

STATE OF MINNESOTA

SEVENTY-FIRST SESSION - 1980

NINETY-FOURTH DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 7, 1980

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

Prayer was offered by the Chaplain.

The roll was called and the following members were present:

Aasness	Eken	Kaley	Niehaus	Sieben, M.
Adams	Eloff	Kalis	Norman	Simoneau
Ainley	Ellingson	Kelly	Novak	Stadum
Albrecht	Erickson	Kempe	Nysether	Stoa
Anderson, B.	Esau	Knickerbocker	Olsen	Stowell
Anderson, D.	Evans	Kostohryz	Onnen	Sviggum
Anderson, G.	Ewald	Kroening	Osthoff	Swanson
Anderson, I.	Faricy	Kvam	Otis	Thiede
Anderson, R.	Fjoslien	Laidig	Patton	Tomlinson
Battaglia	Forsythe	Lehto	Pehler	Valan
Begich	Friedrich	Levi	Peterson, B.	Valento
Berglin	Fritz	Long	Peterson, D.	Vanasek
Berkelman	Fudro	Ludeman	Piepho	Voss
Biersdorf	Greenfield	Luknic	Pleasant	Waldorf
Blatz	Halberg	Mann	Prahl	Weaver
Brinkman	Haukoos	McCarron	Redalen	Welch
Byrne	Heap	McDonald	Reding	Welker
Carlson, D.	Heinitz	McEachern	Rees	Wenzel
Carlson, L.	Hoberg	Mehrkens	Rice	Wieser
Casserly	Hokanson	Metzen	Rodriguez	Wigley
Clark	Jacobs	Minne	Rose	Wynia
Clawson	Jaros	Moe	Rothenberg	Zubay
Corbid	Jennings	Munger	Sarna	Spkr. Norton
Crandall	Johnson, C.	Murphy	Schreiber	
Dempsey	Johnson, D.	Nelsen, B.	Searle	
Den Ouden	Jude	Nelsen, M.	Sherwood	
Drew	Kahn	Nelson	Sieben, H.	

A quorum was present.

Dean, Reif and Searles were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Kelly 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 S. F. Nos. 140, 1762, 1941 and 1550 have been placed in the members' files.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
ST. PAUL 55155

April 3, 1980

The Honorable Fred C. Norton
Speaker of the House
State of Minnesota

Dear Speaker Norton:

I have the honor to inform you that I received, approved, signed and deposited in the Office of the Secretary of State the following House Files:

H. F. No. 2314, relating to the legislative auditor; clarifying access to data;

H. F. No. 2262, relating to highway traffic regulations; including a constable within the meaning of the definition of peace officer in the implied consent law;

H. F. No. 753, relating to banks and banking; removing certain restrictions on services that may be offered at detached facilities;

H. F. No. 1824, relating to driver's licenses; providing for the disposition of the county fee in Dakota County.

H. F. No. 1090, relating to education; authorizing the state boards for community colleges and for vocational education to contract for certain insurance coverage for students;

H. F. No. 1871, relating to boundary waters; changing the terms of office of the Minnesota-Wisconsin boundary area commission; providing that the terms of commissioners shall be staggered; creating the South Dakota-Minnesota boundary waters commission; changing the duties of the commissioner of natural resources;

H. F. No. 1962, relating to motor vehicles; permitting the use of foreign state dealer plates in certain circumstances; restricting sales of new motor vehicles by wholesalers; authorizing the use of in-transit plates on used vehicles;

H. F. No. 1684, relating to state lands; providing for the conveyance of certain land to the cities of Virginia and Thief River Falls.

H. F. No. 1262, relating to the city of Breezy Point; relating to its tax levy for general purposes;

H. F. No. 1728, relating to snowmobiles; authorizing use in trapping related activities in certain counties;

H. F. No. 1949, relating to zoning; providing for notice of hearings; changing notice provisions for variance hearings;

H. F. No. 1996, relating to industrial development; providing for various energy related projects;

H. F. No. 1968, relating to claims against the state; appropriating money for the payment thereof.

H. F. No. 2152, relating to Carver county; applying the provisions of the municipal housing and redevelopment act to Carver county; providing for local approval of projects.

H. F. No. 1653, relating to public welfare; eliminating authorization for Minnesota State Children's Center;

H. F. No. 1286, relating to commerce; providing for the qualification of free distribution newspapers as legal newspapers;

H. F. No. 2028, relating to state government, clarifying benefits of employees of former Hastings state hospital.

Sincerely yours,

ALBERT H. QUIE
Governor

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 4, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
1736		435	April 3	April 3
1749		436	April 3	April 3
1764		437	April 3	April 3
1772		438	April 3	April 3
1789		439	April 3	April 3
1811		440	April 3	April 3
1813		441	April 3	April 3
1842		442	April 3	April 3
1853		443	April 3	April 3
1900		444	April 3	April 3
1922		445	April 3	April 3
1937		446	April 3	April 3
1962		447	April 3	April 3
1996		448	April 3	April 3
1997		449	April 3	April 3
2110		450	April 3	April 3
2067		451	April 3	April 3
2195		452	April 3	April 3
2265		453	April 3	April 3

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
210		454	April 3	April 3
654		455	April 3	April 3
744		456	April 3	April 3
975		457	April 3	April 3
1240		458	April 3	April 3
1293		459	April 3	April 3
1541		460	April 3	April 3
1611		461	April 3	April 3
1619		462	April 3	April 3
1630		463	April 3	April 3
1665		464	April 3	April 3
1679		465	April 3	April 3
1690		466	April 3	April 3
1734		467	April 3	April 3
	753	468	April 3	April 3
	1090	469	April 3	April 3
	1262	470	April 3	April 3
	1286	471	April 3	April 3
	1653	472	April 3	April 3
	1684	473	April 3	April 3
	1723	474	April 3	April 3
	1824	475	April 3	April 3
	1871	476	April 3	April 3
	1949	477	April 3	April 3

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
	1962	478	April 3	April 3
	1963	479	April 3	April 3
	1996	480	April 3	April 3
	2028	481	April 3	April 3
	2152	482	April 3	April 3
	2262	483	April 3	April 3
	2314	484	April 3	April 3

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

April 4, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1980 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:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Date Approved 1980</i>	<i>Date Filed 1980</i>
2090		485	April 4	April 4

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Searle introduced:

H. F. No. 2494, A bill for an act relating to public improvements; authorizing the acquisition and betterment of public land and buildings and other public improvements of a capital nature with certain conditions; establishing a loan program for wood fuel conversion projects; authorizing issuance of state building bonds; appropriating money; amending Minnesota Statutes 1978, Sections 253.015; 121, by adding a section; 138, by adding a section; 198, by adding a section.

The bill was read for the first time and referred to the Committee on Appropriations.

Halberg and Hoberg introduced:

H. F. No. 2495, A bill for an act relating to the legislature; proposing an amendment to the Minnesota Constitution, Article XI, by adding a section; providing a constitutional limit on state appropriations; providing a statute implementing the amendment.

The bill was read for the first time and referred to the Committee on Appropriations.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 1823, A bill for an act relating to transportation; permitting informational notations on recorded maps and plats; simplifying correction of errors on them; amending Minnesota Statutes 1978, Section 160.085, Subdivision 1, and by adding a subdivision.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in

which amendment the concurrence of the House is respectfully requested:

H. F. No. 870, A bill for an act relating to education; requiring that certain schools provide a prospective student with a school catalog before accepting the student; providing in certain cases for tuition refunds from private business, trade, and correspondence schools that do not use written contracts; providing for certain exemptions under the private business, trade and correspondence school act; amending Minnesota Statutes 1978, Sections 141.25, Subdivision 9; 141.271, Subdivision 3, and by adding a subdivision; and 141.35.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

McEachern moved that the House concur in the Senate amendments to H. F. No. 870 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 870, A bill for an act relating to education; requiring that certain schools provide a prospective student with a school catalog before accepting the student; providing in certain cases for tuition refunds from private business, trade, and correspondence schools that do not use written contracts; providing for certain exemptions under the private business, trade and correspondence school act; amending Minnesota Statutes 1978, Sections 141.25, Subdivision 9; 141.271, Subdivision 3, and by adding a subdivision; and 141.35.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 125 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Carlson, L.	Fjoslien	Kahn	McDonald
Adams	Casserty	Forsythe	Kaley	McEachern
Ainley	Clark	Friedrich	Kalis	Mehrkens
Albrecht	Clawson	Fritz	Kelly	Metzen
Anderson, B.	Corbid	Fudro	Kempe	Minne
Anderson, D.	Crandall	Greenfield	Knickerbocker	Moe
Anderson, G.	Dempsey	Haukoos	Kostohryz	Munger
Anderson, I.	Den Ouden	Heap	Kroening	Murphy
Anderson, R.	Drew	Heinitz	Kvam	Nelsen, B.
Battaglia	Eken	Hoberg	Laidig	Nelsen, M.
Begich	Elioff	Hokanson	Lehto	Nelson
Berglin	Ellingson	Jacobs	Levi	Niehaus
Berkelman	Erickson	Jaros	Long	Norman
Biersdorf	Esau	Jennings	Ludeman	Novak
Blatz	Evans	Johnson, C.	Luknic	Nysether
Brinkman	Ewald	Johnson, D.	Mann	Olsen
Byrne	Faricy	Jude	McCarron	Onnen

Osthoff	Redalen	Schreiber	Swanson	Welch
Otis	Reding	Sherwood	Thiede	Welker
Patton	Rees	Sieben, H.	Tomlinson	Wenzel
Pehler	Rice	Sieben, M.	Valan	Wieser
Peterson, B.	Rodriguez	Simoneau	Valento	Wigley
Peterson, D.	Rose	Stadum	Voss	Wynia
Piepho	Rothenberg	Stowell	Waldorf	Zubay
Prahl	Sarna	Svigum	Weaver	Spkr. Norton

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1838, A bill for an act relating to taxation; real property; clarifying the treatment of cooperatives and charitable corporations; amending Minnesota Statutes 1978, Section 273.133, Subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Berglin moved that the House concur in the Senate amendments to H. F. No. 1838 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1838, A bill for an act relating to taxation; real property; providing for the assessment of neighborhood real estate trusts; clarifying the treatment of cooperatives and charitable corporations; allowing lending institutions and original sellers to qualify as tenant-stockholders of cooperative apartment corporations; amending Minnesota Statutes 1978, Sections 273.13, by adding a subdivision; 273.133, Subdivision 1; and 290.09, Subdivision 17, and by adding a subdivision.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 103 yeas and 27 nays as follows:

Those who voted in the affirmative were:

Adams	Brinkman	Ellingson	Heinitz	Kelly
Anderson, B.	Byrne	Esau	Hoberg	Kempe
Anderson, D.	Carlson, L.	Evans	Hokanson	Knickerbocker
Anderson, G.	Casserly	Ewald	Jacobs	Kostohryz
Anderson, I.	Clark	Farcy	Jaros	Kroening
Anderson, R.	Clawson	Forsythe	Johnson, C.	Laidig
Battaglia	Corbid	Friedrich	Johnson, D.	Lehto
Begich	Dempsey	Fudro	Jude	Levi
Berglin	Drew	Greenfield	Kahn	Long
Berkelman	Eken	Halberg	Kaley	Luknic
Blatz	Elioff	Heap	Kalis	Mann

McCarron	Norman	Reding	Simoneau	Voss
McEachern	Novak	Rees	Stadum	Waldorf
Metzen	Olsen	Rice	Stoa	Weaver
Minne	Otis	Rodriguez	Stowell	Welch
Moe	Patton	Rose	Sviggum	Wenzel
Munger	Pehler	Rothenberg	Swanson	Wynia
Murphy	Peterson, B.	Sarna	Tomlinson	Zubay
Nelsen, B.	Peterson, D.	Schreiber	Valan	Spkr. Norton
Nelsen, M.	Pleasant	Sieben, H.	Valento	
Nelson	Prahl	Sieben, M.	Vanasek	

Those who voted in the negative were:

Aasness	Erickson	Ludeman	Osthoff	Welker
Ainley	Fjoslien	McDonald	Piepho	Wieser
Albrecht	Fritz	Mehrkens	Redalen	Wigley
Biersdorf	Haukoos	Niehaus	Searle	
Crandall	Jennings	Nysether	Sherwood	
Den Ouden	Kvam	Onnen	Thiede	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendment the concurrence of the House is respectfully requested:

H. F. No. 1995, A bill for an act relating to health care; excluding coverage of certain services in the Comprehensive Health Insurance Plan; extending the pre-existing condition period; qualifying certain services covered by the Catastrophic Health Expense Protection program; repealing certain provisions; amending Minnesota Statutes 1978, Section 62E.12; 62E.14, Subdivision 3; 62E.53, by adding a subdivision; and Laws 1979, Chapter 272, Section 12.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Swanson moved that the House concur in the Senate amendments to H. F. No. 1995 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1995, A bill for an act relating to health care; excluding coverage of certain services in the Comprehensive Health Insurance Plan; qualifying certain services covered by the Catastrophic Health Expense Protection program; repealing certain provisions; amending Minnesota Statutes 1978, Section 62E.12; 62E.53, by adding a subdivision; and Laws 1979, Chapter 272, Section 12.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kahn	Nelsen, M.	Sherwood
Adams	Elioff	Kaley	Nelson	Sieben, H.
Ainley	Ellingson	Kalis	Niehaus	Sieben, M.
Albrecht	Erickson	Kelly	Norman	Simoneau
Anderson, B.	Esau	Kempe	Novak	Stadum
Anderson, D.	Evans	Knickerbocker	Nysether	Stoa
Anderson, G.	Ewald	Kostohryz	Olsen	Stowell
Anderson, I.	Faricy	Kroening	Onnen	Sviggum
Anderson, R.	Fjoslien	Kvam	Osthoff	Swanson
Battaglia	Forsythe	Laidig	Otis	Thiede
Begich	Friedrich	Lehto	Patton	Tomlinson
Berglin	Fritz	Levi	Pehler	Valan
Berkelman	Fudro	Long	Peterson, B.	Valento
Biersdorf	Greenfield	Ludeman	Peterson, D.	Vanasek
Blatz	Halberg	Luknic	Piepho	Voss
Brinkman	Haukoos	Mann	Prahl	Waldorf
Byrne	Heap	McCarron	Redalen	Weaver
Carlson, L.	Heinitz	McDonald	Reding	Welch
Casserly	Hoberg	McEachern	Rees	Welker
Clark	Hokanson	Mehrkens	Rice	Wenzel
Clawson	Jacobs	Metzen	Rodriguez	Wieser
Corbid	Jaros	Minne	Rose	Wigley
Crandall	Jennings	Moe	Rothenberg	Wynia
Dempsey	Johnson, C.	Munger	Sarna	Zubay
Den Ouden	Johnson, D.	Murphy	Schreiber	Spkr. Norton
Drew	Jude	Nelsen, B.	Searle	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 1843.

The Senate has passed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1843

A bill for an act relating to transportation; establishing a state rail bank for abandoned rail lines; amending Minnesota Statutes 1978, Chapter 222, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 174.03, Subdivision 4; 222.50, Subdivision 7; and 222.65.

March 31, 1980

The Honorable Edward J. Gearty
President of the Senate

The Honorable Fred C. Norton
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1843, report that we have agreed upon the items in dispute and recommend as follows:

That the house recede from its amendments and S. F. No. 1843 be further amended as follows:

Page 4, line 7, before "potential" insert "present or"

Page 4, line 8, after "rail" insert "freight or"

Page 4, delete lines 13 to 21 and insert

"The commissioner shall provide for the maintenance including control of weeds, of any right-of-way that is included in the rail bank. The commissioner shall provide for the maintenance and management of any right-of-way that is acquired under the rail bank program in a manner that minimizes maintenance costs and provides a benefit to the state. The commissioner may also require that any existing railroad track that is included in the acquired right-of-way shall not be removed during the period the right-of-way is included in the state rail bank."

Page 4, line 28, before "area" delete "the" and insert "each"

Page 5, line 28, before the period insert "at its fully appraised value"

Page 6, after line 24, insert:

"Sec. 5. The commissioner of natural resources may, in the same manner as provided by law for the sale of trust fund lands, sell at public auction the lands and interests in lands relating to the abandoned railway line located in Mower and Fillmore Counties which were acquired by the state in 1978 from the Chicago and Northwestern Transportation Company and which lie between the intersection of U.S. Highways 16 and 63 near the city of Spring Valley in Fillmore County and the intersection of the railway line with the Minnesota and Iowa border at a point southwest of LeRoy in Mower County. The commissioner may subdivide the lands and interests in lands into smaller parcels for the purpose of this sale."

Sec. 6. *In any county in which a combination railroad and highway bridge is closed the county board may lease or purchase such bridge. The subsequent use and operation of the combination bridge shall conform to and be compatible with the existing uses adjoining both sides of that bridge. The county board may establish and from time to time adjust tolls to be charged for vehicular use of the bridge at the rate or rates and on the basis the county board may deem appropriate to provide revenues sufficient to finance the lease, purchase, operation, repair, and maintenance of the bridge and toll facilities. The revenues from the bridge tolls shall only be used for the lease, purchase, repair, operation, and maintenance of the bridge and toll facilities. Notwithstanding the provisions of this section, if the state purchases the combination bridge the county may lease the bridge from the state by contract.*

Sec. 7. Minnesota Statutes 1978, Chapter 222, is amended by adding a section to read:

[222.64] [EMPLOYMENT PREFERENCE.] *Individuals who have been previously employed by railroads, whose users obtain guaranteed loans or other assistance pursuant to sections 222.46 to 222.64, shall have priority, based upon their length of service with that railroad, in employment with a purchasing carrier or other operator of a railroad benefiting from those loans or other assistance.*

Sec. 8. *This act is effective the day following its final enactment."*

Amend the title as follows:

Page 1, line 3, after the semicolon insert "providing for the sale of certain abandoned railway lines in certain counties; providing for the purchase or lease of certain bridges by counties, authorizing toll charges for vehicular use thereof, and specifying the purposes for which the revenue may be used; providing for employment preferences for certain rail employees under certain circumstances;"

Page 1, lines 4 and 5, delete "a section" and insert "sections"

We request adoption of this report and repassage of the bill.

Senate Conferees: IRVING M. STERN, TIMOTHY J. PENNY and WILLIAM G. KIRCHNER.

House Conferees: ARLENE I. LEHTO, BRUCE ANDERSON and DELBERT F. ANDERSON.

Lehto moved that the report of the Conference Committee on S. F. No. 1843 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1843, A bill for an act relating to transportation; establishing a state rail bank for abandoned rail lines; amending Minnesota Statutes 1978, Chapter 222, by adding a section; Minnesota Statutes, 1979 Supplement, Sections 174.03, Subdivision 4; 222.50, Subdivision 7; and 222.65.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 121 yeas and 7 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Kaley	Norman	Simoneau
Adams	Ellingson	Kalis	Novak	Stadum
Ainley	Erickson	Kelly	Nysether	Stoa
Anderson, B.	Esau	Kempe	Olsen	Stowell
Anderson, D.	Evans	Knickerbocker	Onnen	Sviggun
Anderson, G.	Ewald	Kostohryz	Otis	Swanson
Anderson, I.	Faricy	Kroening	Patton	Thiede
Anderson, R.	Fjoslien	Laidig	Pehler	Tomlinson
Battaglia	Forsythe	Lehto	Peterson, B.	Valan
Begich	Friedrich	Levi	Peterson, D.	Vanasek
Berglin	Fudro	Long	Piepho	Voss
Berkelman	Greenfield	Ludeman	Pleasant	Waldorf
Biersdorf	Halberg	Luknic	Prahl	Weaver
Blatz	Haukoos	Mann	Redalen	Welch
Brinkman	Heap	McCarron	Reding	Welker
Byrne	Heinitz	McDonald	Rees	Wenzel
Carlson, L.	Hoberg	McEachern	Rice	Wieser
Casserly	Hokanson	Mehrkens	Rodriguez	Wigley
Clark	Jacobs	Metzen	Rose	Wynia
Clawson	Jaros	Minne	Rothenberg	Zubay
Corbid	Jennings	Moe	Sarna	Spkr. Norton
Crandall	Johnson, C.	Munger	Searle	
Dempsey	Johnson, D.	Murphy	Sherwood	
Den Ouden	Jude	Nelsen, M.	Sieben, H.	
Eken	Kahn	Nelson	Sieben, M.	

Those who voted in the negative were:

Albrecht	Fritz	Niehaus	Osthoff	Valento
Drew	Kvam			

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate File, herewith transmitted:

S. F. No. 1941.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 1941, A bill for an act relating to corrections; creating an advisory task force; appropriating money for local correctional facility construction; authorizing issuance of state bonds; amending Minnesota Statutes 1978, Section 241.022, Subdivision 3.

The bill was read for the first time and referred to the Committee on Rules and Legislative Administration.

MOTION FOR RECONSIDERATION

Crandall moved that the vote whereby S. F. No. 1802 was not passed as a Special Order for Wednesday, April 2, 1980 be now reconsidered. The motion prevailed.

S. F. No. 1802 was reported to the House.

Crandall moved that S. F. No. 1802 be returned to Special Orders and be continued one day. The motion prevailed.

The following conference committee reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1896

A bill for an act relating to juveniles; establishing criteria for reference of certain juveniles for prosecution; requiring written findings and conclusions after reference hearings; providing monitoring by the crime control planning board; amending Minnesota Statutes 1978, Section 260.125, by adding subdivisions.

April 3, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 1896, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and H. F. No. 1896 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1978, Section 241.021, Subdivision 1, is amended to read:

241.021 [LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES.] Subdivision 1. [SUPERVISION OVER CORRECTIONAL INSTITUTIONS; ADVISORY TASK FORCES.] (1) The commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. He shall promulgate pursuant to chapter 15, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment and discipline of persons detained or confined therein. Commencing September 1, 1980, no individual, corporation, partnership, voluntary association or other private organization legally responsible for the operation of a correctional facility may operate the facility unless licensed by the commissioner of corrections. The commissioner may provide by rule for provisional licenses which authorize the operation of a correctional facility on a temporary basis where the operator is temporarily unable to comply with all of the requirements for a license. Notwithstanding the provisions of sections 15.0412 and 15.0413, rules setting standards for group homes established under the direction of the juvenile courts shall not take effect until September 1, 1979. The commissioner shall have access to the buildings, grounds, books, records, staff and to persons detained or confined in these facilities. He may require the officers in charge of these facilities to furnish all information and statistics he deems necessary, upon forms furnished by him. *Rules promulgated hereunder establishing the maximum number of children permitted to reside in group homes shall require that children in the group foster parents' natural family be counted in the number of children actually residing in the group home, and the application of the rules providing the maximum number and manner of counting residents shall not be waived.*

(2) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(3) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(4) When the commissioner finds that any facility described in clause (1) of this subdivision, except foster care facilities for delinquent children and youth as provided in subdivision 2,

does not conform to the minimum standards established by law or by the commissioner, he shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, he may issue his order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, he may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year.

(5) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted or adjudicated to be guilty or delinquent.

Sec. 2. Minnesota Statutes 1978, Section 257.071, is amended to read:

257.071 [CHILDREN IN FOSTER HOMES; PLACEMENT; REVIEW.] Subdivision 1. [PLACEMENT; PLAN.] A case plan shall be prepared within 30 days after any child is placed in a (FOSTER HOME) *residential facility* by court order or by the voluntary release of the child by his parent or parents. (BY JULY 1, 1979, A CASE PLAN SHALL BE PREPARED FOR EACH CHILD WHO WAS RESIDING IN A FOSTER HOME ON JULY 1, 1978 AND WHO HAS NOT BEEN RETURNED TO THE HOME OF HIS PARENT OR PARENTS.)

For purposes of this section, a residential facility means any group home, family foster home or other publicly supported out-of-home residential facility, including any out-of-home residential facility under contract with the state, county or other political subdivision, or any agency thereof, to provide those services.

For the purposes of this section, a case plan means a written document which is ordered by the court or which is prepared by the social service agency responsible for the (FOSTER HOME)

residential facility placement and is signed by the parent or parents, or other custodian, of the child, the child's legal guardian, the social service agency responsible for the (FOSTER HOME) *residential facility* placement, and, if possible, the child. The document shall be explained to all persons involved in its implementation, including the child who has signed the document, and shall set forth:

(1) The specific reasons for the placement of the child in a (FOSTER HOME) *residential facility*, including a description of the problems or conditions in the home of the parent or parents which necessitated removal of the child from his home;

(2) The specific actions to be taken by the parent or parents of the child to eliminate or correct the problems or conditions identified in clause (1), and the time period during which the actions are to be taken;

(3) The financial responsibilities and obligations, if any, of the parents for the support of the child during the period the child is in the (FOSTER HOME) *residential facility*;

(4) The visitation rights and obligations of the parent or parents during the period the child is in the (FOSTER HOME) *residential facility*;

(5) The social and other supportive services to be provided to the parent or parents of the child, the child, and the (FOSTER PARENTS) *residential facility* during the period the child is in the (FOSTER HOME) *residential facility*;

(6) The date on which the child is expected to be returned to the home of his parent or parents;

(7) The nature of the effort to be made by the social service agency responsible for the placement to reunite the family; and

(8) Notice to the parent or parents that placement of the child in foster care may result in termination of parental rights but only after notice and a hearing as provided in chapter 260.

The parent or parents and the child *each* shall have the right to legal counsel in the preparation of the case plan and shall be informed of the right at the time of placement of the child. The child shall also have the right to a guardian ad litem. If unable to employ counsel from their own resources, the court shall appoint counsel upon the request of the parent or parents or the child or his legal guardian. The parent or parents may also receive assistance from any person or social service agency in preparation of the case plan.

After the plan has been agreed upon by the parties involved, the foster parents shall be fully informed of the provisions of the case plan.

Subd. 2. [SIX MONTH REVIEW OF VOLUNTARY PLACEMENTS.] If the child has been placed in a (FOSTER HOME) *residential facility* pursuant to a voluntary release by his parent or parents, the case plan shall be reviewed by the persons involved in its preparation 180 days after the initial placement of the child in a (FOSTER HOME) *residential facility* if the child is not returned to the home of his parent or parents within that time.

Subd. 3. [REVIEW OF VOLUNTARY PLACEMENTS.] If the child has been placed in a (FOSTER HOME) *residential facility* pursuant to a voluntary release by his parent or parents, and is not returned to his home within 18 months after his initial placement in the (FOSTER HOME) *residential facility*, the social service agency responsible for the placement shall:

- (a) Return the child to the home of his parent or parents; or
- (b) File an appropriate petition pursuant to sections 260.131 or 260.231.

Sec. 3. Minnesota Statutes 1978, Section 260.011, Subdivision 2, is amended to read:

Subd. 2. The purpose of the laws relating to juvenile courts is to secure for each (MINOR) *child alleged or adjudicated neglected or dependent* and under the jurisdiction of the court, the care and guidance, preferably in his own home, as will serve the spiritual, emotional, mental, and physical welfare of the (MINOR) *child* and the best interests of the state; to preserve and strengthen the (MINOR'S) *child's* family ties whenever possible, removing him from the custody of his parents only when his welfare or safety (AND PROTECTION OF THE PUBLIC) cannot be adequately safeguarded without removal; and, when the (MINOR) *child* is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents.

The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

The laws relating to juvenile courts shall be liberally construed to carry out these purposes.

Sec. 4. Minnesota Statutes 1978, Section 260.111, Subdivision 1, is amended to read:

260.111 [JURISDICTION.] Subdivision 1. **[CHILDREN WHO ARE DELINQUENT, NEGLECTED, DEPENDENT OR NEGLECTED AND IN FOSTER CARE.]** Except as provided in (SECTION) *sections 260.125 and 260.193*, the juvenile court has original and exclusive jurisdiction in proceedings concerning any child who is alleged to be delinquent, a juvenile traffic offender, neglected, neglected and in foster care, or dependent, and in proceedings concerning any minor alleged to have been a delinquent or a juvenile traffic offender prior to having become eighteen years of age. The juvenile court shall deal with such a minor as it deals with any other child who is alleged to be delinquent or a juvenile traffic offender.

Sec. 5. Minnesota Statutes 1978, Section 260.115, Subdivision 1, is amended to read:

260.115 [TRANSFERS FROM OTHER COURTS.] Subdivision 1. Except where a juvenile court has referred an alleged violation to a prosecuting authority in accordance with the provisions of section 260.125 or (TO) a court (IN ACCORDANCE WITH THE PROVISIONS OF SECTION 260.193) *has original jurisdiction of a child who has committed a minor traffic offense, as defined in section 260.193, subdivision 1, clause (c)*, a court other than a juvenile court shall immediately transfer to the juvenile court of the county the case of a minor who appears before the court on a charge of violating any state or local law or ordinance and who is under 18 years of age or who was under 18 years of age at the time of the commission of the alleged offense.

Sec. 6. Minnesota Statutes 1978, Section 260.121, Subdivision 3, is amended to read:

Subd. 3. *Except when a child is alleged to have committed a minor traffic offense, as defined in section 260.193, subdivision 1, clause (c)*, if it appears at any stage of the proceeding that a child before the court is a resident of another state, the court may invoke the provisions of the interstate compact on juveniles or, if it is in the best interests of the child or the public to do so, the court may place the child in the custody of his parent, guardian, or custodian, if the parent, guardian, or custodian agree to accept custody of the child and return him to their state.

Sec. 7. Minnesota Statutes 1978, Section 260.125, is amended to read:

260.125 [REFERENCE FOR PROSECUTION.] Subdivision 1. When a child is alleged to have violated a state or local law or ordinance after becoming 14 years of age the juvenile court may enter an order referring the alleged violation to the

appropriate prosecuting authority for action under laws in force governing the commission of and punishment for violations of statutes or local laws or ordinances. The prosecuting authority to whom (SUCH) *the* matter is referred shall within the time specified in (SUCH) *the* order of reference, which time shall not exceed 90 days, file with the court making (SUCH) *the* order of reference notice of intent to prosecute or not to prosecute. If (SUCH) *the* prosecuting authority files notice of intent not to prosecute or fails to act within the time specified, the court shall proceed as if no order of reference had been made. If such prosecuting authority files with the court notice of intent to prosecute the jurisdiction of the juvenile court in the matter is terminated.

Subd. 2. The juvenile court may order a reference only if:

(a) A petition has been filed in accordance with the provisions of section 260.131;

(b) Notice has been given in accordance with the provisions of sections 260.135 and 260.141;

(c) A hearing has been held in accordance with the provisions of section 260.155 (,) *within 30 days of the filing of the reference motion, unless good cause is shown by the prosecution or the child as to why the hearing should not be held within this period; and*

(d) The court finds that

(1) *there is probable cause, as defined by the rules of criminal procedure promulgated pursuant to section 480.059, to believe the child committed the offense alleged by delinquency petition and*

(2) *the prosecuting authority has demonstrated by clear and convincing evidence that the child is not suitable to treatment or that the public safety is not served under the provisions of laws relating to juvenile courts.*

Subd. 3. *A prima facie case that the public safety is not served or that the child is not suitable for treatment shall have been established if the child was at least 16 years of age at the time of the alleged offense and:*

(1) *Is alleged by delinquency petition to have committed an aggravated felony against the person and (a) in committing the offense, the child acted with particular cruelty or disregard for the life or safety of another; or (b) the offense involved a high degree of sophistication or planning by the juvenile; or*

(2) *Is alleged by delinquency petition to have committed murder in the first degree; or*

(3) *Has been adjudicated delinquent for an offense committed within the preceding 24 months, which offense would be a felony if committed by an adult, and is alleged by delinquency petition to have committed murder in the second or third degree, manslaughter in the first degree, criminal sexual conduct in the first degree or assault in the first degree; or*

(4) *Has been adjudicated delinquent for two offenses, not in the same behavioral incident, which offense were committed within the preceding 24 months and which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed manslaughter in the second degree, kidnapping, criminal sexual conduct in the second degree, arson in the first degree, aggravated robbery, or assault in the second degree; or*

(5) *Has been previously adjudicated delinquent for three offenses, none of which offenses were committed in the same behavioral incident, which offenses were committed within the preceding 24 months and which offenses would be felonies if committed by an adult, and is alleged by delinquency petition to have committed any felony other than those described in clauses (2), (3) or (4).*

For the purposes of this subdivision, "aggravated felony against the person" means a violation of any of the following provisions: sections 609.185; 609.19; 609.195; 609.20, subdivisions 1 or 2; 609.221; 609.222; 609.223; 609.245; 609.25; 609.342; 609.343; 609.344, clauses (c) or (d); 609.345, clauses (c) or (d); 609.561; 609.58, subdivision 2, clause (b); or 609.713.

Subd. (3) 4. When the juvenile court enters an order referring an alleged violation to a prosecuting authority, the prosecuting authority shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

Subd. 5. If the juvenile court orders a reference for prosecution, the order shall contain in writing, findings of fact and conclusions of law as to why the child is not suitable to treatment or the public safety is not served under the provisions of laws relating to the juvenile courts. If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides not to order a reference for prosecution, the decision shall contain, in writing, findings of fact and conclusions of law as to why a reference for prosecution is not ordered.

Subd. 6. The crime control planning board created pursuant to section 299A.03, shall monitor and evaluate the effect of this section 7 and shall submit a report to the legislature on or before January 1, 1982. The report shall, at the minimum, compare the number of references ordered and the characteristics of juveniles referred for prosecution pursuant to section 260.125 prior to and subsequent to the effective date of this act.

Sec. 8. Minnesota Statutes 1978, Section 260.135, Subdivision 1, is amended to read:

260.135 [SUMMONS; NOTICE.] Subdivision 1. After a petition has been filed and unless the parties hereinafter named voluntarily appear, the court shall set a time for a hearing and shall issue a summons requiring the person who has custody or control of the (MINOR) *child* to appear with the (MINOR) *child* before the court at a time and place stated. The summons (SHALL RECITE BRIEFLY THE SUBSTANCE OF THE PETITION OR) shall (BE ATTACHED TO) *have a copy of the petition attached, and shall advise the parties of the right to counsel and of the consequences of failure to obey the summons.*

Sec. 9. Minnesota Statutes 1978, Section 260.135, Subdivision 2, is amended to read:

Subd. 2. The court shall have notice of the pendency of the case and of the time and place of the hearing served upon (THE PARENTS) *a parent*, (GUARDIANS) *guardian*, or spouse of (A LEGITIMATE MINOR OR THE MOTHER, GUARDIAN, OR SPOUSE OF AN ILLEGITIMATE MINOR) *the child*, (IF THEY ARE NOT) *who has not been summoned as provided in subdivision 1.*

Sec. 10. Minnesota Statutes 1978, Section 260.135, Subdivision 5, is amended to read:

Subd. 5. If it appears from the *notarized* petition or by (SEPARATE) *sworn* affidavit (OF A PERSON HAVING KNOWLEDGE OF THE FACT THAT THE MINOR IS IN SUCH CONDITION OR SURROUNDINGS THAT HIS) *that there are reasonable grounds to believe the child is in surroundings or conditions which endanger the child's health, safety or welfare* (REQUIRES) *and require* that his custody be immediately assumed by the court, the court may order, by endorsement upon the summons, that the officer serving the summons shall take the (MINOR) *child* into immediate custody (AT ONCE).

Sec. 11. Minnesota Statutes 1978, Section 260.141, Subdivision 1, is amended to read:

260.141 [SERVICE OF SUMMONS, NOTICE.] Subdivision 1. (a) Service of summons or notice required by section 260.135 shall be made *upon the following persons* in the same manner in which personal service of summons in civil actions is made:

(1) *in all delinquency matters, upon the person having custody or control of the child and upon the child; and*

(2) *in all other matters, upon the person having custody or control of the child, and upon the child if he is more than 12 years of age.*

Personal service shall be effected at least 24 hours before the time of the hearing; however, it shall be sufficient to confer jurisdiction if service is made at any time before the day fixed in the summons or notice for the hearing, except that the court, if so requested, shall not proceed with the hearing earlier than the second day after the service. If personal service cannot well be made within the state, a copy of the summons or notice may be served on the person to whom it is directed by delivering a copy thereof to such person personally outside the state. Such service if made personally outside the state shall be sufficient to confer jurisdiction; providing however it be made at least five days before the date fixed for hearing in such summons or notice.

(b) If the court is satisfied that personal service of the summons or notice cannot well be made, it shall make an order providing for the service of summons or notice by certified mail addressed to the last known addresses of such persons, and by one weeks published notice as provided in section 645.11. A copy of the notice shall be sent by certified mail at least five days before the time of the hearing or 14 days if mailed to addresses outside the state.

(c) Notification to the county welfare board required by section 260.135, subdivision 3, shall be in such manner as the court may direct.

Sec. 12. Minnesota Statutes 1978, Section 260.155, Subdivision 1, is amended to read:

260.155 [HEARING.] Subdivision 1. [GENERAL.] Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted in an informal manner. *The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply.* Hearings may be continued or adjourned from time to time and, in the interim, the court may make such orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301. The court shall exclude the general public from these hearings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court. *In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the clerk of court in writing, at his last known address, of (1) the date of the reference or adjudi-*

catory hearings, and (2) the disposition of the case. Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Sec. 13. Minnesota Statutes 1978, Section 260.155, Subdivision 2, is amended to read:

Subd. 2. [APPOINTMENT OF COUNSEL.] The minor, parent, guardian or custodian have the right to *effective assistance of counsel*. If they desire counsel but are unable to employ it, the court shall appoint counsel to represent the minor or his parents or guardian in any other case in which it feels that such an appointment is desirable.

Sec. 14. Minnesota Statutes 1978, Section 260.155, Subdivision 4, is amended to read:

Subd. 4. [GUARDIAN AD LITEM.] (a) The court shall appoint a guardian ad litem to protect the interests of the minor when it appears, at any stage of the proceedings, that the minor is without a parent or guardian, or that his parent is a minor or incompetent, or that his parent or guardian is indifferent or hostile to the minor's interests, and in every proceeding alleging neglect or dependency. In any other case the court may appoint a guardian ad litem to protect the interests of the minor when the court feels that such an appointment is desirable. The court shall appoint the guardian ad litem on its own motion or in the manner provided for the appointment of a guardian ad litem in the district court.

(b) The court may waive the appointment of a guardian ad litem pursuant to clause (a), whenever counsel has been appointed pursuant to subdivision 2 or is retained otherwise, and the court is satisfied that the interests of the minor are protected.

(c) In appointing a guardian ad litem pursuant to clause (a), **(IF THE COURT FINDS THAT IT IS NOT IN THE BEST INTERESTS OF THE CHILD,)** the court shall not appoint the party, or any agent or employee thereof, filing a petition pursuant to section 260.131.

Sec. 15. Minnesota Statutes 1978, Section 260.155, is amended by adding a subdivision to read:

Subd. 8. [WAIVER.] *Waiver of any right which a child has under this chapter must be an express waiver intelligently made by the child after the child has been fully and effectively informed of the right being waived. If a child is under 12 years of age, the child's parent, guardian or custodian shall give any waiver or offer any objection contemplated by this chapter.*

Sec. 16. Minnesota Statutes 1978, Section 260.161, Subdivision 1, is amended to read:

260.161 [RECORDS.] Subdivision 1. The juvenile court judge shall keep such minutes and in such manner as he deems necessary and proper. *The court shall keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 23 years and shall release the records on an individual to a requesting adult court for purposes of sentencing. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child.* The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the juvenile. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the juvenile all documents filed pertaining thereto and in the order filed. (SUCH) *The list shall show the name of the document and the date of filing thereof.* The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. The legal records maintained in this file shall be open at all reasonable times to the inspection of any minor to whom the records relate, and to his parent and guardian.

Sec. 17. Minnesota Statutes 1978, Section 260.185, Subdivision 1, is amended to read:

260.185 [DISPOSITIONS; DELINQUENT CHILD.] Subdivision 1. If the court finds that the child is delinquent, it shall enter an order making any of the following dispositions of the case which are deemed necessary to the rehabilitation of the child:

- (a) Counsel the child or his parents, guardian, or custodian;
- (b) Place the child under the supervision of a probation officer or other suitable person in his own home under conditions prescribed by the court including reasonable rules for his conduct and the conduct of his parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;
- (c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:
 - (1) A child placing agency; or
 - (2) The county welfare board; or

(3) A reputable individual of good moral character. No person may receive custody of two or more unrelated children unless he is licensed as a residential facility pursuant to sections 245.781 to 245.813; or

(4) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

(5) A county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(d) Except for children found to be delinquent as defined in section 260.015, subdivision 5, clauses (c) and (d), transfer legal custody by commitment to the commissioner of corrections;

(e) If the child is found to have violated a state or local law or ordinance which has resulted in damage to the property of another, the court may order the child to make reasonable restitution for such damage;

(f) *Require the child to pay a fine of up to \$500; the court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;*

((F)) (g) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided (.);

((G)) (h) If the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be cancelled until his eighteenth birthday, the court may recommend to the commissioner of transportation the cancellation of the child's license for any period up to the child's eighteenth birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of transportation that the child be authorized to apply for a new license, and the commissioner may so authorize.

Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case.

This subdivision applies to dispositions of juveniles found to be delinquent as defined in section 260.015, subdivision 5, clause (c) or (d) made prior to, on, or after January 1, 1978.

Sec. 18. Minnesota Statutes 1978, Section 260.193, is amended to read:

260.193 [JUVENILE TRAFFIC OFFENDER; PROCEDURES; DISPOSITIONS.] Subdivision 1. (a) *For purposes of this section, the following terms have the meanings given them.*

(b) *"Major traffic offense" includes any violation of a state or local traffic law, ordinance, or regulation, or a federal, state, or local water traffic law not included within the provisions of clause (c).*

(c) *"Minor traffic offense" means a violation of a state or local traffic law, ordinance, or regulation, or a federal, state, or local water traffic law constituting an offense punishable only by fine of not more than \$100.*

Subd. 2. A child who (VIOLATES A STATE OR LOCAL TRAFFIC LAW, ORDINANCE, OR REGULATION, OR WHO VIOLATES A FEDERAL, STATE, OR LOCAL WATER TRAFFIC LAW) commits a major traffic offense shall be adjudicated a "juvenile highway traffic offender" or a "juvenile water traffic offender," as the case may be, and shall not be adjudicated delinquent, unless, as in the case of any other child alleged to be delinquent, a petition is filed in the manner provided in section 260.131, summons issued, notice given, a hearing held, and the court finds as a further fact that the child is also delinquent within the meaning and purpose of the laws relating to juvenile courts.

Subd. 3. *Except as provided in subdivision 4, a child who commits a minor traffic offense and at the time of the offense was at least 16 years old shall be subject to the laws and court procedures controlling adult traffic violators and shall not be under the jurisdiction of the juvenile court. When a child is alleged to have committed a minor traffic offense and is at least 16 years old at the time of the offense, the peace officer making the charge shall follow the arrest procedures prescribed in section 169.91 and shall make reasonable effort to notify the child's parent or guardian of the nature of the charge.*

Subd. 4. *The juvenile court shall have original jurisdiction if the child is alleged to have committed both major and minor traffic offenses in the same behavioral incident.*

Subd. (2) 5. When a child is alleged to have (VIOLATED ANY STATE OR LOCAL TRAFFIC LAW, ORDINANCE, OR REGULATION) *committed a major traffic offense*, the peace officer making the charge shall file a signed copy of the notice to appear, as provided in section 169.91, with the juvenile court of the county in which the violation occurred, and the notice to appear has the effect of a petition and gives the juvenile court jurisdiction. Filing with the court (OF) a notice to appear containing the name and address of the child allegedly (VIOLATING A FEDERAL, STATE, OR LOCAL WATER TRAFFIC LAW) *committing a major traffic offense* and specifying the offense charged, the time and place of the alleged violation shall have the effect of a petition and give the juvenile court jurisdiction. Any reputable person having knowledge of a child who (VIOLATES A STATE OR LOCAL TRAFFIC LAW, ORDINANCE, OR REGULATION OR A FEDERAL, STATE, OR LOCAL WATER TRAFFIC LAW, ORDINANCE, OR REGULATION) *commits a major traffic offense* may petition the juvenile court in the manner provided in section 260.131. Whenever a notice to appear or petition is filed alleging that a child is a juvenile highway traffic offender or a juvenile water traffic offender, the court shall summon and notify the persons required to be summoned or notified as provided in sections 260.135 and 260.141. However, it is not necessary to (1) notify more than one parent, or (2) publish any notice, or (3) personally serve outside the state.

Subd. (3) 6. Before making a disposition of any child found to be a juvenile (HIGHWAY) *major traffic offender*, the court shall obtain from the department of transportation information of any previous traffic violation by this juvenile. In the case of a juvenile water traffic offender, he shall obtain from the office where (SUCH) *the* information is now or hereafter may be kept information of any previous water traffic violation by (SUCH) *the* juvenile.

Subd. (4) 7. If after a hearing the court finds that the welfare of a juvenile (HIGHWAY) *major traffic offender* or a juvenile water traffic offender or the public safety would be better served under the laws controlling adult traffic violators, the court may transfer the case to any court of competent jurisdiction presided over by a salaried judge if there is one in the county. The juvenile court transfers the case by forwarding to the appropriate court the documents in the court's file together with an order to transfer. The court to which the case is transferred shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

Subd. (5) 8. If the juvenile court finds that the child is a juvenile *major* highway or water traffic offender, it may make any one or more of the following dispositions of the case:

(a) Reprimand the child and counsel with the child and his parents;

(b) Continue the case for a reasonable period under such conditions governing the child's use and operation of any motor vehicles or boat as the court may set;

(c) Require the child to attend a driver improvement school if one is available within the county;

(d) Recommend to the department of public safety suspension of the child's driver's license as provided in section 171.16;

(e) If the child is found to have committed two moving highway traffic violations or to have contributed to a highway accident involving death, injury, or physical damage in excess of \$100, the court may recommend to the commissioner of public safety or to the licensing authority of another state the cancellation of the child's license until he reaches the age of 18 years, and the commissioner of public safety is hereby authorized to cancel the license without hearing. At any time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety, or to the licensing authority of another state, that the child's license be returned to him, and the commissioner of public safety is authorized to return the license;

(f) Place the child under the supervision of a probation officer in his own home under conditions prescribed by the court including reasonable rules relating to his operation and use of motor vehicles or boats directed to the correction of his driving habits;

(g) Require the child to pay a fine of up to \$500. The court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child.

Subd. (6) 9. The juvenile court shall report the disposition of all juvenile highway traffic cases to the commissioner of public safety, as provided in section 171.16, on the standard form provided by the department of public safety under section 169.95.

Subd. (7) 10. The juvenile court records of juvenile highway traffic offenders and juvenile water traffic offenders shall be kept separate from delinquency matters.

Sec. 19. Minnesota Statutes 1978, Section 260.211, Subdivision 1, is amended to read:

260.211. [EFFECT OF JUVENILE COURT PROCEEDINGS.] Subdivision 1. No adjudication upon the status of

any child in the jurisdiction of the juvenile court shall operate to impose any of the civil disabilities imposed by conviction, nor shall any child be deemed a criminal by reason of this adjudication, nor shall this adjudication be deemed a conviction of crime. The disposition of the child or any evidence given by the child in the juvenile court shall not be admissible as evidence against him in any case or proceeding in any other court, *except that an adjudication may later be used to determine a proper sentence*, nor shall the disposition or evidence disqualify him in any future civil service examination, appointment, or application.

Sec. 20. Minnesota Statutes 1978, Chapter 480, is amended by adding a section to read:

[480.0595] [JUVENILE COURT RULES.] *The supreme court shall promulgate rules to regulate the pleadings, practice, procedure and the forms thereof in juvenile proceedings in all juvenile courts of the state in accordance with the provisions of section 480.059, except with respect to the composition of the advisory committee. The rules shall be published and distributed to the judiciary and attorneys of the state on or before September 1, 1981.*

Sec. 21. Minnesota Statutes 1978, Section 484.70, is amended by adding a subdivision to read:

Subd. 5. No referee sitting in juvenile court in the second and fourth judicial districts may hear any motion involving a contested case or preside at any hearing or final trial involving a contested case if either party or his attorney objects in writing to the assignment of a referee to hear the matter. The court shall, by rule, specify the time within which the objections must be filed. If written objections are not filed consistent with the court's rules, the parties and their attorneys are deemed to have conferred full judicial powers to the referee.

Sec. 22. Minnesota Statutes 1978, Section 540.18, Subdivision 1, is amended to read:

540.18 [DAMAGE BY MINOR; RESPONSIBILITY OF PARENT, GUARDIAN, AND MINOR.] Subdivision 1. The parent or guardian of the person of a minor who is under the age of 18 and who is living with the parent or guardian and who willfully or maliciously causes injury to any person or damage to any property is jointly and severally liable with such minor for such injury or damage to an amount not exceeding (\$100) \$500, if such minor would have been liable for such injury or damage if he had been an adult. Nothing in this subdivision shall be construed to relieve such minor from personal liability for such injury or damage. The liability provided in this subdivision is in addition to and not in lieu of any other liability which may exist at law. Recovery under this section shall be limited to special damages.

Sec. 23. [EFFECTIVE DATE.] *Section 21 is effective the day following final enactment and expires July 31, 1981. The remainder of the sections are effective August 1, 1980 and apply to offenses committed on or after that date except with respect to the history of offenses provided for in section 7."*

Delete the title and insert:

"A bill for an act relating to juveniles and corrections; modifying dispositions available to juvenile court judges; increasing civil liability of parents for intentional acts of their children; modifying statutory provisions relating to records of adjudications of delinquency; making the rules of evidence applicable in certain juvenile proceedings; modifying procedures in juvenile court; providing for informed consent by juveniles to waiver of rights; providing for the promulgation of statewide juvenile court rules; modifying the jurisdiction of the juvenile courts; modifying the provisions for reference of juveniles for adult prosecution; expanding the coverage of the provisions requiring preparation of a case plan for children placed in foster care; providing for maximum capacities for group homes; authorizing juvenile court referees in the second and fourth judicial districts to hear contested trials, hearings, or motions unless objection is made; amending Minnesota Statutes 1978, Sections 241.021, Subdivision 1; 257.071; 260.011, Subdivision 2; 260.111, Subdivision 1; 260.115, Subdivision 1; 260.121, Subdivision 3; 260.125; 260.135, Subdivisions 1, 2, and 5; 260.141, Subdivision 1; 260.155, Subdivisions 1, 2, 4 and by adding a subdivision; 260.161, Subdivision 1; 260.185, Subdivision 1; 260.193; 260.211, Subdivision 1; 484.70, by adding a subdivision; 540.18, Subdivision 1; and Chapter 480, by adding a section."

We request adoption of this report and repassage of the bill.

House Conferees: RANDY C. KELLY, ROBERT E. VANASEK, WILLIAM A. CRANDALL, STEVEN G. NOVAK and DAVID M. JENNINGS.

Senate Conferees: GERRY SIKORSKI, BILL MCCUTCHEON, WILLIAM P. LUTHER, JOHN B. KEEFE and JACK DAVIES.

Kelly moved that the report of the Conference Committee on H. F. No. 1896 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1896, A bill for an act relating to juveniles; establishing criteria for reference of certain juveniles for prosecution; requiring written findings and conclusions after reference hearings; providing monitoring by the crime control planning board; amending Minnesota Statutes 1978, Section 260.125, by adding subdivisions.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Aasness	Eken	Kaley	Niehaus	Sieben, M.
Adams	Elioff	Kalis	Norman	Simoneau
Ainley	Ellingson	Kelly	Novak	Stadum
Albrecht	Erickson	Kempe	Nysether	Stoa
Anderson, B.	Esau	Knickerbocker	Olsen	Stowell
Anderson, D.	Evans	Kostohryz	Onnen	Svigum
Anderson, G.	Ewald	Kroening	Osthoff	Swanson
Anderson, I.	Faricy	Kvam	Otis	Thiede
Anderson, R.	Fjoslien	Laidig	Patton	Tomlinson
Battaglia	Forsythe	Lehto	Pehler	Valan
Begich	Friedrich	Levi	Peterson, B.	Valento
Berglin	Fritz	Long	Peterson, D.	Vanasek
Berkelman	Fudro	Ludeman	Piepho	Voss
Biersdorf	Greenfield	Luknic	Pleasant	Waldorf
Blatz	Halberg	Mann	Prahl	Weaver
Brinkman	Haukoos	McCarron	Redalen	Welch
Byrne	Heap	McDonald	Reding	Welker
Carlson, D.	Heinitz	McEachern	Rees	Wenzel
Carlson, L.	Hoberg	Mehrkens	Rice	Wieser
Cassery	Hokanson	Metzen	Rodriguez	Wigley
Clark	Jacobs	Minne	Rose	Wynia
Clawson	Jaros	Moe	Rothenberg	Zubay
Corbid	Jennings	Munger	Sarna	Spkr. Norton
Crandall	Johnson, C.	Murphy	Schreiber	
Dempsey	Johnson, D.	Nelsen, B.	Searle	
Den Ouden	Jude	Nelsen, M.	Sherwood	
Drew	Kahn	Nelson	Sieben, H.	

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2187

A bill for an act relating to state lands; authorizing conveyance of certain parcels of land in the city of Brooklyn Center.

April 2, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 2187, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2187 be further amended as follows:

Page 1, line 9, delete "highways" and insert "transportation"

Page 3, after line 19, insert:

"Subd. 5. If the city of Brooklyn Center conveys any land described in subdivision 2 to any abutting property owner, the conveyance shall be without monetary consideration."

Page 3, delete section 2 and insert:

"Sec. 2. [DEFINITIONS.] Subdivision 1. For the purposes of this act the terms defined in this section have the meanings given them.

Subd. 2. Local Government Information Systems (LOGIS) is that organization of government units organized pursuant to an agreement effective on May 25, 1972, entered into under the provisions of Minnesota Statutes, Section 471.59, for the purpose of providing data processing services to its members.

Subd. 3. "Member" means a government unit which is a party to the agreement specified in subdivision 2. The term does not include "associate members" as that term is defined in article XI of the agreement.

Subd. 4. LOGIS is a municipality within the meaning of Minnesota Statutes, Section 475.51, Subdivision 2. The governing body of LOGIS is its board of directors.

Subd. 5. "Data processing equipment" means computer equipment, related hardware and software, and other items of capital equipment necessary for the efficient and economical provision of data processing services by LOGIS to its members.

Sec. 3. [BONDS; PURPOSES.] LOGIS may issue and sell its bonds or other obligations in the manner prescribed by Minnesota Statutes, Chapter 475 and this act for the acquisition and betterment of data processing equipment.

Sec. 4. [BONDS; TYPES.] Subdivision 1. [GENERAL OBLIGATIONS; REFERENDUM.] LOGIS may by resolution adopted by a unanimous vote of its board of directors and approved by the governing body of each member issue and sell its general obligation bonds for the acquisition and betterment of data processing equipment pursuant to this subdivision. If the principal amount of bonds to be issued exceeds one percent of the assessed valuation of all taxable property in the member having the smallest population, the bonds may not be issued until ten days have elapsed after the publication in a newspaper of general circulation in all members of the resolution authorizing their issuance; and if before that time, a petition asking for an election on the proposition signed by voters of any member equal to ten percent of the number of voters at the last regular municipal election in the member is filed with the clerk

of the member, the bonds may not be issued unless the proposition for their issuance has been approved by a majority of the voters of the member at a regular or special election. Before issuing bonds under this subdivision the board of directors shall certify to each member and to the county auditor or auditors the taxes required to be levied for the payment of the bonds by Minnesota Statutes, Section 475.61. The county auditor shall apportion the proportionate share of each member in the taxes to each member based upon the ratio of the assessed valuation of property in the member to the assessed valuation of all members.

Subd. 2. [GENERAL OBLIGATION REVENUE BONDS.] LOGIS may also by resolution adopted by unanimous vote of its board of directors and approved by the governing body of each member issue and sell its general obligation bonds for the acquisition and betterment of data processing equipment pursuant to this subdivision. The resolution authorizing the issuance of the bonds shall contain a covenant or agreement that the board of directors will establish, maintain, revise when necessary and collect rates and charges from members and others to whom services are provided in the amounts and at the times required to produce net revenues sufficient to pay when due the principal of and interest on the bonds and the board of directors shall covenant and pledge the net revenues to the payment of principal and interest. The required covenants shall be enforceable by appropriate actions by any bondholder or taxpayer of any member in a court of competent jurisdiction. Bonds issued pursuant to this subdivision are deemed payable wholly from the income of a revenue producing convenience within the meaning of Minnesota Statutes, Sections 475.51 and 475.58. In the event a tax levy is made for the payment of principal and interest on bonds issued pursuant to this subdivision the tax shall be levied and apportioned in the manner prescribed by subdivision 1.

Subd. 3. [BONDS; OTHER.] LOGIS may also issue and sell any other obligation authorized by Minnesota Statutes, Chapter 475 for the acquisition and betterment of data processing equipment in the manner prescribed by Minnesota Statutes, Chapter 475.

Sec. 5. [MEMBERS; LEASES; FINANCING.] A member of LOGIS may acquire data processing equipment and may lease the equipment to LOGIS, and LOGIS is authorized to enter into the equipment lease. The rental payments under the lease may be pledged by the member to the payment of principal and interest on obligations issued by the member for the acquisition of the equipment. The governing body of the member issuing obligations under this section may make the pledges and covenants specified in section 4, subdivision 2, and when the covenants and pledges are made the obligations are deemed payable wholly from the income of a revenue producing convenience

within the meaning of Minnesota Statutes, Sections 475.51 and 475.58.

Sec. 6. [REVENUE PRODUCING CONVENIENCE.] Data processing equipment acquired by LOGIS or a member is a revenue producing convenience within the meaning of Minnesota Statutes, Chapter 475.

Sec. 7. [OBLIGATIONS; DEBT LIMITS.] Obligations issued pursuant to this act shall not be included in the computation of net debt of LOGIS or of any member.

Sec. 8. [INSTALLMENT PURCHASES.] LOGIS may acquire data processing equipment in the same manner and subject to the same limitations as a city under Minnesota Statutes, Section 465.71.

Sec. 9. [REFINANCING.] LOGIS or a member may issue and sell obligations authorized by this act to refund the outstanding obligations of the city of Brooklyn Center dated September 1, 1979. Obligations issued pursuant to this section shall be issued in accordance with the provisions of Minnesota Statutes, Section 475.67.

Sec. 10. The city of Brooklyn Center may fix sewer charges on any equitable basis including the age or income of the recipient of the service.

Sec. 11. [EFFECTIVE DATE.] Section 1 is effective the day following final enactment. Sections 2 to 8 are effective upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3 by the board of directors of LOGIS. Section 9 is effective upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3 by the board of directors of LOGIS and the city council of the city of Brooklyn Center. Section 10 is effective upon compliance with Minnesota Statutes, Section 645.021, Subdivision 3 by the city council of the city of Brooklyn Center."

Amend the title as follows:

Page 1, line 2, delete "state lands" and insert "local government"

Page 1, line 4, before the period, insert "; permitting the acquisition and financing of data processing equipment by Local Government Information Systems and its members; providing for sewer charges by the city of Brooklyn Center on an equitable basis"

We request adoption of this report and repassage of the bill.

House Conferees: ROBERT L. ELLINGSON, LYNDON R. CARLSON and ELLIOT C. ROTHENBERG.

Senate Conferees: WILLIAM P. LUTHER, IRVING M. STERN and JOHN B. KEEFE.

Ellingson moved that the report of the Conference Committee on H. F. No. 2187 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2187, A bill for an act relating to state lands; authorizing conveyance of certain parcels of land in the city of Brooklyn Center.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 97 yeas and 30 nays as follows:

Those who voted in the affirmative were:

Aasness	Ellingson	Kroening	Olsen	Simoneau
Adams	Evans	Kvam	Onnen	Stadum
Anderson, B.	Ewald	Laidig	Otis	Stoa
Anderson, D.	Fjoslien	Luknic	Patton	Sviggum
Anderson, G.	Forsythe	Mann	Pehler	Swanson
Anderson, I.	Fudro	McCarron	Peterson, B.	Tomlinson
Battaglia	Greenfield	McDonald	Peterson, D.	Valan
Begich	Halberg	McEachern	Piepho	Vanasek
Berglin	Heap	Mehrkens	Prahl	Voss
Berkelman	Hoberg	Metzen	Rees	Waldorf
Blatz	Hokanson	Minne	Rice	Weaver
Brinkman	Jacobs	Moe	Rodriguez	Wenzel
Byrne	Jaros	Munger	Rose	Wieser
Carlson, L.	Johnson, C.	Murphy	Rothenberg	Wigley
Casserly	Johnson, D.	Nelsen, B.	Sarna	Wynia
Clark	Jude	Nelsen, M.	Schreiber	Zubay
Clawson	Kelly	Nelson	Searle	Spkr. Norton
Crandall	Kempe	Norman	Sherwood	
Eken	Knickerbocker	Novak	Sieben, H.	
Elioff	Kostohryz	Nysether	Sieben, M.	

Those who voted in the negative were:

Ainley	Dempsey	Fritz	Lehto	Reding
Albrecht	Den Ouden	Haukoos	Levi	Stowell
Anderson, R.	Drew	Heinitz	Ludeman	Thiede
Biersdorf	Erickson	Jennings	Niehaus	Valento
Carlson, D.	Esau	Kaley	Osthoff	Welch
Corbid	Faricy	Kalis	Redalen	Welker

The bill was repassed, as amended by Conference, and its title agreed to.

CONFERENCE COMMITTEE REPORT ON H. F. NO. 475

A bill for an act relating to hospitals; requiring adoption of federal medicare standards for hospital licensing; regulating hospital inspections; providing for licensing of hospitals accredited by the joint commission on hospital accreditation; amending Minnesota Statutes 1978, Sections 144.55; and 144.50, Subdivision 1.

April 3, 1980

The Honorable Fred C. Norton
Speaker of the House of Representatives

The Honorable Edward J. Gearty
President of the Senate

We, the undersigned conferees for H. F. No. 475, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 475 be further amended as follows:

Page 1, line 24, delete the new language

Page 2, delete lines 1 to 5

Page 2, line 12, after "as" delete "the"

Page 2, line 12, delete "certification" and insert "*hospital certification regulations promulgated pursuant to Title XVIII of the Social Security Act, 42 U.S.C., Section 1395, et seq., in effect on the effective date of this section.*"

Page 2, delete lines 13 to 15

Page 2, line 16, delete "construction."

Page 2, line 17, after "Federal" insert "*Hospital Certification*"

Page 2, line 17, after "Regulations" insert "*promulgated*"

Page 2, line 18, delete "*September 1978*" and insert "*the effective date of this section*"

Page 2, line 19, delete "for" and insert "*to protect the*"

Page 2, line 19, after the period, insert "*Further, the commissioner shall promulgate in rule additional minimum standards for new construction.*"

Page 2, line 31, after "or" insert "accreditation"

Page 3, line 12, after the period, insert "*The commissioner shall also conduct any inspection necessary to determine whether hospital construction, addition or remodeling projects comply with standards for construction promulgated in rule pursuant to subdivision 3.*"

Page 3, line 13, delete "annually" and insert ", pursuant to section 144.653,"

Page 3, line 20, after "conducting" delete "a" and after "of" delete "a"

Page 3, line 20, delete "inspection" and insert "inspections"

Page 3, line 20, delete "hospital" and insert "hospitals"

Page 3, line 28, delete "shall" and insert "may"

Page 4, line 29, delete everything after the period and insert "*At each such hearing, the commissioner shall have the burden of establishing that a violation described in subdivision 6 has occurred.*"

Page 4, delete lines 30 to 33

Page 5, delete lines 1 and 2

Page 5, line 17, delete "stated" and insert "described"

Page 5, line 18, delete "2" and insert "3"

Page 5, line 18, delete "rules" and insert "minimum quality standards"

We request adoption of this report and repassage of the bill.

House Conferees: THOMAS R. BERKELMAN, JAMES C. SWANSON, ROBERT W. REIF, MARLIN B. NELSEN and O. J. HEINITZ.

Senate Conferees: TOM A. NELSON, GEORGE F. PERPICH and EMILY ANNE STAPLES.

Wenzel; Jude; Laidig; Osthoff; Nelsen, B.; and Rees moved to reject the Conference Committee report on H. F. 475 and instruct the Conferees to reinstate section 7, the provision allowing Health Maintenance Organizations the option of excluding abortions.

A roll call was requested and properly seconded.

The question was taken on the motion to reject the conference committee report on H. F. No. 475 and the roll was called. There were 106 yeas and 24 nays as follows:

Those who voted in the affirmative were:

Aasness	Elioff	Jude	Niehaus	Simoneau
Adams	Ellingson	Kalis	Norman	Stadum
Ainley	Erickson	Kelly	Novak	Stowell
Anderson, B.	Esau	Kempe	Nysether	Sviggum
Anderson, D.	Evans	Knickerbocker	Olsen	Swanson
Anderson, G.	Ewald	Kostohryz	Onnen	Thiede
Anderson, I.	Faricy	Kroening	Osthoff	Valan
Anderson, R.	Fjoslien	Kvam	Pehler	Valento
Battaglia	Forsythe	Laidig	Peterson, B.	Vanasek
Begich	Friedrich	Levi	Piepho	Voss
Biersdorf	Fritz	Ludeman	Prahl	Waldorf
Blatz	Fudro	Luknic	Redalen	Weaver
Brinkman	Halberg	Mann	Rees	Welch
Byrne	Haukoos	McCarron	Rice	Welker
Carlson, D.	Heap	McDonald	Rodriguez	Wenzel
Clawson	Heinitz	McEachern	Rose	Wieser
Corbid	Hoberg	Mehrkens	Rothenberg	Wigley
Crandall	Hokanson	Metzen	Sarna	Zubay
Dempsey	Jacobs	Minne	Schreiber	
Den Ouden	Jennings	Murphy	Sherwood	
Drew	Johnson, C.	Nelsen, B.	Sieben, H.	
Eken	Johnson, D.	Nelsen, M.	Sieben, M.	

Those who voted in the negative were:

Albrecht	Clark	Lehto	Otis	Stoa
Berglin	Greenfield	Long	Peterson, D.	Tomlinson
Berkelman	Jaros	Moe	Pleasant	Wynia
Carlson, L.	Kahn	Munger	Reding	Spkr. Norton
Casserly	Kaley	Nelson	Searle	

The motion prevailed.

PROGRESS REPORTS ON CONFERENCE COMMITTEES

Progress by the Conference Committee was reported to the House on the following bills: H. F. Nos. 1095, 1453 and S. F. Nos. 74, 507 and 572.

SPECIAL ORDERS

Sieben, H., moved that the bills on Special Orders for today be continued one day. The motion prevailed.

GENERAL ORDERS

Sieben, H., moved that the bills on General Orders for today be continued one day. The motion prevailed.

ADJOURNMENT

Sieben, H., moved that when the House adjourns today it adjourn until 11:00 a.m., Tuesday, April 8, 1980. The motion prevailed.

Sieben, H., moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:00 a.m., Tuesday, April 8, 1980.

EDWARD A. BURDICK, Chief Clerk, House of Representatives

