

STATE OF MINNESOTA

SEVENTY-FIFTH SESSION—1988

SIXTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 10, 1988

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

Prayer was offered by Wendell Frerichs, Professor at Luther Northwestern Theological Seminary, St. Paul, Minnesota.

The roll was called and the following members were present:

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

A quorum was present.

Solberg was excused until 3:50 p.m.

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 H. F. Nos. 1732, 1864, 1904, 2106, 2115, 2388, 2402, 2463, 2509, 2524, 2529, 2022, 2038, 2435, 2441, 2449, 987, 1731, 1767, 1822, 1831, 2041, 2049, 2091, 2112, 2155, 2254, 2373, 2469, 2253, 2243, 577, 1779 and 2358 and S. F. No. 1772 have been placed in the members' files.

S. F. No. 1772 and H. F. No. 1863, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Johnson, A., moved that S. F. No. 1772 be substituted for H. F. No. 1863 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1251, A bill for an act relating to juveniles; eliminating statutory references to "dependency" and "neglect" and substituting the term "child in need of protection or services"; eliminating juvenile court jurisdiction over children who are "habitually disobedient"; transferring alleged truants and runaways to the court's protective services jurisdiction; transferring certain young alleged delinquents to the court's protective services jurisdiction; limiting the duration of the court's continuing jurisdiction over truants; permitting the juvenile court to declare mature minors completely or partially emancipated; limiting the juvenile court's contempt authority over nondelinquents; amending Minnesota Statutes 1986, sections 242.19, subdivision 2; 260.011, subdivision 2; 260.015, subdivision 21, and by adding a subdivision; 260.103, subdivision 1; 260.111; 260.121, subdivisions 1 and 2; 260.131, subdivision 1; 260.132, subdivisions 1 and 3; 260.133, subdivision 2; 260.135, subdivisions 1 and 3; 260.155, subdivisions 1, 4, and 4a; 260.156; 260.171, subdivision 4; 260.173, subdivision 3; 260.181, subdivision 4; 260.191, subdivisions 1 and 4; 260.194; 260.221; 260.235; 260.255; 260.291, subdivisions 1 and 4; 260.301; 260.315; 260.35; 260.36; and 484.73, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 260; repealing Minnesota Statutes 1986, section 260.015, subdivisions 6 and 10.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1986, section 242.19, subdivision 2, is amended to read:

Subd. 2. [DISPOSITIONS.] When a child has been committed to the commissioner of corrections by a juvenile court, upon a finding of delinquency, the commissioner may for the purposes of treatment and rehabilitation:

(a) order the child's confinement to the Minnesota correctional facility-Red Wing or the Minnesota correctional facility-Sauk Centre, which shall accept the child, or to a group foster home under the control of the commissioner of corrections, or to private facilities or facilities established by law or incorporated under the laws of this state that may care for delinquent children;

(b) order the child's release on parole under such supervisions and conditions as the commissioner believes conducive to law-abiding conduct, treatment and rehabilitation;

(c) order reconfinement or renewed parole as often as the commissioner believes to be desirable;

(d) revoke or modify any order, except an order of discharge, as often as the commissioner believes to be desirable;

(e) discharge the child when the commissioner is satisfied that the child has been rehabilitated and that such discharge is consistent with the protection of the public;

(f) if the commissioner finds that the child is eligible for probation or parole and it appears from the commissioner's investigation that conditions in the child's or the guardian's home are not conducive to the child's treatment, rehabilitation, or law-abiding conduct, refer the child, together with the commissioner's findings, to a county welfare board or a licensed child placing agency for placement in a foster care or, when appropriate, for initiation of dependency or neglect child in need of protection or services proceedings as provided in sections 260.011 to 260.301. The commissioner of corrections shall reimburse county welfare boards for foster care costs they incur for the child while on probation or parole to the extent that funds for this purpose are made available to the commissioner by the legislature. The juvenile court shall order the parents of a child on probation or parole to pay the costs of foster care under section 260.251, subdivision 1, according to their ability to pay, and to the extent that the commissioner of corrections has not reimbursed the county welfare board.

Sec. 2. Minnesota Statutes 1986, 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 child alleged or adjudicated ~~neglected or dependent~~ in need of protection or services and under the jurisdiction of the court, the care and guidance, preferably in the child's own home, as will serve the spiritual, emotional, mental, and physical welfare of the child and the best interests of the state; to provide judicial procedures which protect the welfare of the child; to preserve and strengthen the child's family ties whenever possible, removing the child from the custody of parents only when the child's welfare or safety cannot be adequately safeguarded without removal; and, when removal from the child's own family is necessary, to secure for the child custody, care and discipline as nearly as possible equivalent to that which should have been given by the 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. 3. Minnesota Statutes 1986, section 260.015, is amended by adding a subdivision to read:

Subd. 2a. [CHILD IN NEED OF PROTECTION OR SERVICES.] "Child in need of protection or services" means a child who is in need of protection or services because the child:

- (1) is abandoned or without parent, guardian, or custodian;
- (2) has been a victim of physical or sexual abuse or resides with a victim of domestic child abuse as defined in subdivision 24;
- (3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;
- (4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;

(6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody;

(7) has been placed for adoption or care in violation of law;

(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;

(9) is one whose occupation, behavior, condition, environment, or associations are such as to be injurious or dangerous to the child or others;

(10) has committed a delinquent act before becoming ten years old;

(11) is a runaway; or

(12) is an habitual truant.

Sec. 4. Minnesota Statutes 1986, section 260.015, subdivision 21, is amended to read:

Subd. 21. [JUVENILE PETTY OFFENDER; JUVENILE PETTY OFFENSE.] A "juvenile petty offense" includes a juvenile alcohol offense, a juvenile controlled substance offense, a violation of section

609.685, or a violation of a local ordinance; ~~other than a juvenile alcohol or controlled substance offense~~, which by its terms prohibits conduct by a child under the age of 18 years which would be lawful conduct if committed by an adult or where a child is ~~uncontrolled by a parent, guardian, or other custodian by reason of being wayward or habitually disobedient~~. A child who commits a juvenile petty offense is a "juvenile petty offender."

Sec. 5. Minnesota Statutes 1986, section 260.015, subdivision 22, is amended to read:

Subd. 22. [JUVENILE ALCOHOL OFFENDER OFFENSE.] "Juvenile alcohol offender offense" means a child who violates violation by a child of any provision of section 340A.503 or an equivalent local ordinance.

Sec. 6. Minnesota Statutes 1986, section 260.015, subdivision 23, is amended to read:

Subd. 23. [JUVENILE CONTROLLED SUBSTANCE OFFENDER OFFENSE.] "Juvenile controlled substance offender offense" means a child who violates violation by a child of section 152.09, subdivision 1, clause (2) with respect to a small amount of marijuana or an equivalent local ordinance.

Sec. 7. Minnesota Statutes 1986, section 260.111, is amended to read:

260.111 [JURISDICTION.]

Subdivision 1. [CHILDREN WHO ARE DELINQUENT, NEGLECTED, DEPENDENT IN NEED OF PROTECTION OR SERVICES, OR NEGLECTED AND IN FOSTER CARE.] Except as provided in 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, a juvenile petty offender, a ~~habitual truant, a runaway, a juvenile alcohol or controlled substance offender~~, neglected in need of protection or services, or neglected and in foster care, or dependent, and in proceedings concerning any minor alleged to have been a delinquent, a juvenile petty offender, a ~~habitual truant, a runaway, or a juvenile alcohol or controlled substance offender~~ or a juvenile traffic offender prior to having become 18 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.

Subd. 2. [JURISDICTION OVER OTHER MATTERS RELATING TO CHILDREN.] Except as provided in clause (d), the juvenile court has original and exclusive jurisdiction in proceedings concerning:

(a) The termination of parental rights to a child in accordance with the provisions of sections 260.221 to 260.245.

(b) The appointment and removal of a juvenile court guardian of the person for a child, where parental rights have been terminated under the provisions of sections 260.221 to 260.245.

(c) Judicial consent to the marriage of a child when required by law.

(d) Adoptions. The juvenile court in those counties in which the judge of the probate-juvenile court has been admitted to the practice of law in this state shall proceed under the laws relating to adoptions in all adoption matters. In those counties in which the judge of the probate-juvenile court has not been admitted to the practice of law in this state the district court shall proceed under the laws relating to adoptions in all adoption matters.

(e) The review of the foster care status of a child who has been placed in a residential facility, as defined in section 257.071, subdivision 1, pursuant to a voluntary release by the child's parent or parents.

Subd. 3. [JURISDICTION OVER MATTERS RELATING TO DOMESTIC CHILD ABUSE.] The juvenile court has jurisdiction in proceedings concerning any alleged acts of domestic child abuse. In a jurisdiction which utilizes referees in dependency and neglect actions child in need of protection or services matters, the court or judge may refer actions under this subdivision to a referee to take and report the evidence in the action. If the respondent does not appear after service is duly made and proved, the court may hear and determine the proceeding as a default matter. Proceedings under this subdivision shall be given docket priority by the court.

Subd. 4. [JURISDICTION OVER PARENTS AND GUARDIANS.] A parent, guardian, or custodian of a child who is subject to the jurisdiction of the court is also subject to the jurisdiction of the court in any matter in which that parent, guardian, or custodian has a right to notice under section 260.135 or 260.141, or the right to participate under section 260.155. In any proceeding concerning a child alleged to be in need of protection or services, the court has jurisdiction over a parent, guardian, or custodian for the purposes of a disposition order issued under section 26.

Sec. 8. Minnesota Statutes 1986, section 260.121, subdivision 1, is amended to read:

Subdivision 1. [VENUE.] Except where otherwise provided, venue for any proceedings under section 260.111 shall be in the county where the child is found, or the county of the child's residence. When

it is alleged that a child is neglected in need of protection or services, venue may be in the county where the child is found, in the county of residence, or in the county where the alleged neglect conditions causing the child's need for protection or services occurred. If delinquency, habitual truancy, running away, a juvenile petty offense, a juvenile alcohol or controlled substance offense, or a juvenile traffic offense is alleged, proceedings shall be brought in the county of residence or the county where the alleged delinquency, habitual truancy, running away, juvenile petty offense, juvenile alcohol or controlled substance offense or juvenile traffic offense occurred.

Sec. 9. Minnesota Statutes 1986, section 260.121, subdivision 2, is amended to read:

Subd. 2. [TRANSFER.] The judge of the juvenile court may transfer any proceedings brought under section 260.111, except adoptions, to the juvenile court of a county having venue as provided in subdivision 1, at any stage of the proceedings and in the following manner. When it appears that the best interests of the child, society, or the convenience of proceedings will be served by a transfer, the court may transfer the case to the juvenile court of the county of the child's residence. With the consent of the receiving court, the court may also transfer the case to the juvenile court of the county where the child is found or, if delinquency, habitual truancy, running away, a juvenile petty offense, juvenile alcohol or controlled substance offense or a juvenile traffic offense is alleged, to the county where the alleged delinquency, habitual truancy, running away, juvenile petty offense, juvenile alcohol or controlled substance offense or juvenile traffic offense occurred. The court transfers the case by ordering a continuance and by forwarding to the court administrator of the appropriate juvenile court a certified copy of all papers filed, together with an order of transfer. The judge of the receiving court may accept the findings of the transferring court or may direct the filing of a new petition or notice under section 260.015, subdivision 23 or 260.132 and hear the case anew.

Sec. 10. Minnesota Statutes 1986, section 260.131, subdivision 1, is amended to read:

Subdivision 1. Any reputable person, including but not limited to any agent of the commissioner of human services, having knowledge of a child in this state or of a child who is a resident of this state, who appears to be delinquent, neglected, dependent in need of protection or services, or neglected and in foster care, may petition the juvenile court in the manner provided in this section.

Sec. 11. Minnesota Statutes 1986, section 260.132, subdivision 1, is amended to read:

Subdivision 1. [NOTICE.] When a peace officer, or attendance

officer in the case of a habitual truant, has probable cause to believe that a child is a runaway, a habitual truant in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12), or a juvenile petty offender, the officer may issue a notice to the child to appear in juvenile court in the county in which the child is found or in the county of the child's residence or, in the case of a juvenile petty offense, the county in which the offense was committed. The officer shall file a copy of the notice to appear with the juvenile court of the appropriate county. If a child fails to appear in response to the notice, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody, sections 260.165 and 260.171 shall apply.

Sec. 12. Minnesota Statutes 1986, section 260.132, subdivision 3, is amended to read:

Subd. 3. [NOTICE TO PARENT.] Whenever a notice to appear or petition is filed alleging that a child is a runaway, a habitual truant in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12), or a juvenile petty offender, the court shall summon and notify the person or persons having custody or control of the child of the nature of the offense alleged and the time and place of hearing. This summons and notice shall be served in the time and manner provided in section 260.135, subdivision 1.

Sec. 13. Minnesota Statutes 1986, section 260.133, subdivision 2, is amended to read:

Subd. 2. [TEMPORARY ORDER.] If it appears from the notarized petition or by sworn affidavit that there are reasonable grounds to believe the child is in immediate and present danger of domestic child abuse, the court may grant an ex parte temporary order for protection, pending a full hearing. The court may grant relief as it deems proper, including an order:

(1) restraining any party from committing acts of domestic child abuse; or

(2) excluding the alleged abusing party from the dwelling which the family or household members share or from the residence of the child.

However, no order excluding the alleged abusing party from the dwelling may be issued unless the court finds that:

(1) the order is in the best interests of the child or children remaining in the dwelling; and

(2) a remaining adult family or household member is able to care

adequately for the child or children in the absence of the excluded party.

Before the temporary order is issued, the local welfare agency shall advise the court and the other parties who are present that appropriate social services will be provided to the family or household members during the effective period of the order.

An ex parte temporary order for protection shall be effective for a fixed period not to exceed 14 days. Within five days of the issuance of the temporary order, the petitioner shall file a dependency and neglect petition with the court pursuant to section 260.131, alleging that the child is in need of protection or services and the court shall give docket priority to the petition.

The court may renew the temporary order for protection one time for a fixed period not to exceed 14 days if a dependency and neglect petition alleging that the child is in need of protection or services has been filed with the court and if the court determines, upon informal review of the case file, that the renewal is appropriate.

Sec. 14. Minnesota Statutes 1986, section 260.135, subdivision 1, is amended to read:

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 child to appear with the child before the court at a time and place stated. The summons shall 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. The court shall give docket priority to any dependency, neglect child in need of protection or services, neglected and in foster care, or delinquency petition that contains allegations of child abuse over any other case except those delinquency matters where a child is being held in a secure detention facility. As used in this subdivision, "child abuse" has the meaning given it in section 630.36, subdivision 2.

Sec. 15. Minnesota Statutes 1986, section 260.135, subdivision 3, is amended to read:

Subd. 3. If a petition alleging neglect, or dependency a child's need for protection or services, or a petition to terminate parental rights is initiated by a person other than a representative of the department of human services or county welfare board, the court administrator shall notify the county welfare board of the pendency of the case and of the time and place appointed.

Sec. 16. Minnesota Statutes 1987 Supplement, section 260.155, subdivision 1, is amended to read:

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, a ~~habitual truant, a runaway in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12), or a juvenile petty offender, or a juvenile alcohol or controlled substance offender,~~ 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 any 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; except that, the court shall open the hearings to the public in delinquency proceedings where the child is alleged to have committed an offense or has been proven to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the hearing offense. 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 court administrator in writing, at the named person's last known address, of (1) the date of the reference or adjudicatory hearings, and (2) the disposition of the case. Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Sec. 17. Minnesota Statutes 1986, 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 the minor's parent is a minor or incompetent, or that the parent or guardian is indifferent or hostile to the minor's interests, and in every proceeding alleging ~~neglect or dependency~~ a child's need for protection or services under section 260.015, subdivision 2a, clauses (1) to (10). 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 pursu-

ant 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), the court shall not appoint the party, or any agent or employee thereof, filing a petition pursuant to section 260.131.

Sec. 18. Minnesota Statutes 1986, section 260.155, subdivision 4a, is amended to read:

Subd. 4a. [EXAMINATION OF CHILD.] In any ~~dependency, neglect, child in need of protection or services proceeding~~ or neglected and in foster care proceeding the court may, on its own motion or the motion of any party, take the testimony of a child witness informally when it is in the child's best interests to do so. Informal procedures that may be used by the court include taking the testimony of a child witness outside the courtroom. The court may also require counsel for any party to the proceeding to submit questions to the court before the child's testimony is taken, and to submit additional questions to the court for the witness after questioning has been completed. The court may excuse the presence of the child's parent, guardian, or custodian from the room where the child is questioned in accordance with subdivision 5.

Sec. 19. Minnesota Statutes 1987 Supplement, section 260.156, is amended to read:

260.156 [CERTAIN OUT-OF-COURT STATEMENTS ADMISSIBLE.]

An out-of-court statement made by a child under the age of ten years, or a child ten years of age or older who is mentally impaired, as defined under section 609.341, subdivision 6, alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or any act of physical abuse or neglect of the child by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence in any ~~dependency, neglect child in need of protection or services, neglected and in foster care, or domestic child abuse proceeding or any proceeding for termination of parental rights~~ if:

(a) the court finds that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and

(b) the proponent of the statement notifies other parties of an intent to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which the proponent intends to offer the statement into evidence, to provide the parties with a fair opportunity to meet the statement.

For purposes of this section, an out-of-court statement includes a video, audio, or other recorded statement.

Sec. 20. Minnesota Statutes 1986, section 260.171, subdivision 1, is amended to read:

Subdivision 1. If a child is taken into custody as provided in section 260.165, the parent, guardian, or custodian of the child shall be notified as soon as possible. Unless there is reason to believe that the child would endanger self or others, not return for a court hearing, run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian, custodian, or other suitable person. That person shall promise to bring the child to the court, if necessary, at the time the court may direct. If the person taking the child into custody believes it desirable, that person may request the parent, guardian, custodian, or other person designated by the court to sign a written promise to bring the child to court as provided above. The intentional violation of such a promise, whether given orally or in writing, shall be punishable as contempt of court.

The court may require the parent, guardian, custodian or other person to whom the child is released, to post any reasonable bail or bond required by the court which shall be forfeited to the court if the child does not appear as directed. The court may also release the child on the child's own promise to appear in juvenile court.

Sec. 21. Minnesota Statutes 1986, section 260.171, subdivision 4, is amended to read:

Subd. 4. If the person who has taken the child into custody determines that the child should be placed in a secure detention facility or a shelter care facility, that person shall advise the child and as soon as is possible, the child's parent, guardian, or custodian:

(a) of the reasons why the child has been taken into custody and why the child is being placed in a secure detention facility or a shelter care facility; and

(b) of the location of the secure detention facility or shelter care facility. If there is reason to believe that disclosure of the location of the shelter care facility would place the child's health and welfare in immediate endangerment, disclosure of the location of the shelter care facility shall not be made; and

(c) that the child's parent, guardian, or custodian and attorney or guardian ad litem may make an initial visit to the secure detention facility or shelter care facility at any time. Subsequent visits by a

parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney or guardian ad litem at reasonable hours; and

(d) that the child may telephone parents and an attorney or guardian ad litem from the secure detention facility or shelter care facility immediately after being admitted to the facility and thereafter on a reasonable basis to be determined by the director of the facility; and

(e) that the child may not be detained for acts as defined in section 260.015, subdivision 5 at a secure detention facility or shelter care facility longer than 36 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and

(f) that the child may not be detained pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), at a shelter care facility longer than 72 hours, excluding Saturdays, Sundays and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and

(g) of the date, time, and place of the detention hearing; and

(h) that the child and the child's parent, guardian, or custodian have the right to be present and to be represented by counsel at the detention hearing, and that if they cannot afford counsel, counsel will be appointed at public expense for the child, if it is a delinquency matter, or for any party, if it is a dependency, neglect child in need of protection or services, neglected and in foster care, or termination of parental rights matter.

Sec. 22. Minnesota Statutes 1986, section 260.172, subdivision 1, is amended to read:

Subdivision 1. Except a child taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), a hearing shall be held within 36 hours of a child's being taken into custody, excluding Saturdays, Sundays and holidays, to determine whether the child should continue in detention. Within 72 hours of a child being taken into custody pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), excluding Saturdays, Sundays and holidays, a hearing shall be held to determine whether the child should continue in custody. Unless there is reason to believe that the child would endanger self or others, not return for a court hearing, run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released, or that the child's health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian, custodian or other suitable person.

Sec. 23. Minnesota Statutes 1986, section 260.173, subdivision 3, is amended to read:

Subd. 3. [PLACEMENT.] If the child had been taken into custody and detained as one who is alleged to be delinquent, a ~~habitual truant, a runaway~~ in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12), or a juvenile petty offender, or a juvenile alcohol or controlled substance offender by reason of:

(a) Having committed an offense which would not constitute a violation of a state law or local ordinance if the child were an adult; or

(b) Having been previously adjudicated delinquent, ~~habitually truant, a runaway~~ in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12), or a juvenile petty offender, or a juvenile alcohol or controlled substance offender, or conditionally released by the juvenile court without adjudication, has violated probation, parole, or other field supervision under which the child had been placed as a result of behavior described in this subdivision; the child may be placed only in a shelter care facility.

Sec. 24. Minnesota Statutes 1986, section 260.181, subdivision 4, is amended to read:

Subd. 4. [TERMINATION OF JURISDICTION.] The court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on the motion or petition of any interested party at any time. Unless terminated by the court, and except as otherwise provided in this subdivision, the jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so. Court jurisdiction under section 260.015, subdivision 2a, clause (12), may not continue past the child's 17th birthday.

Sec. 25. Minnesota Statutes 1986, section 260.191, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITIONS.] (a) If the court finds that the child is ~~neglected, dependent,~~ in need of protection or services or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(a) (1) place the child under the protective supervision of the county welfare board or child placing agency in the child's own home under conditions prescribed by the court directed to the correction of the ~~neglect or dependency of the child~~ child's need for protection or services;

(b) (2) transfer legal custody to one of the following:

(1) (i) a child placing agency; or

(2) (ii) the county welfare board.

In placing a child whose custody has been transferred under this paragraph, the agency and board shall follow the order of preference stated in section 260.181, subdivision 3;

(c) (3) if the child is in need of special treatment and care for reasons of 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. If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests; or

(4) if the child's parent, guardian, or custodian resides in Hennepin county and if the court believes that the child has sufficient maturity and judgment and that it is in the best interests of the child, the court may order a child 16 years old or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate.

(b) If the child was adjudicated in need of protection or services because the child is a runaway or habitual truant, the court may order any of the following dispositions in addition to or as alternatives to the dispositions authorized under paragraph (a):

(1) counsel the child or the child's parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the 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, place the child in a group foster care facility which is under the commissioner's management and supervision;

(3) subject to the court's supervision, transfer legal custody of the child to one of the following:

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

(ii) 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;

(4) require the child to pay a fine of up to \$100. The court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;

(5) require the child to participate in a community service project;

(6) order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;

(7) if the court believes that it is in the best interests of the child and of public safety that the child's driver's license be canceled, the court may recommend to the commissioner of public safety that the child's license be canceled for any period up to the child's 18th birthday. The commissioner is authorized to cancel the license without a hearing. At any time before the expiration of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize; or

(8) require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court.

Sec. 26. Minnesota Statutes 1986, section 260.191, is amended by adding a subdivision to read:

Subd. 1e. [CASE PLAN.] For each disposition ordered, the court shall order the appropriate agency to prepare a written case plan developed after consultation with and participation by the child and the child's parent, guardian, or custodian. The case plan shall comply with the requirements of section 257.071, where applicable. The case plan shall, among other matters, specify the actions to be taken by the child and the child's parent, guardian, or custodian to comply with the court's disposition order, and the services to be offered and provided by the agency to the child and the child's parent, guardian, or custodian. The court shall review the case plan and, upon approving it, incorporate the plan into its disposition order. The court may review and modify the terms of the case plan in the manner provided in subdivision 2.

All case plans approved by the court shall contain a notice to the child, the child's parent, guardian, or custodian and the agency that the case plan is a court order. A child, parent, guardian, custodian, or agency subject to the court's jurisdiction who willfully fails to comply with the order when reasonably able to do so is in contempt

of court under section 260.301 if the person or agency participated in the development of the case plan, received a copy of the plan, and was notified that the plan is a court order.

Sec. 27. Minnesota Statutes 1986, section 260.191, subdivision 4, is amended to read:

Subd. 4. When it is in the best interests of the child or the child's parents to do so and when either the allegations contained in the petition have been admitted, or when a hearing has been held as provided in section 260.155 and the allegations contained in the petition have been duly proven, before a finding of neglect or dependency need for protection or services or a finding that a child is neglected and in foster care has been entered the court may continue the case for a period not to exceed 90 days on any one order. Such a continuance may be extended for one additional successive period not to exceed 90 days and only after the court has reviewed the case and entered its order for an additional continuance without a finding that the child is neglected, dependent, in need of protection or services or neglected and in foster care. During this continuance the court may enter any order otherwise permitted under the provisions of this section.

Sec. 28. Minnesota Statutes 1986, section 260.195, is amended to read:

260.195 [JUVENILE ALCOHOL OR CONTROLLED SUBSTANCE OFFENDER PETTY OFFENDERS; PROCEDURES; DISPOSITIONS.]

Subdivision 1. [ADJUDICATION.] A petty offender who has committed a juvenile alcohol or controlled substance offender offense shall be adjudicated a "juvenile alcohol petty offender or juvenile controlled substance offender," 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 related to juvenile courts.

Subd. 2. [PROCEDURE.] When a peace officer has probable cause to believe that a child is a juvenile alcohol or controlled substance petty offender, the officer may issue a notice to the child to appear in juvenile court in the county in which the alleged violation occurred. The officer shall file a copy of the notice to appear with the juvenile court of the county in which the alleged violation occurred. Filing with the court a notice to appear containing the name and address of the child who is alleged to be a juvenile alcohol or controlled substance petty offender, specifying the offense charged, and the time and place of the alleged violation has the effect of a petition giving the juvenile court jurisdiction. Any reputable person having

knowledge that a child is a ~~juvenile alcohol or controlled substance~~ petty offender 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 alcohol or controlled substance~~ petty offender, the court shall summon and notify the person or persons having custody or control of the child of the nature of the offense charged and the time and place of hearing. This summons and notice shall be served in the time and manner provided in section 260.135, subdivision 1. If a child fails to appear in response to the notice provided by this subdivision, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody, sections 260.165 and 260.171 shall apply.

Subd. 3. [DISPOSITIONS.] If the juvenile court finds that a child is a ~~juvenile alcohol or controlled substance~~ petty offender, the court may require the child to:

- (a) Pay a fine of up to \$100;
- (b) Participate in a community service project;
- (c) Participate in a drug awareness program; or
- (d) Order the child to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the child in an inpatient or outpatient chemical dependency treatment program; or
- (e) Perform any other activities or participate in any other treatment programs deemed appropriate by the court.

In all cases where the juvenile court finds that a child has purchased or attempted to purchase an alcoholic beverage in violation of section 340.731, if the child has a driver's license or permit to drive, and if the child used a driver's license or permit to purchase or attempt to purchase the alcoholic beverage, the court shall forward its finding in the case and the child's driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall revoke the child's license or permit for a period of 30 days.

None of the dispositional alternatives described in clauses (a) to (e) shall be imposed by the court in a manner which would cause an undue hardship upon the child.

Subd. 4. [ALTERNATIVE DISPOSITION.] In addition to dispositional alternatives authorized by subdivision 3, in the case of a third or subsequent finding by the court pursuant to an admission in court or after trial that a child is has committed a juvenile alcohol or

controlled substance ~~offender offense~~, the juvenile court shall order a chemical dependency evaluation of the child and if warranted by the evaluation, the court may order participation by the child in an inpatient or outpatient chemical dependency treatment program, or any other treatment deemed appropriate by the court.

Subd. 5. [FINDINGS REQUIRED.] Any order for disposition authorized by 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 they were not appropriate in the instant case.

Subd. 6. [REPORT.] The juvenile court shall report to the office of state court administrator each disposition made under this section and sections 260.185, 260.191, and 260.192, and ~~260.194~~ where placement is made outside of this state's jurisdictional boundaries. Each report shall contain information as to date of placement, length of anticipated placement, program costs, reasons for out of state placement, and any other information as the office requires to determine the number of out of state placements, the reasons for these placements, and the costs involved. The report shall not contain the name of the child. Any information contained in the reports relating to factors identifying a particular child is confidential and may be disclosed only by order of the juvenile court. Any person violating this subdivision as to release of this confidential information is guilty of a misdemeanor.

Subd. 7. [EXPUNGEMENT.] The court may expunge the adjudication of a child as a ~~juvenile alcohol or controlled substance~~ petty offender at any time it deems advisable.

Sec. 29. Minnesota Statutes 1987 Supplement, section 260.221, is amended to read:

260.221 [GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.]

The juvenile court may, upon petition, terminate all rights of a parent to a child in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate parental rights; or

(b) If it finds that one or more of the following conditions exist:

- (1) That the parent has abandoned the child; or
- (2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able; or
- (3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or
- (4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be permanently detrimental to the physical or mental health of the child; or
- (5) That following upon a determination of ~~neglect or dependency~~ a child's need for protection or services, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or
- (6) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of intent to retain parental rights under section 259.261 or that the notice has been successfully challenged; or
- (7) That the child is neglected and in foster care.

For purposes of clause (a), an adoptive parent may not terminate parental rights to an adopted child for a reason that would not apply to a birth parent seeking termination of parental rights to a child under clause (a).

Sec. 30. Minnesota Statutes 1986, section 260.235, is amended to read:

260.235 [DISPOSITION; PARENTAL RIGHTS NOT TERMINATED.]

If, after a hearing, the court does not terminate parental rights but determines that conditions of neglect or dependency exist the child is in need of protection or services, or that the child is neglected and in foster care, the court may find the child neglected, dependent, is in need of protection or services or neglected and in foster care and may enter an order in accordance with the provisions of section 260.191.

Sec. 31. Minnesota Statutes 1986, section 260.255, is amended to read:

260.255 [JURISDICTION OVER PERSONS CONTRIBUTING TO DELINQUENCY OR NEGLECT NEED FOR PROTECTION OR SERVICES; COURT ORDERS.]

Subdivision 1. The juvenile court has jurisdiction over persons contributing to the delinquency or neglect need for protection or services of a child under the provisions of subdivision 2 or 3.

Subd. 2. If in the hearing of a case of a child alleged to be delinquent or neglected in need of protection or services it appears by a fair preponderance of the evidence that any person has violated the provisions of section 260.315, the court may make any of the following orders:

(a) Restrain the person from any further act or omission in violation of section 260.315; or

(b) Prohibit the person from associating or communicating in any manner with the child; or

(c) Provide for the maintenance or care of the child, if the person is responsible for such, and direct when, how, and where money for such maintenance or care shall be paid.

Subd. 3. Before making any order under subdivision 2 the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the charges made against the person and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court.

Sec. 32. Minnesota Statutes 1986, section 260.291, subdivision 1, is amended to read:

Subdivision 1. [PERSONS ENTITLED TO APPEAL; PROCEDURE.] An appeal may be taken by the aggrieved person from a final order affecting a substantial right of the aggrieved person, including but not limited to an order adjudging a child to be dependent, neglected in need of protection or services, neglected and

in foster care, delinquent, or a juvenile traffic offender. The appeal shall be taken within 30 days of the filing of the appealable order. The court administrator shall notify the person having legal custody of the minor of the appeal. Failure to notify the person having legal custody of the minor shall not affect the jurisdiction of the appellate court. The order of the juvenile court shall stand, pending the determination of the appeal, but the reviewing court may in its discretion and upon application stay the order.

Sec. 33. Minnesota Statutes 1986, section 260.301, is amended to read:

260.301 [CONTEMPT]

Any person knowingly interfering with an order of the juvenile court or willfully failing to comply with a case plan under section 26 when reasonably able to do so is in contempt of court. However, a child who is under the continuing jurisdiction of the court for reasons other than delinquency may not be adjudicated as a delinquent solely on the basis of having knowingly interfered with or disobeyed an order of the court.

Sec. 34. Minnesota Statutes 1986, section 260.315, is amended to read:

260.315 [CONTRIBUTING TO NEGLECT NEED FOR PROTECTION OR SERVICES OR DELINQUENCY.]

Any person who by act, word or omission encourages, causes or contributes to the neglect need for protection or services or delinquency of a child, or to a child's status as a habitual truant, runaway, juvenile petty offender, juvenile alcohol offender, or juvenile controlled substance offender, is guilty of a misdemeanor.

Sec. 35. Minnesota Statutes 1986, section 260.35, is amended to read:

260.35 [TESTS, EXAMINATIONS.]

Thereafter it shall be the duty of the commissioner of human services through the bureau of child welfare and county welfare boards to arrange for such tests, examinations, and investigations as are necessary for the proper diagnosis, classification, treatment, care and disposition of the child as necessity and the best interests of the child shall from time to time require. When it appears that a dependent or neglected child found to be in need of protection or services is sound of mind, free from disease, and suitable for placement in a foster home for care or adoption, the commissioner may so place the child or delegate such duties to a child-placing

agency accredited as provided by law, or authorize the child's care in the county by and under the supervision of the county welfare board.

Sec. 36. Minnesota Statutes 1986, section 260.36, is amended to read:

260.36 [SPECIAL PROVISIONS IN CERTAIN CASES.]

When the commissioner of human services shall find that a child transferred to the commissioner's guardianship after parental rights to the child are terminated or that a child committed to the commissioner's guardianship as a dependent or neglected child in need of protection or services is handicapped physically or whose mentality has not been satisfactorily determined or who is affected by habits, ailments, or handicaps that produce erratic and unstable conduct, and is not suitable or desirable for placement in a home for permanent care or adoption, the commissioner of human services shall make special provision for the child's care and treatment designed to the child, if possible, for such placement or to become self-supporting. The facilities of the commissioner of human services and all state treatment facilities, the Minnesota general hospital, and the child guidance clinic of its psychopathic department, as well as the facilities available through reputable clinics, private child-caring agencies, and foster boarding homes, accredited as provided by law, may be used as the particular needs of the child may demand. When it appears that the child is suitable for permanent placement or adoption, the commissioner of human services shall cause the child to be placed as provided in section 260.35. If the commissioner of human services is satisfied that the child is mentally retarded the commissioner may bring the child before the probate court of the county where the child is found or the county of the child's legal settlement for examination and commitment as provided by law.

Sec. 37. Minnesota Statutes 1986, section 484.73, subdivision 2, is amended to read:

Subd. 2. [EXCLUSIONS.] Judicial arbitration may not be used to dispose of matters relating to guardianship, conservatorship, or civil commitment, matters within the juvenile court jurisdiction involving neglect, dependency, children in need of protection or services or delinquency, matters involving termination of parental rights under sections 260.221 to 260.245, or matters arising under sections 518B.01, 626.557, or 144.651 to 144.652.

Sec. 38. [REPEALER.]

Minnesota Statutes 1986, sections 260.015, subdivisions 6 and 10; 260.103; and 260.194, are repealed."

Delete the title and insert:

"A bill for an act relating to juveniles; eliminating statutory references to "dependency" and "neglect" and substituting the term "child in need of protection or services"; eliminating juvenile court jurisdiction over children who are "habitually disobedient"; transferring alleged truants and runaways to the court's protective services jurisdiction; transferring certain young alleged delinquents to the court's protective services jurisdiction; limiting the duration of the court's continuing jurisdiction over truants; expanding the court's dispositional authority in certain child protection cases; limiting the juvenile court's contempt authority over nondelinquents; amending Minnesota Statutes 1986, sections 242.19, subdivision 2; 260.011, subdivision 2; 260.015, subdivisions 21, 22, 23, and by adding a subdivision; 260.111; 260.121, subdivisions 1 and 2; 260.131, subdivision 1; 260.132, subdivisions 1 and 3; 260.133, subdivision 2; 260.135, subdivisions 1 and 3; 260.155, subdivisions 4 and 4a; 260.171, subdivisions 1 and 4; 260.172, subdivision 1; 260.173, subdivision 3; 260.181, subdivision 4; 260.191, subdivisions 1, 4, and by adding a subdivision; 260.195; 260.235; 260.255; 260.291, subdivision 1; 260.301; 260.315; 260.35; 260.36; and 484.73, subdivision 2; and Minnesota Statutes 1987 Supplement, sections 260.155, subdivision 1; 260.156; and 260.221; repealing Minnesota Statutes 1986, sections 260.015, subdivisions 6 and 10; 260.103; and 260.194."

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1643, A bill for an act relating to the sentencing guidelines commission; changing the membership of the commission; amending Minnesota Statutes 1986, section 244.09, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 244.09, subdivision 2, is amended to read:

Subd. 2. The sentencing guidelines commission shall consist of the following:

(1) The chief justice of the supreme court or a designee;

(2) One judge of the court of appeals, appointed by the chief justice of the supreme court;

(3) ~~Two~~ One district court ~~judges~~ judge appointed by the chief justice of the supreme court;

(4) One public defender appointed by the governor upon recommendation of the state public defender;

(5) One county attorney appointed by the governor upon recommendation of the board of governors of the county attorneys council;

(6) The commissioner of corrections or a designee;

(7) One peace officer as defined in section 626.84 appointed by the governor;

(8) One probation officer or parole officer appointed by the governor; and

(9) ~~Two~~ Three public members appointed by the governor, one of whom shall be a victim of a crime defined as a felony.

When an appointing authority selects individuals for membership on the commission, the authority shall make reasonable efforts to appoint qualified members of protected groups, as defined in section 43A.02, subdivision 33.

One of the members shall be designated by the governor as chair of the commission.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1989."

Amend the title as follows:

Page 1, line 4, delete "1986" and insert "1987 Supplement"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1681, A bill for an act relating to civil actions; modifying the statute of limitations for damages based on services or construc-

tion to improve real property; amending Minnesota Statutes 1986, section 541.051, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 541.051, subdivision 1, is amended to read:

Subdivision 1. (a) Except where fraud is involved, no action by any person in contract, tort, or otherwise to recover damages for any injury to property, real or personal, or for bodily injury or wrongful death, arising out of the defective and unsafe condition of an improvement to real property, nor any action for contribution or indemnity for damages sustained on account of the injury, shall be brought against any person performing or furnishing the design, planning, supervision, materials, or observation of construction or construction of the improvement to real property or against the owner of the real property more than two years after discovery thereof of the injury or, in the case of an action for contribution or indemnity, accrual of the cause of action, nor, in any event shall such a cause of action accrue more than ten years after substantial completion of the construction. Date of substantial completion shall be determined by the date when construction is sufficiently completed so that the owner or the owner's representative can occupy or use the improvement for the intended purpose.

(b) For purposes of paragraph (a), a cause of action accrues upon discovery of the injury or, in the case of an action for contribution or indemnity, upon payment of a final judgment, arbitration award or settlement arising out of the defective and unsafe condition.

(c) Nothing in this section shall apply to actions for damages resulting from negligence in the maintenance, operation or inspection of the real property improvement against the owner or other person in possession."

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1774, A bill for an act relating to alcoholic beverages; making certain illegal gifts of alcoholic beverages subject to civil liability; providing for notice of claims; amending Minnesota Stat-

utes 1986, sections 340A.801, subdivision 4; and 340A.802; Minnesota Statutes 1987 Supplement, section 340A.801, subdivision 1.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Skoglund from the Committee on Financial Institutions and Insurance to which was referred:

H. F. No. 1794, A bill for an act relating to insurance; accident and health; clarifying certain coverages for newborn infants; amending Minnesota Statutes 1986, section 62A.042.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1819, A bill for an act relating to crimes; repealing the law prohibiting ticket scalping; repealing Minnesota Statutes 1986, section 609.805.

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

The report was adopted.

Battaglia from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 1859, A bill for an act relating to taxation; retaining strict levy limits for cities and counties that do not comply with pay equity requirements; reducing 1992 local government aids of cities and counties that do not implement equitable compensation plans.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [COUNTIES AND CITIES; PAY EQUITY COMPLIANCE.]

Subdivision 1. [1988 REPORT.] A home rule charter or statutory city or county, referred to in this section as a "governmental subdivision" that employs ten or more people and that did not submit a report according to Minnesota Statutes, section 471.998, shall submit the report by October 1, 1988, to the commissioner of employee relations.

The plan for implementing equitable compensation for the employees must provide for complete implementation not later than December 31, 1991. The plan need not contain a market study.

Subd. 2. [PENALTY FOR NONCOMPLIANCE.] Notwithstanding Minnesota Statutes, sections 275.50 to 275.56, for taxes levied in 1988, payable in 1989 only, a governmental subdivision that does not submit the report required in subdivision 1 shall be subject to the levy limits provided in subdivisions 3 to 5.

Subd. 3. [CITIES.] For a home rule charter or statutory city, the levy limit base for taxes payable in 1989 is the sum of (1) the city's total levy for taxes payable in 1988, excluding the amount levied in that year for debt service and the amount for unfunded accrued pension liabilities under Laws 1987, chapter 268, article 5, section 12, subdivision 4, clause (2); and (2) the amount received in 1988 as described in Minnesota Statutes, section 275.51, subdivision 3i. This sum shall be increased by a percentage equal to the greater of the percentage increases in population or in number of households, if any, for the most recent 12-month period for which data is available, using figures derived under Minnesota Statutes, section 275.51, subdivision 6. The resulting amount for the home rule charter or statutory city multiplied by 103 percent is the city's levy limit base for taxes payable in 1989. The payable 1989 levy limitation for the city shall be equal to the levy limit base determined under this section reduced by the aids for 1989 enumerated in Minnesota Statutes, section 275.51, subdivision 3i.

Subd. 4. [COUNTIES.] For a county, the levy limit base for taxes payable in 1989 is the sum of (1) the county's total levy for taxes payable in 1988, excluding the amount levied in that year for (i) debt service; (ii) levied for unfunded accrued pension liabilities under Laws 1987, chapter 268, article 5, section 12, subdivision 4, clause (2); (iii) income maintenance programs except for the administrative costs associated with those programs; and (iv) social services programs, including the administrative costs associated with those programs, plus (2) the amount received in 1988 as described in Minnesota Statutes, section 275.51, subdivision 3i. This sum shall be increased by a percentage equal to the greater of the percentage increases in population or in number of households, if any, for the most recent 12-month period for which data is available, using figures derived under Minnesota Statutes, section 275.51, subdivision 6. The resulting amount for the county multiplied by 103 percent is the county's levy limit base for taxes payable in 1989.

The payable 1989 levy limitation for the county shall be equal to the levy limit base determined under this section reduced by the aids for 1989 enumerated in section 275.51, subdivision 3i.

Subd. 5. [EXCEPTIONS.] For taxes payable in 1989, the amounts levied for the following costs are not subject to the limitation under subdivision 3 or 4:

(1) levies for debt service;

(2) levies for unfunded accrued pension liabilities as specified in Minnesota Statutes, section 275.50, subdivision 5, clause (o);

(3) levies for income maintenance programs, net of any aid payments received under Minnesota Statutes, section 273.1397, and excluding the administrative costs associated with those programs; and

(4) levies for social service programs including the administrative costs associated with those programs.

The amount levied by the county for taxes payable in 1989 to pay the costs of programs described in clauses (3) and (4) of this subdivision shall be subject to the percentage limitations provided in Minnesota Statutes, section 275.50, subdivision 5, clause (d).

Subd. 6. [PENALTY FOR FAILURE TO IMPLEMENT PLAN.] If the commissioner of employee relations finds after notice and consultation with a governmental subdivision that it has failed to implement its plan for implementing equitable compensation by December 31, 1991, the aid that would otherwise be payable to that governmental subdivision under Minnesota Statutes, sections 477A.011 to 477A.014 in calendar year 1992 shall be reduced by five percent. The commissioner may waive the penalty upon making a finding that the failure to implement was attributable to circumstances beyond the control of the governmental subdivision or to severe hardship."

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1961, A bill for an act relating to property interests; setting the effective date of the uniform statutory rule against perpetuities; amending Minnesota Statutes 1987 Supplement, section 501A.05; and Laws 1987, chapter 60, section 10.

Reported the same back with the following amendments:

Page 1, line 14, delete "1988" and insert "1989"

Page 1, line 20, delete "1989" and insert "1990"

Page 1, line 22, delete "1988" and insert "1989"

Page 1, line 23, delete "1989" and insert "1990"

Page 2, line 6, delete "1989" and insert "1990"

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1971, A bill for an act relating to guardianship; permitting appointment of any number of guardians; permitting the appointment of guardians who reside outside the state; amending Minnesota Statutes 1986, section 525.54, by adding a subdivision.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 1983, A bill for an act relating to sentencing; directing the sentencing guidelines commission to study certain sentencing issues; requiring the commission to report back to the legislature with proposed changes to respond to these issues; proposing coding for new law in Minnesota Statutes, chapter 244.

Reported the same back with the following amendments:

Page 1, line 24, delete everything after "(1)" and insert "should criteria and procedures be"

With the recommendation that when so amended the bill pass.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2011, A bill for an act relating to government data practices; defining employment and training data as private data on individuals; defining employment and training service providers; defining employment and training services; providing for the dissemination of employment and training data; amending Minnesota Statutes 1987 Supplement, section 13.43, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 13.

Reported the same back with the following amendments:

Page 2, line 6, before the period insert "or an organization that contracts with a certified administrative entity or the department of jobs and training to deliver employment and training services"

Page 2, line 9, after "law" delete "and" and insert "or under local government authority"

Page 2, delete lines 25 to 27 and insert:

"Subd. 3. [DISSEMINATION.] Employment and training data may be disseminated:"

Page 3, after line 12, insert:

"Sec. 3. [13.792] [JOBS AND TRAINING DEPARTMENT; RELEASE OF CERTAIN VENDOR DATA.]

Notwithstanding any other law, the commissioner of jobs and training may release the name, business address, and business telephone number of any individual licensed pursuant to section 248.07, subdivision 8."

Page 3, line 13, delete "3" and insert "4"

Page 3, line 14, delete "and 2" and insert "to 3" and delete everything after "effective"

Page 3, delete line 15 and insert "June 1, 1988."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 2016, A bill for an act relating to drivers' licenses;

allowing stepparent married to custodial parent of minor to approve minor's driver's license application; amending Minnesota Statutes 1986, section 171.04.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2042, A bill for an act relating to nonprofit corporations; requiring a notice of meetings or elections to inform members whether proxy voting is permitted and the manner of doing so; providing an administrative hearing for certain violations by officers or directors; giving members access to the membership list; amending Minnesota Statutes 1986, sections 317.22, subdivision 4; and 317.28; proposing coding for new law in Minnesota Statutes, chapter 317.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 317.22, subdivision 4, is amended to read:

Subd. 4. [NOTICE.] Subject to waiver under section 317.24, notice of meetings and elections, as provided in section 317.02, subdivision 6, shall be given to all members entitled to vote at the meeting or election. If proxies are permitted at the meeting, the notice shall so inform members and state the procedure for appointing proxies.

Sec. 2. Minnesota Statutes 1986, section 317.22, subdivision 6, is amended to read:

Subd. 6. [PROXIES.] (1) Unless specifically ~~prohibited~~ permitted by the articles or bylaws, proxies are ~~permitted~~ prohibited at all meetings.

(2) The appointment of a proxy shall be in writing filed at or before the meeting with the person who has been designated to act as secretary of the meeting.

(3) Except where the instrument of appointment prescribes otherwise:

(a) the authority of a proxy ceases 11 months from the date of appointment;

(b) an appointment of a proxy terminates all prior appointments when the appointment has been filed with the secretary of the meeting;

(c) when a member appoints two or more persons to act as proxies, a majority of the member's proxies present at the meeting have the entire authority conferred by the instrument; when such proxies are equally divided upon the manner of voting in a particular case, they share the votes equally; and if only one proxy is present, that proxy has the entire authority conferred by the instrument.

(4) Authority of a proxy is not terminated by the death or incapacity of the maker unless written notice of the fact of death or incapacity is given to the corporation before the vote has been cast or the authority otherwise exercised.

Sec. 3. Minnesota Statutes 1986, section 317.28, is amended to read:

317.28 [BOOKS AND RECORDS; FINANCIAL STATEMENT]

(1) A domestic corporation shall keep at its registered office correct and complete books of account and minutes of proceedings of meetings of (a) members, (b) board of directors, and (c) committees having any of the authority of the board of directors.

(2) A member, or the member's agent or attorney, may inspect all books and records for any proper purpose at any reasonable time.

(3) Upon request by a member, the domestic corporation shall furnish the member with a statement showing the financial result of all operations and transactions affecting income and surplus during its last annual accounting period and a balance sheet containing a summary of its assets and liabilities as of the closing date of such accounting period.

(4) If the articles or bylaws permit a specified percentage of members to call a meeting of the board of directors or the membership, the corporation shall provide any voting member, within ten days after receiving a request, a statement showing the number of members required to call the meeting, which statement shall be binding on the corporation."

Delete the title and insert:

"A bill for an act relating to nonprofit corporations; requiring a notice of meetings or elections to inform members whether proxy voting is permitted and the manner of doing so; amending Minnesota Statutes 1986, sections 317.22, subdivisions 4 and 6; and 317.28."

With the recommendation that when so amended the bill pass.

The report was adopted.

Voss from the Committee on Taxes to which was referred:

H. F. No. 2117, A bill for an act relating to public finance; providing conditions of local and state government debt financing; allocating bonding authority subject to a volume cap under federal tax law; amending Minnesota Statutes 1987 Supplement, sections 474A.04, subdivision 1a; 474A.061, subdivisions 2 and 4; and 474A.091; repealing Minnesota Statutes 1987 Supplement, section 474A.061, subdivision 5.

Reported the same back with the following amendments:

Page 5, line 4, after "3" insert ", paragraph (c)(2)"

Page 5, line 7, before "The" insert "(a)"

Page 5, line 14, before "On" insert "(b)"

Page 5, line 24, before "On" insert "(c)(1)"

Page 6, line 6, before "Allocations" insert "(2)"

Page 6, line 8, strike "(a)" and insert "(i)"

Page 6, line 9, strike "(b)" and insert "(ii)"

Page 6, line 11, strike "(c)" and insert "(iii)"

Page 6, line 21, before "If" insert "(d)"

Page 7, line 11, after "agency" insert "or for reallocation to a city requesting an allocation on or before November 1, 1988"

Page 8, line 21, delete "7" and insert "5"

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2185, A bill for an act relating to game and fish;

adjusting the height of deer stands; amending Minnesota Statutes 1986, section 97B.325.

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

The report was adopted.

Battaglia from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2190, A bill for an act relating to the city of Westbrook; permitting the city to expend city funds for a private hospital.

Reported the same back with the following amendments:

Page 1, delete lines 6 to 12 and insert:

“Section 1. [HOSPITAL SERVICE.]

The cities of Dovray, Jeffers, Storden, Walnut Grove, and Westbrook, and the towns of Amboy, Amo, Ann, Belfast, Bondin, Dale, Des Moines River, Dovray, Germantown, Highwater, Holly, Lime Lake, North Hero, Rose Hill, Shetek, Southbrook, Springdale, Springfield, Storden, and Westwood, all in Cottonwood, Murray, and Redwood counties, may contribute gifts to the Schmidt Memorial Hospital in the city of Westbrook. No town named in this section may contribute gifts under that section without obtaining the approval of the electors of the respective town meeting or at a special town meeting called for that purpose.”

Page 1, after line 12, insert:

“Sec. 2. [HOSPITAL SERVICE.]

The cities of Comfrey and Darfur, and the towns of Bashaw, Selma, Stately, Mulligan, Delton, and Adrian, all in Cottonwood, Brown, and Watonwan counties, may contribute gifts to the Comfrey Hospital in the city of Comfrey. No town named in this section may contribute gifts under that section without obtaining the approval of the electors of the respective town meeting or at a special town meeting called for that purpose.”

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to local government; permitting certain cities and towns to contribute to a hospital."

With the recommendation that when so amended the bill pass.

The report was adopted.

Kalis from the Committee on Transportation to which was referred:

H. F. No. 2209, A bill for an act relating to public safety; providing that a fee for applications for quarterly reporting of fuel tax be deposited in the highway user tax distribution fund; amending Minnesota Statutes 1987 Supplement, section 296.17, subdivision 9a.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

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

H. F. No. 2216, A bill for an act relating to natural resources; ratifying and affirming the settlement agreement arising from litigation concerning certain treaty related claims of Chippewa Indians; prescribing powers and duties of the commissioner of natural resources in relation to the settlement agreement; proposing coding for new law in Minnesota Statutes, chapter 97A.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Otis from the Committee on Economic Development and Housing to which was referred:

H. F. No. 2224, A bill for an act relating to landlord tenant law; providing an action for damages for accepting rent on condemned property; proposing coding for new law in Minnesota Statutes, chapter 504.

Reported the same back with the following amendments:

Page 1, line 10, delete "If a" and insert "A"

Page 1, line 11, delete "accepts" and insert "may not accept"

Page 1, lines 12 and 13, delete "during a period in which" and insert "after"

Page 1, line 14, after "authority," insert "if the tenancy commenced after the premises were condemned or declared unfit for human habitation."

Page 1, line 15, before "the landlord" insert "If a landlord, agent, or a person acting under the landlord's direction or control violates this section,"

With the recommendation that when so amended the bill pass.

The report was adopted.

Otis from the Committee on Economic Development and Housing to which was referred:

H. F. No. 2246, A bill for an act relating to economic development; including labor organizations and community groups in the organizations that are eligible for assistance from various entities; amending Minnesota Statutes 1987 Supplement, sections 116O.06, subdivision 1; and 116O.08, subdivision 2.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

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

H. F. No. 2248, A bill for an act relating to the environment; prohibiting government units and takeout food vendors from purchasing and using chlorofluorocarbon-processed food packaging materials; providing a penalty; proposing coding for new law in Minnesota Statutes, chapter 116.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [116.60] [FINDINGS AND PURPOSE.]

The legislature finds that scientific evidence indicates a strong probability that the family of substances known as chlorofluorocar-

bons, when discharged into the atmosphere, degrade the earth's protective layer of ozone, allowing increased amounts of ultraviolet radiation to penetrate the atmosphere and pose an acute and immediate danger to human health, life, and the environment. Available scientific evidence indicates the strong possibility that the resulting increase in human exposure to ultraviolet radiation already may have caused an increase in the incidence of skin cancers and other serious illnesses.

Sources of the chlorofluorocarbons currently being released into the atmosphere are the use of these substances as blowing agents in the manufacture of some of the polystyrene foam packaging products used in the food service industry and the disposal of these packaging products in solid waste landfills. Substitutes for these products currently are available that do not use chlorofluorocarbons in their manufacture.

It is the intent of the legislature to reduce the amount of CFC-processed products purchased and used in Minnesota and thereby to reduce the health hazards created by the manufacture and disposal of these products.

Sec. 2. [116.601] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] The definitions in this section apply to sections 1 to 6.

Subd. 2. [CHLOROFLUOROCARBONS OR CFCS.] "Chlorofluorocarbons," or "CFCs" means the family of substances containing carbon, fluorine, and chlorine that have no hydrogen atoms and no double bonds.

Subd. 3. [CFC-PROCESSED FOOD PACKAGING.] "CFC-processed food packaging" means food packaging that uses chlorofluorocarbons as blowing agents in its manufacture.

Subd. 4. [DISTRIBUTOR.] "Distributor" means any person engaged in business who ships or transports products to retailers in this state to be sold by those retailers.

Subd. 5. [FOOD PACKAGING.] "Food packaging" means all bags, sacks, wrapping, containers, bowls, plates, trays, cartons, cups, and lids used to package food or beverages that are not intended for reuse. Food packaging does not include forks, knives, straws, or single-service condiment packages.

Sec. 3. [116.602] [PROHIBITION; CFC-PROCESSED FOOD PACKAGING.]

After July 1, 1990, no person may sell, offer for sale, or give to consumers CFC-processed food packaging.

Sec. 4. [116.603] [DOCUMENTATION REQUIRED; INSPECTION.]

Subdivision 1. [DISTRIBUTOR STATEMENT.] Each distributor shall maintain a written statement signed by the manufacturer of the food packaging stating that the packaging is not CFC-processed and shall note on each invoice for food packaging that the packaging covered by the invoice is not CFC-processed.

Subd. 2. [INSPECTION.] The documentation required in subdivision 1 must be made available, on request, to the commissioner of the pollution control agency. The commissioner may inspect the documents at any time to ensure compliance with sections 3 and 4.

Sec. 5. [116.604] [STUDY.]

By July 1, 1989, the agency shall complete a study and report the findings to the legislature on ways to eliminate sources of CFC in the state in order to accomplish the purposes of section 1.

Sec. 6. [116.605] [ENFORCEMENT; PENALTIES.]

A person who violates section 3 or 4 is subject to a civil penalty of up to \$500 for each violation. The attorney general shall enforce sections 3 and 4 and may bring an action for injunctive relief or an action to compel performance or may seek civil penalties. In an action brought under this section, the attorney general may also recover costs and disbursements, including reasonable attorney fees.

Sec. 7. [APPROPRIATION.]

\$ is appropriated from the general fund to the pollution control agency for administrative costs to implement section 4, and for the cost of the study required in section 5. The complement of the agency is increased by . . . positions."

Delete the title and insert:

"A bill for an act relating to the environment; prohibiting use of chlorofluorocarbon-processed food packaging materials after July 1, 1990; providing a penalty; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116."

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

The report was adopted.

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

H. F. No. 2272, A bill for an act relating to natural resources; making changes in certain laws relating to forestry; amending Minnesota Statutes 1986, sections 88.19; 89.01, subdivision 5, and by adding a subdivision; 89.17; and 89.19.

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

The report was adopted.

Battaglia from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2288, A bill for an act relating to taxation; allowing the city of Biwabik to exceed certain property tax levy limits; allowing for a referendum on the issue of exceeding the levy limits.

Reported the same back with the following amendments:

Page 1, line 17, delete the second "the" and insert "qualified voters of the city equal in number to at least ten percent of the votes cast in the last city election."

Page 1, delete lines 18 and 19

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2296, A bill for an act relating to crimes; making it a crime for a person in custody for an alleged act of delinquency or on a juvenile adjudication of delinquency to escape; amending Minnesota Statutes 1986, section 609.485, subdivisions 2 and 4.

Reported the same back with the following amendments:

Page 3, line 10, delete everything after "must" and insert "begin upon imposition by the sentencing court."

Page 3, delete lines 11 and 12

With the recommendation that when so amended the bill pass.

The report was adopted.

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

H. F. No. 2344, A bill for an act relating to natural resources; changing certain provisions relating to fees; amending Minnesota Statutes 1987 Supplement, sections 85.055, subdivision 1; and 105.44, subdivision 10.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Otis from the Committee on Economic Development and Housing to which was referred:

H. F. No. 2408, A bill for an act relating to economic development; changing the structure of the Minnesota job skills partnership board; repealing the sunset of the board; amending Minnesota Statutes 1987 Supplement, section 116L.03, subdivisions 1, 2, and 5; repealing Laws 1983, chapter 334, section 7, as amended.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 116L.04, subdivision 1, is amended to read:

Subdivision 1. [GRANTS-IN-AID.] The partnership may provide grants-in-aid to educational or other nonprofit institutions using the following guidelines:

(a) The educational or other nonprofit institution is a provider of training within the state in either the public or private sector;

(b) The program involves skills training that is an area of employment need; and

(c) Preference will be given to educational or other nonprofit institutions which serve economically disadvantaged people, minorities, or those who are victims of economic dislocation.

Grants The maximum grant awarded under this section shall not exceed \$200,000 to any one institution."

Delete the title and insert:

"A bill for an act relating to economic development; amending the statutory maximum on grants-in-aid made by the job skills partnership board; amending Minnesota Statutes 1986, section 116L.04, subdivision 1."

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2419, A bill for an act relating to criminal procedure; defining "crime" in the law governing issuance of search warrants to include violations of municipal ordinances; amending Minnesota Statutes 1986, section 626.05, by adding a subdivision.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2422, A bill for an act relating to civil process; specifying property exempt from final process issued by a court; modifying the exemption for employee benefits; amending Minnesota Statutes 1986, section 550.37, subdivision 24.

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

The report was adopted.

Battaglia from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2434, A bill for an act relating to the city of Duluth;

authorizing the expenditure of previously appropriated funds for acquisition or construction of Duluth's Western Waterfront Trail.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Otis from the Committee on Economic Development and Housing to which was referred:

H. F. No. 2468, A bill for an act relating to economic development; authorizing the commissioner to award set-aside procurements to local small businesses; amending Minnesota Statutes 1986, section 16B.19, subdivision 5; Minnesota Statutes 1987 Supplement, sections 16B.19, subdivision 6; and 645.445, subdivision 5.

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

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2470, A bill for an act relating to crimes; increasing the penalties for issuing dishonored checks with aggregate value greater than \$200; amending Minnesota Statutes 1986, section 609.535, subdivision 2, and by adding a subdivision.

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

The report was adopted.

Battaglia from the Committee on Local and Urban Affairs to which was referred:

H. F. No. 2487, A bill for an act relating to local government; changing a procedure for detachment and annexation of incorporated land; repealing Minnesota Statutes 1986, section 414.061, subdivision 5.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

“Section 1. Minnesota Statutes 1986, section 414.061, subdivision 5, is amended to read:

Subd. 5. [PROPERTY OWNER INITIATION.] Property owners may initiate proceedings for the concurrent detachment of their property from one municipality and its annexation to an adjacent municipality by a petition signed by all of them. The board shall send a copy of the petition to each municipality upon receipt of it. The governing body of each municipality must approve the petition before the board may begin hearings. Each governing body must approve or disapprove the petition within 45 days after receipt. If no action is taken on the petition by a governing body within 45 days, the petition shall be deemed approved. The board shall conduct hearings and issue its order as in the case of consolidations of two or more municipalities under sections 414.041, subdivision 5 and 414.09.

Sec. 2. [EFFECTIVE DATE.]

This act is effective the day following final enactment.”

Amend the title as follows:

Page 1, line 4, delete “repealing” and insert “amending”

With the recommendation that when so amended the bill pass.

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 2498, A bill for an act relating to agriculture; creating a laboratory services account in the state treasury; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 17.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kelly from the Committee on Judiciary to which was referred:

H. F. No. 2508, A bill for an act relating to statute of limitations; providing relief for certain individuals denied a remedy due to the unconstitutionality of a statute of limitation relating to real property improvement.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Otis from the Committee on Economic Development and Housing to which was referred:

H. F. No. 2568, A bill for an act relating to agriculture; changing and clarifying the small business development loan portion of the agricultural resource loan guarantee program; amending Minnesota Statutes 1987 Supplement, sections 41A.02, subdivision 16; and 41A.036, by adding subdivisions.

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

The report was adopted.

Otis from the Committee on Economic Development and Housing to which was referred:

H. F. No. 2572, A bill for an act relating to agricultural trade; authorizing the establishment of a foreign trade office in the Federal Republic of Germany; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

Reported the same back with the following amendments:

Page 1, line 13, delete "at least one" and insert "an" and after "individual" insert "or individuals"

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

The report was adopted.

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 2630, A bill for an act relating to the city of Minnetonka; excluding volunteer firefighters from membership in the public employees police and fire fund.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Simoneau from the Committee on Governmental Operations to which was referred:

H. F. No. 2637, A bill for an act relating to the city of Farmington; permitting the sale of certain tax-forfeited land.

Reported the same back with the recommendation that the bill pass and be placed on the Consent Calendar.

The report was adopted.

Kostohryz from the Committee on General Legislation, Veterans Affairs and Gaming to which was referred:

H. F. No. 2658, A bill for an act relating to veterans; requiring the establishment of a veterans home in Silver Bay; appropriating money; proposing coding for new law in Minnesota Statutes; chapter 198.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Appropriations.

The report was adopted.

Kostohryz from the Committee on General Legislation, Veterans Affairs and Gaming reported on the following appointment which had been referred to the committee by the Speaker:

ETHICAL PRACTICES BOARD

DOUGLAS R. EWALD

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

Kostohryz moved that the report of the Committee on General Legislation, Veterans Affairs and Gaming relating to the appointment of Douglas R. Ewald to the Ethical Practices Board be adopted. The motion prevailed and the report was adopted.

CONFIRMATION

Kostohryz moved that the House, having advised, do now consent to and confirm the appointment of Douglas R. Ewald, 15025 Highland Trail, Minnetonka, Hennepin County, effective January 26, 1988, for a term expiring on the first Monday in January, 1992. The motion prevailed and the appointment of Douglas R. Ewald was confirmed by the House.

Kostohryz from the Committee on General Legislation, Veterans Affairs and Gaming reported on the following appointment which had been referred to the committee by the Speaker:

ETHICAL PRACTICES BOARD

MARY SMITH

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

Kostohryz moved that the report of the Committee on General Legislation, Veterans Affairs and Gaming relating to the appointment of Mary Smith to the Ethical Practices Board be adopted. The motion prevailed and the report was adopted.

CONFIRMATION

Kostohryz moved that the House, having advised, do now consent to and confirm the appointment of Mary Smith, 515 North Ferndale, Wayzata, Hennepin County, effective January 26, 1988, for a term expiring on the first Monday in January, 1992. The motion prevailed and the appointment of Mary Smith was confirmed by the House.

SECOND READING OF HOUSE BILLS

H. F. Nos. 1643, 1681, 1774, 1794, 1819, 1961, 1971, 1983, 2011, 2016, 2042, 2117, 2185, 2190, 2224, 2246, 2272, 2296, 2419, 2422, 2434, 2468, 2470, 2487, 2508, 2568, 2630 and 2637 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. No. 1772 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Murphy introduced:

H. F. No. 2701, A bill for an act relating to the iron range resources and rehabilitation board; expanding its project area to include independent school district No. 704; amending Minnesota Statutes 1986, section 298.2211, subdivision 2.

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

Trimble introduced:

H. F. No. 2702, A bill for an act relating to state employees; requiring space for child care services in state owned or leased buildings; waiving rent requirements; authorizing contracts with child care providers; requiring child care services in the Centennial Building and the Dahl House; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

Himle, Riveness, Blatz and Jacobs introduced:

H. F. No. 2703, A bill for an act relating to intoxicating liquor; authorizing the city of Bloomington to issue an on-sale intoxicating liquor license to Midsummer, A Festival of Music.

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

Reding introduced:

H. F. No. 2704, A bill for an act relating to insurance; single premium annuity contracts; regulating the issuance to, and approval by, volunteer firefighters relief associations; amending Minnesota Statutes 1986, section 424A.02, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 60A.

The bill was read for the first time and referred to the Committee on Financial Institutions and Insurance.

Larsen, Lieder and Pelowski introduced:

H. F. No. 2705, A bill for an act relating to taxation; income; restoring the pension and military pay exclusions; repealing the credit for elderly and disabled persons; amending Minnesota Statutes 1987 Supplement, section 290.01, subdivision 19b; proposing coding for new law in Minnesota Statutes, chapter 290; repealing Minnesota Statutes 1987 Supplement, section 290.06, subdivision 20.

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

Welle, Larsen, Lieder, Rodosovich and Riveness introduced:

H. F. No. 2706, A bill for an act relating to retirement benefits for volunteer firefighters; providing a state paid supplemental benefit; proposing coding for new law in Minnesota Statutes, chapter 424A.

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

Nelson, K.; Greenfield; Jefferson; Rice and McLaughlin introduced:

H. F. No. 2707, A bill for an act relating to capital improvements; providing funds for development of the great river road; authorizing sale of state bonds; appropriating money.

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

Wenzel, Sparby, McEachern, Krueger and Sarna introduced:

H. F. No. 2708, A bill for an act relating to taxation; income; excluding certain volunteer firefighters lump sum distributions; amending Minnesota Statutes 1987 Supplement, section 290.01, subdivision 19b.

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

Dauner, Winter, Bertram, Kinkel and Lasley introduced:

H. F. No. 2709, A bill for an act relating to retirement benefits for volunteer firefighters; providing a state paid supplemental benefit; proposing coding for new law in Minnesota Statutes, chapter 424A.

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

Ogren, Solberg, Rukavina, Minne and Nelson, C., introduced:

H. F. No. 2710, A bill for an act relating to retirement benefits for volunteer firefighters; providing a state paid supplemental benefit; proposing coding for new law in Minnesota Statutes, chapter 424A.

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

Johnson, R.; Bauerly; Milbert; Kelso and DeBlieck introduced:

H. F. No. 2711, A bill for an act relating to retirement benefits for volunteer firefighters; providing a state paid supplemental benefit; proposing coding for new law in Minnesota Statutes, chapter 424A.

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

Cooper; Nelson, C.; Steensma; Anderson, G., and Vanasek introduced:

H. F. No. 2712, A bill for an act relating to retirement benefits for volunteer firefighters; providing a state paid supplemental benefit; proposing coding for new law in Minnesota Statutes, chapter 424A.

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

Kalis; Welle; Olson, K.; Brown and Jensen introduced:

H. F. No. 2713, A bill for an act relating to retirement benefits for volunteer firefighters; providing a state paid supplemental benefit; proposing coding for new law in Minnesota Statutes, chapter 424A.

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

Bauerly, Battaglia, Clausnitzer, Rukavina and Onnen introduced:

H. F. No. 2714, A bill for an act relating to taxation; property; classifying utility property as commercial-industrial; classifying certain personal property; amending Minnesota Statutes 1986,

section 273.13, by adding a subdivision; and Minnesota Statutes 1987 Supplement, section 273.13, subdivision 24.

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

Sarna, McEachern, Beard and Milbert introduced:

H. F. No. 2715, A bill for an act relating to taxation; income; allowing a subtraction from federal taxable income for income from military services performed outside Minnesota; amending Minnesota Statutes 1987 Supplement, section 290.01, subdivision 19b.

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

Sarna, Nelson, C.; Jacobs; Beard and Quinn introduced:

H. F. No. 2716, A bill for an act relating to taxation; income; excluding certain compensation for military services; amending Minnesota Statutes 1987 Supplement, section 290.01, subdivision 19b.

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

Jennings introduced:

H. F. No. 2717, A bill for an act relating to liquor; requiring sale on equal basis to all retailers; prohibiting sales below cost; requiring certain price information; amending Minnesota Statutes 1986, section 340A.307, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 340A.

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

Schafer, Dille and Cooper introduced:

H. F. No. 2718, A bill for an act relating to state lands; permitting the sale of certain tax-forfeited lands that border public waters in McLeod county.

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

Welle introduced:

H. F. No. 2719, A bill for an act relating to state parks; appropriating money for the acquisition of land in Sibley state park.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Reding, Kelly and Vellenga introduced:

H. F. No. 2720, A bill for an act relating to retirement; St. Paul police non-duty disability benefits; amending Laws 1955, chapter 151, section 9, subdivision 7, as amended.

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

Larsen, Rukavina and DeBlieck introduced:

H. F. No. 2721, A bill for an act relating to education; increasing the general education formula allowance; increasing supplemental revenue; amending Minnesota Statutes 1987 Supplement, sections 124A.22, subdivision 2; 124A.23, subdivisions 2, 3, and by adding subdivisions; 124A.25, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 124A.

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

Johnson, R.; Rukavina; Pelowski and Dorn introduced:

H. F. No. 2722, A bill for an act relating to education; temporarily modifying the average cost funding formula for the state universities and community colleges.

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

Trimble and Rukavina introduced:

H. F. No. 2723, A bill for an act relating to environment; appropriating money to the commissioner of public safety in order to take certain steps under federal law regarding hazardous substances.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources.

Dauner; Pelowski; Kinkel; Johnson, R., and Kelso introduced:

H. F. No. 2724, A bill for an act relating to workers' compensation; regulating benefit amounts and eligibility; changing the compensation formula to a percentage of the injured employee's after-tax weekly wage; amending Minnesota Statutes 1986, sections 176.011, subdivision 18, and by adding a subdivision; 176.101, subdivisions 1, 2, 3a, 3e, 3h, 3j, 3k, 3n, 3p, 4, and 5; 176.105, subdivision 1; 176.111, subdivisions 6, 7, 8, 12, 14, and 20; 176.132, subdivisions 1 and 2; 176.645, subdivision 2; and 176.66, subdivision 11; Minnesota Statutes 1987 Supplement, sections 176.111, subdivisions 15 and 21; and 176.131, subdivision 8; proposing coding for new law in Minnesota Statutes, chapter 176.

The bill was read for the first time and referred to the Committee on Labor-Management Relations.

Cooper and McDonald introduced:

H. F. No. 2725, A bill for an act relating to agriculture; repealing Laws 1984, chapter 509, section 2.

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

Krueger, Poppenhagen and Bertram introduced:

H. F. No. 2726, A bill for an act relating to insurance; requiring the department of health to prepare social, financial, and competitive impact reports for bills or amendments that mandate health insurance coverage.

The bill was read for the first time and referred to the Committee on Health and Human Services.

Jaros and Munger introduced:

H. F. No. 2727, A bill for an act relating to the city of Duluth; authorizing the issuance of bonds to purchase capital equipment; limiting the amount of the bonds.

The bill was read for the first time and referred to the Committee on Local and Urban Affairs.

HOUSE ADVISORIES

The following House Advisory was introduced:

Minne, Quinn, Jacobs, Ogren and Begich introduced:

H. A. No. 66, A proposal to study a system for the registration of beer kegs.

The advisory was referred to the Committee on Regulated Industries.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 257, A bill for an act relating to state government; requiring the board of investments to adopt an investment policy; authorizing certain investments by the board of investments; providing that certain state employees who are eligible to retire are eligible for state-paid insurance benefits; modifying definition of terms and conditions of employment for public employees; amending Minnesota Statutes 1986, sections 11A.04; 11A.24, subdivisions 2, 4, 5, and 6; 11A.25; 43A.24, subdivision 2; and 179A.03, subdivision 19.

The Senate has appointed as such committee:

Messrs. Moe, D. M.; Wegscheid and Freeman.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 236, A bill for an act relating to elections; requiring fair campaign practices; imposing penalties; amending Minnesota Stat-

utes 1986, sections 123.015; 200.015; 201.275; 204C.04; proposing coding for new law as Minnesota Statutes, chapters 211A and 211B; repealing Minnesota Statutes 1986, chapter 210A.

The Senate has appointed as such committee:

Ms. Peterson, D. C.; Messrs. Luther and Johnson, D. E.

Said House File is herewith returned to the House.

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. 1886, A bill for an act relating to crime; increasing penalties for advertising, selling, and renting devices designed to make an unauthorized connection to a cable communications system; amending Minnesota Statutes 1986, section 609.80.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Orenstein moved that the House concur in the Senate amendments to H. F. No. 1886 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1886, A bill for an act relating to crime; increasing penalties for advertising, selling, and renting devices designed to make an unauthorized connection to a cable communications system; amending Minnesota Statutes 1986, section 609.80.

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 121 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Begich	Boo	Carlson, L.	Cooper
Battaglia	Bennett	Brown	Carruthers	Dauner
Bauerly	Bertram	Burger	Clark	Dawkins
Beard	Blatz	Carlson, D.	Clausnitzer	DeBlicke

Dempsey	Johnson, V.	Minne	Peterson	Simoneau
DeRaad	Kalis	Morrison	Poppenhagen	Skoglund
Dille	Kelso	Munger	Price	Sparby
Dorn	Kinkel	Murphy	Quinn	Stanius
Forsythe	Kludt	Nelson, C.	Quist	Steensma
Frederick	Knickerbocker	Nelson, D.	Redalen	Sviggum
Greenfield	Knuth	Nelson, K.	Reding	Swenson
Gruenes	Kostohryz	O'Connor	Rest	Thiede
Hartle	Krueger	Ogren	Rice	Tjornhom
Haukoos	Larsen	Olsen, S.	Richter	Tompkins
Heap	Lasley	Olsen, E.	Riveness	Tunheim
Himle	Lieder	Olson, K.	Rodosovich	Uphus
Hugoson	Long	Omam	Rose	Valento
Jacobs	Marsh	Onnen	Rukavina	Voss
Jaros	McDonald	Orenstein	Sarna	Wagenius
Jefferson	McEachern	Osthoff	Schafer	Waltman
Jennings	McKasy	Otis	Scheid	Welle
Jensen	McPherson	Ozment	Schreiber	Wenzel
Johnson, A.	Milbert	Pauly	Seaberg	Winter
Johnson, R.	Miller	Pelowski	Segal	Wynia
				Spk. Vanasek

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

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 232:

S. F. No. 232, A bill for an act relating to crimes; expanding the definition of crime for victims' rights provisions to include ordinance violations resulting in bodily harm; expanding crimes that entitle victim to notice of plea agreement; granting right to victim to submit an impact statement to the court; requiring officers to give victims a notice of their rights; requiring prosecutors to present to the court a written victim impact summary prepared by the victim; ensuring privacy of victim's request for notice of prisoner release; amending Minnesota Statutes 1986, sections 611A.01; 611A.02; and 611A.06; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 1986, section 611A.03, subdivision 3.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Cohen, Laidig and Pogemiller.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Seaberg moved that the House accede to the request of the Senate

and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 232. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to Senate File No. 1575:

S. F. No. 1575, A bill for an act relating to game and fish; clarifying when a trout and salmon stamp is required and responsibility for road-kill deer; amending Minnesota Statutes 1986, section 97C.305; Minnesota Statutes 1987 Supplement, sections 97A.475, subdivisions 6 and 7; 97A.485, subdivision 6; and 97A.502; repealing Minnesota Statutes 1987 Supplement, section 97A.451, subdivision 1.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Messrs. Berg, Merriam and Lessard.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Battaglia moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1575. The motion prevailed.

CALENDAR

H. F. No. 1806, A bill for an act relating to state agencies; amending and repealing various statutes administered by the state board of investments; amending Minnesota Statutes 1986, sections 11A.17, subdivisions 1, 4, 9, 11, and 14; 11A.19, subdivision 4; and 352D.04, subdivision 1; Minnesota Statutes 1987 Supplement, sections 11A.24, subdivisions 4 and 6; 136.81, subdivision 3; and 353D.05, subdivision 2; repealing Minnesota Statutes 1986, section 11A.17, subdivisions 12 and 13.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 83 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Himle	Lieder	Pappas	Simoneau
Bauerly	Hugoson	Long	Pauly	Skoglund
Bennett	Jacobs	McEachern	Pelowski	Stanius
Bertram	Jaros	McKasy	Peterson	Sviggum
Blatz	Jefferson	McLaughlin	Price	Swenson
Boo	Jensen	Miller	Quinn	Thiede
Brown	Johnson, A.	Morrison	Quist	Tjornhom
Burger	Johnson, R.	Munger	Reding	Tunheim
Carlson, L.	Kahn	Nelson, C.	Rest	Uphus
Carruthers	Kelly	Nelson, D.	Rice	Vellenga
Dawkins	Kelso	Nelson, K.	Riveness	Voss
Forsythe	Kludt	O'Connor	Rodosovich	Wagenius
Greenfield	Knickerbocker	Ogren	Rukavina	Welle
Gruenes	Knuth	Olsen, S.	Sarna	Wynia
Hartle	Kostohryz	Olson, E.	Schafer	Spk. Vanasek
Haukoos	Larsen	Onnen	Seaberg	
Heap	Lasley	Otis	Segal	

Those who voted in the negative were:

Anderson, G.	Frerichs	McPherson	Ozment	Tompkins
Cooper	Gutknecht	Milbert	Poppenhagen	Waltman
Dauner	Johnson, V.	Minne	Redalen	Wenzel
DeBlieck	Kalis	Neuenschwander	Richter	Winter
Dempsey	Kinkel	Olson, K.	Scheid	
DeRaad	Krueger	Qmann	Schreiber	
Dille	Marsh	Orenstein	Sparby	
Dorn	McDonald	Osthoff	Steenasma	

The bill was passed and its title agreed to.

H. F. No. 1709, A bill for an act relating to retirement; judges' retirement fund; providing coverage under the combined service annuity, combined service disability benefit, and combined service survivor benefit provisions; requiring the establishment of a bounce-back joint and survivor optional annuity form; amending Minnesota Statutes 1987 Supplement, sections 356.30, subdivision 3; 356.302, subdivision 7; 356.303, subdivision 4; and 490.124, subdivision 11.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Begich	Brown	Clark	DeBlieck
Anderson, R.	Bennett	Burger	Clausnitzer	Dempsey
Battaglia	Bertram	Carlson, D.	Cooper	DeRaad
Bauerly	Blatz	Carlson, L.	Dauner	Dille
Beard	Boo	Carruthers	Dawkins	Dorn

Forsythe	Kelso	Murphy	Quinn	Steenasma
Frederick	Kinkel	Nelson, C.	Quist	Sviggum
Frerichs	Kludt	Nelson, D.	Redalen	Swenson
Greenfield	Knickerbocker	Nelson, K.	Reding	Thiede
Gruenes	Knuth	Neuenschwander	Rest	Tjornhom
Gutknecht	Kostohryz	O'Connor	Rice	Tompkins
Hartle	Krueger	Ogren	Richter	Trimble
Haukoos	Larsen	Olsen, S.	Riveness	Tunheim
Heap	Lasley	Olsen, E.	Rodosovich	Uphus
Himle	Lieder	Olson, K.	Rose	Valento
Hugoson	Long	Omann	Rukavina	Vellenga
Jacobs	Marsh	Onnen	Sarna	Voss
Jaros	McDonald	Orenstein	Schafer	Wagenius
Jefferson	McEachern	Osthoff	Scheid	Waltman
Jennings	McKasy	Otis	Schreiber	Welle
Jensen	McLaughlin	Ozment	Seaberg	Wenzel
Johnson, A.	McPherson	Pappas	Segal	Winter
Johnson, R.	Milbert	Pauly	Shaver	Wynia
Johnson, V.	Miller	Pelowski	Simoneau	Spk. Vanasek
Kahn	Minne	Peterson	Skoglund	
Kalis	Morrison	Poppenhagen	Sparby	
Kelly	Munger	Price	Stanisus	

The bill was passed and its title agreed to.

S. F. No. 1715 was reported to the House.

There being no objection, S. F. No. 1715 was temporarily laid over on the Calendar.

H. F. No. 1817, A bill for an act relating to watercraft; requiring lifesaving devices in duck boats; amending Minnesota Statutes 1986, section 361.141, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 93 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Frederick	Knickerbocker	Nelson, D.	Rest
Battaglia	Greenfield	Knuth	Nelson, K.	Rice
Begich	Gruenes	Kostohryz	O'Connor	Riveness
Bennett	Hartle	Krueger	Ogren	Rodosovich
Bishop	Haukoos	Larsen	Olsen, S.	Rose
Boo	Heap	Lasley	Olson, K.	Sarna
Brown	Himle	Lieder	Orenstein	Schafer
Carlson, L.	Jaros	Long	Osthoff	Scheid
Clark	Jefferson	McEachern	Otis	Schreiber
Clausnitzer	Jensen	McKasy	Ozment	Seaberg
Dawkins	Johnson, A.	McLaughlin	Pappas	Segal
DeBleeck	Johnson, R.	Minne	Pauly	Simoneau
DeRaad	Johnson, V.	Morrison	Pelowski	Skoglund
Dille	Kahn	Munger	Peterson	Sparby
Dorn	Kelly	Murphy	Price	Stanisus
Forsythe	Kinkel	Nelson, C.	Reding	Steenasma

Swenson	Trimble	Vellenga	Welle	Spk. Vanasek
Tjornhom	Tunheim	Voss	Wenzel	
Tompkins	Valento	Wagenius	Wynia	

Those who voted in the negative were:

Anderson, G.	Frerichs	McDonald	Poppenhagen	Uphus
Bauerly	Hugoson	McPherson	Quinn	Waltman
Bertram	Jacobs	Milbert	Quist	Winter
Blatz	Kalis	Miller	Redalen	
Burger	Kelso	Neuenschwander	Rukavina	
Carruthers	Kludt	Omann	Sviggum	
Dauner	Marsh	Onnen	Thiede	

The bill was passed and its title agreed to.

McKasy was excused for the remainder of today's session.

H. F. No. 1940, A bill for an act relating to consumer protection; requiring certain disclosures regarding storage fees imposed by repair shops; amending Minnesota Statutes 1986, sections 325F.58, subdivision 3; and 325F.62, subdivision 3; Minnesota Statutes 1987 Supplement, sections 325F.56, subdivision 8; and 325F.60, subdivision 1.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

Voss
Wagenius

Waltman
Welle

Wenzel
Winter

Wynia
Spk. Vanasek

The bill was passed and its title agreed to.

H. F. No. 577, A bill for an act relating to termination of parental rights; clarifying the purposes of the laws on termination of parental rights; altering certain grounds and procedures for termination of parental rights; amending Minnesota Statutes 1986, sections 257.071, subdivisions 3 and 4; 260.011, subdivision 2; 260.012; 260.015, subdivision 10; and 260.155, subdivisions 4a and 7; and Minnesota Statutes 1987 Supplement, section 260.221.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

S. F. No. 1715 which was temporarily laid over earlier today on the Calendar was again reported to the House.

S. F. No. 1715, A bill for an act relating to local government;

providing conditions for certain county contracts; amending Minnesota Statutes 1986, section 471.345, by adding a subdivision.

The bill was read for the third time and placed upon its final passage.

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

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

Anderson, R.; Riveness and Shaver were excused at 3:30 p.m.

GENERAL ORDERS

Pursuant to Rules of the House, the House resolved itself into the Committee of the Whole with Vanasek in the Chair for consideration of bills pending on General Orders of the day. After some time spent therein the Committee arose.

REPORT OF THE COMMITTEE OF THE WHOLE

The Speaker resumed the Chair, whereupon the following recommendations of the Committee were reported to the House:

H. F. Nos. 1748, 322, 1589, 1755, 1804, 1838, 1844, 1855, 1913 and 1923 were recommended to pass.

H. F. Nos. 1627 and 1777 were recommended for progress.

H. F. Nos. 1705, 718 and 1979 were recommended for progress retaining their places on General Orders.

H. F. No. 297 was recommended for progress until Thursday, March 17, 1988, retaining its place on General Orders.

H. F. No. 1244 was recommended for re-referral to the Committee on Judiciary.

S. F. No. 1594 which it recommended to pass with the following amendment offered by Greenfield:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1987 Supplement, section 245A.02, subdivision 13, is amended to read:

Subd. 13. [INDIVIDUAL WHO IS RELATED.] "Individual who is related" means a spouse, a parent, a natural or adopted child or stepchild, a stepparent, a stepbrother, a stepsister, a niece, a nephew, an adoptive parent, a grandparent, a sibling, an aunt, an uncle, or a legal guardian.

Sec. 2. Minnesota Statutes 1987 Supplement, section 245A.03, subdivision 2, is amended to read:

Subd. 2. [EXCLUSION FROM LICENSURE.] Sections 245A.01 to 245A.16 do not apply to:

(1) residential or nonresidential programs that are provided to a person by an individual who is related;

(2) nonresidential programs that are provided by an unrelated individual to persons from a single related family;

(3) residential or nonresidential programs that are provided to adults who do not abuse chemicals or who do not have a chemical dependency, a mental illness, mental retardation or a related condition, a functional impairment, or a physical handicap;

(4) sheltered workshops or work activity programs that are certified by the commissioner of jobs and training;

(5) programs for children enrolled in kindergarten to the 12th grade and prekindergarten special education programs that are operated by the commissioner of education or a legally constituted local school board, or private schools that have been approved under the rules of the commissioner of education school as defined in section 120.101, subdivision 4;

(6) nonresidential programs for children that provide care or supervision for periods of less than three hours a day while the child's parent or legal guardian is in the same building or present on property that is contiguous with the physical facility where the nonresidential program is provided;

(7) nursing homes or hospitals licensed by the commissioner of health except as specified under section 245A.02;

(8) board and lodge facilities licensed by the commissioner of health that provide services for ~~more than five or more persons~~ whose primary diagnosis is mental illness or ~~mental retardation~~ who have refused services in a an appropriate residential program offered by a county agency. This exclusion expires on July 1, 1989;

(9) homes providing programs for persons placed there by a licensed agency for legal adoption, unless the adoption is not completed within two years;

(10) programs licensed by the commissioner of corrections;

(11) recreation programs for children or adults that operate for fewer than 40 calendar days in a calendar year;

(12) programs not located in family or group family day care homes whose primary purpose is to provide activities outside of the regular school day for children age five and older, until such time as appropriate rules have been adopted by the commissioner;

(13) head start nonresidential programs which operate for less than 31 days in each calendar year;

(14) noncertified boarding care homes unless they provide services for five or more persons whose primary diagnosis is mental illness or mental retardation;

(15) ~~family day care~~ nonresidential programs for nonhandicapped children provided for a cumulative total of less than 30 days in any 12-month period; or

(16) residential programs for persons with mental illness, that are located in hospitals, until the commissioner adopts appropriate rules.

Sec. 3. Minnesota Statutes 1987 Supplement, section 245A.04, subdivision 3, is amended to read:

Subd. 3. [STUDY OF THE APPLICANT.] (a) Before issuing a license, the commissioner shall conduct a study of the applicant. The applicant, the bureau of criminal apprehension, county attorneys, county sheriffs, county agencies, and local chiefs of police, after notice to the subject of the data, shall help with the study by giving the commissioner criminal conviction data, arrest information, reports about abuse or neglect of children or adults, and investigation results available from local, state, and national criminal record repositories, including the criminal justice data communications network, about:

- (1) the applicant;
- (2) persons living in the household where the licensed program will be provided;
- (3) employees or contractors of the applicant who will have direct contact with persons served by the program; and
- (4) volunteers who have direct contact with persons served by the program, if the contact is not directly supervised by the individuals listed in clause (1) or (3).

The commissioner and agencies required to help conduct the study may charge the applicant or the subject of the data a reasonable fee for conducting the study.

(b) A study must meet the following minimum criteria:

- (1) if the subject of the data has resided in the same county for at least the past five years, the study must include information from the county sheriff, the local chief of police, and the county attorney agency;
- (2) if the subject of the data has resided in the state, but not in the same county, for the past five years, the study must include information from the agencies listed in clause (1) and the bureau of criminal apprehension; and
- (3) if the subject of the data has not resided in the state for at least five years, the study must include information from the agencies listed in clauses (1) and (2) and the national criminal records repository and the state law enforcement agencies in the states where the subject of the data has maintained a residence during the past five years.

(c) An applicant's failure or refusal to cooperate with the commis-

sioner is reasonable cause to deny an application or revoke or suspend a license. Failure or refusal of an individual to cooperate with the study is just cause for denying or terminating employment of the individual if the individual's failure or refusal to cooperate could cause the applicant's application to be denied or the license holder's license to be immediately suspended, suspended, or revoked.

(d) The commissioner shall not consider an application to be complete until all of the information required to be provided under this subdivision has been received.

Sec. 4. Minnesota Statutes 1987 Supplement, section 245A.04, subdivision 5, is amended to read:

Subd. 5. [COMMISSIONER'S RIGHT OF ACCESS.] When the commissioner is exercising the powers conferred by sections 245A.01 to 245A.15, the commissioner must be given access to the physical plant and grounds where the program is provided, documents, persons served by the program, and staff whenever the program is in operation and the information is relevant to inspections or investigations conducted by the commissioner. The commissioner must be given access without prior notice and as often as the commissioner considers necessary if the commissioner is conducting an investigation of allegations of abuse, neglect, or other violation of applicable laws or rules. In conducting inspections, the commissioner may request and shall receive assistance from other state, county, and municipal governmental agencies and departments. The applicant or license holder shall allow the commissioner to photocopy, photograph, and make audio and video tape recordings during the inspection of the program at the commissioner's expense. The commissioner shall obtain a court order or the consent of the subject of the records or the parents or legal guardian of the subject before photocopying hospital medical records.

Persons served by the program have the right to refuse to consent to be interviewed, photographed, or audio or videotaped. Failure or refusal of an applicant or license holder to fully comply with this subdivision is reasonable cause for the commissioner to deny the application or immediately suspend or revoke the license.

Sec. 5. Minnesota Statutes 1987 Supplement, section 245A.095, subdivision 1, is amended to read:

Subdivision 1. Residential programs for five or more persons with a mental illness must be licensed under sections 245A.01 to 245A.16. To assure that this requirement is met, the commissioner of health, in cooperation with the commissioner of human services, shall monitor licensed boarding care homes, board and lodging houses, and supervised living facilities.

By January 1, 1989, the commissioner of health shall recommend

to the legislature an appropriate method for enforcing this requirement.

Sec. 6. Minnesota Statutes 1987 Supplement, section 245A.11, subdivision 5, is amended to read:

Subd. 5. [OVERCONCENTRATION AND DISPERSAL.] (a) Before January 1, 1985, each county having two or more group residential programs within 1,320 feet of each other shall submit to the department of human services a plan to promote dispersal of group residential programs. In formulating its plan, the county shall solicit the participation of affected persons, programs, municipalities having highly concentrated residential program populations, and advocacy groups. For the purposes of this subdivision, "highly concentrated" means having a population in residential programs serving seven or more persons that exceeds one-half of one percent of the population of a recognized planning district or other administrative subdivision.

(b) Within 45 days after the county submits the plan, the commissioner shall certify whether the plan fulfills the purposes and requirements of this subdivision including the following requirements:

(1) a new program serving seven or more persons must not be located in any recognized planning district or other administrative subdivision where the population in residential programs is highly concentrated;

(2) the county plan must promote dispersal of highly concentrated residential program populations;

(3) the county plan shall promote the development of residential programs in areas that are not highly concentrated;

(4) no person in a residential program shall be displaced as a result of this section until a relocation plan has been implemented that provides for an acceptable alternative placement;

(5) if the plan provides for the relocation of residential programs, the relocation must be completed by January 1, 1990. If the commissioner certifies that the plan does not do so, the commissioner shall state the reasons, and the county has 30 days to submit a plan amended to comply with the requirements of the commissioner.

(c) After July 1, 1985, the commissioner may reduce grants under section 245.73 to a county required to have an approved plan under paragraph (a) if the county does not have a plan approved by the commissioner or if the county acts in substantial disregard of its

approved plan. The county board has the right to be provided with advance notice and to appeal the commissioner's decision. If the county requests a hearing within 30 days of the notification of intent to reduce grants, the commissioner shall not certify any reduction in grants until a hearing is conducted and a decision made in accordance with the contested case provisions of chapter 14.

Sec. 7. Minnesota Statutes 1987 Supplement, section 245A.13, subdivision 5, is amended to read:

Subd. 5. [TERMINATION.] An involuntary receivership terminates ~~18~~ 12 months after the date on which it was ordered or at any other time designated by the court or when any of the following events occurs:

(1) the commissioner determines that the residential program's license application should be granted or should not be suspended or revoked;

(2) a new license is granted to the residential program; or

(3) the commissioner determines that all persons residing in the residential program have been provided with alternative residential programs.

Sec. 8. Minnesota Statutes 1986, section 466.132, is amended to read:

466.132 [INDEMNIFICATION BY STATE.]

Municipalities, when performing, as required or mandated by state law, inspections or investigations of persons prior to the issuance of state licenses, are employees of the state for purposes of the indemnification provisions of section 3.736, subdivision 9. A municipality is not, however, an employee of the state for purposes of this section if in hiring, supervising, or continuing to employ the person performing an inspection or investigation for the municipality, the municipality was clearly negligent. In no event shall the state be obligated to defend or indemnify a municipality for inspections or investigations relating to licensing to the extent of insurance purchased by the municipality covering liability therefor. The municipality's right to indemnity shall not be considered a waiver of the limitations, defenses, and immunities available to the municipality and state by law.

Sec. 9. [REPEALER.]

Minnesota Statutes 1987 Supplement, sections 256D.01, subdivision 1d; and 256D.37, subdivision 5, are repealed."

Delete the title and insert:

"A bill for an act relating to human services; providing for definitions, exclusions, access to records, and period of receivership under the human services licensing act; liability of the state for municipal inspection functions; amending Minnesota Statutes 1986, section 466.132; and Minnesota Statutes 1987 Supplement, sections 245A.02, subdivision 13; 245A.03, subdivision 2; 245A.04, subdivisions 3 and 5; 245A.095, subdivision 1; 245A.11, subdivision 5; and 245A.13, subdivision 5; repealing Minnesota Statutes 1987 Supplement, sections 256D.01, subdivision 1d; and 256D.37, subdivision 5."

H. F. No. 1922 which it recommended to pass with the following amendment offered by Quist:

Page 1, after line 7, insert:

"Section 1. [617.252] [SALE OF CONTRACEPTIVES; PROHIBITED ON SCHOOL GROUNDS.]

Instruments, articles, drugs or medicines to prevent conception shall not be sold or distributed on the school ground, schoolhouse or school building of a public or private elementary or secondary school. Anyone convicted of violating this section shall be guilty of a misdemeanor."

Re number the remaining section

Amend the title as follows:

Page 1, line 2, after the semicolon insert "prohibiting the sale or distribution of contraceptives on elementary and secondary school grounds;"

Page 1, line 4, after "disease;" insert "prescribing a penalty; proposing coding for new law in Minnesota Statutes, chapter 617;"

On the motion of Wynia the report of the Committee of the Whole was adopted.

ROLL CALLS IN COMMITTEE OF THE WHOLE

Pursuant to rule 1.6, the following roll call was taken in the Committee of the Whole:

Quist moved to amend H. F. No. 1922, as follows:

Page 1, after line 7, insert:

“Section 1. [617.252] [SALE OF CONTRACEPTIVES; PROHIBITED ON SCHOOL GROUNDS.]

Instruments, articles, drugs or medicines to prevent conception shall not be sold or distributed on the school ground, schoolhouse or school building of a public or private elementary or secondary school. Anyone convicted of violating this section shall be guilty of a misdemeanor.”

Renumber the remaining section

Amend the title as follows:

Page 1, line 2, after the semicolon insert “prohibiting the sale or distribution of contraceptives on elementary and secondary school grounds;”

Page 1, line 4, after “disease;” insert “prescribing a penalty; proposing coding for new law in Minnesota Statutes, chapter 617;”

The question was taken on the Quist amendment and the roll was called. There were 81 yeas and 31 nays as follows:

Those who voted in the affirmative were:

Battaglia	Dille	Knickerbocker	Omann	Schafer
Beard	Dorn	Krueger	Onnen	Schreiber
Begich	Forsythe	Lasley	Ozment	Seaberg
Bennett	Frederick	Lieder	Pauly	Sparby
Blatz	Frerichs	Marsh	Pelowski	Stanius
Boo	Gruenes	McDonald	Peterson	Steensma
Brown	Gutknecht	McEachern	Poppenhagen	Sviggum
Burger	Heap	McPherson	Price	Swenson
Carlson, D.	Himle	Miller	Quinn	Thiede
Carlson, L.	Hugoson	Morrison	Quist	Tjornhom
Clausnitzer	Jensen	Munger	Redalen	Tompkins
Cooper	Johnson, R.	Murphy	Rice	Uphus
Dauner	Johnson, V.	Nelson, D.	Richter	Valento
DeBlieck	Kalis	O'Connor	Rodosovich	Wagenius
Dempsey	Kelso	Ogren	Rose	Waltman
DeRaad	Kinkel	Olsen, S.	Sarna	Wenzel
				Winter

Those who voted in the negative were:

Anderson, G.	Jaros	Long	Orenstein	Skoglund
Carruthers	Jefferson	McLaughlin	Otis	Trimble
Clark	Johnson, A.	Minne	Pappas	Vellenga
Dawkins	Kahn	Nelson, C.	Rukavina	Voss
Greenfield	Kelly	Neuenschwander	Segal	Welle
Jacobs	Larsen	Olson, K.	Simoneau	Wynia
				Spk. Vanasek

The motion prevailed and the amendment was adopted.

MOTIONS AND RESOLUTIONS

Krueger moved that the names of Wenzel, Bauerly and Nelson, C., be added as authors on H. F. No. 1000. The motion prevailed.

McEachern moved that the name of Nelson, K., be stricken and the name of Wenzel be added as an author on H. F. No. 1878. The motion prevailed.

McLaughlin moved that the name of Sparby be added as an author on H. F. No. 2038. The motion prevailed.

Sparby moved that the name of Battaglia be stricken and the name of Stanius be added as an author on H. F. No. 2185. The motion prevailed.

Onnen moved that the name of Bauerly be added as an author on H. F. No. 2301. The motion prevailed.

Bertram moved that the name of Omann be added as an author on H. F. No. 2354. The motion prevailed.

Reding moved that the name of Dauner be added as an author on H. F. No. 2401. The motion prevailed.

Bauerly moved that the name of Tunheim be added as an author on H. F. No. 2420. The motion prevailed.

Quinn moved that the name of Skoglund be added as an author on H. F. No. 2436. The motion prevailed.

Price moved that the name of O'Connor be added as an author on H. F. No. 2452. The motion prevailed.

Clausnitzer moved that his name be stricken as an author on H. F. No. 2492. The motion prevailed.

Wenzel moved that the name of Bauerly be added as an author on H. F. No. 2646. The motion prevailed.

Stanius moved that the name of Jacobs be added as an author on H. F. No. 2695. The motion prevailed.

Wynia moved that the name of Simoneau be shown as chief author on H. F. No. 877. The motion prevailed.

Kelso moved that S. F. No. 1574 be recalled from the Committee on

Metropolitan Affairs and be re-referred to the Committee on Local and Urban Affairs. The motion prevailed.

Rest, Cooper and Jensen introduced:

House Concurrent Resolution No. 24, A House concurrent resolution deploring acts of violence, threats of violence, and other criminal acts against reproductive health care facilities, and exhorting law enforcement agencies to investigate such acts and apprehend and prosecute those responsible for their perpetration.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

Frerichs; McEachern; Tompkins; Olsen, S., and Carlson, L., introduced:

House Concurrent Resolution No. 25, A House concurrent resolution deploring acts of violence, threats of violence, and other criminal acts against reproductive health care facilities, and exhorting law enforcement agencies to investigate such acts and apprehend and prosecute those responsible for their perpetration.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

Scheid, Sviggum, Knickerbocker, Osthoff and Morrison introduced:

House Concurrent Resolution No. 26, A House concurrent resolution deploring acts of violence, threats of violence, and other criminal acts against reproductive health care facilities, and exhorting law enforcement agencies to investigate such acts and apprehend and prosecute those responsible for their perpetration.

The concurrent resolution was referred to the Committee on Rules and Legislative Administration.

Rodosovich and Vanasek introduced:

House Resolution No. 50, A House resolution observing Deaf Heritage Week and the 125th Anniversary of the Minnesota State Academy for the Deaf.

The resolution was referred to the Committee on Rules and Legislative Administration.

Murphy introduced:

House Resolution No. 51, A House resolution commemorating the 100th anniversary of Canosia Township.

The resolution was referred to the Committee on Rules and Legislative Administration.

Schreiber moved that the House invite the Senate to meet in Joint Convention, at a date and time not later than March 30, 1988, to be specified by the Speaker, for the following reasons:

1. So that the convention may consider whether viva voce votes cast in Joint Convention on Wednesday, April 15, 1987, electing new members to the University of Minnesota Board of Regents should be reconsidered, and;

2. So that continued service by each member of the University of Minnesota Board of Regents may be encouraged or discouraged by the approval or disapproval of the Joint Convention.

Schreiber further moved that additional appropriations to the University of Minnesota not be made until continued service by each member of the Board of Regents, including those not elected by the current legislature, has been approved by action of the Joint Convention.

A roll call was requested and properly seconded.

Wynia moved that the Schreiber motion be referred to the Committee on Higher Education. The motion prevailed and the Schreiber motion was referred to the Committee on Higher Education.

Cooper moved that H. F. No. 2725 be returned to its author. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 232:

Seaberg, Kelly and Bishop.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1575:

Battaglia, Munger and Rose.

MOTION FOR RECONSIDERATION

Schreiber moved that the vote whereby the Schreiber motion was referred to the Committee on Higher Education earlier today be now reconsidered.

A roll call was requested and properly seconded.

The question was taken on the Schreiber motion and the roll was called. There were 45 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anderson, G.	Dille	Jennings	Olsen, S.	Schreiber
Bennett	Forsythe	Johnson, V.	Omann	Seaberg
Blatz	Frederick	Kelso	Onnen	Stanisus
Boo	Frerichs	Knickerbocker	Pauly	Swenson
Brown	Gruenes	Marsh	Poppenhagen	Thiede
Burger	Haukoos	McDonald	Quist	Tjornhom
Clausnitzer	Heap	McPherson	Redalen	Tompkins
Dempsey	Himle	Miller	Richter	Valento
DeRaad	Hugoson	Morrison	Schafer	Waltman

Those who voted in the negative were:

Battaglia	Jefferson	McEachern	Osthoff	Simoneau
Bauerly	Jensen	McLaughlin	Otis	Skoglund
Beard	Johnson, A.	Milbert	Pappas	Sparby
Begich	Johnson, R.	Minne	Pelowski	Steensma
Bertram	Kahn	Munger	Peterson	Sviggum
Carlson, L.	Kalis	Murphy	Price	Trimble
Carruthers	Kelly	Nelson, C.	Quinn	Tunheim
Clark	Kinkel	Nelson, D.	Reding	Vellenga
Cooper	Kludt	Nelson, K.	Rest	Voss
Dauner	Knuth	Neuenschwander	Rice	Wagenius
Dawkins	Krueger	O'Connor	Rodosovich	Welle
DeBlicck	Larsen	Ogren	Rose	Wenzel
Dorn	Lasley	Olson, E.	Sarna	Winter
Greenfield	Lieder	Olson, K.	Scheid	Wynia
Jacobs	Long	Orenstein	Segal	Spk. Vanasek

The motion did not prevail.

ADJOURNMENT

Wynia moved that when the House adjourns today it adjourn until 2:00 p.m., Monday, March 14, 1988. The motion prevailed.

Wynia moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:00 p.m., Monday, March 14, 1988.

EDWARD A. BURDICK, Chief Clerk, House of Representatives