

FIFTY-THIRD DAY

St. Paul, Minnesota, Thursday, May 5, 2005

The Senate met at 9:30 a.m. and was called to order by the President.

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Darlene Auger Stensby.

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

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 872.

Albin A. Mathiowetz, Chief Clerk, House of Representatives
Transmitted May 4, 2005

FIRST READING OF HOUSE BILLS

The following bill was read the first time.

H.F. No. 872: A bill for an act relating to education; providing for early childhood, adult,

family, and kindergarten through grade 12 education including general education, excellence in education, special programs, facilities and technology, nutrition and accounting, libraries, early education, prevention, self-sufficiency and lifelong learning, state agencies, forecast deficiencies, and technical and conforming amendments; authorizing rulemaking; providing for reports; appropriating money; amending Minnesota Statutes 2004, sections 13.32, subdivisions 1, 8; 119A.46, subdivisions 1, 2, 3, 8; 120A.05, by adding a subdivision; 120A.22, subdivision 12; 120B.02; 120B.021, subdivision 1, by adding a subdivision; 120B.024; 120B.11, subdivisions 1, 2, 3, 4, 5, 8; 120B.13, subdivisions 1, 3, by adding a subdivision; 120B.23; 120B.30, subdivisions 1, 1a; 120B.31, subdivision 4; 121A.03, subdivision 1; 121A.06, subdivisions 2, 3; 121A.17, subdivisions 1, 3, 5; 121A.19; 121A.41, subdivision 10; 121A.47, subdivision 14; 121A.53; 121A.55; 122A.06, subdivision 4; 122A.09, subdivisions 4, 10; 122A.12, subdivision 2; 122A.18, subdivision 2a; 122A.40, subdivision 5; 122A.41, subdivisions 2, 14; 122A.414; 122A.415, subdivisions 1, 3; 123A.05, subdivision 2; 123A.06, subdivision 1; 123A.24, subdivision 2; 123B.02, by adding a subdivision; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.36, subdivision 1; 123B.42, subdivision 3; 123B.49, subdivision 4; 123B.53, subdivision 1; 123B.54; 123B.59, subdivisions 3, 3a; 123B.63, subdivision 2; 123B.71, subdivisions 8, 9, 12; 123B.749; 123B.75, subdivision 5, by adding a subdivision; 123B.76, subdivision 3; 123B.79, subdivision 6; 123B.81, subdivision 1; 123B.82; 123B.83, subdivision 2; 123B.92, subdivisions 1, 5, 9; 124D.095, subdivision 8; 124D.10, subdivisions 3, 4, 6, 8, 15, 23; 124D.11, subdivisions 1, 2, 5, 6; 124D.111, subdivisions 1, 2; 124D.118, subdivision 4; 124D.135, subdivisions 1, 5; 124D.15, subdivisions 1, 3, 5, 10, 12, by adding subdivisions; 124D.16, subdivisions 2, 3; 124D.20, subdivision 3; 124D.40; 124D.52, subdivision 3; 124D.531, subdivisions 1, 4; 124D.66, subdivision 3; 124D.68, subdivision 9; 124D.69, subdivision 1; 124D.74, subdivision 1; 124D.81, subdivision 1; 124D.84, subdivision 1; 125A.091, subdivision 5; 125A.11, subdivision 1; 125A.24; 125A.28; 125A.51; 125A.76, subdivisions 1, 4, by adding subdivisions; 125A.79, subdivisions 1, 5, 6, 7, by adding subdivisions; 126C.01, subdivision 11; 126C.05, by adding a subdivision; 126C.10, subdivisions 1, 2, 3, 6, 7, 8, 13, 13a, 17, 18, 24, 31, by adding subdivisions; 126C.13, subdivision 4; 126C.15, subdivisions 1, 2, 3, by adding a subdivision; 126C.17, subdivisions 2, 5, 7, 9, 13; 126C.21, subdivision 4; 126C.40, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44; 126C.457; 126C.48, subdivisions 2, 8, by adding a subdivision; 126C.63, subdivisions 5, 8; 127A.41, subdivision 8; 127A.42, subdivision 2; 127A.45, subdivisions 2, 10, 11, 12, 13, 14, 16; 127A.47, subdivisions 7, 8; 127A.49, subdivisions 2, 3; 127A.50, subdivision 5; 128C.12, subdivisions 1, 3; 134.31, by adding a subdivision; 171.04, subdivision 1; 171.05, subdivisions 2, 2b, 3; 179A.03, subdivision 14; 260C.007, subdivision 6, by adding a subdivision; 260C.201, subdivision 1; 275.14; 275.16; 469.177, subdivision 9; Laws 1996, chapter 412, article 5, section 24; Laws 2003, First Special Session chapter 9, article 1, sections 51; 53, subdivisions 2, as amended, 3, as amended, 11, as amended, 12, as amended; Laws 2003, First Special Session chapter 9, article 2, section 55, subdivisions 2, as amended, 5, as amended, 9, as amended, 12, as amended; Laws 2003, First Special Session chapter 9, article 3, section 20, subdivisions 2, 4, as amended, 5, as amended, 6, as amended, 8, as amended, 9, as amended; Laws 2003, First Special Session chapter 9, article 4, section 31, subdivisions 2, as amended, 3, as amended, 4; Laws 2003, First Special Session chapter 9, article 5, section 35, subdivision 3, as amended; Laws 2003, First Special Session chapter 9, article 6, section 4, as amended; Laws 2003, First Special Session chapter 9, article 7, section 11, subdivisions 2, 4; Laws 2003, First Special Session chapter 9, article 8, section 7, subdivisions 2, as amended, 3, 5, as amended; Laws 2003, First Special Session chapter 9, article 9, section 9, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapters 120A; 120B; 121A; 122A; 123A; 123B; 124D; 125B; 129C; 171; repealing Minnesota Statutes 2004, sections 122A.24; 122A.415, subdivision 2; 123B.83, subdivision 1; 124D.095, subdivision 9; 124D.15, subdivisions 2, 4, 6, 7, 8, 9, 11, 13; 124D.16, subdivisions 1, 4; 126C.12; 126C.42, subdivisions 1, 4; 128C.12, subdivision 4.

Senator Johnson, D.E. moved that H.F. No. 872 be laid on the table. The motion prevailed.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 1394 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1394	1623				

and that the above Senate File be indefinitely postponed.

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 731 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
731	63				

and that the above Senate File be indefinitely postponed.

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

Senator Johnson, D.E., from the Committee on Rules and Administration, to which was referred

H.F. No. 42 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.
42	149				

Pursuant to Rule 45, the Committee on Rules and Administration recommends that H.F. No. 42 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 42 and insert the language after the enacting clause of S.F. No. 149, the second engrossment; further, delete the title of H.F. No. 42 and insert the title of S.F. No. 149, the second engrossment.

And when so amended H.F. No. 42 will be identical to S.F. No. 149, and further recommends that H.F. No. 42 be given its second reading and substituted for S.F. No. 149, 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.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1394, 731 and 42 were read the second time.

MOTIONS AND RESOLUTIONS

Senator McGinn moved that the names of Senators Kleis and Jungbauer be added as co-authors to S.F. No. 2282. The motion prevailed.

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 Betzold and Limmer introduced--

S.F. No. 2286: A bill for an act relating to legislative enactments; correcting miscellaneous oversights, inconsistencies, ambiguities, unintended results, and technical errors; amending Minnesota Statutes 2004, section 66A.02, as amended.

Referred to the Committee on Rules and Administration.

Senator Pappas introduced--

S.F. No. 2287: A bill for an act relating to taxation; clarifying that major and intermediate airports are not included in fiscal disparities; amending Minnesota Statutes 2004, section 473F.02, subdivision 2.

Referred to the Committee on Taxes.

Senators Pogemiller and Belanger introduced--

S.F. No. 2288: A bill for an act relating to public finance; authorizing purchases of certain guaranteed investment contracts; authorizing a special levy; modifying the authority of cities and counties to finance purchases of computers and related items; extending the term of certain notes; clarifying the financing of conservation easements; extending sunsets on establishment of special service districts and housing improvement areas; providing for financing of certain improvements; extending the maximum maturity of certain bonds; revising time for certain notices of issues; exempting obligations issued to pay judgments from net debt limits; modifying the authority to finance street reconstruction; modifying limits on city capital improvement bonds and enabling certain towns to issue bonds under a capital improvement plan; modifying certain tax increment financing provisions; providing a bidding exception; increasing reserve from public facilities pool for certain purposes; providing for payment of certain refunding bonds; abolishing the housing bond credit enhancement program and providing for debt service on the bonds; authorizing a tax abatement extension; providing for an international economic development zone; providing tax incentives; requiring a report; appropriating money for certain refunds; amending Minnesota Statutes 2004, sections 13.55, by adding a subdivision; 116J.556; 118A.05, subdivision 5; 272.02, by adding a subdivision; 275.70, subdivision 5; 290.01, subdivisions 19b, 29; 290.06, subdivision 2c, by adding a subdivision; 290.067, subdivision 1; 290.0671, subdivision 1; 290.091, subdivision 2; 290.0921, subdivision 3; 290.0922, subdivisions 2, 3; 297A.68, by adding a subdivision; 343.11; 373.01, subdivision 3; 373.40, subdivision 1; 410.32; 412.301; 428A.101; 428A.21; 469.015, subdivision 4; 469.034, subdivision 2; 469.158; 469.174, subdivisions 11, 25; 469.175, subdivisions 1, 4a, 6; 469.176, subdivisions 2, 4d; 469.1761, subdivisions 1, 3; 469.1763, subdivision 6; 469.177, subdivision 1; 469.1771, subdivision 5; 469.178, subdivision 1; 469.1813,

subdivisions 1, 6; 473.197, subdivision 4; 473.39, subdivision 1f, by adding a subdivision; 474A.061, subdivision 2c; 474A.131, subdivision 1; 475.51, subdivision 4; 475.52, subdivisions 1, 3, 4; 475.521, subdivisions 1, 2, 3, 4; Laws 1996, chapter 412, article 5, section 24; Laws 2003, chapter 127, article 12, section 38; proposing coding for new law in Minnesota Statutes, chapters 428A; 452; 469; repealing Minnesota Statutes 2004, sections 469.176, subdivision 1; 469.1766; 473.197, subdivisions 1, 2, 3, 5; Laws 1998, chapter 389, article 11, section 19, subdivision 3.

Referred to the Committee on Taxes.

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 11:15 a.m. The motion prevailed.

The hour of 11:15 a.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Senator Johnson, D.E. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated S.F. No. 2277 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2277: A bill for an act relating to education; providing for early childhood, family, and adult education including early childhood, child care, adult basic education, and prevention policy; providing for a study; providing for reports; appropriating money; amending Minnesota Statutes 2004, sections 13.32, subdivision 2; 119A.46, subdivisions 1, 2, 3, 8; 119B.09, subdivision 1; 119B.13, by adding a subdivision; 121A.17, subdivisions 1, 3, 5, by adding a subdivision; 121A.19; 124D.135, subdivision 1; 124D.15, subdivisions 1, 3, 5, 10, 12, by adding subdivisions; 124D.16, subdivision 2; 124D.22, subdivision 3; 124D.531, subdivisions 1, 4; 2005 S.F. No. 1879, article 2, section 1, subdivisions 2, 3, 4, 5, 10, if enacted; 2005 S.F. No. 1879, article 2, section 2, subdivision 2, if enacted; proposing coding for new law in Minnesota Statutes, chapter 124D; repealing Minnesota Statutes 2004, sections 124D.15, subdivisions 2, 4, 6, 7, 8, 9, 11, 13; 124D.16, subdivisions 1, 4.

Senator Wergin moved to amend S.F. No. 2277 as follows:

Page 6, after line 18, insert:

"Sec. 7. [121A.2201] [PSYCHOTROPIC DRUGS.]

A parent's refusal to consent to the administration of a psychotropic drug to the parent's child or to a psychiatric evaluation, screening, or examination of a student or child shall not be used as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity or as the basis of a child abuse, child neglect, or medical or educational neglect charge.

A school district must not recommend that a student use a psychotropic drug or suggest any particular mental health diagnosis."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

CALL OF THE SENATE

Senator Hottinger imposed a call of the Senate for the balance of the proceedings on S.F. No. 2277. The Sergeant at Arms was instructed to bring in the absent members.

Senator Hottinger requested division of the Wergin amendment as follows:

First portion:

Page 6, after line 18, insert:

"Sec. 7. [121A.2201] [PSYCHOTROPIC DRUGS.]

A parent's refusal to consent to the administration of a psychotropic drug to the parent's child or to a psychiatric evaluation, screening, or examination of a student or child shall not be used as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity or as the basis of a child abuse, child neglect, or medical or educational neglect charge."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Chaudhary questioned whether the Wergin amendment was germane.

The President ruled that the amendment was germane.

Senator Wergin moved to amend the first portion of the Wergin amendment to S.F. No. 2277 as follows:

Page 1, line 10, delete "charge" and insert "report"

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

Senator Anderson moved to amend the first portion of the Wergin amendment to S.F. No. 2277 as follows:

Page 1, line 9, delete everything after "activity" and insert a period

Page 1, delete line 10

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

The question recurred on the adoption of the first portion of the Wergin amendment, as amended.

The roll was called, and there were yeas 55 and nays 9, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Berglin	Chaudhary	Foley	Moua	Solon
Betzold	Dibble	Kelley	Skoglund	

The motion prevailed. So the first portion of the amendment, as amended, was adopted.

Second portion:

Page 6, after line 18, insert:

"Sec. 7. [121A.2201] [PSYCHOTROPIC DRUGS.]

A school district must not recommend that a student use a psychotropic drug or suggest any particular mental health diagnosis."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Berglin moved to amend the second portion of the Wergin amendment to S.F. No. 2277 as follows:

Page 1, line 12, delete everything after "drug"

Page 1, line 13, delete "diagnosis"

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

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

Senator Nienow moved to amend S.F. No. 2277 as follows:

Page 17, after line 12, insert:

"Sec. 26. [FEDERAL MENTAL HEALTH PROGRAM.]

Unless specifically authorized by law, no state agency or official shall expend or commit the expenditure of any federal or state funds or otherwise initiate or administer any program intended to implement routine or comprehensive mental health tests, examinations, evaluations, or screenings of children pursuant to recommendations, guidelines, or policies of the federal New Freedom Commission on Mental Health or any other federal mental health program."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

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

S.F. No. 2277 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 59 and nays 8, as follows:

Those who voted in the affirmative were:

Anderson	Day	Hann	Kleis	Marty
Bakk	Dibble	Higgins	Koering	McGinn
Belanger	Dille	Hottinger	Kubly	Metzen
Berglin	Fischbach	Johnson, D.E.	Langseth	Michel
Betzold	Foley	Kelley	Larson	Moua
Chaudhary	Frederickson	Kierlin	Lourey	Murphy
Cohen	Gaither	Kiscaden	Marko	Neuville

Nienow	Pogemiller	Ruud	Skoe	Tomassoni
Olson	Ranum	Sams	Skoglund	Vickerman
Ortman	Rest	Saxhaug	Solon	Wergin
Ourada	Robling	Scheid	Sparks	Wiger
Pappas	Rosen	Senjem	Stumpf	

Those who voted in the negative were:

Bachmann	Johnson, D.J.	LeClair	Pariseau	Reiter
Gerlach	Jungbauer	Limmer		

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

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Betzold, designee of the Chair of the Committee on Rules and Administration, designated S.F. No. 2265 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2265: A bill for an act relating to higher education; providing funding for the University of Minnesota, the Minnesota State Colleges and Universities, the Higher Education Services Office, and the Mayo Medical Foundation; providing for the mission of state universities; regulating the marketing of credit cards to students; regulating the responsibilities of and changing the name of the Higher Education Services Office; regulating the state grant program and other financial aid programs; providing benefits for students entering active military service; providing assistance for low-income students to increase college awareness; regulating the selection of regents of the University of Minnesota; regulating the Minnesota college savings program; providing assistance to nursing students; creating a task force on postsecondary funding; creating a Rochester higher education development committee; regulating private career schools; appropriating money; amending Minnesota Statutes 2004, sections 135A.052, subdivision 1; 136A.01, subdivision 2; 136A.031, subdivisions 2, 3, 5; 136A.121, subdivisions 2, 6, 9, 13, by adding subdivisions; 136A.125, subdivision 2; 136A.1701, by adding subdivisions; 136F.02, subdivision 1; 136F.04, subdivision 4; 136G.03, subdivisions 3, 21a, 22, 32; 136G.05, subdivision 8; 136G.09, subdivisions 11, 12; 136G.11, subdivisions 1, 3, 13, by adding a subdivision; 136G.13, subdivisions 1, 5; 136G.14; 137.0245, subdivision 3; 141.21, by adding a subdivision; 141.25, subdivisions 3, 5, 8, 9, 12; 141.251; 141.26, subdivision 5; 141.271, subdivisions 4, 7, 10, by adding subdivisions; 141.28, subdivision 1, by adding a subdivision; 141.29, subdivision 3; 141.30; 141.35; 299A.45, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapters 135A; 136A; 137; 141; 144; 583; repealing Minnesota Statutes 2004, sections 136A.011; 136A.031, subdivision 1; Laws 1986, chapter 398, article 1, section 18, as amended; Minnesota Rules, parts 4815.0100; 4815.0110; 4815.0120; 4815.0130; 4815.0140; 4815.0150; 4815.0160; 4830.8100; 4830.8110; 4830.8120; 4830.8130; 4830.8140; 4830.8150.

Senator Pappas moved to amend S.F. No. 2265 as follows:

Page 5, line 39, delete "\$303,200,000" and insert "\$303,539,000"

Page 5, line 40, delete "\$318,548,000" and insert "\$318,209,000"

Page 5, line 43, delete "\$292,478,000" and insert "\$292,805,000"

Page 5, line 44, delete "\$307,283,000" and insert "\$306,956,000"

The motion prevailed. So the amendment was adopted.

Senator Wiger moved to amend S.F. No. 2265 as follows:

Page 5, after line 22, insert:

"The Board of Trustees of the Minnesota State

Colleges and Universities may not in the 2005-2006 and 2006-2007 academic years increase tuition more than four percent above the level for the previous academic year."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 34 and nays 30, as follows:

Those who voted in the affirmative were:

Anderson	Frederickson	Kubly	Metzen	Ruud
Bachmann	Gerlach	Langseth	Moua	Skoe
Bakk	Hann	LeClair	Neuville	Stumpf
Berglin	Higgins	Limmer	Olson	Vickerman
Chaudhary	Johnson, D.E.	Lourey	Pariseau	Wergin
Dibble	Jungbauer	Marko	Reiter	Wiger
Fischbach	Kleis	McGinn	Robling	

Those who voted in the negative were:

Belanger	Gaither	Koering	Ortman	Scheid
Betzold	Hottinger	Larson	Pappas	Senjem
Cohen	Johnson, D.J.	Marty	Pogemiller	Skoglund
Day	Kelley	Michel	Ranum	Solon
Dille	Kierlin	Murphy	Rest	Sparks
Foley	Kiscaden	Nienow	Saxhaug	Tomassoni

The motion prevailed. So the amendment was adopted.

Senator Gaither moved to amend S.F. No. 2265 as follows:

Page 8, line 31, before the semicolon, insert "and is lawfully present in the United States"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 20 and nays 43, as follows:

Those who voted in the affirmative were:

Bachmann	Gerlach	Kleis	Michel	Reiter
Fischbach	Hann	LeClair	Nienow	Ruud
Frederickson	Johnson, D.J.	Limmer	Ortman	Sparks
Gaither	Jungbauer	McGinn	Pariseau	Wergin

Those who voted in the negative were:

Anderson	Higgins	Larson	Pappas	Skoe
Belanger	Hottinger	Lourey	Pogemiller	Skoglund
Berglin	Johnson, D.E.	Marko	Ranum	Solon
Betzold	Kelley	Marty	Rest	Stumpf
Chaudhary	Kierlin	Metzen	Robling	Tomassoni
Cohen	Kiscaden	Moua	Rosen	Vickerman
Dibble	Koering	Murphy	Saxhaug	Wiger
Dille	Kubly	Neuville	Scheid	
Foley	Langseth	Olson	Senjem	

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

Senator Bachmann moved to amend S.F. No. 2265 as follows:

Page 8, after line 24, insert:

"Sec. 4. [135A.175] [CAMPUS ACCESS ASSURANCE.]

The Board of Trustees of the Minnesota State Colleges and Universities and the Board of Regents of the University of Minnesota shall maintain access to campuses and students for purposes of military recruiting by the armed forces of the United States that is at least equal in quality and scope to the access to campuses and students that is provided to any other employer."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Senjem moved to amend S.F. No. 2265 as follows:

Page 2, delete line 18 and insert:

"General	(\$24,940,000)	\$106,706,000	\$81,766,000"
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Page 2, delete lines 21 and 22 and insert:

"Higher Education Services Office	4,518,000	1,007,000	5,525,000"
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Page 2, delete lines 38 and 39 and insert:

"Subdivision 1. Total Appropriation		\$4,518,000	\$1,007,000"
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Page 3, delete lines 33 and 34 and insert:

"Subd. 6. Rochester Higher Education		3,200,000	-0-"
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Page 3, line 39, delete "\$2,300,000" and insert "\$3,000,000"

CALL OF THE SENATE

Senator Kiscaden imposed a call of the Senate for the balance of the proceedings on the Senjem amendment to S.F. No. 2265. The Sergeant at Arms was instructed to bring in the absent members.

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

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Tomassoni moved to amend S.F. No. 2265 as follows:

Page 13, after line 35, insert:

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

retroactive to July 1, 2003. An applicant who missed the 14-day deadline previously in effect between July 1, 2003, and June 30, 2005, but who met the 30-day deadline, has until September 1, 2005, to reapply. Retroactive awards under this section must be made on a first come, first served funds available basis."

The motion prevailed. So the amendment was adopted.

S.F. No. 2265 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 63 and nays 3, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

Senator Pappas moved that S.F. No. 2265 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Johnson, D.E. moved that H.F. No. 1385 be taken from the table. The motion prevailed.

H.F. No. 1385: A bill for an act relating to higher education; allocating money for educational and related purposes with certain conditions; modifying various loan, grant, and financial aid provisions; requiring institutions to provide certain data; permitting disclosure of certain data to determine eligibility; amending various reciprocity provisions; providing definitions; directing the Board of Trustees to designate centers of excellence; amending the Minnesota college savings plan; authorizing transfer of certain bonding authority; amending provisions related to private career schools; establishing fees; providing for merger with the Higher Education Facilities Authority; establishing the Rochester University Development Committee; appropriating money; amending Minnesota Statutes 2004, sections 13.46, subdivision 2; 135A.031, subdivisions 3, 4; 135A.052, subdivision 1; 135A.30, subdivisions 3, 4, 5; 135A.52, subdivisions 1, 2; 136A.01, subdivision 2; 136A.031, subdivisions 2, 3, 4; 136A.08, by adding subdivisions; 136A.121, subdivisions 2, 5, 6, 9, by adding a subdivision; 136A.125, subdivision 2; 136A.1701, by adding subdivisions; 136F.04, subdivision 4; 136F.32, subdivision 2; 136G.03, subdivisions 3, 21a, 22, 32; 136G.05, subdivision 8; 136G.09, subdivisions 11, 12; 136G.11, subdivisions 1, 2, 3, 13; 136G.13, subdivisions 1, 5; 136G.14; 137.0245, subdivisions 1, 2, 4; 141.21, by adding a subdivision; 141.25, subdivisions 3, 5, 8, 9, 12; 141.251; 141.26, subdivision 5; 141.271, subdivisions 4, 7, 10, by adding subdivisions; 141.28, subdivision 1, by adding a subdivision; 141.29, subdivision 3; 141.30; 141.35; 192.502, subdivision 1; 299A.45, subdivisions 1, 4; proposing coding for new law in Minnesota Statutes, chapters 136A; 137; 141; repealing Minnesota Statutes 2004, sections 136A.011; 136A.031, subdivision 1; Minnesota Rules, parts 4815.0100; 4815.0110; 4815.0120; 4815.0130; 4815.0140; 4815.0150; 4815.0160; 4830.8100; 4830.8110; 4830.8120; 4830.8130; 4830.8140; 4830.8150.

SUSPENSION OF RULES

Senator Johnson, D.E. 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. 1385 and that the rules of the Senate be so far suspended as to give H.F. No. 1385 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 1385 was read the second time.

Senator Pappas moved to amend H.F. No. 1385 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 1385, and insert the language after the enacting clause, and the title, of S.F. No. 2265, as amended by the Senate May 5, 2005.

The motion prevailed. So the amendment was adopted.

H.F. No. 1385 was read the third time, as amended, and placed on its final passage.

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

The roll was called, and there were yeas 64 and nays 2, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Gerlach LeClair

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

RECESS

Senator Johnson, D.E. moved that the Senate do now recess until 4:30 p.m. The motion prevailed.

The hour of 4:30 p.m. having arrived, the President called the Senate to order.

CALL OF THE SENATE

Senator Johnson, D.E. 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 Orders of Business of Messages From the House, Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 4, and repassed said bill in accordance with the report of the Committee, so adopted.

S.F. No. 4: A bill for an act relating to agriculture; increasing minimum ethanol content required for gasoline sold in the state; establishing a petroleum replacement goal; amending Minnesota Statutes 2004, section 239.791, subdivision 1, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 239.

Senate File No. 4 is herewith returned to the Senate.

Albin A. Mathiowetz, Chief Clerk, House of Representatives

Returned May 5, 2005

Mr. President:

I have the honor to announce that the House refuses to concur in the Senate amendments to House File No. 1481:

H.F. No. 1481: A bill for an act relating to government operations; appropriating money for the general legislative and administrative expenses of state government; regulating state and local government operations; modifying provisions related to public employment; ratifying certain labor agreements and compensation plans; regulating elections and campaign finance; regulating Minneapolis teacher pensions; modifying provisions related to the military and veterans; providing conforming amendments; amending Minnesota Statutes 2004, sections 3.011; 3.012; 3.02; 10A.01, subdivisions 5, 21, 23, 26; 10A.025, by adding a subdivision; 10A.071, subdivision 3; 10A.08; 10A.20, subdivisions 2, 5, by adding a subdivision; 10A.27, subdivision 1; 10A.28, subdivision 2; 10A.31, subdivisions 1, 3, 4, 5, 6a; 11A.04; 11A.07, subdivisions 4, 5; 11A.24, subdivision 6; 13.635, by adding a subdivision; 14.19; 15.054; 15B.17, subdivision 1; 16A.103, by adding a subdivision; 16A.1286, subdivisions 2, 3; 16A.152, subdivision 2; 16A.1522, subdivision 1; 16A.281; 16B.52, subdivision 1; 16C.10, subdivision 7; 16C.144; 16C.16, subdivision 1, by adding a subdivision; 16C.23, by adding a subdivision; 43A.183; 43A.23, subdivision 1; 123B.63, subdivision 3; 126C.17, subdivision 11; 190.16, by adding a subdivision; 192.19; 192.261, subdivisions 1, 2; 192.501, subdivision 2; 193.29, subdivision 3; 193.30; 193.31; 197.608, subdivision 5; 200.02, subdivisions 7, 23, by adding a subdivision; 201.022, by adding a subdivision; 201.061, subdivision 3; 201.071, subdivision 1; 201.091, subdivision 5; 203B.01, subdivision 3; 203B.02, subdivision 1; 203B.04, subdivisions 1, 4, by adding a subdivision; 203B.07, subdivision 2; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.20; 203B.21, subdivisions 1, 3; 203B.24, subdivision 1; 204B.10, subdivision 6; 204B.14, subdivision 2; 204B.16, subdivisions 1, 5; 204B.18, subdivision 1; 204B.22, subdivision 3; 204B.27, subdivisions 1, 3; 204B.33; 204C.05, subdivision 1a, by adding a subdivision; 204C.08, subdivision 1; 204C.24, subdivision 1; 204C.28, subdivision 1; 204C.50, subdivisions 1, 2; 204D.03, subdivision 1; 204D.14, subdivision 3; 204D.27, subdivision 5; 205.10, subdivision 3; 205.175, subdivision 2; 205A.05, subdivision 1; 205A.09, subdivision 1; 206.56, subdivisions 2, 3, 7, 8, 9, by adding subdivisions; 206.57, subdivisions 1, 5, by adding a subdivision; 206.58, subdivision 1; 206.61, subdivisions 4, 5; 206.64, subdivision 1; 206.80; 206.81; 206.82, subdivisions 1, 2; 206.83; 206.84, subdivisions 1, 3, 6; 206.85, subdivision 1; 206.90, subdivisions 1, 4, 5, 6, 8, 9; 208.03; 208.04, subdivision 1; 208.05; 208.06; 208.07; 208.08; 211B.01, subdivision 3; 240A.02, subdivision 3; 354A.08; 354A.12, subdivisions 3a, 3b; 358.11; 373.40, subdivision 2; 375.20; 394.25, by adding a subdivision; 447.32, subdivision 4; 458.40; 462.357, by adding a subdivision; 465.82, subdivision 2; 465.84; 469.053, subdivision 5; 469.0724; 469.190, subdivision 5; 471.345, by adding a subdivision; 471.975; 473.147, by adding a subdivision; 475.521, subdivision 2; 475.58, subdivisions 1, 1a; 475.59; 507.093; 507.24, subdivision 2; Laws 2000, chapter 461, article 4, section 4, as amended; proposing coding for new law in Minnesota Statutes, chapters 3; 4; 5; 6; 8; 10A; 14; 15; 15B; 16A; 16B; 16C; 43A; 196; 197; 204D; 205;

205A; 206; 298; 354A; 471; 507; proposing coding for new law as Minnesota Statutes, chapter 471B; repealing Minnesota Statutes 2004, sections 16A.151, subdivision 5; 16A.30; 16B.33; 43A.11, subdivision 2; 197.455, subdivision 3; 204B.22, subdivision 2; 204C.05, subdivisions 1a, 1b; 204C.50, subdivision 7; 205.175; 205A.09; 240A.08; 354A.28; Minnesota Rules, parts 4501.0300, subparts 1, 4; 4501.0500, subpart 4; 4501.0600; 4503.0200, subpart 4; 4503.0300, subpart 2; 4503.0400, subpart 2; 4503.0500, subpart 9; 4503.0800, subpart 1.

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

Seifert, DeLaForest, Blaine, Hilty and Solberg have been appointed as such committee on the part of the House.

House File No. 1481 is herewith transmitted to the Senate with the request that the Senate appoint a like committee.

Albin A. Mathiowetz, Chief Clerk, House of Representatives
Transmitted May 5, 2005

Senator Johnson, D.E., for Senator Kiscaden, moved that the Senate accede to the request of the House for a Conference Committee on H.F. No. 1481, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee appointed on the part of the House. The motion prevailed.

REPORTS OF COMMITTEES

Senator Johnson, D.E. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1908. The motion prevailed.

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

S.F. No. 2160: A bill for an act relating to claims against the state; providing for settlement of various claims; increasing amount of allowable reimbursement for certain damage by inmates; appropriating money; amending Minnesota Statutes 2004, section 3.755.

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

Delete everything after the enacting clause and insert:

"Section 1. [DEPARTMENT OF CORRECTIONS.]

The following amounts are appropriated from the general fund to the commissioner of corrections in fiscal year 2006 as full and final payment of accrued medical bills under Minnesota Statutes, section 3.739, of claims against the state for injuries suffered by and medical services provided to persons injured while performing community service or sentence-to-service work for correctional purposes or while incarcerated in a correctional facility and for reimbursement to a corrections officer for property damaged by an inmate:

- (1) for claims already paid by the department, \$4,938.44;
- (2) for payment to James DeNoyer for permanent injuries suffered while performing work at MCF-Lino Lakes, \$8,000;
- (3) for payment to Brian Dziubak for permanent injuries suffered while performing work at MCF-Stillwater, \$1,875;
- (4) for payment of medical costs related to the injury suffered by Donna Gregory while performing sentence-to-service work in Martin County, \$3,509;

(5) for payment of medical costs related to the injury suffered by Brenden Larsen while performing sentence-to-service work in Dakota County, to the extent those costs are not reimbursed by insurance, \$7,083.29;

(6) for payment of medical costs related to the injury suffered by Diane Pierre while performing sentence-to-service work in Beltrami County, \$6,619.96;

(7) for payment to Stephen Schweiss for permanent injuries suffered while performing sentence-to-service work in Lyon County, \$3,750; and for payment of medical costs related to that injury; \$4,602.23;

(8) for payment of medical costs related to the injury suffered by Merlin Volker while performing community work service in Itasca County, \$4,343.10; and

(9) for payment to David Gustafson as reimbursement for property damaged by an inmate, \$421.21.

Sec. 2. Minnesota Statutes 2004, section 3.755, is amended to read:

3.755 [DAMAGE BY ESCAPING INMATES.]

The Department of Corrections and the Department of Human Services shall pay all claims involving property damage, not covered by insurance, resulting from actions of escaping inmates or runaway patients occurring while making their escape. The departments must verify the reasonableness of the amounts claimed. Upon the approval of the commissioner of human services or the commissioner of corrections as to the institutions under their respective control, the superintendent or chief executive officer of an institution may pay out of the current expense appropriation of the institution to an employee of the institution the amount of any property damage sustained by the employee, not in excess of \$250 \$500, because of action of a patient or inmate of the institution."

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

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

H.F. No. 1915: A bill for an act relating to health; providing an exception to the hospital construction moratorium; amending Minnesota Statutes 2004, section 144.551, subdivision 1.

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

Page 4, delete lines 18 to 35

Page 4, line 36, delete everything before the period and insert:

"(19) a project involving the establishment of a new hospital in the city of Maple Grove that includes 250 or fewer licensed beds and participates in the Medicare and Medicaid programs, by an existing hospital that relocates or redistributes the beds from its current site or adds new licensed beds, and is owned by a nonprofit corporation that is exempt from federal income tax under section (501)(c)(3) of the Internal Revenue Code, or has applied for an exemption. The new hospital's initial inpatient services must include at least medical and surgical services, obstetrical and gynecological services, intensive care services, orthopedics, pediatrics, noninvasive cardiac diagnostics, behavioral health, including mental health services for children and adolescents, and emergency room services. The project applicant must demonstrate, to the satisfaction of the commissioner, the ability of the project applicant to meet the criteria listed in this clause. In making a determination, the commissioner shall weigh each criterion on a 100-point scale according to the points assigned in this clause:

(i) the applicant demonstrates the ability to provide and staff sufficient new beds to meet the growing needs of the Maple Grove service area and the surrounding communities currently served by the applicant, 19 points;

(ii) the hospital will have a significant commitment to providing uncompensated care, including discounts for uninsured patients, coordination with community health centers and other providers of care to low-income uninsured persons, and coordination with other hospitals providing uncompensated care and serving public program participants, 16 points;

(iii) the project's initial mental health services will include, in addition to inpatient behavioral health services, stabilization services for children and adolescents in acute psychiatric crisis, mental health and substance abuse stabilization and referral services, nonovernight children and adolescent observation services, intensive child and adolescent outpatient services, and outpatient chemical dependency services for persons over age 16, 16 points;

(iv) the hospital will be a site for workforce development for a broad spectrum of health care-related occupations and have a commitment to providing clinical training programs for physicians and other health care providers, including, but not limited to, obstetrics and gynecology, pediatrics, psychiatry, and pediatric psychiatry, in coordination with other medical education training programs in the state, nine points;

(v) the applicant has a record of providing high quality health care services, and the proposal demonstrates a commitment to quality care and patient safety, nine points;

(vi) the hospital will operate in clinical coordination with other hospitals in Hennepin County providing additional specialized services at volume levels conducive to the maintenance of high quality care, six points;

(vii) the applicant or a member organization of the nonprofit corporation owns a hospital in which an automated patient medical records system, including physician order entry, has been or is in the process of being implemented, six points;

(viii) the hospital will have a positive impact on the viability of existing providers, including physicians, in the Maple Grove service area, five points;

(ix) the hospital will increase competition in the health care marketplace and will not add to the pressure to consolidate the provision of health care services, five points;

(x) the project will include ambulatory care services colocated with the hospital component of the project, including mental health services, urgent care services, pediatrics, and imaging services, three points;

(xi) the project will provide a broad range of senior services to enable seniors to remain living in the community, three points; and

(xii) the hospital will have a positive impact on the emergency medical services system, including the coordination and provision of trauma services and the licensed emergency ambulance providers currently serving the area, and a positive impact on the continuity of patient emergency medical care, three points.

The exception under this clause is available for the establishment of only one new hospital. Between June 30 and August 1 of 2005, any entity that has a plan for a hospital that has been previously determined by the commissioner to be in the public interest according to section 144.552 and desires to establish a new hospital must submit to the commissioner an application for an exception under this clause. The application must contain the plan, a true copy of the commissioner's determination, any additional relevant evidence not contained in the plan that is supportive of the application, and evidence of compliance with the criteria specified in this clause. The commissioner may request information from an applicant that the commissioner deems necessary and relevant to review an application under this clause. An applicant shall pay the commissioner for the commissioner's cost of reviewing the plan, as determined by the commissioner and notwithstanding section 16A.1283. Money received by the commissioner under this section is appropriated to the commissioner for the purpose of administering this section.

If there is only one applicant, the commissioner shall review the application to determine its

compliance with the criteria. If the commissioner determines that the application complies with the criteria, the commissioner shall issue an order approving the application.

If there is more than one applicant between June 30 and August 1 of 2005, the commissioner shall determine which plan or plans continue to be in the public interest and the applicant's compliance with the criteria. If more than one applicant would meet the criteria, the commissioner shall determine which applicant has demonstrated that it is best able to provide services consistent with the criteria in this clause.

The commissioner shall make this determination by order following a hearing according to this paragraph. The hearing shall not constitute or be considered to be a contested case hearing under chapter 14 and shall be conducted solely under the procedures specified in this paragraph. The hearing shall commence upon at least 30 days' notice to the applicants by the commissioner, but no later than October 15. The hearing may be conducted by the commissioner or by a person designated by the commissioner. The designee may be an administrative law judge. The purpose of the hearing shall be to receive evidence to assist the commissioner in determining which applicant has demonstrated that it best meets the criteria in this clause.

The parties to the hearing shall consist only of those applicants who have submitted a completed application that the commissioner has determined would be in the public interest. Each applicant shall have the right to be represented by counsel, to present evidence deemed relevant by the commissioner, and to examine and cross-examine witnesses. Persons who are not parties to the proceeding but who wish to present comments or submit information may do so in the manner determined by the commissioner or the commissioner's designee. Any person who is not a party shall have no right to examine or cross-examine witnesses. The commissioner may participate as an active finder of fact in the hearing and may ask questions to elicit information or clarify answers or responses.

Notwithstanding section 16A.1283, applicants who are a party to the hearing shall pay the cost of the hearing, as determined by the commissioner. The cost of the hearing shall be divided equally among the applicants. Money received by the commissioner under this clause is appropriated to the commissioner for the purpose of administering this clause.

The commissioner shall issue an order approving an application within 90 days following the closing of the record of the hearing as determined by the hearing officer. The hearing officer must close the record by November 15. The commissioner's order shall include a statement of the reasons the application best meets the criteria of this clause. Prior to making a determination approving an application, the commissioner shall, through a process announced by the commissioner, accept comments from members of the public in the service area for the new hospital. The commissioner shall take this information into consideration in making the determination.

The Minnesota Court of Appeals has original jurisdiction over an action challenging the commissioner's determination and shall expedite the resolution of the action"

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

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

H.F. No. 847: A bill for an act relating to game and fish; modifying purchasing requirements; modifying certain definitions; providing for special fish management tags; specifying status of and regulating stands and blinds on public lands; modifying authority to take animals causing damage; modifying use of scopes and laser sights by visually impaired hunters; modifying certain license requirements; modifying restrictions on taking waterfowl and big game; authorizing rulemaking; modifying requirements for field training hunting dogs; modifying certain seasons; modifying trapping provisions; modifying period for treeing raccoons; prohibiting computer-assisted remote hunting; modifying restrictions on decoys; modifying disposition of state hatchery products; permitting use of silencers for wildlife control; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue

certain orders; amending Minnesota Statutes 2004, sections 84.025, subdivision 10; 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045, subdivision 1, by adding a subdivision; 97A.401, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.435, subdivisions 2, 4; 97A.441, subdivision 7; 97A.451, subdivisions 3, 5; 97A.475, subdivisions 7, 16; 97A.485, subdivision 9; 97A.551, by adding a subdivision; 97B.005, subdivisions 1, 3; 97B.025; 97B.031, subdivisions 1, 5; 97B.111, subdivision 2; 97B.621, subdivision 2; 97B.655, subdivision 2; 97B.711, subdivision 1; 97B.803; 97B.805, subdivision 1; 97B.811, subdivisions 3, 4a; 97C.203; 97C.327; 97C.345, subdivision 2; 97C.395, subdivision 1; 97C.401, subdivision 2; 97C.825, subdivision 5; 609.66, subdivisions 1h, 2; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2004, section 84.027, subdivision 13, is amended to read:

Subd. 13. [GAME AND FISH RULES.] (a) The commissioner of natural resources may adopt rules under sections 97A.0451 to 97A.0459 and this subdivision that are authorized under:

(1) chapters 97A, 97B, and 97C to set open seasons and areas, to close seasons and areas, to select hunters for areas, to provide for tagging and registration of game and fish, to prohibit or allow taking of wild animals to protect a species, to prevent or control wildlife disease, and to prohibit or allow importation, transportation, or possession of a wild animal;

(2) sections 84.093, 84.15, and 84.152 to set seasons for harvesting wild ginseng roots and wild rice and to restrict or prohibit harvesting in designated areas; and

(3) section 84D.12 to designate prohibited invasive species, regulated invasive species, unregulated nonnative species, and infested waters.

(b) If conditions exist that do not allow the commissioner to comply with sections 97A.0451 to 97A.0459, the commissioner may adopt a rule under this subdivision by submitting the rule to the attorney general for review under section 97A.0455, publishing a notice in the State Register and filing the rule with the secretary of state and the Legislative Coordinating Commission, and complying with section 97A.0459, and including a statement of the emergency conditions and a copy of the rule in the notice. The notice may be published after it is received from the attorney general or five business days after it is submitted to the attorney general, whichever is earlier.

(c) Rules adopted under paragraph (b) are effective upon publishing in the State Register and may be effective up to seven days before publishing and filing under paragraph (b), if:

(1) the commissioner of natural resources determines that an emergency exists;

(2) the attorney general approves the rule; and

(3) for a rule that affects more than three counties the commissioner publishes the rule once in a legal newspaper published in Minneapolis, St. Paul, and Duluth, or for a rule that affects three or fewer counties the commissioner publishes the rule once in a legal newspaper in each of the affected counties.

(d) Except as provided in paragraph (e), a rule published under paragraph (c), clause (3), may not be effective earlier than seven days after publication.

(e) A rule published under paragraph (c), clause (3), may be effective the day the rule is published if the commissioner gives notice and holds a public hearing on the rule within 15 days before publication.

(f) The commissioner shall attempt to notify persons or groups of persons affected by rules adopted under paragraphs (b) and (c) by public announcements, posting, and other appropriate means as determined by the commissioner.

(g) Notwithstanding section 97A.0458, a rule adopted under this subdivision is effective for the period stated in the notice but not longer than 18 months after the rule is adopted.

Sec. 2. Minnesota Statutes 2004, section 97A.015, subdivision 29, is amended to read:

Subd. 29. [MINNOWS.] "Minnows" means: (1) members of the minnow family, Cyprinidae, except carp and goldfish; (2) members of the mudminnow family, Umbridae; (3) members of the sucker family, Catostomidae, not over 12 inches in length; (4) bullheads, ciscoes, lake whitefish, goldeyes, and mooneyes, not over seven inches long; ~~and~~ (5) leeches; and (6) tadpole madtoms (willow cats) and stonecats.

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

Sec. 3. Minnesota Statutes 2004, section 97A.015, subdivision 49, is amended to read:

Subd. 49. [UNDRESSED BIRD.] "Undressed bird" means:

(1) a bird, excluding migratory waterfowl, pheasant, Hungarian partridge, turkey, or grouse, with feet and feathered head intact;

(2) a migratory waterfowl, excluding geese, with a fully feathered wing and head attached;

(3) a pheasant, Hungarian partridge, turkey, or grouse with one leg and foot or the fully feathered head or wing intact; or

(4) a goose with a fully feathered wing attached.

Sec. 4. Minnesota Statutes 2004, section 97A.045, subdivision 1, is amended to read:

Subdivision 1. [DUTIES; GENERALLY.] The commissioner shall do all things the commissioner determines are necessary to preserve, protect, and propagate desirable species of wild animals. The commissioner shall make special provisions for the management of fish and wildlife to ensure recreational opportunities for anglers and hunters. The commissioner shall acquire wild animals for breeding or stocking and may dispose of or destroy undesirable or predatory wild animals and their dens, nests, houses, or dams.

Sec. 5. Minnesota Statutes 2004, section 97A.401, subdivision 5, is amended to read:

Subd. 5. [WILD ANIMALS DAMAGING PROPERTY.] Special permits may be issued with or without a fee to take protected wild animals that are damaging property or to remove or destroy their dens, nests, houses, or dams. A special permit issued under this subdivision to take beaver must state the number to be taken.

Sec. 6. Minnesota Statutes 2004, section 97A.405, subdivision 4, is amended to read:

Subd. 4. [REPLACEMENT LICENSES.] (a) ~~The commissioner may permit licensed firearms deer hunters to change zone, license, or season options before the regular firearms deer season begins. The commissioner may issue a replacement license if the applicant submits the original firearms deer license and unused tags that is are being replaced and the applicant pays any increase in cost between the original and the replacement license. When a person submits both an archery and a firearms license for replacement, the commissioner may apply the value of both licenses towards the replacement license fee.~~

(b) A replacement license may be issued only if the applicant has not used any tag from the original license and meets the conditions of paragraph (c). The original license and all unused tags for that license must be submitted to the issuing agent at the time the replacement license is issued.

(c) A replacement license may be issued under the following conditions, or as otherwise prescribed by rule of the commissioner:

(1) when the season for the license being surrendered has not yet opened; or

(2) when the person is upgrading from a regular firearms or archery deer license to a deer license that is valid in multiple zones.

(d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid immediately upon issuance if the license being surrendered is valid at that time.

Sec. 7. Minnesota Statutes 2004, section 97A.405, is amended by adding a subdivision to read:

Subd. 5. [RESIDENT LICENSES.] To obtain a resident license, a resident 21 years of age or older must:

- (1) possess a current Minnesota driver's license;
- (2) possess a current identification card issued by the commissioner of public safety; or
- (3) present evidence showing proof of residency in cases when clause (1) or (2) would violate the Religious Freedom Restoration Act of 1993, Public Law 103-141.

Sec. 8. Minnesota Statutes 2004, section 97A.435, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] Persons eligible for a turkey license shall be determined by this section and commissioner's rule. A person is eligible for a turkey license only if the person is at least age 16 before the season opens or, possesses a firearms safety certificate, or, if under age 12, is accompanied by a parent or guardian. Persons under age 12 must be within arm's reach of their parent or guardian while hunting.

Sec. 9. Minnesota Statutes 2004, section 97A.441, subdivision 7, is amended to read:

Subd. 7. [OWNERS OR TENANTS OF AGRICULTURAL LAND.] (a) The commissioner may issue, without a fee, a license to take an antlerless deer to a person who is an owner or tenant and is living and actively farming on at least 80 acres of agricultural land, as defined in section 97B.001, in deer permit areas that have deer archery licenses to take additional deer under section 97B.301, subdivision 4. A person may receive only one license per year under this subdivision. For properties with co-owners or cotenants, only one co-owner or cotenant may receive a license under this subdivision per year. The license issued under this subdivision is restricted to the land owned or leased for agricultural purposes or owned by the holder of the license within the permit area where the qualifying land is located. The holder of the license may transfer the license to the holder's spouse or dependent. Notwithstanding sections 97A.415, subdivision 1, and 97B.301, subdivision 2, the holder of the license may purchase an additional license for taking deer and may take an additional deer under that license.

(b) A person who obtains a license under paragraph (a) must allow public deer hunting on their land during that deer hunting season, with the exception of the first Saturday and Sunday during the deer hunting season applicable to the license issued under section 97A.475, subdivision 2, clauses (4) and (13).

Sec. 10. Minnesota Statutes 2004, section 97A.451, subdivision 3, is amended to read:

Subd. 3. [RESIDENTS UNDER AGE 16; SMALL GAME.] (a) A resident under age 16 may not obtain a small game license but may take small game by firearms or bow and arrow without a license if the resident is:

- (1) age 14 or 15 and possesses a firearms safety certificate;
- (2) age 13, possesses a firearms safety certificate, and is accompanied by a parent or guardian;
or
- (3) age 12 or under and is accompanied by a parent or guardian.

(b) A resident under age 16 may take small game by trapping without a small game license, but a resident 13 years of age or older must have a trapping license. A resident under age 13 may trap without a trapping license, but may not trap fisher, otter, bobcat, or pine marten unless the resident is at least age eight.

(c) A resident under age 12 may apply for a turkey license and may take a turkey without a firearms safety certificate if they are supervised by an adult parent or guardian who has a firearms safety certificate and who is within arm's reach at all times while hunting.

Sec. 11. Minnesota Statutes 2004, section 97A.465, is amended by adding a subdivision to read:

Subd. 5. [PREFERENCE TO SERVICE MEMBERS.] (a) For purposes of this subdivision:

(1) "qualified service member or veteran" means a Minnesota resident who is currently serving, or has served at any time during the past 24 months, in active service as a member of the United States armed forces, including the National Guard or other military reserves; and

(2) "active service" means service defined under section 190.05, subdivision 5b or 5c.

(b) Notwithstanding any other provision of this chapter, chapter 97B or 97C, or administrative rules, the commissioner may give first preference to qualified service members or veterans in any drawing or lottery involving the selection of applicants for hunting or fishing licenses, permits, and special permits. This subdivision does not apply to licenses or permits for taking moose, elk, or prairie chickens. Actions of the commissioner under this subdivision are not rules under the Administrative Procedures Act and section 14.386 does not apply.

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

Sec. 12. Minnesota Statutes 2004, section 97B.005, subdivision 3, is amended to read:

Subd. 3. [PERMITS FOR ORGANIZATIONS AND INDIVIDUALS TO USE GAME BIRDS AND FIREARMS.] (a) The commissioner may issue special permits, without a fee, to organizations and individuals to use firearms and live ammunition on domesticated birds or banded game birds from game farms.

(b) Permits for holding field trials and may be issued to organizations. The permit shall specify the dates and locations of the field trial. The commissioner may limit the number of dates approved for any organization.

(c) Permits for training hunting dogs may be issued to an individual.

(d) Domesticated birds, other than pigeons, and game farm birds used for trials or training under this section must be clearly marked with dye or a streamer attached to a leg in a manner that makes them visually identifiable prior to being taken.

Sec. 13. Minnesota Statutes 2004, section 97B.025, is amended to read:

97B.025 [HUNTER AND TRAPPER EDUCATION.]

(a) The commissioner may establish education courses for hunters and trappers. The commissioner shall collect a fee from each person attending a course. A fee shall be collected for issuing a duplicate certificate. The commissioner shall establish the fees in a manner that neither significantly overrecovers nor underrecovers costs, including overhead costs, involved in providing the services. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner may establish the fees notwithstanding section 16A.1283. The fees shall be deposited in the game and fish fund and the amount thereof is appropriated annually to the Enforcement Division of the Department of Natural Resources for the administration of the program. In addition to the fee established by the commissioner for each course, instructors may charge each person up to the established fee amount for class materials and expenses. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training.

(b) The commissioner shall enter into an agreement with a statewide nonprofit trappers association to conduct a trapper education program. At a minimum, the program must include at least six hours of classroom, electronic, or correspondence instruction and in the field training.

The program must include a review of state trapping laws and regulations, trapping ethics, the setting and tending of traps and snares, tagging and registration requirements, and the preparation of pelts. The association shall issue a certificate to persons who complete the program. The association shall be responsible for all costs of conducting the education program, and shall not charge any fee for attending the course.

Sec. 14. [97B.026] [TRAPPER EDUCATION CERTIFICATE REQUIREMENT.]

A person born after December 31, 1989, and who has not been issued a trapping license in a previous license year, may not obtain a trapping license unless the person has been issued a trapper education certificate under section 97B.025, paragraph (b).

[EFFECTIVE DATE.] This section is effective March 1, 2007.

Sec. 15. Minnesota Statutes 2004, section 97B.031, subdivision 5, is amended to read:

Subd. 5. [SCOPES; VISUALLY IMPAIRED HUNTERS.] (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who obtains the required licenses and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in writing by a licensed physician, ophthalmologist, or optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner may, in consultation with appropriate advocacy groups, establish reasonable minimum standards for permits to be issued under this subdivision.

(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.

(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(e) (f) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

Sec. 16. Minnesota Statutes 2004, section 97B.111, subdivision 2, is amended to read:

Subd. 2. [PERMIT FOR ORGANIZATION.] (a) The commissioner may issue a special permit without a fee to a nonprofit organization to provide an assisted hunting opportunity to physically disabled hunters. The assisted hunting opportunity may take place:

- (1) in areas designated by the commissioner under subdivision 1; or
- (2) on private property or a licensed shooting preserve.

(b) The sponsoring organization shall provide a physically capable person to assist each disabled hunter with safety-related aspects of hunting and, notwithstanding section 97B.081, a person with a physical disability who is totally blind may use laser sights.

(c) The commissioner may impose reasonable permit conditions.

Sec. 17. [97B.115] [COMPUTER-ASSISTED REMOTE HUNTING PROHIBITION.]

No person shall operate, provide, sell, use or offer to operate, provide, sell or use any computer software or service that allows a person, not physically present at the site, to remotely control a weapon that could be used to take any wild animal by remote operation, including, but not limited to, weapons or devices set up to fire through the use of the Internet or through a remote control device.

Sec. 18. Minnesota Statutes 2004, section 97B.625, subdivision 2, is amended to read:

Subd. 2. [~~PERMIT REQUIRED TO USE OF A SNARE.~~] A person may not use a snare to take lynx or bobcat ~~except under a permit from, as prescribed by the commissioner, without a permit.~~

Sec. 19. Minnesota Statutes 2004, section 97B.631, subdivision 2, is amended to read:

Subd. 2. [~~PERMIT REQUIRED TO USE OF A SNARE.~~] A person may not use a snare to take fox ~~except under a permit from, as prescribed by the commissioner, without a permit.~~

Sec. 20. Minnesota Statutes 2004, section 97B.655, subdivision 2, is amended to read:

Subd. 2. [~~SPECIAL PERMIT FOR TAKING PROTECTED WILD ANIMALS.~~] The commissioner may issue special permits under section 97A.401, subdivision 5, to take protected wild animals that are damaging property or to remove or destroy their dens, nests, houses, or dams.

Sec. 21. Minnesota Statutes 2004, section 97B.711, subdivision 1, is amended to read:

Subdivision 1. [~~SEASONS FOR CERTAIN UPLAND GAME BIRDS.~~] (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and ~~December 31~~ January 3 for:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken;
- (6) gray partridge;
- (7) bob-white quail; and
- (8) turkey.

(b) The commissioner may by rule prescribe an open season for turkey in the spring.

Sec. 22. Minnesota Statutes 2004, section 97B.803, is amended to read:

97B.803 [~~MIGRATORY WATERFOWL SEASONS AND LIMITS.~~]

(a) The commissioner shall prescribe seasons, limits, and areas for taking migratory waterfowl in accordance with federal law.

(b) The regular duck season may not open before the Saturday closest to October 1.

Sec. 23. Minnesota Statutes 2004, section 97B.805, subdivision 1, is amended to read:

Subdivision 1. [~~HUNTER MUST BE CONCEALED.~~] (a) A person may not take migratory waterfowl, coots, or rails in open water unless the person is:

- (1) within a natural growth of vegetation sufficient to partially conceal the person or boat; or
- (2) on a river or stream that is not more than 100 yards in width; or

(3) pursuing or shooting wounded birds.

(b) A person may not take migratory waterfowl, coots, or rails in public waters from a permanent artificial blind or sink box.

Sec. 24. Minnesota Statutes 2004, section 97B.811, subdivision 4a, is amended to read:

Subd. 4a. [RESTRICTIONS ON CERTAIN MOTORIZED DECOYS.] From the opening day of the duck season through the Saturday nearest October 8, a person may not use a motorized decoy ~~on public waters with visible, moving parts that are above the water surface, or other motorized device designed to attract migratory birds, to take migratory waterfowl, other than geese.~~ During the remainder of the duck season, the commissioner may, by rule, designate all or any portion of a wetland or lake closed to the use of motorized decoys or motorized devices designed to attract migratory birds. On water bodies and lands fully contained within wildlife management area boundaries, a person may not use motorized decoys or motorized devices designed to attract migratory birds at any time during the duck season.

Sec. 25. Minnesota Statutes 2004, section 97C.203, is amended to read:

97C.203 [DISPOSAL OF STATE HATCHERY EGGS OR FRY PRODUCTS.]

The commissioner shall dispose of ~~game fish eggs and fry~~ fish hatchery products according to the following order of priorities:

(1) distribution of fish eggs and fry to state hatcheries to hatch fry or raise fingerlings for stocking waters of the state for recreational fishing;

(2) transfer to other government agencies in exchange for fish or wildlife resources of equal value or private fish hatcheries in exchange for fish to be stocked in waters of the state for recreational fishing;

(3) ~~sale of fish eggs and fry~~ to private fish hatcheries or licensed aquatic farms at a price not less than the fair wholesale market value, established as the average price charged at the state's private hatcheries and contiguous states per volume rates; ~~and~~

(4) transfer to other government agencies, colleges, or universities for cooperative fish management and research purposes; and

(5) sale of not more than \$25 fair market value to any school, museum, or commercial enterprise for curriculum implementation, educational programs, public exhibition, or cooperative displays.

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

Sec. 26. Minnesota Statutes 2004, section 97C.327, is amended to read:

97C.327 [MEASUREMENT OF FISH LENGTH.]

For the purpose of determining compliance with size limits for fish in this chapter or in rules of the commissioner, the length of a fish must be measured from the tip of the nose or jaw, whichever is longer, to the farthest tip of the tail when fully extended.

Sec. 27. Minnesota Statutes 2004, section 97C.345, subdivision 2, is amended to read:

Subd. 2. [POSSESSION.] (a) Except as specifically authorized, a person may not possess a spear, fish trap, net, dip net, seine, or other device capable of taking fish on or near any waters. Possession includes personal possession and in a vehicle.

(b) A person may possess spears, dip nets, bows and arrows, and spear guns allowed under section 97C.381 on or near waters between sunrise and sunset from May 1 to the ~~third~~ last Sunday in February, or as otherwise prescribed by the commissioner.

Sec. 28. Minnesota Statutes 2004, section 97C.395, subdivision 1, is amended to read:

Subdivision 1. [DATES FOR CERTAIN SPECIES.] (a) The open seasons to take fish by angling are as follows:

(1) for walleye, sauger, northern pike, muskellunge, largemouth bass, and smallmouth bass, the Saturday two weeks prior to the Saturday of Memorial Day weekend to the ~~third~~ last Sunday in February;

(2) for lake trout, from January 1 to October 31;

(3) for brown trout, brook trout, rainbow trout, and splake, between January 1 to October 31 as prescribed by the commissioner by rule except as provided in section 97C.415, subdivision 2; and

(4) for salmon, as prescribed by the commissioner by rule.

(b) The commissioner shall close the season in areas of the state where fish are spawning and closing the season will protect the resource.

Sec. 29. Minnesota Statutes 2004, section 97C.401, subdivision 2, is amended to read:

Subd. 2. [WALLEYE; NORTHERN PIKE.] (a) Except as provided in ~~paragraphs~~ paragraph (b) ~~and (e)~~, a person may ~~not~~ take ~~no~~ more than one walleye larger than ~~24~~ 20 inches and one northern pike larger than 30 inches daily.

(b) The restrictions in paragraph (a) do not apply to boundary waters.

~~(c) On Lake of the Woods, a person may take no more than one walleye larger than 19.5 inches and one northern pike larger than 36 inches daily.~~

[EFFECTIVE DATE.] This section is effective March 1, 2006.

Sec. 30. Minnesota Statutes 2004, section 97C.825, subdivision 5, is amended to read:

Subd. 5. [NET LIMITS FOR LAKE OF THE WOODS AND RAINY LAKE.] (a) The maximum amount of nets permitted to be licensed shall be:

~~(a) (1) in Lake of the Woods, 50-pound nets, 80,000 feet of gill nets or 160 submerged trap nets, and 80 fyke or staked trap nets. Licenses for submerged trap nets may be issued instead of licenses for gill nets in the ratio of not more than one submerged trap net per 500 feet of gill net, and the maximum permissible amount of gill nets shall be reduced by 500 feet for each submerged trap net licensed; and~~

~~(b) (2) in Rainy Lake, 20-pound nets and 20,000 feet of gill nets.~~

~~(c) When a licensee has had a license revoked or surrendered, the commissioner shall not be required to issue licenses for the amount of netting previously authorized under the revoked or surrendered license.~~

~~(d) (b) Commercial fishing may be prohibited in the Minnesota portions of international waters when it is prohibited in the international waters by Canadian authorities.~~

~~(e) The commissioner may adopt rules to limit the total amount of game fish taken by commercial fishing operators in Lake of the Woods in any one season and shall apportion the amount to each licensee in accordance with the number and length of nets licensed.~~

Sec. 31. [CONFORMING CHANGES; RULES.]

The commissioner may use the good cause exemption under Minnesota Statutes, section 14.388, subdivision 1, clause (3), to amend rules to conform to sections 26 and 28. Minnesota Statutes, section 14.386, does not apply to the rulemaking under this section except to the extent provided under Minnesota Statutes, section 14.388.

Sec. 32. [REPEALER.]

(a) Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; and 97C.825, subdivisions 6, 7, 8, and 9, are repealed.

(b) Minnesota Rules, part 6234.2300, subparts 2 and 3, are repealed."

Delete the title and insert:

"A bill for an act relating to natural resources; modifying game and fish law provisions; modifying authority to take animals causing damage; modifying the use of scopes by visually impaired hunters; modifying certain license requirements; providing for trapper education requirements; providing preference for military members who were on active service; prohibiting computer-assisted remote hunting; eliminating the permit requirement to take lynx, bobcat, and fox with a snare; modifying certain seasons; modifying restrictions on taking waterfowl; authorizing rulemaking; modifying requirements for field training hunting dogs; modifying restrictions on decoys; modifying disposition of state hatchery products; modifying fishing and commercial fishing provisions; repealing authority for the Mississippi River Fish Refuge; repealing authority to issue certain orders; amending Minnesota Statutes 2004, sections 84.027, subdivision 13; 97A.015, subdivisions 29, 49; 97A.045, subdivision 1; 97A.401, subdivision 5; 97A.405, subdivision 4, by adding a subdivision; 97A.435, subdivision 2; 97A.441, subdivision 7; 97A.451, subdivision 3; 97A.465, by adding a subdivision; 97B.005, subdivision 3; 97B.025; 97B.031, subdivision 5; 97B.111, subdivision 2; 97B.625, subdivision 2; 97B.631, subdivision 2; 97B.655, subdivision 2; 97B.711, subdivision 1; 97B.803; 97B.805, subdivision 1; 97B.811, subdivision 4a; 97C.203; 97C.327; 97C.345, subdivision 2; 97C.395, subdivision 1; 97C.401, subdivision 2; 97C.825, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing Minnesota Statutes 2004, sections 88.27; 97B.005, subdivision 4; 97B.935; 97C.015; 97C.403; 97C.825, subdivisions 6, 7, 8, 9; Minnesota Rules, part 6234.2300, subparts 2, 3."

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

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

S.F. No. 630: A bill for an act relating to civil law; reforming law relating to child support; establishing criteria for support obligations; defining parents' rights and responsibilities; appropriating money; amending Minnesota Statutes 2004, sections 518.005, by adding a subdivision; 518.54, subdivisions 7, 8; 518.55, subdivision 4; 518.551, subdivisions 5, 5b; 518.62; 518.64, subdivision 2, by adding subdivisions; 518.68, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 2004, sections 518.171; 518.54, subdivisions 2, 4, 4a; 518.551, subdivisions 1, 5a, 5c, 5f.

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

Page 1, after line 14, insert:

"Section 1. Minnesota Statutes 2004, section 357.021, subdivision 1a, is amended to read:

Subd. 1a. [TRANSMITTAL OF FEES TO COMMISSIONER OF FINANCE.] (a) Every person, including the state of Minnesota and all bodies politic and corporate, who shall transact any business in the district court, shall pay to the court administrator of said court the sundry fees prescribed in subdivision 2. Except as provided in paragraph (d), the court administrator shall transmit the fees monthly to the commissioner of finance for deposit in the state treasury and credit to the general fund.

(b) In a county which has a screener-collector position, fees paid by a county pursuant to this subdivision shall be transmitted monthly to the county treasurer, who shall apply the fees first to reimburse the county for the amount of the salary paid for the screener-collector position. The balance of the fees collected shall then be forwarded to the commissioner of finance for deposit in the state treasury and credited to the general fund. In a county in a judicial district under section

480.181, subdivision 1, paragraph (b), which has a screener-collector position, the fees paid by a county shall be transmitted monthly to the commissioner of finance for deposit in the state treasury and credited to the general fund. A screener-collector position for purposes of this paragraph is an employee whose function is to increase the collection of fines and to review the incomes of potential clients of the public defender, in order to verify eligibility for that service.

(c) No fee is required under this section from the public authority or the party the public authority represents in an action for:

(1) child support enforcement or modification, medical assistance enforcement, or establishment of parentage in the district court, or in a proceeding under section 484.702;

(2) civil commitment under chapter 253B;

(3) the appointment of a public conservator or public guardian or any other action under chapters 252A and 525;

(4) wrongfully obtaining public assistance under section 256.98 or 256D.07, or recovery of overpayments of public assistance;

(5) court relief under chapter 260;

(6) forfeiture of property under sections 169A.63 and 609.531 to 609.5317;

(7) recovery of amounts issued by political subdivisions or public institutions under sections 246.52, 252.27, 256.045, 256.25, 256.87, 256B.042, 256B.14, 256B.15, 256B.37, 260B.331, and 260C.331, or other sections referring to other forms of public assistance;

(8) restitution under section 611A.04; or

(9) actions seeking monetary relief in favor of the state pursuant to section 16D.14, subdivision 5.

(d) ~~The fees \$20 from each fee collected for child support modifications under subdivision 2, clause (13), must be transmitted to the county treasurer for deposit in the county general fund and \$35 from each fee shall be credited to the state general fund.~~ The fees must be used by the county to pay for child support enforcement efforts by county attorneys.

Sec. 2. Minnesota Statutes 2004, section 357.021, subdivision 2, is amended to read:

Subd. 2. [FEE AMOUNTS.] The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$235.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of \$235.

The party requesting a trial by jury shall pay \$75.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$10, and \$5 for an uncertified copy.

- (3) Issuing a subpoena, \$12 for each name.
- (4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, \$55.
- (5) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$40.
- (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$30.
- (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.
- (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.
- (9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, \$5.
- (10) For the filing of each partial, final, or annual account in all trusteeships, \$40.
- (11) For the deposit of a will, \$20.
- (12) For recording notary commission, \$100, of which, notwithstanding subdivision 1a, paragraph (b), \$80 must be forwarded to the commissioner of finance to be deposited in the state treasury and credited to the general fund.
- (13) Filing a motion or response to a motion for modification of child support, a fee fixed by rule or order of the Supreme Court of \$55.
- (14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.
- (15) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (5) need not be paid by a public authority or the party the public authority represents."

Page 1, line 20, delete "\$....." and insert "\$50."

Page 62, line 6, delete the first "\$....." and insert "\$860,000" and delete the second "\$....." and insert "\$1,350,000"

Page 62, line 13, delete "\$....." and insert "\$1,350,000."

Page 62, line 14, delete "\$....." and insert "\$1,320,000"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "increasing fees related to marriage and child support;"

Page 1, line 6, after "sections" insert "357.021, subdivisions 1a, 2;"

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

Senator Betzold from the Committee on Judiciary, to which was re-referred

S.F. No. 1908: A bill for an act relating to natural resources; establishing the Shooting Range Protection Act; requiring expedited rulemaking; proposing coding for new law as Minnesota Statutes, chapter 87A.

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

Page 4, line 6, after the first comma, insert "or as provided in paragraph (b),"

Page 4, line 13, after "structure" insert "subject to this section" and delete "under this section"

Page 4, line 14, after "seeking" insert "the" and after "approval" insert "or, at the discretion of the governing body, the approving authority"

Page 4, line 15, delete everything after the period

Page 4, delete lines 16 and 17

Page 4, line 18, delete everything before "The" and after "requesting" insert "an"

Page 4, line 19, delete "under" and insert "subject to"

Page 4, line 22, after "being" insert "found"

Page 4, line 25, before the period, insert "if the failure to provide the documentation or required mitigation is the sole basis for the range being out of compliance with the shooting range performance standards"

Page 5, line 3, before the period, insert ", as in effect on the effective date of this act"

Page 5, line 11, after "action" insert "for damages or equitable relief"

Page 5, line 13, delete everything after "prohibit" and insert "other actions."

Page 5, delete lines 14 to 16

Page 5, line 24, before the period, insert "by a court of competent jurisdiction"

Page 6, line 21, after the period, insert "Nothing in this chapter shall supersede more restrictive conditions imposed by ordinances and permits that are in effect on the effective date of this section."

And when so amended the bill do pass.

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

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

S.F. No. 1298: A bill for an act relating to environment; enacting the Minnesota Electronics Recycling Act of 2005; authorizing rulemaking; providing penalties; amending Minnesota Statutes 2004, section 16C.03, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116F.

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

Page 2, line 16, before the period, insert "and may charge a fee of no more than \$5"

Page 3, line 30, after the period, insert "The term "video display device" does not include a video display device that is part of or contained in a motor vehicle; industrial, commercial, or medical equipment; or any appliance."

Page 3, line 32, delete "person" and insert "retailer or manufacturer"

Page 4, lines 5 and 8, delete "person" and insert "retailer or manufacturer"

Page 4, line 9, delete "(h)" and insert "(i)"

Page 4, line 10, delete "person" and insert "retailer or manufacturer"

Page 4, line 15, after the period, insert "A retailer is not responsible for an unlawful sale under this paragraph if the registration expired or was revoked and the retailer took possession of the video display device prior to the expiration or revocation of the registration and the unlawful sale occurred within six months after the expiration or revocation."

Page 4, line 20, delete "(m)" and insert "(n)"

Page 4, delete lines 35 and 36

Page 5, delete lines 1 and 2 and insert:

"(f) Each manufacturer who registers under this section must pay to the office an annual fee, which must be deposited in the state treasury and credited to an electronic waste account established in the environmental fund. The fee is equal to \$2,000 multiplied by the manufacturer's pro rata share of video display devices as determined under section 116H.55, subdivision 12. A manufacturer registered under this section whose pro rata share is less than 0.25 percent must pay a minimum fee of \$500. Money in the electronic waste account is appropriated to the office for the purpose of administering the program.

(g) The office shall develop procedures to administer and implement the registration program under this section and shall present them to the legislature by January 15, 2006."

Page 5, line 3, delete "(g)" and insert "(h)"

Page 5, line 9, delete "(h)" and insert "(i)"

Page 5, line 14, delete "(i)" and insert "(j)"

Page 5, line 18, delete "(j)" and insert "(k)"

Page 5, line 22, delete "such persons" and insert "they"

Page 5, line 25, delete "(k)" and insert "(l)"

Page 5, line 28, delete everything after the period

Page 5, delete lines 29 and 30

Page 5, line 31, delete everything before "Nothing"

Page 5, line 32, delete "such" and insert "video display recycling" and after "programs" insert "that are in addition to those provided by manufacturers or registrants"

Page 5, line 35, delete "(l)" and insert "(m)"

Page 6, lines 9 and 17, delete "such" and insert "the"

Page 6, line 27, delete "(m)" and insert "(n)"

Page 6, line 35, delete everything after "to" and insert "procedures developed under paragraph (g), and be"

Page 6, line 36, delete everything before the period and insert "capable of consolidating a full truckload of video display devices from households in accordance with all applicable federal, state, and local laws, rules, regulations, and ordinances; and

(2) arrange for the pickup and recycling of the registrant's pro rata share of orphan waste by

weight from intermediate consolidation points, pursuant to procedures developed under paragraph (g)" and before "Registrants" insert:

"(o)"

Page 7, line 12, delete the semicolon and insert a period

Page 7, delete lines 13 to 26

Page 7, line 27, delete "(n)" and insert "(p)" and delete "(l)" and insert "(m)"

Page 8, line 17, delete "(l)" and insert "(m)"

Page 8, line 29, delete "(1)" and insert "(e)"

Page 9, line 7, delete "(2)" and insert "(f)" and delete "by rule by May 1, 2006" and insert "under section 116H.60, paragraph (g)"

Page 9, line 14, delete "(m)" and insert "(n)"

Page 9, line 18, delete "(3)" and insert "(g)"

Page 9, delete lines 32 and 33

Page 10, lines 20 to 23, delete the new language

Page 10, line 24, delete everything before "If"

Amend the title as follows:

Page 1, lines 3 and 4, delete "authorizing rulemaking;"

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

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

S.F. No. 1542: A bill for an act relating to motor carriers; allowing transportation of equestrian equipment in recreational vehicle combination; regulating maximum axle weights allowed on highways; establishing oversize permit fee for manufactured storage buildings; authorizing issuance of permits for certain three-unit and two-unit vehicles between Grand Rapids and Duluth; abolishing certain rules relating to motor carriers; amending Minnesota Statutes 2004, sections 169.01, subdivision 78; 169.81, subdivision 3c; 169.8261; 169.851, subdivision 5; 169.86, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 169; repealing Minnesota Rules, parts 7800.0600; 7800.3200, subpart 1; 7805.0700; 8850.6900, subpart 20; 8855.0500, subpart 1.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S.F. No. 966: A bill for an act relating to government data practices; providing a maximum copy fee for certain copies of data; amending Minnesota Statutes 2004, section 13.03, subdivision 3.

Reports the same back with the recommendation that the bill do pass. Report adopted.

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

S.F. No. 1211: A bill for an act relating to child protection; providing for a background check of an individual being considered as a custodian; modifying requirements for adoption consents and placement resources for children who are in the legal custody of a social services agency;

amending Minnesota Statutes 2004, sections 259.24, subdivisions 1, 2a, 5, 6a; 260C.201, subdivision 11; 260C.212, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 260C.

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

Page 17, after line 16, insert:

"Sec. 8. [APPROPRIATION.]

\$57,000 is appropriated from the general fund to the commissioner of human services to carry out the duties imposed by this act. \$43,000 is available for the fiscal year ending June 30, 2006, and \$14,000 is available for the fiscal year ending June 30, 2007."

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "appropriating money;"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2160, 630, 1298, 1542, 966 and 1211 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1915 and 847 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Johnson, D.E. introduced--

Senate Resolution No. 96: A Senate resolution recognizing Minnesota's unique role in 75 years of Independent Community Banking.

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.

Senator Cohen introduced--

S.F. No. 2289: A bill for an act relating to state government; eliminating certain unclassified positions; reducing appropriations; amending Minnesota Statutes 2004, sections 15.06, subdivision 8; 16B.03; 43A.03, subdivision 3; 43A.08, subdivision 1; 45.013; 84.01, subdivision 3; 116.03, subdivision 1; 116J.01, subdivision 5; 116J.035, subdivision 4; 174.02, subdivision 2; 241.01, subdivision 2; repealing Minnesota Statutes 2004, sections 43A.03, subdivision 4; 43A.08, subdivisions 1a, 1b.

Referred to the Committee on Finance.

Senators Nienow, Ortman, Pariseau and Kleis introduced--

S.F. No. 2290: A bill for an act relating to education finance; requiring school districts to spend at least 65 percent of their total operating expenditures on direct classroom expenditures; proposing coding for new law in Minnesota Statutes, chapter 123B.

Referred to the Committee on Finance.

Senator Pogemiller introduced--

S.F. No. 2291: A bill for an act relating to retirement; general employees retirement plan of the Public Employees Retirement Association; permitting the purchase of service credit for which Independent School District No. 271, Bloomington, failed to make member deductions.

Referred to the Committee on State and Local Government Operations.

MOTIONS AND RESOLUTIONS - CONTINUED

Pursuant to Rule 26, Senator Johnson, D.E., Chair of the Committee on Rules and Administration, designated S.F. No. 2267 a Special Order to be heard immediately.

SPECIAL ORDER

S.F. No. 2267: A bill for an act relating to education; providing for prekindergarten through grade 12 education including general education; education excellence; special programs; technology, facilities, and accounting; nutrition; state agencies; technical and conforming amendments; authorizing rulemaking; providing for reports; appropriating money; amending Minnesota Statutes 2004, sections 13.321, by adding a subdivision; 120A.05, by adding a subdivision; 120B.02; 120B.021, subdivision 1, by adding a subdivision; 120B.024; 120B.11, subdivisions 1, 2, 3, 4, 5, 8; 120B.22, subdivision 1; 120B.30, subdivisions 1, 1a, by adding a subdivision; 120B.31, subdivision 4; 121A.06, subdivisions 2, 3; 121A.41, subdivision 10; 121A.53; 121A.66, subdivision 5, by adding subdivisions; 121A.67; 122A.06, subdivision 4; 122A.12, subdivision 2; 122A.15, by adding a subdivision; 122A.18, subdivision 2a; 122A.40, subdivision 5; 122A.41, subdivisions 2, 5a, 14; 122A.413; 122A.60, subdivision 1, by adding subdivisions; 122A.61, subdivision 1; 123A.05, subdivision 2; 123B.02, by adding subdivisions; 123B.04, subdivisions 1, 2; 123B.42, by adding a subdivision; 123B.49, subdivision 4; 123B.492; 123B.53, subdivision 1; 123B.54, as amended; 123B.75, by adding a subdivision; 123B.76, subdivision 3; 123B.79, subdivision 6; 123B.81, subdivision 1; 123B.82; 123B.83, subdivision 2; 123B.88, by adding a subdivision; 123B.92, subdivisions 1, 5; 124D.081; 124D.09, subdivision 12; 124D.095, subdivisions 2, 4, 8, by adding a subdivision; 124D.10, subdivision 8; 124D.11, subdivisions 1, 2, 5, 6; 124D.111, subdivision 1; 124D.118, subdivision 4; 124D.40; 124D.59, subdivision 2; 124D.66, subdivision 3; 124D.68, subdivision 9; 124D.69, subdivision 1; 124D.74, subdivision 1; 124D.81, subdivision 1; 124D.84, subdivision 1; 125A.11, subdivision 1; 125A.24; 125A.28; 125A.51; 125A.76, subdivisions 1, 3, 4; 125A.79, subdivisions 1, 6; 126C.01, subdivision 11; 126C.05, by adding subdivisions; 126C.10, subdivisions 1, 2, 13, 13a, 13b, 18, 24, 29, 30, 31, 32, 33; 126C.13, subdivision 4, by adding subdivisions; 126C.17, subdivisions 1, 2, 5, 9, 11, 13; 126C.21, subdivision 4; 126C.40, subdivision 1; 126C.457; 126C.48, subdivisions 2, 8; 126C.63, subdivisions 5, 8; 127A.41, subdivision 8; 127A.45, subdivisions 11, 12; 127A.47, subdivisions 7, 8; 127A.49, subdivisions 2, 3; 128C.12, subdivisions 1, 3; 128D.11, subdivision 9; 134.31, by adding a subdivision; 179A.03, subdivision 14; 260C.201, subdivision 1; 275.14; 275.16; 469.177, subdivision 9; 475.61, subdivision 4; 2005 S.F. No. 1879, article 3, section 3, subdivisions 2, 3, 7, 8, 24, 25, 26, 27, 29, 31, 32, 35, 36, 41, 43, 44, 50, if enacted; 2005 S.F. No. 1879, article 3, section 4, if enacted; 2005 S.F. No. 1879, article 3, section 5, if enacted; Laws 1996, chapter 412, article 5, section 24; Laws 2003, First Special Session chapter 9, article 4, section 29, as amended; proposing coding for new law in Minnesota Statutes, chapters 120A; 120B; 121A; 122A; 123B; 124D; 125A; 125B; 127A; 129C; repealing Minnesota Statutes 2004,

sections 121A.23; 122A.414; 122A.415; 123B.83, subdivision 1; 125A.75, subdivision 8; 126C.10, subdivisions 13a, 13b, 29, 30, 31, 32, 33; 126C.42, subdivisions 1, 4; 126C.44; 128C.12, subdivision 4.

Senator Stumpf moved to amend S.F. No. 2267 as follows:

Page 21, line 9, delete "\$99,172,300" and insert "\$91,097,300"

Page 40, line 10, delete "5,419,253,000" and insert "5,419,316,000"

Page 40, line 14, delete "4,594,063,000" and insert "4,594,126,000"

Page 105, after line 36, insert:

"(a) \$40,000 each year is for student organizations serving health occupations.

(b) \$37,500 each year is for student organizations serving service occupations.

(c) \$88,000 each year is for student organizations serving trade and industry occupations.

(d) \$84,000 each year is for student organizations serving business occupations.

(e) \$130,500 each year is for student organizations serving agriculture occupations.

(f) \$125,000 each year is for student organizations serving family and consumer science occupations.

(g) \$95,000 each year is for student organizations serving marketing occupations."

Page 160, after line 14, insert:

"Sec. 20. [HEALTH AND SAFETY REVENUE; GRAND RAPIDS.]

Notwithstanding Minnesota Statutes, section 123B.57, subdivision 6, Independent School District No. 318, Grand Rapids, may use health and safety revenue to construct appurtenances used exclusively to house and maintain mechanical air handling systems that maintain the air quality necessary for a healthy environment."

Page 166, line 26, delete "22,696,000" and insert "22,646,000"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Stumpf moved to amend S.F. No. 2267 as follows:

Page 74, line 34, before the period, insert ", under section 126C.10, subdivision 2"

Page 82, after line 16, insert:

"Sec. 41. [122A.628] [SCHOOLS MENTORING SCHOOLS REGIONAL SITES.]

Subdivision 1. [PROGRAM.] The commissioner of education shall select up to four school districts, or partnerships of school districts, for the purpose of assisting other school districts in the region with the development of thorough and effective teacher mentoring programs. The commissioner shall use geographic balance and proven teacher induction programs as criteria when selecting the sites. One site must include the Brainerd teacher support system, which has been cited by the Minnesota Board of Teaching as a model program and was one of only six programs in the nation to be recognized for the 2004 NEA-Saturn/UAW partnership award. The sites shall be known as schools mentoring schools regional sites.

The sites shall provide high quality mentoring assistance programs and services to other nearby

school districts for the development of effective systems of support for new teachers. The sites shall offer coaching/mentor training, in-class observation training, and train-the-teacher opportunities for teams of participating teachers. The sites shall use their recognized experience and methods to equip schools to work with their own new and beginning teachers. The commissioner shall review and report annually to the legislature on the operation of each training center.

Subd. 2. [REVENUE.] A school district that is selected to participate in the schools mentoring schools program under this section may utilize its professional compensation revenue under section 122A.4142, subdivision 4, to pay regional training sites for staff development and training services."

Page 160, after line 31, insert:

"Sec. 22. [LEASE LEVY; ADMINISTRATIVE SPACE, WACONIA.]

Independent School District No. 110, Waconia, may lease administrative space under Minnesota Statutes, section 126C.40, subdivision 1, if the district can demonstrate to the commissioner's satisfaction that the administrative space is less expensive than instructional space that the district would otherwise lease. The commissioner must deny this levy authority unless the district passes a resolution stating its intent to lease instructional space under Minnesota Statutes, section 126C.40, subdivision 1, if the commissioner does not grant authority under this section. The resolution must also certify that a lease of administrative space under this section is less expensive than the district's proposed instructional lease. Levy authority under this section shall not exceed the total levy authority under Minnesota Statutes, section 126C.40, subdivision 1, paragraph (e).

[EFFECTIVE DATE.] This section is effective for revenue for taxes payable in 2006 through 2011."

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Wergin moved to amend S.F. No. 2267 as follows:

Page 63, delete lines 29 to 36 and insert:

"Subd. 3. [NOTICE AND PARENTAL OPTIONS.] (a) A school district must obtain prior written informed consent from a student's parent or guardian before the student attends all or any part of a comprehensive family life and sexuality education program.

(b) When requesting a parent or guardian to provide informed written consent, the school district must:

(1) provide parents and guardians a thorough description of the content of all instructional materials and curriculum, the goals, beliefs, and teaching methods of the program, and the learning objectives of the program;

(2) inform parents and guardians how they may inspect all of the written and audiovisual materials used and arrange reasonable times and locations for such inspection;

(3) inform parents and guardians if the program is presented by school district personnel or outside consultants, and if outside consultants are used, who they may be; and

(4) recognize and inform parents and guardians of their right to freely choose whether or not to have their children attend all or any part of a comprehensive family life and sexuality education program without an academic or other penalty.

(c) A school district must receive in writing a parent's or guardian's specific permission for

their child to attend all or any part of a comprehensive family life and sexuality education program prior to the student attending such a program."

Page 64, delete lines 1 to 21

CALL OF THE SENATE

Senator Kelley imposed a call of the Senate for the balance of the proceedings on S.F. No. 2267. The Sergeant at Arms was instructed to bring in the absent members.

The question was taken on the adoption of the Wergin 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	Robling
Belanger	Gerlach	Larson	Nienow	Rosen
Day	Hann	LeClair	Olson	Ruud
Dille	Johnson, D.J.	Limmer	Ourada	Senjem
Fischbach	Jungbauer	McGinn	Pariseau	Vickerman
Frederickson	Kleis	Michel	Reiter	Wergin

Those who voted in the negative were:

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

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

Senator Betzold moved to amend S.F. No. 2267 as follows:

Page 168, after line 24, insert:

"ARTICLE 7

SCHOOL EMPLOYEE HEALTH INSURANCE

Section 1. [62A.662] [SCHOOL EMPLOYEE INSURANCE PLAN.]

Subdivision 1. [DEFINITIONS.] For purposes of this section:

(1) "eligible employee" means a person who is insurance eligible under a collective bargaining agreement or under the personnel policy of an eligible employer; and

(2) "eligible employer" means a school district as defined in section 120A.05; a service cooperative as defined in section 123A.21; an intermediate district as defined in section 136D.01; a cooperative center for vocational education as defined in section 123A.22; a regional management information center as defined in section 123A.23; an education unit organized under section 471.59; or a charter school organized under section 124D.10.

Subd. 2. [CREATION OF BOARD.] (a) The Minnesota School Employee Insurance Board is created as a public corporation subject to the provisions of chapter 317A, except as otherwise provided in this section. As provided in section 15.082, the state is not liable for obligations of this public corporation.

(b) The board shall create and administer the Minnesota School Employee Insurance Pool as described in this section.

(c) Insurance plans and offerings must be effective July 1, 2009.

(d) If the board does not offer coverage by December 15, 2010, the board expires and this section expires on that date.

Subd. 3. [BOARD OF DIRECTORS.] (a) The School Employee Insurance Board consists of:

(1) seven members representing exclusive representatives of eligible employees, appointed by exclusive representatives, as provided in paragraph (b); and

(2) seven members representing eligible employers, appointed by the Minnesota School Boards Association.

(b) The seven members of the board who represent statewide affiliates of exclusive representatives of eligible employees are appointed as follows: four members appointed by Education Minnesota and one member each appointed by the Service Employees International Union, the Minnesota School Employees Association, and American Federation of State, County, and Municipal Employees.

(c) Appointing authorities must make their initial appointments no later than August 1, 2005, by filing a notice of the appointment with the commissioner of commerce. Notices of subsequent appointments must be filed with the board. An entity entitled to appoint a board member may replace the board member at any time.

(d) Board members are eligible for compensation and expense reimbursement under section 15.0575, subdivision 3.

(e) The board must arrange for one or more methods of dispute resolution so as to minimize the possibility of deadlocks.

(f) The board shall establish governance requirements, including staggered terms, term limits, quorum, a plan of operation, and audit provisions.

Subd. 4. [DESIGN AND NATURE OF PLAN.] (a) Health coverage offered through the Minnesota School Employee Insurance Pool shall be made available by the board to all eligible employees of eligible employers, as defined in subdivision 1.

(b) If an eligible employer provides health coverage or money to purchase health coverage to eligible employees, the coverage must be provided or purchased only through the health plans offered by the board.

(c) Nothing in this section affects the right of each eligible employer to determine, through collective bargaining under the public employer labor relations act:

(1) the employer's eligibility requirements regarding the terms and conditions under which employees, dependents, retirees, and other persons are eligible for health coverage from the employer;

(2) how much of the premium charged for the insurance will be paid by the employer and how much will be paid by the eligible person; and

(3) which health plan or plans offered by the board will be made available by the eligible employer.

(d) The board must initially offer at least six health plans. One plan must provide coverage without a deductible and without other enrollee cost-sharing other than reasonable co-payments for nonpreventive care. One plan must be a high deductible health plan that qualifies under federal law for use with a health savings account. The other four plans must have levels of enrollee cost-sharing that are between the two plans just described. The board may establish more than one tier of premium rates for any specific plan. Plans and premium rates may vary across geographic regions established by the board. The health plans must comply with chapters 62A, 62J, 62M, and 62Q, and must provide the optimal combination of coverage, cost, choice, and stability in the judgment of the board. All health plans offered must be approved by the commissioner of

commerce. The board shall investigate the feasibility of offering coverage through more than one health plan company or other network of health care providers.

(e) The board must include claims reserves, stabilization reserves, reinsurance, and other features that, in the judgment of the board, will result in long-term stability and solvency of the health plans offered.

(f) The board may determine whether the health plans should be fully insured through a health carrier licensed in this state, self-insured, or a combination of those two alternatives.

(g) The health plans must include disease management and consumer education, including wellness programs and measures encouraging the wise use of health coverage, to the extent determined to be appropriate by the board.

(h) Upon request of the board, health plans that are providing or have provided coverage to employees of eligible employers within two years prior to the effective date of this section, shall provide to the board at no charge nonidentifiable aggregate claims data for that coverage. The information must include data relating to employee group benefit sets, demographics, and claims experience. Notwithstanding section 13.203, Minnesota service cooperatives must also comply with this paragraph.

(i) Effective July 1, 2007, no contract entered into between an eligible employer and an eligible employee or the exclusive representative of an eligible employee shall contain provisions that establish cash payment in lieu of health insurance to an eligible employee if the employee is not receiving such payment on or before June 30, 2007. Nothing in this section shall prevent any eligible employee who otherwise qualifies for payment of cash in lieu of insurance on June 30, 2007, to continue to receive this payment.

(j) All premiums paid for health coverage provided by the board must be used by the board solely for the cost of the operation of the board and the benefit of eligible employees and eligible employers in connection with the health coverage offered by the board.

Subd. 5. [MCHA MEMBERSHIP AND ASSESSMENTS.] The board is a contributing member of the Minnesota Comprehensive Health Association and must pay assessments made by the association on its premium revenues, as provided in section 62E.11, subdivision 5, paragraph (b).

Subd. 6. [REPORT.] The board shall report to the legislature by January 15, 2009, on a final design for the pool that complies with subdivision 4 and on governance requirements for the board, including staggered terms, term limits, quorum, and a plan of operation and audit provisions. The report must include any legislative changes necessary to ensure conformance with chapters 62A, 62J, 62M, and 62Q.

Subd. 7. [PERIODIC EVALUATION.] (a) Beginning January 15, 2010, and for the next two years, the board must submit an annual report to the commissioner of commerce and the legislature, in compliance with sections 3.195 and 3.197, summarizing and evaluating the performance of the pool during the previous year of operation.

(b) Beginning in 2013 and in each odd-numbered year thereafter, the board must submit to the legislature a biennial report summarizing and evaluating the performance of the pool during the preceding two fiscal years.

Sec. 2. Minnesota Statutes 2004, section 62E.02, subdivision 23, is amended to read:

Subd. 23. [CONTRIBUTING MEMBER.] "Contributing member" means those companies regulated under chapter 62A and offering, selling, issuing, or renewing policies or contracts of accident and health insurance; health maintenance organizations regulated under chapter 62D; nonprofit health service plan corporations regulated under chapter 62C; community integrated service networks regulated under chapter 62N; fraternal benefit societies regulated under chapter 64B; the Minnesota employees insurance program established in section 43A.317, effective July 1, 1993; and joint self-insurance plans regulated under chapter 62H; and the Minnesota School

Employee Insurance Board created under section 62A.662. For the purposes of determining liability of contributing members pursuant to section 62E.11 payments received from or on behalf of Minnesota residents for coverage by a health maintenance organization or, a community integrated service network, or the Minnesota School Employee Insurance Board shall be considered to be accident and health insurance premiums.

Sec. 3. Minnesota Statutes 2004, section 62E.10, subdivision 1, is amended to read:

Subdivision 1. [CREATION; TAX EXEMPTION.] There is established a Comprehensive Health Association to promote the public health and welfare of the state of Minnesota with membership consisting of all insurers; self-insurers; fraternal; joint self-insurance plans regulated under chapter 62H; the Minnesota employees insurance program established in section 43A.317, effective July 1, 1993; the Minnesota School Employee Insurance Board created under section 62A.662; health maintenance organizations; and community integrated service networks licensed or authorized to do business in this state. The Comprehensive Health Association is exempt from the taxes imposed under chapter 297I and any other laws of this state and all property owned by the association is exempt from taxation.

Sec. 4. Minnesota Statutes 2004, section 62E.11, subdivision 5, is amended to read:

Subd. 5. [ALLOCATION OF LOSSES.] (a) Each contributing member of the association shall share the losses due to claims expenses of the comprehensive health insurance plan for plans issued or approved for issuance by the association, and shall share in the operating and administrative expenses incurred or estimated to be incurred by the association incident to the conduct of its affairs. Claims expenses of the state plan which exceed the premium payments allocated to the payment of benefits shall be the liability of the contributing members. Contributing members shall share in the claims expense of the state plan and operating and administrative expenses of the association in an amount equal to the ratio of the contributing member's total accident and health insurance premium, received from or on behalf of Minnesota residents as divided by the total accident and health insurance premium, received by all contributing members from or on behalf of Minnesota residents, as determined by the commissioner. Payments made by the state to a contributing member for medical assistance, MinnesotaCare, or general assistance medical care services according to chapters 256, 256B, and 256D shall be excluded when determining a contributing member's total premium.

(b) In making the allocation of losses provided in paragraph (a), the association's assessment against the Minnesota School Employee Insurance Board must equal the product of (1) the percentage of premiums assessed against other association members; (2) .3885; and (3) premiums received by the Minnesota School Employee Insurance Board. For purposes of this calculation, premiums of the board used must be net of rate credits and retroactive rate refunds on the same basis as the premiums of other association members.

Sec. 5. Minnesota Statutes 2004, section 297I.05, subdivision 5, is amended to read:

Subd. 5. [HEALTH MAINTENANCE ORGANIZATIONS, NONPROFIT HEALTH SERVICE PLAN CORPORATIONS, AND COMMUNITY INTEGRATED SERVICE NETWORKS, AND THE MINNESOTA SCHOOL EMPLOYEE INSURANCE BOARD.] (a) Health maintenance organizations, community integrated service networks, and nonprofit health care service plan corporations are exempt from the tax imposed under this section for premiums received in calendar years 2001 to 2003.

(b) For calendar years after 2003, a tax is imposed on health maintenance organizations, community integrated service networks, and nonprofit health care service plan corporations. The rate of tax is equal to one percent of gross premiums less return premiums received in the calendar year.

(c) A tax is imposed on the Minnesota School Employee Insurance Board under section 62A.662. The rate of tax is equal to .36 percent of gross premiums less return premiums received in the calendar year.

(d) In approving the premium rates as required in sections 62L.08, subdivision 8, and 62A.65, subdivision 3, the commissioners of health and commerce shall ensure that any exemption from tax as described in paragraph (a) is reflected in the premium rate.

(d) (e) The commissioner shall deposit all revenues, including penalties and interest, collected under this chapter from health maintenance organizations, community integrated service networks, and nonprofit health service plan corporations, and the Minnesota School Employee Insurance Board in the health care access fund. Refunds of overpayments of tax imposed by this subdivision must be paid from the health care access fund. There is annually appropriated from the health care access fund to the commissioner the amount necessary to make any refunds of the tax imposed under this subdivision.

Sec. 6. [PROGRESS DEPENDENT UPON FUNDING.]

The board shall carry out its obligations to the extent permitted by financial and other resources available to the board for that purpose. The board may seek and accept gifts and grants.

Sec. 7. [APPROPRIATION; LOAN.]

The base appropriation for this program in fiscal year 2008 is \$3,000,000 to the commissioner of commerce as a loan for start-up costs to the Minnesota School Employee Insurance Board. The Minnesota School Employee Insurance Board must repay the loan to the general fund in ten equal installments paid at the end of each fiscal year, beginning with the 2010 fiscal year.

Sec. 8. [EFFECTIVE DATE.]

This article is effective for fiscal year 2008 and later.

ARTICLE 8"

Page 168, delete line 25

Amend the title accordingly

Senator Wiger moved to amend the Betzold amendment to S.F. No. 2267 as follows:

Page 2, line 27, delete "must" and insert "may" and delete "only"

The question was taken on the adoption of the Wiger amendment to the Betzold amendment.

The roll was called, and there were yeas 26 and nays 38, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	LeClair	Olson	Wergin
Bachmann	Gerlach	Limmer	Pariseau	Wiger
Belanger	Hann	McGinn	Reiter	
Day	Johnson, D.J.	Michel	Robling	
Dille	Kierlin	Neuville	Rosen	
Fischbach	Larson	Nienow	Ruud	

Those who voted in the negative were:

Betzold	Johnson, D.E.	Lourey	Pogemiller	Skoglund
Chaudhary	Jungbauer	Marko	Ranum	Solon
Cohen	Kelley	Marty	Rest	Sparks
Dibble	Kiscaden	Metzen	Sams	Stumpf
Foley	Kleis	Moua	Saxhaug	Tomassoni
Frederickson	Koering	Murphy	Scheid	Vickerman
Higgins	Kubly	Ourada	Senjem	
Hottinger	Langseth	Pappas	Skoe	

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

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

The roll was called, and there were yeas 37 and nays 27, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Kubly	Pogemiller	Solon
Bakk	Hottinger	Langseth	Rest	Sparks
Betzold	Johnson, D.E.	Lourey	Rosen	Stumpf
Chaudhary	Jungbauer	Marko	Sams	Tomassoni
Cohen	Kierlin	Metzen	Saxhaug	Vickerman
Dibble	Kiscaden	Moua	Scheid	
Foley	Kleis	Murphy	Senjem	
Frederickson	Koering	Pappas	Skoglund	

Those who voted in the negative were:

Bachmann	Gerlach	Limmer	Olson	Skoe
Belanger	Hann	Marty	Ourada	Wergin
Day	Johnson, D.J.	McGinn	Pariseau	Wiger
Dille	Kelley	Michel	Reiter	
Fischbach	Larson	Neuville	Robling	
Gaither	LeClair	Nienow	Ruud	

The motion prevailed. So the amendment was adopted.

Senator Hann moved to amend S.F. No. 2267 as follows:

Page 111, after line 29, insert:

"Sec. 75. [TRIAL TRANSPORTATION FEE.]

(a) Notwithstanding Minnesota Statutes, section 123B.37, subdivision 1, clause (10), for fiscal years 2006, 2007, and 2008 only, a school board may require payment of fees for transportation to and from school of any pupil transported, and for all other transportation services not required by law, subject to paragraphs (b), (c), and (d).

(b) If a board charges fees for transportation of pupils under this section, it must establish guidelines to ensure that no pupil is denied transportation solely because of inability to pay. Any transportation fees required must be applied equally to public and nonpublic students transported within the district. The board may require fees for students transported to charter schools or to alternative attendance programs.

(c) A school board's total transportation fees for any school year under this section may exceed the prior year's total transportation fees only for payment of increased costs in student transportation services or for expanding student transportation services.

(d) A school district under this section must arrange for the attendance of all secondary pupils living two miles or more from the school and of all elementary pupils living one mile or more from the school, except pupils whose transportation privileges have been voluntarily surrendered under Minnesota Statutes, section 123B.88, subdivision 2, or whose privileges have been revoked under Minnesota Statutes, section 123B.91, subdivision 1, clause (6), or 123B.90, subdivision 2.

(e) This section expires June 30, 2008."

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 35, as follows:

Those who voted in the affirmative were:

Belanger	Dille	Gaither	Johnson, D.J.	Koering
Chaudhary	Fischbach	Gerlach	Jungbauer	Limmer
Day	Frederickson	Hann	Kierlin	McGinn

Michel
Neuville
Olson

Pariseau
Reiter

Robling
Rosen

Ruud
Scheid

Senjem
Wergin

Those who voted in the negative were:

Anderson
Bachmann
Bakk
Betzold
Cohen
Dibble
Foley

Higgins
Hottinger
Johnson, D.E.
Kelley
Kiscaden
Kleis
Kubly

Langseth
LeClair
Lourey
Marko
Marty
Moua
Murphy

Nienow
Pappas
Pogemiller
Ranum
Rest
Sams
Saxhaug

Skoglund
Solon
Sparks
Stumpf
Tomassoni
Vickerman
Wiger

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

Senator Hann moved to amend S.F. No. 2267 as follows:

Pages 24 and 25, delete section 38 and insert:

"Sec. 38. Minnesota Statutes 2004, section 126C.17, subdivision 2, is amended to read:

Subd. 2. [REFERENDUM ALLOWANCE LIMIT.] (a) ~~Notwithstanding subdivision 1, for fiscal year 2003, a district's referendum allowance must not exceed the greater of:~~

~~(1) the sum of a district's referendum allowance for fiscal year 1994 times 1.162 plus its referendum conversion allowance for fiscal year 2003, minus \$415;~~

~~(2) 18.2 percent of the formula allowance;~~

~~(3) for a newly reorganized district created on July 1, 2002, the referendum revenue authority for each reorganizing district in the year preceding reorganization divided by its resident marginal cost pupil units for the year preceding reorganization, minus \$415; or~~

~~(4) for a newly reorganized district created after July 1, 2002, the referendum revenue authority for each reorganizing district in the year preceding reorganization divided by its resident marginal cost pupil units for the year preceding reorganization.~~

~~(b) Notwithstanding subdivision 1, for fiscal year 2004 2005 and later 2006, a district's referendum allowance must not exceed the greater of:~~

~~(1) the sum of: (i) a district's referendum allowance for fiscal year 1994 times 1.177 times the annual inflationary increase as calculated under paragraph (c) plus (ii) its referendum conversion allowance for fiscal year 2003, minus (iii) \$415;~~

~~(2) the greater of (i) 18.6 percent of the formula allowance or (ii) \$855.79 times the annual inflationary increase as calculated under paragraph (c); or~~

~~(3) for a newly reorganized district created after July 1, 2002, the referendum revenue authority for each reorganizing district in the year preceding reorganization divided by its resident marginal cost pupil units for the year preceding reorganization.~~

~~(b) Notwithstanding subdivision 1, for fiscal year 2007 and later, a district's referendum allowance must not exceed the greater of:~~

~~(1) the sum of:~~

~~(i) a district's referendum allowance for fiscal year 1994 times 1.177 times the annual inflationary increase as calculated under paragraph (c); plus~~

~~(ii) its referendum conversion allowance for fiscal year 2003; minus~~

~~(iii) \$415;~~

~~(2) the greater of:~~

(i) 40 percent of the formula allowance; or

(ii) \$855.79 times the annual inflationary increase as calculated under paragraph (c); or

(3) for a newly reorganized district created after July 1, 2002, the referendum revenue authority for each reorganizing district in the year preceding reorganization divided by its resident marginal cost pupil units for the year preceding reorganization.

(c) For purposes of this subdivision, for fiscal year 2005 and later, "inflationary increase" means one plus the percentage change in the Consumer Price Index for urban consumers, as prepared by the United States Bureau of Labor Standards, for the current fiscal year to fiscal year 2004. For fiscal years 2009 and later, for purposes of paragraph (b), clause (1), the inflationary increase equals the inflationary increase for fiscal year 2008 plus one-fourth of the percentage increase in the formula allowance for that year compared with the formula allowance for fiscal year 2008."

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 8 and nays 57, as follows:

Those who voted in the affirmative were:

Belanger	Hann	Michel	Scheid	Senjem
Gaither	Larson	Olson		

Those who voted in the negative were:

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

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

Senator Frederickson moved to amend S.F. No. 2267 as follows:

Pages 44 and 45, delete section 2

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

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Senator Reiter moved to amend S.F. No. 2267 as follows:

Page 112, after line 19, insert:

"Section 1. [1.55] [OFFICIAL STATE LANGUAGE.]

Subdivision 1. [DESIGNATION.] English is the official language of the state of Minnesota. English is designated as the language for use by the state and local governments, for government officers and employees acting in the scope of their employment, and for government documents and records.

Subd. 2. [EXCEPTIONS.] This section does not apply:

(1) to instruction in foreign language courses;

(2) to instruction designed to aid students with limited English in a timely transition and integration into the general educational system;

(3) to the promotion of international commerce, tourism, and sporting events;

(4) when determined to interfere with needs of the justice system;

(5) when the public safety, health, or emergency services require the use of other languages; provided that any authorization for the use of languages other than English in printing informational materials or publications for general distribution must be approved in a public proceeding by the governing board or authority of the relevant state or local government entity and the decision recorded in publicly available minutes; and

(6) when expert testimony or witnesses may require a language other than English; provided that for purposes of deliberation, decision making, or record keeping, the official version of the testimony or commentary must be the officially translated English-language version.

Subd. 3. [COSTS.] All costs related to the preparation, translation, printing, and recording of documents, records, brochures, pamphlets, flyers, or other informational materials in languages other than English resulting from an exception in subdivision 2 must be delineated as a separate budget line item in the agency, departmental, or office budget.

Subd. 4. [EMPLOYMENT.] No person may be denied employment with the state or with any political subdivision of the state based solely upon that person's lack of facility in a foreign language, except when related to bona fide job needs reflected in the exceptions in subdivision 2.

Subd. 5. [CONSTRUCTION.] This section must not be construed in any way to infringe on the rights of citizens under the Minnesota Constitution or the United States Constitution in the use of language in activities or functions conducted solely in the private sector. No agency or officer of the state or of any political subdivision of the state may place any restrictions or requirements regarding language usage for businesses operating in the private sector other than in official documents, forms, submissions, or other communications directed to government agencies and officers, which must be in English as required by this section.

Subd. 6. [RIGHT OF ACTION.] Any citizen of the state has standing to bring an action against the state to enforce this section. The district court has jurisdiction to hear and decide actions brought under this section."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Higgins questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

Senator Hann moved to amend S.F. No. 2267 as follows:

Page 51, line 31, delete "under section 122A.60"

Page 71, line 30, delete ", consistent"

Page 71, line 31, delete "with section 122A.60,"

Page 73, line 2, delete "at least two percent" and insert "a portion"

Page 73, line 3, delete everything after "purposes" and insert "; and"

Page 73, delete line 4

Page 75, delete lines 32 to 36

Page 76, delete lines 1 to 5

Page 76, line 6, delete "8" and insert "7"

Pages 78 to 82, delete sections 37 to 40

Page 112, line 16, delete "and"

Page 112, line 17, before the comma, insert "”; 122A.60; and 122A.61”"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Hann moved to amend S.F. No. 2267 as follows:

Page 85, after line 26, insert:

"Sec. 46. [123B.748] [REGULAR CLASSROOM EXPENDITURES.]

Subdivision 1. [DEFINITIONS.] "Direct classroom expenditures" means instructional expenditures as defined in the uniform financial accounting and reporting standards, excluding tuition payments to other Minnesota school districts, capital expenditures, and expenditures for athletics, other cocurricular activities and extracurricular activities. "Total K-12 operating expenditures" means the total expenditures in the general and food service funds, as defined in the uniform financial accounting and reporting standards, excluding tuition payments to other Minnesota school districts and capital expenditures.

Subd. 2. [EXPECTED EXPENDITURE LEVEL.] A school district must spend at least 65 percent of its total K-12 operating expenditures on direct classroom expenditures. If a school district's direct classroom expenditures in fiscal year 2005 are less than 65 percent of its total K-12 operating expenditures, the district must increase its direct classroom expenditures by at least two percentage points per year beginning in fiscal year 2006.

Subd. 3. [SUPERINTENDENT VERIFICATION.] A superintendent must include in the audited financial statements submitted to the commissioner under section 123B.77 a letter signed by the superintendent certifying the percent of the district's total K-12 operating expenditures that were actually spent on direct classroom expenditures for that school year.

Subd. 4. [WAIVER.] A school district that is unable to meet the expenditure standards established under subdivision 2 may apply to the commissioner for a waiver. The waiver request

must list the reasons why the district's direct classroom expenditures cannot meet the requirements of subdivision 2 and describe the changes the district intends to meet in the subsequent year in order to meet the direct classroom instruction requirements. The commissioner must grant or deny a waiver request within 60 days of receiving the request.

[EFFECTIVE DATE.] This section is effective July 1, 2005, for the 2005-2006 school year."

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 24 and nays 41, as follows:

Those who voted in the affirmative were:

Bachmann	Johnson, D.J.	LeClair	Nienow	Robling
Belanger	Jungbauer	Limmer	Olson	Rosen
Day	Kleis	McGinn	Pariseau	Ruud
Gerlach	Koering	Michel	Pogemiller	Wergin
Hann	Larson	Neuville	Reiter	

Those who voted in the negative were:

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

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

Senator Neuville moved to amend S.F. No. 2267 as follows:

Page 100, after line 13, insert:

"Sec. 57. Minnesota Statutes 2004, section 179A.18, subdivision 2, is amended to read:

Subd. 2. [SCHOOL DISTRICT REQUIREMENTS.] Except as otherwise provided by section 179A.17, subdivision 1, teachers employed by a local school district, other than principals and assistant principals, may strike only under the following circumstances:

(1)(a) the collective bargaining agreement between their exclusive representative and their employer has expired or, if there is no agreement, impasse under section 179A.17, subdivision 1, has occurred; and

(b) the exclusive representative and the employer have participated in mediation over a period of at least 30 days. For the purposes of this subclause the mediation period commences on the day that a mediator designated by the commissioner first attends a conference with the parties to negotiate the issues not agreed upon; and

(c) neither party has requested interest arbitration or a request for binding interest arbitration has been rejected; or

(2) the employer violates section 179A.13, subdivision 2, clause (9).

Teachers employed by a local school district are prohibited from striking during the period beginning with the first student contact day for teachers in the fall and ending with the last student contact day the next spring."

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 37, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

Senator Hottinger moved to amend S.F. No. 2267 as follows:

Page 45, after line 15, insert:

"Sec. 3. Minnesota Statutes 2004, section 120A.40, is amended to read:

120A.40 [SCHOOL CALENDAR.]

(a) Except for learning programs during summer, flexible learning year programs authorized under sections 124D.12 to 124D.127, and learning year programs under section 124D.128, a district must not commence an elementary or secondary school year before ~~September 4~~ Labor Day, except as provided under paragraph (b) or (c). Days devoted to teachers' workshops may be held before ~~September 4~~ Labor Day. Districts that enter into cooperative agreements are encouraged to adopt similar school calendars.

(b) A district may begin the school year on any day before ~~September 4~~ Labor Day to accommodate a construction or remodeling project of \$400,000 or more affecting a district school facility.

(c) A district may begin the school year on any day before Labor Day if two-thirds of the school board's members vote in favor of an early school start 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 33 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Gaither	Kleis	Murphy	Rosen
Belanger	Hann	Kubly	Neuville	Senjem
Betzold	Higgins	Marko	Nienow	Skoglund
Chaudhary	Hottinger	Marty	Pappas	Sparks
Day	Kelley	McGinn	Pogemiller	Wiger
Foley	Kierlin	Michel	Ranum	
Frederickson	Kiscaden	Moua	Rest	

Those who voted in the negative were:

Bachmann	Gerlach	LeClair	Pariseau	Skoe
Bakk	Johnson, D.E.	Limmer	Reiter	Solon
Berglin	Johnson, D.J.	Lourey	Robling	Stumpf
Cohen	Jungbauer	Metzen	Ruud	Tomassoni
Dibble	Koering	Olson	Sams	Vickerman
Dille	Langseth	Ortman	Saxhaug	Wergin
Fischbach	Larson	Ourada	Scheid	

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

S.F. No. 2267 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 67 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

Senator Stumpf moved that S.F. No. 2267 be laid on the table. The motion prevailed.

MOTIONS AND RESOLUTIONS - CONTINUED

Senator Johnson, D.E. moved that H.F. No. 872 be taken from the table. The motion prevailed.

H.F. No. 872: A bill for an act relating to education; providing for early childhood, adult, family, and kindergarten through grade 12 education including general education, excellence in education, special programs, facilities and technology, nutrition and accounting, libraries, early education, prevention, self-sufficiency and lifelong learning, state agencies, forecast deficiencies, and technical and conforming amendments; authorizing rulemaking; providing for reports; appropriating money; amending Minnesota Statutes 2004, sections 13.32, subdivisions 1, 8; 119A.46, subdivisions 1, 2, 3, 8; 120A.05, by adding a subdivision; 120A.22, subdivision 12; 120B.02; 120B.021, subdivision 1, by adding a subdivision; 120B.024; 120B.11, subdivisions 1, 2, 3, 4, 5, 8; 120B.13, subdivisions 1, 3, by adding a subdivision; 120B.23; 120B.30, subdivisions 1, 1a; 120B.31, subdivision 4; 121A.03, subdivision 1; 121A.06, subdivisions 2, 3; 121A.17, subdivisions 1, 3, 5; 121A.19; 121A.41, subdivision 10; 121A.47, subdivision 14; 121A.53; 121A.55; 122A.06, subdivision 4; 122A.09, subdivisions 4, 10; 122A.12, subdivision 2; 122A.18, subdivision 2a; 122A.40, subdivision 5; 122A.41, subdivisions 2, 14; 122A.414; 122A.415, subdivisions 1, 3; 123A.05, subdivision 2; 123A.06, subdivision 1; 123A.24, subdivision 2; 123B.02, by adding a subdivision; 123B.09, subdivision 8; 123B.143, subdivision 1; 123B.36, subdivision 1; 123B.42, subdivision 3; 123B.49, subdivision 4; 123B.53, subdivision 1; 123B.54; 123B.59, subdivisions 3, 3a; 123B.63, subdivision 2; 123B.71, subdivisions 8, 9, 12; 123B.749; 123B.75, subdivision 5, by adding a subdivision; 123B.76, subdivision 3; 123B.79, subdivision 6; 123B.81, subdivision 1; 123B.82; 123B.83, subdivision 2; 123B.92, subdivisions 1, 5, 9; 124D.095, subdivision 8; 124D.10, subdivisions 3, 4, 6, 8, 15, 23; 124D.11, subdivisions 1, 2, 5, 6; 124D.111, subdivisions 1, 2; 124D.118, subdivision 4; 124D.135, subdivisions 1, 5; 124D.15,

subdivisions 1, 3, 5, 10, 12, by adding subdivisions; 124D.16, subdivisions 2, 3; 124D.20, subdivision 3; 124D.40; 124D.52, subdivision 3; 124D.531, subdivisions 1, 4; 124D.66, subdivision 3; 124D.68, subdivision 9; 124D.69, subdivision 1; 124D.74, subdivision 1; 124D.81, subdivision 1; 124D.84, subdivision 1; 125A.091, subdivision 5; 125A.11, subdivision 1; 125A.24; 125A.28; 125A.51; 125A.76, subdivisions 1, 4, by adding subdivisions; 125A.79, subdivisions 1, 5, 6, 7, by adding subdivisions; 126C.01, subdivision 11; 126C.05, by adding a subdivision; 126C.10, subdivisions 1, 2, 3, 6, 7, 8, 13, 13a, 17, 18, 24, 31, by adding subdivisions; 126C.13, subdivision 4; 126C.15, subdivisions 1, 2, 3, by adding a subdivision; 126C.17, subdivisions 2, 5, 7, 9, 13; 126C.21, subdivision 4; 126C.40, subdivision 1; 126C.43, subdivisions 2, 3; 126C.44; 126C.457; 126C.48, subdivisions 2, 8, by adding a subdivision; 126C.63, subdivisions 5, 8; 127A.41, subdivision 8; 127A.42, subdivision 2; 127A.45, subdivisions 2, 10, 11, 12, 13, 14, 16; 127A.47, subdivisions 7, 8; 127A.49, subdivisions 2, 3; 127A.50, subdivision 5; 128C.12, subdivisions 1, 3; 134.31, by adding a subdivision; 171.04, subdivision 1; 171.05, subdivisions 2, 2b, 3; 179A.03, subdivision 14; 260C.007, subdivision 6, by adding a subdivision; 260C.201, subdivision 1; 275.14; 275.16; 469.177, subdivision 9; Laws 1996, chapter 412, article 5, section 24; Laws 2003, First Special Session chapter 9, article 1, sections 51; 53, subdivisions 2, as amended, 3, as amended, 11, as amended, 12, as amended; Laws 2003, First Special Session chapter 9, article 2, section 55, subdivisions 2, as amended, 5, as amended, 9, as amended, 12, as amended; Laws 2003, First Special Session chapter 9, article 3, section 20, subdivisions 2, 4, as amended, 5, as amended, 6, as amended, 8, as amended, 9, as amended; Laws 2003, First Special Session chapter 9, article 4, section 31, subdivisions 2, as amended, 3, as amended, 4; Laws 2003, First Special Session chapter 9, article 5, section 35, subdivision 3, as amended; Laws 2003, First Special Session chapter 9, article 6, section 4, as amended; Laws 2003, First Special Session chapter 9, article 7, section 11, subdivisions 2, 4; Laws 2003, First Special Session chapter 9, article 8, section 7, subdivisions 2, as amended, 3, 5, as amended; Laws 2003, First Special Session chapter 9, article 9, section 9, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapters 120A; 120B; 121A; 122A; 123A; 123B; 124D; 125B; 129C; 171; repealing Minnesota Statutes 2004, sections 122A.24; 122A.415, subdivision 2; 123B.83, subdivision 1; 124D.095, subdivision 9; 124D.15, subdivisions 2, 4, 6, 7, 8, 9, 11, 13; 124D.16, subdivisions 1, 4; 126C.12; 126C.42, subdivisions 1, 4; 128C.12, subdivision 4.

SUSPENSION OF RULES

Senator Johnson, D.E. 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. 872 and that the rules of the Senate be so far suspended as to give H.F. No. 872 its second and third reading and place it on its final passage. The motion prevailed.

H.F. No. 872 was read the second time.

Senator Stumpf moved to amend H.F. No. 872 as follows:

Delete everything after the enacting clause, and delete the title, of H.F. No. 872, and insert the language after the enacting clause, and the title, of S.F. No. 2267, as amended by the Senate May 5, 2005.

The motion prevailed. So the amendment was adopted.

H.F. No. 872 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 66 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Betzold	Dibble	Frederickson	Higgins
Bakk	Chaudhary	Dille	Gaither	Hottinger
Belanger	Cohen	Fischbach	Gerlach	Johnson, D.E.
Berglin	Day	Foley	Hann	Johnson, D.J.

Jungbauer	Limmer	Nienow	Robling	Sparks
Kelley	Lourey	Olson	Rosen	Stumpf
Kierlin	Marko	Ortman	Ruud	Tomassoni
Kiscaden	Marty	Ourada	Sams	Vickerman
Kleis	McGinn	Pappas	Saxhaug	Wergin
Koering	Metzen	Pariseau	Scheid	Wiger
Kubly	Michel	Pogemiller	Senjem	
Langseth	Moua	Ranum	Skoe	
Larson	Murphy	Reiter	Skoglund	
LeClair	Neuville	Rest	Solon	

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

MEMBERS EXCUSED

Senator Sams was excused from the Session of today from 1:30 to 2:00 p.m. Senator Ranum was excused from the Session of today from 4:30 to 5:50 p.m. Senator Berglin was excused from the Session of today from 5:15 to 7:30 p.m. Senator Ortman was excused from the Session of today from 6:30 to 7:30 p.m. Senator Bakk was excused from the Session of today from 7:30 to 7:40 p.m. Senator Bachmann was excused from the Session of today at 7:55 p.m.

ADJOURNMENT

Senator Johnson, D.E. moved that the Senate do now adjourn until 8:30 a.m., Friday, May 6, 2005. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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