

STATE OF MINNESOTA

SEVENTY-FIFTH SESSION—1988

SEVENTY-FIRST DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 17, 1988

The House of Representatives convened at 2:00 p.m. and was called to order by Robert E. Vanasek, Speaker of the House.

Prayer was offered by Sister Angela Vaughn, Villa Maria Center, Frontenac, Minnesota.

The roll was called and the following members were present:

Anderson, G.	Forsythe	Knuth	Olson, K.	Schreiber
Anderson, R.	Frederick	Kostohryz	Omann	Seaberg
Battaglia	Frerichs	Krueger	Onnen	Segal
Bauerly	Greenfield	Larsen	Orenstein	Simoneau
Beard	Gruenes	Lasley	Osthoff	Skoglund
Begich	Gutknecht	Lieder	Ozment	Solberg
Bennett	Hartle	Long	Pappas	Sparby
Bertram	Haukoos	Marsh	Pauly	Stanius
Bishop	Heap	McDonald	Pelowski	Steensma
Blatz	Himle	McEachern	Peterson	Sviggum
Boo	Hugoson	McKasy	Poppenhagen	Swenson
Brown	Jacobs	McLaughlin	Price	Thiede
Burger	Jaros	McPherson	Quinn	Tjornhom
Carlson, D.	Jefferson	Miller	Quist	Tompkins
Carlson, L.	Jennings	Minne	Redalen	Trimble
Carruthers	Jensen	Morrison	Reding	Tunheim
Clark	Johnson, A.	Munger	Rest	Uphus
Clausnitzer	Johnson, R.	Murphy	Rice	Valento
Cooper	Johnson, V.	Nelson, C.	Richter	Vellenga
Dauner	Kahn	Nelson, D.	Riveness	Voss
Dawkins	Kalis	Nelson, K.	Rodosovich	Wagenius
DeBlicck	Kelly	Neuenschwander	Rose	Waltman
Dempsey	Kelso	O'Connor	Rukavina	Welle
DeRaad	Kinkel	Ogren	Sarna	Wenzel
Dille	Kludt	Olsen, S.	Schafer	Winter
Dorn	Knickerbocker	Olson, E.	Scheid	Wynia
				Spk. Vanasek

A quorum was present.

Milbert, Otis and Shaver were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. McDonald moved that further reading of the Journal be

dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

Pursuant to Rules of the House, printed copies of H. F. Nos. 1857, 1862, 1939, 2159, 2415, 2554, 2703, 2727, 1872, 1938, 2078, 2088, 1849, 1991, 2172, 2252, 2295, 2317, 2490, 2620, 1534, 1921, 2019, 2246, 2360, 2477, 2414, 2423, 718, 1656, 1678, 2018 and 2340 and S. F. No. 1622 have been placed in the members' files.

REPORTS OF STANDING COMMITTEES

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 90, A bill for an act relating to crimes; requiring health professionals to report certain burn injuries; amending Minnesota Statutes 1986, sections 626.52, by adding a subdivision; and 626.53.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 626.52, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] As used in ~~subdivision 2~~ this section, "health professional" means a physician, surgeon, person authorized to engage in the practice of healing, superintendent or manager of a hospital, nurse, or pharmacist.

Sec. 2. Minnesota Statutes 1986, section 626.52, is amended by adding a subdivision to read:

Subd. 3. [REPORTING BURNS.] A health professional shall make an initial report immediately of a burn injury or wound that the professional is called upon to treat, dress, or bandage if the victim has sustained second- or third-degree burns to five percent or more of the body, the victim has sustained burns to the upper respiratory tract or sustained laryngeal edema from inhaling superheated air, or the victim has sustained a burn injury or wound that may result in the victim's death. The health professional shall make the report by telephoning the burn hotline in order to allow the proper law enforcement or other investigatory authority to be notified. Within 72 hours, the professional shall also file a written report with the state fire marshal, on a form provided by the fire marshal.

Sec. 3. Minnesota Statutes 1986, section 626.53, is amended to read:

626.53 [REPORT BY TELEPHONE AND LETTER.]

The report required by section 626.52, subdivision 2, shall be made forthwith by telephone or in person, and shall be promptly supplemented by letter, enclosed in a securely sealed, postpaid envelope, addressed to the sheriff of the county in which the wound is examined, dressed, or otherwise treated; except that, if the place in which the patient is treated for such injury or the patient's wound dressed or bandaged be in a city of the first, second, or third class, such report shall be made and transmitted as herein provided to the chief of police of such city instead of the sheriff. The office of any such sheriff and of any such chief of police shall keep such report as a confidential communication and shall not disclose the name of the person making the same, and the party making the report shall not by reason thereof be subpoenaed, examined, or forced to testify in court as a consequence of having made such a report.

Sec. 4. Minnesota Statutes 1986, section 626.55, subdivision 1, is amended to read:

Subdivision 1. Any person who violates any provision of sections 626.52 to 626.55, other than section 2, is guilty of a gross misdemeanor."

Delete the title and insert:

"A bill for an act relating to crimes; requiring health professionals to report certain burn injuries; amending Minnesota Statutes 1986, sections 626.52, subdivision 1, and by adding a subdivision; 626.53; and 626.55, subdivision 1."

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 704, A bill for an act relating to public safety; providing for the mandatory surrender of registration plates and certificates of motor vehicles operated by repeat DWI offenders; providing for administrative review; amending Minnesota Statutes 1986, sections 168.041; 169.123, subdivision 5b; 169.1261; and 171.29, by adding a subdivision.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1082, A bill for an act relating to public safety; altering certain requirements concerning fencing of unused mine pits and shafts; providing modification to certain public and private liability laws; providing penalties; amending Minnesota Statutes 1986, sections 3.732, subdivision 1; 3.736, subdivision 3; 87.024; 180.01; 180.03, subdivisions 2 and 3; 180.06; 180.10; 466.03, subdivisions 6c and 13.

Reported the same back with the following amendments:

Page 7, lines 3 and 4, strike existing language

Page 7, line 5, delete new language

Page 7, line 6, delete new language and insert "The county for which the inspector of mines was appointed shall pay the inspector's salary and expenses out of its treasury in the manner provided for payment of salaries and expenses of"

Page 7, delete lines 9 to 23 and insert "request of the county mine inspector, the county board may appropriate money, including money appropriated to the county by the legislature for the purposes of mine safety or inspection for the expenses of the county mine inspector including expenses that arise from the erection and maintenance, by the county, on county administered land, of fences, barriers, or signs required by chapter 180."

Pages 8 and 9, delete section 11

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 1229, A bill for an act relating to agriculture; investigating and promoting use of state agricultural commodities by establishments selling prepared food in the state; amending Minnesota Statutes 1986, section 17.03, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [16B.102] [PREFERENCE FOR AGRICULTURAL FOOD PRODUCTS GROWN IN STATE.]

Subdivision 1. [PREFERENCE IN STATE CONTRACTS.] The commissioner must require that state contracts by an agency for purchase of food products or food service contracts provide that the supplier make a reasonable attempt to identify food products that are grown in this state.

Subd. 2. [REPORT.] The commissioner shall prepare a report at the end of each biennium and submit it to the committees on agriculture in the house and senate on total food products purchased or contracted for by agencies and the amounts of fruits, vegetables, grains, meats, poultry, and other food products purchased or contracted for that are grown in this state.

Sec. 2. [REPORT.]

The commissioner of agriculture shall investigate the use of agricultural products to discern the opportunity for expansion of market share by agricultural producers in the state. This investigation shall include franchised food chain and restaurant establishments selling prepared food in this state. The commissioner must submit a report of the investigation to the house and senate agriculture committees of the legislature by January 31, 1989.

Sec. 3. [APPROPRIATION.]

§ is appropriated from the general fund to the commissioner of agriculture to contract for an investigation and report on the use of state agricultural products within the state and opportunities for expanded markets for state agricultural products within the state to be available until expended.

Sec. 4. [EFFECTIVE DATE.]

This act is effective the day following final enactment. Section 1 applies to contracts entered into by the state after June 30, 1988.”

Delete the title and insert:

“A bill for an act relating to agriculture; requiring attempt to identify Minnesota food products; requiring certain reports by the commissioner of agriculture; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16B.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1585, A bill for an act relating to natural resources; providing for surface water regulation on Twin Lakes in the city of Robbinsdale.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [SOUTH TWIN LAKE.]

The south water basin of Twin Lake in Hennepin county, lying east of state trunk highway No. 100 that is located entirely within the city of Robbinsdale is a separate water basin and lake to be known as South Twin Lake. South Twin Lake shall be given a separate public waters inventory number.”

Delete the title and insert:

“A bill for an act relating to natural resources; designating a basin of Twin Lake within the city of Robbinsdale as a separate basin, South Twin Lake.”

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1839, A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, omitted, and obsolete references and text; eliminating certain redundant, conflicting, and superseded provisions; providing instructions to the revisor; making miscellaneous corrections to statutes and other laws; amending Minnesota Statutes 1986, sections 10A.01, subdivisions 5 and 18; 13.46, subdivision 2; 116.44, subdivision 1; 121.931, subdivision 5; 126.70, subdivision 2; 127.35; 129B.40, subdivision 1; 145.921; 157.03; 176.081, subdivision 1; 176.101, subdivision 3e; 176.421, subdivision 7; 205.065, subdivision 1; 205.18, subdivision 2; 245.77; 256.991; 268.04, subdivision 32; 273.124, subdivision 6; 290.05, subdivision 3; 290.50, subdivision 3; 290.92, subdivision 23; 308.11; 383B.229; 473.605, subdivision 2; 473.845, subdivision 1; 485.018, subdivision 2; 515A.3-115; 548.09, subdivision 2; 611A.53, subdivision 1; Min-

nesota Statutes 1987 Supplement, sections 16A.26; 16A.661, subdivision 3; 105.81; 120.05, subdivision 2; 124.646, subdivision 1; 129B.39; 136D.71; 144.122; 145A.07, subdivision 1; 176.131, subdivision 1; 214.01, subdivision 2; 256.01, subdivision 2; 256B.69, subdivision 16; 256D.03, subdivision 4; 256G.02, subdivision 4; 256G.06; 257.354, subdivision 4; 268.91, subdivision 3e; 297.07, subdivision 3; 297.35, subdivision 3; 298.2211, subdivision 1; 352.01, subdivision 2b; 353.01, subdivision 2a; 383B.77; 469.121, subdivision 1; 469.129, subdivision 1; 469.170, subdivisions 1, 3, 7, and 8; 471.562, subdivision 4; 471.563; 474A.02, subdivision 18; 525.94, subdivision 3; 582.041, subdivision 2; reenacting Minnesota Statutes 1987 Supplement, section 80A.14, subdivision 18; repealing Minnesota Statutes 1986, sections 226.01; 226.02; 226.03; 226.04; 226.05; 226.06; 260.125, subdivision 6; 326.01, subdivision 21; 362A.08; repealing Laws 1965, chapter 267; section 1; Laws 1971, chapter 830, section 7; Laws 1976, chapters 134, sections 2 and 30; 163, section 10; Laws 1977, chapter 35, section 8; Laws 1978, chapters 496, section 1; 706, section 31; Laws 1979, chapters 48, section 2; 184, section 3; Laws 1981, chapter 271, section 1; Laws 1982, chapter 514, section 15; Laws 1983, chapters 242, section 1; 247, sections 38 and 130; 289, section 4; 290, sections 2 and 3; 299, section 26; 303, sections 21 and 22; Laws 1985, First Special Session chapter 9, article 2, sections 81, 82, and 88; Laws 1986, chapters 312, section 1; 400, section 43; 452, section 17; Laws 1986, First Special Session chapter 3, article 1, sections 74 and 79; and Laws 1987, chapters 268, article 5, section 5; 384, article 2, section 25; 385, section 7; 403, article 5, section 1; 404, section 138.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1843, A bill for an act relating to game and fish; providing for restitution for wild animals that are illegally killed or injured; providing for civil penalties for wild animals killed or injured; restricting expenditures from restitution to replacement and propagation of wild animals illegally killed or injured; amending Minnesota Statutes 1986, section 97A.065, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 97A.

Reported the same back with the following amendments:

Page 2, line 28, before "preponderance" insert "a"

Page 2, line 36, delete "or other persons"

Page 3, line 14; delete everything after "(b)"

Page 3, line 15, delete everything before "In"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 1973, A bill for an act relating to natural resources; regulating fish spearing on lakes within Indian reservations; amending Minnesota Statutes 1986, section 97C.371, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 97C.011, is amended to read:

97C.011 [MUSKELLUNGE LAKES.]

Subdivision 1. [DESIGNATION OF MUSKELLUNGE WATERS.]

(a) The commissioner may, after preparing a statement of need and reasonableness and holding a public meeting, designate waters with muskellunge as muskellunge waters.

(b) The commissioner may prescribe rules for each designated muskellunge waters that:

- (1) restrict spearing from a dark house;
- (2) restrict angling from a dark house;
- (3) limit the open season to take fish;
- (4) limit the size of fish that may be kept; and
- (5) limit the number of each species of fish that may be kept.

(c) The commissioner must give notice and hold a hearing before adopting rules under this subdivision. The rules must have a termination date and may only be extended upon a showing by the

commissioner, at a hearing, that the muskellunge population in the designated waters has been enhanced.

(d) The provisions of section 97C.385, subdivision 1, requiring the angling season on a lake to be closed in proportion to the spearing season do not apply to designated muskellunge lakes.

(e) The commissioner, when designating a muskellunge water on lakes wholly or partially within an Indian reservation, must allow at least 45 days of spearing. During the time spearing is allowed, the commissioner may restrict spearing from one hour past sunrise to one hour prior to sunset.

Subd. 2. [PENALTY.] A person convicted of spearing outside the time limits or spearing a muskellunge on designated muskellunge waters under clause (e) in subdivision 1 may not be issued a fishing or spearing license for three years after the date of conviction.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment.

Sec. 3. [APPLICABILITY.]

Section 1, subdivision 1, applies to orders and rules of the commissioner issued on and after November 18, 1987.

Amend the title as follows:

Page 1, lines 4 and 5, delete "97C.371, by adding a subdivision" and insert "97C.011"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2000, A bill for an act relating to civil actions; requiring the judgment creditor to file satisfaction of judgment documents; amending Minneosta Statutes 1986, section 548.15.

Reported the same back with the following amendments:

Page 1, line 16, delete "considered"

Page 2, delete lines 10 to 13

Page 2, line 23, strike "give" and insert "file" and after "it" insert "with the court administrator"

Amend the title as follows:

Page 1, line 3, delete "fo" and insert "to"

Page 1, line 4, delete "Minneosta" and insert "Minnesota"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2057, A bill for an act relating to agriculture; providing penalties and liability for damages for unauthorized release of domestic animals; proposing coding for new law in Minnesota Statutes, chapter 346.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [346.56] [UNAUTHORIZED RELEASE OF ANIMALS.]

Subdivision 1. [CRIMINAL PENALTY.] A person who intentionally and without permission releases an animal lawfully confined for science, research, commerce, or education is guilty of a misdemeanor.

Subd. 2. [LIABILITY FOR DAMAGES.] A person who without permission releases an animal lawfully confined for science, research, commerce, or education is liable to the owner of the animal for damages and costs of restoring the animal to confinement.

Sec. 2. [EFFECTIVE DATE.]

This act is effective August 1, 1988, and applies to unauthorized releases committed on or after that date."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2059, A bill for an act relating to crime; children; clarifying the defenses to a charge of deprivation of parental rights; requiring defendant to prove elements of defenses; amending Minnesota Statutes 1987 Supplement, section 609.26, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 609.26, subdivision 2, is amended to read:

Subd. 2. [DEFENSES.] No person violates It is an affirmative defense if a person charged under subdivision 1 if the action proves by a preponderance of the evidence that:

(1) is the person reasonably believed the action taken was necessary to protect the child from physical or sexual assault or substantial emotional harm;

(2) is the person reasonably believed the action taken was necessary to protect the person taking the action from physical or sexual assault;

(3) the action taken is consented to by the parent, stepparent, or legal custodian seeking prosecution, but consent to custody or specific visitation is not consent to the action of failing to return or concealing a minor child; or

(4) the action taken is otherwise authorized by a court order issued prior to the violation of subdivision 1.

The defenses provided in this subdivision are in addition to and do not limit other defenses available under this chapter or chapter 611.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to crimes committed on or after that date. However, to the extent that it states that subdivision 2 creates affirmative defenses to a charge under section 609.26, section 1 clarifies the original intent of the legislature in enacting Laws 1984, chapter 484, section 2; does not change the substance of Minnesota Statutes, section 609.26; and does not modify or alter any convictions entered under that section before the effective date of section 1."

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2075, A bill for an act relating to natural resources; establishing a controlled burn program; requiring permits for controlled burns; providing assistance for controlled burns; establishing the position of controlled burn coordinator; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 84.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [84.97] [CONTROLLED BURNING.]

Subdivision 1. [PROGRAM ESTABLISHED.] The commissioner shall establish a controlled burning program on public and private land to propagate wildlife requiring new vegetative growth and brush habitats, prairie management and to reduce the wildfire hazard.

Subd. 2. [BURNING PERMITS.] (a) A person may not conduct a controlled burn without a permit.

(b) The commissioner shall provide a manual that describes financial and technical assistance available and provides detailed information on conducting a controlled burn.

Subd. 3. [ASSISTANCE FOR PRIVATE BURNS.] The commissioner may provide financial and technical assistance to persons who desire to conduct controlled burns approved by the commissioner. Technical assistance includes controlled burn plan development, demonstration controlled burns, and personnel assistance for a controlled burn.

Subd. 4. [CONTROLLED BURN COORDINATOR.] The position of controlled burn coordinator is established in the department of natural resources for the purpose of coordinating activities pursuant to subdivision 1.

Sec. 2. [APPROPRIATION.]

\$ is appropriated from the general fund to the commis-

sioner of natural resources for the purposes listed in clauses (1) to (5), to be available until June 30, 1989:

<u>(1) financial and technical assistance</u> <u>for controlled burns on nonstate lands</u>	\$
<u>(2) controlled burns on state land</u>	\$
<u>(3) controlled burn equipment</u>	\$
<u>(4) preparation and publication of a controlled</u> <u>burn manual</u>	\$
<u>(5) controlled burn coordinator</u> <u>salary and support services</u>	\$

Sec. 3. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to natural resources; establishing a controlled burn program; requiring permits for controlled burns; providing assistance for controlled burns; establishing the position of controlled burn coordinator; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 84."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2179, A bill for an act relating to state parks; adding Hill-Annex Mine state park to the state park system; specifying terms and conditions of acquisition; appropriating funds; amending Minnesota Statutes 1986, section 85.012, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 85.012, is amended by adding a subdivision to read:

Subd. 27a. Hill-Annex Mine state park, Itasca county.

Sec. 2. [PARK BOUNDARIES.]

Hill-Annex Mine state park consists of the surface interest in land within Itasca county described as Section 16, Township 56 North, Range 23 West, excluding an area containing 6.5 acres more or less which is described as follows:

Starting at the corner common to Sections 17, 16, 20 and 21, Township 56 North, Range 23 West; thence due east on section line 155 feet to point of beginning; thence due east 916 feet; thence due north 330 feet; thence due west 916 feet; thence due south 330 feet to the point of beginning.

Sec. 3. [ACQUISITION.]

When the agreements and transfers required by section 4 have been completed to the satisfaction of the commissioner of natural resources, the commissioner shall acquire by condemnation sufficient ownership interests in the surface estate of the land described in section 2 to create a state park to interpret and provide the public with an opportunity to view and experience natural iron ore open-pit mining operations as conducted on Minnesota's historic iron ranges.

The commissioner may not condemn the mineral estate in the described property, and, in the establishment of the park, shall recognize the possibility that mining may be conducted on the property in the future, and that use of portions of the surface estate may be necessary to these possible future mining operations. Subject to the above conditions, all lands acquired for the Hill-Annex Mine state park must be administered in the same manner as provided for other state parks and must be perpetually dedicated for that use.

Sec. 4. [ESTABLISHMENT AND MAINTENANCE.]

For establishing Hill-Annex Mine state park, the iron range resources and rehabilitation board must take the following actions:

(1) the board must provide the commissioner of natural resources with the necessary equipment to operate the Hill-Annex Mine state park and maintain the access roads for the Hill-Annex Mine tour, provide the commissioner of natural resources with an agreement by local units of government to maintain the access roads for the Hill-Annex Mine tour, or must enter into an agreement with the department of natural resources to maintain these roads at the expense of the board;

(2) the board must acquire and install a water pump and necessary pipeline for removing water from the mine that is of sufficient capacity to efficiently maintain a water level low enough to allow

public bus tours down to the bottom of the area called (A) pocket; and

(3) the board must provide vehicles suitable for transporting visitors through the mine on interpretive tours.

Sec. 5. [APPROPRIATION.]

\$270,000 is appropriated from the general fund to the commissioner of natural resources to operate Hill-Annex Mine state park for fiscal year 1989.

\$160,000 is appropriated to the commissioner of natural resources from the general fund for land acquisition to be available until expended.

Five positions are added to the complement of the division of parks and recreation for staff for Hill-Annex Mine state park."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 2186, A bill for an act relating to the board of the arts; regulating distribution of funds to regional arts councils; regulating conflict of interest; amending Minnesota Statutes 1986, section 139.10.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 2203, A bill for an act relating to education; allowing school districts to designate a volunteer staff person in each secondary school as a referral counselor for students; excluding referral counselors from certain duties and liabilities; proposing coding for new law in Minnesota Statutes, chapter 123.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [123.43] [VOLUNTARY REFERRAL COUNSELOR.]

Subdivision 1. [DESIGNATION.] The school board may designate a staff person in each secondary school as a confidential referral person for the pupils. In public secondary schools with enrollments of more than 500 pupils, the school board may designate a confidential referral person for each 500 pupils enrolled in the school. In this section, a confidential referral person means a volunteer staff person other than a certified counselor who is willing to and will be available to students to discuss their personal concerns and problems on a confidential basis.

Subd. 2. [DEFINITION.] A confidential referral person's primary responsibility is to refer students to appropriate professional help when the referral person believes it is in the student's best interest.

Subd. 3. [CONFIDENTIALITY; EXCEPTIONS.] Notwithstanding any law to the contrary, any information discussed with the staff person serving in the role of a confidential referral person, when that person is serving in that role, is confidential. The confidential referral person is not obligated to disclose this information to teachers, administrators, or other persons, except that a confidential referral person may reveal:

(1) confidences or secrets with the consent of the student or students affected, but only after consultation with them; or

(2) the intention of a student to commit a crime and the information necessary to prevent a crime.

In those instances when a confidential referral person knows or has reason to believe that a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years, the confidential referral person shall report immediately the information to the local welfare agency, police department, or the county sheriff, as required in section 626.556, subdivision 3.

Subd. 4. [IMMUNITY.] A school district staff person, serving in the role of a confidential referral person, as defined in subdivision 1, and in good faith, under this section, is immune from civil or criminal liability that otherwise might result from the service.

Subd. 5. [NOTIFICATION TO STAFF AND STUDENTS.] A school district must notify the district staff that the district is authorized to designate a staff person as a confidential referral person under this section. If a school board designates a staff person as a confidential referral person, the school board must notify the

students of the availability of this person to talk with the students in a confidential manner subject to this section."

Delete the title and insert:

"A bill for an act relating to education; allowing school districts to designate a volunteer staff person in each secondary school as a confidential referral person for students; excluding confidential referral persons from certain duties and liabilities; proposing coding for new law in Minnesota Statutes, chapter 123."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2206, A bill for an act relating to crimes; expanding aggravated robbery and burglary in the first degree to include crimes committed with an article that appears to be a dangerous weapon; creating a felony offense of terrorizing with a replica firearm; amending Minnesota Statutes 1986, sections 609.245; 609.582; and 609.713, by adding a subdivision.

Reported the same back with the following amendments:

Page 2, line 21, delete everything after "object"

Page 2, line 22, delete "other material," and delete the second "is"

Page 2, line 23, delete "recognizable as" and insert "reasonably appears to be"

Page 2, line 25, before the period insert "that is not otherwise defined as a dangerous weapon"

With the recommendation that when so amended the bill pass.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 2216, A bill for an act relating to natural resources; ratifying and affirming the settlement agreement arising from litigation concerning certain treaty related claims of Chippewa Indians; prescribing powers and duties of the commissioner of

natural resources in relation to the settlement agreement; proposing coding for new law in Minnesota Statutes, chapter 97A.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

McEachern from the Committee on Education to which was referred:

H. F. No. 2245, A bill for an act relating to education; establishing the amount of the formula allowance for general education revenue for fiscal year 1990; amending Minnesota Statutes 1987 Supplement, section 124A.22, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"SUMMARY

Section 1. [APPROPRIATIONS; TABLE.]

The sums shown are appropriated from the general fund to the agencies specified for the purposes specified in this act to be available for the fiscal year indicated for each purpose.

The figures "1988" and "1989," when used in this act, mean that the appropriation or appropriations listed under or along side them are available for the year ending June 30, 1988, or June 30, 1989, respectively.

SUMMARY BY FUND

	1988	1989	TOTAL
<u>General</u>	<u>\$12,000</u>	<u>\$54,411,300</u>	<u>\$54,423,300</u>

ARTICLE 1

GENERAL EDUCATION REVENUE

Section 1. Minnesota Statutes 1987 Supplement, section 124A.22, subdivision 2, is amended to read:

Subd. 2. [BASIC REVENUE.] The basic revenue for each district equals the formula allowance times the actual pupil units for the school year. The formula allowance is \$2,735 \$2,785 for the 1988-1989 school year. The formula allowance is \$2,820 for the 1989-1990 school year.

Sec. 2. Minnesota Statutes 1987 Supplement, section 124A.22, subdivision 3, is amended to read:

Subd. 3. [COMPENSATORY EDUCATION REVENUE.] The compensatory education revenue for the 1988-1989 school year for each district equals \$2,735 times the AFDC pupil units counted according to section 124.17, subdivision 1b, for the school year. For the 1989-1990 school year and each year thereafter, the compensatory education revenue for each district equals the formula allowance times the AFDC pupil units counted according to section 124.17, subdivision 1b, for the school year.

Sec. 3. Minnesota Statutes 1987 Supplement, section 124A.22, subdivision 6, is amended to read:

Subd. 6. [SPARSITY REVENUE.] For the 1988-1989 school year only, a district's sparsity revenue equals the sum of the results of the following calculation for each qualifying high school in the district:

- (1) \$2,735, multiplied by
- (2) the secondary average daily membership of the high school, multiplied by
- (3) the quotient obtained by dividing 400 minus the secondary average daily membership by 400 plus the secondary average daily membership, multiplied by
- (4) the lesser of one or the quotient obtained by dividing the isolation index minus 23 by ten.

For the 1989-1990 school year and each year thereafter, a district's sparsity revenue for a school year equals the sum of the results of the following calculation for each qualifying high school in the district:

- (1) the formula allowance for the school year, multiplied by
- (2) the secondary average daily membership of the high school, multiplied by
- (3) the quotient obtained by dividing 400 minus the secondary average daily membership by 400 plus the secondary average daily membership, multiplied by

(4) the lesser of one or the quotient obtained by dividing the isolation index minus 23 by ten.

Sec. 4. Minnesota Statutes 1987 Supplement, section 124A.23, subdivision 1, is amended to read:

Subdivision 1. [GENERAL EDUCATION MILL RATE.] The commissioner of revenue shall establish the general education mill rate and certify it to the commissioner of education by August 1 of each year for levies payable in the following year. The general education mill rate shall be a rate, rounded up to the nearest tenth of a mill, that, when applied to the adjusted assessed valuation for all districts, raises the amount specified in this subdivision. The general education mill rate for the 1989 fiscal year shall be the rate that raises \$1,079,000,000. The general education mill rate for the 1990 fiscal year shall be the rate that raises \$1,079,000,000. The general education mill rate certified by the commissioner of revenue must not be changed due to changes or corrections made to a district's adjusted assessed valuation after the mill rate has been certified.

Sec. 5. Minnesota Statutes 1987 Supplement, section 124A.23, subdivision 2, is amended to read:

Subd. 2. [GENERAL EDUCATION LEVY.] To obtain general education revenue for the 1989-1990 school year and each year thereafter, a district may levy an amount not to exceed the general education mill rate times the adjusted assessed valuation of the district for the preceding year. If the amount of the general education levy would exceed the general education revenue, the general education levy shall be determined according to subdivision 3. The adjusted assessed valuation must be determined each year by the equalization aid review committee according to section 124.2131.

Sec. 6. Minnesota Statutes 1987 Supplement, section 124A.23, is amended by adding a subdivision to read:

Subd. 2a. [GENERAL EDUCATION LEVY, 1988-1989 SCHOOL YEAR.] To obtain general education revenue for the 1988-1989 school year, a district may levy an amount not to exceed the general education mill rate times the adjusted assessed valuation of the district for the preceding year. If the amount of the general education levy would exceed the sum of:

- (1) the district's compensatory education revenue; plus
- (2) the district's training and experience revenue; plus
- (3) the district's sparsity revenue; plus

(4) \$2,735 times the district's actual pupil units for the 1988-1989 school year, the general education levy shall be determined according to section 8.

Sec. 7. Minnesota Statutes 1987 Supplement, section 124A.23, subdivision 3, is amended to read:

Subd. 3. [GENERAL EDUCATION LEVY; DISTRICTS OFF THE FORMULA.] For the 1989-1990 school year and each year thereafter, if the amount of the general education levy for a district exceeds the district's general education revenue, the amount of the general education levy shall be limited to the following:

- (1) the district's general education revenue; plus
- (2) the amount of the aid reduction for the same school year according to section 124A.24; minus
- (3) payments made for the same school year according to section 124A.035, subdivision 4.

For purposes of statutory cross-reference, a levy made according to this subdivision shall be construed to be the levy made according to subdivision 2.

Sec. 8. Minnesota Statutes 1987 Supplement, section 124A.23, is amended by adding a subdivision to read:

Subd. 3a. [GENERAL EDUCATION LEVY, DISTRICTS OFF THE FORMULA, 1988-1989 SCHOOL YEAR.] If the amount of the general education levy for a district for the 1988-1989 school year exceeds the district's general education revenue, the amount of the general education levy is limited to the following:

- (1) the sum of the district's (i) compensatory revenue, (ii) training and experience revenue, (iii) sparsity revenue, and (iv) \$2,735 times the district's actual pupil units for the 1988-1989 school year; plus
- (2) the amount of the aid reduction for the same school year according to section 124A.24; minus
- (3) payments made for the same school year according to section 124A.035, subdivision 4.

For statutory cross-reference, a levy made according to this subdivision is the levy made according to section 6.

Sec. 9. Minnesota Statutes 1987 Supplement, section 124A.24, is amended to read:

124A.24 [GENERAL EDUCATION LEVY EQUITY.]

If a district's general education levy is determined according to section 124A.23, subdivision 3, an amount must be deducted from state aid authorized in this chapter and chapter 124, receivable for the same school year, and from other state payments receivable for the same school year authorized in sections 273.115; 273.116; 273.123, subdivision 6; 273.13, subdivision 15a; and Laws 1983, chapter 342, article 8, section 8. The aid in section 124.646 must not be reduced.

The amount of the deduction equals the difference between:

(1) the general education mill rate, according to section 124A.23, times the district's adjusted assessed valuation used to determine the general education aid for the same school year; and

(2) the district's general education revenue for the same school year, according to section 124A.22.

However, for fiscal year years 1989 and 1990, the amount of the deduction shall be one-fourth of the difference between clauses (1) and (2); for fiscal year 1991, the amount of the deduction shall be three-eighths of the difference between clauses (1) and (2); for fiscal year ~~1990~~ 1992, the amount of the deduction shall be one-half of the difference between clauses (1) and (2); and for fiscal year 1993, the amount of the deduction shall be five-eighths of the difference between clauses (1) and (2); for fiscal year ~~1991~~ 1994, the amount of the deduction shall be three-fourths of the difference between clauses (1) and (2); and for fiscal year 1995, the amount of the deduction shall be seven-eighths of the difference between clauses (1) and (2).

Sec. 10. [124A.245] [GENERAL EDUCATION LEVY EQUITY, 1988-1989 SCHOOL YEAR.]

If a district's general education levy for the 1988-1989 school year is determined according to section 6, an amount must be deducted from state aid authorized in this chapter and chapter 124, receivable for the same school year, and from other state aid payments receivable for the same school year authorized in sections 273.115; 273.116; 273.123, subdivision 6; 273.13, subdivision 15a; and Laws 1983, chapter 342, article 8, section 8. The aid in section 124.646 must not be reduced.

The amount of the deduction equals one-fourth of the differences between:

(1) the general education mill rate, according to section 124A.23, times the district's adjusted assessed valuation used to determine the general education aid for the same school year; and

(2) the sum of the district's (i) compensatory revenue, (ii) training and experience revenue, (iii) sparsity revenue, and (iv) \$2,735 times the district's actual pupil units for the 1988-1989 school year.

Sec. 11. Minnesota Statutes 1987 Supplement, section 124A.25, subdivision 2, is amended to read:

Subd. 2. [MINIMUM ALLOWANCE.] "Minimum allowance" for a district for the 1988-1989 school year means:

(1) the district's 1987-1988 revenue, according to subdivision 1; divided by

(2) the district's 1987-1988 actual pupil units, adjusted for the change in pupil unit weighting made in section 124.17, subdivision 1; plus

(3) \$40 \$90.

"Minimum allowance" for a district for the 1989-1990 school year, and each year thereafter, means:

(1) the district's 1987-1988 revenue, according to subdivision 1; divided by

(2) the district's 1987-1988 actual pupil units, adjusted for the change in weighting made in section 124.17, subdivision 1; plus

(3) \$90; plus

(4) .75 times the difference between the formula allowance for the current school year and the formula allowance for the preceding school year.

Sec. 12. Minnesota Statutes 1987 Supplement, section 124A.25, subdivision 4, is amended to read:

Subd. 4. [SUPPLEMENTAL LEVY.] To obtain supplemental revenue for the 1989-1990 school year and each year thereafter, a district may levy an amount not to exceed the product of its supplemental revenue for the school year times the lesser of one or the ratio of its general education levy to its general education revenue for the same year.

Sec. 13. Minnesota Statutes 1987 Supplement, section 124A.25, is amended by adding a subdivision to read:

Subd. 4a. [SUPPLEMENTAL LEVY, 1988-1989 SCHOOL YEAR.] To obtain supplemental revenue for the 1988-1989 school year, a district may levy an amount not to exceed the product of its supplemental revenue for the school year times the lesser of one or the ratio of its general education levy to the sum of the following calculation:

(1) the district's compensatory revenue; plus

(2) the district's training and experience revenue; plus

(3) the district's sparsity revenue; plus

(4) \$2,735 times the district's actual pupil units for the 1988-1989 school year.

Sec. 14. [APPROPRIATIONS.]

There is appropriated from the general fund to the department of education the sum of \$30,200,000 for general education aid for the 1988-1989 school year. This sum is added to the sum appropriated in Laws 1987, chapter 398, article 1, section 26, subdivision 2.

The appropriation is based on an aid entitlement of \$35,500,000 for fiscal year 1989.

Sec. 15. [REPEALER.]

Minnesota Statutes 1987 Supplement, section 124A.27, subdivision 10, is repealed.

ARTICLE 2

TRANSPORTATION

Section 1. Minnesota Statutes 1986, section 120.74, subdivision 1, is amended to read:

Subdivision 1. A school board is not authorized to charge fees in the following areas:

(a) Textbooks, workbooks, art materials, laboratory supplies, towels;

(b) Supplies necessary for participation in any instructional course except as authorized in sections 120.73 and 120.75;

(c) Field trips which are required as a part of a basic education program or course;

(d) Graduation caps, gowns, any specific form of dress necessary for any educational program, and diplomas;

(e) Instructional costs for necessary school personnel employed in any course or educational program required for graduation;

(f) Library books required to be utilized for any educational course or program;

(g) Admission fees, dues, or fees for any activity the pupil is required to attend;

(h) Any admission or examination cost for any required educational course or program;

(i) Locker rentals;

(j) Transportation of pupils (1) to and from school as authorized pursuant to section 123.39 or (2) for which state transportation aid is authorized pursuant to section 124.223. However, a district may charge a fee for transporting pupils for which aid is not authorized under section 124.223, clause (1), provided that a district charging fees for transportation of pupils must establish guidelines for that transportation to ensure that no pupil is denied transportation solely because of inability to pay.

Sec. 2. Minnesota Statutes 1987 Supplement, section 124.223, is amended to read:

124.223 [TRANSPORTATION AID AUTHORIZATION.]

School transportation and related services for which state transportation aid is authorized are:

(1) [TO AND FROM SCHOOL; BETWEEN SCHOOLS.] Transportation or board of resident elementary pupils who reside one mile or more from the public schools which they could attend; transportation or board of resident secondary pupils who reside two miles or more from the public schools which they could attend; transportation to, and from schools the resident pupils attend according to a program approved by the commissioner of education, or between the schools the resident pupils attend pursuant to a program approved by the commissioner of education for instructional classes; transportation of resident elementary pupils who reside one mile or more from a nonpublic school actually attended; transportation of resident secondary pupils who reside two miles or more from a nonpublic school actually attended; but with respect to transportation of

pupils to nonpublic schools actually attended, only to the extent permitted by sections 123.76 to 123.79; transportation of pupils who are custodial parents to and from the provider of child care services for the pupil's child, within the attendance area of the school the pupil attends;

For the purposes of this clause, a district may designate a licensed day care facility or the residence of a relative as the home of a pupil for part or all of the day, if requested by the pupil's parent or guardian and if that facility or residence is within the attendance area of the school the pupil attends;

(2) [OUTSIDE DISTRICT.] Transportation to and from or board and lodging in another district, of resident pupils of a district without a secondary school; the pupils may attend a classified secondary school in another district and shall receive board and lodging in or transportation to and from a district having a classified secondary school at the expense of the district of the pupil's residence;

(3) [SECONDARY VOCATIONAL CENTERS.] Transportation to and from a state board approved secondary vocational center for secondary vocational classes for resident pupils of any of the districts who are members of or participating in programs at that center;

(4) [HANDICAPPED.] Transportation or board and lodging of a handicapped pupil when that pupil cannot be transported on a regular school bus, the conveying of handicapped pupils between home and school and within the school plant, necessary transportation of handicapped pupils from home or from school to other buildings, including centers such as developmental achievement centers, hospitals and treatment centers where special instruction or services required by section 120.17 are provided, within or outside the district where services are provided, and necessary transportation for resident handicapped pupils required by section 120.17, subdivision 4a. Transportation of handicapped pupils between home and school shall not be subject to any distance requirement for children not yet enrolled in kindergarten or to the requirement in clause (1) that elementary pupils reside at least one mile from school and secondary pupils reside at least two miles from school in order for the transportation to qualify for aid;

(5) [BOARD AND LODGING; NONRESIDENT HANDICAPPED.] When necessary, board and lodging for nonresident handicapped pupils in a district maintaining special classes;

(6) [SHARED TIME.] Transportation from one educational facility to another within the district for resident pupils enrolled on a shared time basis in educational programs approved by the commissioner of education, and necessary transportation required by sec-

tion 120.17, subdivision 9, for resident handicapped pupils who are provided special instruction and services on a shared time basis;

(7) [FARIBAULT STATE ACADEMIES.] Transportation for residents to and from the Minnesota state academy for the deaf or the Minnesota state academy for the blind;

(8) [SUMMER INSTRUCTIONAL PROGRAMS.] Services described in clauses (1) to (7), (9), and (10) when provided in conjunction with a summer program eligible for aid and levy under sections 124A.03 and 124A.033;

(9) [COOPERATIVE ACADEMIC AND VOCATIONAL.] Transportation to, from or between educational facilities located in any of two or more school districts jointly offering academic classes approved by the commissioner or secondary vocational classes not provided at a secondary vocational center which are approved by the commissioner for resident pupils of any of these districts; and

(10) [NONPUBLIC SUPPORT SERVICES.] Necessary transportation within district boundaries between a nonpublic school and a public school or a neutral site for nonpublic school pupils who are provided pupil support services pursuant to section 123.935.

Sec. 3. Minnesota Statutes 1987 Supplement, section 124.225, subdivision 4b, is amended to read:

Subd. 4b. [FORMULA TERMS.] (a) To predict the logarithm of the base cost for each district pursuant to subdivision 3 for the 1985-1986 base year, the multiple regression formula shall use the following terms for each district:

(1) the logarithm of the lesser of (a) the number of authorized FTE's per square mile transported by the district in the regular transportation category; or (b) 200;

(2) whether the district is nonrural, based upon criteria established by the department of education; and

(3) the logarithm of the percentage of all FTE's transported in the regular category using buses that are not owned by the district.

(b) To predict the logarithm of the base cost for each district according to subdivision 3 for the 1986-1987 base year and thereafter, the multiple regression formula shall use the following terms for each district:

(1) the logarithm of the lesser of:

(A) 200; or

(B) the quotient obtained by dividing the sum of:

(i) the number of FTE pupils transported in the regular category in the base year, plus

(ii) the number of secondary pupils transported to and from school in the base year who live more than one mile but less than two miles from the public school that they could attend or from the nonpublic school actually attended, plus

(iii) the number of pupils residing less than one mile from school who were transported to and from school in the base year because of extraordinary traffic hazards,

(C) by the area of the district in square miles;

(2) whether the district is nonrural, based upon criteria established by the department of education; and

(3) the logarithm of the percentage of all FTE's transported in the regular category using buses that are not owned by the district.

(b) To predict the logarithm of the base cost for each district according to subdivision 3 for the 1987-1988 base year and thereafter, the multiple regression formula shall use the following terms for each district:

(1) the logarithm of the lesser of:

(A) 200; or

(B) the quotient obtained by dividing the sum of:

(i) the number of FTE pupils transported in the regular category in the base year, plus

(ii) the number of secondary pupils transported to and from school in the base year who live more than one mile but less than two miles from the public school that they could attend or from the nonpublic school actually attended, plus

(iii) the number of pupils residing less than one mile from school who were transported to and from school in the base year because of extraordinary traffic hazards,

(C) by the area of the district in square miles;

(2) for districts with more than the state average number of pupils

in average daily membership per square mile, the logarithm of the greater of:

(A) the percentage of the assessed valuation of the district that is not classified as agricultural land under section 273.13, subdivision 23, minus 65 percent, or

(B) one;

(3) the logarithm of the ratio of:

(A) the percentage of all FTE's transported in the regular category using buses that are not owned by the district, divided by

(B) the lesser of the quotient defined in clause (b) (1) (B), or 40.

Sec. 4. Minnesota Statutes 1987 Supplement, section 275.125, subdivision 5, is amended to read:

Subd. 5. [BASIC TRANSPORTATION LEVY.] Each year, a school district may levy for school transportation services an amount not to exceed the amount raised by the basic transportation mill rate times the adjusted assessed valuation of the district for the preceding year. The commissioner of revenue shall establish the basic transportation mill rate and certify it to the commissioner of education by August 1 of each year for levies payable in the following year. The basic transportation mill rate shall be a rate, rounded up to the nearest hundredth of a mill, that, when applied to the adjusted assessed valuation of taxable property for all districts, raises the amount specified in this subdivision. The basic transportation mill rate for the 1987 payable 1988 levies and for transportation aid for the 1988-1989 school year shall be the rate that raises \$71,256,100. The basic transportation mill rate for the 1988 payable 1989 levies and for transportation aid for the 1989-1990 school year shall be the rate that raises \$71,256,100. The basic transportation mill rate certified by the commissioner of revenue must not be changed due to changes or corrections made to a district's adjusted assessed valuation after the mill rate has been certified.

Sec. 5. Laws 1987, chapter 398, article 2, section 13, subdivision 2, is amended to read:

Subd. 2. [TRANSPORTATION AID.] For transportation aid there is appropriated:

\$90,477,000 1988,

~~\$87,334,800~~ \$87,419,800 1989.

The appropriation for aid for fiscal year 1988 includes \$12,194,300 for aid for fiscal year 1987 payable in fiscal year 1988 and \$78,282,700 for fiscal year 1988 payable in fiscal year 1988.

The appropriation for aid for fiscal year 1989 includes \$13,814,600 for aid for fiscal year 1988 payable in fiscal year 1989 and ~~\$73,520,200~~ \$73,605,200 for fiscal year 1989 payable in fiscal year 1989.

The appropriations are based on aid entitlements of \$92,097,200 for fiscal year 1988 and ~~\$86,494,300~~ \$86,594,300 for fiscal year 1989.

Sec. 6. [APPROPRIATION.]

There is appropriated from the general fund to the department of education the sum of \$50,000 for fiscal year 1989 for state paid reimbursements of transportation costs based on financial need according to Minnesota Statutes, section 123.3515, subdivision 6.

The appropriation is available to reimburse costs in both years of the biennium.

ARTICLE 3

SPECIAL PROGRAMS

Section 1. Minnesota Statutes 1987 Supplement, section 124.573, subdivision 2b, is amended to read:

Subd. 2b. [SECONDARY VOCATIONAL AID.] For 1988-1989 and later school years, a district's or cooperative center's "secondary vocational aid" for secondary vocational education programs for a school year equals the sum of the following amounts for each program:

(a) the greater of zero, or 75 percent of the difference between:

(1) the salaries paid to essential, licensed personnel in that school year for services rendered in that ~~district's or cooperative center's~~ approved secondary vocational education programs program, and

(2) 50 percent of the general education revenue attributable to secondary pupils for the number of hours that the pupils are enrolled in ~~secondary vocational courses~~ that program; and

(b) 30 percent of approved expenditures for the following:

(1) contracted services provided by a public or private agency

other than a Minnesota school district or cooperative center under section 124.573, subdivision 3a;

(2) necessary travel between instructional sites by licensed secondary vocational education personnel;

(3) necessary travel by licensed secondary vocational education personnel for vocational student organization activities held within the state for instructional purposes;

(4) curriculum development activities that are part of a five-year plan for improvement based on program assessment;

(5) necessary travel by licensed secondary vocational education personnel for noncollegiate credit bearing professional development; and

(6) specialized vocational instructional supplies.

Sec. 2. Minnesota Statutes 1987 Supplement, section 124.573, is amended by adding a subdivision to read:

Subd. 2d. [ADMINISTRATION.] In making the computation in subdivision 2b, paragraph (a), clause (1), the salaries of the administrator and support service facilitator shall be apportioned among programs based on the number of full-time equivalent instructors in each program.

Sec. 3. Minnesota Statutes 1987 Supplement, section 124.573, is amended by adding a subdivision to read:

Subd. 5. [DISTRICT REPORTS.] Each district or cooperative center shall report data to the department for all secondary vocational education programs as required by the department to implement the secondary vocational aid formula.

Sec. 4. Minnesota Statutes 1986, section 126.151, is amended to read:

126.151 [VOCATIONAL EDUCATION STUDENT ORGANIZATIONS.]

Subdivision 1. [ENROLLMENT.] Any pupil student enrolled in a vocational technical education program approved by the state board of education and the state board of vocational technical education may belong to a vocational student organization which is operated as an integral part of the vocational program. The commissioner of education and state board of vocational technical education may provide necessary technical assistance and leadership to these organizations at the state level for administration of approved

vocational student organizations and fiscal accounts, including state and national conferences.

Subd. 2. [VOCATIONAL STUDENT ORGANIZATION ACCOUNTS.] The department of education and state board of vocational technical education may retain dues and other money collected on behalf of students participating in authorized vocational student organizations and may deposit the money in separate student organization accounts. The funds in these accounts shall be available for expenditures for state and national activities related to the specific vocational student organization. Administration of funds collected under this section are not subject to the provisions of chapters 15, 16A, and 16B, and may be deposited outside the state treasury. Funds shall be administered under the policies of the department of education for secondary vocational student organizations and the state board of vocational technical education relating to post-secondary vocational student organizations and shall be subject to audit by the legislative auditor. The unexpended funds shall carry forward from one fiscal year to the next and from one fiscal biennium to the next.

Sec. 5. Minnesota Statutes 1987 Supplement, section 126.666, is amended by adding a subdivision to read:

Subd. 2a. [AMERICAN INDIAN SUBCOMMITTEE.] In a district that offers an education program for American Indians and has established an Indian parent advisory committee under section 126.51, or a local committee of Indian parents under the Johnson-O'Malley Act, United States Code, title 25, section 456, or a committee of parents under the Indian Education Act, United States Code, title 20, section 241dd(b)(2)(B)(ii), the school board shall establish an American Indian subcommittee of the curriculum advisory committee. The subcommittee must be composed of parents of American Indian students from the established American Indian education committees in the district. The composition must be determined according to criteria established by the state board. The subcommittee shall advise the curriculum advisory committee and the school board on:

- (1) education needs of American Indian students;
- (2) recommendations on assessment procedures and instructional programs to meet the educational needs of American Indian students and the requirements of grants that are available to the district for American Indian programs;
- (3) developing a long range plan for the education of American Indian students under sections 124.481 and 126.48; and
- (4) integrating programs and services to meet the educational

needs of American Indian students with the total array of student programs and services provided by the district.

Sec. 6. Laws 1987, chapter 398, article 3, section 39, subdivision 8, is amended to read:

Subd. 8. [AMERICAN INDIAN POST-SECONDARY PREPARATION GRANTS.] For Indian post-secondary preparation grants, according to Minnesota Statutes, section 124.481, there is appropriated:

\$781,400 1988,

~~\$781,400~~ \$881,400 1989.

Sec. 7. [INDIAN EDUCATION STUDY.]

Subdivision 1. [INDIAN EDUCATION COUNCIL.] (a) An Indian education council composed of 17 members is established to develop recommendations for programs to address the educational needs of Indian children. The state board of education shall appoint two of its members to serve on the council. The board of independent school district No. 625, St. Paul and the board of special school district No. 1, Minneapolis, shall each appoint one of its members and one Indian parent residing in the district to serve on the council. The governor must appoint the remaining members. Seven of the members must be appointed in consultation with the Indian affairs council and the advisory council on urban Indians, as provided in Minnesota Statutes, section 3.922, subdivision 6, clause (6), and subdivision 8, and at least four of the seven must be Indian parents.

(b) The council chair must be elected by the members of the council. Minnesota Statutes, section 15.059, subdivisions 3 and 4, apply to compensation and removal of members of the council. The council terminates on February 1, 1989.

Subd. 2. [RECOMMENDATIONS.] The council shall make recommendations about what education structures, programs, and forms of governance and financing appear to provide the best learning environment for Indian children.

The council may make additional recommendations about other education options or issues affecting Indian children.

Subd. 3. [COUNCIL STAFF AND FACILITIES.] The commissioner of education may provide space within the department's facilities for council meetings and council staff. The commissioner may provide available support services to the council and council staff. The council may contract for professional and nonprofessional

staff. The council may contract with consultants and for legal services, as needed.

Subd. 4. [REPORT TO LEGISLATURE.] By February 1, 1989, the council shall report its recommendations to the state board of education and the education committees of the legislature.

Sec. 8. [DELIVERING CAREER AND SECONDARY VOCATIONAL EDUCATION.]

Subdivision 1. [SECONDARY VOCATIONAL INSTRUCTION MODEL.] The commissioner of education, in consultation with the director of the state board of vocational technical education, the director of the state council on vocational technical education, and the chair of the department of vocational and technical education, University of Minnesota, shall develop a restructured model for delivering secondary vocational education. The model must be consistent with the following principles:

(1) all secondary students should have access to career exploration opportunities;

(2) all secondary students should receive instruction in job seeking, job keeping, and other employment skills;

(3) learner outcomes for secondary vocational programs should include basic skills instruction and higher order thinking skills;

(4) secondary vocational education curriculum should include preparing students for family roles and applying technology to students' learning experiences;

(5) secondary vocational education programs designed for the instruction of specific occupational skills should be coordinated with post-secondary vocational programs so that students do not need to repeat course work.

Subd. 2. [STAFFING.] The commissioner may employ or contract for temporary staffing in developing this model. The commissioner shall actively involve secondary vocational and post-secondary vocational education teachers, vocational teacher educators, special needs staff, general education teachers, school counselors, school administrators, school board members, and persons from business and industry in developing the model.

Subd. 3. [REPORT.] By December 1, 1988, the commissioner shall report to the governor and the education committees of the legislature on the restructured delivery model and recommendations for implementation.

Sec. 9. [APPROPRIATION.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [SECONDARY VOCATIONAL MODEL.] For developing a restructured secondary vocational model, there is appropriated:

\$100,000 1989.

Subd. 3. [INDIAN EDUCATION COUNCIL.] For the Indian education council there is appropriated:

\$100,000 1989.

ARTICLE 4

COMMUNITY EDUCATION

Section 1. Minnesota Statutes 1987 Supplement, section 121.612, subdivision 3, is amended to read:

Subd. 3. [FOUNDATION PROGRAMS.] The foundation shall plan for programs which advance the concept of educational excellence. These may include but are not limited to:

(a) recognition programs and awards for students demonstrating academic excellence;

(b) summer institute programs for students with special talents;

(c) recognition programs for teachers, administrators, and others who contribute to academic excellence; and

(d) summer mentorship programs with business and industry for students with special career interests and high academic achievements; and

~~(e) governor's awards ceremonies to promote academic competition.~~

To the extent possible, the foundation shall make these programs available to students in all parts of the state.

Sec. 2. Minnesota Statutes 1986, section 121.612, is amended by adding a subdivision to read:

Subd. 3b. [GOVERNOR'S SCHOLARS PROGRAM.] The foundation shall administer a governor's scholars program to promote, recognize, and enhance community service and academic achievement. The program shall recognize students from all parts of the state. The foundation shall establish criteria and a process for student selection.

Sec. 3. Minnesota Statutes 1987 Supplement, section 121.87, subdivision 1a, is amended to read:

Subd. 1a. [RESPONSIBILITIES.] The community education advisory task force, in consultation with the commissioners of health, human services, natural resources, and jobs and training or their designees, shall:

(1) develop a statewide plan to promote a coordinated interagency approach to addressing the needs and developing the resources of youth, from birth to age 21, at both the state and local level through programs such as positive youth development partnerships, youth in community service programs, and interagency programs for providing services to young children and youth;

(2) make recommendations to the state board of education and other appropriate entities on means for improving coordination of efforts by various state and local agencies and programs in addressing the needs of and opportunities for youth; ~~and~~

(3) develop model plans for an interagency approach by local advisory councils; and

(4) develop model plans for community service programs.

Sec. 4. Minnesota Statutes 1986, section 121.88, is amended by adding a subdivision to read:

Subd. 9. [COMMUNITY SERVICE PROGRAMS.] A school board may offer, as part of a community education program, a community service program for public school students for the purpose of promoting active citizenship and addressing community needs through youth service. The community education advisory council shall design the service program in cooperation with the district planning, evaluating and reporting committee and local organizations that train volunteers or need volunteers' services. Programs must include:

(1) preliminary training for student volunteers conducted, when possible, by organizations experienced in such training;

(2) supervision of the student volunteers to ensure appropriate placement and adequate learning opportunity;

(3) sufficient opportunity for student volunteers to give genuine service to their community; and

(4) integration of academic learning with the service experience.

Examples of appropriate student service placements include: child care, Head Start, early childhood education, and extended day programs; tutoring programs involving older students tutoring younger students; environmental beautification projects; and regular visits for shut-in senior citizens.

Sec. 5. Minnesota Statutes 1986, section 121.88, is amended by adding a subdivision to read:

Subd. 10. [EXTENDED DAY PROGRAMS.] A school board may offer, as part of a community education program, an extended day program for children from kindergarten through grade six for the purpose of expanding students' learning opportunities. A program must include the following:

(1) adult supervised programs while school is not in session;

(2) parental involvement in program design and direction;

(3) partnerships with the K-12 system, and other public, private, or nonprofit entities; and

(4) opportunities for trained secondary school students to work with younger children in a supervised setting as part of a community service program.

The district may charge a sliding fee based upon family income for extended day programs. The district may receive funds from other public or private sources for the extended day program.

Sec. 6. Minnesota Statutes 1986, section 121.88, is amended by adding a subdivision to read:

Subd. 11. [PARENTAL INVOLVEMENT PROGRAMS.] A school board may offer, as part of a community education program, a parental involvement program for the purpose of focusing on the learning development of the child. The program must include the following:

(1) direction by a community committee composed primarily of parents;

(2) a partnership integrating the school district's K-12 curriculum, vocational education, and programs of local organizations;

- (3) an evaluation mechanism; and
- (4) coordination of opportunities for parental involvement with those developed by the curriculum advisory committee as provided in section 126.666, subdivision 2.

Sec. 7. [121.883] [DEVELOPMENTAL PROGRAMS.]

Subdivision 1. [ESTABLISHMENT.] A district that provides an early childhood and family education program may establish or contract with a nonprofit community organization for developmental programs for three, four, and five year olds in need of additional learning opportunities. A district not providing an early childhood family education program under section 121.882 may cooperate with a district that provides such a program, to jointly offer a developmental program. The program shall be designed for children identified and referred to a developmental program by entities that screen children, including the district's screening program, the local health department, physicians, or social workers.

Subd. 2. [PROGRAM CHARACTERISTICS.] The community education advisory committee shall design a developmental program that is appropriate for those children needing additional learning opportunities and that does not duplicate existing programs. A program must include:

- (1) a developmentally appropriate curriculum that addresses a child's physical, cognitive, emotional, and social development;
- (2) substantial parental involvement;
- (3) a high degree of adult-child interaction;
- (4) child-initiated learning;
- (5) in-service training for caregivers;
- (6) administrative support for developmentally appropriate practices;
- (7) an outreach component; and
- (8) periodic evaluations.

Subd. 3. [RULES.] The state board of education must develop rules governing staff qualifications, program characteristics, adequate staffing ratios, and adequate space and furnishings for developmental programs that are consistent with the provisions of section 121.882 and department of human services rules.

Subd. 4. [COORDINATION.] A district must coordinate the developmental program with the early intervention committee, the early childhood family education advisory committee, and community organizations offering services promoting children's learning development. Under this program, consultation or training may be offered to family day care providers serving children in need of additional learning opportunities.

Sec. 8. Minnesota Statutes 1987 Supplement, section 124.271, subdivision 2b, is amended to read:

Subd. 2b. [AID.] (a) Each fiscal year a district that operates a community education program shall receive community education aid.

(b) For fiscal year 1988 the aid shall be an amount equal to the difference obtained by subtracting

(1) an amount equal to .8 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year, from

(2) the greater of

(i) \$7,340, or

(ii) \$5.50 times the population of the district.

(c) For fiscal year 1989 and each year thereafter, the aid for a district without an approved youth development plan shall be an amount equal to the difference obtained by subtracting

(1) an amount equal to .8 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year, from

(2) the greater of

(i) \$7,340, or

(ii) \$5.50 times the population of the district.

(d) (c) For fiscal year 1989 and each year thereafter, the aid for a district with an approved youth development plan under section 121.88, subdivision 8, shall be an amount equal to the difference obtained by subtracting

(1) an amount equal to .8 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year, from

(2) the greater of

(i) \$8,000, or

(ii) \$6 times the population of the district.

(d) For fiscal year 1989, a district operating a program according to section 4, 5, or 6 is eligible for additional community education aid of \$1 times the greater of the population of the district or 1,335. The aid received according to this clause must be used to operate a program according to section 4, 5, or 6.

(e) For a district with an approved youth development plan, the greater of 50 cents per capita or \$660 must be used to implement the youth development plan.

(f) However, for any district which certifies less than the maximum permissible levy under the provisions of section 275.125, subdivision 8, paragraph (a), the district's community education aid under paragraphs (a) to (e) shall be reduced by multiplying the aid amount computed pursuant to paragraphs (a) to (e) by the ratio of the district's actual levy under section 275.125, subdivision 8, paragraph (a), to its maximum permissible levy under section 275.125, subdivision 8, paragraph (a). For purposes of computing the aid reduction pursuant to this clause, the amount certified pursuant to section 275.125, subdivision 8, paragraph (a), shall not reflect reductions made pursuant to section 275.125, subdivision 9.

Sec. 9. Minnesota Statutes 1986, section 124.271, is amended by adding a subdivision to read:

Subd. 2c. [COMMUNITY EDUCATION REVENUE.] For fiscal year 1990 and each year thereafter, a district's "community education revenue" is the greater of the population of the district or 1,335 times the sum of the following:

(1) \$5.75 for basic community education revenue; plus

(2) \$.50 for districts with approved youth development plans under section 121.88, subdivision 8; plus

(3) \$1 for districts operating a program under section 4, 5, or 6.

Sec. 10. Minnesota Statutes 1986, section 124.271, is amended by adding a subdivision to read:

Subd. 2d. [COMMUNITY EDUCATION AID.] For fiscal year 1990 and each year thereafter, a district's "community education aid" shall equal:

(1) the difference between its community education revenue and its community education levy limitation for the levy for that fiscal year, multiplied by

(2) the ratio of the amount actually levied for that fiscal year to the amount of its community education levy limitation under section 275.125, subdivision 8, paragraph (a).

For purposes of computing the aid reduction according to this subdivision, the amount certified pursuant to section 275.125, subdivision 8, paragraph (a), shall not reflect reductions made pursuant to section 275.125, subdivision 9.

Sec. 11. Minnesota Statutes 1987 Supplement, section 124.2711, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION OF MAXIMUM REVENUE.] For fiscal year 1987 the "maximum revenue" for early childhood family education programs for a school year means the amount of revenue equal to the product of five percent of the foundation aid formula allowance for the prior school year, times the greater of (a) 150, or (b) the number of people under five years of age residing in the district on September 1 of the preceding school year. For fiscal year years 1988 and each year thereafter 1989, the "maximum revenue" for early childhood family education programs for a school year means is the amount of revenue derived by multiplying \$84.50 times the greater of (a) 150, or (b) the number of people under five years of age residing in the district on September 1 of the preceding school year. For fiscal year 1990 and each year thereafter, the "maximum revenue" is the amount of revenue derived by multiplying the greater of 150 or the number of people under five years of age residing in the district on September 1 of the preceding school year times the sum of the following:

(1) \$94.50 for basic early childhood family education; plus

(2) \$12 for districts with a program under section 7.

Sec. 12. Minnesota Statutes 1986, section 124.2711, is amended by adding a subdivision to read:

Subd. 3a. [DEVELOPMENTAL PROGRAM AID, FISCAL YEAR 1989.] For fiscal year 1989, a district that operates a program under section 7 is eligible for additional early childhood family education aid equal to \$12 times the greater of 150 or the number of people under five years of age residing in the district on September 1 of the preceding school year.

Sec. 13. Minnesota Statutes 1987 Supplement, section 125.185, subdivision 4, is amended to read:

Subd. 4. The board shall adopt rules to license public school teachers and interns subject to chapter 14. The board shall adopt rules for examination of teachers, as defined in section 125.03, subdivision 5. The rules may allow for completion of the examination of skills in reading, writing, and mathematics before entering or during a teacher education program. The board shall adopt rules to approve teacher education programs. The rules must require teacher education programs to train teacher education students in methods of involving parents and guardians in pupils' learning development. The board of teaching shall provide the leadership and shall adopt rules by October 1, 1988, for the redesign of teacher education programs to implement a research based, results-oriented curriculum that focuses on the skills teachers need in order to be effective. The board shall implement new systems of teaching education program evaluation to assure program effectiveness based on proficiency of graduates in demonstrating attainment of program outcomes.

These rules shall encourage teacher educators to obtain periodic elementary or secondary teaching experience. The board shall also grant licenses to interns and to candidates for initial licenses. The board shall design and implement an assessment system which requires candidates for initial licensure and first continuing licensure to demonstrate the abilities necessary to perform selected, representative teaching tasks at appropriate levels. The board shall receive recommendations from local committees as established by the board for the renewal of teaching licenses. The board shall grant life licenses to those who qualify according to requirements established by the board, and suspend or revoke licenses pursuant to sections 125.09 and 214.10. Notwithstanding any law or rule to the contrary, the board shall not establish any expiration date for application for life licenses. With regard to vocational education teachers the board of teaching shall adopt and maintain as its rules the rules of the state board of education and the state board of vocational technical education.

Sec. 14. Minnesota Statutes 1987 Supplement, section 126.70, subdivision 2a, is amended to read:

Subd. 2a. [PERMITTED USES.] A school board may approve a plan for any of the following purposes:

- (1) to participate in the educational effectiveness program according to section 121.609;
- (2) to provide in-service education for elementary and secondary teachers to improve the use of technology in education;
- (3) to provide subject area in-service education emphasizing the academic content of curricular areas determined by the district to be a priority area;

(4) to use experienced teachers, as mentors, to assist in the continued development of new teachers;

(5) to increase the involvement of parents, business, and the community in education;

(6) for experimental delivery systems;

(7) for in-service education to increase the effectiveness of principals and administrators;

(8) for in-service education or curriculum development for programs for gifted and talented pupils;

(9) for in-service education or curriculum development for cooperative efforts to increase curriculum offerings, as set forth in section 124.272;

(10) for improving curriculum, according to the needs identified under the planning, evaluation, and reporting process set forth in section 126.666;

(11) for in-service education and curriculum development designed to promote sex equity in all aspects of education, with emphasis on curricular areas such as mathematics, science, and technology programs;

(12) for in-service education or curriculum modification for handicapped pupils and low-achieving pupils;

(13) for short-term contracts as described in section 126.72; or

(14) to employ teachers for an extended year to perform duties directly related to improving curriculum or teaching skills; or

(15) for in-service education for teachers and administrators to encourage parental involvement in pupils' learning development.

Sec. 15. Minnesota Statutes 1987 Supplement, section 275.125, subdivision 8, is amended to read:

Subd. 8. [COMMUNITY EDUCATION LEVY.] (a) Each year, a district ~~without a youth development plan~~ that has established a community education advisory council under section 121.88, may levy the amount raised by .8 mill times the most recent adjusted assessed valuation of the district, but no more than ~~the greater of~~

(1) \$7,340, or

(2) \$5.50 times the population of the district.

(b) Each year, a district with an approved youth development plan, or a district that intends to approve a youth development plan for the 1988-1989 school year, that has established a community education advisory council under section 121.88, may levy the amount raised by .8 mill times the most recent adjusted assessed valuation of the district, but no more than the greater of

(1) \$8,000, or

(2) \$6 times the population of the district the "community education revenue" as defined in section 9 for the fiscal year for which the levy is attributable.

(e) (b) In addition to the levy authorized in paragraph (a) or (b), each year a district may levy an additional amount for community education programs equal to the amount authorized under Minnesota Statutes 1986, section 275.125, subdivision 8, clause (2).

(d) (c) A district having an approved adult basic and continuing education program, according to section 124.26, may levy an amount not to exceed the amount raised by .4 .2 mill times the adjusted assessed valuation of the district for the preceding year.

(e) (d) A district having an approved program and budget may levy for a handicapped adult program. The levy amount may not exceed the lesser of: (1) the actual expenditures for approved programs for the fiscal year beginning in the calendar year after the levy is certified minus the amount of state aid paid for the same year, or (2) \$30,000 for one program. In the case of a program offered by a group of districts, the levy amount shall be divided among the districts according to the agreement submitted to the department. The proceeds of the levy shall be used only for a handicapped adult program.

(f) (e) The levies authorized in this subdivision shall be used for community education, including nonvocational adult programs, recreation and leisure time activity programs, and programs authorized by sections 121.85 to 121.882. A school district may levy pursuant to this subdivision only after it has filed a certificate of compliance with the commissioner of education. The certificate of compliance shall certify that the governing boards of the county, municipality and township in which the school district or any part thereof is located have been sent 15 working days written notice of a meeting and that a meeting has been held to discuss methods of increasing mutual cooperation between such bodies and the school board. The failure of a governing board of a county, municipality or township to attend the meeting shall not affect the authority of the school district to levy pursuant to this subdivision.

(g) (f) The population of the district for purposes of this subdivision is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.

Sec. 16. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] There is appropriated from the general fund to the department of education the sums indicated in this section for fiscal years ending June 30 in the years designated.

Subd. 2. [COMMUNITY SERVICE, EXTENDED DAY, PARENTAL INVOLVEMENT.] For additional community education aid according to section 8, there is appropriated:

\$2,992,000 1989.

This appropriation is based on an entitlement of \$3,520,000.

Subd. 3. [DEVELOPMENTAL PROGRAMS.] For additional early childhood family education aid according to section 12, there is appropriated:

\$1,843,000 1989.

This appropriation is based on an entitlement of \$2,168,000.

Subd. 4. [BASIC SKILLS EVALUATION.] To begin a comprehensive outside evaluation of literacy systems, there is appropriated:

\$100,000 1989.

This appropriation is contingent upon the department's receipt of a 50 percent match from private sources. The commissioner of education must certify receipt of the private matching funds. The appropriation shall be used to begin developing a comprehensive evaluation system for basic skills programs. The department must contract with an entity that is not connected to a delivery system.

Subd. 5. [GED ON TV.] For statewide purchase of broadcast costs, publicity, and coordination of the GED on TV series, there is appropriated:

\$100,000 1989.

Subd. 6. [GOVERNOR'S SCHOLARS PROGRAM.] For the governor's scholars program, there is appropriated:

\$75,000 1989.

The foundation shall solicit private donations to provide additional support for the governor's scholars program.

Subd. 7. [COMMUNITY SERVICE PROGRAM SUPPORT.] For department support to districts implementing programs under sections 4, 5, 6, and 7, there is appropriated:

\$160,000 1989.

The complement of the department is increased by two professional positions and one clerical position.

ARTICLE 5

DEPARTMENT OF EDUCATION

Section 1. Laws 1987, chapter 398, article 5, section 2, subdivision 12, is amended to read:

Subd. 12. [COMPREHENSIVE ARTS PLANNING PROGRAM.] For technical assistance for the comprehensive arts planning program according to Minnesota Statutes, section 129B.21, there is appropriated:

\$37,500 1988,

\$37,500 1989.

Any unexpended fund balance remaining from the appropriations in this subdivision for 1988 does not cancel and is available for the second year of the biennium.

Sec. 2. [REGIONAL PUBLIC LIBRARY DISTRICT RECOMMENDATIONS.]

By December 1, 1988, the department of education, in consultation with the department of revenue, shall make recommendations to the governor and the legislature about the organization, financing, and formation of regional public library districts.

Sec. 3. [INFORMATION ON CATEGORICAL PROGRAMS.]

By January 15, 1989, the department of education shall provide to the education committees of the legislature information on how school districts have allocated the revenue reserved for categorical programs under Minnesota Statutes 1987 Supplement, section

124A.27. This information is to include a list of categorical programs that have been funded and the amount of additional resources that have been allocated for categorical programs compared to funding for these categorical programs in previous years.

Sec. 4. [MINNESOTA ACADEMIC EXCELLENCE FOUNDATION.]

Beginning in fiscal year 1990, the Minnesota academic excellence foundation shall arrange funding for the unreimbursed expenses of school districts participating in the national bicentennial competition on the constitution and bill of rights.

Sec. 5. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] There is appropriated from the general fund to the department of education the sums indicated in this section for fiscal years ending June 30 in the years designated.

Subd. 2. [EMERGING USES OF TECHNOLOGY.] For collection and dissemination of information on emerging uses of technologies in education, there is appropriated:

\$20,000 1989.

Subd. 3. [COMPUTER USE BY TEACHERS.] For research, development, and dissemination on usage of computers by teachers, there is appropriated:

\$40,000 1989.

Subd. 4. [HUTCHINSON SCHOOL DISTRICT.] To reimburse independent school district No. 423, Hutchinson, for expenses actually incurred in participating in the national bicentennial competition on the Constitution and Bill of Rights, there is appropriated:

\$12,000 1988.

Subd. 5. [EDUCATIONAL EFFECTIVENESS.] To provide increased services for educational effectiveness programs according to Minnesota Statutes, sections 121.608 and 121.609, there is appropriated:

\$500,000 1989.

This sum is added to the sum appropriated in Laws 1987, chapter 398, article 5, section 2, subdivision 9.

The department of education general fund complement in the staff development unit of the division of instruction is increased by one professional position and one clerical position to meet increased department obligations under Minnesota Statutes, sections 121.608 and 121.609.

Subd. 6. [TEACHER LICENSING.] For teacher licensing, according to Minnesota Statutes, section 125.08, there is appropriated:

\$90,000 1989.

The appropriation is available to reimburse costs in both years of the biennium.

Subd. 7. [SUBURBAN DISTRICT MANAGEMENT ASSISTANCE.] For management assistance to suburban school districts, there is appropriated:

\$100,000 1989.

This appropriation shall be available for joint planning to study the impact of merging suburban school district resources to expand student educational opportunities. Any study must involve urban school districts, and the community, parents, teachers, students, and administrators.

Sec. 6. [APPROPRIATION; HIGHER EDUCATION COORDINATING BOARD.]

There is appropriated from the general fund to the higher education coordinating board \$30,000 for the fiscal year ending June 30, 1989, to support the activities of the task force on instructional technology established in Laws 1987, chapter 401, section 35.

Sec. 7. [EFFECTIVE DATE.]

Section 5, subdivision 4, is effective the day following final enactment.

ARTICLE 6

OTHER AIDS AND LEVIES

Section 1. Minnesota Statutes 1986, section 120.06, is amended by adding a subdivision to read:

Subd. 3. [PUPILS, AT LEAST 21 YEARS OF AGE.] In addition to those admitted under subdivision 1, admission to a public secondary

school is free to a person who is eligible under this subdivision. In order to be eligible, a person must be:

- (1) at least 21 years of age;
- (2) a resident of the district where the secondary school is located;
and
- (3) eligible according to section 12.

Free admission is limited to two school years or the equivalent, or until the pupil completes the courses required to graduate, whichever is less.

Sec. 2. Minnesota Statutes 1987 Supplement, section 120.17, subdivision 1, is amended to read:

Subdivision 1. [SPECIAL INSTRUCTION FOR HANDICAPPED CHILDREN.] Every district shall provide special instruction and services, either within the district or in another district, for handicapped children who are residents of the district and who are handicapped as set forth in section 120.03. Special instruction and services must be provided from birth until September 1 after the handicapped child becomes 21 years old but shall not extend beyond secondary school or its equivalent, except as provided in section 126.22, subdivision 2. Local health, education, and social service agencies shall refer children under age five who are known to need or suspected of needing special instruction and services to the school district. Districts with less than the minimum number of eligible handicapped children as determined by the state board shall cooperate with other districts to maintain a full range of programs for education and services for handicapped children. This subdivision does not alter the compulsory attendance requirements of section 120.10.

Sec. 3. Minnesota Statutes 1986, section 121.11, subdivision 12, is amended to read:

Subd. 12. [ADMINISTRATIVE RULES.] The state board shall adopt and enforce rules, consistent with this code, appropriate for the administration and enforcement thereof. The state board shall not adopt any rule requiring AIDS education in school districts. Notwithstanding the provisions of section 14.05, subdivision 4, the state board may grant a variance to its rules upon application by a school district for purposes of implementing experimental programs in learning or school management which attempt to make better use of community resources or available technology.

Sec. 4. Minnesota Statutes 1986, section 121.15, subdivision 7, is amended to read:

Subd. 7. [INFORMATION REQUIRED.] A school board proposing to construct a facility described in subdivision 6 shall submit to the commissioner a proposal containing information including at least the following:

(a) the geographic area proposed to be served, whether within or outside the boundaries of the school district;

(b) the population proposed to be served, including census findings and projections of the number of preschool and school-aged people in the area;

(c) the reasonably anticipated need for the facility or service to be provided;

(d) a description of the construction in reasonable detail, including: the capital expenditures contemplated; the estimated annual operating cost, including the anticipated salary and number of new staff necessitated by the proposal; and an evaluation of the energy efficiency and effectiveness of the construction, including estimated annual energy costs;

(e) so far as is known, existing facilities within the area to be served that offer the same or similar service; the extent existing facilities or services are used; the extent to which space is available from other sources, including institutions for higher education or other public buildings; and the anticipated effect that the proposal will have on existing facilities and services;

(f) the anticipated benefit to the area that will result from the facility;

(g) if known, the relationship of the proposed construction to any priorities which have been established for the area to be served;

(h) the availability and manner of financing the facility and the estimated date to begin and complete the facility; ~~and~~

(i) desegregation requirements that cannot be met by any other reasonable means; and

(j) the relationship of the proposed facility to the cooperative integrated learning needs of the area.

Sec. 5. [121.203] [TRAINING AND PROFESSIONAL DEVELOPMENT; PROGRAM DEVELOPMENT.]

Subdivision 1. [REGIONAL TRAINING PROGRAMS.] The department of education shall provide training and professional development on a regional basis, accessible to school board members,

administrators, teachers, professional student services staff, and nonprofessional staff.

The department may fund regional professional development and training pilot programs to determine whether a regional approach is an appropriate method for program delivery in the future.

Subd. 2. [AIDS PREVENTION AND RISK REDUCTION.] The department of education shall assist districts in developing and implementing an AIDS prevention and risk reduction program. The program must include the development and dissemination of planning materials, guidelines, and other information and a comprehensive curriculum.

Subd. 3. [HEALTH AND WELLNESS.] The department of education shall assist districts with a health and wellness training program that is consistent with the curriculum developed under Minnesota Laws 1987, chapter 398, article 5, section 2, subdivision 7.

Subd. 4. [SUICIDE AND STRESS PREVENTION.] The department of education shall assist districts in developing and implementing a suicide prevention and stress reduction program. The programs must be coordinated with existing suicide prevention and intervention programs of state and local agencies.

Sec. 6. [121.204] [HEALTH RELATED PROGRAMS.]

Subdivision 1. [DUTIES.] The department of education shall:

(1) administer the AIDS aid program and the professional development and training program;

(2) approve or disapprove of local education agency plans;

(3) provide coordination and planning service to a regional pilot program for professional development and training;

(4) collaborate with the department of health and other state agencies and organizations that are addressing AIDS prevention;

(5) contract for the evaluation; and

(6) assist the ECSUs in planning these programs.

Subd. 2. [COLLABORATION.] The department of health and the department of education shall promote collaboration among public health agencies and education agencies in AIDS prevention efforts.

Sec. 7. [122.97] [EDUCATION DISTRICT REVENUE.]

Subdivision 1. [ELIGIBILITY.] An education district is eligible for education district revenue if the department certifies that it meets the requirements of section 122.91, subdivision 3. The pupil units of a district in which a levy is certified according to section 136D.27, 136D.74, subdivision 2, or 136D.87 must not be used in calculating education district revenue.

Subd. 2. [REVENUE.] Education district revenue is \$60 per actual pupil unit in the participating school districts of an education district.

Subd. 3. [LEVY.] An eligible education district may levy the lesser of its education district revenue or 1.3 mills times the adjusted assessed valuation of the districts that are members of an education district. The education district board shall certify to the county auditor or county auditors each year the amount of taxes levied under this section.

Subd. 4. [AID.] Education district aid equals education district revenue minus the education district levy. If an education district levies less than 1.3 mills, its aid is prorated by the ratio of its actual levy to 1.3 mills.

Subd. 5. [USE OF REVENUE.] Education district revenue must be used by the education district board for programs provided according to section 122.94.

Subd. 6. [REVENUE; SECONDARY VOCATIONAL.] A secondary vocational cooperative established according to section 123.351 is eligible for revenue equal to one-third of education district revenue times the number of actual pupil units in the participating districts providing that the cooperative meets the size requirements specified in section 122.91, subdivision 3 and that the cooperative offers programs authorized under section 123.351, subdivision 4, paragraph (b), clause (1) and either clause (2) or (3). To be eligible for this revenue, the board of the cooperative must make a levy equal to one-third of the education district levy times the adjusted assessed valuation of the districts that are members of the cooperative. The cooperative board shall certify to the county auditor or county auditors the years and amounts of taxes levied under this subdivision. The pupil units of a district in which a levy is certified according to section 136D.27, 136D.74, subdivision 2, or 136D.87 must not be used in calculating revenue under this subdivision.

Sec. 8. Minnesota Statutes 1986, section 123.3514, is amended by adding a subdivision to read:

Subd. 6b. [FINANCIAL ARRANGEMENTS, PUPILS AGE 21 OR OVER.] At the end of each school year, the department of education shall pay the tuition reimbursement amount to the post-secondary institutions for courses that were taken for secondary credit by

pupils eligible for adult high school graduation aid. The amount of the tuition reimbursement equals the lesser of:

(1) the actual costs of tuition, textbooks, materials, and fees directly related to the course or program taken by the pupil; or

(2) an amount equal to the difference between the adult high school graduation aid attributable to that pupil and an amount computed by multiplying the adult high school graduation aid by the ratio of the total number of hours that the pupil is enrolled in courses in the secondary school during the regular school year over the total number of secondary instructional hours per pupil in that pupil's resident district.

The amount of tuition reimbursement paid for each pupil shall be subtracted from the adult high school graduation aid paid to the pupil's resident district. If a pupil is enrolled in a course for post-secondary credit, the school district shall include the pupil in average daily membership as computed under section 2 only for the portion of time during which the pupil is enrolled in courses at the secondary school and enrolled in courses at the post-secondary institution for secondary credit.

The department must not pay any tuition reimbursement or other costs of a course taken for post-secondary credit only.

Sec. 9. Minnesota Statutes 1986, section 124.17, is amended by adding a subdivision to read:

Subd. 2e. [AVERAGE DAILY MEMBERSHIP, PUPILS AGE 21 OR OVER.] The average daily membership for pupils age 21 or over, is equal to the ratio of the number of yearly hours that the pupil is in membership to the number of instructional hours in the district's regular school year.

Sec. 10. [124.261] [ADULT HIGH SCHOOL GRADUATION AID.]

Adult high school graduation aid for eligible pupils age 21 or over, equals an allowance of \$1,765 times the average daily membership under section 9. Adult high school graduation aid must be paid in addition to any other aid to the district. Average daily membership of eligible pupils must not be used in the computation of pupil units under section 124.17, subdivision 1, for any purpose other than the computation of adult high school graduation aid.

Sec. 11. [124.262] [HEALTH-RELATED AID FOR SCHOOL DISTRICTS.]

Subdivision 1. [ELIGIBILITY.] A school district with an AIDS

prevention and risk reduction program approved by the department is eligible for aid.

Subd. 2. [AMOUNT.] The state shall pay \$1 per resident public school pupil, and participating nonpublic school pupil, but not less than \$500 per district.

If nonpublic school participation is limited to part of the program, aid must be prorated. Aid must not be paid directly to a nonpublic school or sectarian organization. Services may be provided at a neutral site if the providing school district considers it convenient for the program participants.

Subd. 3. [POOLING, CONTRACTING.] A school district may cooperate with an ECSU or other districts in offering a program and may pool the aid from cooperating districts. A district may contract with nonsectarian agencies or organizations to offer all or part of its program.

Subd. 4. [USE OF FUNDS.] A district may use its AIDS aid for:

- (1) in-service training for public and nonpublic school staff;
- (2) AIDS prevention, instruction, and student support services including materials;
- (3) community and parent awareness programs;
- (4) joint planning with public health agencies or community groups involved in AIDS prevention or intervention; and
- (5) evaluation of programs for AIDS prevention.

The department shall encourage schools to develop programs which indicate that abstinence from sexual intercourse is the most reliable means of preventing the sexual transmission of AIDS.

Subd. 5. [ECSUS.] If a district does not have an approved program, the ECSU of which that district is a member may receive a grant for an approved program to prepare communities for AIDS prevention programs.

Subd. 6. [CRITERIA FOR PROGRAM APPROVAL.] Each approved program must include at least the following:

- (1) in-service training of professional and nonprofessional staff through a department sponsored training session;
- (2) targeting adolescents, especially those who may be at high risk of AIDS, for prevention efforts;

(3) using peer group or other methodologies designed to modify behavior;

(4) involving parents and other adults from the community;

(5) developing or updating policies for including AIDS infected students and personnel in school and education sponsored programs;

(6) designing services to minimize crises when a student or school staff member has an AIDS virus infection;

(7) collaborating with the department of health and the department of education to assure accuracy of information relating to AIDS; and

(8) collaborating with other agencies or organizations in the community to address AIDS prevention.

Subd. 7. [ADDITIONAL FUNDING SOURCES.] Districts and ECSUs may accept funds from other sources for AIDS prevention and risk reduction, including public health funds and foundations, and other private sources, department professional development funds, federal block grants, or other federal and state grants.

Subd. 8. [CURRICULUM.] A school district must submit its AIDS prevention and risk reduction curriculum for review and comment regarding technical accuracy to the local community health board.

Sec. 12. Minnesota Statutes 1987 Supplement, section 126.22, subdivision 2, is amended to read:

Subd. 2. [ELIGIBLE STUDENTS.] The following students pupils are eligible to participate in the high school graduation incentives program:

(a) any student pupil who is between the ages of 12 and 16 and who:

(1) is at least two grade levels below the performance level for students pupils of the same age in a locally determined achievement test; or

(2) is at least one year behind in obtaining credits for graduation; or

(3) is pregnant or is a parent; or

(4) has been assessed as chemically dependent; or

(5) has been absent from attendance at school without lawful excuse for one or more class periods on more than 15 days in the preceding or current school year adjudicated a habitual truant as defined in section 260.015, subdivision 19;

(b) any student pupil who is between the ages of 16 and 19 who is attending school, and who is at least two grade levels below the performance level for ~~students~~ pupils of the same age in a locally determined achievement test, or is at least one year behind in obtaining credits for graduation, or is pregnant or is a parent, or has been assessed as chemically dependent; or

(c) any person between 16 and 21 years of age who has not attended a high school program for at least 15 days, excluding those days when school is not in session, and who is at least two grade levels below the performance level for ~~students~~ pupils of the same age in a locally determined achievement test, or is at least one year behind in obtaining credits for graduation, or has been assessed as chemically dependent; or

(d) any person who is at least 21 years of age and who:

(1) has already completed the studies ordinarily required in the 10th grade but has not completed the studies ordinarily required to graduate; and

(2) at the time of application either is eligible for, or an exhaustee of, unemployment compensation benefits, or whether employed or not, is eligible for or receiving other income maintenance and support services, as defined in section 268.0111, subdivision 5, or is eligible for services under the displaced homemaker program, state wage-subsidy program, or any of the titles of the federal Jobs Training Partnership Act (P.L. 97-300) or its successor legislation.

The provisions of section 127.29, subdivision 1, do not apply to pupils meeting the criteria of section 126.22, subdivision 2, clause (d) who participate in the high school graduation incentives program.

Sec. 13. Minnesota Statutes 1987 Supplement, section 126.22, subdivision 3, is amended to read:

Subd. 3. [ELIGIBLE PROGRAMS.] ~~Students~~ Pupils who are eligible to participate under subdivision 2 may enroll in the following programs:

(a) Any program approved by the state board of education under Minnesota Rules, part 3500.3500 or according to section 121.11, subdivision 12, may enroll ~~students~~ pupils who are eligible to participate under subdivision 2, clause (a), (b) ~~or~~ (c)₂ or (d);

(b) Students Pupils eligible to participate under subdivision 2, clause (b) ~~or~~, (c), or (d) may enroll in post-secondary courses under section 123.3514; and

(c) Any public secondary education program may enroll any student pupil who is eligible to participate under subdivision 2, clause (a), (b) ~~or~~, (c), or (d).

An eligible institution providing eligible programs as defined in this subdivision may contract with an entity providing adult basic education programs under the community education program contained in section 121.88 for actual program costs.

Sec. 14. [129B.75] [PROGRAM AND PLANNING GRANTS TASK FORCE; GRANTS.]

Subdivision 1. [PLANS AND PROGRAMS.] The commissioner of education shall encourage groups of school districts to develop plans and implement programs for cooperative integrated learning. The plans must include at least the following:

(1) involvement of two or more districts, one of which must be a district implementing a desegregation plan approved by the state board of education;

(2) increased opportunities for students of differing racial and cultural backgrounds to voluntarily participate in integrated programs; and

(3) involvement of an advisory committee of parents, teachers, administrators, and members of the community, representing a racial and cultural cross section of the community, in the program design.

Subd. 2. [PROGRAM AND PLANNING GRANTS.] The commissioner of education shall award grants to groups of school districts working to develop cooperative integrated learning opportunities for their students. Grants are available for:

(1) implementing programs such as magnet schools, teacher exchanges, youth leadership programs, paired classrooms, open enrollment agreements, and international baccalaureate programs;

(2) developing programs requiring longer range planning; or

(3) student transportation and staff planning costs.

Subd. 3. [INFORMATION.] The commissioner shall provide residents of the seven county metropolitan area with information about integration, including the needs for integration, the benefits of

integration, and the alternatives for achieving integration. The commissioner may enter into contracts for public relations and advertising services to accomplish the purposes of this subdivision.

Sec. 15. [145.924] [HEALTH-RELATED PROGRAMS.]

Subdivision 1. [DUTIES.] To assist the department of education in implementing an AIDS prevention and risk reduction program, the department of health shall:

(1) consult with the department of education to approve district and regional plans;

(2) provide consultation to the department of education regarding the relationship of the AIDS prevention and risk reduction efforts of the education system and other systems; and

(3) provide technical assistance at the state and regional levels to assure accuracy of AIDS information for use by the education system.

Subd. 2. [COLLABORATION.] The department of health and the department of education shall promote collaboration among public health agencies and education agencies in AIDS prevention efforts.

Sec. 16. Minnesota Statutes 1986, section 275.125, is amended by adding a subdivision to read:

Subd. 6i. [DESEGREGATION LEVY.] In 1988, independent school districts No. 625, St. Paul, and 709, Duluth, and special school district No. 1, Minneapolis may levy for desegregation programs an amount equal to the total desegregation expenditures in the district in the general and capital funds for the 1988-1989 school year as reported to the department of education minus any revenue, including state grants, received by the district for desegregation programs.

Notwithstanding section 121.904, the entire amount of this levy shall be recognized in the fiscal year in which the levy is certified. This levy shall not be considered in computing the aid reduction under section 124.155.

Sec. 17. Laws 1987, chapter 398, article 1, section 27, subdivision 3, is amended to read:

Subd. 3. [JUNE 30, 1988.] Minnesota Statutes 1986, sections 124.17, subdivisions 1a and 2d; 124.2161; 124.2162; 124.2163; 124.246; 124.247; 124.272; 124.275; 124A.01; 124A.02, subdivisions 5, 6, 9, 11, 12, and 13; 124A.035, subdivision 1; 124A.06, subdivisions 1, 1a, 1b, 2, and 4; 124A.08, subdivisions 1, 2, 4, and 5;

124A.10, subdivisions 1, 2, and 4; 124A.12, subdivisions 1, 2, and 4; 124A.14, subdivisions 1, 2, 3, 4, 5, and 6; 124A.16; 124A.20, subdivisions 1 and 3; 124A.21; 126.031, subdivision 2; 126.60; 126.62; 126.64; 129B.43, subdivisions 2, 3, and 6; 129B.61; 129B.62; 129B.63; 129B.64; 129B.65; 129B.66; and 129B.67 are repealed June 30, 1988.

Sec. 18. Laws 1987, chapter 398, article 6, section 19, subdivision 7, is amended to read:

Subd. 7. [GIFTED AND TALENTED AID.] For aid for gifted and talented education programs according to Minnesota Statutes, section 124.247, there is appropriated:

\$1,372,500 1988,

~~\$205,900~~ \$1,374,700 1989.

The appropriation for aid for fiscal year 1988 includes \$205,700 for aid for fiscal year 1987 payable in fiscal year 1988 and \$1,166,800 for aid for fiscal year 1988 payable in fiscal year 1988.

The appropriation for aid for fiscal year 1989 includes \$205,900 for aid for fiscal year 1988 payable in fiscal year 1989 and \$1,168,800 for aid for fiscal year 1989 payable in fiscal year 1989.

The appropriations are based on aid entitlements of \$1,372,700 for fiscal year 1988 and \$1,375,000 for fiscal year 1989.

Sec. 19. [APPROPRIATION, LAC.]

There is appropriated from the general fund to the legislative audit commission \$75,000 for a comprehensive study of program and administrative costs associated with desegregation.

Sec. 20. [APPROPRIATION, LCPE.]

There is appropriated from the general fund to the legislative commission on public education the sum of \$25,000 for the commission to complete a study on education assessment and accountability measures including a governor's scholarship test and grants for post-secondary tuition as a recognition of achievement.

Sec. 21. [APPROPRIATION.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] There is appropriated from the general fund to the department of education the sums indicated in this section for the fiscal years ending June 30 in the years designated.

Subd. 2. [METROPOLITAN DESEGREGATION.] For implementation of metropolitan area desegregation programs, according to section 14, there is appropriated:

\$1,500,000 1989.

Of this amount, up to \$300,000 may be used for planning purposes, up to \$50,000 may be used for public relations and advertising costs, and up to \$118,000 may be used for administrative expenses. All remaining money must be used for program grants.

The complement of the department of education is increased by one professional and one clerical position.

Subd. 3. [ADULT HIGH SCHOOL GRADUATION AID.] For adult high school graduation aid, there is appropriated:

\$1,500,000 1989.

If the appropriation is insufficient, the aid must be prorated.

Subd. 4. [DESEGREGATION GRANTS.] For grants to districts implementing desegregation plans, there is appropriated:

\$12,000,000 1989.

Of this amount \$6,004,200 is for special school district No. 1, Minneapolis, \$5,127,400 is for independent school district No. 625, St. Paul, and \$868,400 is for independent school district No. 709, Duluth. To receive a grant, a district must continue to report desegregation costs according to uniform financial accounting and reporting standards.

Subd. 5. [SATURN SCHOOL.] For a grant to independent school district No. 625, St. Paul, for a technology intensive school, there is appropriated:

\$200,000 1989.

All pupils in the state must have access to the school.

Sec. 22. [REPEALER.]

Minnesota Statutes 1987 Supplement, section 275.125, subdivision 6e, is repealed.

Sec. 23. [EFFECTIVE DATE.]

Section 17 is effective the day following final enactment.

ARTICLE 7

MISCELLANEOUS

Section 1. Minnesota Statutes 1986, section 92.06, subdivision 4, is amended to read:

Subd. 4. [IMPROVEMENTS, WHEN PAYMENT NOT NECESSARY.] If a person has made improvements to the land and if the commissioner believes that person settled the land in good faith as homestead land under the laws of the United States before it was certified to the state, or if the improvements were lawfully made by that person as a lessee of the state, then the value of the improvements must be separately appraised and, if the settler or lessee purchases the land, the settler or lessee is not required to pay for the improvements. If another person purchases the land, that person must pay the state at the time of sale, in addition to all other required payments, the appraised amount for the improvements. The Payment for improvements must be made within 30 days of the date of sale, either in cash or upon terms and conditions agreeable to the owner of the improvements. If payment for improvements is not made in cash, and terms and conditions for payment are not agreed upon within 30 days of the date of sale, the sale is void and the commissioner may reoffer the land for sale at any subsequent sale. Any amount received by the state for the improvements must be paid to the settler or lessee or heirs, representatives, or assigns of the settler or lessee. Payment must be made by warrant drawn by the commissioner of finance upon the state treasurer. Amounts received for the improvements are appropriated for making the payments.

This subdivision does not apply unless the person seeking its benefit makes a verified application to the commissioner showing entitlement to it before the first state public sale at which the land is offered for sale. The applicant must appear at the sale and offer to purchase the land for at least its appraised value including all timber on it, and make the purchase if no higher bid is received. Actions or other proceedings involving the land in question begun before the sale must have been completed.

Sec. 2. Minnesota Statutes 1986, section 92.14, is amended by adding a subdivision to read:

Subd. 3. [ADDITIONAL ADVERTISING OF LAND SALES.] In addition to posted notice of land sales required by subdivisions 1 and 2 of this section, the commissioner shall publicize land sales in

Minnesota and elsewhere to the greatest extent possible, consistent with available appropriations for that purpose.

Sec. 3. Minnesota Statutes 1987 Supplement, section 92.46, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC CAMPGROUNDS.] (a) The director may designate suitable portions of the state lands withdrawn from sale and not reserved, as provided in section 92.45, as permanent state public campgrounds. The director may have the land surveyed and platted into lots of convenient size, and lease them for cottage and camp purposes under terms and conditions the director prescribes, subject to the provisions of this section.

(b) A lease may not be made for a term more than 20 years. The lease may allow renewal, from time to time, for additional terms of no longer than 20 years each. The lease may be canceled by the commissioner 90 days after giving the person leasing the land written notice of violation of lease conditions. The lease rate shall be based on the appraised value of leased land as determined by the commissioner of natural resources. The appraised value shall be the value of the leased land without any private improvements and must be comparable to similar land without any improvements within the same county.

(c) By July 1, 1986, the commissioner of natural resources shall adopt rules under chapter 14 to establish procedures for leasing land under this section. The rules shall be subject to review and approval by the commissioners of revenue and administration prior to the initial publication pursuant to chapter 14 and prior to their final adoption. The rules must address at least the following:

(1) method of appraising the property;

(2) determination of lease rates; and

(3) an appeal procedure for both the appraised values and lease rates.

(d) All money received from these leases must be credited to the fund to which the proceeds of the land belong.

Notwithstanding section 16A.125 or any other law to the contrary, 50 percent of the money received from the lease of permanent school fund lands leased pursuant to this subdivision shall be deposited into the permanent school trust fund. However, in fiscal years 1987, 1988, 1989, 1990, 1991, and 1992, the money received from the lease of permanent school fund lands that would otherwise be deposited into the permanent school fund is hereby appropriated to survey, appraise, and pay associated selling costs of lots as required in

section 92.67, subdivision 3. The money appropriated may not be used to pay the cost of surveying lots not scheduled for sale. Any money designated for deposit in the permanent school fund that is not needed to survey, appraise, and pay associated selling costs of lots, as required in section 92.67, shall be deposited in the permanent school fund. The commissioner shall add to the appraised value of any lot offered for sale the costs of surveying, appraising, and selling the lot, and shall first deposit the costs recovered in into the permanent school fund and an amount equal to the costs of surveying, appraising, and selling any lot paid out of the permanent school fund. Any remaining money shall be deposited into any other contributing funds in proportion to the contribution from each fund. In no case may the commissioner add to the appraised value of any lot offered for sale an amount more than \$700 for the costs of surveying and appraising the lot. Notwithstanding section 92.67, subdivision 4, as to requests for sale of lakeshore lots received before January 1, 1987, the commissioner shall hold the sale before October 31, 1987, if possible, and, if not possible, the lots shall be offered for sale at the next sale in the succeeding year.

Sec. 4. Minnesota Statutes 1987 Supplement, section 92.67, subdivision 1, is amended to read:

Subdivision 1. [SALE REQUIREMENT.] Notwithstanding section 92.45 or any other law, at the request of a lessee or as otherwise provided in this section, the commissioner of natural resources shall sell state property bordering public waters that is leased for the purpose of a private cabin under section 92.46. Requests for sale must be made prior to July 1, 1991 December 31, 1992, and the commissioner shall complete all requested sales and sales arising from those requests by July 1, 1992. The lessee making the request may designate the lesser of \$500 or the lease payment in the year the request is made to be used as part of the down payment December 31, 1993, subject to section 92.67, subdivision 3, clause (d). The sale shall be made in accordance with laws providing for the sale of trust fund land except as modified by the provisions of this section.

Sec. 5. Minnesota Statutes 1987 Supplement, section 92.67, subdivision 3, is amended to read:

Subd. 3. [APPRAISERS; ALLOCATION OF APPRAISAL AND SURVEY COSTS.] (a) The For appraisals made before the effective date of this section, a lessee requesting the sale may select a person who meets the minimum appraisal standards established by the federal Farmers Home Administration or the federal Veterans Administration to appraise the property to be sold. If more than one lessee of a cabin site lot leased by the commissioner under section 92.46 within a platted area requests the sale of a leased lot, all requesting lessees may jointly agree upon an appraiser. If the lessee or lessees do not select an appraiser, the commissioner of natural

resources shall select the appraiser. An appraisal prepared by a person who meets the minimum appraisal standards established by the Farmers Home Administration or the federal Veterans Administration, but who is not included on the list of appraisers approved by the commissioner of administration for the appraisal of state property, must be reviewed by an appraiser selected by the commissioner of natural resources from the commissioner of administration's list of approved appraisers. If, upon conclusion of this review, the commissioner of natural resources determines that the appraisal under review does not meet state appraisal standards, the commissioner shall reject the appraisal and have the property reappraised by an appraiser selected from the list approved by the commissioner of administration.

For appraisals made on and after the effective date of this section, all appraisals of lots offered for sale shall be performed by persons selected by the commissioner who are included on the list of appraisers approved by the commissioner of administration for the appraisal of state property. A lessee requesting a sale may recommend to the commissioner a person from the approved list to appraise the property to be sold. The commissioner shall supply the approved list to any lessee upon request.

(b) The costs of appraisal shall be allocated by the commissioner to the lots offered for sale and the successful bidder on each lot shall reimburse the commissioner for the appraisal costs allocated to the lot bid upon up to \$700 for each lot appraised. If there are no successful bidders on a lot, the commissioner is responsible for the appraisal cost allocated to that lot.

(c) The commissioner shall survey a lot prior to offering it for sale. The commissioner is responsible for the survey cost.

(d) The lessee may stop the sale process after the appraisal but before the sale. The lessee must reimburse the commissioner for the cost of the appraisal if the sale is stopped. If a lessee disagrees with the appraised value of the lessee's improvements, the lessee may select an appraiser from the approved list of appraisers to reappraise the improvements. The lessee is responsible for the cost of this reappraisal. If the commissioner and the lessee fail to agree on the value of the improvements within 180 days of the date an appraisal is performed, the commissioner shall offer the lot for sale at the higher appraised value or the county assessor's estimated market value, whichever is greater.

Sec. 6. Minnesota Statutes 1987 Supplement, section 92.67, subdivision 4, is amended to read:

Subd. 4. [TIMING OF SALES.] (a) The commissioner shall offer lakeshore cabin site lots for sale pursuant to written request and in accordance with the following schedule:

(1) as to requests received before January 1, 1987, the sale shall be held not later than by October 31, 1987, if possible. However, if a lot is not offered for sale by that date, the lot shall be offered for sale at the next sale in the next year;

(2) as to requests received each calendar year after December 31, 1986, the sale shall be held in June, July, or August of the year after the request is received;

(3) notwithstanding clause (2), the commissioner may offer a lot for sale in the year the request is received if the commissioner will offer for sale in that year other lots platted with the late requested lot;

(4) notwithstanding clause (2), if more than 50 percent of the lessees in a platted area request by December 31 of a calendar year that their lots be offered for sale, the commissioner shall offer for sale at one time during June, July, or August of the following year all lots in a platted area. If a lessee, whose lot is located in a plat where more than 50 percent of the lessees request that their lots be offered for sale, requests in writing that the lessee's lot not be offered for sale, the commissioner may not offer the lot for sale until 1993; and

(5) lots that are unsold for any reason at the end of 1993 shall be offered for sale beginning in 1994 and each year thereafter until sold.

(b) ~~The last sales shall be held in 1992.~~ Lots not sold the first year offered may be reoffered in a succeeding year, following reappraisal if it is determined necessary by the commissioner.

(c) If a person other than the lessee purchases the leased lakeshore cabin site, the purchaser must make payment in full to the lessee at the time of the sale, in the manner provided in section 92.06, subdivision 4, for the appraised value of any improvements. Failure of a successful bidder to comply with this provision voids the sale and the property must be rebid, if possible, at the same sale may be reoffered for sale as provided in section 92.06, subdivision 4.

Sec. 7. Minnesota Statutes 1986, section 92.67, subdivision 5, is amended to read:

Subd. 5. [TERMS OF SALE.] For the sale of the public lands under this section, the purchaser shall pay the state ten percent of the purchase price at the time of the sale. The balance must be paid in no more than 20 equal annual installments. The interest rate on the remaining balance shall be eight percent per year at the rate in effect at the time of the sale under section 549.09.

Sec. 8. Minnesota Statutes 1986, section 120.075, subdivision 1a, is amended to read:

Subd. 1a. Any pupil who, pursuant to section 123.39, subdivision 5, has continuously been enrolled since January 1, 1977 in a school district of which the pupil was not a resident may continue in enrollment in that district, and that district shall be considered the pupil's district of residence.

Sec. 9. Minnesota Statutes 1986, section 120.075, subdivision 3, is amended to read:

Subd. 3. Any pupil enrolled on either January 1, 1978, or April 5, 1978, in a nonpublic school, as defined in section 123.932, subdivision 3, located in a district of which the pupil was not a resident who would otherwise have qualified for enrollment in that district as a resident pursuant to subdivision 1 may attend the public schools of that district as a resident.

Sec. 10. Minnesota Statutes 1986, section 120.075, is amended by adding a subdivision to read:

Subd. 5. General education aid, capital expenditure aid, and transportation aid attributable to pupils covered by programs under this section must be paid according to sections 34, 30, and 31, respectively.

Sec. 11. Minnesota Statutes 1986, section 120.0751, subdivision 1, is amended to read:

Subdivision 1. The state board of education may permit a pupil who enrolls to enroll in a school district of which the pupil is not a resident to be deemed a resident pupil of that district pursuant to under this section.

Sec. 12. Minnesota Statutes 1986, section 120.0751, is amended by adding a subdivision to read:

Subd. 6. [AID.] General education aid; capital expenditure aid, and transportation aid for pupils covered by programs under this section must be paid according to sections 34, 30, and 31, respectively.

Sec. 13. Minnesota Statutes 1986, section 120.0752, subdivision 1, is amended to read:

Subdivision 1. A pupil may enroll in a school district of which the pupil is not a resident and be deemed a resident pupil of that district pursuant to under this section.

Sec. 14. Minnesota Statutes 1987 Supplement, section 120.0752, subdivision 3, is amended to read:

Subd. 3. [11TH AND 12TH GRADE STUDENTS.] Notwithstanding subdivision 2, an 11th or 12th grade pupil who has been enrolled in a district for at least three consecutive years and whose parent or guardian moves to another district, may continue to enroll in the nonresident district upon the approval of the school board of the nonresident district. The approval of the school board of the pupil's resident district is not required. The pupil shall be considered a resident of the district in which that student is enrolled.

Sec. 15. Minnesota Statutes 1986, section 120.0752, is amended by adding a subdivision to read:

Subd. 4. General education aid, capital expenditure aid, and transportation aid for pupils covered by programs under this section must be paid according to sections 34, 30, and 31, respectively.

Sec. 16. [120.105] [EDUCATION STATEMENT.]

Subdivision 1. [STATEMENT CONTENTS.] Beginning with the 1988-1989 school year and continuing each school year thereafter, every public school offering a kindergarten program must ensure that the school principal, kindergarten teacher, or other professional, read and explain the following statement to every parent, guardian, or other person enrolling a child in kindergarten:

"The state of Minnesota requires that every child entering kindergarten this school year must graduate from high school or remain in high school until age 18. Only those who have been accepted in the military or an institution of higher learning can leave school before they are 18 years old.

Because of the rapid rate of technological and social change, a high school education will be necessary for those who will live and work in the twenty-first century.

Each parent, guardian, or other person responsible for a child enrolled in school is responsible for working with school personnel to help create the best possible learning environment for the child. School personnel will give their best effort to educate your child.

We understand this statement and our responsibilities."

The form shall include signature and date lines.

Subd. 2. [STATEMENT DISTRIBUTION AND RETENTION.] The department of education must print and distribute to the school districts a formal document in sufficient numbers so that a copy is

available for every child being enrolled in a public school kindergarten. The parent, guardian, or other person responsible for the child shall keep the original. The local school must indicate on each child's school record when the education statement was read and explained and whether the statement was signed.

The department must make appropriate provisions to accommodate those children who newly enroll in a district after kindergarten.

Sec. 17. Minnesota Statutes 1987 Supplement, section 120.101, subdivision 5, is amended to read:

Subd. 5. [AGES AND TERMS.] For the 1988-1989 school year and the school years thereafter, every child between seven and 16 years of age shall receive instruction for at least 170 days each year. For the 2000-2001 school year and later school years, every child between seven and 18 years of age shall receive instruction for at least 170 days each year. Every child under the age of seven who is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten programs shall receive instruction at least equivalent to 170 half days. A parent may withdraw a child under the age of seven from enrollment at any time.

Sec. 18. Minnesota Statutes 1987 Supplement, section 120.101, subdivision 9, is amended to read:

Subd. 9. [LEGITIMATE EXEMPTIONS.] A parent, guardian, or other person having control of a child may apply to a school district to have the child excused from attendance for the whole or any part of the time school is in session during any school year. Application may be made to any member of the board, a truant officer, a principal, or the superintendent. The school board of the district in which the child resides may approve the application upon the following being demonstrated to the satisfaction of that board:

(1) That the child's bodily or mental condition is such as to prevent attendance at school or application to study for the period required; or

(2) That for the school years 1988-1989 through 1999-2000 the child has already completed the studies ordinarily required in the tenth grade and that for the school years beginning with the 2000-2001 school year the child has already completed the studies ordinarily required to graduate from high school; or

(3) That it is the wish of the parent, guardian, or other person having control of the child, that the child attend for a period or periods not exceeding in the aggregate three hours in any week, a

school for religious instruction conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this state, or any auxiliary thereof. This school for religious instruction shall be conducted and maintained in a place other than a public school building, and in no event, in whole or in part, shall be conducted and maintained at public expense. However, a child may be absent from school on such days as the child attends upon instruction according to the ordinances of some church.

Sec. 19. Minnesota Statutes 1986, section 123.35, subdivision 8, is amended to read:

Subd. 8. The board may establish and maintain public evening schools and adult and continuing education programs and such evening schools and adult and continuing education programs when so maintained shall be available to all persons over 16 years of age through the 1999-2000 school year and over 18 years of age beginning with the 2000-2001 school year who, from any cause, are unable to attend the full-time elementary or secondary schools of such district.

Sec. 20. Minnesota Statutes 1987 Supplement, section 123.3515, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] (a) An enrollment options program for school districts, in which a school district may voluntarily participate, is established. A participating district must include all grade levels offered by the district. By formal resolution, a participating district must agree to:

- (1) allow its resident pupils to enroll in other participating districts;
- (2) accept nonresident pupils from other participating districts; and
- (3) follow the procedures in this section.

(b) A nonparticipating district shall notify the commissioner each year by September 15 whether it will participate 30 of its participation in the program during the following school year. For the 1987-1988 school year, a district must notify the commissioner by July 1, 1987. A participating district shall notify the commissioner by September 30 of its withdrawal from participation in the program for the following school year.

Sec. 21. Minnesota Statutes 1987 Supplement, section 123.3515, subdivision 2, is amended to read:

Subd. 2. [PUPIL APPLICATION.] A pupil who resides in a participating district may enroll according to this section in a participating nonresident district. The pupil's parent or guardian must apply to the nonresident district on a form provided by the department of education. The application must be submitted to the nonresident district by ~~December 1~~ January 5 for enrollment during the following school year. ~~For the 1987-1988 school year, an application must be submitted by August 1, 1987.~~

Sec. 22. Minnesota Statutes 1987 Supplement, section 123.3515, subdivision 3, is amended to read:

Subd. 3. [NONRESIDENT DISTRICT PROCEDURES.] Within ten days of receiving an application, a nonresident district shall notify the resident district that it has received the application. The nonresident district shall notify the parent or guardian and the resident district by February 1 whether the pupil's application has been approved or disapproved. ~~For the 1987-1988 school year, notification must occur by August 10, 1987.~~

Sec. 23. Minnesota Statutes 1987 Supplement, section 123.3515, subdivision 5, is amended to read:

Subd. 5. [RACIAL BALANCE.] A school district that has a desegregation plan may limit the number of pupils who transfer into or out of the district. An application to transfer into or out of a desegregation district shall be submitted to that district by ~~November~~ December 1 of each year for enrollment during the following school year. ~~For the 1987-1988 school year, an application must be submitted by August 1, 1987.~~ If approval of all of the applications would result in the district being out of compliance with its desegregation plan, the district shall establish the number of majority and minority group pupils who may transfer into or out of the district. The district may approve or disapprove the applications in a manner that will enable compliance with the desegregation plan. The district shall notify the parent or guardian by ~~November~~ December 20 whether the pupil's application has been approved or disapproved. ~~For the 1987-1988 school year, notification must occur by August 10, 1987.~~

Sec. 24. Minnesota Statutes 1987 Supplement, section 123.3515, subdivision 6, is amended to read:

Subd. 6. [TRANSPORTATION.] ~~The nonresident district shall provide transportation within that district for nonresident pupils enrolled under this section. The state shall pay transportation aid to the district according to section 124.225. The resident district is not required to provide or pay for transportation between a pupil's residence and the border of the nonresident district.~~

A parent or guardian may apply to the nonresident district for

reimbursement for transportation costs between the pupil's residence and the border of the nonresident district. The state board shall establish guidelines for reimbursing the transportation costs based on financial need. Chapter 14 does not apply to the guidelines.

Sec. 25. Minnesota Statutes 1987 Supplement, section 123.3515, subdivision 9, is amended to read:

Subd. 9. [AID.] Payment of foundation aid or general education aid for pupils enrolled in a nonresident district must be made according to section 124A.036, subdivision 5 General education aid, capital expenditure aid, and transportation aid attributable to pupils covered by programs under this section must be paid according to sections 34, 30, and 31, respectively.

Sec. 26. Minnesota Statutes 1987 Supplement, section 123.3515, is amended by adding a subdivision to read:

Subd. 10. [WAIVER.] The commissioner, upon mutual agreement of the affected districts, may waive the deadline for an application if the waiver will allow additional pupils to participate in the program. A waiver of a deadline to notify parents or guardians whether a pupil's application has been approved or disapproved is not effective unless the parents or guardians agree to the waiver. Districts shall report to the commissioner those waiver requests that are denied and the reason for the denial.

Sec. 27. Minnesota Statutes 1986, section 124.18, subdivision 2, is amended to read:

Subd. 2. [TUITION.] Except as otherwise provided in law, every district which provides instruction in other districts and which receives foundation program aid shall pay to the district furnishing this elementary and secondary school instruction the actual cost thereof chargeable to maintenance exclusive of transportation costs.

There shall also be paid for capital outlay and debt service to the district providing such instruction \$10 per pupil unit in average daily membership for each nonresident pupil unit, except that every district educating nonresident pupils may charge and include in its tuition, for capital outlay and debt service, an amount per pupil unit in average daily membership based on the amount that the average expenditure for capital outlay and debt service determined by dividing such annual expenditure by the total number of pupil units in average daily membership in the district exceeds \$10 per pupil unit. If the district has no capital outlay or debt service the district receiving such funds may use them for any purpose for which it is authorized to spend money. Provided further that if a district provides instruction for nonresident handicapped and trainable children, tuition shall be as specified in section 120.17, subdivision 4.

Sec. 28. Minnesota Statutes 1986, section 124.214, subdivision 2, is amended to read:

Subd. 2. [ABATEMENTS.] Whenever by virtue of chapter 278, sections 270.07, 375.192, or otherwise, the assessed valuation of any school district for any taxable year is changed after the taxes for that year have been spread by the county auditor and the mill rate as determined by the county auditor based upon the original assessed valuation is applied upon the changed valuations, the county auditor shall, prior to February 1 of each year, certify to the commissioner of education the amount of any resulting net revenue loss that accrued to the school district during the preceding year. In August of each year, the commissioner shall pay an abatement adjustment to the district in an amount calculated according to the provisions of this subdivision. This amount shall be deducted from the amount of the levy authorized by section 275.48. The abatement adjustment shall be recognized as revenue in the fiscal year in which it is received. The amount of the abatement adjustment shall be the product of:

- (1) the net revenue loss as certified by the county auditor, times
- (2) the ratio of:

(a) the sum of the amounts of the district's certified levy in the preceding October according to the following:

(i) sections 124A.03, subdivision 1, 124A.06, subdivision 3a, and 124A.08, subdivision 3a, section 124A.23 if the district is entitled to basic foundation receives general education aid according to that section 124A.02;

(ii) section 124A.10, subdivision 3a, if the district is entitled to third tier aid according to section 124A.10, subdivision 4;

(iii) sections 124A.12, subdivision 3a, and 124A.14, subdivision 5a, if the district is eligible for fourth tier aid according to section 124A.12, subdivision 4;

(iv) sections 124A.03, subdivision 4, and 275.125, subdivision 2j, if the district is entitled to summer school aid according to section 124.201; and

(v) (ii) section 275.125, subdivisions 5 and 5c, if the district is entitled to receives transportation aid according to section 124.225, subdivision 8a;

(iii) section 124.244, if the district receives capital expenditure aid according to that section;

(iv) section 275.125, subdivision 11c, if the district receives hazardous substance aid according to section 124.245;

(v) section 275.125, subdivision 8, clauses (a) and (b), if the district receives community education aid according to section 124.271;

(vi) section 275.125, subdivision 8b, if the district receives early childhood family education aid according to section 124.2711; and

(vii) section 275.125, subdivision 6f, if the district receives exceptional need aid according to section 124.217;

(b) to the total amount of the district's certified levy in the preceding October pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125, plus or minus auditor's adjustments.

Sec. 29. Minnesota Statutes 1987 Supplement, section 124.214, subdivision 3, is amended to read:

Subd. 3. [EXCESS TAX INCREMENT.] If a return of excess tax increment is made to a school district pursuant to section 469.176, subdivision 2, or upon decertification of a tax increment district, the school district's aid entitlements and levy limitations must be adjusted for the fiscal year in which the excess tax increment is paid under the provisions of this subdivision.

(a) An amount must be subtracted from the school district's aid for the current fiscal year equal to the product of:

(1) the amount of the payment of excess tax increment to the school district, times

(2) the ratio of:

(A) the sum of the amounts of the school district's certified levy for the fiscal year in which the excess tax increment is paid according to the following:

(i) sections 124A.03, subdivision 1, 124A.06, subdivision 3a, and 124A.08, subdivision 3a, section 124A.23 if the school district is entitled to basic foundation receives general education aid according to that section 124A.02;

(ii) sections 124A.10, subdivision 3a, and 124A.20, subdivision 2, if the school district is entitled to third-tier aid according to section 124A.10, subdivision 4;

(iii) sections 124A.12, subdivision 3a, and 124A.14, subdivision 5a, if the school district is eligible for fourth-tier aid according to section 124A.12, subdivision 4;

(iv) section 124A.03, subdivision 4, if the school district is entitled to summer school aid according to section 124.201; and

(v) (ii) section 275.125, subdivisions 5 and 5c, if the school district is entitled to receives transportation aid according to section 124.225, subdivision 8a;

(iii) section 124.244, if the district receives capital expenditure aid according to that section;

(iv) section 275.125, subdivision 11c, if the district receives hazardous substance aid according to section 124.245;

(v) section 275.125, subdivision 8, clauses (a) and (b), if the district receives community education aid according to section 124.271;

(vi) section 275.125, subdivision 8b, if the district receives early childhood family education aid according to section 124.2711; and

(vii) section 275.125, subdivision 6f, if the district receives exceptional need aid according to section 124.217;

(B) to the total amount of the school district's certified levy for the fiscal year pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, 124A.20, subdivision 2, and 275.125, plus or minus auditor's adjustments.

(b) An amount must be subtracted from the school district's levy limitation for the next levy certified equal to the difference between:

- (1) the amount of the distribution of excess increment, and
- (2) the amount subtracted from aid pursuant to clause (a).

If the aid and levy reductions required by this subdivision cannot be made to the aid for the fiscal year specified or to the levy specified, the reductions must be made from aid for subsequent fiscal years, and from subsequent levies. The school district shall use the payment of excess tax increment to replace the aid and levy revenue reduced under this subdivision.

This subdivision applies only to the total amount of excess increments received by a school district for a calendar year that exceeds \$25,000.

Sec. 30. Minnesota Statutes 1986, section 124.225, is amended by adding a subdivision to read:

Subd. 81. [ALTERNATIVE ATTENDANCE PROGRAMS.] A district that serves nonresident pupils in programs under sections 120.075, 120.0751, 120.0752, 123.3515, 126.22, and 129B.52 to 129B.55 shall provide authorized transportation to the pupil within the attendance area for the school that the pupil attends. The state shall pay transportation aid attributable to the pupil to the serving district according to this section. The district of the pupil's residence need not provide or pay for transportation between the pupil's residence and the district's border.

Sec. 31. Minnesota Statutes 1986, section 124.245, is amended by adding a subdivision to read:

Subd. 6. [ALTERNATIVE ATTENDANCE PROGRAMS.] The capital expenditure aid for districts must be adjusted for each pupil attending a nonresident district under sections 120.075, 120.0751, 120.0752, 123.3515, 126.22, and 129B.52 to 129B.55. The adjustments must be made according to this subdivision.

(a) Capital expenditure aid paid to a district of the pupil's residence must be reduced by an amount equal to the revenue amount per actual pupil unit of the resident district times the number of pupil units of pupils enrolled in nonresident districts.

(b) Capital expenditure aid paid to a district serving nonresidents in programs listed in subdivision 1 must be increased by an amount equal to the revenue amount per actual pupil unit of the nonresident district times the number of pupil units of nonresident pupils enrolled in the district.

(c) If the amount of the reduction to be made from the capital expenditure aid of a district is greater than the amount of capital expenditure aid otherwise due the district, the excess reduction must be made from other state aids due the district.

Sec. 32. Minnesota Statutes 1987 Supplement, section 124.26, subdivision 1b, is amended to read:

Subd. 1b. [PROGRAM REQUIREMENTS.] An adult basic and continuing education program is a day or evening program offered by a district that is for people over 16 years of age through the 1999-2000 school year and over 18 years of age beginning with the 2000-2001 school year who do not attend an elementary or secondary school. The program offers academic instruction necessary to earn a high school diploma or equivalency certificate. Tuition and fees may not be charged for instruction subsidized under this section,

except for a security deposit to assure return of materials, supplies, and equipment.

Sec. 33. Minnesota Statutes 1986, section 124A.036, subdivision 2, is amended to read:

Subd. 2. [DISTRICT WITHOUT SCHOOLS.] Except as otherwise provided in law, any district not maintaining classified elementary or secondary schools shall pay the tuition required in order to enable resident pupils to attend school in another district when necessary, and shall receive foundation aid pursuant to this section on the same basis as other districts. The aid shall be computed as if the pupils were enrolled in the district of residence.

Sec. 34. Minnesota Statutes 1987 Supplement, section 124A.036, subdivision 5, is amended to read:

Subd. 5. [CERTAIN NONRESIDENTS ALTERNATIVE ATTENDANCE PROGRAMS.] The foundation general education aid for districts must be adjusted for each pupil attending a nonresident district under sections 120.075, 120.0751, 120.0752, 123.3515, 126.22, and 129B.52 to 129B.55. The adjustments must be made according to this subdivision.

(a) Foundation General education aid paid to a resident district must be reduced by an amount equal to the formula allowance plus the total tier revenue per actual pupil unit of the resident district times the number of pupil units of pupils enrolled in a nonresident general education revenue exclusive of compensatory revenue attributable to the pupil in the resident district.

(b) Foundation General education aid paid to a nonresident district serving a pupil in programs listed in this subdivision shall be increased by an amount equal to the formula allowance plus the total tier revenue per actual pupil unit of the nonresident district times the number of pupil units of nonresident pupils enrolled in that general education revenue exclusive of compensatory revenue attributable to the pupil in the nonresident district.

(c) If the amount of the reduction to be made from the foundation general education aid of the resident district is greater than the amount of foundation general education aid otherwise due the district, the excess reduction must be made from other state aids due the district.

Sec. 35. Minnesota Statutes 1987 Supplement, section 126.22, subdivision 4, is amended to read:

Subd. 4. [STUDENT ENROLLMENT.] Any eligible student under subdivision 2 may apply to enroll in an eligible program under

subdivision 3, using the form specified in section 120.0752, subdivision 2. Notwithstanding section 120.0752, approval of the resident district is not required for an eligible student under subdivision 2 to enroll in a nonresident district which has an eligible program under subdivision 3 or an area learning center established under section 129B.52. ~~A student enrolling in a program in a nonresident district under this section shall be considered a resident of that district.~~

Sec. 36. Minnesota Statutes 1987 Supplement, section 126.22, is amended by adding a subdivision to read:

Subd. 7. [AID ADJUSTMENTS.] General education aid, capital expenditure aid, and transportation aid attributable to a pupil covered by programs under this section must be paid according to sections 34, 30, and 31, respectively.

Sec. 37. [126.235] [PERSONALIZED LEARNING PLAN FOR TEEN PARENTS.]

Subdivision 1. [PURPOSE.] It is the intent of the legislature to assist school age parents and pregnant women not in school in completing their education by providing them with an instructional program and support services designed to meet their particular needs.

Subd. 2. [DEVELOPMENT OF PERSONALIZED LEARNING PLAN.] A district must develop and monitor a written personalized learning plan reflecting the needs of the custodial school-age parent or pregnant woman as determined by a school based team.

Team members must include: a school administrator or designee, a designated classroom teacher, the school social worker assigned to the pupil, the pupil, an advocate of the pupil's choice and, if appropriate, the pupil's parent or guardian. The plan shall be developed in consultation with the county human service agency and the case manager of the employment and training program if the pupil receives such services.

The personalized learning plan must include a statement of the pupil's goals and a description of the educational services available to the pupil that enable the pupil to earn academic credit leading to a high school diploma or a GED. The plan should be tailored to the pupil's parental responsibilities and must be reviewed quarterly.

Sec. 38. Minnesota Statutes 1986, section 126.56, subdivision 2, is amended to read:

Subd. 2. [ELIGIBLE STUDENT.] To be eligible for a scholarship, a student shall:

(1) be a United States citizen or permanent resident of the United States;

(2) be a resident of Minnesota;

(2) (3) attend an eligible program;

(3) (4) have completed at least one year of secondary school but not have graduated from high school;

(4) (5) have earned at least a B average during the semester or quarter prior to application, or have earned at least a B average during the semester or quarter prior to application in the academic subject area applicable to the summer program the student wishes to attend; and

(5) (6) demonstrate need for financial assistance.

Sec. 39. Minnesota Statutes 1987 Supplement, section 129.121, subdivision 1, is amended to read:

Subdivision 1. The governing board of any high school may delegate the control, supervision and regulation of interscholastic athletics and other extracurricular activities referred to in section 123.38 to the Minnesota state high school league, a nonprofit incorporated voluntary association. Membership in said Minnesota state high school league shall be composed of such Minnesota high schools whose governing boards have certified in writing to the state commissioner of education that they have elected to delegate the control, supervision and regulation of their interscholastic athletic events and other extracurricular activities to said league. The Minnesota state high school league is hereby empowered to exercise the control, supervision and regulation of interscholastic athletics, musical, dramatic and other contests by and between pupils of the Minnesota high schools, delegated to it pursuant to this section. The Minnesota high school league may establish a policy or guidelines for the guidance of member high schools in the formation or alteration of athletic or other extracurricular conferences. Except as otherwise provided by subdivision 1a, the formation or alteration of conferences is voluntary.

The commissioner of education, or the commissioner's representative, shall be an ex officio nonvoting member of the governing body of the Minnesota state high school league, with the same rights and privileges as other members of its governing body. The governing board must include the following members: four members of the public, at least one of whom must be an American Indian, Asian, Black or Hispanic, and all of whom must be parents, appointed by the governor under section 15.0597; two members elected by the Minnesota association of secondary school principals; and 14 mem-

bers selected according to league bylaws. The board shall establish and adopt policies, make decisions on behalf of the league, and establish advisory committees necessary to carry out board functions. The terms, compensation, removal of members, and the filling of membership vacancies are governed by section 15.0575. Members of advisory committees shall be reimbursed only for expenses in the same manner as board members. The rules of said the league shall be exempt from the provisions of sections 14.02, 14.04 to 14.36, 14.38, 14.44 to 14.45, and 14.57 to 14.62.

Employees of the league shall be reimbursed only for expenses as authorized by the commissioner's plan for state employees adopted under section 43A.18, subdivision 2. The league is specifically prohibited from having credit cards.

The executive director of the league shall have a department head expense account subject to the same limits and guidelines as those provided for the commissioner of education. The executive director shall expend money for entertainment or reimbursement of expenses of guests of the league only from this account.

The board shall establish a policy on the use of automobiles by league staff and shall show annually how league policy on the use of automobiles is the most cost-effective alternative available.

Sec. 40. Minnesota Statutes 1986, section 129.121, subdivision 2, is amended to read:

Subd. 2. Any school board is hereby authorized to expend moneys for and pay dues to the Minnesota state high school league and all moneys paid to such league, as well as moneys derived from any contest or other event sponsored by said league, shall be subject to an annual examination and audit by ~~a certified public accountant or the state auditor~~ legislative auditor's office.

Commencing September 1, 1988, and every year thereafter, the legislative auditor shall provide a financial and compliance audit to the legislature detailing the general financial condition and general status of the league as of July 31 of the year preceding the filing of the audit. Copies of the audit must be filed with the commissioner of education, the chairs of the house and senate education committees and the director of the legislative reference library. The audit must include the aggregate totals for all revenues and expenditures for the three preceding years and the current year and the percent and dollar difference in each of these four years. The following items must be audited in each instance: revenues from student activities, membership dues, publications, registration of officials and judges, interest, automobile sales, and other revenues including medals, refunds and reimbursements; and expenditures related to staff, the board of directors, student activities, capital outlay, office and other

expenditures including membership services. The league must pay the legislative auditor for the costs of the audit.

Sec. 41. Minnesota Statutes 1986, section 129.121, is amended by adding a subdivision to read:

Subd. 2a. [AFFIRMATIVE ACTION.] The league must adopt an affirmative action policy to ensure that employment positions within the league are equally accessible to all qualified persons and to eliminate the underutilization of protected groups as defined in section 43A.02, subdivision 33.

Sec. 42. Minnesota Statutes 1986, section 129.121, is amended by adding a subdivision to read:

Subd. 2b. [EQUITABLE COMPENSATION RELATIONSHIPS.] The league shall be treated as a political subdivision for purposes of sections 471.992 to 471.999, except that the league must report to the commissioner of employee relations by February 1, 1989, on its implementation plan. No cause of action against the league arises before August 1, 1989, for failure to comply with the requirements of sections 471.992 to 471.999.

Sec. 43. Minnesota Statutes 1986, section 129.121, is amended by adding a subdivision to read:

Subd. 2c. [DATA PRACTICES.] The collection, creation, receipt, maintenance, dissemination, or use of information by the league is subject to the provisions of chapter 13.

Sec. 44. Minnesota Statutes 1987 Supplement, section 129B.11, subdivision 1, is amended to read:

Subdivision 1. [PLANS; GRANT AWARDS.] The state board of education, ~~with the advice of the state curriculum advisory committee and the advisory committee on technology in education for projects involving technology,~~ shall make grants to groups of school districts to implement plans to improve education. The board shall consult with the state curriculum advisory committee and other appropriate groups. The board may award grants to groups of districts which submit plans that include at least the following:

(1) program and curriculum changes which provide more learning opportunities for students;

(2) demonstration of a local commitment to the plan and, in the case of plans utilizing technology, local financial support including public and private partnerships;

(3) involvement of school district teaching staff in development of the plan;

(4) demonstration that the plan is consistent with school district goals established under section 126.666; and

(5) the structural criteria established in subdivision 2.

The board may establish additional criteria and shall establish time lines and the grant application procedure for making grants.

Sec. 45. Minnesota Statutes 1987 Supplement, section 129B.11, is amended by adding a subdivision to read:

Subd. 2a. [INTENTION TO CONSOLIDATE.] A group of districts is eligible for a grant if each school board has adopted a resolution of intention to consolidate with the other districts in the group. If a grant is awarded to a group of districts under this subdivision, and if the group does not actually consolidate within 24 months of receiving the grant, the department of education shall withhold payment of all state aids until the amount of the grant has been recovered.

The state board of education may establish additional conditions to a grant awarded under this subdivision.

Sec. 46. Minnesota Statutes 1986, section 260.015, subdivision 19, is amended to read:

Subd. 19. [HABITUAL TRUANT.] "Habitual truant" means a child under the age of 16 years through the 1999-2000 school year and under the age of 18 beginning with the 2000-2001 school year who is absent from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven school days if the child is in middle school, junior high school, or high school.

Sec. 47. [REPORT TO THE LEGISLATURE.]

The commissioner of employee relations shall report by January 15, 1989, to the chairs of the house and senate education committees and to the governing board of the Minnesota state high school league on the appropriate salary rate or range for the league director and the director's staff as if the positions were to be established in the state classified service.

Sec. 48. [APPOINTMENT.]

The governor shall make the initial appointments to the Minnesota state high school league's governing board before August 15,

1988. The governing board shall be fully constituted by August 30, 1988. The governor must begin the process of appointing four public members under Minnesota Statutes, section 15.0597, as soon as practicable after the effective date of this section to ensure that the governor's initial appointees are appointed to the board before August 15, 1988.

Sec. 49. [TASK FORCE ON SCHOOL DISTRICT REORGANIZATION.]

Subdivision 1. [ESTABLISHED.] There is established a task force on school district reorganization that is composed of 20 members.

Subd. 2. [MEMBERSHIP.] The state board of education shall appoint 14 members. These members must represent elementary and secondary education, various sizes of school districts, and various geographical areas of the state. The state board shall appoint one member, from three names submitted by each organization, to represent each of the following organizations:

- (1) state board of education;
- (2) state curriculum advisory committee;
- (3) Minnesota school boards association;
- (4) association of stable or growing school districts;
- (5) association of metropolitan school districts;
- (6) Minnesota rural education association;
- (7) Minnesota association of school administrators;
- (8) Minnesota association of secondary school principals;
- (9) Minnesota elementary school principals' association;
- (10) Minnesota education association;
- (11) Minnesota federation of teachers;
- (12) Minnesota congress of parents, teachers, and students;
- (13) a representative of the business community; and
- (14) Minnesota community education association.

In addition, six members of the legislature shall be appointed to the task force. The subcommittee on committees of the committee on rules and administration of the senate shall appoint three members of the senate education committee. The speaker of the house shall appoint three members of the house education committee.

The commissioner of education, or a designee, shall be an ex officio member of the task force and shall convene the first meeting of the commission by May 1, 1988.

The task force members shall elect the chair of the commission.

Subd. 3. [ITEMS FOR CONSIDERATION.] In considering school district reorganization, the task force shall consider and make findings about the following:

(a) learning opportunities for learners, including, but not limited to:

- (1) minimum and maximum curriculum offerings;
- (2) alternatives to traditional instructional time or learning year;
- (3) state board of education rules; and
- (4) community education and its implications; and

(b) financial considerations, including, but not limited to:

- (1) funding and tax equity;
- (2) implications for employees, including salaries, fringe benefits, and collective bargaining;
- (3) facility needs and uses, alternative facility needs and uses, and alternatives including construction of duplicate facilities by adjacent school districts; and
- (4) community education and its implications; and

(c) alternative patterns of education program organization, including, but not limited to:

- (1) various management organizational structures;
- (2) technology use;
- (3) incentives to reorganize;

(4) research on school district organization; and

(5) community education and its implications.

Subd. 4. [SUBCOMMITTEES.] The task force shall appoint at least two subcommittees. One subcommittee shall address curriculum and one subcommittee shall address organizational structures and finance. The members of both subcommittees shall be representative of elementary and secondary education, various sizes of school districts, and various geographical areas of the state.

Subd. 5. [EXPENSES AND EXPIRATION.] The task force shall be governed by Minnesota Statutes, section 15.059, subdivision 6.

Subd. 6. [STAFF ASSISTANCE.] The education committees of the legislature and the department of education shall provide staff assistance to the task force and subcommittees.

Subd. 7. [FINDINGS.] The task force shall report its findings to the state board of education by January 1, 1989, and to the education committees of the legislature by February 1, 1989.

Sec. 50. [APPROPRIATIONS.]

Subdivision 1. [DEPARTMENT OF EDUCATION.] There is appropriated from the general fund to the department of education the sums indicated in this section for fiscal years ending June 30 in the years designated.

Subd. 2. [REORGANIZATION TASK FORCE.] For expenses of the reorganization task force, there is appropriated

\$6,000 1989.

Subd. 3. [EDUCATION STATEMENTS.] For costs associated with printing and distributing the education statement according to section 16, there is appropriated

\$2,500 1989.

Sec. 51. [REPEALER.]

Minnesota Statutes 1987 Supplement, section 121.11, subdivision 16, is repealed.

Sec. 52. [EFFECTIVE DATE.]

Sections 1 to 7 and 48 are effective the day following final enactment. After December 31, 1993, the provisions of Minnesota

Statutes, section 92.67, subdivisions 1 and 3 apply only to sales made under section 6, subdivision 4, clause (a)(5).

ARTICLE 8

FACILITIES

Section 1. Minnesota Statutes 1986, section 121.15, is amended by adding a subdivision to read:

Subd. 1a. [DOWN PAYMENT LEVY; REVIEW OF NEED AND REASONABLENESS.] A district intending to levy for a down payment for the future costs of acquisition and betterment of a project must submit the information required in subdivision 7 to the department of education. The department of education shall review the need and reasonableness of the project and approve or disapprove the project within 60 days after submission.

Sec. 2. Minnesota Statutes 1986, section 121.15, subdivision 6, is amended to read:

Subd. 6. [REVIEW AND COMMENT.] No referendum for bonds or solicitation of bids for new construction, expansion, or remodeling of an educational facility which requires a capital expenditure in excess of \$400,000 per school site shall be initiated prior to review and comment by the commissioner. A school board shall not separate portions of a single project into components to avoid the requirements of this subdivision. A project that has previously been approved according to section 1 is not subject to the review and comment requirements of this subdivision or the publication requirements of subdivision 9.

Sec. 3. [124.82] [BUILDING CONSTRUCTION DOWN PAYMENT PROGRAM.]

Subdivision 1. [CREATION OF A DOWN PAYMENT ACCOUNT.] A school district may create a down payment account as a separate account in its construction fund. All proceeds from the down payment levy must be deposited in this account.

Subd. 2. [USES OF THE ACCOUNT.] Funds in the down payment account may be used as a down payment for the future costs of acquisition and betterment for a project that has been approved according to section 1.

Subd. 3. [FACILITIES DOWN PAYMENT LEVY REFERENDUM.] A district may levy the millage approved by a majority of the electors voting on the question to provide funds for a down payment for an approved project. The election must take place no more than

five years before the estimated date of commencement of the project. The referendum shall be held on a date set by the school board. The referendum may be called by the school board and may be held:

(1) separately, prior to an election for the issuance of obligations for the approved project under chapter 475; or

(2) in conjunction with an election for the issuance of obligations for the approved project under chapter 475; or

(3) notwithstanding section 475.59, as a conjunctive question authorizing both the down payment levy and the issuance of obligations for the approved project under chapter 475. Any obligations authorized for an approved project may be issued within five years of the date of the election.

The ballot must provide a general description of the proposed project, state the estimated total cost of the project, state that the project has been approved by the department of education, state the maximum amount of the down payment levy in mills, state the amount that will be raised by that millage in the first year it is to be levied, and state the maximum number of years that the levy authorization will apply.

In the event a conjunctive question proposes to authorize both the down payment levy and the issuance of obligations for the approved project, appropriate language authorizing the issuance of obligations shall also be included in the question.

The ballot must contain a textual portion with the information required in this section and a question stating substantially the following:

“Shall the down payment levy proposed by the board of School District No. . . . be approved?”

If approved, the amount provided by the approved millage applied to each year's taxable valuation shall be authorized for certification for the number of years approved.

The district must notify the commissioner of education of the results of the referendum.

Subd. 4. [EXCESS BUILDING CONSTRUCTION FUND LEVY PROCEEDS.] Any funds remaining in the down payment account that are not applied to the payment of the costs of the approved project prior to its final completion must be transferred to the district's debt redemption fund.

Sec. 4. [124.83] [CAPITAL EXPENDITURES; HEALTH AND SAFETY.]

Subdivision 1. [HEALTH AND SAFETY PLANS.] To receive health and safety revenue for the 1989-1990 school year and each year thereafter, a district must submit to the commissioner of education an application for aid and levy by August 15 in the previous school year. The application may be for asbestos removal, fire code compliance, or other required life safety repairs.

Subd. 2. [HAZARDOUS SUBSTANCE PLANS.] (a) Hazardous substance plans must contain the following:

(1) a plan for the removal or encapsulation of asbestos from school buildings or property, asbestos-related repairs, cleanup and disposal of polychlorinated biphenyls found in school buildings or property, and cleanup, removal, disposal, and repairs related to storing heating fuel or transportation fuels such as alcohol, gasoline, fuel, oil, and special fuel, as defined in section 296.01;

(2) the estimated cost of the plan by fiscal year; and

(3) other information required by the commissioner.

(b) The commissioner may approve applications based on criteria disseminated to school districts by July 15 of the previous school year.

Subd. 3. [FIRE SAFETY PLANS.] (a) Fire safety plans must contain the following:

(1) a description of the current fire code violation and a plan for the removal or repair of the fire hazard;

(2) the estimated cost of the plan by fiscal year;

(3) a description of safety preparation and awareness procedures to be followed until the hazard is fully corrected; and

(4) other information required by the commissioner.

(b) The commissioner may approve applications by July 15 of the previous school year.

Subd. 4. [LIFE SAFETY PLANS.] (a) A life safety plan must contain the following:

(1) a description of the life safety hazard and a plan for its removal or repair;

(2) the estimated cost of the plan by fiscal year; and

(3) other information required by the commissioner.

(b) The commissioner may approve applications by July 15 of the previous school year.

Subd. 5. [HEALTH AND SAFETY REVENUE.] A district's health and safety revenue equals the approved cost of the health and safety plan for the school year to which the levy is attributable, minus the unexpended portion of levies certified by the district in earlier years under section 275.125, subdivision 11c.

Subd. 6. [HEALTH AND SAFETY LEVY.] A district's "health and safety levy limitation" means its levy limitation computed according to section 8.

Subd. 7. [HEALTH AND SAFETY AID.] A district's health and safety aid for 1989-1990 and later school years equals:

(i) the difference between its health and safety revenue and its health and safety levy limitation for the levy for that school year, multiplied by

(ii) the ratio of the amount actually levied to the amount of its health and safety levy limitation.

Subd. 8. [USES OF HEALTH AND SAFETY AID.] Aid paid under this section may be used only for expenditures necessary to correct fire safety hazards, life safety hazards, or for the removal or encapsulation of asbestos from school buildings or property, asbestos-related repairs, cleanup and disposal of polychlorinated biphenyls found in school buildings or property, or the cleanup, removal, disposal, and repairs related to storing heating fuel or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined in section 296.01.

Subd. 9. [PRORATION.] In the event that the health and safety aid available for any year is prorated, a district having its aid prorated may levy an additional amount equal to the amount not paid by the state due to proration.

Sec. 5. [124.84] [CAPITAL EXPENDITURES; EQUIPMENT.]

Subdivision 1. [EQUIPMENT REVENUE AMOUNT.] The capital expenditure equipment revenue for each district equals \$70 times its actual pupil units for the school year.

Subd. 2. [EQUIPMENT LEVY.] To obtain capital expenditure equipment revenue a district may levy according to section 8.

Subd. 3. [EQUIPMENT AID.] A district's capital expenditure equipment aid equals:

(i) the difference between the capital expenditure equipment revenue and the capital expenditure equipment levy, multiplied by

(ii) the ratio of the amount actually levied to the amount of its capital expenditure equipment levy limitation.

Subd. 4. [USES OF EQUIPMENT REVENUE.] Capital expenditure equipment revenue may be used only for the following purposes:

- (1) textbooks;
- (2) initial acquisitions of library books;
- (3) additions to library collections;
- (4) purchasing equipment; and
- (5) purchasing vehicles.

Sec. 6. [124.85] [CAPITAL EXPENDITURES; REPAIRS AND BETTERMENT.]

Subdivision 1. [REPAIR AND BETTERMENT AMOUNT.] The capital expenditure repair and betterment revenue for each district equals \$137 times its actual pupil units.

Subd. 2. [REPAIR AND BETTERMENT LEVY.] To obtain capital expenditure repair and betterment revenue, a district may levy according to section 8.

Subd. 3. [REPAIR AND BETTERMENT AID.] A district's capital expenditure repair and betterment aid equals:

(i) the difference between the capital expenditure repair and betterment revenue and the capital expenditure repair and betterment levy, multiplied by

(ii) the ratio of the amount actually levied to the amount of its capital expenditure repair and betterment levy limitation.

Subd. 4. [USES OF REPAIR AND BETTERMENT REVENUE.] Capital expenditure repair and betterment revenue may be used only for the following purposes:

- (1) to acquire land for school purposes;

(2) to acquire or construct buildings for school purposes, if approved by the commissioner of education according to applicable statutes and rules;

(3) to rent or lease buildings for school purposes;

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

(5) to eliminate barriers or increase access to school buildings by handicapped individuals;

(6) to bring school buildings into compliance with the uniform fire code adopted according to chapter 299F;

(7) to remove asbestos from school buildings, encapsulate asbestos, or make asbestos-related repairs;

(8) to clean up and dispose of polychlorinated biphenyls found in school buildings;

(9) to clean up, remove, dispose of, and make repairs related to storing heating fuel or transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined in section 296.01;

(10) for energy audits for school buildings and to make modifications if the audit indicates the costs can be recovered within ten years;

(11) to improve buildings that are leased according to section 123.36, subdivision 10;

(12) to pay special assessments levied against school property but not to pay assessments for service charges;

(13) to pay capital expenditure assessments of an educational cooperative service unit;

(14) to pay principal and interest on state loans for energy conservation according to section 116J.37 or loans made under the northeast Minnesota economic protection trust fund act according to sections 298.292 to 298.298;

(15) to purchase or lease computers and related materials, copying machines, and telecommunications equipment;

(16) to purchase or lease equipment for secondary vocational education programs or senior secondary industrial arts programs; and

(17) to purchase textbooks.

Sec. 7. Minnesota Statutes 1986, section 275.125, is amended by adding a subdivision to read:

Subd. 4a. [DOWN PAYMENT LEVY.] A school district may levy the amount authorized for a down payment levy according to section 3.

Sec. 8. Minnesota Statutes 1986, section 275.125, is amended by adding a subdivision to read:

Subd. 11d. [CAPITAL EXPENDITURE LEVIES.] (a) Each year, a district may levy an amount for capital expenditures under sections 4 to 6 equal to the following:

(1) the district's health and safety revenue as defined in section 4 multiplied by the capital expenditure levy ratio;

(2) the district's capital expenditure equipment revenue as defined in section 5 multiplied by the capital expenditure levy ratio; and

(3) the district's capital expenditure repair and betterment revenue as defined in section 6 multiplied by the capital expenditure levy ratio.

(b) For purposes of this subdivision, levy ratio means the lesser of one, or the ratio of:

(1) the quotient derived by dividing the adjusted assessed valuation of the district for the year preceding the year the levy is certified by the actual pupil units in the district for the school year to which the levy is attributable, to

(2) 75 percent of the equalizing factor for the school year to which the levy is attributable.

(c) The proceeds of the taxes must be placed in the district's capital expenditure fund and may only be used for the purposes allowed in sections 4 to 6.

Sec. 9. Minnesota Statutes 1986, section 275.125, is amended by adding a subdivision to read:

Subd. 11e. [EXTRA CAPITAL EXPENDITURE LEVY FOR LEASING BUILDINGS.] When a district finds it economically advantageous to rent or lease existing school buildings or other buildings for instructional purposes and it determines that the capital expenditure revenues authorized under section 124.244 are

insufficient for this purpose, it may apply to the commissioner for permission to make an additional capital expenditure levy for this purpose. An application for permission to levy under this subdivision must contain financial justification for the proposed levy, the terms and conditions of the proposed lease, and a description of the space to be leased and its proposed use. The criteria for approval of applications to levy under this subdivision must include: the reasonableness of the price, the appropriateness of the space to the proposed activity, the feasibility of transporting pupils to the leased building, conformity of the lease to the laws and rules of the state of Minnesota, and the appropriateness of the proposed lease to the space needs and the financial condition of the district. The commissioner must not authorize a levy under this subdivision in an amount greater than the cost to the district of renting or leasing a school building or other building for approved purposes. The proceeds of this levy must not be used for custodial or other maintenance services.

Sec. 10. [1988 LEVY FOR LEASING BUILDINGS.]

In addition to the levy authorized in section 9, a district may levy in 1988 for leasing expenditures that would have been allowable if section 9 had been effective for levies certified in 1987 payable in 1988.

Sec. 11. [REPEALER.]

Minnesota Statutes 1986, section 124.245, subdivision 4; Minnesota Statutes 1987 Supplement, sections 124.244; 124.245, subdivisions 3, 3a, and 3b; and 275.125, subdivision 11c, are repealed effective for the 1989-1990 school year.

Sec. 12. [EFFECTIVE DATE.]

Sections 1 to 9, and 11, are effective for revenue for the 1989-1990 school year and thereafter."

Delete the title and insert:

"A bill for an act relating to education; providing aids for education and the distribution of tax revenues; increasing the basic formula allowance; setting the general education levy; modifying the transportation aid and levy formulas; creating an American Indian education council; requiring a study of Indian education; requiring the development of a new model for secondary vocational instruction; modifying the community education formulas; offering free admission to secondary school to eligible persons at least 21 years of age; creating education district revenue; encouraging integrated learning environments; providing for the sale of permanent school fund lands; requiring the signing of an education statement;

requiring certain changes in the state high school league; creating a task force on school district reorganization; changing the capital expenditure formulas; appropriating money; amending Minnesota Statutes 1986, sections 92.06, subdivision 4; 92.14, by adding a subdivision; 92.67, subdivision 5; 120.06, by adding a subdivision; 120.075, subdivisions 1a, 3, and by adding a subdivision; 120.0751, subdivision 1, and by adding a subdivision; 120.0752, subdivision 1, and by adding a subdivision; 120.74, subdivision 1; 121.11, subdivision 12; 121.15, subdivisions 6, 7, and by adding a subdivision; 121.612, by adding a subdivision; 121.88, by adding subdivisions; 123.35, subdivision 8; 123.3514, by adding a subdivision; 124.17, by adding a subdivision; 124.18, subdivision 2; 124.214, subdivisions 2 and 3; 124.225, by adding a subdivision; 124.245, by adding a subdivision; 124.271, by adding subdivisions; 124.2711, by adding a subdivision; 124.573, by adding subdivisions; 124A.036, subdivision 2; 125.185, subdivision 4; 126.151; 126.56, subdivision 2; 129.121, subdivision 2, and by adding subdivisions; 260.015, subdivision 19; 275.125, by adding subdivisions; Minnesota Statutes 1987 Supplement, sections 92.46, subdivision 1; 92.67, subdivisions 1, 3, and 4; 120.0752, subdivision 3; 120.101, subdivisions 5 and 9; 120.17, subdivision 1; 121.612, subdivision 3; 121.87, subdivision 1a; 123.3515, subdivisions 1, 2, 3, 5, 6, 9, and by adding a subdivision; 124.223; 124.225, subdivision 4b; 124.26, subdivision 1b; 124.271, subdivision 2b; 124.2711, subdivision 1; 124.573, subdivision 2b; 124A.036, subdivision 5; 124A.22, subdivisions 2, 3, and 6; 124A.23, subdivisions 1, 2, 3, and by adding subdivisions; 124A.24; 124A.25, subdivisions 2, 4, and by adding a subdivision; 126.22, subdivisions 2, 3, 4, and by adding a subdivision; 126.666, by adding a subdivision; 126.70, subdivision 2a; 129.121, subdivision 1; 129B.11, subdivision 1, and by adding a subdivision; 275.125, subdivisions 5 and 8; Laws 1987, chapter 398, article 1, section 27, subdivision 3; article 2, section 13, subdivision 2; article 3, section 39, subdivision 8; article 5, section 2, subdivision 12; article 6, section 19, subdivision 7; proposing coding for new law in Minnesota Statutes, chapters 120; 121; 122; 124; 124A; 126; 129B; 145; repealing Minnesota Statutes 1986, section 124.245, subdivision 4; Minnesota Statutes 1987 Supplement, sections 121.11, subdivision 16; 124.244; 124.245, subdivisions 3, 3a, and 3b; 124A.27, subdivision 10; and 275.125, subdivisions 6e and 11c."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Battaglia from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2250, A bill for an act relating to state government; providing for salary ranges for certain state employees; regulating

emergency civil service appointments; regulating affirmative action; regulating health and other fringe benefit coverages; providing duties for the commissioner of employee relations; amending Minnesota Statutes 1986, sections 43A.19, subdivision 1; 43A.23, subdivisions 1 and 3; 43A.27, subdivision 3; 471.992, by adding a subdivision; and 471.998, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 15A.081, subdivision 1; 43A.191, subdivision 3; 43A.316, subdivisions 2, 4, 8, and by adding a subdivision; 43A.421; 79.34, subdivision 1; and 176.611, subdivisions 2 and 3a.

Reported the same back with the following amendments:

Page 12, line 33, before the period insert "of the political subdivision"

Page 13, line 1, delete "shall direct" and insert "may recommend that" and delete "to"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2289, A bill for an act relating to crime; providing that burglary occurs if a person enters a building without consent and commits a crime without intent while in the building; extending first degree burglary to instances where an assault occurs on the property appurtenant to the entered building; providing that it is a felony to possess tools used in theft; amending Minnesota Statutes 1986, sections 609.582, subdivisions 1, 2, 3, and 4; and 609.59.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2381, A bill for an act relating to marriage dissolution; providing for the valuation of pension benefits; amending Minnesota Statutes 1987 Supplement, section 518.582, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 518.582, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT OF ACTUARY.] (a) Each court of this state that has jurisdiction to decide marriage dissolution matters may appoint an approved actuary a qualified person experienced in the valuation of pension benefits and rights to function as an expert witness in valuing pension benefits or rights.

(b) An approved actuary is a person who is enrolled as a member of the American Academy of Actuaries, or is enrolled as an actuary pursuant to the Federal Employee Retirement Income Security Act of 1974, as amended."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2407, A bill for an act relating to the state and local governments; providing immunity from civil liability for volunteers serving the state and local governments; amending Minnesota Statutes 1986, section 466.01, by adding a subdivision; Minnesota Statutes 1987 Supplement, section 3.736, subdivision 3; and proposing coding for new law in Minnesota Statutes, chapter 466.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 3.736, subdivision 3, is amended to read:

Subd. 3. [EXCLUSIONS.] Without intent to preclude the courts from finding additional cases where the state and its employees should not, in equity and good conscience, pay compensation for personal injuries or property losses, the legislature declares that the state and its employees are not liable for the following losses:

(a) Any loss caused by an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule;

(b) Any loss caused by the performance or failure to perform a discretionary duty, whether or not the discretion is abused;

(c) Any loss in connection with the assessment and collection of taxes;

(d) Any loss caused by snow or ice conditions on any highway or public sidewalk that does not abut a publicly-owned building or a publicly-owned parking lot, except when the condition is affirmatively caused by the negligent acts of a state employee;

(e) Any loss caused by wild animals in their natural state, except as provided in section 3.7371;

(f) Any loss other than injury to or loss of property or personal injury or death;

(g) Any loss caused by the condition of unimproved real property owned by the state, which means land that the state has not improved, and appurtenances, fixtures, and attachments to land that the state has neither affixed nor improved;

(h) Any loss incurred by a user within the boundaries of the outdoor recreation system and arising from the construction, operation, or maintenance of the system, as defined in section 86A.04, or from the clearing of land, removal of refuse, and creation of trails or paths without artificial surfaces, or from the construction, operation, or maintenance of a water access site created by the iron range resources and rehabilitation board, except that the state is liable for conduct that would entitle a trespasser to damages against a private person;

(i) Any loss of benefits or compensation due under a program of public assistance or public welfare, except where state compensation for loss is expressly required by federal law in order for the state to receive federal grants-in-aid;

(j) Any loss based on the failure of any person to meet the standards needed for a license, permit, or other authorization issued by the state or its agents;

(k) Any loss based on the usual care and treatment, or lack of care and treatment, of any person at a state hospital or state corrections facility where reasonable use of available appropriations has been made to provide care;

(l) Any loss, damage, or destruction of property of a patient or inmate of a state institution;

(m) Any loss for which recovery is prohibited by section 169.121, subdivision 9; and

(n) Any loss caused by an aeration, bubbler, water circulation, or similar system used to increase dissolved oxygen or maintain open water on the ice of public waters, that is operated under a permit issued by the commissioner of natural resources; and

(o) Any loss caused by the act or omission of a person who provides volunteer services if that person was acting within the scope of the person's responsibility and is not guilty of malfeasance in office or willful or wanton actions or neglect of duty. This section does not limit the liability of a person who provides volunteer services for physical injury to a person or for wrongful death that is personally and directly caused by the person who provides volunteer services.

The state will not pay punitive damages.

Sec. 2. Minnesota Statutes 1987 Supplement, section 44A.02, subdivision 3, is amended to read:

Subd. 3. [EMPLOYEES.] The president may appoint employees and prescribe their duties. Employees and officers of the corporation are not state employees, but are covered by section 3.736, subdivision 3, and at the option of the board may participate in the following plans for employees in the unclassified service: the state retirement plan, the state deferred compensation plan, and the health insurance and life insurance plans. The president may delegate to a subordinate the exercise of specified statutory powers or duties as the president deems advisable, subject to the control of the president.

Sec. 3. Minnesota Statutes 1987 Supplement, section 1160.03, is amended by adding a subdivision to read:

Subd. 10. [INDEMNIFICATION.] The corporation is a state agency for purposes of section 3.736, subdivision 9.

Sec. 4. Minnesota Statutes 1987 Supplement, section 1160.04, subdivision 2, is amended to read:

Subd. 2. [STATUS OF EMPLOYEES.] Employees, officers, and directors of the corporation are not state employees, but are covered by section 3.736, subdivision 3, and, at the option of the board, may participate in the state retirement plan and the state deferred compensation plan for employees in the unclassified service and an insurance plan administered by the commissioner of employee relations.

Sec. 5. Minnesota Statutes 1987 Supplement, section 317.201, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] Except as provided in subdivision 2, no person who serves without compensation as a director, officer, trustee, member, or agent of an organization exempt from state income taxation under section 290.05, subdivision 2, or who serves without compensation as a fire chief of a nonprofit firefighting corporation or municipal volunteer fire department, or of a public

corporation established by law but not considered a municipality, shall be held civilly liable for an act or omission by that person if the act or omission was in good faith, was within the scope of the person's responsibilities as a director, officer, trustee, member, agent, or fire chief of the organization, and did not constitute willful or reckless misconduct.

Sec. 6. Minnesota Statutes 1987 Supplement, section 340A.801, subdivision 1, is amended to read:

Subdivision 1. [RIGHT OF ACTION.] A spouse, child, parent, guardian, employer, or other person injured in person, property, or means of support, or who incurs other pecuniary loss by an intoxicated person or by the intoxication of another person, has a right of action in the person's own name for all damages sustained against a person who caused the intoxication of that person by illegally selling or bartering alcoholic beverages, or in the case of an intoxicated person under the age of 21 years, by illegally selling, bartering, or giving alcoholic beverages. All damages recovered by a minor under this section must be paid either to the minor or to the minor's parent, guardian, or next friend as the court directs.

Sec. 7. Minnesota Statutes 1986, section 340A.801, subdivision 4, is amended to read:

Subd. 4. [SUBROGATION CLAIMS DENIED.] There shall be no recovery by any insurance company against any liquor vender person against whom a right of action exists under subdivision 1 under subrogation clauses of the uninsured, underinsured, collision, or other first party coverages of a motor vehicle insurance policy as a result of payments made by the company to persons who have claims that arise in whole or part under this section. The provisions of section 65B.53, subdivision 3, do not apply to actions under this section.

Sec. 8. Minnesota Statutes 1986, section 340A.802, is amended to read:

340A.802 [NOTICE OF INJURY; DISCOVERY BEFORE ACTIONS.]

Subdivision 1. [NOTICE OF INJURY.] A person who claims damages and a person or insurer who claims contribution or indemnity from a licensed retailer of alcoholic beverages or municipal liquor store person for or because of an injury within the scope of section 340A.801 must give a written notice to the licensee or municipality person against whom the claim is made stating:

(1) the time and date when and person to whom the alcoholic beverages were sold or bartered furnished illegally;

(2) the name and address of the person or persons who were injured or whose property was damaged; and

(3) the approximate time and date, and the place where the injury to person or property occurred.

A licensee or municipality person who claims contribution or indemnification from another licensee or municipality person must give a written notice to the other licensee or municipality person in the form and manner specified in this section.

An error or omission in the notice does not void the notice's effect if the notice is otherwise valid unless the error or omission is of a substantially material nature.

Subd. 2. [LIMITATIONS; CONTENT.] In the case of a claim for damages, the notice must be served by the claimant's attorney within 120 days of the date of entering an attorney-client relationship with the person in regard to the claim. In the case of claims for contribution or indemnity, the notice must be served within 120 days after the injury occurs or within 60 days after receiving written notice of a claim for contribution or indemnity, whichever is applicable. No action for damage or for contribution or indemnity may be maintained unless the notice has been given. If requested to do so, a municipality or licensee receiving a notice shall promptly furnish claimant's attorney the names and addresses of other municipalities or licensees who sold or bartered liquor to the person identified in the notice, if known. Actual notice of sufficient facts reasonably to put the licensee or governing body of the municipality person against whom the claim is made on notice of a possible claim complies with the notice requirement.

No action may be maintained under section 340A.801 unless commenced within two years after the injury.

Subd. 3. [BAD FAITH NOTICE.] A claimant who in bad faith gives notice to a licensee person who did not sell or barter liquor furnish alcoholic beverages to the alleged intoxicated person is subject to liability for actual damages, which shall include the reasonable out-of-pocket attorney fees incurred by the licensee person to whom the bad faith notice was given in the defense of the bad faith notice.

Sec. 9. Minnesota Statutes 1986, section 466.01, is amended by adding a subdivision to read:

Subd. 6. [EMPLOYEE, OFFICER, OR AGENT.] For the purposes of sections 466.01 to 466.15, "employee," "officer," or "agent" means a present or former employee, officer, or agent of a municipality, or other person acting on behalf of the municipality in an official

capacity; temporarily or permanently, with or without compensation, but does not include an independent contractor.

Sec. 10. [466.041] [VOLUNTEER IMMUNITY.]

A person who provides volunteer services to a municipality is immune from civil liability if the person was acting within the scope of the person's responsibility and is not guilty of malfeasance in office or willful or wanton neglect of duty. This section does not limit the liability of a person who provides volunteer services to a municipality for physical injury to a person or for wrongful death that is personally and directly caused by the person who provides volunteer services.

Sec. 11. Minnesota Statutes 1987 Supplement, section 604.08, subdivision 1, is amended to read:

Subdivision 1. [GRANT.] No individual who provides services or assistance without compensation as an athletic coach, manager, or official for a sports team that is organized or performing under a nonprofit charter, and no community-based, voluntary nonprofit athletic association, or any volunteer of the nonprofit athletic association, is liable for money damages to a player or participant, or spectator as a result of an individual's acts or omissions in the providing of that service or assistance.

This section applies to organized sports competitions and practice and instruction in that sport.

For purposes of this section, "compensation" does not include reimbursement for expenses.

Sec. 12. [EFFECTIVE DATE.]

Section 6 is effective August 1, 1988, and applies to cases of action arising on and after that date.

Delete the title and insert:

"A bill for an act relating to the state and local governments; providing immunity from civil liability for volunteers serving the state and local governments; providing that employees and officers of the world trade center board and greater Minnesota corporation are state employees for purposes of immunity; providing that officers and directors of public corporations are immune from liability under standards for nonprofit corporations; clarifying immunity from civil liability for certain athletic officials; amending Minnesota Statutes 1986, section 466.01, by adding a subdivision; Minnesota Statutes 1987 Supplement, sections 3.736, subdivision 3; 44A.02, subdivision 3; 116O.03, by adding a subdivision; 116O.04, subdivision 2;

317.201, subdivision 1; 340A.801, subdivisions 1 and 4; 340A.802; and 604.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 466."

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 2412, A bill for an act relating to agriculture; renaming the department of agriculture to the department of agriculture and food; authorizing distinction of and expanded use of the Minnesota grown label; establishing certification of soil testing laboratories; requiring real dairy products to be offered where artificial dairy products are served; appropriating money; amending Minnesota Statutes 1986, section 17.01; Minnesota Statutes 1987 Supplement, section 17.102, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 17 and 32; repealing Minnesota Statutes 1986, section 17.013.

Reported the same back with the following amendments:

Page 2, line 22, delete "up to five"

Page 3, after line 18, insert:

"(d) The commissioner may conduct check samples on laboratories that are not certified."

Page 3, delete lines 25 to 36 and insert:

"If a certified laboratory offers a recommendation, the University of Minnesota recommendation or that of another land grant college in a contiguous state must be offered in addition to other recommendations, and the source of the recommendation must be identified on the recommendation form. If relative levels such as low, medium, or high are presented to classify the analytical results, the corresponding relative levels based on the analysis as designated by the University of Minnesota or the land grant college in a contiguous state must also be presented."

Page 4, delete lines 1 to 6

Renumber the subdivisions in sequence

Page 4, line 30, after "laboratories" insert "doing business"

Page 5, line 22, after "redeemable" insert "for food identified with a Minnesota grown logo or labeling statement"

Page 6, line 2, after "pesticides" insert "and nonchemical controls"

Page 6, line 5, after the period insert "To the maximum extent practicable, department employees involved in the plant pest survey and detection program shall cooperate and coordinate efforts with the University of Minnesota and the United States Department of Agriculture."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2451, A bill for an act relating to statutes of limitation; regulating certain actions involving asbestos; amending Minnesota Statutes 1987 Supplement, section 541.22, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Pursuant to House Rule 9.3, H. F. No. 2451 was re-referred to the Committee on Rules and Legislative Administration.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 2503, A bill for an act relating to agriculture; establishing an industrial by-product soil buffering materials demonstration project and study; appropriating money.

Reported the same back with the following amendments:

Page 1, line 24, after "analysis," insert "TNP labeling,"

Page 2, line 1, after the period, insert "After TNP labeling standards have been established, which shall be no later than March 1, 1989, they shall be provided to the landowner or tenant prior to land application or stockpiling."

Page 2, line 11, delete "and" and insert "or" and delete "com-pounds" and insert "or both"

Page 2, line 17, after "by-product" insert "or the by-product of municipal water treatment processes" and delete "and" and insert "or" and after "magnesium", insert "or both".

Page 2, line 18, delete "will" and insert "may".

Page 2, after line 20, insert:

"Subd. 6. [LIMESTONE.] "Limestone" means a material consisting essentially of calcium carbonate or a combination of calcium carbonate with magnesium carbonate capable of neutralizing soil acidity.

Subd. 7. [TNP.] "TNP" means total neutralizing power and is the number of pounds of neutralizing value in one ton of a soil buffering material."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 2511, A bill for an act relating to highways; naming and designating legislative trunk highway No. 299 as Olof Hanson Drive; amending Minnesota Statutes 1986, section 161.14, by adding a subdivision.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2517, A bill for an act relating to probate; providing for adult health care decisions; imposing penalties; proposing coding for new law as Minnesota Statutes, chapter 145B.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2518, A bill for an act proposing an amendment to the Minnesota Constitution, article I, section 4; providing for six-member juries in nonfelony cases; conforming statutes to either the approval or rejection of the proposed amendment.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [CONSTITUTIONAL AMENDMENT PROPOSED.]

Subdivision 1. An amendment to the Minnesota Constitution, as provided by subdivisions 2 and 3, is proposed to the people.

Subd. 2. If the amendment is adopted, article I, section 4, will read as follows:

Sec. 4. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy. A jury trial may be waived by the parties in all cases in the manner prescribed by law. The legislature may provide that the agreement of five-sixths of a jury in a civil action or proceeding, after not less than six hours' deliberation, is a sufficient verdict. The legislature may provide for the number of jurors in a civil action or proceeding, provided that a jury have at least six members.

Subd. 3. If the amendment is adopted, article I, section 6, will read as follows:

Sec. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law. In all prosecutions of crimes defined by law as felonies, the accused has the right to a jury of 12 members. In all other criminal prosecutions, the legislature may provide for the number of jurors, provided that a jury have at least six members. The accused shall enjoy the right to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel in his defense.

Sec. 2. [SUBMISSION TO VOTERS.]

The proposed amendment must be submitted to the people at the 1988 general election. The question submitted shall be:

“Shall the Minnesota Constitution be amended to allow the use of juries of less than 12 members in civil and nonfelony cases?”

Yes
No”

Election procedures shall be as provided by law.”

Delete the title and insert:

“A bill for an act proposing an amendment to the Minnesota Constitution, article I, sections 4 and 6; providing for six-member juries in civil and nonfelony cases.”

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Anderson, G., from the Committee on Appropriations to which was referred:

H. F. No. 2521, A bill for an act relating to natural resources; eliminating a diversion of game and fish license fee money; repealing Laws 1987, chapter 373, section 15.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Munger from the Committee on Environment and Natural Resources to which was referred:

H. F. No. 2527, A bill for an act relating to environment; requiring persons to notify the pollution control agency of and take steps to avoid air pollution; proposing coding for new law in Minnesota Statutes, chapter 116.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. [116.061] [AIR POLLUTION EMISSIONS AND ABATEMENT.]

Subdivision 1. [EMISSION NOTIFICATION REQUIRED.] (a) A person who controls the source of an emission must notify the agency immediately of unusual or unusual and unpermitted emissions that:

- (1) cause air pollution endangering human health;
- (2) cause air pollution damaging property; or
- (3) cause obnoxious odors to constitute a public nuisance.

(b) If a person who controls the source of an emission has knowledge of an event that has occurred and that will subsequently cause an emission described in paragraph (a), the person must notify the agency when the event occurs.

Subd. 2. [ABATEMENT REQUIRED.] A person who is required to notify the agency under subdivision 1 must minimize the emissions and abate the air pollution and obnoxious odors caused by the emissions.

Subd. 3. [EXEMPTION.] The following are exempt from the requirements of subdivisions 1 and 2:

(1) emissions resulting from the activities of public fire services or law enforcement services;

(2) emissions from motor vehicles, as defined in section 169.01, subdivision 3; or

(3) an agricultural operation deemed not a nuisance under section 561.19, subdivision 2.

Subd. 4. [PENALTY EXCEPTION.] A person who notifies the agency of emissions under subdivision 1 and who complies with subdivision 2, may not be subject to criminal prosecution under section 115.071, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2745, A bill for an act proposing an amendment to the Minnesota Constitution, article V, section 3; removing the requirement that notaries public be approved by the senate; amending Minnesota Statutes 1986, section 359.01.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 321, A bill for an act relating to public safety; expanding the crimes of driving a motor vehicle or a motorboat while under the influence of alcohol or certain substances; amending Minnesota Statutes 1986, sections 169.121, subdivisions 1 and 2; and 361.12, subdivisions 1 and 4.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 169.121, subdivision 1, is amended to read:

Subdivision 1. [CRIME.] It is a misdemeanor for any person to drive, operate or be in physical control of any motor vehicle within this state or upon the ice of any boundary water of this state:

- (a) when the person is under the influence of alcohol;
- (b) when the person is under the influence of a controlled substance, as defined in section 152.01, subdivision 4;
- (c) when the person is under the influence of a combination of any two or more of the elements named in clauses (a) and, (b), and (f);
- (d) when the person's alcohol concentration is 0.10 or more; ~~or~~
- (e) when the person's alcohol concentration as measured within two hours of the time of driving is 0.10 or more; or
- (f) when the person is willfully or recklessly under the influence of any chemical compound or combination of chemical compounds that is listed as a hazardous substance in Minnesota Rules, part 5206.0400 and that affects the nervous system, brain, or muscles of the person so as to impair the person's ability to drive or operate the motor vehicle.

Sec. 2. Minnesota Statutes 1986, section 169.121, subdivision 2, is amended to read:

Subd. 2. [EVIDENCE.] Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for driving, operating, or being in physical control of a motor vehicle in violation of subdivision 1, the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by an analysis of those items.

For the purposes of this subdivision:

(a) evidence that there was at the time an alcohol concentration of 0.05 or less is prima facie evidence that the person was not under the influence of alcohol;

(b) evidence that there was at the time an alcohol concentration of more than 0.05 and less than 0.10 is relevant evidence in indicating whether or not the person was under the influence of alcohol.

Evidence of the refusal to take a test is admissible into evidence in a prosecution under this section or an ordinance in conformity with it.

If proven by a preponderance of the evidence, it shall be an affirmative defense to a violation of subdivision 1, clause (e), that the defendant consumed a sufficient quantity of alcohol after the time of actual driving, operating, or physical control of a motor vehicle and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed 0.10. Provided, that this evidence may not be admitted unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

The foregoing provisions do not limit the introduction of any other competent evidence bearing upon the question whether or not the person was under the influence of alcohol or a controlled substance violated this section, including tests obtained more than two hours after the alleged violation and results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is the measurement obtained by analyzing one adequate breath sample, as defined in section 169.123, subdivision 2b, paragraph (b).

Sec. 3. Minnesota Statutes 1986, section 361.12, subdivision 1, is amended to read:

Subdivision 1. [ACTS PROHIBITED.] (a) No person shall operate or be in physical control of any motorboat while underway or in use on the waters of this state while under the influence of:

(1) alcohol, as provided in section 169.121, subdivision 1, clauses (a) and (d);

(2) a controlled or other substance, as defined provided in section 152.01, subdivision 4 ~~169.121, subdivision 1~~; or

(3) a combination of any two or more of the elements named in clauses (1) and (2).

(b) No owner or other person having charge or control of any motorboat shall authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled or other substance, as provided under paragraph (a), to operate the motorboat while underway or in use on the waters of this state.

(c) No owner or other person having charge or control of any motorboat shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the motorboat, to operate the motorboat while underway or in use on the waters of this state.

Sec. 4. Minnesota Statutes 1986, section 361.12, subdivision 4, is amended to read:

Subd. 4. [EVIDENCE.] (a) Upon the trial of any prosecution arising out of acts alleged to have been committed by any person arrested for operating or being in physical control of any motorboat in violation of subdivision 1, paragraph (a), the court may admit evidence of the amount of alcohol or a controlled substance in the person's blood, breath, or urine as shown by an analysis of those items.

(b) For the purposes of this subdivision:

(1) evidence that there was at the time an alcohol concentration of 0.05 or less is prima facie evidence that the person was not under the influence of alcohol;

(2) evidence that there was at the time an alcohol concentration of more than 0.05 and less than 0.10 is relevant evidence in indicating whether or not the person was under the influence of alcohol.

(c) Evidence of the refusal to take a preliminary screening test required under subdivision 3 or a chemical test required under section 361.121 is admissible into evidence in a prosecution under this section.

(d) This subdivision does not limit the introduction of any other competent evidence bearing upon the question whether or not the person was under the influence of alcohol or a controlled substance violated this section, including results obtained from partial tests on an infrared breath-testing instrument. A result from a partial test is

the measurement obtained by analyzing one adequate breath sample. A sample is adequate if the instrument analyzes the sample and does not indicate the sample is deficient.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective August 1, 1988, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to public safety; expanding the crimes of driving a motor vehicle or a motorboat while under the influence of alcohol or certain substances; amending Minnesota Statutes 1986, sections 169.121, subdivisions 1 and 2; and 361.12, subdivisions 1 and 4."

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Taxes to which was referred:

S. F. No. 678, A bill for an act relating to natural resources; authorizing Rice Creek watershed district to increase the administrative fund amount.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Voss from the Committee on Taxes to which was referred:

S. F. No. 852, A bill for an act relating to taxes; exempting from gasoline excise tax propane fuel for vehicles operating under permit; amending Minnesota Statutes 1986, sections 296.01, subdivision 25; 296.02, subdivision 1a; 296.025, subdivision 1a; 296.026; and 296.028.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 896, A bill for an act relating to probate; providing for the award of sentimental property to the decedent's children; amending Minnesota Statutes 1986, sections 525.15; and 525.151; proposing coding for new law in Minnesota Statutes, chapter 525.

Reported the same back with the following amendments:

Page 4, line 27, delete "1987" and insert "1988"

With the recommendation that when so amended the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 1018, A bill for an act relating to crimes; criminal sexual conduct; creating a crime of fifth degree criminal sexual conduct; amending Minnesota Statutes 1986, section 388.051, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Page 2, line 7, before the period insert ", or both"

Page 2, line 9, delete "1987" and insert "1988"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 1643, A bill for an act relating to crimes; child abuse; eliminating the need to show emotional harm in proving unreasonable restraint or malicious punishment of a child; amending Minnesota Statutes 1986, sections 609.255, subdivision 3; and 609.377.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

S. F. No. 1644, A bill for an act relating to statutes; revising the text of certain laws to remove redundant and obsolete language, to simplify grammar and syntax, and to improve the style of language without causing changes in the meaning of the laws; amending Minnesota Statutes 1986, chapters 3, as amended; 31A; 227; 228; 306, as amended; 451; 456; and 560.

Reported the same back with the following amendments:

Page 192, line 17, delete “, or”

Page 192, line 18, delete “have allowed for,”

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 90, 704, 1082, 1585, 1839, 1973, 2000, 2057, 2059, 2186, 2203, 2206, 2216, 2250, 2289, 2381, 2407, 2511, 2517, 2521 and 2527 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 321, 678, 852, 896, 1018, 1643 and 1644 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Bertram, Bauerly and Larsen introduced:

H. F. No. 2762, A bill for an act relating to taxation; income; allowing a subtraction for distributions of previously taxable retirement contributions; amending Minnesota Statutes 1987 Supplement, section 290.01, subdivision 19b.

The bill was read for the first time and referred to the Committee on Taxes.

Pappas; Nelson, K.; Blatz; Voss and Munger introduced:

H. F. No. 2763, A resolution memorializing the United States Olympic Committee of state support for the bid for the games of the XXVI Olympiad.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

Stanius, Schreiber, Thiede, Valento and Swenson introduced:

H. F. No. 2764, A bill for an act relating to education; providing for the recall, reconfirmation, and replacement of the board of regents of the University of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 137.

The bill was read for the first time.

SUSPENSION OF RULES

Stanius moved pursuant to Article IV, Section 19, of the Constitution of the state of Minnesota, that the rule therein be suspended and an urgency be declared so that H. F. No. 2764 be given its second reading and that the Rules of the House be so far suspended that H. F. No. 2764 be given its second reading and be placed at the top of Special Orders for today, Thursday, March 17, 1988.

A roll call was requested and properly seconded.

The question was taken on the Stanius motion and the roll was called. There were 46 yeas and 79 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frederick	Knickerbocker	Onnen	Seaberg
Bennett	Frerichs	Marsh	Osthoff	Stanius
Blatz	Gruenes	McDonald	Ozment	Sviggum
Burger	Gutknecht	McKasy	Pauly	Swenson
Clausnitzer	Heap	McPherson	Poppenhagen	Thiede
Dempsey	Himle	Miller	Quist	Tjornhom
DeRaad	Hugoson	Morrison	Richter	Tompkins
Dille	Jennings	Olsen, S.	Schafer	Uphus
Forsythe	Johnson, V.	Omann	Schreiber	Valento
				Waltman

Those who voted in the negative were:

Anderson, G.	Begich	Carruthers	Dawkins	Jacobs
Battaglia	Bertram	Clark	DeBlicke	Jaros
Bauerly	Carlson, D.	Cooper	Dorn	Jefferson
Beard	Carlson, L.	Dauner	Greenfield	Jensen

Johnson, A.	Lasley	O'Connor	Rice	Steensma
Johnson, R.	Lieder	Ogren	Riveness	Trimble
Kahn	Long	Olson, E.	Rodosovich	Tunheim
Kalis	McEachern	Olson, K.	Rose	Vellenga
Kelly	McLaughlin	Orenstein	Rukavina	Voss
Kelso	Minne	Pappas	Sarna	Wagenius
Kinkel	Munger	Pelowski	Scheid	Welle
Kludt	Murphy	Peterson	Segal	Wenzel
Knuth	Nelson, C.	Price	Simoneau	Winter
Kostohryz	Nelson, D.	Quinn	Skoglund	Wynia
Krueger	Nelson, K.	Reding	Solberg	Spk. Vanasek
Larsen	Neuenschwander	Rest	Sparby	

The motion did not prevail.

H. F. No. 2764 was referred to the Committee on Higher Education.

INTRODUCTION AND FIRST READING OF HOUSE BILLS, CONTINUED

Carruthers introduced:

H. F. No. 2765, A bill for an act relating to Hennepin county; authorizing a certain loan agreement with the commissioner of transportation for the development of trunk highway No. 610; appropriating money.

The bill was read for the first time and referred to the Committee on Transportation.

Stanis and Schreiber introduced:

H. F. No. 2766, A bill for an act relating to education; providing for regent selection and recall; requesting certain regent actions; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 137.

The bill was read for the first time and referred to the Committee on Higher Education.

CONSENT CALENDAR

H. F. No. 2431 was reported to the House.

Vellenga moved to amend H. F. No. 2431, as follows:

Page 1, line 15, before the period insert “; provided, however, that in no event shall the retired members of the St. Paul police relief association and the St. Paul fire department relief association ever be entitled under the articles of incorporation and bylaws to more seats on the board of directors than the active members of the respective associations”

The motion prevailed and the amendment was adopted.

H. F. No. 2431, A bill for an act relating to the St. Paul police relief association and the St. Paul fire department relief association; providing for the inclusion of retired members on the boards of directors of the relief associations.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 107 yeas and 10 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dorn	Knickerbocker	Olson, E.	Simoneau
Anderson, R.	Forsythe	Knuth	Olson, K.	Skoglund
Battaglia	Frerichs	Kostohryz	Omann	Solberg
Bauerly	Greenfield	Krueger	Onnen	Sparby
Beard	Gruenes	Larsen	Orenstein	Steensma
Begich	Gutknecht	Lasley	Osthoff	Swenson
Bertram	Hartle	Lieder	Pappas	Tjornhom
Blatz	Haukoos	Marsh	Pauly	Trimble
Boo	Heap	McEachern	Pelowski	Tunheim
Brown	Himle	McKasy	Peterson	Uphus
Burger	Hugoson	McLaughlin	Poppenhagen	Valento
Carlson, D.	Jaros	Minne	Price	Vellenga
Carlson, L.	Jefferson	Morrison	Redalen	Voss
Carruthers	Jensen	Munger	Reding	Wagenius
Clark	Johnson, R.	Murphy	Rest	Welle
Clausnitzer	Johnson, V.	Nelson, C.	Rice	Wenzel
Cooper	Kahn	Nelson, D.	Riveness	Winter
Dauner	Kalis	Nelson, K.	Rodosovich	Wynia
Dawkins	Kelly	Neuenschwander	Rose	Spk. Vanasek
DeBlicke	Kelso	O'Connor	Rukavina	
DeRaad	Kinkel	Ogren	Sarna	
Dille	Kludt	Olsen, S.	Segal	

Those who voted in the negative were:

McPherson	Quist	Schafer	Schreiber	Thiede
Miller	Richter	Scheid	Sviggum	Waltman

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

CALENDAR

H. F. No. 453 was reported to the House and given its third reading.

Schreiber moved that the rules be so far suspended and that H. F. No. 453 be referred to the top of Special Orders for today, Thursday, March 17, 1988.

A roll call was requested and properly seconded.

The question was taken on the Schreiber motion and the roll was called. There were 49 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Bennett	Frerichs	McDonald	Richter	Tompkins
Blatz	Gruenes	McKasy	Rose	Tunheim
Boo	Gutknecht	McPherson	Schafer	Uphus
Burger	Hartle	Miller	Schreiber	Valento
Carlson, D.	Haukoos	Olsen, S.	Seaberg	Waltman
Clausnitzer	Heap	Omann	Sparby	
Dempsey	Himle	Onnen	Stanius	
DeRaad	Hugoson	Ozment	Sviggum	
Dille	Johnson, V.	Pauly	Swenson	
Forsythe	Knickerbocker	Poppenhagen	Thiede	
Frederick	Marsh	Quist	Tjornhom	

Those who voted in the negative were:

Anderson, G.	Greenfield	Krueger	Olson, E.	Sarna
Battaglia	Jacobs	Larsen	Olson, K.	Scheid
Bauerly	Jaros	Lasley	Orenstein	Segal
Beard	Jefferson	Lieder	Osthoff	Simoneau
Begich	Jennings	Long	Pappas	Skoglund
Bertram	Jensen	McEachern	Pelowski	Solberg
Brown	Johnson, A.	McLaughlin	Peterson	Steensma
Carlson, L.	Johnson, R.	Minne	Price	Trimble
Carruthers	Kahn	Morrison	Quinn	Vellenga
Clark	Kelly	Munger	Reding	Voss
Cooper	Kelso	Murphy	Rest	Wagenius
Dauner	Kinkel	Nelson, C.	Rice	Welle
Dawkins	Kludt	Nelson, K.	Riveness	Wenzel
DeBlick	Knuth	Neuenschwander	Rodosovich	Winter
Dorn	Kostohryz	O'Connor	Rukavina	Wynia
				Spk. Vanasek

The motion did not prevail.

Simoneau requested unanimous consent to offer an amendment to H. F. No. 453. The request was not granted.

Greenfield requested unanimous consent to offer an amendment to H. F. No. 453. The request was not granted.

Heap requested unanimous consent to offer an amendment to H. F. No. 453. The request was not granted.

Heap requested unanimous consent to offer an amendment to H. F. No. 453. The request was not granted.

H. F. No. 453, A bill for an act relating to state investments; limiting investments in companies doing business in Northern Ireland; protecting public pension investment policy; proposing coding for new law in Minnesota Statutes, chapter 11A.

The bill was placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 82 yeas and 34 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dempsey	Krueger	Orenstein	Stanius
Anderson, R.	Frederick	Larsen	Osthoff	Steensma
Battaglia	Greenfield	Lasley	Pappas	Swenson
Bauerly	Jacobs	McEachern	Peterson	Trimble
Beard	Jaros	McKasy	Price	Tunheim
Begich	Jefferson	McLaughlin	Quinn	Uphus
Bennett	Jensen	Minne	Reding	Vellenga
Bertram	Johnson, A.	Morrison	Rest	Voss
Blatz	Johnson, R.	Munger	Rice	Wagenius
Brown	Kahn	Murphy	Rodosovich	Welle
Carlson, L.	Kalis	Nelson, C.	Rukavina	Wenzel
Carruthers	Kelly	Nelson, D.	Sarna	Winter
Clark	Kelso	Nelson, K.	Scheid	Wynia
Cooper	Kinkel	Neuenschwander	Seaberg	Spk. Vanasek
Dauner	Kludt	O'Connor	Segal	
Dawkins	Knuth	Ogren	Simoneau	
DeBlicke	Kostohryz	Olson, K.	Solberg	

Those who voted in the negative were:

Bishop	Dorn	Hugoson	Omann	Schreiber
Boo	Forsythe	Jennings	Onnen	Sparby
Burger	Frerichs	Johnson, V.	Poppenhagen	Svigum
Carlson, D.	Gutknecht	Knickerbocker	Quist	Thiede
Clausnitzer	Haukoos	McPherson	Redalen	Tjornhom
DeRaad	Heap	Miller	Rose	Waltman
Dille	Himle	Olsen, S.	Schafer	

The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Voss requested immediate consideration of H. F. No. 1796.

H. F. No. 1796 was reported to the House.

Bauerly and Lieder moved to amend H. F. No. 1796, the second engrossment, as follows:

Page 2, after line 8, insert:

“(c) “Commissioner” means the commissioner of trade and economic development.”

Page 2, line 9, delete “(c)” and insert “(d)”

Page 2, line 11, delete “(d)” and insert “(e)”

Page 2, line 14, delete “(e)” and insert “(f)”

Page 2, line 23, delete “(f)” and insert “(g)”

Page 3, line 35, after the period insert “The capital improvement plan and amendments to it are not effective unless they have been reviewed by the community development division of the department of trade and economic development and have been approved by the commissioner. The commissioner shall approve the plan or amendments to the plan, if the commissioner determines that (1) the improvements can be financed within the limits specified in subdivision 4, and (2) that the improvements are compatible with the projected public service needs of the area and the capital facilities and capital improvement plans of surrounding and overlapping jurisdictions. If the commissioner has not disapproved the plan within 90 days after its submission, the plan is deemed approved.”

A roll call was requested and properly seconded.

The question was taken on the Bauerly and Lieder amendment and the roll was called. There were 61 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Battaglia	Jefferson	Lasley	Orenstein	Simoneau
Bauerly	Jensen	Lieder	Pappas	Skoglund
Begich	Johnson, A.	Long	Peterson	Sparby
Bertram	Johnson, R.	McEachern	Reding	Steensma
Carlson, L.	Kahn	McLaughlin	Rest	Trimble
Carruthers	Kalis	Minne	Rice	Tunheim
Clark	Kelly	Murphy	Riveness	Vellenga
Dauner	Kludt	Nelson, C.	Rodosovich	Voss
Dawkins	Knuth	Nelson, D.	Rukavina	Wagenius
Dorn	Kostohryz	Nelson, K.	Sarna	Welle
Greenfield	Krueger	O'Connor	Seaberg	Wenzel
Jaros	Larsen	Olson, E.	Segal	Wynia
				Spk. Vanasek

Those who voted in the negative were:

Anderson, G.	Bishop	Burger	DeBlieck	Forsythe
Anderson, R.	Blatz	Carlson, D.	Dempsey	Frederick
Beard	Boo	Clausnitzer	DeRaad	Frerichs
Bennett	Brown	Cooper	Dille	Gruenes

Gutknecht	Kinkel	Omann	Redalen	Thiede
Hartle	Knickerbocker	Onnen	Richter	Tjornhom
Haukoos	Marsh	Osthoff	Rose	Tompkins
Heap	McDonald	Ozment	Schafer	Uphus
Himle	McKasy	Pauly	Scheid	Valento
Hugoson	McPherson	Pelowski	Schreiber	Waltman
Jacobs	Miller	Poppenhagen	Solberg	Winter
Jennings	Neuenschwander	Price	Stanius	
Johnson, V.	Ogren	Quinn	Sviggum	
Kelso	Olsen, S.	Quist	Swenson	

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

Thiede moved to amend H. F. No. 1796, the second engrossment, as follows:

Page 2, line 29, delete "three-fifths of the members"

Page 2, delete line 30

Page 2, line 31, delete "bonds must be approved by vote of at least"

Pursuant to rule 1.10, Voss withdrew his request for immediate consideration of H. F. No. 1796.

NOTICE OF INTENTION TO MOVE RECONSIDERATION

Pursuant to House Rule 3.4, O'Connor gave notice of his intention to move reconsideration of the vote whereby H. F. No. 453 was passed earlier today.

SPECIAL ORDERS

H. F. No. 1678 was reported to the House.

Johnson, A., moved that H. F. No. 1678 be returned to General Orders. The motion prevailed.

H. F. No. 1795 was reported to the House.

Cooper; Anderson, G.; Jennings; Ogren and Sviggum moved to amend H. F. No. 1795, the first engrossment, as follows:

Page 2, line 14, after "homes" insert "and to examine hindrances to establishing day care facilities in rural Minnesota"

Page 3, after line 5, insert:

"Sec. 2. Minnesota Statutes 1987 Supplement, section 245A.09, is amended by adding a subdivision to read:

Subd. 8. [EXEMPTION.] A facility in a rural area that has been licensed as a family or group family day care under Minnesota Rules parts 9502.0315 to 9502.0445 is exempt from the requirement that family and group family day care must be provided in a residence that is occupied as a home.

Sec. 3. [PROPOSED RULES SUSPENDED.]

Regulations governing staff ratios in day care centers and educational requirements for day care center staff that are in effect on January 1, 1988, remain in effect until July 1, 1989. Proposed amendments to the rules are suspended until that date."

Renumber remaining section in sequence

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1795, A bill for an act relating to human services; creating a task force to study building code standards for family and group family day care homes; changing building code requirements concerning certain child care facilities; amending Minnesota Statutes 1987 Supplement, sections 16B.61, subdivision 3; and 245A.09, by adding a subdivision.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

- | | | | | |
|--------------|-------------|------------|-------------|---------------|
| Anderson, G. | Burger | DeRaad | Heap | Kahn |
| Anderson, R. | Carlson, D. | Dille | Himle | Kalis |
| Battaglia | Carlson, L. | Dorn | Hugoson | Kelly |
| Bauerly | Carruthers | Forsythe | Jacobs | Kelso |
| Beard | Clark | Frederick | Jaros | Kinkel |
| Begich | Clausnitzer | Frerichs | Jefferson | Kludt |
| Bennett | Cooper | Greenfield | Jennings | Knickerbocker |
| Bishop | Dauner | Gruenes | Jensen | Knuth |
| Blatz | Dawkins | Gutknecht | Johnson, A. | Kostohryz |
| Boo | DeBlicek | Hartle | Johnson, R. | Krueger |
| Brown | Dempsey | Haukoos | Johnson, V. | Larsen |

Lasley	Nelson, D.	Pelowski	Sarna	Tjornhom
Lieder	Nelson, K.	Peterson	Schafer	Tompkins
Long	Neuenschwander	Poppenhagen	Scheid	Trimble
Marsh	O'Connor	Price	Schreiber	Tunheim
McDonald	Ogren	Quinn	Seaberg	Uphus
McEachern	Olsen, S.	Quist	Segal	Valento
McKasy	Olson, E.	Redalen	Simoneau	Vellenga
McLaughlin	Olson, K.	Reding	Skoglund	Voss
McPherson	Omann	Rest	Solberg	Wagenius
Miller	Onnen	Rice	Sparby	Waltman
Minne	Orenstein	Richter	Stanius	Welle
Morrison	Osthoff	Riveness	Steensma	Wenzel
Munger	Ozment	Rodosovich	Sviggum	Winter
Murphy	Pappas	Rose	Swenson	Spk. Vanasek
Nelson, C.	Pauly	Rukavina	Thiede	

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

H. F. No. 1818 was reported to the House.

Johnson, A., moved that H. F. No. 1818 be returned to General Orders. The motion prevailed.

S. F. No. 1772, A bill for an act relating to North Suburban Hospital District; authorizing renovation and use of the Fridley Assembly of God Church property for health or social services.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dille	Kelly	Nelson, C.	Reding
Anderson, R.	Dorn	Kelso	Nelson, D.	Rest
Battaglia	Forsythe	Kinkel	Nelson, K.	Rice
Bauerly	Frederick	Kludt	Neuenschwander	Richter
Beard	Frerichs	Knickerbocker	O'Connor	Riveness
Begich	Greenfield	Knuth	Ogren	Rodosovich
Bennett	Gruenes	Kostohryz	Olsen, S.	Rose
Bertram	Gutknecht	Krueger	Olson, E.	Rukavina
Bishop	Hartle	Larsen	Olson, K.	Sarna
Blatz	Haukoos	Lasley	Omann	Schafer
Boo	Heap	Lieder	Onnen	Scheid
Brown	Himle	Long	Orenstein	Schreiber
Burger	Hugoson	Marsh	Osthoff	Seaberg
Carlson, D.	Jacobs	McDonald	Ozment	Segal
Carlson, L.	Jaros	McEachern	Pappas	Simoneau
Carruthers	Jefferson	McKasy	Pauly	Skoglund
Clark	Jennings	McLaughlin	Pelowski	Solberg
Cooper	Jensen	McPherson	Peterson	Sparby
Dauner	Johnson, A.	Miller	Poppenhagen	Stanius
Dawkins	Johnson, R.	Minne	Price	Steensma
DeBlieck	Johnson, V.	Morrison	Quinn	Sviggum
Dempsey	Kahn	Munger	Quist	Swenson
DeRaad	Kalis	Murphy	Redalen	Thiede

Tjornhom	Tunheim	Vellenga	Waltman	Winter
Tompkins	Uphus	Voss	Welle	Wynia
Trimble	Valento	Wagenius	Wenzel	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 1877, A bill for an act relating to labor; regulating the labor-management committee grant program; amending Minnesota Statutes 1986, sections 179.81, subdivisions 2 and 4; 179.82; 179.83, subdivision 1; 179.84, subdivision 1; and 179.85; repealing Minnesota Statutes 1986, sections 179.83, subdivision 2; and 179.84, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Knuth	Olson, K.	Schreiber
Anderson, R.	Frederick	Kostohryz	Omann	Seaberg
Battaglia	Frerichs	Krueger	Onnen	Segal
Bauerly	Greenfield	Larsen	Orenstein	Simoneau
Beard	Gruenes	Lasley	Osthoff	Skoglund
Begich	Gutknecht	Lieder	Ozment	Solberg
Bennett	Hartle	Long	Pappas	Sparby
Bertram	Haukoos	Marsh	Pauly	Stanius
Bishop	Heap	McDonald	Pelowski	Steensma
Blatz	Himle	McEachern	Peterson	Sviggum
Boo	Hugoson	McKasy	Popenhagen	Swenson
Brown	Jacobs	McLaughlin	Price	Thiede
Burger	Jaros	McPherson	Quinn	Tjornhom
Carlson, D.	Jefferson	Miller	Quist	Tompkins
Carlson, L.	Jennings	Minne	Redalen	Trimble
Carruthers	Jensen	Morrison	Reding	Tunheim
Clark	Johnson, A.	Munger	Rest	Uphus
Clausnitzer	Johnson, R.	Murphy	Rice	Valento
Cooper	Johnson, V.	Nelson, C.	Richter	Vellenga
Dauner	Kahn	Nelson, D.	Riveness	Voss
Dawkins	Kalis	Nelson, K.	Rodosovich	Wagenius
DeBlicck	Kelly	Neuenschwander	Rose	Waltman
Dempsey	Kelso	O'Connor	Rukavina	Welle
DeRaad	Kinkel	Ogren	Sarna	Wenzel
Dille	Kludt	Olsen, S.	Schafer	Winter
Dorn	Knickerbocker	Olson, E.	Scheid	Wynia
				Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 1914 was reported to the House.

Skoglund moved that H. F. No. 1914 be returned to General Orders. The motion prevailed.

H. F. No. 1980, A bill for an act relating to highways; designating I-90 as AMVETS memorial highway; adding, deleting, and substituting routes on the trunk highway system; amending Minnesota Statutes 1986, section 161.14, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	Larsen	Orenstein	Simoneau
Anderson, R.	Greenfield	Lasley	Osthoff	Skoglund
Battaglia	Gruenes	Lieder	Ozment	Solberg
Bauerly	Gutknecht	Long	Pappas	Sparby
Beard	Hartle	Marsh	Pauly	Stanius
Begich	Haukoos	McDonald	Pelowski	Steensma
Bennett	Heap	McEachern	Peterson	Sviggum
Bertram	Himle	McKasy	Poppenhagen	Swenson
Bishop	Hugoson	McLaughlin	Price	Thiede
Blatz	Jacobs	McPherson	Quinn	Tjornhom
Brown	Jaros	Miller	Quist	Tompkins
Burger	Jefferson	Minne	Redalen	Trimble
Carlson, D.	Jensen	Morrison	Reding	Tunheim
Carlson, L.	Johnson, A.	Munger	Rest	Uphus
Carruthers	Johnson, R.	Murphy	Rice	Valento
Clark	Johnson, V.	Nelson, C.	Richter	Vellenga
Clausnitzer	Kahn	Nelson, D.	Riveness	Voss
Cooper	Kalis	Nelson, K.	Rodosovich	Wagenius
Dauner	Kelly	Neuenschwander	Rose	Waltman
Dawkins	Kelso	O'Connor	Rukavina	Welle
DeBlicke	Kinkel	Ogren	Sarna	Wenzel
Dempsey	Kludt	Olsen, S.	Schafer	Winter
DeRaad	Knickerbocker	Olson, E.	Scheid	Wynia
Dille	Knuth	Olson, K.	Schreiber	Spk. Vanasek
Dorn	Kostohryz	Omann	Seaberg	
Forsythe	Krueger	Onnen	Segal	

The bill was passed and its title agreed to.

S. F. No. 1711 was reported to the House.

Ogren moved to amend S. F. No. 1711, as follows:

Page 1, delete lines 21 to 23

Page 1, line 24, delete "section."

The motion prevailed and the amendment was adopted.

S. F. No. 1711, A bill for an act relating to Aitkin county; permitting the county to regulate certain public land interests by ordinance.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Frederick	Kostohryz	Omann	Segal
Battaglia	Frerichs	Krueger	Onnen	Simoneau
Bauerly	Greenfield	Larsen	Orenstein	Skoglund
Beard	Gruenes	Lasley	Osthoff	Solberg
Begich	Gutknecht	Lieder	Ozment	Sparby
Bennett	Hartle	Long	Pappas	Stanius
Bertram	Haukoos	Marsh	Pauly	Steensma
Bishop	Heap	McDonald	Pelowski	Swenson
Blatz	Himle	McEachern	Peterson	Thiede
Boo	Hugoson	McKasy	Poppenhagen	Tjornhom
Brown	Jacobs	McLaughlin	Price	Tompkins
Burger	Jaros	McPherson	Quist	Trimble
Carlson, D.	Jefferson	Miller	Redalen	Tunheim
Carlson, L.	Jennings	Minne	Reding	Uphus
Carruthers	Jensen	Morrison	Rest	Valento
Clark	Johnson, A.	Munger	Rice	Vellenga
Clausnitzer	Johnson, R.	Murphy	Richter	Voss
Cooper	Johnson, V.	Nelson, C.	Riveness	Wagenius
Dauner	Kahn	Nelson, D.	Rodosovich	Waltman
Dawkins	Kalis	Nelson, K.	Rose	Welle
DeBlicck	Kelly	Neuenschwander	Rukavina	Wenzel
Dempsey	Kelso	O'Connor	Sarna	Winter
DeRaad	Kinkel	Ogren	Schafer	Wynia
Dille	Kludt	Olsen, S.	Scheid	Spk. Vanasek
Dorn	Knickerbocker	Olson, E.	Schreiber	
Forsythe	Knuth	Olson, K.	Seaberg	

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

H. F. No. 1995 was reported to the House.

Skoglund moved to amend H. F. No. 1995, as follows:

Page 2, line 22, after "homes" insert ", townhouses"

Page 2, line 25, after the period insert "Only double cylinder deadbolt locks where the key is only removable from the interior cylinder when the key is in the unlocked position may be installed or used in single family homes, townhouses, and first floor duplexes that are used as daycare facilities."

The motion prevailed and the amendment was adopted.

Tjornhom moved to amend H. F. No. 1995, as amended, as follows:

Page 2, line 22, after the period insert "However any municipality

in which the state building code applies may prohibit the use of double cylinder deadbolt locks in residential dwelling units."

The motion prevailed and the amendment was adopted.

H. F. No. 1995, A bill for an act relating to state building code; allowing use of double cylinder deadbolt locks in certain instances; amending Minnesota Statutes 1987 Supplement, section 16B.61, subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Krueger	Orenstein	Skoglund
Anderson, R.	Frederick	Larsen	Osthoff	Solberg
Battaglia	Greenfield	Lasley	Pappas	Sparby
Bauerly	Gruenes	Lieder	Pauly	Stanius
Beard	Gutknecht	Long	Pelowski	Steensma
Begich	Hartle	Marsh	Peterson	Sviggum
Bennett	Haukoos	McDonald	Poppenhagen	Swenson
Bertram	Heap	McEachern	Price	Thiede
Bishop	Himle	McKasy	Quinn	Tjornhom
Blatz	Hugoson	McLaughlin	Quist	Tompkins
Boo	Jacobs	McPherson	Redalen	Trimble
Brown	Jaros	Miller	Reding	Tunheim
Burger	Jefferson	Minne	Rest	Uphus
Carlson, D.	Jensen	Morrison	Rice	Valento
Carlson, L.	Johnson, A.	Munger	Richter	Vellenga
Carruthers	Johnson, R.	Murphy	Riveness	Voss
Clark	Johnson, V.	Nelson, C.	Rodosovich	Wagenius
Clausnitzer	Kahn	Nelson, D.	Rose	Waltman
Cooper	Kalis	Nelson, K.	Rukavina	Welle
Dauner	Kelly	Neuenschwander	Sarna	Wenzel
Dawkins	Kelso	Ogren	Schafer	Winter
DeBlieck	Kinkel	Olsen, S.	Scheid	Wynia
Dempsey	Kludt	Olson, E.	Schreiber	Spk. Vanasek
DeRaad	Knickerbocker	Olson, K.	Seaberg	
Dille	Knuth	Omann	Segal	
Dorn	Kostohryz	Onnen	Simoneau	

Those who voted in the negative were:

Ozment

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

H. F. No. 2372, A bill for an act relating to human services; setting forth goals for regional treatment centers in the continuum of mental health services; proposing coding for new law in Minnesota Statutes, chapter 245.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Forsythe	Kostohryz	Onnen	Segal
Anderson, R.	Frederick	Krueger	Orenstein	Simoneau
Battaglia	Greenfield	Larsen	Osthoff	Skoglund
Bauerly	Gruenes	Lasley	Ozment	Solberg
Beard	Gutknecht	Lieder	Pappas	Sparby
Begich	Hartle	Long	Pauly	Stanius
Bennett	Haukoos	Marsh	Pelowski	Steensma
Bertram	Heap	McDonald	Peterson	Swiggum
Bishop	Himle	McEachern	Poppenhagen	Swenson
Blatz	Hugoson	McKasy	Price	Thiede
Boo	Jacobs	McLaughlin	Quinn	Tjornhom
Brown	Jaros	McPherson	Quist	Tompkins
Burger	Jefferson	Miller	Redalen	Trimble
Carlson, D.	Jennings	Minne	Reding	Tunheim
Carlson, L.	Jensen	Morrison	Rest	Uphus
Carruthers	Johnson, A.	Munger	Rice	Valento
Clark	Johnson, R.	Murphy	Richter	Vellenga
Clausnitzer	Johnson, V.	Nelson, C.	Riveness	Voss
Cooper	Kahn	Nelson, D.	Rodosovich	Wagenius
Dauner	Kalis	Nelson, K.	Rose	Waltman
Dawkins	Kelly	Neuenschwander	Rukavina	Welle
DeBlieck	Kelso	Ogren	Sarna	Wenzel
Dempsey	Kinkel	Olsen, S.	Schafer	Winter
DeRaad	Kludt	Olson, E.	Scheid	Wynia
Dille	Knickerbocker	Olson, K.	Schreiber	Spk. Vanasek
Dorn	Knuth	Omann	Seaberg	

The bill was passed and its title agreed to.

H. F. No. 1779, A bill for an act relating to agriculture; changing certain licensing requirements of the consolidated food licensing law; amending Minnesota Statutes 1986, section 28A.06.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Blatz	Cooper	Frederick	Hugoson
Anderson, R.	Boo	Dauner	Frerichs	Jacobs
Battaglia	Brown	Dawkins	Greenfield	Jaros
Bauerly	Burger	DeBlieck	Gruenes	Jefferson
Beard	Carlson, D.	Dempsey	Gutknecht	Jensen
Begich	Carlson, L.	DeRaad	Hartle	Johnson, A.
Bennett	Carruthers	Dille	Haukoos	Johnson, R.
Bertram	Clark	Dorn	Heap	Johnson, V.
Bishop	Clausnitzer	Forsythe	Himle	Kahn

Kalis	McLaughlin	Onnen	Riveness	Swenson
Kelly	McPherson	Orenstein	Rodosovich	Thiede
Kelso	Miller	Osthoff	Rose	Tjornhom
Kinkel	Minne	Ozment	Rukavina	Tompkins
Kludt	Morrison	Pappas	Sarna	Trimble
Knickerbocker	Munger	Pauly	Schafer	Tunheim
Knuth	Murphy	Pelowski	Scheid	Uphus
Kostohryz	Nelson, C.	Peterson	Schreiber	Valento
Krueger	Nelson, D.	Poppenhagen	Seaberg	Vellenga
Larsen	Nelson, K.	Price	Segal	Voss
Lasley	Neuenschwander	Quinn	Simoneau	Wagenius
Lieder	O'Connor	Quist	Skoglund	Waltman
Long	Ogren	Redalen	Solberg	Welle
Marsh	Olsen, S.	Reding	Sparby	Wenzel
McDonald	Olson, E.	Rest	Stanius	Winter
McEachern	Olson, K.	Rice	Steensma	Wynia
McKasy	Omann	Richter	Sviggum	Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 2038 was reported to the House.

McLaughlin and Himle moved to amend H. F. No. 2038, the first engrossment, as follows:

Page 3, after line 26, insert:

“Sec. 5. [DEPARTMENT OF JOBS AND TRAINING; MINNEAPOLIS LOCATION.]

The commissioner of jobs and training is authorized to buy and sell real property in Minneapolis for the purpose of relocating department offices to locations more accessible to the residents of Minneapolis and colocating with other social service agencies, notwithstanding chapter 94 or any law to the contrary. The commissioner may not buy or sell property under this section without the approval of the chair of the appropriations committee of the house of representatives and the chair of the finance committee of the state senate.”

Page 3, line 27, delete “5” and insert “6”

Page 3, line 28, delete “4” and insert “5”

Amend the title as follows:

Page 1, line 6, after “contracts;” insert “authorizing the department of jobs and training to buy real estate and locate offices in Minneapolis;”

Simoneau moved to amend the McLaughlin and Himle amendment to H. F. No. 2038, the first engrossment, as follows:

In the amendment, page 1, line 11, delete everything after the period

Page 1, delete lines 12, 13, and 14

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

The question recurred on the McLaughlin and Himle amendment, as amended, to H. F. No. 2038. The motion prevailed and the amendment, as amended, was adopted.

H. F. No. 2038, A bill for an act relating to employment; regulating youth employment programs; requiring that new jobs do not replace existing jobs; providing for compensation at the state or federal minimum wage; regulating employment contracts; authorizing the department of jobs and training to buy real estate and locate offices in Minneapolis; amending Minnesota Statutes 1986, sections 268.31, 268.32, and 268.34; proposing coding for new law in Minnesota Statutes, chapter 268.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frederick	Kostohryz	Onnen	Simoneau
Battaglia	Frerichs	Krueger	Orenstein	Skoglund
Bauerly	Greenfield	Larsen	Osthoff	Solberg
Beard	Gruenes	Lasley	Ozment	Sparby
Begich	Gutknecht	Lieder	Pappas	Stanius
Bennett	Hartle	Long	Pauly	Steenasma
Bertram	Haukoos	Marsh	Pelowski	Sviggunn
Bishop	Heap	McDonald	Peterson	Swenson
Blatz	Himle	McEachern	Price	Thiede
Boo	Hugoson	McKasy	Quinn	Tjornhom
Brown	Jacobs	McLaughlin	Quist	Tompkins
Burger	Jaros	McPherson	Redalen	Trimble
Carlson, D.	Jefferson	Miller	Reding	Tunheim
Carlson, L.	Jennings	Minne	Rest	Uphus
Carruthers	Jensen	Morrison	Rice	Valento
Clark	Johnson, A.	Munger	Richter	Vellenga
Clausnitzer	Johnson, R.	Murphy	Riveness	Voss
Cooper	Johnson, V.	Nelson, C.	Rodosovich	Wagenius
Dauner	Kahn	Nelson, D.	Rose	Waltman
Dawkins	Kalis	Nelson, K.	Rukavina	Welle
DeBlieck	Kelly	O'Connor	Sarna	Wenzel
Dempsey	Kelso	Ogren	Schafer	Winter
DeRaad	Kinkel	Olsen, S.	Scheid	Wynia
Dille	Kludt	Olsen, E.	Schreiber	Spk. Vanasek
Dorn	Knickerbocker	Olson, K.	Seaberg	
Forsythe	Knuth	Omann	Segal	

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

GENERAL ORDERS

Wynia moved that the bills on General Orders for today be continued one day. The motion prevailed.

MOTIONS AND RESOLUTIONS

Ogren moved that the name of Otis be added as an author on H. F. No. 1795. The motion prevailed.

Rodosovich moved that the name of Vellenga be shown as chief author on H. F. No. 2271. The motion prevailed.

Rodosovich moved that the names of Winter and Olson, K., be added as authors on H. F. No. 2750. The motion prevailed.

Wenzel moved that H. F. No. 2748 be returned to its author. The motion prevailed.

Uphus moved that H. F. No. 1693 be returned to its author. The motion prevailed.

ADJOURNMENT

Wynia moved that when the House adjourns today it adjourn until 1:00 p.m., Monday, March 21, 1988. The motion prevailed.

Wynia moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Monday, March 21, 1988.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

