts or otherwise rely on information not presented at the hearing. The appeals referee may not contact other agency personnel, except as provided in subdivision 18. The appeals referee's recommended decision must be based exclusively on the testimony and evidence presented at the hearing, and legal arguments presented, and the appeals referee's research and knowledge of the law.

(d) [RECOMMENDED DECISION.] The commissioner will review the recommended decision and accept or refuse to accept the decision according to section 256.045, subdivision 5.

Subd. 23. [REFUSAL TO ACCEPT RECOMMENDED ORDERS.] (a) If the commissioner

refuses to accept the recommended order from the appeals referee, the person involved, the person's attorney or authorized representative, and the agency shall be sent a copy of the recommended order, a detailed explanation of the basis for refusing to accept the recommended order, and the proposed modified order.

(b) The person involved and the agency shall have at least ten business days to respond to the proposed modification of the recommended order. The person involved and the agency may submit a legal argument concerning the proposed modification, and may propose to submit additional evidence that relates to the proposed modified order.

Subd. 24. [RECONSIDERATION.] Reconsideration may be requested within 30 days of the date of the commissioner's final order. If reconsideration is requested, the other participants in the appeal shall be informed of the request. The person seeking reconsideration has the burden to demonstrate why the matter should be reconsidered. The request for reconsideration may include legal argument and may include proposed additional evidence supporting the request. The other participants shall be sent a copy of all material submitted in support of the request for reconsideration and must be given ten days to respond.

(a) [FINDINGS OF FACT.] When the requesting party raises a question as to the appropriateness of the findings of fact, the commissioner shall review the entire record.

(b) [CONCLUSIONS OF LAW.] When the requesting party questions the appropriateness of a conclusion of law, the commissioner shall consider the recommended decision, the decision under reconsideration, and the material submitted in connection with the reconsideration. The commissioner shall review the remaining record as necessary to issue a reconsidered decision.

(c) [WRITTEN DECISION.] The commissioner shall issue a written decision on reconsideration in a timely fashion. The decision must clearly inform the parties that this constitutes the final administrative decision, advise the participants of the right to seek judicial review, and the deadline for doing so.

Subd. 25. [ACCESS TO APPEAL DECISIONS.] Appeal decisions must be maintained in a manner so that the public has ready access to previous decisions on particular topics, subject to appropriate procedures for safeguarding names, personal identifying information, and other private data on the individual persons involved in the appeal."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Anderson moved to amend S.F. No. 1532 as follows:

Page 386, after line 31, insert:

"Sec. 4. [245A.146] [CRIB USE IN LICENSED CHILD CARE SETTINGS.]

Subdivision 1. [CONSUMER PRODUCT SAFETY COMMISSION WEB LINK.] The commissioner shall maintain a link from the licensing division Web site to the United States Consumer Product Safety Commission Web site that addresses crib safety information.

Subd. 2. [DOCUMENTATION REQUIREMENT FOR LICENSE HOLDERS.] (a) Effective January 1, 2004, all licensed child care providers must maintain the following documentation for every crib used by or that is accessible to any child in care:

(1) the crib's brand name; and

(2) the crib's model number.

(b) Any crib for which the license holder does not have the documentation required under paragraph (a) must not be used by or be accessible to children in care.

Subd. 3. [LICENSE HOLDER CERTIFICATION OF CRIBS.] (a) Annually, from the date printed on the license, all license holders shall check all their cribs' brand names and model numbers against the United States Consumer Product Safety Commission Web site listing of unsafe cribs.

(b) The license holder shall maintain written documentation to be reviewed on site for each crib showing that the review required in paragraph (a) has been completed, and which of the following conditions applies:

(1) the crib was not identified as unsafe on the United States Consumer Product Safety Commission Web site;

(2) the crib was identified as unsafe on the United States Consumer Product Safety Commission Web site, but the license holder has taken the action directed by the United States Consumer Product Safety Commission to make the crib safe; or

(3) the crib was identified as unsafe on the United States Consumer Product Safety Commission Web site, and the license holder has removed the crib so that it is no longer used by or accessible to children in care.

(c) Documentation of the review completed under this subdivision shall be maintained by the license holder on site and made available to parents of children in care and the commissioner.

Subd. 4. [CRIB SAFETY STANDARDS AND INSPECTION.] (a) On at least a monthly basis, the license holder shall perform safety inspections of every crib used by or that is accessible to any child in care, and must document the following:

(1) no corner posts extend more than 1/16 of an inch;

(2) no spaces between side slats exceed 2.375 inches;

(3) no mattress supports can be easily dislodged from any point of the crib;

(4) no cutout designs are present on end panels;

(5) no heights of the rail and end panel are less than 26 inches when measured from the top of the rail or panel in the highest position to the top of the mattress support in its lowest position;

(6) no heights of the rail and end panel are less than nine inches when measured from the top of the rail or panel in its lowest position to the top of the mattress support in its highest position;

(7) no screws, bolts, or hardware are loose or not secured, and there is no use of woodscrews in components that are designed to be assembled and disassembled by the crib owner;

(8) no sharp edges, points, or rough surfaces are present;

(9) no wood surfaces are rough, splintered, split, or cracked;

(10) there are no tears in mesh of fabric sides in non-full-size cribs;

(11) no mattress pads in non-full-size mesh or fabric cribs exceed one inch; and

(12) no gaps between the mattress and any sides of the crib are present.

(b) Upon discovery of any unsafe condition identified by the license holder during the safety inspection required under paragraph (a), the license holder shall immediately remove the crib so that it is no longer used by or accessible to children in care until necessary repairs are completed or the crib is destroyed.

(c) Documentation of the inspections and actions taken with unsafe cribs required in paragraphs (a) and (b) shall be maintained on site by the license holder and made available to parents of children in care and the commissioner.

Subd. 5. [COMMISSIONER INSPECTION.] During routine licensing inspections, and when investigating complaints regarding alleged violations of this section, the commissioner shall review the provider's documentation required under subdivisions 3 and 4.

Subd. 6. [FAILURE TO COMPLY.] The commissioner may issue a licensing action under section 245A.06 or 245A.07 if a license holder fails to comply with the requirements of this section.

[EFFECTIVE DATE.] This section is effective January 1, 2004."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Hann questioned whether the amendment was germane.

The President ruled that the amendment was germane.

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

The roll was called, and there were yeas 46 and nays 17, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Marko	Pogemiller	Sparks
Bakk	Hottinger	Marty	Ranum	Stumpf
Berglin	Johnson, D.E.	McGinn	Rest	Tomassoni
Betzold	Kelley	Metzen	Robling	Vickerman
Chaudhary	Kierlin	Moua	Sams	Wergin
Cohen	Kiscaden	Murphy	Saxhaug	Wiger
Dibble	Knutson	Neuville	Scheid	
Fischbach	Kubly	Nienow	Skoe	
Foley	Langseth	Olson	Skoglund	
Frederickson	Lourey	Pappas	Solon	

Those who voted in the negative were:

Bachmann	Jungbauer	LeClair	Pariseau	Senjem
Day	Kleis	Limmer	Reiter	
Gaither	Koering	Michel	Rosen	
Hann	Larson	Ortman	Ruud	

The motion prevailed. So the amendment was adopted.

Senator Lourey moved to amend S.F. No. 1532 as follows:

Page 421, after line 14, insert:

"[OUT-OF-HOME PLACEMENT.] Minnesota youth who require out-of-home placement through a corrections order must be placed in a Minnesota program or facility unless a program in a border state is closer to the youth's home or there is no vacancy in an appropriate in-state program or facility. If no appropriate regional or in-state program is available, this must be documented in the case plan prior to placement in an out-of-state facility. Justification for out-of-state placement of Minnesota youth must be included in reports to the Minnesota department of corrections."

The motion prevailed. So the amendment was adopted.

Senator Tomassoni moved to amend S.F. No. 1532 as follows:

Page 174, after line 4, insert:

"Section 1. Minnesota Statutes 2002, section 144A.071, subdivision 4c, as added by Laws 2003, chapter 16, section 1, is amended to read:

Subd. 4c. [EXCEPTIONS FOR REPLACEMENT BEDS AFTER JUNE 30, 2003.] (a) The commissioner of health, in coordination with the commissioner of human services, may approve the renovation, replacement, upgrading, or relocation of a nursing home or boarding care home, under the following conditions:

(1) to license and certify an 80-bed city-owned facility in Nicollet county to be constructed on the site of a new city-owned hospital to replace an existing 85-bed facility attached to a hospital that is also being replaced. The threshold allowed for this project under section 144A.073 shall be the maximum amount available to pay the additional medical assistance costs of the new facility; and

(2) to license and certify 29 beds to be added to an existing 69-bed facility in St. Louis county, provided that the 29 beds must be transferred from active or layaway status at an existing 235-bed facility in St. Louis county.

The licensed capacity at the 235-bed facility must be reduced to 206 beds, but the payment rate at that facility shall not be adjusted as a result of this transfer. The operating payment rate of the facility adding beds after completion of this project shall be the same as it was on the day prior to the day the beds are licensed and certified. This project shall not proceed unless it is approved and financed under the provisions of section 144A.073. The commissioner of health shall give priority under section 144A.073 to the project approved under this clause.

(b) Projects approved under this subdivision shall be treated in a manner equivalent to projects approved under subdivision 4a."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Johnson, D.E. moved to amend S.F. No. 1532 as follows:

Page 426, after line 52, insert:

"[DEVELOPMENT OF COMMUNITY MENTAL HEALTH SYSTEM REPORT.] As the community mental health system is restructured, the commissioner of human services shall report quarterly, beginning July 1, 2003, to the chairs of the senate and house of representatives health and human services finance and policy committees on:

- (1) buildings vacated or offered for sale or lease at each regional treatment center campus;
- (2) the development of community services that result in a reduced utilization of campus-based adult mental health programs; and
- (3) client census for the adult mental health programs at each of the regional treatment center campuses."

The motion prevailed. So the amendment was adopted.

Senator Berglin moved to amend the second Berglin amendment to S.F. No. 1532, adopted by the Senate May 2, 2003, as follows:

Page 13, line 12, delete "\$22,000" and insert "\$220,000"

The motion prevailed. So the amendment was adopted.

Senator Neuville moved to amend S.F. No. 1532 as follows:

Page 474, after line 22, insert:

"(c) If the applicant refuses to provide the applicant's social security number for data privacy reasons, the applicant must be given the opportunity to manually enter the applicant's social security number."

The motion prevailed. So the amendment was adopted.

Senator Neuville then moved to amend S.F. No. 1532 as follows:

Page 502, after line 7, insert:

"Sec. 30. Minnesota Statutes 2002, section 609.109, subdivision 7, is amended to read:

Subd. 7. [CONDITIONAL RELEASE OF SEX OFFENDERS.] (a) Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, when a court sentences a person to prison for a violation of section 609.342, 609.343, 609.344, or 609.345, the court shall provide that after the person has completed the sentence imposed, the commissioner of corrections shall place the person on conditional release. If the person was convicted for a violation of section 609.342, 609.343, 609.344, or 609.345, the person shall be placed on conditional release for five years, minus the time the person served on supervised release. If the person was convicted for a violation of one of those sections after a previous sex offense conviction as defined in subdivision 5, or the person shall be placed on conditional release for the remainder of the person's life. If the person was sentenced under subdivision 6 to a mandatory departure, the person shall be placed on conditional release for ten years, minus the time the person served on supervised release.

(b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve the remaining portion of the conditional release term in prison. Except as provided in paragraph (d), the commissioner shall not dismiss the offender from supervision before the conditional release term expires.

Conditional release under this subdivision is governed by provisions relating to supervised release, except as otherwise provided in this subdivision, section 244.04, subdivision 1, or 244.05.

(c) The commissioner shall pay the cost of treatment of a person released under this subdivision. This section does not require the commissioner to accept or retain an offender in a treatment program.

(d) The commissioner may dismiss a person placed on conditional release for the remainder of the person's life under paragraph (a) from supervision if:

(1) the person has been on conditional release for at least 20 years; and

(2) the commissioner has determined that the dismissal does not pose a danger to the public or any individual.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date."

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 34, as follows:

Those who voted in the affirmative were:

Bachmann	Jungbauer	Larson	Nienow	Rosen
Day	Kierlin	LeClair	Olson	Ruud
Dille	Kiscaden	Limmer	Ortman	Senjem
Fischbach	Kleis	McGinn	Pariseau	Wergin
Gaither	Knutson	Michel	Reiter	
Hann	Koering	Neuville	Robling	

Those who voted in the negative were:

Anderson	Foley	Lourey	Ranum	Solon
Bakk	Frederickson	Marko	Rest	Sparks
Berglin	Higgins	Metzen	Sams	Stumpf
Betzold	Hottinger	Moua	Saxhaug	Tomassoni
Chaudhary	Kelley	Murphy	Scheid	Vickerman
Cohen	Kubly	Pappas	Skoe	Wiger
Dibble	Langseth	Pogemiller	Skoglund	

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

Senator Neuville then moved to amend S.F. No. 1532 as follows:

Page 508, after line 1, insert:

"Sec. 34. [REQUEST FOR PROPOSALS AUTHORIZED; SHORT-TERM OFFENDERS.]

(a) The commissioner of corrections, in consultation with the commissioner of administration, may issue a request for proposals by September 1, 2003, for operators, including the department of corrections, to provide correctional facility or facilities, for persons committed to the commissioner of corrections on or after July 1, 2006, for the care, custody, and programming for state housed offenders with remaining term of imprisonment of less than 365 days.

(b) The commissioner may not accept any proposal received under paragraph (a) unless specifically directed to do so by law.

Sec. 35. [REPORT TO LEGISLATURE ON PROPOSALS RECEIVED.]

By February 1, 2004, the commissioner of corrections shall report to the chairs and ranking minority members of the legislative committees having jurisdiction over corrections and judiciary policy and finance on the proposals obtained in section 34."

Page 508, line 3, before "Minnesota" insert "(a)"

Page 508, after line 4, insert:

"(b) Laws 2002, chapter 220, article 6, section 6, is repealed."

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 29 and nays 34, as follows:

Those who voted in the affirmative were:

Bachmann	Day	Dille	Fischbach	Frederickson
----------	-----	-------	-----------	--------------

Gaither	Kleis	Limmer	Olson	Rosen
Hann	Knutson	McGinn	Ortman	Ruud
Jungbauer	Koering	Michel	Ourada	Senjem
Kierlin	Larson	Neuville	Pariseau	Wergin
Kiscaden	LeClair	Nienow	Robling	

Those who voted in the negative were:

Anderson	Foley	Marko	Ranum	Solon
Bakk	Higgins	Marty	Rest	Sparks
Berglin	Hottinger	Metzen	Sams	Stumpf
Betzold	Kelley	Moua	Saxhaug	Tomassoni
Chaudhary	Kubly	Murphy	Scheid	Vickerman
Cohen	Langseth	Pappas	Skoe	Wiger
Dibble	Lourey	Pogemiller	Skoglund	

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

Senator Kleis moved to amend S.F. No. 1532 as follows:

Page 508, after line 1, insert:

"Sec. 34. [PLAN TO INCREASE STATE CORRECTIONAL CAPACITY.]

(a) The commissioner of corrections shall submit an analysis to the legislature on ways to incarcerate inmates projected to be committed to the commissioner's custody when the number of those inmates are in excess of the department's current capacity.

(b) The analysis must address the feasibility and advisability of expanding current correctional facilities to meet the need for expanded capacity and include a plan to do so.

(c) The analysis must include information on how many state correctional beds are rented to other entities.

(d) In addition, the analysis must address the advisability of constructing new correctional facilities as a means of meeting the department's capacity needs. If the commissioner determines that it is advisable to construct a new correctional facility, the commissioner shall convene the correctional facility site selection committee established under Minnesota Statutes, section 243.93, to make recommendations on the siting of this new facility and include these recommendations and a plan for constructing the facility in the analysis.

(e) By January 15, 2004, the commissioner shall submit the analysis required under this section to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over correctional policy and funding.

[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 30 and nays 35, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Koering	Neuville	Reiter
Day	Jungbauer	Larson	Nienow	Robling
Dille	Kierlin	LeClair	Olson	Rosen
Fischbach	Kiscaden	Limmer	Ortman	Ruud
Frederickson	Kleis	McGinn	Ourada	Senjem
Gaither	Knutson	Michel	Pariseau	Wergin

Those who voted in the negative were:

Anderson	Bakk	Berglin	Betzold	Chaudhary
----------	------	---------	---------	-----------

Cohen	Kelley	Metzen	Rest	Solon
Dibble	Kubly	Moua	Sams	Sparks
Foley	Langseth	Murphy	Saxhaug	Stumpf
Higgins	Lourey	Pappas	Scheid	Tomassoni
Hottinger	Marko	Pogemiller	Skoe	Vickerman
Johnson, D.E.	Marty	Ranum	Skoglund	Wiger

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

Senator Olson moved to amend S.F. No. 1532 as follows:

Page 486, delete lines 30 to 34

Page 487, delete line 42 and insert:

"Sec. 3. BOARD OF PUBLIC DEFENSE 53,659,000 53,659,000"

Correct the subdivision and section totals and the summaries by fund

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 34, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Koering	Neuville	Robling
Day	Jungbauer	Larson	Nienow	Rosen
Dille	Kierlin	LeClair	Olson	Ruud
Fischbach	Kiscaden	Limmer	Ortman	Senjem
Frederickson	Kleis	McGinn	Pariseau	Wergin
Gaither	Knutson	Michel	Reiter	

Those who voted in the negative were:

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

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

Senator Nienow moved to amend S.F. No. 1532 as follows:

Page 132, after line 32, insert:

"Subd. 6. [STATE EMPLOYEE HEALTH PLAN.] No hospital or medical plan offered by the state under Minnesota Statutes, sections 43A.22 to 43A.31, shall provide coverage for any of the diagnosis/treatment pairings listed in subdivision 3."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 36, as follows:

Those who voted in the affirmative were:

Bachmann	Jungbauer	Larson	Nienow	Robling
Day	Kierlin	LeClair	Olson	Rosen
Dille	Kiscaden	Limmer	Ortman	Ruud
Fischbach	Kleis	McGinn	Ourada	Senjem
Gaither	Knutson	Michel	Pariseau	Wergin
Hann	Koering	Neuville	Reiter	

Those who voted in the negative were:

Anderson	Berglin	Chaudhary	Dibble	Frederickson
Bakk	Betzold	Cohen	Foley	Higgins

Hottinger	Marko	Pogemiller	Skoe	Vickerman
Johnson, D.E.	Marty	Ranum	Skoglund	Wiger
Kelley	Metzen	Rest	Solon	
Kubly	Moua	Sams	Sparks	
Langseth	Murphy	Saxhaug	Stumpf	
Lourey	Pappas	Scheid	Tomassoni	

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

Senator Neuville moved to amend S.F. No. 1532 as follows:

Page 502, after line 7, insert:

"Sec. 30. Minnesota Statutes 2002, section 609.1095, is amended by adding a subdivision to read:

Subd. 3a. [LIFETIME PROBATION FOR CERTAIN DANGEROUS REPEAT OFFENDERS.] (a) Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines or section 609.135, when a court sentences a person under subdivision 3, in addition to the sentence required in that subdivision, the court shall sentence the person to lifetime probation.

(b) The court shall have continuing jurisdiction over persons sentenced to lifetime probation under paragraph (a), beginning after the completion of any supervised release term under section 244.05. Upon each violation of a term of probation, the court may order an appropriate sanction, including, but not limited to, incarcerating the person for a period specified by the court in a local jail or workhouse, or prison.

(c) Notwithstanding paragraph (a), the court may only sentence the person to lifetime probation if the person is convicted of a violent crime that is a felony and the court determines on the record at the time of sentencing that the person has two or more prior felony convictions for violent crimes.

[EFFECTIVE DATE.] This section is effective August 1, 2003, and applies to crimes committed on or after that date."

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 31 and nays 34, as follows:

Those who voted in the affirmative were:

Bachmann	Jungbauer	LeClair	Ortman	Senjem
Day	Kierlin	Limmer	Ourada	Wergin
Dille	Kiscaden	McGinn	Pariseau	Wiger
Fischbach	Kleis	Michel	Reiter	
Frederickson	Knutson	Neuville	Robling	
Gaither	Koering	Nienow	Rosen	
Hann	Larson	Olson	Ruud	

Those who voted in the negative were:

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

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

Senator LeClair moved to amend S.F. No. 1532 as follows:

Page 75, delete section 21

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 29 and nays 35, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Larson	Nienow	Robling
Day	Jungbauer	LeClair	Olson	Rosen
Dille	Kiscaden	Limmer	Ortman	Ruud
Fischbach	Kleis	McGinn	Ourada	Senjem
Frederickson	Knutson	Michel	Pariseau	Wergin
Gaither	Koering	Neuville	Reiter	

Those who voted in the negative were:

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

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

Senator Senjem moved to amend S.F. No. 1532 as follows:

Page 439, after line 13, insert:

"Sec. 14. [COUNTY OPTION.]

Notwithstanding any other law to the contrary, if state funding is reduced or terminated to a county for a program mandated by a state law, rule, or bulletin, or for which a maintenance of effort is required, the county, at its option, may adjust the service or program to operate within the limits of the state funds appropriated for that service or program. This provision expires on June 30, 2005."

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 31 and nays 33, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Larson	Olson	Ruud
Bakk	Jungbauer	LeClair	Ortman	Senjem
Day	Kierlin	Limmer	Ourada	Wergin
Dille	Kiscaden	McGinn	Pariseau	
Fischbach	Kleis	Michel	Reiter	
Frederickson	Knutson	Neuville	Robling	
Gaither	Koering	Nienow	Rosen	

Those who voted in the negative were:

Anderson	Chaudhary	Foley	Johnson, D.E.	Langseth
Berglin	Cohen	Higgins	Kelley	Lourey
Betzold	Dibble	Hottinger	Kubly	Marko

Marty	Pogemiller	Saxhaug	Solon	Vickerman
Metzen	Ranum	Scheid	Sparks	Wiger
Moua	Rest	Skoe	Stumpf	
Murphy	Sams	Skoglund	Tomassoni	

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

Senator LeClair moved to amend S.F. No. 1532 as follows:

Page 203, after line 2, insert:

"Sec. 18. Minnesota Statutes 2002, section 256B.48, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED PRACTICES.] A nursing facility is not eligible to receive medical assistance payments unless it refrains from all of the following:

(a) Charging private paying residents rates for similar services which exceed those which are approved by the state agency for medical assistance recipients as determined by the prospective desk audit rate, except under the following circumstances: (1) the nursing facility may (4) (i) charge private paying residents a higher rate for a private room; and (2) (ii) charge for special services which are not included in the daily rate if medical assistance residents are charged separately at the same rate for the same services in addition to the daily rate paid by the commissioner; (2) effective July 1, 2003, nursing facilities may charge private paying residents rates up to two percent higher than the allowable payment rate in effect on June 30, 2003, plus an adjustment equal to any other rate increase provided in law, for the RUGs group currently assigned to the resident; (3) effective July 1, 2004, nursing facilities may charge private paying residents rates up to four percent higher than the allowable payment rate in effect on June 30, 2003, plus an adjustment equal to any other rate increase provided in law, for the RUGs group currently assigned to the resident; (4) effective July 1, 2005, nursing facilities may charge private paying residents rates up to six percent higher than the allowable payment rate in effect on June 30, 2003, plus an adjustment equal to any other rate increase provided in law, for the RUGs group currently assigned to the resident; and (5) effective July 1, 2006, nursing facilities may charge private paying residents rates up to eight percent higher than the allowable payment rate in effect on June 30, 2003, plus an adjustment equal to any other rate increase provided in law, for the RUGs group currently assigned to the resident. For purposes of this subdivision, the allowable payment rate is the total payment rate under section 256B.431 or 256B.434 including adjustments for enhanced rates during the first 30 days under section 256B.431, subdivision 32, and private room differentials under clause (1), item (i), and Minnesota Rules, part 9549.0060, subpart 11, item C. Nothing in this section precludes a nursing facility from charging a rate allowable under the facility's single room election option under Minnesota Rules, part 9549.0060, subpart 11. Services covered by the payment rate must be the same regardless of payment source. Special services, if offered, must be available to all residents in all areas of the nursing facility and charged separately at the same rate. Residents are free to select or decline special services. Special services must not include services which must be provided by the nursing facility in order to comply with licensure or certification standards and that if not provided would result in a deficiency or violation by the nursing facility. Services beyond those required to comply with licensure or certification standards must not be charged separately as a special service if they were included in the payment rate for the previous reporting year. A nursing facility that charges a private paying resident a rate in violation of this clause is subject to an action by the state of Minnesota or any of its subdivisions or agencies for civil damages. A private paying resident or the resident's legal representative has a cause of action for civil damages against a nursing facility that charges the resident rates in violation of this clause. The damages awarded shall include three times the payments that result from the violation, together with costs and disbursements, including reasonable attorneys' fees or their equivalent. A private paying resident or the resident's legal representative, the state, subdivision or agency, or a nursing facility may request a hearing to determine the allowed rate or rates at issue in the cause of action. Within 15 calendar days after receiving a request for such a hearing, the commissioner shall request assignment of an administrative law judge under sections 14.48 to 14.56 to conduct the hearing as soon as possible or according to agreement by the parties. The administrative law judge shall issue a report within 15 calendar days following the close of the hearing. The prohibition set forth in this clause shall

not apply to facilities licensed as boarding care facilities which are not certified as skilled or intermediate care facilities level I or II for reimbursement through medical assistance.

(b) Effective July 1, 2007, paragraph (a) no longer applies, except that special services, if offered, must be available to all residents of the nursing facility and charged separately at the same rate. Residents are free to select or decline special services. Special services must not include services which must be provided by the nursing facility in order to comply with licensure or certification standards and that if not provided would result in a deficiency or violation by the nursing facility.

(b) (c)(1) Charging, soliciting, accepting, or receiving from an applicant for admission to the facility, or from anyone acting in behalf of the applicant, as a condition of admission, expediting the admission, or as a requirement for the individual's continued stay, any fee, deposit, gift, money, donation, or other consideration not otherwise required as payment under the state plan. For residents on medical assistance, medical assistance payment according to the state plan must be accepted as payment in full for continued stay, except where otherwise provided for under statute;

(2) requiring an individual, or anyone acting in behalf of the individual, to loan any money to the nursing facility;

(3) requiring an individual, or anyone acting in behalf of the individual, to promise to leave all or part of the individual's estate to the facility; or

(4) requiring a third-party guarantee of payment to the facility as a condition of admission, expedited admission, or continued stay in the facility.

Nothing in this paragraph would prohibit discharge for nonpayment of services in accordance with state and federal regulations.

(e) (d) Requiring any resident of the nursing facility to utilize a vendor of health care services chosen by the nursing facility. A nursing facility may require a resident to use pharmacies that utilize unit dose packing systems approved by the Minnesota board of pharmacy, and may require a resident to use pharmacies that are able to meet the federal regulations for safe and timely administration of medications such as systems with specific number of doses, prompt delivery of medications, or access to medications on a 24-hour basis. Notwithstanding the provisions of this paragraph, nursing facilities shall not restrict a resident's choice of pharmacy because the pharmacy utilizes a specific system of unit dose drug packing.

(d) (e) Providing differential treatment on the basis of status with regard to public assistance.

(e) (f) Discriminating in admissions, services offered, or room assignment on the basis of status with regard to public assistance or refusal to purchase special services. Discrimination in admissions, discrimination, services offered, or room assignment shall include, but is not limited to:

(1) basing admissions decisions upon assurance by the applicant to the nursing facility, or the applicant's guardian or conservator, that the applicant is neither eligible for nor will seek information or assurances regarding current or future eligibility for public assistance for payment of nursing facility care costs; and,

(2) engaging in preferential selection from waiting lists based on an applicant's ability to pay privately or an applicant's refusal to pay for a special service.

The collection and use by a nursing facility of financial information of any applicant pursuant to a preadmission screening program established by law shall not raise an inference that the nursing facility is utilizing that information for any purpose prohibited by this paragraph.

(f) (g) Requiring any vendor of medical care as defined by section 256B.02, subdivision 7, who is reimbursed by medical assistance under a separate fee schedule, to pay any amount based on utilization or service levels or any portion of the vendor's fee to the nursing facility except as

payment for renting or leasing space or equipment or purchasing support services from the nursing facility as limited by section 256B.433. All agreements must be disclosed to the commissioner upon request of the commissioner. Nursing facilities and vendors of ancillary services that are found to be in violation of this provision shall each be subject to an action by the state of Minnesota or any of its subdivisions or agencies for treble civil damages on the portion of the fee in excess of that allowed by this provision and section 256B.433. Damages awarded must include three times the excess payments together with costs and disbursements including reasonable attorney's fees or their equivalent.

(g) (h) Refusing, for more than 24 hours, to accept a resident returning to the same bed or a bed certified for the same level of care, in accordance with a physician's order authorizing transfer, after receiving inpatient hospital services.

(i) For a period not to exceed 180 days, the commissioner may continue to make medical assistance payments to a nursing facility or boarding care home which is in violation of this section if extreme hardship to the residents would result. In these cases the commissioner shall issue an order requiring the nursing facility to correct the violation. The nursing facility shall have 20 days from its receipt of the order to correct the violation. If the violation is not corrected within the 20-day period the commissioner may reduce the payment rate to the nursing facility by up to 20 percent. The amount of the payment rate reduction shall be related to the severity of the violation and shall remain in effect until the violation is corrected. The nursing facility or boarding care home may appeal the commissioner's action pursuant to the provisions of chapter 14 pertaining to contested cases. An appeal shall be considered timely if written notice of appeal is received by the commissioner within 20 days of notice of the commissioner's proposed action.

In the event that the commissioner determines that a nursing facility is not eligible for reimbursement for a resident who is eligible for medical assistance, the commissioner may authorize the nursing facility to receive reimbursement on a temporary basis until the resident can be relocated to a participating nursing facility.

Certified beds in facilities which do not allow medical assistance intake on July 1, 1984, or after shall be deemed to be decertified for purposes of section 144A.071 only."

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 26 and nays 36, as follows:

Those who voted in the affirmative were:

Bachmann	Jungbauer	LeClair	Olson	Senjem
Day	Kierlin	Limmer	Ourada	Wergin
Dille	Kiscaden	McGinn	Pariseau	
Fischbach	Kleis	Michel	Reiter	
Gaither	Knutson	Neuville	Rosen	
Hann	Larson	Nienow	Ruud	

Those who voted in the negative were:

Anderson	Frederickson	Lourey	Robling	Stumpf
Bakk	Higgins	Marko	Sams	Tomassoni
Berglin	Hottinger	Marty	Saxhaug	Vickerman
Betzold	Johnson, D.E.	Murphy	Scheid	Wiger
Chaudhary	Kelley	Ortman	Skoe	
Cohen	Koering	Pogemiller	Skoglund	
Dibble	Kubly	Ranum	Solon	
Foley	Langseth	Rest	Sparks	

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

Senator Nienow moved to amend S.F. No. 1532 as follows:

Page 164, after line 32, insert:

"Sec. 23. Minnesota Statutes 2002, section 144.335, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purposes of this section, the following terms have the meanings given them:

(a) "Patient" means a natural person who has received health care services from a provider for treatment or examination of a medical, psychiatric, or mental condition, the surviving spouse and parents of a deceased patient, or a person the patient appoints in writing as a representative, including a health care agent acting pursuant to chapter 145C, unless the authority of the agent has been limited by the principal in the principal's health care directive. ~~Except for minors who have received health care services pursuant to sections 144.341 to 144.347,~~ In the case of a minor, patient includes a parent or guardian, or a person acting as a parent or guardian in the absence of a parent or guardian.

(b) "Provider" means (1) any person who furnishes health care services and is regulated to furnish the services pursuant to chapter 147, 147A, 147B, 147C, 147D, 148, 148B, 148C, 150A, 151, 153, or 153A, or Minnesota Rules, chapter 4666; (2) a home care provider licensed under section 144A.46; (3) a health care facility licensed pursuant to this chapter or chapter 144A; (4) a physician assistant registered under chapter 147A; and (5) an unlicensed mental health practitioner regulated pursuant to sections 148B.60 to 148B.71.

(c) "Individually identifiable form" means a form in which the patient is or can be identified as the subject of the health records.

Sec. 24. Minnesota Statutes 2002, section 144.343, subdivision 1, is amended to read:

Subdivision 1. [MINOR'S CONSENT VALID.] Any minor may give effective consent for medical, mental and other health services to determine the presence of or to treat pregnancy and conditions associated therewith, venereal disease, alcohol and other drug abuse, and the consent of no other person is required. This section does not preclude parents from having access to the medical records of their unemancipated minor children."

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 38, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	LeClair	Olson	Rosen
Day	Jungbauer	Limmer	Ortman	Ruud
Dille	Kleis	McGinn	Ourada	Wergin
Fischbach	Knutson	Michel	Pariseau	
Frederickson	Koering	Neuville	Reiter	
Gaither	Larson	Nienow	Robling	

Those who voted in the negative were:

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

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

Senator Bachmann moved to amend S.F. No. 1532 as follows:

Page 64, line 7, strike "and"

Page 64, line 10, before the period, insert "; and

(vi) the drug commonly referred to as RU486, or any other drug used to chemically induce an abortion, and these drugs shall not be made available or allowed on any preferred drug list established or implemented by the commissioner"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 29 and nays 36, as follows:

Those who voted in the affirmative were:

Bachmann	Hann	Larson	Olson	Rosen
Day	Jungbauer	LeClair	Ortman	Ruud
Dille	Kierlin	Limmer	Ourada	Sams
Fischbach	Kleis	McGinn	Pariseau	Senjem
Frederickson	Knutson	Neuville	Reiter	Wergin
Gaither	Koering	Nienow	Robling	

Those who voted in the negative were:

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

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

Senator LeClair moved to amend S.F. No. 1532 as follows:

Page 70, after line 15, insert:

"Sec. 17. Minnesota Statutes 2002, section 256B.0625, subdivision 16, is amended to read:

Subd. 16. [ABORTION SERVICES.] Medical assistance covers abortion services, but only if one of the following conditions is met:

(a) The abortion is a medical necessity. "Medical necessity" means (1) the signed written statement of two physicians indicating the abortion is medically necessary to prevent the death of the mother, and (2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law;

(b) The pregnancy is the result of criminal sexual conduct as defined in section 609.342, clauses (c), (d), (e)(i), and (f), and the incident is reported within 48 hours after the incident occurs to a valid law enforcement agency for investigation, unless the victim is physically unable to report the criminal sexual conduct, in which case the report shall be made within 48 hours after the victim becomes physically able to report the criminal sexual conduct; ~~or~~

(c) The pregnancy is the result of incest, but only if the incident and relative are reported to a valid law enforcement agency for investigation prior to the abortion; or

(d) The abortion is for a therapeutic reason. For purposes of this section, an abortion is for a therapeutic reason if:

(1) a physician has signed a written statement indicating that the failure to terminate the pregnancy through abortion will aggravate a medical condition that pre-existed the pregnancy to such an extent that, under the community's standard of care, treatment of the aggravated condition will require hospitalization of the mother; and

(2) the patient has given her consent to the abortion in writing unless the patient is physically or legally incapable of providing informed consent to the procedure, in which case consent will be given as otherwise provided by law."

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 31 and nays 33, as follows:

Those who voted in the affirmative were:

Bachmann	Jungbauer	Limmer	Ourada	Senjem
Day	Kierlin	McGinn	Pariseau	Stumpf
Dille	Kleis	Michel	Reiter	Wergin
Frederickson	Knutson	Neuville	Robling	
Gaither	Koering	Nienow	Rosen	
Hann	Larson	Olson	Ruud	
Johnson, D.E.	LeClair	Ortman	Sams	

Those who voted in the negative were:

Anderson	Foley	Lourey	Pogemiller	Solon
Bakk	Higgins	Marko	Ranum	Sparks
Berglin	Hottinger	Marty	Rest	Tomassoni
Betzold	Kelley	Metzen	Saxhaug	Vickerman
Chaudhary	Kiscaden	Moua	Scheid	Wiger
Cohen	Kubly	Murphy	Skoe	
Dibble	Langseth	Pappas	Skoglund	

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

Senator Lourey moved to amend S.F. No. 1532 as follows:

Page 168, after line 35, insert:

"Sec. 32. Minnesota Statutes 2002, section 145.412, is amended by adding a subdivision to read:

Subd. 5. [CONTRACEPTION INFORMATION.] Before an abortion is performed, a woman shall be offered information on all FDA-approved methods of contraception including natural family planning."

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. 1532 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 38 and nays 27, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Hann	Larson	Olson	Ruud
Day	Jungbauer	LeClair	Ortman	Senjem
Dille	Kierlin	McGinn	Ourada	Wergin
Fischbach	Kleis	Michel	Reiter	
Frederickson	Knutson	Neuville	Robling	
Gaither	Koering	Nienow	Rosen	

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

Senator Berglin moved that S.F. No. 1532 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Hottinger moved that H.F. No. 437 be taken from the table. The motion prevailed.

H.F. No. 437: A bill for an act relating to state government; making changes to public assistance programs, health care programs, long-term care, continuing care for persons with disabilities, human services licensing, county initiatives, and children's services; establishing the Community Services Act; changing estate recovery provisions for medical assistance; changing health department provisions; modifying local public health grants; changing child care provisions; making forecast adjustments; appropriating money; amending Minnesota Statutes 2002, sections 16A.724; 61A.072, subdivision 6; 62A.315; 62A.48, by adding a subdivision; 62A.49, by adding a subdivision; 62A.65, subdivision 7; 62D.095, subdivision 2, by adding a subdivision; 62J.692, subdivision 4, by adding a subdivision; 62Q.19, subdivision 1; 62S.22, subdivision 1; 69.021, subdivision 11; 119B.011, subdivisions 5, 6, 15, 19, 21, by adding subdivisions; 119B.02, subdivision 1; 119B.03, subdivision 9; 119B.05, subdivision 1; 119B.08, subdivision 3; 119B.09, subdivisions 1, 2, 7, by adding subdivisions; 119B.11, subdivision 2a; 119B.12, subdivision 2; 119B.13, subdivisions 1, 2, 6, by adding subdivisions; 119B.16, subdivision 2, by adding subdivisions; 119B.19, subdivision 7; 119B.21, subdivision 11; 119B.23, subdivision 3; 124D.23, subdivision 2; 144.1222, by adding a subdivision; 144.125; 144.128; 144.1483; 144.1488, subdivision 4; 144.1491, subdivision 1; 144.1502, subdivision 4; 144.343, subdivision 1; 144.551, subdivision 1; 144A.04, subdivision 3, by adding a subdivision; 144A.071, subdivision 4a; 144A.10, by adding a subdivision; 144A.4605, subdivision 4; 144E.11, subdivision 6; 145.88; 145.881, subdivision 2; 145.882, subdivisions 1, 2, 3, 7, by adding a subdivision; 145.883, subdivisions 1, 9; 145A.02, subdivisions 5, 6, 7; 145A.06, subdivision 1; 145A.09, subdivisions 2, 4, 7; 145A.10, subdivisions 2, 10, by adding a subdivision; 145A.11, subdivisions 2, 4; 145A.12, subdivisions 1, 2, by adding a subdivision; 145A.13, by adding a subdivision; 145A.14, subdivision 2, by adding a subdivision; 147A.08; 148.5194, subdivisions 1, 2, 3, by adding a subdivision; 148.6445, subdivision 7; 153A.17; 174.30, subdivision 1; 179A.03, subdivision 7; 245.4932, subdivision 1; 245A.035, subdivision 3; 245A.04, subdivisions 3, 3b, 3d; 245A.09, subdivision 7; 245A.10; 245A.11, subdivisions 2a, 2b, by adding a subdivision; 245B.03, subdivision 2, by adding a subdivision; 245B.04, subdivision 2; 245B.06, subdivisions 2, 5, 8; 245B.07, subdivisions 6, 9, 11; 245B.08, subdivision 1; 246.54; 252.27, subdivision 2a; 252.32, subdivisions 1, 1a, 3, 3c; 252.41, subdivision 3; 252.46, subdivision 1; 253B.04, subdivision 1; 253B.05, subdivision 3; 256.01, subdivision 2; 256.012; 256.046, subdivision 1; 256.0471, subdivision 1; 256.476, subdivisions 3, 4, 5; 256.482, subdivision 8; 256.935, subdivision 1; 256.955, subdivisions 2a, 3, by adding subdivisions; 256.9657, subdivisions 1, 4, by adding a subdivision; 256.969, subdivisions 2b, 3a; 256.975, by adding a subdivision; 256.9754, subdivisions 2, 3, 4, 5; 256.98, subdivisions 3, 4, 8; 256.984, subdivision 1; 256B.055, by adding a subdivision; 256B.056, subdivisions 1a, 1c, 6; 256B.057, subdivisions 1, 2, 3b, 9, 10; 256B.0595, subdivisions 1, 2, by adding subdivisions; 256B.06, subdivision 4; 256B.061; 256B.0621, subdivision 4; 256B.0623, subdivisions 2, 4, 5, 6, 8; 256B.0625, subdivisions 5a, 9, 13, 17, 18a, 19c, 20, 23, by adding subdivisions; 256B.0627, subdivisions 1, 4, 9; 256B.0635, subdivisions 1, 2; 256B.064, subdivision 2; 256B.0911, subdivisions 3, 4d; 256B.0913, subdivisions 2, 4, 5, 6, 7, 8, 10, 12; 256B.0915, subdivision 3, by adding a subdivision; 256B.092, subdivisions 1a, 5; 256B.0945, subdivisions 2, 4; 256B.095; 256B.0951, subdivisions 1, 2, 3, 5, 7, 9; 256B.0952, subdivision 1; 256B.0953, subdivision 2; 256B.0955; 256B.15, subdivisions 1, 1a, 2, 3, 4, by

adding subdivisions; 256B.19, subdivision 1; 256B.195, subdivisions 4, 5; 256B.31; 256B.32, subdivision 1; 256B.431, subdivisions 2r, 32, 36, by adding subdivisions; 256B.434, subdivisions 4, 10; 256B.47, subdivision 2; 256B.48, subdivision 1; 256B.501, subdivision 1, by adding a subdivision; 256B.5012, by adding a subdivision; 256B.5013, subdivision 4; 256B.5015; 256B.69, subdivisions 2, 4, 5a, 5c, by adding subdivisions; 256B.75; 256B.76; 256B.761; 256B.82; 256D.03, subdivisions 3, 3a, 4; 256D.06, subdivision 2; 256D.44, subdivision 5; 256D.46, subdivisions 1, 3; 256D.48, subdivision 1; 256F.10, subdivision 6; 256F.13, subdivisions 1, 2; 256G.05, subdivision 2; 256I.02; 256I.04, subdivision 3; 256I.05, subdivisions 1, 1a, 7c; 256J.01, subdivision 5; 256J.02, subdivision 2; 256J.021; 256J.08, subdivisions 35, 65, 82, 85, by adding subdivisions; 256J.09, subdivisions 2, 3, 3a, 3b, 8, 10; 256J.14; 256J.20, subdivision 3; 256J.21, subdivisions 1, 2; 256J.24, subdivisions 3, 5, 6, 7, 10; 256J.30, subdivision 9; 256J.31, subdivision 4; 256J.32, subdivisions 2, 4, 5a, by adding a subdivision; 256J.37, subdivision 9, by adding subdivisions; 256J.38, subdivisions 3, 4; 256J.40; 256J.42, subdivisions 4, 5, 6; 256J.425, subdivisions 1, 1a, 2, 3, 4, 6, 7; 256J.45, subdivision 2; 256J.46, subdivisions 1, 2, 2a; 256J.49, subdivisions 4, 5, 9, 13, by adding subdivisions; 256J.50, subdivisions 1, 8, 9, 10; 256J.51, subdivisions 1, 2, 3, 4; 256J.53, subdivisions 1, 2, 5; 256J.54, subdivisions 1, 2, 3, 5; 256J.55, subdivisions 1, 2; 256J.56; 256J.57; 256J.62, subdivision 9; 256J.645, subdivision 3; 256J.66, subdivision 2; 256J.67, subdivisions 1, 3; 256J.69, subdivision 2; 256J.75, subdivision 3; 256J.751, subdivisions 1, 2, 5; 256L.02, by adding a subdivision; 256L.03, subdivisions 1, 3, 5; 256L.04, subdivision 1; 256L.05, subdivisions 1, 3, 3a, 3c, 4; 256L.06, subdivision 3; 256L.07, subdivisions 1, 2, 3; 256L.09, subdivision 4; 256L.12, subdivisions 6, 9, by adding subdivisions; 256L.15, subdivisions 1, 2, 3; 256L.17, subdivision 2; 257.05; 259.67, subdivision 4; 260C.141, subdivision 2; 261.035; 261.063; 295.55, subdivision 2; 326.42; 393.07, subdivisions 1, 5, 10; 466.03, subdivision 6d; 514.981, subdivision 6; 518.167, subdivision 1; 518.551, subdivision 7; 518.6111, subdivisions 2, 3, 4, 16; 524.3-805; 626.559, subdivision 5; 641.15, subdivision 2; Laws 1997, chapter 203, article 9, section 21, as amended; proposing coding for new law as Minnesota Statutes, chapter 256M; proposing coding for new law in Minnesota Statutes, chapters 62S; 119B; 144; 144A; 145; 145A; 148C; 256; 256B; 256D; 256I; 256J; 514; repealing Minnesota Statutes 2002, sections 16A.151, subdivision 5; 16A.87; 62J.17; 62J.66; 62J.68; 62J.694; 119B.061; 144.126; 144.1484; 144.1494; 144.1495; 144.1496; 144.1497; 144.395; 144.396; 144.401; 144.9507, subdivision 3; 144A.071, subdivision 5; 144A.35; 144A.36; 144A.38; 145.56, subdivision 2; 145.882, subdivisions 4, 5, 6, 8; 145.883, subdivisions 4, 7; 145.884; 145.885; 145.886; 145.888; 145.889; 145.890; 145.9266, subdivisions 2, 4, 5, 6, 7; 145.928, subdivision 9; 145A.02, subdivisions 9, 10, 11, 12, 13, 14; 145A.09, subdivision 6; 145A.10, subdivisions 5, 6, 8; 145A.11, subdivision 3; 145A.12, subdivisions 3, 4, 5; 145A.14, subdivisions 3, 4; 145A.17, subdivisions 2, 9; 148.5194, subdivision 3a; 148.6445, subdivision 9; 245.4712, subdivision 2; 245.478; 245.4886; 245.4888; 245.496; 245.714; 252.32, subdivision 2; 254A.17; 256.955, subdivision 8; 256.973; 256.9772; 256B.055, subdivision 10a; 256B.056, subdivision 3c; 256B.057, subdivision 1b; 256B.0625, subdivisions 35, 36; 256B.0928; 256B.0945, subdivisions 6, 7, 8, 9, 10; 256B.195, subdivision 5; 256B.437, subdivision 2; 256B.83; 256E.01; 256E.02; 256E.03; 256E.04; 256E.05; 256E.06; 256E.07; 256E.08; 256E.081; 256E.09; 256E.10; 256E.11; 256E.115; 256E.13; 256E.14; 256E.15; 256F.01; 256F.02; 256F.03; 256F.04; 256F.05; 256F.06; 256F.07; 256F.08; 256F.10, subdivision 7; 256F.11; 256F.12; 256F.14; 256J.02, subdivision 3; 256J.08, subdivisions 28, 70; 256J.24, subdivision 8; 256J.30, subdivision 10; 256J.462; 256J.47; 256J.48; 256J.49, subdivisions 1a, 2, 6, 7; 256J.50, subdivisions 2, 3, 3a, 5, 7; 256J.52; 256J.62, subdivisions 1, 2a, 4, 6, 7, 8; 256J.625; 256J.655; 256J.74, subdivision 3; 256J.751, subdivisions 3, 4; 256J.76; 256K.30; 256L.02, subdivision 3; 256L.04, subdivision 9; 257.075; 257.81; 260.152; 626.562; Laws 1998, chapter 407, article 4, section 63; Laws 2000, chapter 488, article 10, section 29; Laws 2001, First Special Session chapter 3, article 1, section 16; Laws 2001, First Special Session chapter 9, article 13, section 24; Laws 2002, chapter 374, article 9, section 8; Minnesota Rules, parts 4705.0100; 4705.0200; 4705.0300; 4705.0400; 4705.0500; 4705.0600; 4705.0700; 4705.0800; 4705.0900; 4705.1000; 4705.1100; 4705.1200; 4705.1300; 4705.1400; 4705.1500; 4705.1600; 4736.0010; 4736.0020; 4736.0030; 4736.0040; 4736.0050; 4736.0060; 4736.0070; 4736.0080; 4736.0090; 4736.0120; 4736.0130; 4763.0100; 4763.0110; 4763.0125; 4763.0135; 4763.0140; 4763.0150; 4763.0160; 4763.0170; 4763.0180; 4763.0190; 4763.0205; 4763.0215; 4763.0220; 4763.0230; 4763.0240; 4763.0250; 4763.0260; 4763.0270; 4763.0285; 4763.0295; 4763.0300; 9505.0324; 9505.0326; 9505.0327; 9505.3045; 9505.3050; 9505.3055; 9505.3060; 9505.3068; 9505.3070; 9505.3075; 9505.3080; 9505.3090; 9505.3095; 9505.3100;

9505.3105; 9505.3107; 9505.3110; 9505.3115; 9505.3120; 9505.3125; 9505.3130; 9505.3138; 9505.3139; 9505.3140; 9505.3680; 9505.3690; 9505.3700; 9545.2000; 9545.2010; 9545.2020; 9545.2030; 9545.2040; 9550.0010; 9550.0020; 9550.0030; 9550.0040; 9550.0050; 9550.0060; 9550.0070; 9550.0080; 9550.0090; 9550.0091; 9550.0092; 9550.0093.

SUSPENSION OF RULES

Senator Hottinger moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 437 and that the rules of the Senate be so far suspended as to give H.F. No. 437 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 437 was read the second time.

Senator Berglin moved to amend H.F. No. 437 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 437, and insert the language after the enacting clause, and the title, of S.F. No. 1532, the first engrossment.

The motion prevailed. So the amendment was adopted.

H.F. No. 437 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 36 and nays 28, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Bachmann	Jungbauer	LeClair	Olson	Rosen
Day	Kierlin	Limmer	Ortman	Ruud
Fischbach	Kleis	McGinn	Ourada	Senjem
Frederickson	Knutson	Michel	Pariseau	Wergin
Gaither	Koering	Neuville	Reiter	
Hann	Larson	Nienow	Robling	

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

MEMBERS EXCUSED

Senator Larson was excused from the Session of today from 1:15 to 2:00 p.m. Senator Chaudhary was excused from the Session of today from 1:30 to 4:00 p.m. Senator Johnson, D.J. was excused from the Session of today at 3:50 p.m. Senator Jungbauer was excused from the Session of today from 9:00 to 5:00 p.m. Senator Belanger was excused from the Session of today at 5:35 p.m. Senator Anderson was excused from the Session of today from 7:00 to 7:45 p.m. Senator Michel was excused from the Session of today from 7:45 to 8:30 p.m. Senators Koering and Sams were excused from the Session of today from 8:00 to 8:15 p.m.

ADJOURNMENT

Senator Hottinger moved that the Senate do now adjourn until 10:00 a.m., Monday, May 5, 2003. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

INDEX TO DAILY JOURNAL

Friday, May 2, 2003

EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 1593 to 1594

CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws Chapter No.	Page
SF 1534	1616		

MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
1511	1595	437	1596	1599
1524	1594	748	1596	1597
		779	1596	1596
		1404	1596	1597

SUSPENSION OF RULES

S.F. Nos.	Page	H.F. Nos.	Page
1528	1619	437	1710
1532	1674	627	1673
1534	1638	779	1618
		1404	1637

REPORTS OF COMMITTEES AND SECOND READINGS

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
552	1600	1606	314	1605	1606
1528	1602	1606	1214	1605	1606
1534	1610				
1534	1616				

MOTIONS AND RESOLUTIONS

S.F. Nos.	Page	H.F. Nos.	Page
655	1616	437	1708
1518	1606	437	1710
1520	1606	627	1672
1528	1619	627	1673
1528	1638	779	1617
1532	1674	779	1618
1534	1638	1404	1636
Sen. Res. No . 71	1606	1404	1637
Sen. Res. No . 71	1616		

INTRODUCTION AND FIRST READING OF SENATE BILLS

S.F. Nos. 1529 to 1532	Page 1607
S.F. Nos. 1533 to 1534	Page 1609