

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

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EIGHTY-SECOND DAY

St. Paul, Minnesota, Friday, February 27, 1998

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Emory K. Dively.

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

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

The President declared a quorum present.

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

## MEMBERS EXCUSED

Mr. Metzen was excused from the Session of today.

## MESSAGES FROM THE HOUSE

Mr. President:

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

**S.F. No. 2315:** A bill for an act relating to technology; making technical changes to show director of office of technology as member of various organizations; amending Minnesota Statutes 1996, sections 62J.451, subdivision 9; and 116O.03, subdivision 2; Minnesota Statutes 1997

Supplement, section 44A.01, subdivision 2; and Laws 1995, First Special Session chapter 3, article 12, section 7, subdivision 1, as amended.

Senate File No. 2315 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 25, 1998

### CONCURRENCE AND REPASSAGE

Ms. Robertson moved that the Senate concur in the amendments by the House to S.F. No. 2315 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2315 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 48 and nays 0, as follows:

Those who voted in the affirmative were:

Beckman	Higgins	Knutson	Murphy	Scheid
Belanger	Hottinger	Krentz	Oliver	Spear
Berg	Janezich	Langseth	Olson	Stumpf
Berglin	Johnson, D.E.	Larson	Pappas	Ten Eyck
Betzold	Johnson, D.H.	Lessard	Piper	Terwilliger
Cohen	Johnson, D.J.	Limmer	Price	Vickerman
Day	Johnson, J.B.	Lourey	Robertson	Wiener
Foley	Kelley, S.P.	Marty	Runbeck	Wiger
Frederickson	Kelly, R.C.	Moe, R.D.	Sams	
Hanson	Kleis	Morse	Samuelson	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

**S.F. No. 2532:** A bill for an act relating to children; clarifying certain terms and applicability of certain programs; providing for licensing assistance, outreach, and training; allowing grants for school-age child care programs; allowing certain grants for statewide adult basic education; changing child care licensing requirements for employers; providing for review of certain orders by the commissioner of children, families, and learning; establishing a cash flow account for energy assistance funds; allowing migrant and seasonal farmworkers to carry out community action programs; changing provisions for family day care licensure; appropriating money; amending Minnesota Statutes 1996, sections 119B.10, by adding a subdivision; 119B.13, subdivision 3; 119B.18, subdivision 2, and by adding subdivisions; 119B.19, subdivisions 1, 4, and by adding subdivisions; 120.1701, subdivision 5; 121.8355, by adding a subdivision; 124.26, subdivision 1c; 245A.14, subdivision 4; 256.045, subdivision 6, and by adding a subdivision; 268.52, subdivisions 1 and 2; and 268.54, subdivision 2; Minnesota Statutes 1997 Supplement, sections 119B.01, subdivision 16; 119B.061, subdivisions 1, 2, 3, and 4; 119B.075; 119B.10, subdivision 1; 119B.13, subdivision 6; 119B.21, subdivisions 2, 4, 5, and 11; 256.045, subdivision 7; 268.53, subdivision 5; and 466.01, subdivision 1; Laws 1997, chapters 162, article 1, section 18, subdivision 8; article 3, section 8, subdivision 3; and article 4, section 63, subdivisions 2 and 3; 248, section 47, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 119B; and 268.

Senate File No. 2532 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 26, 1998

Ms. Piper moved that the Senate do not concur in the amendments by the House to S.F. No. 2532, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

**S.F. No. 3297:** A bill for an act relating to appropriations; appropriating money for higher education and related purposes, with certain conditions; requiring a study; amending Minnesota Statutes 1996, section 136A.101, subdivision 7b; Minnesota Statutes 1997 Supplement, section 136A.121, subdivision 5; Laws 1996, chapter 366, section 6, as amended; Laws 1997, chapter 183, article 1, section 2, subdivisions 6, 9, and 13; and article 2, section 19.

Senate File No. 3297 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 26, 1998

Mr. Stumpf moved that the Senate do not concur in the amendments by the House to S.F. No. 3297, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

**S.F. No. 3298:** A bill for an act relating to the organization and operation of state government; appropriating money for transportation, public safety, and other purposes; redistributing five percent of highway user tax distribution fund; creating flexible highway, town road, and town bridge accounts; exempting air ambulance aircraft from registration and tax; establishing midtown planning and coordination board; establishing dealer licensing and motor vehicle registration enforcement task force; requiring vehicle registration and insurance study; amending Minnesota Statutes 1996, sections 161.081, subdivision 1, and by adding a subdivision; 161.082, subdivisions 1 and 2a; 162.081, subdivision 1; 169.733, subdivision 1; 169.825, subdivision 8; and 360.653; Laws 1997, chapter 159, article 1, section 2, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 473.

Senate File No. 3298 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned February 26, 1998

Ms. Johnson, J.B. moved that the Senate do not concur in the amendments by the House to S.F. No. 3298, and that a Conference Committee of 5 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

**MOTIONS AND RESOLUTIONS****Messrs. Moe, R.D.; Day; Spear; Kelly, R.C. and Belanger introduced--**

**Senate Resolution No. 86:** A Senate resolution honoring Harry M. Walsh on his retirement after 32 years of service to the Minnesota Legislature in the Office of the Revisor of Statutes.

WHEREAS, Harry M. Walsh joined the staff of the Office of the Revisor of Statutes on March 1, 1966, after having graduated from Harvard University and the University of Minnesota Law School and serving with the Highway Department and the Supreme Court; and

WHEREAS, he was appointed Deputy Revisor in 1974 and Revisor of Statutes in 1991; and

WHEREAS, he has served under four previous revisors, Joseph Bright, Esther Tomljanovich, Ward Gronfield, and Steven Cross, and his tenure with the office has encompassed more than half of its 59-year history; and

WHEREAS, since 1971, he has served as a member of the National Conference of Commissioners on Uniform State Laws; and

WHEREAS, his extensive knowledge of legislative procedure, of the drafting process, and of particular subjects such as constitutional law, tax law, bonding, and local government has enabled him to serve as a mentor to many drafting attorneys and editors; and

WHEREAS, he has been a steady support for the work of the legislature, providing counsel to its staff, members, and leaders; and

WHEREAS, as editor-in-chief of the Minnesota Statutes and Laws of Minnesota, he has protected the integrity of the official text of Minnesota's laws throughout the process of computerization, ongoing revision, and publication; and

WHEREAS, he has consistently upheld the highest standards of the Office of the Revisor of Statutes and the institution of the Minnesota Legislature; and

WHEREAS, Harry M. Walsh is retiring on March 1, 1998, after 32 years of service; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota that it extends to Harry Walsh its deepest thanks for his many years of valuable service to the Minnesota Legislature.

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

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

**Mr. Neville introduced--**

**Senate Resolution No. 87:** A Senate resolution congratulating Bernadine Hildebrant on being named Minnesota's Outstanding Older Worker for 1998.

Referred to the Committee on Rules and Administration.

**RECESS**

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

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

**CALL OF THE SENATE**

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

**MOTIONS AND RESOLUTIONS - CONTINUED**

Mrs. Lourey moved that the name of Mr. Solon be added as a co-author to S.F. No. 2305. The motion prevailed.

Pursuant to Rule 10, Mr. Moe, R.D., Chair of the Committee on Rules and Administration, designated S.F. No. 3378 a Special Order to be heard immediately.

**SPECIAL ORDER**

**S.F. No. 3378:** A bill for an act relating to education; prekindergarten through grade 12; providing for general education; special education; interagency service; lifelong learning; technology; facilities and organization; academic excellence; education policy; state agencies; appropriating money; amending Minnesota Statutes 1996, sections 15.014, subdivision 3; 119B.20, subdivisions 5, 8, and 12; 120.03, subdivisions 1 and 5; 120.06, subdivision 2a; 120.062, subdivision 5; 120.064, subdivisions 4, 5, 9, 14, 17, 21, and 24; 120.101, subdivisions 3, 7, and 8; 120.102, subdivision 3; 120.17, subdivisions 1, 2, 3, 3a, 3b, 7a, 9, and 15; 120.1701, subdivisions 2, 5, 11, and 17; 120.173, subdivisions 1 and 6; 120.66, subdivisions 1 and 2; 120.73, subdivision 1; 120.74, subdivision 1; 121.02, subdivision 1; 121.11, subdivision 7d; 121.115, subdivision 1, and by adding a subdivision; 121.14; 121.148, subdivision 3; 121.16, by adding subdivisions; 121.1601, subdivision 2; 121.612, subdivisions 2, 3, 6, 7, and 9; 121.908, subdivisions 2 and 3; 121.932, subdivision 5, and by adding a subdivision; 122.23, subdivisions 2b and 6; 123.34, subdivision 9; 123.35, subdivision 19a; 123.3514, by adding a subdivision; 123.39, subdivision 1, and by adding a subdivision; 123.805, subdivision 1; 123.935, subdivisions 1 and 2; 124.078; 124.17, subdivision 2; 124.225, subdivisions 7f and 8m; 124.239, as amended; 124.248, subdivisions 1 and 1a; 124.26, subdivision 1c; 124.2713, subdivision 6a; 124.2727, subdivisions 6a and 6c; 124.273, by adding a subdivision; 124.32, by adding a subdivision; 124.3201, subdivision 5; 124.646, subdivision 4; 124.755, subdivision 1; 124.83, subdivision 8; 124.84, subdivisions 3 and 4; 124.85, subdivision 4; 124.91, subdivisions 2, 4, and 6; 124.95, as amended; 124A.03, subdivision 3c; 124A.034, subdivision 2; 124A.036, subdivisions 1a, 4, 6, and by adding a subdivision; 124A.22, by adding a subdivision; 124A.29, subdivision 1; 124A.292, subdivision 3; 124A.30; 124C.45, subdivision 2; 124C.47; 124C.48, by adding a subdivision; 125.05, subdivisions 4 and 8; 125.183, subdivisions 1 and 3; 125.1885, subdivisions 1, 4, and 5; 125.191; 126.237; 126.70, subdivision 2a; 127.27, subdivision 2; 128A.02, subdivisions 1, 3, 3b, 5, 6, and by adding subdivisions; 128A.022; 128A.023, subdivisions 1 and 2; 128A.026, subdivisions 1 and 3; 128A.07, subdivision 2; 169.448, subdivision 2; 169.451, subdivision 5; 256B.0625, subdivision 26; 268.665, subdivision 3; and 471.18; Minnesota Statutes 1997 Supplement, sections 16B.465, subdivision 4; 120.05, subdivision 2; 120.064, subdivisions 3, 8, 10, and 14a; 120.1045, subdivision 1; 120.1701, subdivision 3; 121.1113, subdivision 1; 121.15, subdivision 6; 121.615, subdivisions 2, 6, 7, and 10; 121.904, subdivision 4a; 124.17, subdivisions 1d, 4, 6, and 7; 124.195, subdivision 7; 124.248, subdivisions 2a and 6; 124.26, subdivision 2; 124.2601, subdivisions 3 and 6; 124.2711, subdivision 2a; 124.2713, subdivision 6; 124.3111, subdivision 2; 124.6475; 124.648, subdivision 3; 124.91, subdivisions 1, 5, and 7, as amended; 124.961; 124A.036, subdivision 5; 124A.22, subdivisions 2, 11, and 13b; 124A.23, subdivision 1; 124A.28, subdivisions 1 and 1a; 124C.46, subdivisions 1 and 2; 125.05, subdivisions 1c and 2; 126.79, subdivisions 6, 7, 8, and 9; 127.27, subdivisions 10 and 11; 127.31, subdivision 15; 127.32; 127.36, subdivision 1; 127.38; 128A.02, subdivision 7; 169.01, subdivision 6; 169.974, subdivision 2; 268.665, subdivision 2; and 290.0674, subdivision 1; Laws 1992, chapter 499, article 7, section 31; Laws 1993, chapter 224, article 3, section 32; Laws 1997, chapter 157, section 71; Laws 1997, First Special Session chapter 4, article 1, section 61, subdivision 3; article 2, section 51, subdivisions 15, 25, 29, and 33; article 3, section 25, subdivision 4; article 4, sections 33, 34, and 35, subdivision 9; article 5, section 28, subdivisions 9, 10, 11, and 12; article

6, section 20, subdivision 4; article 8, section 4, subdivision 3; article 9, section 11; article 10, sections 3, subdivision 2; 4, and 5; proposing coding for new law in Minnesota Statutes, chapters 120; 123; and 124A; repealing Minnesota Statutes 1996, sections 121.02, subdivisions 2a, 3, and 4; 121.11, subdivisions 5, 7, 7b, 7d, 9, 11, 12, and 14; 121.904, subdivision 4c; 124.2601, subdivision 4; 124.2713, subdivision 6b; 124.2727, subdivision 6b; 124.32, subdivision 13; 124.491; 124.492; 124.493; 124.494; 124.4945; 124.4946; 124.495; 124.647; 124.82; 124.83, subdivisions 4, 5, and 7; 124A.292, subdivisions 2 and 4; 124C.55; 124C.56; 124C.57; 124C.60, subdivision 2; 124C.71; 124C.72; 124C.73; and 126.12; Minnesota Statutes 1997 Supplement, sections 120.1015; 121.11, subdivision 7e; 124.155, subdivisions 1 and 2; 124.2601, subdivision 5; 124.825, subdivisions 3 and 4; 124.912, subdivisions 2 and 3; 124C.60, subdivisions 1 and 3; and 169.452; Laws 1997, chapter 231, article 1, section 17; Minnesota Rules, part 3525.2750, subpart 1, item B.

Mr. Pogemiller moved to amend S.F. No. 3378 as follows:

Page 75, after line 20, insert:

"(d) The 1999 appropriation includes \$5,000,000 for expanding the number of qualifying school sites under Minnesota Statutes, section 124.2613, subdivision 3."

Page 85, line 8, after the period, insert "One grant shall be used to implement a coordinated service system for a population of minority children with disabilities from ages 12 to 22, who may have behavioral problems and are in need of transitional services."

Page 106, delete line 35

Page 106, line 36, delete the new language and strike the old language

Page 107, lines 1 to 3, strike the old language

Page 107, line 4, delete the new language and strike the old language

Page 107, line 5, strike the old language

Page 107, line 6, delete the new language and strike the old language

Page 107, lines 7 and 8, strike the old language

Page 107, line 10, delete "\$10,000" and insert "increase its equalized facilities revenue under section 124.95, subdivision 4"

The motion prevailed. So the amendment was adopted.

Mr. Johnson, D.J. moved to amend S.F. No. 3378 as follows:

Page 199, delete lines 11 and 12

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Beckman	Hanson	Laidig	Novak	Stevens
Berg	Janezich	Langseth	Pappas	Stumpf
Cohen	Johnson, D.E.	Larson	Robling	Ten Eyck
Day	Johnson, D.H.	Lesewski	Runbeck	Terwilliger
Dille	Johnson, D.J.	Lessard	Sams	Vickerman
Fischbach	Junge	Limmer	Samuelson	Wiener
Frederickson	Knutson	Lourey	Solon	Wiger

Those who voted in the negative were:

Anderson	Belanger	Berglin	Betzold	Flynn
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Foley	Kiscaden	Murphy	Piper	Scheid
Higgins	Kleis	Neuville	Pogemiller	Spear
Hottinger	Krentz	Oliver	Price	
Johnson, J.B.	Marty	Olson	Ranum	
Kelley, S.P.	Moe, R.D.	Ourada	Robertson	
Kelly, R.C.	Morse	Pariseau	Scheevel	

The motion prevailed. So the amendment was adopted.

### CALL OF THE SENATE

Mr. Belanger imposed a call of the Senate for the balance of the proceedings on S.F. No. 3378. The Sergeant at Arms was instructed to bring in the absent members.

Ms. Piper moved to amend S.F. No. 3378 as follows:

Page 62, after line 6, insert:

"Sec. 25. Minnesota Statutes 1996, section 124.2613, as amended by Laws 1997, First Special Session chapter 4, article 2, sections 5, 6, and 7, is amended to read:

124.2613 [~~FIRST-GRADE PREPAREDNESS~~ SUPPLEMENTAL EARLY EDUCATION PROGRAM.]

Subdivision 1. [PURPOSE.] The purposes of the ~~first-grade preparedness supplemental early education~~ program are to ensure that every child has the opportunity before first grade to develop the skills and abilities necessary to read and succeed in school and to reduce the underlying causes that create a need for compensatory revenue.

Subd. 2. [QUALIFYING DISTRICT.] A school district may receive ~~first-grade preparedness supplemental early education program~~ revenue for qualifying school sites if, consistent with subdivision 5, the school board approves a resolution requiring the district to provide services to all children located in a qualifying school site attendance area.

Subd. 3. [QUALIFYING SCHOOL SITE.] (a) The commissioner shall rank all school sites with kindergarten programs that do not exclusively serve students under section 120.17. The ranking must be from highest to lowest based on the site's free and reduced lunch count as a percent of the fall enrollment using the preceding October 1 enrollment data. Once a school site is calculated to be eligible, it remains eligible for the duration of the pilot program. For each school site, the percentage used to calculate the ranking must be the greater of (1) the percent of the fall kindergarten enrollment receiving free and reduced lunch, or (2) the percent of the total fall enrollment receiving free and reduced lunch. The list of ranked sites must be separated into the following geographic areas: Minneapolis district, St. Paul district, suburban Twin Cities districts in the seven-county metropolitan area, and school districts in greater Minnesota.

(b) The commissioner shall establish a process and timelines to qualify school sites for the next school year. School sites must be qualified in each geographic area from the list of ranked sites until the estimated revenue available for this program has been allocated. The total estimated revenue must be distributed to qualified school sites in each geographic area as follows: 25 percent for Minneapolis sites, 25 percent for St. Paul sites, 25 percent for suburban Twin Cities sites, and 25 percent for greater Minnesota.

Subd. 4. [PROGRAM.] A qualifying school site must develop its ~~first-grade preparedness supplemental early education program~~ in collaboration with other providers of school readiness and child development services. A school site must offer a full-day kindergarten program to participating children who are five years of age or older for the full school day every day, a program for participating children who are four years old, or a combination of both. The program may offer as an option to families home visits and other practices as appropriate, and may provide such services with the consent of the parent or guardian. Program providers must ensure that the program supplements existing school readiness and child development programs and complements the services provided with compensatory revenue. Where possible, individuals receiving

assistance under a family assistance plan can meet the work activity requirement of the plan by participating in a first-grade preparedness supplemental early education program as a volunteer.

Subd. 5. [EXTENDED DAY REQUIREMENTS.] The board of a qualifying school district must develop and approve a plan to provide extended day services to serve as many children as possible. To accept children whose families participate in child care assistance programs under section 119B.03 or 119B.05, and to meet the requirements of section 245A.03, subdivision 2, the board must formally approve the first-grade preparedness program. All revenue received under subdivision 6 must be allocated to the qualifying school sites within the district.

Subd. 6. [PREPAREDNESS SUPPLEMENTAL EARLY EDUCATION PROGRAM REVENUE.] (a) A qualifying school district is eligible for first-grade preparedness supplemental early education program revenue equal to the basic formula allowance for that year times the number of children five years of age or older enrolled in a kindergarten program at the site on October 1 of the previous year times .53.

(b) This revenue must supplement and not replace compensatory revenue that the district uses for the same or similar purposes under chapter 124A.

(c) A pupil enrolled in the first-grade preparedness supplemental early education program at a qualifying school site is eligible for transportation under section 123.39, subdivision 1.

(d) First-grade preparedness Supplemental early education program revenue paid to a charter school for which a school district is providing transportation according to section 120.064, subdivision 15, shall be decreased by an amount equal to the product of \$170 times the pupil units calculated according to paragraph (a). This amount shall be paid to the school district for transportation costs.

Subd. 7. [EVALUATION.] The commissioner of children, families, and learning, in consultation with representatives of the state board of teaching, early childhood teachers, elementary school classroom teachers, and teacher educators, shall develop an evaluation for qualifying school sites to use in documenting results. The evaluation must use empirical and qualitative methods to gather information on the following: progress towards ensuring that every child entering the first grade has the knowledge and skills necessary to succeed in school; student readiness for first grade; an assessment of enrolling students by their teacher; and measures of parental satisfaction and parental involvement. The commissioner shall assist a school site with its evaluation at the request of the site.

Subd. 8. [EXPIRATION.] This section applies for fiscal years 1997, 1998, and 1999, and expires June 30, 1999."

Page 67, line 24, delete "first grade preparedness" and insert "supplemental early education"

Page 75, line 1, strike "FIRST GRADE PREPAREDNESS" and insert "SUPPLEMENTAL EARLY EDUCATION"

Page 75, line 2, strike "first grade preparedness" and insert "supplemental early education"

Page 75, line 19, strike "first grade"

Page 75, line 20, strike "preparedness" and insert "supplemental early education"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Dille moved to amend S.F. No. 3378 as follows:

Page 121, after line 24, insert:

"Sec. 3. Minnesota Statutes 1997 Supplement, section 121.11, subdivision 7c, is amended to read:



Subd. 7c. [RESULTS-ORIENTED GRADUATION RULE.] (a) The legislature is committed to establishing a rigorous, results-oriented graduation rule for Minnesota's public school students. To that end, the state board shall use its rulemaking authority under subdivision 7b to adopt a statewide, results-oriented graduation rule to be implemented starting with students beginning ninth grade in the 1996-1997 school year. The board shall not prescribe in rule or otherwise the delivery system or form of instruction that local sites must use to meet the requirements contained in this rule.

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

- (1) the rule is intended to raise academic expectations for students, teachers, and schools;
- (2) any state action regarding the rule must evidence consideration of school district autonomy; and
- (3) the department of children, families, and learning, with the assistance of school districts, must make available information about all state initiatives related to the rule to students and parents, teachers, and the general public in a timely format that is appropriate, comprehensive, and readily understandable.

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

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

(e) The state board shall periodically review and report on the assessment process and student achievement with the expectation of raising the standards and expanding high school graduation requirements.

(f) The state board shall report in writing to the legislature annually by January 15 on its progress in developing and implementing the graduation requirements according to the requirements of this subdivision and section 123.97 until such time as all the graduation requirements are implemented."

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.

Mr. Kelley, S.P. moved to amend S.F. No. 3378 as follows:

Pages 11 to 13, delete sections 13 to 19

Pages 19 to 22, delete sections 27 to 31

Page 28, line 26, delete "sections" and insert "section"

Page 28, line 27, delete "and 124.2601, subdivision 4;"

Page 28, delete lines 29 to 36

Page 29, delete lines 1 to 3

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 10 and nays 53, as follows:

Those who voted in the affirmative were:

Belanger	Johnson, D.J.	Laidig	Oliver	Samuelson
Johnson, D.H.	Kelley, S.P.	Novak	Ranum	Terwilliger

Those who voted in the negative were:

Anderson	Hanson	Langseth	Ourada	Scheid
Beckman	Higgins	Larson	Pappas	Solon
Berg	Hottinger	Lesewski	Pariseau	Spear
Berglin	Janezich	Lessard	Piper	Stevens
Betzold	Johnson, J.B.	Limmer	Pogemiller	Stumpf
Cohen	Junge	Lourey	Price	Ten Eyck
Day	Kelly, R.C.	Marty	Robertson	Vickerman
Dille	Kiscaden	Moe, R.D.	Robling	Wiener
Fischbach	Kleis	Morse	Runbeck	Wiger
Foley	Knutson	Neuville	Sams	
Frederickson	Krentz	Olson	Scheevel	

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

Mr. Kelly, R.C. moved to amend S.F. No. 3378 as follows:

Page 125, after line 27, insert:

"Sec. 9. Minnesota Statutes 1996, section 260.131, subdivision 1b, is amended to read:

Subd. 1b. [CHILD IN NEED OF PROTECTION OR SERVICES; HABITUAL TRUANT.] If there is a school attendance review board or county attorney mediation program operating in the child's school district, a petition alleging that a child is in need of protection or services as a habitual truant under section 260.015, subdivision 2a, clause (12), may not be filed until the applicable procedures under section 260A.06 or 260A.07 have been exhausted followed.

Sec. 10. Minnesota Statutes 1996, section 260.132, subdivision 1, is amended to read:

Subdivision 1. [NOTICE.] When a peace officer, or attendance officer in the case of a habitual truant, has probable cause to believe that a child:

(1) is in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12);

(2) is a juvenile petty offender; or

(3) has committed a delinquent act that would be a petty misdemeanor or misdemeanor if committed by an adult;

the officer may issue a notice to the child to appear in juvenile court in the county in which the child is found or in the county of the child's residence or, in the case of a juvenile petty offense, or a petty misdemeanor or misdemeanor delinquent act, the county in which the offense was

committed. If there is a school attendance review board or county attorney mediation program operating in the child's school district, a notice to appear in juvenile court for a habitual truant may not be issued until the applicable procedures under section 260A.06 or 260A.07 have been exhausted followed. The officer shall file a copy of the notice to appear with the juvenile court of the appropriate county. If a child fails to appear in response to the notice, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody, sections 260.165 and 260.171 shall apply.

Sec. 11. Minnesota Statutes 1996, section 260A.05, subdivision 2, is amended to read:

Subd. 2. [GENERAL POWERS AND DUTIES.] A school attendance review board shall prepare an annual plan to promote interagency and community cooperation and to reduce duplication of services for students with school attendance problems. The plan shall include a description of truancy procedures and services currently in operation within the board's jurisdiction, including the programs and services under section 260A.04. A board may provide consultant services to, and coordinate activities of, truancy programs and services. If a board determines that it will be unable to provide services for all truant students who are referred to it, the board shall establish procedures and criteria for determining whether to accept referrals of students or refer them for other appropriate action.

Sec. 12. Minnesota Statutes 1996, section 260A.06, is amended to read:

260A.06 [REFERRAL OF TRUANT STUDENTS TO SCHOOL ATTENDANCE REVIEW BOARD.]

Subdivision 1. [REFERRAL; NOTICE.] An attendance officer or other school official may refer a student who is a continuing truant to the school attendance review board. The person making the referral shall provide a written notice by first class mail or other reasonable means to the student and the student's parent or legal guardian. The notice must:

(1) include the name and address of the board to which the student has been referred and the reason for the referral; and

(2) indicate that the student, the parent or legal guardian, and the referring person will meet with the board to determine a proper disposition of the referral, unless the board refers the student directly to the county attorney or for other appropriate legal action.

Subd. 2. [MEETING; COMMUNITY SERVICES.] (a) Except as provided in paragraph (b), the school attendance review board shall schedule the meeting described in subdivision 1 and provide notice of the meeting by first class mail or other reasonable means to the student, parent or guardian, and referring person. If the board determines that available community services may resolve the attendance problems of the truant student, the board shall refer the student or the student's parent or guardian to participate in the community services. The board may develop an agreement with the student and parent or guardian that specifies the actions to be taken. The board shall inform the student and parent or guardian that failure to comply with any agreement or to participate in appropriate community services will result in a referral to the county attorney under subdivision 3. The board may require the student or parent or guardian to provide evidence of participation in available community services or compliance with any agreement.

(b) A school attendance review board may refer a student directly to the county attorney or for other appropriate legal action under subdivision 3 if it has established procedures and criteria for these referrals.

Subd. 3. [REFERRAL TO COUNTY ATTORNEY; OTHER APPROPRIATE ACTION.] If the school attendance review board determines that available community services cannot resolve the attendance problems of the truant student ~~or~~, if the student or the parent or guardian has failed to comply with any referrals or agreements under subdivision 2 or to otherwise cooperate with the board, or if the board determines that a student should be referred directly under this subdivision, the board may:

(1) refer the matter to the county attorney under section 260A.07, if the county attorney has elected to participate in the truancy mediation program; or

(2) if the county attorney has not elected to participate in the truancy mediation program, refer the matter for appropriate legal action against the child or the child's parent or guardian under chapter 260 or section 127.20."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed. So the amendment was adopted.

Mr. Limmer moved to amend S.F. No. 3378 as follows:

Page 121, after line 24, insert:

"Sec. 3. Minnesota Statutes 1997 Supplement, section 121.11, subdivision 7c, is amended to read:

Subd. 7c. [RESULTS-ORIENTED GRADUATION RULE.] (a) The legislature is committed to establishing a rigorous, results-oriented graduation rule for Minnesota's public school students. To that end, the state board shall use its rulemaking authority under subdivision 7b to adopt a statewide, results-oriented graduation rule to be implemented starting with students beginning ninth grade in the 1996-1997 school year. The board shall not prescribe in rule or otherwise the delivery system or form of instruction that local sites must use to meet the requirements contained in this rule.

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

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

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

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

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

(d) The content of the graduation rule must differentiate between minimum competencies reflected in the basic requirements assessment and rigorous profile of learning standards. When fully implemented, the requirements for high school graduation in Minnesota must include both basic requirements and the required profile of learning. The profile of learning must measure student performance using performance-based assessments compiled over time that integrate higher academic standards, higher order thinking skills, and application of knowledge from a variety of content areas. The profile of learning shall include a broad range of academic experience and accomplishment necessary to achieve the goal of preparing students to function effectively as purposeful thinkers, effective communicators, self-directed learners, productive group participants, and responsible citizens. The requirements for the profile of learning shall apply to all students entering the ninth grade in the 1999-2000 school year and thereafter. A

district that is able and willing before the 1999-2000 school year to develop and implement the requirements for the profile of learning for all students entering the ninth grade may elect to do so beginning with the 1998-1999 school year or 1999-2000 school year and thereafter.

(e) The state board shall periodically review and report on the assessment process and student achievement with the expectation of raising the standards and expanding high school graduation requirements.

(f) The state board shall report in writing to the legislature annually by January 15 on its progress in developing and implementing the graduation requirements according to the requirements of this subdivision and section 123.97 until such time as all the graduation requirements are implemented."

Page 133, after line 31, insert:

"Sec. 21. [STATE BOARD OF EDUCATION PROFILE OF LEARNING RULE.]

The state board of education shall prepare for the education committees of the legislature a written report by February 15, 1999, describing the content and the processes for implementing and assessing the proposed profile of learning rule. Consistent with the requirements under Minnesota Statutes 1997, section 121.11, subdivision 7c, the state board of education may continue its proceedings to adopt a profile of learning rule but must not take final action under Minnesota Statutes, sections 14.131 to 14.20, to adopt the rule before July 1, 1999. The 180-day time limit in Minnesota Statutes, section 14.19, does not apply to this rule."

Page 134, line 13, after "Sections" insert "3," and delete "and" and after "11" insert ", and 21"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The question was taken on the adoption of the amendment.

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

Those who voted in the affirmative were:

Anderson	Fischbach	Lesewski	Ourada	Scheevel
Beckman	Frederickson	Lessard	Pariseau	Terwilliger
Belanger	Hanson	Limmer	Price	Vickerman
Berg	Kiscaden	Marty	Robling	
Day	Kleis	Neuville	Runbeck	
Dille	Larson	Olson	Samuelson	

Those who voted in the negative were:

Berglin	Janezich	Knutson	Novak	Sams
Betzold	Johnson, D.H.	Krentz	Oliver	Scheid
Cohen	Johnson, D.J.	Laidig	Pappas	Solon
Flynn	Johnson, J.B.	Langseth	Piper	Spear
Foley	Junge	Lourey	Pogemiller	Stumpf
Higgins	Kelley, S.P.	Moe, R.D.	Ranum	Wiener
Hottinger	Kelly, R.C.	Morse	Robertson	Wiger

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

Mr. Betzold moved to amend S.F. No. 3378 as follows:

Page 171, delete section 54

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 37, as follows:

Those who voted in the affirmative were:

Betzold	Kiscaden	Limmer	Olson	Sams
Day	Kleis	Morse	Pariseau	Samuelson
Fischbach	Knutson	Neuville	Price	Spear
Frederickson	Larson	Novak	Robling	Stevens
Hanson	Lesewski	Oliver	Runbeck	

Those who voted in the negative were:

Anderson	Higgins	Kelly, R.C.	Pappas	Stumpf
Belanger	Hottinger	Krentz	Piper	Terwilliger
Berg	Janezich	Laidig	Pogemiller	Vickerman
Berglin	Johnson, D.H.	Langseth	Ranum	Wiener
Cohen	Johnson, D.J.	Lessard	Robertson	Wiger
Dille	Johnson, J.B.	Lourey	Scheevel	
Flynn	Junge	Marty	Scheid	
Foley	Kelley, S.P.	Moe, R.D.	Solon	

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

Mr. Limmer moved to amend S.F. No. 3378 as follows:

Page 171, lines 9 to 12, delete the new language and insert "Each school district may ask for a student's social security number as part of the basic enrollment for the sole purpose of monitoring eligibility of students for free or reduced lunch. The request must comply with the notice requirements of section 13.04, subdivision 2, and must also notify the parent or legal guardian and student that they are not required to provide the social security number, but that if it is provided it will be used to determine whether the student is eligible for a free or reduced lunch. If the social security number is provided, it must be included as part of the essential data elements."

The motion prevailed. So the amendment was adopted.

Mr. Neuville moved to amend S.F. No. 3378 as follows:

Page 133, after line 31, insert:

"Sec. 20. [PROFILE OF LEARNING REPORT.]

The department of children, families, and learning must submit a written report to the education committees of the legislature by January 15, 1999, itemizing all direct and indirect state and local revenues actually expended in developing and fully implementing the profile of learning rule under Minnesota Statutes 1997, section 121.11, subdivision 7c, and all projected future expenditures needed to fully implement the rule statewide. Among the costs to be itemized in the report are the costs to date and projected future costs of developing, promulgating, and fully implementing the rule statewide and the costs to date and projected future costs of providing staff development training to fully implement the rule statewide. The department must submit the report to the legislative auditor in a timely fashion for review and comment by the legislative auditor before submitting the report to the legislature. The report shall include as an attachment all comments by the legislative auditor."

Page 134, line 13, delete "and" and after "11" insert ", and 20"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Mr. Neuville then moved to amend the Neuville amendment to S.F. No. 3378 as follows:

Page 1, line 16, delete everything after the period

Page 1, delete lines 17 to 20

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

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

Ms. Kiscaden moved to amend S.F. No. 3378 as follows:

Page 23, line 35, after "district" insert "with more than one high school may have compensatory revenue jointly allocated to the elementary and secondary schools that share the same enrollment boundaries with the district. A district with one high school"

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

S.F. No. 3378 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 1, as follows:

Those who voted in the affirmative were:

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

Ms. Berglin voted in the negative.

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

Mr. Moe, R.D. moved that S.F. No. 3378 be laid on the table. The motion prevailed.

### RECESS

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

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

### APPOINTMENTS

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

S.F. No. 2532: Ms. Piper, Messrs. Marty, Foley, Terwilliger and Ms. Lesewski.

S.F. No. 3297: Messrs. Stumpf, Solon, Larson, Ms. Wiener and Mr. Kleis.

S.F. No. 3298: Meses. Johnson, J.B.; Flynn; Hanson; Mr. Ourada and Mrs. Robling.

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

**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 Reports of Committees and Second Reading of Senate Bills.

**REPORTS OF COMMITTEES**

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

**Ms. Berglin from the Committee on Human Resources Finance, to which was re-referred**

**S.F. No. 2718:** A bill for an act relating to telecommunications; amending the state telephone assistance program to match federal requirements; requiring the department of human services to automatically enroll eligible persons based on information in state information systems; increasing the TAP surcharge; requiring public utilities commission to develop and implement state universal service fund by December 31, 2000; changing authorized expenditures for the telephone assistance fund; amending Minnesota Statutes 1996, sections 237.70, subdivision 6, and by adding a subdivision; and 237.701, subdivision 1; Minnesota Statutes 1997 Supplement, section 237.70, subdivisions 4a and 7; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1996, section 237.69, subdivision 9.

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

Page 8, line 16, delete "\$....." and insert "\$500,000"

Page 8, line 17, delete "\$....." and insert "\$500,000"

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

**SECOND READING OF SENATE BILLS**

S.F. No. 2718 was read the second time.

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

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

**Ms. Flynn introduced--**

**S.F. No. 3384:** A bill for an act relating to taxation; authorizing the city of Minneapolis to impose a property tax on certain transit zone property.

Referred to the Committee on Taxes.

**Mrs. Scheid introduced--**

**S.F. No. 3385:** A bill for an act relating to taxes; sales and use tax; exempting construction materials and supplies used in restoring the Earle Brown Heritage Center; amending Minnesota Statutes 1996, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

**Messrs. Langseth and Larson introduced--**

**S.F. No. 3386:** A bill for an act relating to appropriations; authorizing state bonds; appropriating money for upgrade of the Pelican Rapids library.



Referred to the Committee on Children, Families and Learning.

**Messrs. Moe, R.D. and Stumpf introduced--**

**S.F. No. 3387:** A bill for an act relating to property taxation; providing flood loss aid for counties; appropriating money; amending Minnesota Statutes 1997 Supplement, section 275.71, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 273.

Referred to the Committee on Local and Metropolitan Government.

**Mr. Langseth, Ms. Berglin and Mr. Cohen, for the Committees on Finance, introduced--**

**S.F. No. 3388:** A bill for an act relating to capital improvements; authorizing spending for public purposes; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1996, sections 16A.105; 16A.11, subdivision 3a; 17.117, subdivision 3; 85.019, subdivision 4a, and by adding a subdivision; 103F.725, subdivision 1a; 116.16, subdivision 5; 116.182, subdivision 1, and by adding a subdivision; and 446A.072, subdivisions 2, 4, 7, 9, and 12; Minnesota Statutes 1997 Supplement, sections 16A.641, subdivision 4; 84.027, subdivision 15; 116.18, subdivision 3c; and 268.917; Laws 1986, chapter 396, section 2, subdivision 1, as amended; Laws 1990, chapter 610, article 1, section 16, subdivision 4; Laws 1994, chapter 643, sections 2, subdivision 13; 8, subdivision 2; and 15, subdivision 6; Laws 1997, chapter 202, article 1, section 35, as amended; proposing coding for new law in Minnesota Statutes, chapters 16A; 85; and 116J; repealing Minnesota Statutes 1997 Supplement, section 446A.072, subdivision 4a; Laws 1986, chapter 396, section 2, subdivision 2.

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

**MEMBERS EXCUSED**

Ms. Junge was excused from the Session of today from 9:00 to 9:30 a.m. Mr. Laidig was excused from the Session of today from 9:00 to 10:00 a.m. Ms. Kiscaden was excused from the Session of today from 9:00 to 10:15 a.m. Messrs. Johnson, D.E. and Murphy were excused from the Session of today at 11:30 a.m. Mr. Ten Eyck was excused from the Session of today from 12:25 to 1:10 p.m.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:00 a.m., Monday, March 2, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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