

STATE OF MINNESOTA

# Journal of the Senate

EIGHTY-FIRST LEGISLATURE

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SIXTIETH DAY

St. Paul, Minnesota, Friday, May 7, 1999

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

## CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Patrick L. Hall.

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

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

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

May 5, 1999

The Honorable Steve Sviggum  
Speaker of the House of Representatives

The Honorable Allan H. Spear  
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1999 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1999	Date Filed 1999
283		118	11:15 a.m. May 4	May 4
	585	119	11:17 a.m. May 4	May 4
	1708	120	11:20 a.m. May 4	May 4
	1106	121	11:21 a.m. May 4	May 4
834		122	11:24 a.m. May 4	May 4
296		123	11:26 a.m. May 4	May 4

Sincerely,  
Mary Kiffmeyer  
Secretary of State

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 1180, 2120 and 9.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1999

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, herewith returned: S.F. No. 1605.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 1999

Mr. President:

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

**S.F. No. 23:** A bill for an act relating to family law; repealing the administrative process for support orders; establishing a child support magistrate system; amending Minnesota Statutes 1998, sections 357.021, subdivision 1a; 484.70, subdivision 1; 518.54, by adding a subdivision; 518.551, subdivisions 9, 12, 13, and 14; 518.575, subdivision 1; 518.616, subdivision 1; and 552.05, subdivision 10; Laws 1998, chapter 338, section 8; proposing coding for new law in Minnesota Statutes, chapters 484; and 518; repealing Minnesota Statutes 1998, sections 518.5511; and 518.5512.

Senate File No. 23 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1999

Senator Foley moved that the Senate do not concur in the amendments by the House to S.F. No. 23, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

**S.F. No. 441:** A bill for an act relating to crime prevention; modifying the criminal penalties for certain crimes to provide more uniformity; creating a pretrial diversion program for writers of dishonored checks; amending Minnesota Statutes 1998, sections 332.50, subdivision 2; 609.52, subdivision 3; 609.535, subdivision 2a; 609.631, subdivision 4; and 609.821, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 628.

Senate File No. 441 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1999

Senator Hottinger, for Senator Spear, moved that the Senate do not concur in the amendments by the House to S.F. No. 441, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

**S.F. No. 746:** A bill for an act relating to local government; permitting Grand Rapids to hold their general election in November.

Senate File No. 746 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1999

Senator Lessard moved that S.F. No. 746 be laid on the table. The motion prevailed.

Mr. President:

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

**S.F. No. 1609:** A bill for an act relating to local government; providing exemption for governmental units to jointly or cooperatively contract in amounts estimated not to exceed \$25,000; amending Minnesota Statutes 1998, section 471.59, subdivision 1.

Senate File No. 1609 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1999

### CONCURRENCE AND REPASSAGE

Senator Wiger moved that the Senate concur in the amendments by the House to S.F. No. 1609 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1609 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Knutson	Neuville	Stevens
Belanger	Hottinger	Krentz	Oliver	Stumpf
Berglin	Janezich	Langseth	Pappas	Ten Eyck
Betzold	Johnson, D.E.	Larson	Piper	Terwilliger
Cohen	Johnson, D.H.	Lesewski	Pogemiller	Vickerman
Day	Johnson, D.J.	Lessard	Price	Wiener
Dille	Junge	Limmer	Robertson	Wiger
Fischbach	Kelley, S.P.	Lourey	Robling	Ziegler
Flynn	Kelly, R.C.	Marty	Runbeck	
Foley	Kierlin	Metzen	Scheevel	
Frederickson	Kiscaden	Moe, R.D.	Scheid	
Hanson	Kleis	Murphy	Spear	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

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

**S.F. No. 2038:** A bill for an act relating to insurance; regulating workers' compensation self-insurance; providing reporting and financial requirements; amending Minnesota Statutes 1998, sections 79A.21, subdivisions 2 and 3; 79A.22, subdivision 2; 79A.23; and 79A.24, subdivision 2.

Senate File No. 2038 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1999

### CONCURRENCE AND REPASSAGE

Senator Runbeck moved that the Senate concur in the amendments by the House to S.F. No. 2038 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2038 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Anderson	Higgins	Knutson	Novak	Stevens
Belanger	Hottinger	Krentz	Oliver	Stumpf
Berglin	Janezich	Langseth	Pappas	Ten Eyck
Betzold	Johnson, D.E.	Larson	Pariseau	Terwilliger
Cohen	Johnson, D.H.	Lesewski	Pogemiller	Vickerman
Day	Johnson, D.J.	Limmer	Price	Wiener
Dille	Junge	Lourey	Robertson	Wiger
Fischbach	Kelley, S.P.	Marty	Robling	Ziegler
Flynn	Kelly, R.C.	Metzen	Runbeck	
Foley	Kierlin	Moe, R.D.	Scheevel	
Frederickson	Kiscaden	Murphy	Scheid	
Hanson	Kleis	Neuville	Spear	

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

**MESSAGES FROM THE HOUSE - CONTINUED**

Mr. President:

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

**S.F. No. 171:** A bill for an act relating to commerce; providing an appropriation for an education campaign on mortgage flipping; establishing penalties; proposing coding for new law in Minnesota Statutes, chapter 82B.

Senate File No. 171 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 1999

Senator Higgins moved that the Senate do not concur in the amendments by the House to S.F. No. 171, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

I have the honor to announce that the House has adopted the recommendation and report of the Conference Committee on Senate File No. 383, and repassed said bill in accordance with the report of the Committee, so adopted.

**S.F. No. 383:** A bill for an act relating to health occupations; clarifying licensure requirements for the practice of midwifery; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 147D; repealing Minnesota Statutes 1998, sections 148.30; 148.31; and 148.32; Minnesota Rules, parts 5600.2000; and 5600.2100.

Senate File No. 383 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1999

Mr. President:

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

**S.F. No. 1099:** A bill for an act relating to health; modifying training requirements for nursing assistants; amending Minnesota Statutes 1998, section 144A.61, subdivisions 2 and 3a.

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

Osskopp, Davids and Wejman.

Senate File No. 1099 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 1999

Mr. President:

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

**S.F. No. 2044:** A bill for an act relating to gambling; authorizing dice games in retail establishments licensed to sell alcoholic beverages under certain circumstances; amending Minnesota Statutes 1998, sections 340A.410, subdivision 5; and 609.761, by adding a subdivision.

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

Dehler, Kielkucki and Tomassoni.

Senate File No. 2044 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 1999

Mr. President:

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

**S.F. No. 851:** A bill for an act relating to local government; removing the expiration of corporations created by political subdivisions; establishing a task force to develop legislation relating to establishment of corporations by political subdivisions; amending Minnesota Statutes 1998, section 465.715, subdivision 1a.

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

Rest, Abrams and Harder.

Senate File No. 851 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 1999

Mr. President:

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

**S.F. No. 653:** A bill for an act relating to government data practices; clarifying electronic access to data; modifying notice requirements for students and employees; classifying data; clarifying the status of data on parents held by educational entities; authorizing access to medical records by adult children of a deceased patient; eliminating inconsistent language; authorizing dissemination of personnel data; authorizing sharing of certain data for tax administration purposes; changing deadlines for providing data; clarifying and modifying access to data on employees reporting violations of law; making certain rideshare program data on individuals private; amending Minnesota Statutes 1998, sections 13.03, subdivision 3; 13.04, subdivisions 2 and 3; 13.32, subdivisions 2 and 3; 13.43, by adding a subdivision; 13.47; 15.17, subdivisions 1 and 2; 141.30; 144.335, subdivision 1; 181.932, subdivision 2; 270B.03, subdivisions 1 and 5; 270B.14, by adding a subdivision; and 273.124, subdivision 13; proposing coding for new law in Minnesota Statutes, chapter 13; repealing Minnesota Statutes 1998, sections 13.72, subdivision 2; 504.23; and 504A.595.

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

Carruthers, Smith and Skoglund.

Senate File No. 653 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 1999

Mr. President:

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

**S.F. No. 1382:** A bill for an act relating to crime prevention; repealing provisions and striking language related to the enhanced gross misdemeanor DWI crime; expanding the gross misdemeanor DWI crime, probationary period, and mandatory sentencing provisions; requiring mandatory consecutive sentences for certain DWI-related offenses; amending Minnesota Statutes 1998, sections 169.121, subdivisions 1c, 3, and 3d; 169.129, subdivision 1; 609.02, subdivision 2; 609.035, subdivision 2; 609.105, subdivisions 1 and 3; 609.135, subdivision 2; and 609.15, subdivision 2; repealing Minnesota Statutes 1998, sections 169.121, subdivision 3e; 169.129, subdivision 2; and 609.02, subdivision 2a.

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

Goodno, Entenza and Fuller.

Senate File No. 1382 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 1999

Mr. President:

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

**S.F. No. 1219:** A bill for an act relating to health; establishing a uniform complaint resolution process for health plan companies; establishing an external review process; amending Minnesota Statutes 1998, sections 62D.11, subdivision 1; 62M.01; 62M.02, subdivisions 3, 4, 5, 6, 7, 9, 10, 11, 12, 17, 20, 21, and by adding a subdivision; 62M.03, subdivisions 1 and 3; 62M.04, subdivisions 1, 2, 3, and 4; 62M.05; 62M.06; 62M.07; 62M.09, subdivision 3; 62M.10, subdivisions 2, 5, and 7; 62M.12; 62M.15; 62Q.106; 62Q.19, subdivision 5a; 62T.04; 72A.201, subdivision 4a; and 256B.692, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 62D; and 62Q; repealing Minnesota Statutes 1998, sections 62D.11, subdivisions 1b and 2; 62Q.105; and 62Q.30; Minnesota Rules, parts 4685.0100, subparts 4 and 4a; 4685.1010, subpart 3; and 4685.1700.

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

Goodno, Abrams and Greenfield.

Senate File No. 1219 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 6, 1999

Mr. President:

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

**S.F. No. 2052:** A bill for an act relating to claims against the state; providing for payment of various claims; clarifying certain language concerning claims; authorizing determination of a lake control elevation; appropriating money; amending Minnesota Statutes 1998, sections 3.738, subdivision 2; and 3.739, subdivision 2a.

Senate File No. 2052 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1999

### CONCURRENCE AND REPASSAGE

Senator Kelly, R.C. moved that the Senate concur in the amendments by the House to S.F. No. 2052 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 2052 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1015 and 1932.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted May 5, 1999

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 1015:** A bill for an act relating to elections; providing for redistricting; amending Minnesota Statutes 1998, sections 204B.14, subdivision 4; 204B.146, by adding a subdivision; and 205.84.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1064, now on General Orders.

**H.F. No. 1932:** A bill for an act relating to insurance; regulating rental vehicle coverages; requiring a study of rental car availability; amending Minnesota Statutes 1998, sections 60K.03, subdivision 7; and 72A.125, subdivisions 1 and 2.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1607, now on General Orders.



### REPORTS OF COMMITTEES

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

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 1494** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1494	1283				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**Senator Moe, R.D. from the Committee on Rules and Administration, to which was referred**

**H.F. No. 1289** for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

<b>GENERAL ORDERS</b>		<b>CONSENT CALENDAR</b>		<b>CALENDAR</b>	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1289	1109				

and that the above Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Report adopted.

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred the following appointment as reported in the Journal for March 4, 1999:**

DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT  
COMMISSIONER

Gerald Carlson

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

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Novak from the Committee on Jobs, Energy and Community Development, to which was referred the following appointment as reported in the Journal for February 22, 1999:**

DEPARTMENT OF ECONOMIC SECURITY  
COMMISSIONER

Earl Wilson

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

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Novak from the Committee on Jobs, Energy and Community Development**, to which was referred the following appointment as reported in the Journal for April 28, 1999:

**PUBLIC UTILITIES COMMISSION**

Gregory G. Scott

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

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**Senator Novak from the Committee on Jobs, Energy and Community Development**, to which was referred the following appointment as reported in the Journal for March 17, 1999:

**MINNESOTA HOUSING FINANCE AGENCY  
COMMISSIONER**

Katherine G. Hadley

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

Senator Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

**SECOND READING OF HOUSE BILLS**

H.F. Nos. 1494 and 1289 were read the second time.

**MOTIONS AND RESOLUTIONS**

**Senator Knutson introduced--**

**Senate Resolution No. 83:** A Senate resolution congratulating Brian Jacob Cretzmeyer of Burnsville, Minnesota, for receiving the Eagle Award.

Referred to the Committee on Rules and Administration.

**SPECIAL ORDERS**

Pursuant to Rule 10, Senator Moe, R.D., Chair of the Committee on Rules and Administration, designated the following bills a Special Orders Calendar to be heard immediately.

H.F. No. 14 and S.F. No. 1145.

**SPECIAL ORDER**

**H.F. No. 14:** A bill for an act relating to education; providing that a person convicted of child abuse or sexual abuse is ineligible to be licensed as a teacher; providing for reconsideration in cases of reversal by a court; amending Minnesota Statutes 1998, sections 122A.20, subdivision 1; 122A.40, subdivisions 5 and 13; 122A.41, subdivision 6; and 631.40, by adding a subdivision.

Senator Neuville moved to amend H.F. No. 14, as amended pursuant to Rule 49, adopted by the Senate April 8, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 574.)

Page 1, after line 8, insert:

"Section 1. Minnesota Statutes 1998, section 121A.45, subdivision 2, is amended to read:

Subd. 2. [GROUNDS FOR DISMISSAL.] A pupil may be dismissed on any of the following grounds:

(a) willful violation of any reasonable school board regulation. Such regulation must be clear and definite to provide notice to pupils that they must conform their conduct to its requirements;

(b) willful conduct that materially and substantially disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn; or

(c) willful conduct that disrupts a classroom, the school environment, or the functions of a school; or

(d) willful conduct that endangers the pupil or other pupils, or surrounding persons, including school district employees, or property of the school.

Sec. 2. Minnesota Statutes 1998, section 121A.61, subdivision 2, is amended to read:

Subd. 2. [GROUNDS FOR REMOVAL FROM CLASS.] The policy must establish the various grounds for which a student may be removed from a class in the district for a period of time pursuant to under the procedures specified in the policy. The grounds in the policy must include at least the following provisions, as well as other grounds determined appropriate by the board:

(a) willful conduct ~~which that~~ materially and substantially disrupts the rights of others to an education, including conduct that interferes with a teacher's ability to teach or communicate effectively with students in a class or with the ability of other students to learn;

(b) willful conduct ~~which that~~ endangers surrounding persons, including school district employees, the student or other students, or the property of the school; and

(c) willful violation of any rule of conduct specified in the discipline policy adopted by the board."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Senator Anderson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

### CALL OF THE SENATE

Senator Betzold imposed a call of the Senate for the balance of the proceedings on H.F. No. 14. The Sergeant at Arms was instructed to bring in the absent members.

Senator Terwilliger moved to amend H.F. No. 14, as amended pursuant to Rule 49, adopted by the Senate April 8, 1999, as follows:

(The text of the amended House File is identical to S.F. No. 574.)

Page 5, after line 5, insert:

"Sec. 5. Minnesota Statutes 1998, section 257.022, is amended by adding a subdivision to read:

Subd. 2c. [OTHER FAMILY MEMBERS.] Notwithstanding subdivision 2b, if the child has had visitation with a person related to the child by blood for a period of two years or more, that person may bring a petition under this section. The court shall hold a preliminary hearing to determine whether the party seeking visitation rights has established a prima facie case for visitation under this section. In determining whether a party has established a prima facie case, the court shall consider:

(1) the amount and quality of the personal contact between the person and the child in the past, including the bonding that has been established between the child and the person;

(2) the emotional ties that have existed between the person and the child;

(3) the reasons, if any, that visitation between the child and the person has been restricted including, but not limited to, past physical or mental abuse of the child by the person;

(4) the reasonable preference of the child, if the court deems the child to be of sufficient age to express a preference; and

(5) the need for the child to have interaction with other persons related by blood, besides the custodial parent, especially in the absence of grandparent involvement.

The court may appoint a guardian ad litem on behalf of the child.

If the court determines that the petition shall proceed, the court may grant the petition, after a hearing, if it finds that visitation between the child and the person would be in the best interests of the child and would not interfere with the parent and child relationship. To the extent practicable, a visitation order under this section must be specific with respect to the frequency and duration of visitation and other conditions and terms of visitation. In determining the scope of visitation rights, the court shall consider the impact of other visitation orders already in effect governing the child. Upon request of a parent, the court may revoke visitation rights ordered under this section if the person with the visitation rights has used those rights to knowingly allow access to the child by another person in violation of an order for protection or other restriction on access or visitation rights."

Page 5, line 17, delete "5" and insert "4 and 6"

Page 5, line 18, after the period, insert "Section 5 is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title as follows:

Page 1, line 2, delete "education" and insert "children"

Page 1, line 4, after the semicolon, insert "providing visitation rights to certain relatives;"

Page 1, line 6, after the second semicolon, insert "257.022, by adding a subdivision;"

Senator Anderson questioned whether the amendment was germane.

The President ruled that the amendment was not germane.

H.F. No. 14 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### SPECIAL ORDER

**S.F. No. 1145:** A bill for an act relating to traffic regulations; modifying provisions regulating disability parking; abolishing certain credit for vehicle registration fee; specifically authorizing statutory and home rule charter cities to adopt ordinances regulating long-term parking; appropriating money; amending Minnesota Statutes 1998, sections 168.021, subdivision 2; 169.345, subdivisions 1, 3, and 4; and 169.346, subdivision 3, and by adding a subdivision.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

### MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of Messages From the House.

### MESSAGES FROM THE HOUSE

Mr. President:

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

**S.F. No. 346:** A bill for an act relating to child custody; expanding provisions for relative ex parte temporary custody; amending Minnesota Statutes 1998, section 518.158, subdivisions 1 and 2.

Senate File No. 346 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned May 5, 1999

Senator Ranum moved that the Senate do not concur in the amendments by the House to S.F. No. 346, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

### RECESS

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

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

### APPOINTMENTS

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

S.F. No. 346: Senators Ranum, Foley and Kiscaden.

S.F. No. 441: Senators Spear; Kelly, R.C. and Limmer.

S.F. No. 171: Senators Higgins, Kleis and Lourey.

S.F. No. 23: Senators Foley, Ten Eyck and Knutson.

Senator Junge moved that the foregoing appointments be approved. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

#### **Senators Ranum, Neuville, Anderson, Limmer and Spear introduced--**

**S.F. No. 2253:** A bill for an act relating to criminal procedure; creating a postconviction process for obtaining DNA or other forensic testing of evidence in order to permit a convicted person to demonstrate actual innocence; amending Minnesota Statutes 1998, section 590.01, subdivision 1, and by adding a subdivision.

Referred to the Committee on Crime Prevention.

#### **Senators Stevens, Pariseau, Lessard, Samuelson and Johnson, J.B. introduced--**

**S.F. No. 2254:** A bill for an act relating to natural resources; modifying provisions for recreational vehicle, hunting, and firearm training courses; appropriating money; amending Minnesota Statutes 1998, sections 84.791, subdivisions 2 and 3; 84.86, subdivision 1; 84.925, subdivision 1; 97B.015, subdivisions 2 and 4; and 97B.025.

Referred to the Committee on Environment and Natural Resources.

#### **Senators Kleis, Metzen, Stevens, Stumpf and Terwilliger introduced--**

**S.F. No. 2255:** A bill for an act relating to retirement; modifying provisions governing salary maximums for annuitants who reenter public service; amending Minnesota Statutes 1998, section 353.37, subdivision 1.

Referred to the Committee on Governmental Operations and Veterans.

### **MEMBERS EXCUSED**

Senators Berg; Johnson, J.B. and Ourada were excused from the Session of today. Senator Junge was excused from the Session of today from 9:00 to 9:30 a.m. Senator Ranum was excused from the Session of today from 9:00 to 10:00 a.m. Senator Sams was excused from the Session of today from 9:20 to 9:40 a.m. Senator Janezich was excused from the Session of today from 10:00 to 10:10 a.m.

### **ADJOURNMENT**

Senator Moe, R.D. moved that the Senate do now adjourn until 10:00 a.m., Monday, May 10, 1999. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate





# INDEX TO DAILY JOURNAL

Friday, May 7, 1999

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

Pages 2429 to 2430

## CHAPTER LAWS

S.F. Nos.	H.F. Nos.	Session Laws	
		Chapter No.	Page
283		118 .....	2430
	585 .....	119 .....	2430
	1708 .....	120 .....	2430
	1106 .....	121 .....	2430
834		122 .....	2430
296		123 .....	2430

## MESSAGES FROM THE HOUSE AND FIRST READINGS OF HOUSE FILES

S.F. Nos.	Message Page	H.F. Nos.	Message Page	1st Reading Page
9 .....	2430	1015 .....	2436	2436
23 .....	2430	1932 .....	2436	2436
171 .....	2433			
346 .....	2441			
383 .....	2433			
441 .....	2431			
653 .....	2434			
746 .....	2431			
851 .....	2434			
1099 .....	2433			
1180 .....	2430			
1219 .....	2435			
1382 .....	2435			
1605 .....	2430			
1609 .....	2431			
2038 .....	2432			
2044 .....	2434			
2052 .....	2435			
2120 .....	2430			

## CONCURRENCE AND REPASSAGE

S.F. Nos.	Page	H.F. Nos.	Page
1609 .....	2431		
2038 .....	2432		
2052 .....	2436		

**REPORTS OF COMMITTEES AND SECOND READINGS**

S.F. Nos.	Report Page	2nd Reading Page	H.F. Nos.	Report Page	2nd Reading Page
			1289	2437	2438
			1494	2437	2438

**MOTIONS AND RESOLUTIONS**

S.F. Nos.	Page	H.F. Nos.	Page
Sen. Res. No . 83	2438		

**APPOINTMENTS TO CONFERENCE COMMITTEES**

S.F. Nos.	Page	H.F. Nos.	Page
23	2442		
171	2442		
346	2442		
441	2442		

**SPECIAL ORDERS**

S.F. Nos.	Page	H.F. Nos.	Page
1145	2441	14	2438

**INTRODUCTION AND FIRST READING OF SENATE BILLS**

S.F. Nos. 2253 to 2255 ..... Pages 2442 to 2443