STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1992

EIGHTY-FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 26, 1992

The House of Representatives convened at 1:00 p.m. and was called to order by Dee Long, Speaker of the House.

Prayer was offered by Sister Ramona Fallon, Education Director, Minnesota Catholic Conference, St. Paul, Minnesota.

The roll was called and the following members were present:

Abrams	Garcia	Knickerbocker	Olson, K.	Solberg
Anderson, I.	Girard	Koppendrayer	Omann	Sparby
Anderson, R.	Goodno	Krambeer	Onnen	Stanius
Anderson, R. H.	Greenfield	Krinkie	Orenstein	Steensma
Battaglia	Gruenes	Krueger	Orfield	Sviggum
Bauerly	Gutknecht	Lasley	Osthoff	Swenson
Beard	Hanson	Leppik	Ostrom	Thompson
Begich	Hartle	Lieder	Ozment	Tompkins
Bertram	Hasskamp	Limmer	Pauly	Trimble
Bettermann	Haukoos	Lourey	Pellow	Tunheim
Bishop	Hausman	Lynch	Pelowski	Uphus
Blatz	Heir	Macklin	Peterson	Valento
Bodahl	Henry	Mariani	Pugh	Vanasek
Boo	Hufnagle	Marsh	Reding	Vellenga
Brown	Hugoson	McEachern	Rest	Wagenius
Carlson	Jacobs	McGuire	Rice	Waltman
Clark	Janezich	McPherson	Rodosovich	Weaver
Cooper	Jaros	Milbert	Rukavina	Wejcman
Dauner	Jefferson	Morrison	Runbeck	Welker
Davids	Jennings	Munger	Sarna	Welle
Dawkins	Johnson, A.	Murphy	Schafer	Wenzel
Dille	Johnson, R.	Nelson, S.	Schreiber	Winter
Dorn	Johnson, V.	Newinski	Seaberg	Spk. Long
Erhardt	Kahn	O'Connor	Segal	
Farrell	Kalis	Ogren	Simoneau	
Frederick	Kelso	Olsen, S.	Skoglund	
Frerichs	Kinkel	Olson, E.	Smith	

A quorum was present.

Nelson, K., was excused.

Carruthers was excused until 2:20 p.m. Dempsey was excused until 4:30 p.m.

The Chief Clerk proceeded to read the Journal of the preceding

day. Mariani 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

S. F. No. 1252 and H. F. No. 1347, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Skoglund moved that the rules be so far suspended that S. F. No. 1252 be substituted for H. F. No. 1347 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1298 and H. F. No. 1488, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Dawkins moved that the rules be so far suspended that S. F. No. 1298 be substituted for H. F. No. 1488 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1671 and H. F. No. 1823, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Milbert moved that S. F. No. 1671 be substituted for H. F. No. 1823 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1729 and H. F. No. 1884, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sparby moved that S. F. No. 1729 be substituted for H. F. No. 1884 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1767 and H. F. No. 1933, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Anderson, R., moved that S. F. No. 1767 be substituted for H. F. No. 1933 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1801 and H. F. No. 2096, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Farrell moved that the rules be so far suspended that S. F. No. 1801 be substituted for H. F. No. 2096 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1900 and H. F. No. 2962, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Cooper moved that S. F. No. 1900 be substituted for H. F. No. 2962 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1991 and H. F. No. 2013, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sparby moved that S. F. No. 1991 be substituted for H. F. No. 2013 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1997 and H. F. No. 2346, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Bishop moved that the rules be so far suspended that S. F. No. 1997 be substituted for H. F. No. 2346 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2001 and H. F. No. 2267, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Steensma moved that S. F. No. 2001 be substituted for H. F. No. 2267 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2013 and H. F. No. 2251, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Olson, K., moved that S. F. No. 2013 be substituted for H. F. No. 2251 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2069 and H. F. No. 2125, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Tunheim moved that S. F. No. 2069 be substituted for H. F. No. 2125 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2115 and H. F. No. 2312, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jaros moved that S. F. No. 2115 be substituted for H. F. No. 2312 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2117 and H. F. No. 2967, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Clark moved that the rules be so far suspended that S. F. No. 2117 be substituted for H. F. No. 2967 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2124 and H. F. No. 2896, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Brown moved that S. F. No. 2124 be substituted for H. F. No. 2896 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2162 and H. F. No. 2592, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Stanius moved that the rules be so far suspended that S. F. No. 2162 be substituted for H. F. No. 2592 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2182 and H. F. No. 2313, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jaros moved that S. F. No. 2182 be substituted for H. F. No. 2313 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2185 and H. F. No. 2578, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Weaver moved that S. F. No. 2185 be substituted for H. F. No. 2578 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2186 and H. F. No. 2342, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Jefferson moved that the rules be so far suspended that S. F. No. 2186 be substituted for H. F. No. 2342 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2208 and H. F. No. 1976, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Bishop moved that S. F. No. 2208 be substituted for H. F. No. 1976 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2231 and H. F. No. 2309, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Stanius moved that the rules be so far suspended that S. F. No. 2231 be substituted for H. F. No. 2309 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2286 and H. F. No. 2642, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Olson, K., moved that the rules be so far suspended that S. F. No. 2286 be substituted for H. F. No. 2642 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2301 and H. F. No. 2543, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Munger moved that S. F. No. 2301 be substituted for H. F. No. 2543 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2308 and H. F. No. 2593, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Welle moved that S. F. No. 2308 be substituted for H. F. No. 2593 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2310 and H. F. No. 2702, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Munger moved that S. F. No. 2310 be substituted for H. F. No. 2702 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2311 and H. F. No. 2746, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Munger moved that S. F. No. 2311 be substituted for H. F. No. 2746 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2382 and H. F. No. 2565, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Jefferson moved that S. F. No. 2382 be substituted for H. F. No. 2565 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2421 and H. F. No. 2483, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Anderson, I., moved that the rules be so far suspended that S. F. No. 2421 be substituted for H. F. No. 2483 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2475 and H. F. No. 2904, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

O'Connor moved that the rules be so far suspended that S. F. No. 2475 be substituted for H. F. No. 2904 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2637 and H. F. No. 2355, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Johnson, A., moved that the rules be so far suspended that S. F. No. 2637 be substituted for H. F. No. 2355 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Ogren from the Committee on Taxes to which was referred:

H. F. No. 779, A bill for an act relating to solid waste; regulating packaging and toxic materials in packaging and products; defining packaging; preempting local regulations relating to packaging; establishing a goal for reduction of packaging in the solid waste stream; requiring counties to ensure recycling of commonly used packaging materials; requiring registration of and payment of a fee for use of priority toxic materials in products and packaging; requiring reduction of the use of toxic materials in packaging; requiring various reports and research; authorizing rulemaking; providing penalties; appropriating money; amending Minnesota Statutes 1990, sections 115A.03, by adding a subdivision; 115A.072, subdivision 2; 115A.552, by adding a subdivision; 115A.558; 325E.042, subdivision 3; and 400.08, subdivision 5; Minnesota Statutes 1991 Supplement, section 115A.02; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Page 1, delete lines 21 and 22

Page 5, line 12, delete "ADVANCE DISPOSAL FEE" and insert "PACKAGING TAX"

Page 5, line 13, delete "FEE" and insert "TAX"

Page 5, line 18, delete "an"

Page 5, line 19, delete "advance disposal fee" and insert "a packaging tax"

Page 5, line 23, delete "fee" and insert "tax"

Page 5, line 30, delete "fees" and insert "taxes"

Page 5, line 34, delete "FEE" and insert "TAX"

Page 5, line 35, delete "advance disposal fee" and insert "packaging tax"

Page 7, line 18, delete "fees" and insert "taxes"

Pages 9 to 18, delete articles 2 and 3

Amend the title as follows:

Page 1, line 6, after the semicolon insert "authorizing a packaging tax;"

Page 1, line 8, delete everything after the semicolon

Page 1, delete lines 9 to 12

Page 1, line 13, delete everything before "amending"

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

The report was adopted.

Wenzel from the Committee on Agriculture to which was referred:

H. F. No. 829, A bill for an act relating to agriculture; regulating noxious weeds; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1990, sections 18.171 to 18.201, 18.211 to 18.315, and 18.321 to 18.323.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [18.75] [PURPOSE.]

It is the policy of the legislature that residents of the state be protected from the injurious effects of noxious weeds on public health, the environment, public roads, crops, livestock, and other property. Sections 2 to 14 contain procedures for controlling and eradicating noxious weeds on all lands within the state.

Sec. 2. [18.76] [CITATION.]

Sections 2 to 14 may be cited as the "Minnesota noxious weed law."

Sec. 3. [18.77] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 2 to 14.

Subd. 2. [COMMISSIONER.] "Commissioner" means the commissioner of agriculture or the authorized agents of the commissioner.

Subd. 3. [CONTROL.] "Control" means to destroy the aboveground growth of noxious weeds by a lawful method that prevents the maturation and spread of noxious weed propagating parts from one area to another.

Subd. 4. [ERADICATE.] "Eradicate" means to destroy the aboveground growth and the roots of noxious weeds by a lawful method that prevents the maturation and spread of noxious weed propagating parts from one area to another.

Subd. 5. [GROWING CROP.] "Growing crop" means an agricultural, horticultural, or forest crop that has been planted or regularly maintained and intended for harvest.

Subd. 6. [LAND.] "Land" means a parcel or tract of real estate including wetlands and public waters but not including buildings unless they are a place of business and open to the general public.

Subd. 7. [MUNICIPALITY.] "Municipality" means a home rule charter or statutory city or a township.

Subd. 8. [NOXIOUS WEED.] "Noxious weed" means an annual, biennial, or perennial plant that the commissioner designates to be injurious to public health, the environment, public roads, crops, livestock, or other property.

Subd. 9. [OCCUPANT.] "Occupant" means a person who uses land as a principal residence or who leases land or both.

Subd. 10. [PERMANENT PASTURE, HAY MEADOW, WOODLOT, AND OTHER NONCROP AREA.] "Permanent pasture, hay meadow, woodlot, and other noncrop area" means an area of predominantly native or seeded perennial plants that can be used for grazing or hay purposes but is not harvested on a regular basis and is not considered to be a growing crop.

Subd. 11. [PERSON.] "Person" means an individual, partnership, corporation, society, association, firm, public agency, or an agent for one of those entities.

Subd. 12. [PROPAGATING PARTS.] "Propagating parts" means plant parts, including seeds, that are capable of producing new plants.

Sec. 4. [18.78] [CONTROL OR ERADICATION OF NOXIOUS WEEDS.]

Subdivision 1. [GENERALLY.] Except as provided in section 11, a person owning land, a person occupying land, or a person responsible for the maintenance of public land shall control or eradicate all noxious weeds on the land at a time and in a manner ordered by the commissioner, the county agricultural inspector, or a local weed inspector.

Subd. 2. [CONTROL OF PURPLE LOOSESTRIFE.] An owner of nonfederal lands underlying public waters or wetlands designated under section 103G.201 is not required to control or eradicate purple loosestrife below the ordinary high water level of the public water or wetland. The commissioner of natural resources is responsible for control and eradication of purple loosestrife on public waters and wetlands designated under section 103G.201, except those located upon lands owned in fee title or managed by the United States. The officers, employees, agents, and contractors of the commissioner of natural resources may enter upon public waters and wetlands designated under section 103G.201 and, after providing notification to the occupant or owner of the land, may cross adjacent lands as necessary for the purpose of investigating purple loosestrife infestations, formulating methods of eradication, and implementing control and eradication of purple loosestrife. The commissioner, after consultation with the commissioner of agriculture, shall, by June 1 of each year, compile a priority list of purple loosestrife infestations to be controlled in designated public waters. The commissioner of agriculture must distribute the list to county agricultural inspectors, local weed inspectors, and their appointed agents. The commissioner of natural resources shall control listed purple loosestrife infestations in priority order within the limits of appropriations provided for that purpose. This procedure shall be the exclusive means for control of purple loosestrife on designated public waters by the commissioner of natural resources and shall supersede the other provisions for control of noxious weeds set forth elsewhere in chapter 18. The responsibility of the commissioner of natural resources to control and eradicate purple loosestrife on public waters and wetlands located on private lands and the authority to enter upon private lands ends ten days after receipt by the commissioner of a written statement from the landowner that the landowner assumes all responsibility for control and eradication of purple loosestrife under sections 4 to 14. State officers, employees, agents, and contractors of the commissioner of natural resources are not liable in a civil action for trespass committed in the discharge of their duties under this section and are not liable to anyone for damages, except for damages arising from gross negligence.

Sec. 5. [18.79] [DUTIES OF THE COMMISSIONER.]

Subdivision 1. [ENFORCEMENT.] The commissioner of agriculture shall administer and enforce sections 2 to 14.

Subd. 2. [AUTHORIZED AGENTS.] The commissioner shall authorize department of agriculture personnel and may authorize, in writing, county agricultural inspectors to act as agents in the administration and enforcement of sections 2 to 14.

Subd. 3. [ENTRY UPON LAND.] To administer and enforce sections 2 to 14, the commissioner, authorized agents of the commissioner, county agricultural inspectors, and local weed inspectors may enter upon land without consent of the owner and without being subject to an action for trespass or any damages.

Subd. 4. [RULES.] The commissioner may make necessary rules for the proper enforcement of sections 2 to 14. The commissioner may designate the plants that are noxious by commissioner's order. The commissioner's orders under this subdivision are not subject to chapter 14.

Subd. 5. [ORDER FOR CONTROL OR ERADICATION OF NOXIOUS WEEDS.] The commissioner, a county agricultural inspector, or a local weed inspector may order the control or eradication of noxious weeds on any land within the state.

Subd. 6. [EDUCATIONAL PROGRAMS FOR CONTROL OR ERADICATION OF NOXIOUS WEEDS.] The commissioner shall conduct education programs considered necessary for weed inspectors in the enforcement of the noxious weed law. The director of the Minnesota extension service may conduct educational programs for the general public that will aid compliance with the noxious weed law.

Subd. 7. [MEETINGS AND REPORTS.] The commissioner shall designate by rule the reports that are required to be made and the meetings that must be attended by weed inspectors.

Subd. 8. [PRESCRIBED FORMS.] The commissioner shall prescribe the forms to be used by weed inspectors in the enforcement of sections 2 to 14.

Subd. 9. [INJUNCTION.] If the commissioner applies to a court for a temporary or permanent injunction restraining a person from violating or continuing to violate sections 2 to 14, the injunction may be issued without requiring a bond.

Subd. 10. [PROSECUTION.] On finding that a person has violated sections 2 to 14, the commissioner may start court proceedings

in the locality in which the violation occurred. The county attorney may prosecute actions under sections 2 to 14 within his or her jurisdiction.

Subd. 11. [QUARANTINE.] The commissioner may establish a noxious weed quarantine according to section 11 and may hire additional employees and purchase the necessary equipment, supplies, or services to properly carry out the eradication of noxious weeds on quarantined land.

Sec. 6. [18.80] [INSPECTORS; EXPENSES.]

Subdivision 1. [COUNTY AGRICULTURAL INSPECTORS.] The county board shall appoint one or more county agricultural inspectors that meet the qualifications prescribed by rule. The appointment must be for a period of time which is sufficient to accomplish the duties assigned to this position. A notice of the appointment must be delivered to the commissioner within ten days of the appointment and it must establish the initial number of hours to be worked annually.

Subd. 2. [LOCAL WEED INSPECTORS.] The supervisors of each town board and the mayor of each city shall act as local weed inspectors within their respective municipalities.

Subd. 3. [ASSISTANT WEED INSPECTORS.] A municipality may appoint one or more assistants to act on behalf of the appointing authority as a weed inspector for the municipality. The appointed assistant or assistants have the power, authority, and responsibility of the town board members or the city mayor in the capacity of weed inspector.

Sec. 7. [18.81] [DUTIES OF INSPECTORS.]

Subdivision 1. [COUNTY AGRICULTURAL INSPECTORS.] It is the duty of county agricultural inspectors:

(1) to see that sections 2 to 14 and rules adopted under those sections are carried out within their jurisdiction;

(2) to see that sections 21.80 to 21.92 and rules adopted under those sections are carried out within their jurisdiction;

(3) to see that sections 21.71 to 21.78 and rules adopted under those sections are carried out within their jurisdiction;

(4) to participate in the control programs for feed, fertilizer, pesticide, and insect pests when requested, in writing, to do so by the commissioner;

(5) to participate in other agricultural programs under the control of the commissioner when requested to do so, subject to veto by the county board;

(6) to administer the distribution of funds allocated by the county board to the county agricultural inspector for noxious weed control and eradication within the county;

(7) to submit reports and attend meetings that the commissioner requires; and

(8) to publish a general weed notice of the legal duty to control noxious weeds in one or more legal newspapers of general circulation throughout the county.

Subd. 2. [LOCAL WEED INSPECTORS.] Local weed inspectors shall:

(1) examine all lands, including highways, roads, alleys, and public ground in the territory over which their jurisdiction extends to ascertain if section 4 and related rules have been complied with;

(2) see that the control or eradication of noxious weeds is carried out in accordance with section 9 and related rules;

(3) issue permits in accordance with section 8 and related rules for the transportation of materials or equipment infested with noxious weed propagating parts; and

(4) submit reports and attend meetings that the commissioner requires.

Subd. 3. [NONPERFORMANCE BY INSPECTORS; REIMBURSEMENT FOR EXPENSES.] (a) If local weed inspectors neglect or fail to do their duty as prescribed in this section, the commissioner shall issue a notice to the inspector providing instructions on how and when to do their duty. If, after the time allowed in the notice, the local weed inspector has not complied as directed, the county agricultural inspector may perform the duty for the local weed inspector. A claim for the expense of doing the local weed inspector's duty is a legal charge against the municipality in which the inspector has jurisdiction. The county agricultural inspector doing the work may file an itemized statement of costs with the clerk of the municipality in which the work was performed. The municipality shall immediately issue proper warrants to the county for the work performed. If the municipality fails to issue the warrants, the county auditor may include the amount contained in the itemized statement of costs as part of the next annual tax levy in the municipality and withhold that amount from the municipality in making its next apportionment.

(b) If a county agricultural inspector fails to perform the duties as prescribed in this section, the commissioner shall issue a notice to the inspector providing instructions on how and when to do that duty.

(c) The commissioner shall by rule establish procedures to carry out the enforcement actions for nonperformance required by this subdivision.

Sec. 8. [18.82] [TRANSPORTATION OF NOXIOUS WEED PROPAGATING PARTS IN INFESTED MATERIAL OR EQUIPMENT.]

Subdivision 1. [PERMITS.] Except as provided in section 21.74, if a person wants to transport along a public highway materials or equipment containing the propagating parts of weeds designated as noxious by the commissioner, the person must secure a written permit for transportation of the material or equipment from a local weed inspector or county agricultural inspector. Inspectors may issue permits to persons residing or operating within their jurisdiction. If the noxious weed propagating parts are removed from materials and equipment or devitalized before being transported, a permit is not needed.

Subd. 2. [CONDITIONS OF PERMIT ISSUANCE.] The following conditions must be met before a permit under subdivision 1 may be issued:

(1) any material or equipment containing noxious weed propagating parts that is about to be transported along a public highway must be in a container that is sufficiently tight and closed or otherwise covered to prevent the blowing or scattering of the material along the highway or on other lands or water; and

(2) the destination for unloading and the use of the material or equipment containing noxious weed propagating parts must be stated on the permit along with the method that will be used to destroy the viability of the propagating parts and thereby prevent their being dumped or scattered upon land or water.

Subd. 3. [DURATION OF PERMIT; REVOCATION.] A permit under subdivision 1 is valid for up to one year after the date it is issued unless otherwise specified by the weed inspector issuing the permit. The permit may be revoked if a county agricultural inspector or local weed inspector determines that the applicant has not complied with this section.

Sec. 9. [18.83] [CONTROLLING OR ERADICATING NOXIOUS WEEDS; NOTICES; EXPENSES.]

Subdivision 1. [GENERAL WEED NOTICE.] A general notice for

noxious weed control or eradication must be published on or before May 15 of each year and at other times the commissioner directs. Failure of the county agricultural weed inspector to publish the general notice does not relieve a person from the necessity of full compliance with sections 2 to 14 and related rules. The published notice is legal and sufficient notice when an individual notice cannot be served.

Subd. 2. [INDIVIDUAL NOTICE.] A weed inspector may find it necessary to secure more prompt or definite control or eradication of noxious weeds than is accomplished by the published general notice. In these special or individual instances, involving one or a limited number of persons, the weed inspector having jurisdiction shall serve individual notices in writing upon the person who owns the land and the person who occupies the land, or the person responsible for or charged with the maintenance of public land, giving specific instructions on when and how named noxious weeds are to be controlled or eradicated. Individual notices provided for in this section must be served in the same manner as a summons in a civil action in the district court or by certified mail. Service on a person living temporarily or permanently outside of the weed inspector's jurisdiction may be made by sending the notice by certified mail to the last known address of the person, to be ascertained, if necessary, from the last tax list in the county treasurer's office.

Subd. 3. [APPEAL OF INDIVIDUAL NOTICE; APPEAL COMMITTEE.] (1) A recipient of an individual notice may appeal, in writing, the order for control or eradication of noxious weeds. This appeal must be filed with a member of the appeal committee in the county where the land is located within two working days of the time the notice is received. The committee must inspect the land specified in the notice and report back to the recipient and the inspector who issued the notice within five working days, either agreeing, disagreeing, or revising the order. The decision may be appealed in district court. If the committee agrees or revises the order, the control or eradication specified in the order, as approved or revised by the committee, may be carried out.

(2) The county board of commissioners shall appoint members of the appeal committee. The membership must include a county commissioner or municipal official and a landowner residing in the county. The expenses of the members may be reimbursed by the county upon submission of an itemized statement to the county auditor.

Subd. 4. [CONTROL OR ERADICATION BY INSPECTOR.] If a person does not comply with an individual notice served on the person or an individual notice cannot be served, the weed inspector having jurisdiction shall have the noxious weeds controlled or eradicated within the time and in the manner the weed inspector designates.

Subd. 5. [CONTROL OR ERADICATION BY INSPECTOR IN GROWING CROP.] A weed inspector may consider it necessary to control or eradicate noxious weeds along with all or a part of a growing crop to prevent the maturation and spread of noxious weeds within the inspector's jurisdiction. If this situation exists, the weed inspector may have the noxious weeds controlled or eradicated together with the crop after the appeal committee has reviewed the matter as outlined in subdivision 3 and reported back agreement with the order.

Subd. 6. [AUTHORIZATION FOR PERSON HIRED TO ENTER UPON LAND.] The weed inspector may hire a person to control or eradicate noxious weeds if the person who owns the land, the person who occupies the land, or the person responsible for the maintenance of public land has failed to comply with an individual notice or with the published general notice when an individual notice cannot be served. The person hired must have authorization, in writing, from the weed inspector to enter upon the land.

Subd. 7. [EXPENSES; REIMBURSEMENTS.] A claim for the expense of controlling or eradicating noxious weeds, which may include the costs of serving notices, is a legal charge against the county in which the land is located. The officers having the work done must file with the county auditor a verified and itemized statement of cost for all services rendered on each separate tract or lot of land. The county auditor shall immediately issue proper warrants to the persons named on the statement as having rendered services. To reimburse the county for its expenditure in this regard, the county auditor shall certify the total amount due and, unless an appeal is made in accordance with section 10, enter it on the tax roll as a tax upon the land and it must be collected as other real estate taxes are collected.

If public land is involved, the amount due must be paid from funds provided for maintenance of the land or from the general revenue or operating fund of the agency responsible for the land. Each claim for control or eradication of noxious weeds on public lands must first be approved by the commissioner of agriculture.

Sec. 10. [18.84] [LIABILITY; APPEALS.]

Subdivision 1. [COUNTIES AND MUNICIPALITIES.] Counties and municipalities are not liable for damages from the noxious weed control program for actions conducted in accordance with sections 2 to 14.

Subd. 2. [APPEAL TO COUNTY BOARD.] A person who is ordered to control noxious weeds under sections 2 to 14 and is charged for noxious weed control may appeal the cost of noxious weed control to the county board of the county where the noxious weed control measures were undertaken within 30 days after being

charged. The county board shall determine the amount and approve the charge and filing of a lien against the property if it determines that the owner, or occupant if other than the owner, responsible for controlling noxious weeds did not comply with the order of the inspector.

Subd. 3. [COURT APPEAL OF COSTS; PETITION.] (a) A landowner who has appealed the cost of noxious weed control measures under subdivision 2 may petition for judicial review. The petition must be filed within 30 days after the conclusion of the hearing before the county board. The petition must be filed with the court administrator in the county in which the land where the noxious weed control measures were undertaken is located, together with proof of service of a copy of the petition on the commissioner and the county auditor. No responsive pleadings may be required of the commissioner or the county, and no court fees may be charged for the appearance of the commissioner or the county in this matter.

(b) The petition must be captioned in the name of the person making the petition as petitioner and the commissioner of agriculture and respective county as respondents. The petition must include the petitioner's name, the legal description of the land involved, a copy of the notice to control noxious weeds, and the date or dates on which appealed control measures were undertaken.

(c) The petition must state with specificity the grounds upon which the petitioner seeks to avoid the imposition of a lien for the cost of noxious weed control measures.

Subd. 4. [HEARING.] (a) A hearing under subdivisions 3 to 5 must be held at the earliest practicable date, and in no event later than 90 days following the filing of the petition of objection. The hearing must be before a district judge in the county in which the land where the noxious weed control measures were undertaken is located, and must be conducted in accordance with the district court rules of civil procedure.

(b) The court shall either order that a lien representing part or all of the costs for noxious weed control measures be imposed against the land or that the landowner be relieved of responsibility for payment of noxious weed control measures undertaken.

Subd. 5. [FURTHER APPEAL.] A party aggrieved by the decision of the reviewing court may appeal the decision as provided in the rules of appellate procedure.

Sec. 11. [18.85] [NOXIOUS WEED QUARANTINE.]

Subdivision 1. [NEED FOR QUARANTINE.] If there is an infestation of noxious weeds beyond the ability of the person who owns or

occupies the land to eradicate it, the commissioner may, upon request of the person who owns the land or on the commissioner's own initiative, take necessary steps to prevent the further spread of the weed. To this end, the commissioner may quarantine a tract of land that is infested and put into operation the necessary means for the eradication of the weed; provided that the county and municipality in which the land is located must approve of the quarantine before it can be initiated.

Subd. 2. [NOTICE OF QUARANTINE.] The commissioner, upon entering a tract of land for the purpose of this section, shall notify in writing the persons who own or occupy the land of the entry and quarantine. If the necessary means of eradication have been completed, the commissioner shall notify, in writing, the persons who own or occupy the land that the quarantine effort is complete.

Subd. 3. [EXPENSES.] The expenses for eradication of noxious weeds on quarantined land must be paid by the commissioner from the funds provided for this purpose.

Counties, municipalities, and owners or occupants must reimburse the commissioner before January 1 of each year. The county shall pay 20 percent of the expenses, the municipality shall pay ten percent, and the owner or occupant shall pay ten percent.

Sec. 12. [18.86] [UNLAWFUL ACTS.]

No person may:

(1) hinder or obstruct in any way the commissioner, the commissioner's authorized agents, county agricultural inspectors, or local weed inspectors in the performance of their duties as provided in sections 2 to 14 or related rules;

(2) neglect, fail, or refuse to comply with section 8 or related rules in the transportation and use of material or equipment infested with noxious weed propagating parts;

(3) sell material containing noxious weed propagating parts to a person who does not have a permit to transport that material or to a person who does not have a screenings permit issued in accordance with section 21.74; or

(4) neglect, fail, or refuse to comply with a general notice or an individual notice to control or eradicate noxious weeds.

Sec. 13. [18.87] [PENALTY.]

A violation of section 12 or a rule adopted under that section is a misdemeanor. County agricultural inspectors, local weed inspectors,

or their appointed assistants are not subject to the penalties of this section for failure, neglect, or refusal to perform duties imposed on them by sections 2 to 14.

Sec. 14. [18.88] [NOXIOUS WEED PROGRAM FUNDING.]

Subdivision 1. [COUNTY.] The county board shall pay, from the general revenue or other fund for the county, the expenses for the county agricultural inspector position, for noxious weed control or eradication on all land owned by the county or on land that the county is responsible for the maintenance of, for the expenses of the appeal committee, and for necessary expenses as required for quarantines within the county.

Subd. 2. [MUNICIPALITY.] The municipality shall pay, from the general revenue or other fund for the municipality, the necessary expenses of the local weed inspector in the performance of duties required for quarantines within the municipality, and for noxious weed control or eradication on land owned by the municipality or on land for which the municipality is responsible for its maintenance.

Sec. 15. [REPEALER.]

Minnesota Statutes 1990, sections 18.171; 18.181; 18.182; 18.189; 18.192; 18.201; 18.211; 18.221; 18.231; 18.241; 18.251; 18.261; 18.271; 18.272; 18.281; 18.291; 18.301; 18.311; 18.312; 18.315; 18.321; 18.322; and 18.323; and Minnesota Statutes 1991 Supplement, section 18.191, are repealed.

Sec. 16. [EFFECTIVE DATE.]

Sections 1 to 15 are effective January 1, 1993."

Delete the title and insert:

"A bill for an act relating to agriculture; regulating noxious weeds; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1990, sections 18.171 to 18.189; 18.192; 18.201; 18.211 to 18.315; and 18.321 to 18.323; Minnesota Statutes 1991 Supplement, section 18.191."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1441, A bill for an act relating to the practice of law; allowing the sole shareholder of a corporation to appear on behalf of the corporation in court; amending Minnesota Statutes 1990, section 481.02, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1991 Supplement, section 481.02, subdivision 3, is amended to read:

Subd. 3. [PERMITTED ACTIONS.] The provisions of this section shall not prohibit:

(1) any person from drawing, without charge, any document to which the person, an employer of the person, a firm of which the person is a member, or a corporation whose officer or employee the person is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will;

(2) a person from drawing a will for another in an emergency if the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney-at-law;

(3) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of the policies;

(4) a licensed attorney-at-law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between the corporations;

(5) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment;

(6) any person from conferring or cooperating with a licensed attorney-at-law of another in preparing any legal document, if the attorney is not, directly or indirectly, in the employ of the person or of any person, firm, or corporation represented by the person;

(7) any licensed attorney-at-law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or in which it is interested personally or in a representative capacity, except wills

or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing and drawing the document shall not exceed the amount paid to and received and retained by the attorney, and the attorney shall not, directly or indirectly, rebate the fee to or divide the fee with the corporation;

(8) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions, or any other conveyances except testamentary dispositions and instruments of trust;

(9) a licensed attorney-at-law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom the attorney is employed and by whom no compensation is, directly or indirectly, received for the services;

(10) any person or corporation engaged in the business of making collections from engaging or turning over to an attorney-at-law for the purpose of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney-at-law receives the entire compensation for the work;

(11) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers to them, made by a licensed attorney-at-law, if no answer is accompanied or at any time preceded or followed by any charge for it, any disclosure of any name of the maker of any answer, any recommendation of or reference to any one to furnish legal advice or services, or by any legal advice or service for the periodical or any one connected with it or suggested by it, directly or indirectly;

(12) any authorized management agent of an owner of rental property used for residential purposes, whether the management agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of the property, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal;

(13) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state pursuant to the provisions of section 566.175 or sections 566.18 to 566.33 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state for the recovery of rental property used for residential purposes pursuant to the provisions of section

566.02 or 566.03, subdivision 1, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who is not a licensed attorney-at-law shall not charge or collect a separate fee for services rendered pursuant to this clause; or

(14) the delivery of legal services by a specialized legal assistant in accordance with a specialty license issued by the supreme court before July 1, 1995; or

(15) the sole shareholder of a corporation from appearing on behalf of the corporation in court."

Amend the title as follows:

Page 1, line 5, delete "1990" and insert "1991 Supplement"

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1849, A bill for an act relating to crime; increasing penalties for certain sex offenders; providing for life imprisonment for certain repeat sex offenders; increasing supervision of sex offenders following release from prison; eliminating the "good time" reduction in a prison sentence unless a sex offender satisfactorily completes a treatment program in prison; prohibiting the release of a prison inmate on a weekend or holiday; requiring review of sex offenders for psychopathic personality commitment before prison release; amending Minnesota Statutes 1990, sections 241.67, subdivision 3; 244.04, subdivision 1; 244.05, subdivisions 1, 3, 4, 5, and by adding a subdivision; 609.1352, subdivision 5, and by adding a subdivision; 609.342, subdivision 2; 609.343, subdivision 2; 609.346, subdivisions 2, 2a, and by adding a subdivision; Minnesota Statutes 1991 Supplement, sections 244.05, subdivision 6; and 244.12, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

SEX OFFENDERS

Section 1. Minnesota Statutes 1990, section 241.67, subdivision 3, is amended to read:

Subd. 3. [PROGRAMS FOR ADULT OFFENDERS COMMITTED TO THE COMMISSIONER.] (a) The commissioner shall provide for a range of sex offender ~~treatment~~ programs, including intensive sex offender ~~treatment~~ programs, within the state adult correctional facility system. Participation in any ~~treatment~~ program is ~~voluntary and~~ is subject to the rules and regulations of the department of corrections. Nothing in this section requires the commissioner to accept or retain an offender in a ~~treatment~~ program if the offender is determined by prison professionals as unamenable to programming within the prison system or if the offender refuses or fails to comply with the program's requirements. Nothing in this section creates a right of an offender to treatment.

(b) The commissioner shall provide for residential and outpatient sex offender ~~treatment~~ programming and aftercare when required for conditional release under section 609.1352 or as a condition of supervised release.

Sec. 2. Minnesota Statutes 1990, section 241.67, is amended by adding a subdivision to read:

Subd. 4a. [FUNDING PRIORITY; PROGRAM EFFECTIVENESS.] (a) Unless otherwise directed by the terms of a particular appropriations provision, the commissioner shall give priority to the funding of juvenile sex offender programs over the funding of adult sex offender programs.

(b) Every county or private sex offender program that seeks new or continued state funding or reimbursement shall provide the commissioner with any information relating to the program's effectiveness that the commissioner considers necessary. The commissioner shall deny state funding or reimbursement to any county or private program that fails to provide this information or that appears to be an ineffective program.

Sec. 3. Minnesota Statutes 1990, section 241.67, subdivision 6, is amended to read:

Subd. 6. [SPECIALIZED CORRECTIONS AGENTS AND PROBATION OFFICERS; SEX OFFENDER SUPERVISION.] ~~By January 1, 1990,~~ The commissioner of corrections shall develop in-service training for state and local corrections agents and probation officers who supervise adult and juvenile sex offenders on probation or supervised release. The commissioner shall make the training

available to all current and future corrections agents and probation officers who supervise or will supervise sex offenders on probation or supervised release.

~~After January 1, 1991,~~ A state or local corrections agent or probation officer may not supervise adult or juvenile sex offenders on probation or supervised release unless the agent or officer has completed the in-service sex offender supervision training. The commissioner may waive this requirement if the corrections agent or probation officer has completed equivalent training as part of a post-secondary educational curriculum.

~~After January 1, 1991,~~ When an adult sex offender is placed on supervised release or is sentenced to probationary supervision, and when a juvenile offender is found delinquent by the juvenile court for a sex offense and placed on probation or is paroled from a juvenile correctional facility, a corrections agent or probation officer may not be assigned to the offender unless the agent or officer has completed the in-service sex offender supervision training.

Sec. 4. Minnesota Statutes 1990, section 242.195, subdivision 1, is amended to read:

Subdivision 1. [~~TREATMENT~~ SEX OFFENDER PROGRAMS.] The commissioner of corrections shall provide for a range of sex offender ~~treatment~~ programs, including intensive sex offender ~~treatment~~ programs, for juveniles within state juvenile correctional facilities and through purchase of service from county and private residential and outpatient juvenile sex offender ~~treatment~~ programs. The commissioner shall establish and operate a juvenile sex offender program at one of the state juvenile correctional facilities.

Sec. 5. Minnesota Statutes 1991 Supplement, section 243.166, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION REQUIRED.] A person shall comply with this section after being released from prison if:

(1) the person was sentenced to imprisonment following a conviction for kidnapping under section 609.25, criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345, solicitation of children to engage in sexual conduct under section 609.352, use of minors in a sexual performance under section 617.246, or solicitation of children to practice prostitution under section 609.322~~, and the offense was committed against a victim who was a minor~~;

(2) the person is not now required to register under section 243.165; and

(3) ten years have not yet elapsed since the person was released from imprisonment.

Sec. 6. Minnesota Statutes 1991 Supplement, section 243.166, subdivision 2, is amended to read:

Subd. 2. [NOTICE.] When a person who is required to register under this section is released, the commissioner of corrections shall tell the person of the duty to register under section 243.165 and this section. The commissioner shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. The commissioner shall obtain the address where the person ~~expects to~~ will reside upon release and shall report within three days the address to the bureau of criminal apprehension. The commissioner shall give one copy of the form to the person, and shall send one copy to the bureau of criminal apprehension and one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon release.

Sec. 7. Minnesota Statutes 1991 Supplement, section 243.166, subdivision 3, is amended to read:

Subd. 3. [REGISTRATION PROCEDURE.] (a) The person shall, ~~within 14 days after~~ before the end of the term of supervised release, register with the probation officer assigned to the person at the end of that term.

(b) If the person changes residence address, the person shall give the new address to the last assigned probation officer in writing within ten days. The probation officer shall, within three days after receipt of this information, forward it to the bureau of criminal apprehension.

Sec. 8. Minnesota Statutes 1990, section 244.05, subdivision 3, is amended to read:

Subd. 3. [SANCTIONS FOR VIOLATION.] If an inmate violates the conditions of the inmate's supervised release imposed by the commissioner, the commissioner may:

(1) continue the inmate's supervised release term, with or without modifying or enlarging the conditions imposed on the inmate; or

(2) revoke the inmate's supervised release and reimprison the inmate for the appropriate period of time.

The period of time for which a supervised release may be revoked may not exceed the period of time remaining in the inmate's sentence, except that ~~for~~ if a sex offender is sentenced and condi-

tionally released under section 609.1352, subdivision 5, the period of time for which conditional release may be revoked may not exceed the balance of the ~~original sentence imposed less good time earned under section 244.04, subdivision 1~~ conditional release term.

Sec. 9. Minnesota Statutes 1990, section 244.05, subdivision 4, is amended to read:

Subd. 4. [MINIMUM IMPRISONMENT, LIFE SENTENCE.] An inmate serving a mandatory life sentence under section 609.184 must not be given supervised release under this section. An inmate serving a mandatory life sentence ~~for conviction of murder in the first degree~~ under section 609.185, clause (1), (3), (4), (5), or (6), or 609.346, subdivision 2a, must not be given supervised release under this section without having served a minimum term of 30 years. An inmate serving a mandatory life sentence under section 609.385 must not be given supervised release under this section without having served a minimum term of imprisonment of 17 years.

Sec. 10. Minnesota Statutes 1990, section 244.05, subdivision 5, is amended to read:

Subd. 5. [SUPERVISED RELEASE, LIFE SENTENCE.] The commissioner of corrections may, under rules promulgated by the commissioner, give supervised release to an inmate serving a mandatory life sentence under section 609.185, clause (1), (3), (4), (5), or (6), 609.346, subdivision 2a, or 609.385 after the inmate has served the minimum term of imprisonment specified in subdivision 4.

Sec. 11. Minnesota Statutes 1991 Supplement, section 244.05, subdivision 6, is amended to read:

Subd. 6. [INTENSIVE SUPERVISED RELEASE.] The commissioner may order that an inmate be placed on intensive supervised release for all or part of the inmate's supervised release or parole term if the commissioner determines that the action will further the goals described in section 244.14, subdivision 1, clauses (2), (3), and (4). In addition, the commissioner may order that an inmate be placed on intensive supervised release for all of the inmate's conditional or supervised release term if the inmate was convicted of a sex offense under sections 609.342 to 609.345 or was sentenced under the provisions of section 609.1352. The commissioner may impose appropriate conditions of release on the inmate including but not limited to unannounced searches of the inmate's person, vehicle, or premises by an intensive supervision agent; compliance with court-ordered restitution, if any; random drug testing; house arrest; daily curfews; frequent face-to-face contacts with an assigned intensive supervision agent; work, education, or treatment requirements; and electronic surveillance. In addition, any sex offender placed on intensive supervised release may be ordered to participate in an

appropriate sex offender treatment program as a condition of release. If the inmate violates the conditions of the intensive supervised release, the commissioner shall impose sanctions as provided in subdivision 3 and section 609.1352.

Sec. 12. Minnesota Statutes 1990, section 244.05, is amended by adding a subdivision to read:

Subd. 7. [SEX OFFENDERS; CIVIL COMMITMENT DETERMINATION.] Before the commissioner releases from prison any inmate convicted of a sex offense under sections 609.342 to 609.345 or sentenced as a patterned sex offender, as defined in section 609.1352, the commissioner shall make a preliminary determination whether, in the commissioner's opinion, a petition under section 526.10 may be appropriate. If the commissioner determines that a petition may be appropriate, the commissioner shall forward this determination, along with supporting documentation, to the county attorney in the county where the inmate was convicted. Upon receiving the commissioner's preliminary determination, the county attorney shall proceed in the manner provided in section 526.10.

Sec. 13. Minnesota Statutes 1991 Supplement, section 244.12, subdivision 3, is amended to read:

Subd. 3. [OFFENDERS NOT ELIGIBLE.] The following are not eligible to be placed on intensive community supervision, under subdivision 2, clause (2):

(1) offenders who were committed to the commissioner's custody under a statutory mandatory minimum sentence;

(2) offenders who were committed to the commissioner's custody following a conviction for murder, manslaughter, criminal sexual conduct ~~in the first or second degree~~, or criminal vehicular homicide or operation resulting in death; and

(3) offenders whose presence in the community would present a danger to public safety.

Sec. 14. Minnesota Statutes 1990, section 260.185, subdivision 1, is amended to read:

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

(a) Counsel the child or the parents, guardian, or custodian;

(b) 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 child's parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child, or with the consent of the commissioner of corrections, in a group foster care facility which is under the management and supervision of said commissioner;

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

(1) a child placing agency; or

(2) the county welfare board; or

(3) a reputable individual of good moral character. No person may receive custody of two or more unrelated children unless licensed as a residential facility pursuant to sections 245A.01 to 245A.16; or

(4) a county home school, if the county maintains a home school or enters into an agreement with a county home school; or

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

(d) Transfer legal custody by commitment to the commissioner of corrections;

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

(f) Require the child to pay a fine of up to $700; the court shall order payment of the fine in accordance with a time payment schedule which shall not impose an undue financial hardship on the child;

(g) 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;

(h) If the court believes that it is in the best interests of the child and of public safety that the driver's license of the child be canceled until the child's 18th birthday, the court may recommend to the commissioner of public safety the cancellation of the child's license for any period up to the child's 18th birthday, and the commissioner is hereby authorized to cancel such license without a hearing. At any

time before the termination of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize.

If the child is petitioned and found by the court to have committed or attempted to commit an act in violation of section 609.342, 609.343, 609.344, ~~or~~ 609.345, 609.3451, 609.746, subdivision 1, 609.79, or 617.23, the court shall order an independent professional assessment of the child's need for sex offender treatment. An assessor providing an assessment for the court may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. If the assessment indicates that the child is in need of and amenable to sex offender treatment, the court shall include in its disposition order a requirement that the child undergo treatment.

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

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

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

Sec. 15. Minnesota Statutes 1990, section 609.115, subdivision 1a, is amended to read:

Subd. 1a. [CONTENTS OF WORKSHEET.] The supreme court shall promulgate rules uniformly applicable to all district courts for the form and contents of sentencing worksheets. ~~These rules shall be promulgated by and effective on January 2, 1982.~~ The sentencing worksheet shall include a section requiring the sentencing court to indicate whether, in the court's opinion, a petition under section 526.10 may be appropriate, as provided in section 609.1351.

Sec. 16. Minnesota Statutes 1991 Supplement, section 609.135, subdivision 2, is amended to read:

Subd. 2. (a) If the conviction is for a felony the stay shall be for not more than three years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

(b) If the conviction is for a gross misdemeanor the stay shall be for not more than two years.

(c) If the conviction is for any misdemeanor under section 169.121,

609.746, subdivision 1, 609.79, or 617.23, or for a misdemeanor under section 609.224, subdivision 1, in which the victim of the crime was a family or household member as defined in section 518B.01, the stay shall be for not more than two years. The court shall provide for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

(d) If the conviction is for a misdemeanor not specified in paragraph (c), the stay shall be for not more than one year.

(e) The defendant shall be discharged when the stay expires, unless the stay has been revoked or extended under paragraph (f), or the defendant has already been discharged.

(f) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (e), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes.

Sec. 17. Minnesota Statutes 1990, section 609.135, is amended by adding a subdivision to read:

Subd. 5a. [SEX OFFENDERS; REQUIRED TREATMENT.] If a person is convicted of violating section 609.342, 609.343, 609.344, or 609.345, and is ordered to attend a treatment program as a condition of probation, the court shall require the treatment program director to report monthly to the person's assigned probation officer concerning the person's progress toward successful completion of the treatment program. If six months after the date of sentencing it appears from the treatment program's reports that the person has made no significant progress in treatment, the probation officer shall ask the court to hold a hearing to determine whether the conditions of probation should be revoked.

Sec. 18. Minnesota Statutes 1990, section 609.1352, subdivision 5, is amended to read:

Subd. 5. [CONDITIONAL RELEASE.] At the time of sentencing under subdivision 1, the court ~~may~~ shall provide that after the offender has completed ~~one-half of~~ the ~~full pronounced~~ sentence imposed, ~~without regard to~~ less any good time earned by the offender, the commissioner of corrections ~~may~~ shall place the offender on conditional release for the remainder of the statutory maximum period or for ten years, whichever is longer; ~~if the commissioner finds that:~~

~~(1) the offender is amenable to treatment and has made sufficient progress in a sex offender treatment program available in prison to be released to a sex offender treatment program operated by the department of human services or a community sex offender treatment and reentry program; and~~

~~(2) the offender has been accepted in a program approved by the commissioner that provides treatment, aftercare, and phased reentry into the community.~~

The conditions of release ~~must~~ may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. Before the offender is released, the commissioner shall notify the sentencing court, the prosecutor in the jurisdiction where the offender was sentenced and the victim of the offender's crime, where available, of the terms of the offender's conditional release. ~~Release may be revoked and the stayed sentence executed in its entirety less good time~~ If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and require the offender to serve the remaining portion of the conditional release term in prison. The commissioner shall not dismiss the offender from supervision before the ~~sentence~~ conditional release term expires.

Conditional release granted under this subdivision is governed by provisions relating to supervised release, except as otherwise provided in this subdivision, section 244.04, subdivision 1, or 244.05.

Sec. 19. Minnesota Statutes 1990, section 609.184, subdivision 2, is amended to read:

Subd. 2. [LIFE WITHOUT RELEASE.] The court shall sentence a person to life imprisonment without possibility of release ~~when~~ under the following circumstances:

(1) the person is convicted of first degree murder under section 609.185, clause (2);

(2) the person is convicted of first degree murder under section

609.185, clause (1), (3), (4), (5), or (6), and the court determines on the record at the time of sentencing that the person dismembered the victim's body before the victim's death; or

(3) the person is convicted of first degree murder under section 609.185, clause (1), (3), (4), (5), or (6), and the court determines on the record at the time of sentencing that the person has one or more previous convictions for a heinous crime.

Sec. 20. Minnesota Statutes 1990, section 609.342, is amended to read:

609.342 [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish sexual penetration; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) ~~the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;~~

~~(iii) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;~~

~~(iv)~~ the complainant suffered personal injury; or

~~(v)~~ (iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 2. [PENALTY.] Except as otherwise provided in section 609.346, subdivision 2a or 2b, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~25~~ 30 years or to a payment of a fine of not more than $40,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (g), and the person is the complainant's parent, stepparent, or

sibling, the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit; and

(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse; ~~and~~

(2) a requirement that the offender complete a treatment program; and

(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program.

Sec. 21. Minnesota Statutes 1990, section 609.343, is amended to read:

609.343 [CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the second degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(c) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;

(d) the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the dangerous weapon to cause the complainant to submit;

(e) the actor causes personal injury to the complainant, and either of the following circumstances exist:

(i) the actor uses force or coercion to accomplish the sexual contact; or

(ii) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(f) the actor is aided or abetted by one or more accomplices within the meaning of section 609.05, and either of the following circumstances exists:

(i) an accomplice uses force or coercion to cause the complainant to submit; or

(ii) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) ~~the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;~~

~~(iii) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;~~

~~(iv)~~ the complainant suffered personal injury; or

~~(v)~~ (iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Subd. 2. [PENALTY.] Except as otherwise provided in section 609.346, subdivision 2a or 2b, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~20~~ 25 years or to a payment of a fine of not more than $35,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (g), and the person is the complainant's parent, stepparent, or sibling, the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit; and

(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse; ~~and~~

(2) a requirement that the offender complete a treatment program; and

(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program.

Sec. 22. Minnesota Statutes 1990, section 609.344, subdivision 1, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age nor consent to the act by the complainant shall be a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any

such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, the actor may be sentenced to imprisonment for not more than five years. Consent by the complainant is not a defense;

(c) the actor uses force or coercion to accomplish the penetration;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) ~~the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;~~

~~(iii) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;~~

~~(iv)~~ the complainant suffered personal injury; or

~~(v)~~ (iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual penetration occurred during

the psychotherapy session. Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a patient or former patient of the psychotherapist and the patient or former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense; or

(k) the actor accomplishes the sexual penetration by means of false representation that the penetration is for a bona fide medical purpose by a health care professional. Consent by the complainant is not a defense.

Sec. 23. Minnesota Statutes 1990, section 609.344, subdivision 3, is amended to read:

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (f), and the person is the complainant's parent, stepparent, or sibling, the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit; and

(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse; ~~and~~

(2) a requirement that the offender complete a treatment program; and

(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program.

Sec. 24. Minnesota Statutes 1990, section 609.345, subdivision 1, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual contact with another person is guilty of criminal sexual

conduct in the fourth degree if any of the following circumstances exists:

(a) the complainant is under 13 years of age and the actor is no more than 36 months older than the complainant. Neither mistake as to the complainant's age or consent to the act by the complainant is a defense. In a prosecution under this clause, the state is not required to prove that the sexual contact was coerced;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to cause the complainant to submit. In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older;

(c) the actor uses force or coercion to accomplish the sexual contact;

(d) the actor knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;

(e) the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant, and uses this authority to cause the complainant to submit. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) ~~the actor or an accomplice was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it could be a dangerous weapon and used or threatened to use the dangerous weapon;~~

~~(iii) circumstances existed at the time of the act to cause the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another;~~

~~(iv)~~ the complainant suffered personal injury; or

~~(v)~~ (iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred during the psychotherapy session. Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a patient or former patient of the psychotherapist and the patient or former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense; or

(k) the actor accomplishes the sexual contact by means of false representation that the contact is for a bona fide medical purpose by a health care professional. Consent by the complainant is not a defense.

Sec. 25. Minnesota Statutes 1990, section 609.345, subdivision 3, is amended to read:

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (f), and the person is the complainant's parent, stepparent, or sibling, the court may stay imposition or execution of the sentence if it finds that:

(a) a stay is in the best interest of the complainant or the family unit; and

(b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse; ~~and~~

(2) a requirement that the offender complete a treatment program; and

(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program.

Sec. 26. Minnesota Statutes 1990, section 609.346, subdivision 2, is amended to read:

Subd. 2. [SUBSEQUENT SEX OFFENSE; PENALTY.] Except as provided in subdivision 2a or 2b, if a person is convicted under sections 609.342 to 609.345, within 15 years of a previous sex offense conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12 and 609.135. The court may stay the execution of the sentence imposed under this subdivision only if it finds that: (1) the offender had been placed on probation for the previous sex offense, but had not been ordered to participate in a sex offender treatment program as a condition of that probation; and (2) a professional assessment indicates the offender is accepted by and can respond to treatment at a long-term inpatient program exclusively treating sex offenders and approved by the commissioner of corrections. If the court stays the execution of a sentence, it shall include the following as conditions of probation: (1) incarceration in a local jail or workhouse; and (2) a requirement that the offender successfully complete the treatment program and aftercare as directed by the court.

Sec. 27. Minnesota Statutes 1990, section 609.346, subdivision 2a, is amended to read:

Subd. 2a. [~~MAXIMUM~~ MANDATORY LIFE SENTENCE ~~IMPOSED~~.] (a) The court shall sentence a person to ~~a term of~~ imprisonment ~~of 37 years~~ for life, notwithstanding the statutory maximum sentences under sections 609.342 and 609.343 if:

(1) the person is convicted under section 609.342 ~~or 609.343;~~ and the court determines on the record at the time of sentencing that the person has a previous sex offense conviction under section 609.342 for an offense committed on or after August 1, 1989; or

(2) the person is convicted under section 609.342 or 609.343 and the court determines on the record at the time of sentencing that either:

(i) the person has previously been sentenced under section 609.1352; or

(ii) the person has two previous sex offense convictions under

section 609.342, 609.343, or 609.344, at least one of which is for an offense committed on or after August 1, 1989.

(b) Notwithstanding sections 609.342, subdivision 3; and 609.343, subdivision 3; and subdivision 2, the court may not stay imposition of the sentence required by this subdivision.

Sec. 28. Minnesota Statutes 1990, section 609.346, is amended by adding a subdivision to read:

Subd. 2b. [MANDATORY 30-YEAR SENTENCE.] (a) Except as otherwise provided in subdivision 2a, the court shall sentence a person to a term of 30 years, notwithstanding the statutory maximum sentence under section 609.343, if:

(1) the person is convicted under section 609.342, subdivision 1, clause (c), (d), (e), (f), or (h); or section 609.343, subdivision 1, clause (c), (d), (e), (f), or (h); and

(2) the court determines on the record at the time of sentencing that:

(i) the crime involved an aggravating factor that would provide grounds for an upward departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions; and

(ii) the person has a previous sex offense conviction under section 609.342, 609.343, or 609.344.

(b) Notwithstanding sections 609.342, subdivision 3; and 609.343, subdivision 3; and subdivision 2, the court may not stay imposition of the sentence required by this subdivision.

Sec. 29. Minnesota Statutes 1990, section 609.346, is amended by adding a subdivision to read:

Subd. 4. [SUPERVISED RELEASE OF SEX OFFENDERS.] (a) Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the sentencing guidelines, and except as otherwise provided in section 609.1352 or subdivision 2a, any person who is sentenced to prison for a violation of section 609.342, 609.343, 609.344, or 609.345 must be sentenced to serve a supervised release term of not less than five years.

(b) The commissioner of corrections shall set the level of supervision for offenders subject to this section based on the public risk presented by the offender.

Sec. 30. Minnesota Statutes 1990, section 609.346, is amended by adding a subdivision to read:

Subd. 5. [SEX OFFENDER ASSESSMENT.] When a person is convicted of a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.746, subdivision 1, 609.79, or 617.23, the court shall order an independent professional assessment of the offender's need for sex offender treatment. An assessor providing an assessment for the court may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. If the assessment indicates that the offender is in need of and amenable to sex offender treatment, the court shall include in the sentence a requirement that the offender undergo treatment.

Sec. 31. Minnesota Statutes 1990, section 609.3471, is amended to read:

609.3471 [RECORDS PERTAINING TO VICTIM IDENTITY CONFIDENTIAL.]

Notwithstanding any provision of law to the contrary, no data contained in records or reports relating to petitions, complaints, or indictments issued pursuant to section 609.342, ~~clause (a), (b), (g), or (h); 609.343, clause (a), (b), (g), or (h)~~; 609.344, ~~clause (a), (b), (e), (f), or (g)~~; or 609.345, ~~clause (a), (b), (e), (f), or (g)~~ which specifically identifies ~~the~~ a victim who is a minor shall be accessible to the public, except by order of the court. Nothing in this section authorizes denial of access to any other data contained in the records or reports, including the identity of the defendant.

Sec. 32. [INSTITUTE OF PEDIATRIC SEXUAL HEALTH.]

Subdivision 1. [PLANNING.] The commissioner of health, in cooperation with the director of strategic and long-range planning, shall, by September 1, 1992, convene an interdisciplinary committee to plan for an institute of sexual health to serve youth and children. Members of the committee shall be appointed by the governor and shall include expert professionals from the fields of medicine, psychiatry, psychology, education, sociology, and other relevant disciplines. The committee shall also include representatives of community agencies that work in the areas of health, religion, and corrections.

Subd. 2. [PURPOSE.] The purpose of the institute is the diagnosis and treatment of, and research and education relating to, the etiology and prevention of sexual dysfunctions and the medical, psychological, and relational conditions that affect the sexual health of the child, the adolescent, and the family, including those of a violent nature. The institute will focus on the early detection of potentially sexually violent behavior and disorders of sexual func-

tioning. The institute will provide clinical, programmatic, and staff training support for the residential treatment program and will coordinate educational programs. The institute will be a resource for medical, mental health, and juvenile justice programs in the state.

Subd. 3. [CLINICAL STAFF.] The institute will provide clinical staff including professionals in genetics, reproductive biology, molecular biology, endocrinology, brain science, ethology, psychology, sociology, and cultural anthropology.

Subd. 4. [TREATMENT PROGRAMS.] The institute will be designed to offer a wide variety of diagnostic and treatment services, as determined by the planning committee.

Subd. 5. [ANCILLARY SERVICES.] The institute will include a research center that will provide facilities, a library, and educational services supporting and encouraging research on all aspects of pediatric and youth sexology including those factors contributing to sexually violent behavior. The institute will fund visiting scholars and establish and maintain international collaborative working relationships with other related professional institutes and organizations and sponsor an annual symposium on pediatric, youth, and family sexology.

Subd. 6. [REPORT.] By February 1, 1993, the commissioner of health shall submit to the legislature a plan for establishment of an institute to promote the sexual health of youth and children. The plan shall include recommendations for siting and funding the institute.

Sec. 33. [EFFECTIVE DATE.]

Sections 5 to 7 are effective August 1, 1992, and apply to persons released from prison on or after that date. Sections 8 to 10 and 16 to 31 are effective August 1, 1992, and apply to crimes committed on or after that date. Section 14 is effective August 1, 1992, and applies to juveniles adjudicated delinquent on or after that date. The court shall consider convictions occurring before August 1, 1992, as previous convictions in sentencing offenders under sections 27 and 28.

ARTICLE 2

SENTENCING

Section 1. Minnesota Statutes 1990, section 244.01, subdivision 8, is amended to read:

Subd. 8. "Term of imprisonment," as applied to inmates sentenced before December 31, 1993, is the period of time to which an inmate

is committed to the custody of the commissioner of corrections minus earned good time. "Term of imprisonment," as applied to inmates sentenced on or after December 31, 1993, is the period of time which an inmate is ordered to serve in prison by the sentencing court, plus any disciplinary confinement period imposed by the commissioner under section 244.05, subdivision 1a.

Sec. 2. Minnesota Statutes 1990, section 244.03, is amended to read:

244.03 [~~VOLUNTARY~~ REHABILITATIVE PROGRAMS.]

The commissioner shall provide appropriate mental health programs and vocational and educational programs with employment-related goals for inmates who desire to voluntarily participate in such programs and for inmates who are required to participate in the programs under the disciplinary offense rules adopted by the commissioner under section 244.05, subdivision 1a. The selection, design and implementation of programs under this section shall be the sole responsibility of the commissioner, acting within the limitations imposed by the funds appropriated for such programs.

No action challenging the level of expenditures for programs authorized under this section, nor any action challenging the selection, design or implementation of these programs, may be maintained by an inmate in any court in this state.

Sec. 3. Minnesota Statutes 1990, section 244.04, subdivision 1, is amended to read:

Subdivision 1. [REDUCTION OF SENTENCE.] Notwithstanding the provisions of section 609.11, subdivision 6, and section 609.346, subdivision 1, the term of imprisonment of any inmate sentenced to a presumptive fixed sentence after May 1, 1980, and before December 31, 1993, shall be reduced in duration by one day for each two days during which the inmate violates none of the disciplinary offense rules promulgated by the commissioner. The reduction shall accrue to the period of supervised release to be served by the inmate, except that the period of supervised release for a sex offender sentenced and conditionally released by the commissioner under section 609.1352, subdivision 5, is governed by that provision.

Except as otherwise provided in subdivision 2, if an inmate violates a disciplinary offense rule promulgated by the commissioner, good time earned prior to the violation may not be taken away, but the inmate may be required to serve an appropriate portion of the term of imprisonment after the violation without earning good time.

Sec. 4. Minnesota Statutes 1990, section 244.04, subdivision 3, is amended to read:

Subd. 3. The provisions of this section do not apply to an inmate serving a mandatory life sentence or to persons sentenced on or after December 31, 1993.

Sec. 5. Minnesota Statutes 1990, section 244.05, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISED RELEASE REQUIRED.] Except as provided in subdivisions 1a, 4, and 5, every inmate shall serve a supervised release term upon completion of the inmate's term of imprisonment as reduced by any good time earned by the inmate or extended by confinement in punitive segregation pursuant to section 244.04, subdivision 2. Except for a sex offender conditionally released under section 609.1352, subdivision 5, the supervised release term shall be equal to the period of good time the inmate has earned, and shall not exceed the length of time remaining in the inmate's sentence.

Sec. 6. Minnesota Statutes 1990, section 244.05, is amended by adding a subdivision to read:

Subd. 1a. [SUPERVISED RELEASE; OFFENDERS SENTENCED ON OR AFTER JANUARY 1, 1993.] (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to prison for a felony offense on or after December 31, 1993, shall serve a supervised release term upon completion of the term of imprisonment pronounced by the sentencing court under section 7 and any disciplinary confinement period imposed by the commissioner due to the inmate's violation of any disciplinary offense rule adopted by the commissioner under paragraph (b). The supervised release term shall be equal in length to the amount of time remaining in the inmate's imposed sentence after the inmate has served the pronounced term of imprisonment and any disciplinary confinement period imposed by the commissioner.

(b) By December 31, 1993, the commissioner shall modify the commissioner's existing disciplinary rules to specify disciplinary offenses which may result in imposition of a disciplinary confinement period and the length of the disciplinary confinement period for each disciplinary offense. These disciplinary offense rules may cover violation of institution rules, refusal to work, refusal to participate in treatment or other rehabilitative programs, and other matters determined by the commissioner. No inmate who violates a disciplinary rule shall be placed on supervised release until the inmate has served the disciplinary confinement period or until the inmate is discharged or released from punitive segregation confinement, whichever is later. The imposition of a disciplinary confinement period shall be considered to be a disciplinary sanction

imposed upon an inmate, and the procedure for imposing the disciplinary confinement period and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.

Sec. 7. [244.101] [SENTENCING OF FELONY OFFENDERS ON AND AFTER DECEMBER 31, 1993.]

Subdivision 1. [SENTENCING AUTHORITY.] When a felony offender is sentenced to a fixed executed prison sentence on or after December 31, 1993, the sentence pronounced by the court shall consist of two parts: (1) a specified minimum term of imprisonment; and (2) a specified maximum supervised release term. The lengths of the term of imprisonment and the supervised release term actually served by an inmate are subject to the provisions of section 244.05, subdivision 1a.

Subd. 2. [EXPLANATION OF SENTENCE.] When a court pronounces sentence under this section, it shall specify the amount of time the defendant will serve in prison and the amount of time the defendant will serve on supervised release, assuming the defendant commits no disciplinary offense in prison that may result in the imposition of a disciplinary confinement period. The court shall also explain that the defendant's term of imprisonment may be extended by the commissioner if the defendant commits any disciplinary offenses in prison and that this extension could result in the defendant's serving the entire pronounced sentence in prison. The court's explanation shall be included in the sentencing order.

Subd. 3. [NO RIGHT TO SUPERVISED RELEASE.] Notwithstanding the court's specification of the potential length of a defendant's supervised release term in the sentencing order, the court's order creates no right of a defendant to any specific, minimum length of a supervised release term.

Subd. 4. [APPLICATION OF STATUTORY MANDATORY MINIMUM SENTENCES.] If the defendant is convicted of any offense for which a statute imposes a mandatory minimum sentence or term of imprisonment, the statutory mandatory minimum sentence or term governs the length of the entire sentence pronounced by the court under this section.

Sec. 8. [609.146] [COMPUTATION OF JAIL CREDIT.]

An offender is entitled to a reduction in the offender's term of imprisonment for time spent in custody in a correctional facility before the date of sentencing only when the time was spent in custody in connection with the offense or behavioral incident for which the offender is currently being sentenced.

Sec. 9. [609.151] [CONSECUTIVE SENTENCES FOR CRIMES COMMITTED AT STATE CORRECTIONAL FACILITIES.]

Subdivision 1. [CONSECUTIVE SENTENCE.] Notwithstanding the sentencing guidelines or any provision of law, when an inmate of a state correctional facility commits a felony at the facility and is convicted for that felony, the court shall impose a sentence to run consecutively to the sentence for which the inmate was confined when the felony was committed.

Subd. 2. [PRESUMPTIVE SENTENCE.] Based upon the defendant's criminal history score at the time of the commission of the offense, the court shall impose the presumptive sentence established by the appropriate grid of the sentencing guidelines grid.

Subd. 3. [WAIVER.] The court may, in whole or part, waive the sentencing requirements of subdivisions 1 and 2 upon certification of the prosecuting authority that the defendant has provided substantial and material assistance in the detection or prosecution of crime.

Sec. 10. Minnesota Statutes 1990, section 609.152, subdivision 2, is amended to read:

Subd. 2. [INCREASED SENTENCES; DANGEROUS OFFENDERS.] Whenever a person is convicted of a violent crime, and the judge is imposing an executed sentence based on a sentencing guidelines presumptive imprisonment sentence, the judge may impose an aggravated durational departure from the presumptive imprisonment sentence up to the statutory maximum sentence if the offender was at least 18 years old at the time the felony was committed, and:

(1) the court determines on the record at the time of sentencing that the offender has two or more prior convictions for violent crimes; and

(2) the court finds that the offender is a danger to public safety and specifies on the record the basis for the finding, which may include:

(i) the offender's past criminal behavior, such as the offender's high frequency rate of criminal activity or juvenile adjudications, or long involvement in criminal activity including juvenile adjudications; or

(ii) the fact that the present offense of conviction involved an aggravating factor that would justify a durational departure under the sentencing guidelines.

Sec. 11. Minnesota Statutes 1990, section 609.152, subdivision 3, is amended to read:

Subd. 3. [INCREASED SENTENCES; CAREER OFFENDERS.] Whenever a person is convicted of a felony, and the judge is imposing an executed sentence based on a sentencing guidelines presumptive imprisonment sentence, the judge may impose an aggravated durational departure from the presumptive sentence up to the statutory maximum sentence if the judge finds and specifies on the record that the offender has more than four prior felony convictions ~~and that the present offense is a felony that was committed as part of a pattern of criminal conduct from which a substantial portion of the offender's income was derived~~.

Sec. 12. [SENTENCING GUIDELINES MODIFICATIONS.]

The sentencing guidelines commission shall modify sentencing guideline II.F to provide a presumption in favor of consecutive sentences for any person convicted of multiple crimes against a person in separate behavioral incidents and to require judges to provide written reasons under sentencing guideline II.D for any mitigated departure from this presumption.

Sec. 13. [TASK FORCE ON NEW FELONY SENTENCING SYSTEM.]

Subdivision 1. [MEMBERSHIP.] A task force is established to study the implementation of the new felony sentencing system provided in this article. The task force consists of the following members or their designees:

(1) the chair of the sentencing guidelines commission;

(2) the commissioner of corrections;

(3) the state court administrator;

(4) the chair of the house judiciary committee; and

(5) the chair of the senate judiciary committee.

The task force shall select a chair from among its membership.

Subd. 2. [DUTIES.] The task force shall study the new felony sentencing system provisions contained in this article. Based on this study, the task force shall:

(1) determine whether the current sentencing guidelines and sentencing guidelines grid need to be changed in order to implement the new sentencing provisions; and

(2) determine whether any legislative changes to the provisions are needed to permit their effective implementation.

Subd. 3. [REPORT.] The task force shall report the results of its study to the legislature by February 15, 1993. The report shall include the task force's recommendations, if any, for changing the law or the sentencing guidelines in order to effectively implement the new felony sentencing system.

Sec. 14. [SENTENCING GUIDELINES COMMISSION; STUDY.]

The sentencing guidelines commission shall study the following issues and report its findings and conclusions to the chairs of the house and senate judiciary committees by February 1, 1993:

(1) whether the crime of first degree criminal sexual conduct should be ranked, in whole or in part, in severity level IX of the sentencing guidelines grid; and

(2) whether the current presumptive sentence for the crime of second degree intentional murder is adequately proportional to the mandatory life imprisonment penalty provided for first degree murder.

Sec. 15. [EFFECTIVE DATE.]

Sections 1 to 7 are effective for persons sentenced on or after December 31, 1993. Sections 8 to 12 are effective August 1, 1992, and apply to crimes committed on or after that date.

ARTICLE 3

STATE AND LOCAL CORRECTIONS

Section 1. Minnesota Statutes 1990, section 243.53, is amended to read:

243.53 [SEPARATE CELLS.]

When there are cells sufficient, each convict shall be confined in a separate cell. On and after July 1, 1992, every new and existing medium security correctional facility that is built or remodeled for the purpose of increasing its inmate capacity, must be designed and built to comply with multiple-occupancy standards for not more than one-half of the facility's capacity and must include a maximum capacity figure. Every new and existing minimum security facility that is built or remodeled for the purpose of increasing its inmate capacity, must be designed and built to comply with minimum security multiple-occupancy standards. All inmates in current and future close, maximum and high security facilities, including the Minnesota correctional facilities at St. Cloud, Stillwater, and Oak Park Heights, shall be confined in separate cells except for inmates confined in geriatric or honor dormitory-type facilities.

Sec. 2. Minnesota Statutes 1990, section 244.05, is amended by adding a subdivision to read:

Subd. 1b. [RELEASE ON CERTAIN DAYS.] Notwithstanding the amount of good time earned by an inmate sentenced before August 1, 1992, if the inmate's scheduled release date occurs on a Friday, Saturday, Sunday, or holiday, the inmate's supervised release term shall begin on the last day before the inmate's scheduled release date that is not a Friday, Saturday, Sunday, or holiday. For inmates sentenced on or after August 1, 1992, if the inmate's scheduled release date occurs on a Friday, Saturday, Sunday, or holiday, the inmate's supervised release term shall begin on the first day after the inmate's scheduled release date that is not a Friday, Saturday, Sunday, or holiday.

Sec. 3. Minnesota Statutes 1990, section 244.05, is amended by adding a subdivision to read:

Subd. 1c. [RELEASE TO RESIDENTIAL PROGRAM; ESCORT REQUIRED.] The commissioner shall provide an escort for any inmate on parole or supervised release status who is released to a halfway house or other residential community program. The escort shall be an employee of the commissioner or a person acting as the commissioner's agent for this purpose.

Sec. 4. [244.17] [LOCAL CORRECTIONAL FEES; IMPOSITION ON OFFENDERS.]

Subdivision 1. [DEFINITION.] As used in this section, "local correctional fees" include fees for the following correctional services:

(1) community service work placement and supervision;

(2) restitution collection;

(3) supervision;

(4) court ordered investigations; or

(5) any other court ordered service to be provided by a local probation and parole agency established under section 260.311 or community corrections agency established under chapter 401.

Subd. 2. [LOCAL CORRECTIONAL FEES.] A local correctional agency may establish a schedule of local correctional fees to charge persons convicted of a crime and under the supervision and control of the local correctional agency to defray costs associated with correctional services. The local correctional fees on the schedule must be reasonably related to defendants' abilities to pay and the actual cost of correctional services.

Subd. 3. [FEE COLLECTION.] The chief executive officer of a local correctional agency may collect local correctional fees assessed under section 8. The local correctional agency may collect the fee at any time while the offender is under sentence or after the sentence has been discharged. The agency may use any available civil means of debt collection in collecting a local correctional fee.

Subd. 4. [EXEMPTION FROM FEE.] The local correctional agency shall waive payment of a local correctional fee if so ordered by the court under section 8. If the court fails to waive the fee, the chief executive officer of the local correctional agency may waive payment of the fee if the officer determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the local correctional agency may require the offender to perform community work service as a means of paying the fee.

Subd. 5. [RESTITUTION PAYMENT PRIORITY.] If a defendant has been ordered by a court to pay restitution and a local correctional fee, the defendant shall be obligated to pay the restitution ordered before paying the local correctional fee.

Subd. 6. [USE OF FEES.] The local correctional fees shall be used by the local correctional agency to pay the costs of local correctional services. Local correctional fees may not be used to supplant existing local funding for local correctional services.

Sec. 5. Minnesota Statutes 1990, section 260.311, is amended by adding a subdivision to read:

Subd. 3a. [DETAINING PERSON ON CONDITIONAL RELEASE.] (a) County probation officers serving a district or juvenile court may, without a warrant when it appears necessary to prevent escape or enforce discipline, take and detain a probationer or any person on conditional release and bring that person before the court or the commissioner of corrections, whichever is appropriate, for disposition. No probationer or other person on conditional release shall be detained under this subdivision more than 72 hours, excluding Saturdays, Sundays and holidays, without being given an opportunity for a hearing before the court or the commissioner of corrections or a designee.

(b) The written order of the chief executive officer or designee of a community corrections agency established under this section is sufficient authority for any peace officer or county probation officer to take and place in actual custody any person under sentence or on probation who:

(1) fails to report to serve a sentence at a local correctional facility, as defined in section 241.021, subdivision 1;

(2) fails to return from furlough or authorized temporary release from a local correctional facility;

(3) escape from a local correctional facility; or

(4) absconds from court-ordered home detention.

Sec. 6. Minnesota Statutes 1990, section 401.02, subdivision 4, is amended to read:

Subd. 4. [DETAINING PERSON ON CONDITIONAL RELEASE.] (a) Probation officers serving the district, ~~county, municipal~~ and juvenile courts of counties participating in the subsidy program established by this chapter may, without order or warrant, when it appears necessary to prevent escape or enforce discipline, take and detain a probationer, or any person on conditional release and bring that person before the court or the commissioner of corrections or a designee, whichever is appropriate, for disposition. No probationer or other person on conditional release shall be detained more than 72 hours, exclusive of legal holidays, Saturdays and Sundays, pursuant to this subdivision without being provided with the opportunity for a hearing before the court or the commissioner of corrections or a designee. When providing supervision and other correctional services to persons conditionally released pursuant to sections 241.26, 242.19, 243.05, 243.16, 244.05, and 244.065, including intercounty transfer of persons on conditional release, and the conduct of presentence investigations, participating counties shall comply with the policies and procedures relating thereto as prescribed by the commissioner of corrections.

(b) The written order of the chief executive officer or designee of a community corrections agency established under this chapter is sufficient authority for any peace officer or county probation officer to take and place in actual custody any person under sentence or on probation who:

(1) fails to report to serve a sentence at a local correctional facility, as defined in section 241.021, subdivision 1;

(2) fails to return from furlough or authorized temporary release from a local correctional facility;

(3) escapes from a local correctional facility; or

(4) absconds from court-ordered home detention.

Sec. 7. Minnesota Statutes 1990, section 609.10, is amended to read:

609.10 [SENTENCES AVAILABLE.]

Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence, may sentence the defendant to the extent authorized by law as follows:

(1) to life imprisonment; or

(2) to imprisonment for a fixed term of years set by the court; or

(3) to both imprisonment for a fixed term of years and payment of a fine; or

(4) to payment of a fine without imprisonment or to imprisonment for a fixed term of years if the fine is not paid; or

(5) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or

(6) to payment of a local correctional fee as authorized under section 8.

Sec. 8. [609.102] [PROBATION SERVICE FEES; IMPOSITION BY COURT.]

Subdivision 1. [DEFINITION.] As used in this section, "local correctional fee" means a fee for local correctional services established by a local correctional agency under section 4.

Subd. 2. [IMPOSITION OF FEE.] When a court sentences a person convicted of a crime, and places the person under the supervision and control of a local correctional agency, the court shall impose a local correctional fee based on the local correctional agency's fee schedule adopted under section 4.

Subd. 3. [FEE EXEMPTION.] The court may waive payment of a local correctional fee if it makes findings on the record that the convicted person is exempt due to any of the factors named under section 4, subdivision 4. The court shall consider prospects for payment during the term of supervision by the local correctional agency.

Subd. 4. [RESTITUTION PAYMENT PRIORITY.] If the court orders the defendant to pay restitution and a local correctional fee, the court shall order that the restitution be paid before the local correctional fee.

Sec. 9. Minnesota Statutes 1990, section 609.125, is amended to read:

609.125 [SENTENCE FOR MISDEMEANOR OR GROSS MISDEMEANOR.]

Upon conviction of a misdemeanor or gross misdemeanor the court, if sentence is imposed, may, to the extent authorized by law, sentence the defendant:

(1) to imprisonment for a definite term; or

(2) to payment of a fine, or to imprisonment for a specified term if the fine is not paid; or

(3) to both imprisonment for a definite term and payment of a fine; or

(4) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or

(5) to payment of a local correctional fee as authorized under section 8.

Sec. 10. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1992. Sections 2, 3, 5, and 6 are effective the day following final enactment. Sections 4 and 7 to 9 are effective August 1, 1992, and apply to crimes committed on or after that date.

ARTICLE 4

OTHER PENALTY PROVISIONS

Section 1. Minnesota Statutes 1990, section 609.101, is amended by adding a subdivision to read:

Subd. 4. [MINIMUM FINES; OTHER CRIMES.] (a) Notwithstanding any other law:

(1) when a court sentences a person convicted of a felony that is not listed in subdivision 2 or 3, it must impose a fine of not less than 20 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law; and

(2) when a court sentences a person convicted of a gross misdemeanor or misdemeanor that is not listed in subdivision 2, it must impose a fine of not less than 20 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law.

The court may not waive payment of the minimum fine or authorize payment of it in installments unless the court makes written findings on the record that the convicted person is indigent

or that the fine would create undue hardship for the convicted person or that person's immediate family.

The minimum fine required by this subdivision is in addition to the surcharge or assessment required by subdivision 1 and is in addition to any term of imprisonment or restitution imposed or ordered by the court.

(b) The court shall collect the portion of the fine mandated by this subdivision and forward .. percent of it to the commissioner of finance to be credited to the general fund. The remainder of the minimum fine and any fine amount imposed in excess of the minimum fine shall be collected and distributed as otherwise provided by law.

Sec. 2. Minnesota Statutes 1990, section 609.2231, is amended by adding a subdivision to read:

Subd. 6. [PUBLIC EMPLOYEES WITH MANDATED DUTIES.] A person is guilty of a gross misdemeanor who:

(1) assaults an agricultural inspector, child protection worker, public health nurse, or probation or parole officer while the employee is engaged in the performance of a duty mandated by law, court order, or ordinance;

(2) knows that the victim is a public employee engaged in the performance of the official public duties of the office; and

(3) inflicts demonstrable bodily harm.

Sec. 3. Minnesota Statutes 1990, section 609.322, is amended to read:

609.322 [SOLICITATION, INDUCEMENT AND PROMOTION OF PROSTITUTION.]

Subdivision 1. Whoever, while acting other than as a prostitute or patron, intentionally does either of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than $40,000, or both:

(1) solicits or induces an individual under the age of ~~13~~ 16 years to practice prostitution; or

(2) promotes the prostitution of an individual under the age of ~~13~~ 16 years.

Subd. 1a. Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to

imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both:

(1) Solicits or induces an individual at least ~~13~~ 16 but less than ~~16~~ 18 years of age to practice prostitution; or

(2) Solicits or induces an individual to practice prostitution by means of force; or

(3) Uses a position of authority to solicit or induce an individual to practice prostitution; or

(4) Promotes the prostitution of an individual in the following circumstances:

(a) The individual is at least ~~13~~ 16 but less than ~~16~~ 18 years of age; or

(b) The actor knows that the individual has been induced or solicited to practice prostitution by means of force; or

(c) The actor knows that a position of authority has been used to induce or solicit the individual to practice prostitution.

Subd. 2. Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both:

(1) ~~Solicits or induces an individual at least 16 but less than 18 years of age to practice prostitution; or~~

~~(2)~~ Solicits or induces an individual to practice prostitution by means of trick, fraud, or deceit; or

~~(3)~~ (2) Being in a position of authority, consents to an individual being taken or detained for the purposes of prostitution; or

~~(4)~~ (3) Promotes the prostitution of an individual in the following circumstances:

(a) ~~The individual is at least 16 but less than 18 years of age; or~~

~~(b)~~ The actor knows that the individual has been induced or solicited to practice prostitution by means of trick, fraud or deceit; or

~~(c)~~ (b) The actor knows that an individual in a position of authority has consented to the individual being taken or detained for the purpose of prostitution.

Subd. 3. Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than $5,000, or both:

(1) Solicits or induces an individual 18 years of age or above to practice prostitution; or

(2) Promotes the prostitution of an individual 18 years of age or older.

Sec. 4. Minnesota Statutes 1990, section 609.323, is amended to read:

609.323 [RECEIVING PROFIT DERIVED FROM PROSTITUTION.]

Subdivision 1. Whoever, while acting other than as a prostitute or patron, intentionally receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of ~~13~~ 16 years, may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than $30,000, or both.

Subd. 1a. Whoever, while acting other than as a prostitute or patron, intentionally receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual in circumstances described in section 609.322, subdivision 1a, clause (4), may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

Subd. 2. Whoever, not related by blood, adoption, or marriage to the prostitute, while acting other than as a prostitute or patron, intentionally receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual in circumstances described in section 609.322, subdivision 2, clause ~~(4)~~ (3) may be sentenced to not more than three years imprisonment or to payment of a fine of not more than $5,000, or both.

Subd. 3. Whoever, not related by blood, adoption, or marriage to the prostitute, while acting other than as a prostitute or patron, intentionally receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution of an individual 18 years of age or above may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both.

Subd. 4. This section does not apply to the sale of goods or services to a prostitute in the ordinary course of a lawful business.

Sec. 5. Minnesota Statutes 1990, section 609.378, subdivision 1, is amended to read:

Subdivision 1. [PERSONS GUILTY OF NEGLECT OR ENDANGERMENT.] The following people are guilty of neglect or endangerment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both.

(a) [NEGLECT.] (1) A parent, legal guardian, or caretaker who willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions and the deprivation substantially harms or is likely to substantially harm the child's physical or emotional health is guilty of neglect of a child. If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment or care is "health care," for purposes of this clause.

(2) A parent, legal guardian, or caretaker who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child.

(b) [ENDANGERMENT.] A parent, legal guardian, or caretaker who endangers the child's person or health by:

(1) intentionally causing or permitting a child to be placed in a situation likely to substantially harm the child's physical or mental health or cause the child's death; or

(2) knowingly causing or permitting the child to be present where any person is selling or possessing a controlled substance, as defined in section 152.01, subdivision 4, in violation of section 152.021, 152.022, 152.023, or 152.024;

is guilty of child endangerment. This paragraph does not prevent a parent, legal guardian, or caretaker from causing or permitting a child to engage in activities that are appropriate to the child's age, stage of development, and experience, or from selecting health care as defined in subdivision 1, paragraph (a).

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective August 1, 1992, and apply to crimes committed on or after that date.

ARTICLE 5

CRIME VICTIMS

Section 1. [62A.302] [HIV OR AIDS TESTING.]

No issuer of life insurance or of health coverage in this state shall:

(1) obtain or use the results of a test for the HIV virus or for acquired immune deficiency syndrome for the purpose of underwriting, determination of premium, or any other reason, where the test was performed on the victim of an assault for the purpose of determining whether the victim acquired the HIV virus from the person who committed or is alleged to have committed an assault that was reported to law enforcement authorities prior to the test; or

(2) ask an applicant for coverage or a person already covered whether the person has had a test performed for the reason set forth in clause (1). Any question that purports to require an answer that would provide information regarding a test performed for the reason set forth in clause (1) may be interpreted as excluding any such test. An answer that does not mention the test must be deemed to be a truthful answer for all purposes. Any authorization for release of medical records for purposes of insurance underwriting, rating, or similar purposes, must specifically exclude any test performed for the purpose set forth in clause (1) and must be read as providing such an exclusion whether the exclusion is expressly stated or not.

This section does not affect tests conducted for purposes other than described in clause (1).

Sec. 2. Minnesota Statutes 1990, section 135A.15, is amended to read:

135A.15 [SEXUAL HARASSMENT AND VIOLENCE POLICY.]

Subdivision 1. [POLICY REQUIRED.] The governing board of each public post-secondary system and each public post-secondary institution shall adopt a clear, understandable written policy on sexual harassment and sexual violence. The policy must apply to students and employees and must provide information about their rights and duties. It must include procedures for reporting incidents of sexual harassment or sexual violence and for disciplinary actions against violators. During student registration, each public post-secondary institution shall provide each student with information regarding its policy. A copy of the policy also shall be posted at appropriate locations on campus at all times. Each private post-secondary institution that enrolls students who receive state financial aid must adopt a policy that meets the requirements of this section. The higher education coordinating board shall coordinate

the policy development of the systems and institutions and periodically provide for review and necessary changes in the policies.

Subd. 2. [VICTIMS RIGHTS.] The policy required under subdivision 1 shall, at a minimum, contain the following rights:

(1) the right to the prompt assistance of school authorities in notifying the appropriate prosecutorial and disciplinary authorities of a sexual assault incident;

(2) the right to a prompt investigation and resolution of a sexual assault complaint by the appropriate prosecutorial and disciplinary authorities;

(3) the right to participate in and have the assistance of an attorney or other support person at any school disciplinary proceeding concerning the sexual assault complaint;

(4) the right to be notified of the outcome of any school disciplinary proceeding concerning the sexual assault complaint;

(5) the right to the complete and prompt assistance of school authorities in obtaining, securing, and maintaining evidence relevant to the school disciplinary proceeding or other legal proceeding concerning the sexual assault complaint; and

(6) the right to have school authorities and personnel take all necessary steps to shield the victim from unwanted contact with the alleged assailant, including but not limited to, relocation of the victim to safe, alternative housing and transfer of the victim to alternative classes, if requested.

Sec. 3. Minnesota Statutes 1990, section 260.155, is amended by adding a subdivision to read:

Subd. 1b. [RIGHT OF ALLEGED VICTIM TO PRESENCE OF SUPPORTIVE PERSON.] Notwithstanding any provision of subdivision 1 to the contrary, in any delinquency proceedings in which the alleged victim of the delinquent act is testifying in court, the victim may choose to have a supportive person, whether or not a witness, present during the testimony of the victim. If the person chosen is also scheduled to be a witness in the proceedings, the county attorney shall present, on noticed motion, evidence that the person's attendance is both desired by the victim for support and will be helpful to the victim. Upon that showing, the court shall grant the request unless information presented by the alleged delinquent or noticed by the court establishes that the supportive person's attendance during the testimony of the victim would pose a substantial risk of influencing or affecting the content of that testimony.

Sec. 4. Minnesota Statutes 1990, section 595.02, subdivision 4, is amended to read:

Subd. 4. [COURT ORDER.] (a) In a proceeding in which a child less than ~~ten~~ 12 years of age is alleging, denying, or describing:

(1) an act of physical abuse or an act of sexual contact or penetration performed with or on the child or any other person by another; or

(2) an act that constitutes a crime of violence committed against the child or any other person, the court may, upon its own motion or upon the motion of any party, order that the testimony of the child be taken in a room other than the courtroom or in the courtroom and televised at the same time by closed-circuit equipment, or recorded for later showing to be viewed by the jury in the proceeding, to minimize the trauma to the child of testifying in the courtroom setting and, where necessary, to provide a setting more amenable to securing the child witness's uninhibited, truthful testimony.

(b) At the taking of testimony under this subdivision, only the judge, the attorneys for the defendant and for the state, any person whose presence would contribute to the welfare and well-being of the child, persons necessary to operate the recording or closed-circuit equipment and, in a child protection proceeding under chapter 260 or a dissolution or custody proceeding under chapter 518, the attorneys for those parties with a right to participate may be present with the child during the child's testimony.

(c) The court shall permit the defendant in a criminal or delinquency matter to observe and hear the testimony of the child in person. If the court, upon its own motion or the motion of any party, ~~determines~~ finds in a hearing conducted outside the presence of the jury, that the presence of the defendant during testimony taken pursuant to this subdivision would psychologically traumatize the witness so as to render the witness unavailable to testify, the court may order that the testimony be taken in a manner that:

(1) the defendant can see and hear the testimony of the child in person and communicate with counsel, but the child cannot see or hear the defendant; or

(2) the defendant ~~and child can view each other~~ can see and hear the testimony of the child by video or television monitor from a separate ~~rooms~~ room and communicate with counsel, but the child cannot see or hear the defendant.

(d) As used in this subdivision, "crime of violence" has the meaning given it in section 624.712, subdivision 5, and includes violations of section 609.26.

Sec. 5. [611A.19] [MANDATORY TESTING FOR HUMAN IMMUNODEFICIENCY VIRUS.]

Subdivision 1. [TESTING; WHEN REQUIRED.] (a) The sentencing court shall require a person convicted of violating section 609.342, 609.343, 609.344, or 609.345, to submit to testing to determine the presence of human immunodeficiency virus (HIV) antibody if the victim was exposed to or had contact with any of the offender's bodily fluids during commission of the crime.

(b) Upon motion of the prosecutor made in camera, the sentencing court shall require a person convicted of a crime not listed in paragraph (a) to submit to testing to determine the presence of HIV antibody if the victim was exposed to or had contact with any of the offender's bodily fluids during commission of the crime.

Subd. 2. [DISCLOSURE OF TEST RESULTS.] The court's requirement that a person submit to testing under subdivision 1, and the date and results of any test performed under subdivision 1 are classified as private data under chapter 13, except that the results are available, on request, to the victim or, if the victim is a minor, to the victim's parent or guardian. Any test results given to a victim shall be provided by a health professional who is trained to provide the counseling described in section 144.763.

Subd. 3. [ADVERSE INSURANCE ACTION PROHIBITED.] No life or health insurer may terminate or fail to renew coverage on a victim or base a victim's premium on the results of any HIV test performed under subdivision 1 or on the results of any HIV test performed on a crime victim who was exposed to or had contact with the offender's bodily fluids.

Sec. 6. [611A.711] [CRIME VICTIM SERVICES TELEPHONE LINE.]

The commissioner of public safety shall operate at least one statewide toll-free 24-hour telephone line for the purpose of providing crime victims with referrals for victim services and resources.

Sec. 7. [MEDIATION PROGRAMS FOR CRIME VICTIMS AND OFFENDERS.]

Subdivision 1. [GRANTS.] The state court administrator shall award grants to nonprofit organizations to create or expand mediation programs for crime victims and offenders. For purposes of this section, "offender" means an adult charged with a nonviolent misdemeanor or a juvenile with respect to whom a petition for delinquency has been filed in connection with a nonviolent misdemeanor.

Subd. 2. [PROGRAMS.] The state court administrator shall award grants to further the following goals:

(1) to expand existing mediation programs for crime victims and juvenile offenders to also include adult offenders;

(2) to initiate victim-offender mediation programs in areas that have no victim-offender mediation programs;

(3) to expand the opportunities for crime victims to be involved in the criminal justice process;

(4) to evaluate the effectiveness of victim-offender mediation programs in reducing recidivism and encouraging the payment of court-ordered restitution; and

(5) to evaluate the satisfaction of victims who participate in the mediation programs.

Subd. 3. [MEDIATOR QUALIFICATIONS.] The state court administrator shall establish criteria to ensure that mediators participating in the program are qualified.

Subd. 4. [MATCH REQUIRED.] A nonprofit organization may not receive a grant under this section unless the group has raised a matching amount from other sources.

Sec. 8. [EFFECTIVE DATE.]

Sections 3 and 4 are effective August 1, 1992, and apply to proceedings commenced on or after that date. Section 5 is effective August 1, 1992, and applies to crimes committed on or after that date.

ARTICLE 6

DOMESTIC ABUSE

Section 1. [256F.10] [GRANTS FOR CHILDREN'S SAFETY CENTERS.]

The commissioner shall issue a request for proposals from nonprofit, nongovernmental organizations, to design and implement two pilot children's safety centers. The purpose of the centers shall be to reduce children's vulnerability to violence and trauma related to family visitation, where there has been a history of domestic violence or abuse within the family. One of the pilot projects shall be located in the seven-county metropolitan area and one of the projects shall be located outside the seven-county metropolitan area.

Each children's safety center shall be designed to provide a healthy interactive environment for parents who are separated or divorced and for parents with children in foster homes to visit with their children. The centers shall be available for use by district courts who may order visitation to occur at a safety center. The centers can also be used as drop-off sites, so that parents who are under court order to have no contact with each other can exchange children for visitation at a neutral site.

Each center must have an educational team which shall provide parenting and child development classes, and must offer support groups to participating custodial parents and hold regular classes designed to assist children who have experienced domestic violence and abuse.

Each center must provide sufficient security to ensure a safe visitation environment for children and their parents.

The commissioner shall award funds to provide statewide administration and development of the project sites. Funds shall be available beginning July 1, 1992. A grantee must demonstrate the ability to provide a local match for the two project sites. The local match may include in-kind contributions. The commissioner shall evaluate the operation of the two pilot projects and the statewide administration of the children's safety centers and report back to the legislature by February 1, 1994, with recommendations.

Sec. 2. Minnesota Statutes 1991 Supplement, section 518B.01, subdivision 3a, is amended to read:

Subd. 3a. [FILING FEE.] The filing fees for an order for protection under this section are waived for the petitioner. The court administrator and the sheriff of any county in this state shall perform their duties relating to service of process without charge to the petitioner. The court shall ~~also~~ direct payment of the reasonable costs of service of process ~~in the manner provided in section 563.01, whether served by a sheriff,~~ if served by a private process server, when the sheriff is unavailable or if service is made by publication, without requiring the petitioner to make application under section 563.01. The court may direct a respondent to pay to the court administrator the petitioner's filing fees and reasonable costs of service of process if the court determines that the respondent has the ability to pay the petitioner's fees and costs.

Sec. 3. Minnesota Statutes 1990, section 518B.01, subdivision 13, is amended to read:

Subd. 13. [COPY TO LAW ENFORCEMENT AGENCY.] (a) An order for protection granted pursuant to this section shall be forwarded by the court administrator within 24 hours to the local

law enforcement agency with jurisdiction over the residence of the applicant.

Each appropriate law enforcement agency shall make available to other law enforcement officers through a system for verification, information as to the existence and status of any order for protection issued pursuant to this section.

(b) If the applicant notifies the court administrator of a change in the applicant's residence so that a different local law enforcement agency has jurisdiction over the residence, the order for protection must be forwarded by the court administrator to the new law enforcement agency within 24 hours of the notice. If the applicant notifies the new law enforcement agency that an order for protection has been issued under this section and the applicant has established a new residence within that agency's jurisdiction, within 24 hours the local law enforcement agency shall request a copy of the order for protection from the court administrator in the county that issued the order.

(c) When an order for protection is granted, the applicant for an order for protection must be told by the court that:

(1) notification of a change in residence should be given immediately to the court administrator and to the local law enforcement agency having jurisdiction over the new residence of the applicant;

(2) the reason for notification of a change in residence is to forward an order for protection to the proper law enforcement agency; and

(3) the order for protection must be forwarded to the law enforcement agency having jurisdiction over the new residence within 24 hours of notification of a change in residence, whether notification is given to the court administrator or to the local law enforcement agency having jurisdiction over the applicant's new residence.

An order for protection is enforceable even if the applicant does not notify the court administrator or the appropriate law enforcement agency of a change in residence.

Sec. 4. Minnesota Statutes 1991 Supplement, section 518B.01, subdivision 14, is amended to read:

Subd. 14. [VIOLATION OF AN ORDER FOR PROTECTION.] (a) Whenever an order for protection is granted pursuant to this section, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor. Upon conviction, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays

imposition or execution of the jail sentence and the defendant refuses or fails to comply with the court's treatment order, the court must impose and execute the stayed jail sentence. A person who violates this paragraph within two years after a previous conviction under this paragraph or within two years after a previous conviction under a similar law of another state, is guilty of a gross misdemeanor. ~~When a court sentences a person convicted of a gross misdemeanor and does not impose a period of incarceration, the court shall make findings on the record regarding the reasons for not requiring incarceration.~~ Upon conviction, the defendant must be sentenced to a minimum of 30 days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(b) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

(c) A violation of an order for protection shall also constitute contempt of court and be subject to the penalties therefor.

(d) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed $10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the

contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.

(e) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation. The court also may refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (a).

(f) If it is alleged that the respondent has violated an order for protection issued under subdivision 6 and the court finds that the order has expired between the time of the alleged violation and the court's hearing on the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's alleged violation of the prior order, to be effective until the hearing on the alleged violation of the prior order. If the court finds that the respondent has violated the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year.

(g) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by clause (b).

Sec. 5. Minnesota Statutes 1990, section 609.02, is amended by adding a subdivision to read:

Subd. 14. [ELECTRONIC MONITORING DEVICE.] As used in sections 7, 11, and 14, "electronic monitoring device" means a radio frequency transmitter unit that is worn at all times on the person of a defendant in conjunction with a receiver unit that is located in the victim's residence or on the victim's person. The receiver unit emits an audible and visible signal whenever the defendant with a transmitter unit comes within a designated distance from the receiver unit.

Sec. 6. Minnesota Statutes 1990, section 609.135, subdivision 5, is amended to read:

Subd. 5. If a person is convicted of assaulting a spouse or other person with whom the person resides, and the court stays imposition

or execution of sentence and places the defendant on probation, the court ~~may~~ must condition the stay upon the defendant's participation in counseling or other appropriate programs selected by the court.

Sec. 7. Minnesota Statutes 1990, section 609.135, is amended by adding a subdivision to read:

Subd. 5b. [DOMESTIC ABUSE VICTIMS; ELECTRONIC MONITORING.] (a) Until the legislature has adopted standards governing electronic monitoring devices used to protect victims of domestic abuse, the court, as a condition of a stay of imposition or execution of a sentence, may not order an offender convicted of a crime described in paragraph (b) to use an electronic monitoring device to protect a victim's safety.

(b) This subdivision applies to the following crimes, if committed by the defendant against a family or household member as defined in section 518B.01, subdivision 2:

(1) violations of orders for protection issued under chapter 518B;

(2) assault in the first, second, third, or fifth degree under section 609.221, 609.222, 609.223, or 609.224;

(3) criminal damage to property under section 609.595;

(4) disorderly conduct under section 609.72;

(5) harassing telephone calls under section 609.79;

(6) burglary under section 609.582;

(7) trespass under section 609.605;

(8) criminal sexual conduct in the first, second, third, fourth, or fifth degree under section 609.342, 609.343, 609.344, 609.345, or 609.3451; and

(9) terroristic threats under section 609.713.

(c) Notwithstanding paragraph (a), the judges in the tenth judicial district may order, as a condition of a stay of imposition or execution of a sentence, a defendant convicted of a crime described in paragraph (b), to use an electronic monitoring device to protect the victim's safety. The judges shall make data on the use of electronic monitoring devices to protect a victim's safety in the tenth judicial district available to the commissioner of corrections to evaluate and to aid in development of standards for the use of devices to protect victims of domestic abuse.

Sec. 8. Minnesota Statutes 1990, section 609.19, is amended to read:

609.19 [MURDER IN THE SECOND DEGREE.]

Whoever does ~~either~~ any of the following is guilty of murder in the second degree and may be sentenced to imprisonment for not more than 40 years:

(1) Causes the death of a human being with intent to effect the death of that person or another, but without premeditation~~, or~~;

(2) Causes the death of a human being, without intent to effect the death of any person, while committing or attempting to commit a felony offense other than criminal sexual conduct in the first or second degree with force or violence; or

(3) Causes the death of a human being without intent to effect the death of any person, while intentionally inflicting or attempting to inflict bodily harm upon the victim, when the perpetrator is restrained under an order for protection issued under chapter 518B and the victim is a person designated to receive protection under the order.

Sec. 9. Minnesota Statutes 1990, section 609.224, subdivision 2, is amended to read:

Subd. 2. [GROSS MISDEMEANOR.] (a) Whoever violates the provisions of subdivision 1 against the same victim within five years of a previous conviction under subdivision 1 ~~or~~, sections 609.221 to 609.2231, or any similar law of another state, may be sentenced to imprisonment for not more than one year or to a payment of a fine of not more than $3,000, or both.

(b) Whoever violates the provisions of subdivision 1 within two years of a previous conviction under subdivision 1 or sections 609.221 to 609.2231 may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both.

Sec. 10. Minnesota Statutes 1990, section 609.605, is amended by adding a subdivision to read:

Subd. 4. [FELONY.] A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the person:

(1) is restrained by a temporary or permanent order for protection granted under section 518B.01;

(2) knows that the order has been issued;

(3) violates the order by entering the dwelling of the person who petitioned for the order; and

(4) enters the dwelling when the petitioner is present and without that person's consent.

Sec. 11. [611A.07] [ELECTRONIC MONITORING TO PROTECT DOMESTIC ABUSE VICTIMS; STANDARDS.]

Subdivision 1. [GENERALLY.] The commissioner of corrections, after considering the recommendations of the battered women advisory council and the sexual assault advisory council, and in collaboration with the commissioner of public safety, shall recommend standards governing electronic monitoring devices used to protect victims of domestic abuse. In developing proposed standards, the commissioner shall consider the experience of the courts in the tenth judicial district in the use of the devices to protect victims of domestic abuse. These standards shall promote the safety of the victim and shall include measures to avoid the disparate use of the device with communities of color, product standards, monitoring agency standards, and victim disclosure standards.

Subd. 2. [REPORT TO LEGISLATURE.] By January 1, 1993, the commissioner of corrections shall report to the legislature on the proposed standards for electronic monitoring devices used to protect victims of domestic abuse.

Sec. 12. [629.342] [LAW ENFORCEMENT POLICIES FOR DOMESTIC ABUSE ARRESTS.]

Subdivision 1. [DEFINITION.] For purposes of this section, "domestic abuse" has the meaning given in section 518B.01, subdivision 2.

Subd. 2. [POLICIES REQUIRED.] Each law enforcement agency shall develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents. In the development of a policy, each law enforcement agency shall consult with domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents. The policy shall discourage dual arrests and include consideration of whether one of the parties acted in self defense and consideration of other appropriate factors.

Subd. 3. [ASSISTANCE TO VICTIM WHERE NO ARREST.] If a law enforcement officer does not make an arrest when the officer has probable cause to believe that a person is committing or has committed domestic abuse or violated an order for protection, the

officer shall provide immediate assistance to the victim. Assistance includes:

(1) assisting the victim in obtaining necessary medical treatment;

(2) providing the victim with the notice of rights under section 629.341, subdivision 3; and

(3) remaining at the scene for a reasonable time until, in the reasonable judgment of the officer, the likelihood of further imminent violence has been eliminated.

Subd. 4. [IMMUNITY.] A peace officer acting in good faith and exercising due care in providing assistance to a victim pursuant to subdivision 3 is immune from civil liability that might result from the officer's action.

Sec. 13. [629.531] [ELECTRONIC MONITORING AS A CONDITION OF PRETRIAL RELEASE.]

If a court orders electronic monitoring as a condition of pretrial release, it may not use the electronic monitoring as a determining factor in deciding what the appropriate level of the defendant's money bail or appearance bond should be.

Sec. 14. Minnesota Statutes 1990, section 629.72, is amended by adding a subdivision to read:

Subd. 2a. [ELECTRONIC MONITORING AS A CONDITION OF PRETRIAL RELEASE.] (a) Until the legislature has adopted standards governing electronic monitoring devices used to protect victims of domestic abuse, the court, as a condition of release, may not order a person arrested for a crime described in section 609.135, subdivision 5b, paragraph (b), to use an electronic monitoring device to protect a victim's safety.

(b) Notwithstanding paragraph (a), district courts in the tenth judicial district may order, as a condition of a release, a person arrested on a charge of a crime described in section 609.135, subdivision 5b, paragraph (b), to use an electronic monitoring device to protect the victim's safety. The courts shall make data on the use of electronic monitoring devices to protect a victim's safety in the tenth judicial district available to the commissioner of corrections to evaluate and to aid in development of standards for the use of devices to protect victims of domestic abuse.

Sec. 15. Minnesota Statutes 1990, section 630.36, subdivision 1, is amended to read:

Subdivision 1. [ORDER.] The issues on the calendar shall be

disposed of in the following order, unless, upon the application of either party, for good cause, the court directs an indictment or complaint to be tried out of its order:

(1) indictments or complaints for felony, where the defendant is in custody;

(2) indictments or complaints for misdemeanor, where the defendant is in custody;

(3) indictments or complaints alleging child abuse, as defined in subdivision 2, where the defendant is on bail;

(4) indictments or complaints alleging domestic assault, as defined in subdivision 3, where the defendant is on bail;

(5) indictments or complaints for felony, where the defendant is on bail; and

~~(5)~~ (6) indictments or complaints for misdemeanor, where the defendant is on bail.

After a plea, the defendant shall be entitled to at least four days to prepare for trial, if the defendant requires it.

Sec. 16. Minnesota Statutes 1990, section 630.36, is amended by adding a subdivision to read:

Subd. 3. [DOMESTIC ASSAULT DEFINED.] As used in subdivision 1, "domestic assault" means an assault committed by the actor against a family or household member, as defined in section 518B.01, subdivision 2.

Sec. 17. [EFFECTIVE DATE.]

Sections 4, 6, and 8 to 10 are effective August 1, 1992, and apply to crimes committed on or after that date.

ARTICLE 7

JUVENILES

Section 1. Minnesota Statutes 1990, 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~~;~~ take any of the actions described in paragraphs (a) to (f).

(a) The commissioner may 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~~;~~. If the commissioner determines that the child presents a danger to the public safety due to the nature of the child's delinquent act, the child's conduct in the correctional facility, or the child's past history of escape from confinement, the commissioner may order the child's confinement in a secure unit at the Minnesota correctional facility-Red Wing for the purpose of long-term secure confinement, treatment, and rehabilitation. The commissioner shall provide appropriate educational, treatment, and other rehabilitative programs to children confined in the secure unit. The commissioner may operate the programs using department employees or may contract with private or other public agencies or programs to provide these educational, treatment, and rehabilitative services.

(b) The commissioner may 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) The commissioner may order reconfinement or renewed parole as often as the commissioner believes to be desirable~~;~~.

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

(e) The commissioner may 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 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, accord-

ing 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 1990, 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, in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12), or a juvenile petty offender, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply. Except for proceedings involving a child alleged to be in need of protection or services and petitions for the termination of parental rights, hearings may be continued or adjourned from time to time. In proceedings involving a child alleged to be in need of protection or services and petitions for the termination of parental rights, hearings may not be continued or adjourned for more than one week unless the court makes specific findings that the continuance or adjournment is in the best interests of the child. If a hearing is held on a petition involving physical or sexual abuse of a child who is alleged to be in need of protection or services or neglected and in foster care, the court shall file the decision with the court administrator as soon as possible but no later than 15 days after the matter is submitted to the court. When a continuance or adjournment is ordered in any proceeding, the court may make any interim 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 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. 3. Minnesota Statutes 1990, section 260.181, is amended by adding a subdivision to read:

Subd. 3a. [REPORTS; JUVENILES PLACED OUT OF STATE.] (a) Whenever a child is placed in a residential program located

outside of this state pursuant to a disposition order issued under section 260.185 or 260.191, the juvenile court administrator shall report the following information to the state court administrator:

(1) the fact that the placement is out of state;

(2) the type of placement; and

(3) the reason for the placement.

(b) By July 1, 1994, and each year thereafter, the state court administrator shall file a report with the legislature containing the information reported under paragraph (a) during the previous calendar year.

Sec. 4. Minnesota Statutes 1990, section 260.185, subdivision 4, is amended to read:

Subd. 4. All orders for supervision under subdivision 1, clause (b) shall be for an indeterminate period unless otherwise specified by the court, and shall be reviewed by the court at least annually. All orders under subdivision 1, clause (c) shall be for a specified length of time set by the court. However, before an order has expired and upon the court's own motion or that of any interested party, the court has continuing jurisdiction to renew the order or, after notice to the parties and a hearing, make some other disposition of the case, until the individual ~~is no longer a minor~~ becomes 19 years of age. Any person to whom legal custody is transferred shall report to the court in writing at such periods as the court may direct.

Sec. 5. Minnesota Statutes 1990, section 546.27, subdivision 1, is amended to read:

Subdivision 1. (a) When an issue of fact has been tried by the court, the decision shall be in writing, the facts found and the conclusion of law shall be separately stated, and judgment shall be entered accordingly. Except as provided in paragraph (b), all questions of fact and law, and all motions and matters submitted to a judge for a decision in trial and appellate matters, shall be disposed of and the decision filed with the court administrator within 90 days after such submission, unless sickness or casualty shall prevent, or the time be extended by written consent of the parties. No part of the salary of any judge shall be paid unless the voucher therefor be accompanied by a certificate of the judge that there has been full compliance with the requirements of this section.

(b) If a hearing has been held on a petition under chapter 260 involving physical or sexual abuse of a child who is alleged to be in need of protection or services or neglected and in foster care, the

decision must be filed within 15 days after the matter is submitted to the judge.

Sec. 6. [SENTENCING GUIDELINES MODIFICATION.] The sentencing guidelines commission shall modify clause (e) of sentencing guideline II.B.4 to exclude violent crimes, as defined in Minnesota Statutes, section 609.152, subdivision 1, from the maximum limit on the number of criminal history points an offender may receive for prior juvenile offenses, if the offender was represented by an attorney in the juvenile court proceedings concerning the prior offense.

Sec. 7. [EFFECTIVE DATE.]

Section 6 is effective August 1, 1992, and applies to crimes committed on or after that date.

ARTICLE 8

LAW ENFORCEMENT

Section 1. Minnesota Statutes 1990, section 13.87, subdivision 2, is amended to read:

Subd. 2. [CLASSIFICATION.] Criminal history data maintained by agencies, political subdivisions and statewide systems are classified as private, pursuant to section 13.02, subdivision 12, except that the identity of an individual who has been convicted of a crime and the offense of which the individual was convicted are public data for 15 years following the discharge of the sentence imposed for the offense.

Sec. 2. [169.797] [CRIMINAL PENALTY FOR FAILURE TO PRODUCE RENTAL OR LEASE AGREEMENT.]

Subdivision 1. [DEFINITION.] As used in this section:

(1) "rental or lease agreement" means a written agreement to rent or lease a motor vehicle that contains the name, address, and driver's license number of the renter or lessee; and

(2) "person" has the meaning given the term in section 645.44, subdivision 7.

Subd. 2. [REQUIREMENT.] Every person who rents or leases a motor vehicle in this state for a time period of less than 180 days shall have the rental or lease agreement covering the vehicle in possession at all times when operating the vehicle and shall produce it upon the demand of a peace officer. If the person is unable to produce the rental or lease agreement upon the demand of a peace

officer, the person shall, within 14 days after the demand, produce the rental or lease agreement to the place stated in the notice provided by the peace officer. The rental or lease agreement may be mailed by the person as long as it is received within 14 days.

Subd. 3. [PENALTY.] A person who fails to produce a rental or lease agreement as required by this section is guilty of a misdemeanor. The peace officer may mail the citation to the address given by the person or to the address stated on the driver's license. This service by mail is valid notwithstanding section 629.34. It is not a defense that the person failed to notify the department of public safety of a change of name or address as required under section 171.11. The citation may be sent after the 14-day period.

Subd. 4. [FALSE OR FICTITIOUS RENTAL OR LEASE AGREEMENT.] It is a misdemeanor for any person to alter or make a fictitious rental or lease agreement, or to display an altered or fictitious rental or lease agreement knowing or having reason to know the agreement is altered or fictitious.

Sec. 3. Minnesota Statutes 1990, section 259.11, is amended to read:

259.11 [ORDER; FILING COPIES.]

(a) Upon meeting the requirements of section 259.10, the court shall grant the application unless it finds that there is an intent to defraud or mislead or in the case of the change of a minor child's name, the court finds that such name change is not in the best interests of the child. The court shall set forth in the order the name and age of the applicant's spouse and each child of the applicant, if any, and shall state a description of the lands, if any, in which the applicant and the spouse and children, if any, claim to have an interest. The clerk shall file such order, and record the same in the judgment book. If lands be described therein, a certified copy of the order shall be filed for record, by the applicant, with the county recorder of each county wherein any of the same are situated. Before doing so the clerk shall present the same to the county auditor who shall enter the change of name in the auditor's official records and note upon the instrument, over an official signature, the words "change of name recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until the applicant shall have paid to the county recorder and clerk the fee required by law. No application shall be denied on the basis of the marital status of the applicant.

(b) When a person applies for a name change, the court shall determine whether the person has been convicted of a felony in this or any other state. If so, the court shall, within ten days after the name change application is granted, report the name change to the bureau of criminal apprehension. The person whose name is changed shall also report the change to the bureau of criminal

apprehension within ten days. The court granting the name change application must explain this reporting duty in its order. Any person required to report the person's name change to the bureau of criminal apprehension who fails to report the name change as required under this paragraph is guilty of a gross misdemeanor.

Sec. 4. Minnesota Statutes 1990, section 626.843, subdivision 1, is amended to read:

Subdivision 1. [RULES REQUIRED.] The board shall adopt rules with respect to:

(a) The certification of peace officer training schools, programs, or courses including training schools for the Minnesota state patrol. Such schools, programs and courses shall include those administered by the state, county, school district, municipality, or joint or contractual combinations thereof, and shall include preparatory instruction in law enforcement and minimum basic training courses;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each certified peace officers training school located within the state;

(c) Minimum qualifications for instructors at certified peace officer training schools located within this state;

(d) Minimum standards of physical, mental, and educational fitness which shall govern the recruitment and licensing of peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota state patrol;

(e) Minimum standards of conduct which would affect the individual's performance of duties as a peace officer;

These standards shall be established and published on or before July 1, 1979.

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum specialized training which part-time peace officers shall complete in order to be eligible for continued employment as a part-time peace officer or permanent employment as a peace officer, and the time within which the specialized training must be completed;

(h) Content of minimum basic training courses required of graduates of certified law enforcement training schools or programs. Such courses shall not duplicate the content of certified academic or general background courses completed by a student but shall concentrate on practical skills deemed essential for a peace officer. Successful completion of such a course shall be deemed satisfaction of the minimum basic training requirement;

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment;

(j) The procedures to be followed by a part-time peace officer for notifying the board of intent to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to clause (g), and section 626.845, subdivision 1, clause (g);

(k) The establishment and use by any political subdivision or state law enforcement agency which employs persons licensed by the board of procedures for investigation and resolution of allegations of misconduct by persons licensed by the board. The procedures shall be in writing and shall be established on or before October 1, 1984;

(l) The issues that must be considered by each political subdivision and state law enforcement agency that employs persons licensed by the board in establishing procedures under section 626.5532 to govern the conduct of peace officers who are in pursuit of a vehicle being operated in violation of section 609.487, and requirements for the training of peace officers in conducting pursuits. The adoption of specific procedures and requirements is within the authority of the political subdivision or agency; ~~and~~

(m) Supervision of part-time peace officers and requirements for documentation of hours worked by a part-time peace officer who is on active duty. These rules shall be adopted by December 31, 1993; and

(n) Such other matters as may be necessary consistent with sections 626.84 to 626.855. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.84 to 626.855.

Sec. 5. Minnesota Statutes 1990, section 626.8451, is amended to read:

626.8451 [TRAINING IN IDENTIFYING AND RESPONDING TO CERTAIN CRIMES ~~MOTIVATED BY BIAS~~.]

Subdivision 1. [TRAINING COURSE; CRIMES MOTIVATED BY BIAS.] The board must prepare a training course to assist peace

officers in identifying and responding to crimes motivated by the victim's race, religion, national origin, sex, age, disability, or characteristics identified as sexual orientation. The course must include material to help officers distinguish bias crimes from other crimes, to help officers in understanding and assisting victims of these crimes, and to ensure that bias crimes will be accurately reported as required under section 626.5531. The course must be updated periodically as the board considers appropriate.

Subd. 1a. [TRAINING COURSE; CRIMES OF VIOLENCE AGAINST WOMEN AND CHILDREN.] The board must prepare a training course to assist peace officers in responding to crimes of violence against women and children. The course must include information about:

(1) the needs of victims of these crimes and the most effective way to meet those needs;

(2) the extent and causes of violence, which includes sexual abuse, physical violence, and neglect;

(3) identification of violence, which includes physical or sexual abuse and neglect; and

(4) culturally responsive approaches to dealing with victims and perpetrators of violence.

Subd. 2. [PRESERVICE TRAINING REQUIREMENT.] An individual may not be licensed as a peace officer ~~after August 1, 1990,~~ unless the individual has received the training described in subdivision 1. An individual is not eligible to take the peace officer licensing examination after August 1, 1994, unless the individual has received the training described in subdivision 1a.

Subd. 3. [IN-SERVICE TRAINING; BOARD REQUIREMENTS.] The board must provide to chief law enforcement officers instructional materials patterned after the materials developed by the board under ~~subdivision~~ subdivisions 1 and 1a. These materials must meet board requirements for continuing education credit and be updated periodically as the board considers appropriate. The board must also seek funding for an educational conference to inform and sensitize chief law enforcement officers and other interested persons to the law enforcement issues associated with bias crimes and crimes of violence against women and children. If funding is obtained, the board may sponsor the educational conference on its own or with other public or private entities.

Subd. 4. [IN-SERVICE TRAINING; CHIEF LAW ENFORCEMENT OFFICER REQUIREMENTS.] A chief law enforcement officer ~~must~~ shall inform all peace officers within the officer's agency

of (1) the requirements of section 626.5531, (2) the availability of the instructional materials provided by the board under subdivision 3, and (3) the availability of continuing education credit for the completion of these materials. The chief law enforcement officer must also encourage these peace officers to review or complete the materials.

Sec. 6. Minnesota Statutes 1990, section 626.8465, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISION OF POWERS AND DUTIES.] No law enforcement agency shall utilize the services of a part-time peace officer unless the part-time peace officer exercises the part-time peace officer's powers and duties under the supervision, ~~directly or indirectly~~ of a licensed peace officer designated by the chief law enforcement officer. Supervision also may be via radio communications. With the consent of the county sheriff, the designated supervising officer may be a member of the county sheriff's department.

Sec. 7. Minnesota Statutes 1991 Supplement, section 626.861, subdivision 1, is amended to read:

Subdivision 1. [LEVY OF ASSESSMENT.] There is levied a penalty assessment of ~~12~~ 15 percent on each fine imposed and collected by the courts of this state for traffic offenses in violation of chapters 168 to 173 or equivalent local ordinances, other than a fine or forfeiture for a violation of a local ordinance or other law relating to the parking of a vehicle. In cases where the defendant is convicted but a fine is not imposed, or execution of the fine is stayed, the court shall impose a penalty assessment of not less than $5 nor more than $10 when the conviction is for a misdemeanor or petty misdemeanor, and shall impose a penalty assessment of not less than $10 but not more than $50 when the conviction is for a gross misdemeanor or felony. Where multiple offenses are involved, the penalty assessment shall be assessed separately on each offense for which the defendant is sentenced. If imposition or execution of sentence is stayed for all of the multiple offenses, the penalty assessment shall be based upon the most serious offense of which the defendant was convicted. Where the court suspends a portion of a fine, the suspended portion shall not be counted in determining the amount of the penalty assessment unless the offender is ordered to pay the suspended portion of the fine. Suspension of an entire fine shall be treated as a stay of execution for purposes of computing the amount of the penalty assessment.

Sec. 8. Minnesota Statutes 1990, section 626.861, subdivision 3, is amended to read:

Subd. 3. [COLLECTION BY COURT.] After a determination by the court of the amount of the fine or penalty assessment due, the court administrator shall collect the appropriate penalty assessment

and transmit it to the county treasurer separately with designation of its origin as a penalty assessment, but with the same frequency as fines are transmitted. Amounts collected under this subdivision shall then be transmitted to the state treasurer for deposit ~~in the general fund~~ for peace officers training, in the same manner as fines collected for the state by a county. The state treasurer shall identify and report to the commissioner of finance all amounts deposited in the general fund under this section.

Sec. 9. Minnesota Statutes 1991 Supplement, section 626.861, subdivision 4, is amended to read:

Subd. 4. [PEACE OFFICERS TRAINING ACCOUNT.] Receipts from penalty assessments must be credited to ~~the general fund~~ a peace officer training account in the special revenue fund. For fiscal years 1993 and 1994, the peace officers standards and training board ~~may~~ shall, and after fiscal year 1994 may, allocate from funds appropriated as follows:

(a) ~~Up to 30~~ At least 25 percent ~~may be provided~~ for reimbursement to board approved skills courses.

(b) ~~Up to 15~~ At least 13.5 percent ~~may be used~~ for the school of law enforcement.

(c) The balance may be used to pay each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount must be used exclusively for reimbursement of the cost of in-service training required under this chapter and chapter 214.

Sec. 10. [DEPARTMENT OF PUBLIC SAFETY STUDY; FORGED OR ALTERED DRIVERS' LICENSES.]

The commissioner of public safety shall conduct a study to determine the feasibility and cost of changing the current Minnesota driver's licensing system to minimize the potential for the alteration or forgery of Minnesota drivers' licenses. Among other things, the commissioner shall reevaluate the use of temporary paper licenses, the materials with which drivers' licenses are currently made, the manner in which photographs are mounted on the license, and the current method by which expired licenses are marked.

The commissioner shall file a written report with the legislature by February 1, 1993, containing the commissioner's findings and recommendations for change.

Sec. 11. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1995. Sections 2 and 3 are effective August 1, 1992, and apply to crimes committed on or after that date.

ARTICLE 9

PROCEDURAL CHANGES

Section 1. Minnesota Statutes 1990, section 631.035, is amended to read:

631.035 [~~JOINTLY CHARGED~~ JOINDER OF DEFENDANTS; ~~SEPARATE OR JOINT TRIALS~~.]

Subdivision 1. [JOINDER OF DEFENDANTS.] When two or more defendants are jointly charged with a felony, ~~they may be tried separately or jointly in the discretion of~~ the court shall, upon the prosecutor's written motion, order a joint trial for any two or more of the defendants, subject to the provisions of subdivision 2. ~~In making its determination on whether to order joinder or separate trials, the court shall consider the nature of the offense charged, the impact on the victim, the potential prejudice to the defendant, and the interests of justice.~~

Subd. 2. [RELIEF FROM PREJUDICIAL JOINDER.] If it appears that a defendant or the prosecution is prejudiced by a joinder of defendants in a complaint or indictment or by joinder for trial together, the court may order an election or separate trials of counts, grant a severance of defendants, or provide whatever other relief justice requires. In ruling on a motion by a defendant for severance, the court may order the prosecutor to deliver to the court for inspection in camera any statements or confessions made by the defendants which the prosecution intends to introduce in evidence at the trial.

Subd. 3. [EFFECT OF STATUTE ON RULES.] Any rule of the Rules of Criminal Procedure conflicting with this section is superseded to the extent of its conflict.

Sec. 2. [SUPREME COURT BAIL STUDY.]

The supreme court is requested to study whether guidelines should be adopted in the rules of criminal procedure governing the minimum amount of money bail that should be required in cases involving persons accused of crimes against the person.

Sec. 3. [EFFECTIVE DATE.]

Section 1 is effective August 1, 1992, and applies to proceedings commenced on or after that date.

ARTICLE 10

CIVIL LAW PROVISIONS

Section 1. Minnesota Statutes 1990, section 332.51, subdivision 1, is amended to read:

Subdivision 1. [LIABILITY FOR THEFT OF PROPERTY.] A person who steals personal property from another is civilly liable to the owner of the property for its value when stolen plus punitive damages of ~~either~~ $50 ~~or up to 100 percent of its value when stolen, whichever is greater~~. If the property is merchandise stolen from a retail store, its value is the retail price of the merchandise in the store when the theft occurred.

Sec. 2. Minnesota Statutes 1990, section 332.51, subdivision 5, is amended to read:

Subd. 5. [RECOVERY OF PROPERTY.] The recovery of stolen property by a person does not affect liability under this section, ~~other than~~ except that there will be no liability for the value of the property if the property is recovered before it leaves the owner's premises or if it is recovered without any decrease in its retail value.

Sec. 3. [617.245] [CIVIL ACTION; USE OF A MINOR IN A SEXUAL PERFORMANCE.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Minor" means any person who, at the time of use in a sexual performance, is under the age of 16.

(c) "Promote" means to produce, direct, publish, manufacture, issue, or advertise.

(d) "Sexual performance" means any play, dance, or other exhibition presented before an audience or for purposes of visual or mechanical reproduction which depicts sexual conduct as defined by paragraph (e).

(e) "Sexual conduct" means any of the following if the depiction involves a minor:

(1) an act of sexual intercourse, normal or perverted, actual or simulated, including genital-genital, anal-genital, or oral-genital intercourse, whether between human beings or between a human being and an animal;

(2) sadomasochistic abuse, meaning flagellation, torture, or simi-

lar demeaning acts inflicted by or upon a minor who is nude, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so unclothed;

(3) masturbation or lewd exhibitions of the genitals; and

(4) physical contact or simulated physical contact with the clothed or unclothed pubic areas or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

Subd. 2. [CAUSE OF ACTION.] A cause of action exists for injury caused by the use of a minor in a sexual performance. The cause of action exists against a person who promotes, employs, uses, or permits a minor to engage or assist others to engage in posing or modeling alone or with others in a sexual performance, if the person knows or has reason to know that the conduct intended is a sexual performance.

A person found liable for injuries under this section is liable to the minor for damages.

Neither consent to sexual performance by the minor or by the minor's parent, guardian, or custodian, or mistake as to the minor's age is a defense to the action.

Subd. 3. [LIMITATION PERIOD.] An action for damages under this section must be commenced within six years of the time the plaintiff knew or had reason to know injury was caused by plaintiff's use as a minor in a sexual performance. The knowledge of a parent, guardian, or custodian may not be imputed to the minor. This section does not affect the suspension of the statute of limitations during a period of disability under section 541.15.

Sec. 4. Laws 1991, chapter 232, section 5, is amended to read:

Sec. 5. [APPLICABILITY.]

Notwithstanding any other provision of law, a plaintiff whose claim would otherwise be time-barred under Minnesota Statutes 1990 has until August 1, 1992, to commence a cause of action for damages based on personal injury caused by sexual abuse if the action is based on an intentional tort committed against the plaintiff.

Sec. 5. [EFFECTIVE DATE.]

Section 4 is effective retroactive to August 1, 1991, and applies to actions pending on or commenced on or after that date.

ARTICLE 11

MISCELLANEOUS PROVISIONS

Section 1. Minnesota Statutes 1991 Supplement, section 8.15, is amended to read:

8.15 [ATTORNEY GENERAL COSTS.]

The attorney general in consultation with the commissioner of finance shall assess executive branch agencies a fee for legal services rendered to them. The assessment against appropriations from other than the general fund must be the full cost of providing the services. The assessment against appropriations supported by fees must be included in the fee calculation. The assessment against appropriations from the general fund not supported by fees must be one-half of the cost of providing the services. An amount equal to the general fund receipts in the even-numbered year of the biennium is appropriated to the attorney general for each year of the succeeding biennium. All other receipts from assessments must be deposited in the state treasury and credited to the general fund.

The attorney general in consultation with the commissioner of finance shall assess political subdivisions fees to cover half the cost of legal services rendered to them, except legal services rendered to them in connection with appearances or prosecutions in criminal cases, as authorized by section 8.01.

Sec. 2. Minnesota Statutes 1990, section 270A.03, subdivision 5, is amended to read:

Subd. 5. "Debt" means a legal obligation of a natural person to pay a fixed and certain amount of money, which equals or exceeds $25 and which is due and payable to a claimant agency. The term includes criminal fines imposed under section 609.10 or 609.125 and restitution. A debt may arise under a contractual or statutory obligation, a court order, or other legal obligation, but need not have been reduced to judgment.

A debt does not include any legal obligation of a current recipient of assistance which is based on overpayment of an assistance grant.

A debt does not include any legal obligation to pay a claimant agency for medical care, including hospitalization if the income of the debtor at the time when the medical care was rendered does not exceed the following amount:

(1) for an unmarried debtor, an income of $6,400 or less;

(2) for a debtor with one dependent, an income of $8,200 or less;

(3) for a debtor with two dependents, an income of $9,700 or less;

(4) for a debtor with three dependents, an income of $11,000 or less;

(5) for a debtor with four dependents, an income of $11,600 or less; and

(6) for a debtor with five or more dependents, an income of $12,100 or less.

The income amounts in this subdivision shall be adjusted for inflation for debts incurred in calendar years 1991 and thereafter. The dollar amount of each income level that applied to debts incurred in the prior year shall be increased in the same manner as provided in section 290.06, subdivision 2d, for the expansion of the tax rate brackets.

Sec. 3. Minnesota Statutes 1990, section 485.018, subdivision 5, is amended to read:

Subd. 5. [COLLECTION OF FEES.] The court administrator of district court shall charge and collect all fees as prescribed by law and all such fees collected by the court administrator as court administrator of district court shall be paid to the county treasurer. Except for those portions of forfeited bail paid to victims pursuant to existing law, the county treasurer shall forward all revenue from fees and forfeited bail collected under chapters 357 and 574 to the state treasurer for deposit in the state treasury and credit to the general fund, unless otherwise provided in chapter 611A or other law, in the manner and at the times prescribed by the state treasurer, but not less often than once each month. If the defendant or probationer is located after forfeited bail proceeds have been forwarded to the state treasurer, the state treasurer shall reimburse the county, on request, for extradition, transportation, or other costs necessary to return the defendant or probationer to the jurisdiction where the bail was posted, in an amount not more than the amount of forfeited bail. All other money must be deposited in the county general fund unless otherwise provided by law. The court administrator of district court shall not retain any additional compensation, per diem or other emolument for services as court administrator of district court, but may receive and retain mileage and expense allowances as prescribed by law.

Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment and applies to appearances or prosecutions in criminal cases pending on, or instituted on or after, that date.

ARTICLE 12

BONDING AND APPROPRIATIONS

Section 1. [BOND SALE; APPROPRIATION FOR CAPITAL IMPROVEMENT.]

Subdivision 1. [APPROPRIATION; BOND SALE.] (a) $..... is appropriated from the state bond proceeds fund to the department of administration to construct and remodel space at the Minnesota correctional facility-Red Wing to provide a secure unit for the confinement of adjudicated juvenile delinquents who present a danger to the public safety.

(b) To provide the money appropriated by this section from the state bond proceeds fund, the commissioner of finance, on request of the governor, shall sell and issue bonds in an amount up to $..... in the manner, upon the terms, and with the effect prescribed by Minnesota Statutes, sections 16A.631 to 16A.675, and by the Minnesota Constitution, article XI, sections 4 to 7.

Subd. 2. [DEBT SERVICE.] The commissioner of finance shall schedule the sale of state general obligation bonds authorized to be issued under this section so that, during the fiscal year ending June 30, 1993, no more than $..... will need to be transferred from the general fund to the state bond fund to pay principal and interest due and to become due on them, in addition to limits in other law placed on debt service on state general obligation bonds for the biennium or either fiscal year of it. The commissioner shall adjust the amount of bonds scheduled to be sold so as to remain within the limit set by this section. The amount needed to make the debt service payments is appropriated from the general fund as provided in Minnesota Statutes, section 16A.641.

Sec. 2. [APPROPRIATIONS; DEPARTMENT OF CORRECTIONS.]

(a) $..... is appropriated from the general fund to the commissioner of corrections for the fiscal year ending June 30, 1993, to be used for the following purposes:

(1) $..... shall be used to establish and operate a secure unit for dangerous juvenile offenders at the Minnesota correctional facility-Red Wing; and

(2) $..... shall be used to establish and expand juvenile sex offender treatment programs within state juvenile correctional facilities. One of these treatment programs shall be located in a secure unit at a state juvenile correctional facility.

(b) $..... is appropriated from the general fund to the commis-

sioner of corrections for the fiscal year ending June 30, 1993, for development of standards for electronic monitoring devices used to protect victims of domestic abuse.

Sec. 3. [APPROPRIATION; POST BOARD.]

$..... is appropriated from the peace officer training account in the special revenue fund to the peace officers standards and training board.

Sec. 4. [APPROPRIATIONS; DEPARTMENT OF HUMAN SERVICES.]

(a) $..... is appropriated from the general fund to the commissioner of human services for the fiscal year ending June 30, 1993, to provide a statewide administration grant under article 6, section 1.

(b) $..... is appropriated from the general fund to the commissioner of human services for the fiscal year ending June 30, 1993, for the two statewide demonstration projects authorized by article 6, section 1.

Sec. 5. [APPROPRIATION; SUPREME COURT.]

$..... is appropriated to the supreme court for victim-offender mediation programs to be available until June 30, 1993."

Delete the title and insert:

"A bill for an act relating to crime; increasing penalties for repeat sex offenders; providing for life imprisonment for certain repeat sex offenders; providing for life imprisonment without parole for certain persons convicted of first degree murder; increasing penalties for other violent crimes and crimes committed against children; increasing supervision of sex offenders; eliminating the "good time" reduction in prison sentences; allowing the extension of prison terms for disciplinary violations in prison; authorizing the imposition of fees for local correctional services on offenders; requiring the imposition of minimum fines on convicted offenders; requiring certain convicted offenders to submit to HIV testing; expanding certain crime victim rights; providing programs for victim-offender mediation; enhancing protection of domestic abuse victims; authorizing secure confinement of dangerous juvenile offenders; creating a presumption in favor of joint trials for felony defendants; creating a civil cause of action for minors used in a sexual performance; authorizing the issuance of state bonds to provide a secure unit for dangerous juvenile offenders at the Red Wing correctional facility; appropriating money; amending Minnesota Statutes 1990, sections 13.87, subdivision 2; 135A.15; 241.67, subdivisions 3, 6, and by adding a subdivision; 242.19, subdivision 2; 242.195, subdivision 1;

243.53; 244.01, subdivision 8; 244.03; 244.04, subdivisions 1 and 3; 244.05, subdivisions 1, 3, 4, 5, and by adding subdivisions; 259.11; 260.155, subdivision 1, and by adding a subdivision; 260.181, by adding a subdivision; 260.185, subdivisions 1 and 4; 260.311, by adding a subdivision; 270A.03, subdivision 5; 332.51, subdivisions 1 and 5; 401.02, subdivision 4; 485.018, subdivision 5; 518B.01, subdivision 13; 546.27, subdivision 1; 595.02, subdivision 4; 609.02, by adding a subdivision; 609.10; 609.101, by adding a subdivision; 609.115, subdivision 1a; 609.125; 609.135, subdivision 5, and by adding subdivisions; 609.1352, subdivision 5; 609.152, subdivisions 2 and 3; 609.184, subdivision 2; 609.19; 609.2231, by adding a subdivision; 609.224, subdivision 2; 609.322; 609.323; 609.342; 609.343; 609.344, subdivisions 1 and 3; 609.345, subdivisions 1 and 3; 609.346, subdivisions 2, 2a, and by adding subdivisions; 609.3471; 609.378, subdivision 1; 609.605, by adding a subdivision; 626.843, subdivision 1; 626.8451; 626.8465, subdivision 1; 626.861, subdivision 3; 629.72, by adding a subdivision; 630.36, subdivision 1, and by adding a subdivision; and 631.035; Minnesota Statutes 1991 Supplement, sections 8.15; 243.166, subdivisions 1, 2, and 3; 244.05, subdivision 6; 244.12, subdivision 3; 518B.01, subdivisions 3a and 14; 609.135, subdivision 2; and 626.861, subdivisions 1 and 4; Laws 1991, chapter 232, section 5; proposing coding for new law in Minnesota Statutes, chapters 62A; 169; 244; 256F; 609; 611A; 617; and 629."

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

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1941, A bill for an act relating to children; establishing a general preference for adoption by relatives; amending Minnesota Statutes 1990, section 259.28, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 257.071, subdivision 1, is amended to read:

Subdivision 1. [PLACEMENT; PLAN.] (a) If a social service agency has good cause to believe that a child may be in need of temporary placement, the agency shall orally and in writing inform the child and the child's parents or guardian of the placement

prevention and family reunification services available under section 256F.07.

(b) If a child is placed in a residential facility by court order, the social service agency shall determine the child's medical history and contact the health care professionals who have been responsible for the child's care to determine the treatment plans necessary for inclusion in the child's case plan.

(c) A case plan shall be prepared within 30 days after any child is placed in a residential facility by court order or by the voluntary release of the child by the parent or parents.

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

For the purposes of this section, a case plan means a written document which is ordered by the court or which is prepared by the social service agency responsible for the residential facility placement and is signed by the parent or parents, or other custodian, of the child, the child's legal guardian, the social service agency responsible for the residential facility placement, and, if possible, the child. The document shall be explained by the agency to all persons involved in its implementation, including the child who has signed the document, and shall set forth:

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

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

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

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

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

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

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

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

(9) When the child is likely to remain in foster care until the child reaches age 18 or is emancipated or discharged to independent living by court order or when otherwise appropriate, for a child age 16 or older, the case plan must also include a written description of the programs and services which will help the child prepare for the transition from foster care to independent living; and

(10) When a child is placed in a home of a different culture or heritage than the child, the case plan must include special services to be provided to assure that the child and the family understand, value, and respect the child's culture and heritage.

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

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

Sec. 2. Minnesota Statutes 1990, section 257.071, is amended by adding a subdivision to read:

Subd. 2a. [PERMANENCE.] A child placed in a foster family home may not be removed to another foster family home in the absence of good cause. If the child has been placed outside the home for more than four months, the judge ordering removal of the child from the home must make written findings regarding why a new placement is in the best interests of a child.

Sec. 3. Minnesota Statutes 1990, section 257.072, subdivision 7, is amended to read:

Subd. 7. [DUTIES OF CHILD-PLACING AGENCIES.] Each authorized child-placing agency must:

(1) develop and follow procedures for implementing the order of preference prescribed by section 260.181, subdivision 3, and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923;

(a) In implementing the order of preference, the agency shall notify the parents and the child, if the child is at least 12 years old, of the placement preference in section 260.181, subdivision 3, and that the placement preference will be followed unless the parent of the child, if the child is at least 12 years old, explicitly requests that it not be followed. An authorized child-placing agency may disclose private or confidential data, as defined in section 13.01, to relatives of the child for the purpose of locating a suitable placement. The agency shall disclose only data that is necessary to facilitate implementing the preference. If a parent makes an explicit request that the relative preference not be followed, the agency shall bring the matter to the attention of the court to determine whether the parent's request is consistent with the best interests of the child, and the agency shall not contact relatives unless ordered to do so by the juvenile court; and

(b) In implementing the order of preference, the authorized child-placing agency shall develop written standards for determining the suitability of proposed placements. The standards need not meet all requirements for foster care licensing, but must ensure that the safety, health, and welfare of the child is safeguarded. In the case of an Indian child, the standards to be applied must be the prevailing social and cultural standards of the Indian child's community, and the agency shall defer to the judgment of a licensed child-placing agency administered by a tribe as to the suitability of a particular home when the tribe has intervened pursuant to the Indian Child Welfare Act or contests the placement in the juvenile court;

(2) have a written plan for recruiting minority adoptive and foster families. The plan must include (a) strategies for using existing resources in minority communities, (b) use of minority outreach staff wherever possible, (c) use of minority foster homes for placements after birth and before adoption, and (d) other techniques as appropriate;

(3) have a written plan for training adoptive and foster families of minority children;

(4) if located in an area with a significant minority population, have a written plan for employing minority social workers in adoption and foster care. The plan must include staffing goals and objectives; ~~and~~

(5) ensure that adoption and foster care workers attend training offered or approved by the department of human services regarding cultural diversity and the needs of special needs children; and

(6) develop and implement procedures for implementing the requirements of the Indian Child Welfare Act and the Minnesota Indian family preservation act.

Sec. 4. Minnesota Statutes 1990, section 257.072, subdivision 8, is amended to read:

Subd. 8. [REPORTING REQUIREMENTS.] Each authorized child-placing agency shall provide to the commissioner of human services all data needed by the commissioner for the report required by section 257.0725, including data on the number of children of minority racial or ethnic heritage receiving services, data on the number of adoption and foster care workers attending training regarding cultural diversity and the needs of special needs children, and data on the training provider. The agency shall provide the data within 60 days of the end of the six-month period for which the data is applicable.

Sec. 5. Minnesota Statutes 1990, section 257.0725, is amended to read:

257.0725 [SEMIANNUAL REPORT.]

The commissioner of human services shall publish a semiannual report on children in out-of-home placement. The report shall include, by county and statewide, information on legal status, living arrangement, age, sex, race, accumulated length of time in placement, reason for most recent placement, race of family with whom placed, number of families from the child's own culture in the placement pool during the period for which data is provided, and other demographic information deemed appropriate on all children in out-of-home placement. The report shall also include the number of qualified minority professional staff working in the agency, the number of staff who have received the training required in section 257.072, subdivision 7, and data on the training provider. The commissioner shall provide the required data for children who entered placement during the previous quarter and for children who are in placement at the end of the quarter. Out-of-home placement includes placement in any facility by an authorized child-placing agency. By December 1, 1989, and by December 1 of each successive year, the commissioner shall publish a report covering the first six months of the calendar year. By June 1, 1990, and by June 1 of each successive year, the commissioner shall publish a report covering the last six months of the calendar year.

Sec. 6. Minnesota Statutes 1991 Supplement, section 257.076, is amended by adding a subdivision to read:

Subd. 8. [HISPANIC.] "Hispanic" means a person whose heritage or national origins are traced to Argentina, Bolivia, Brazil, Colombia, Costa Rica, Cuba, Chile, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Portugal, Puerto Rico, Uruguay, Spain, or Venezuela.

Sec. 7. Minnesota Statutes 1990, section 257.59, subdivision 1, is amended to read:

Subdivision 1. [COURT JURISDICTION.] Except in Hennepin and Ramsey counties, the county court has jurisdiction of an action brought under sections 257.51 to 257.74. In Hennepin and Ramsey counties, the district court has jurisdiction of an action brought under sections 257.51 to 257.74. The action may be joined with an action for dissolution, annulment, legal separation, custody under chapter 518, or reciprocal enforcement of support. The action may also be joined with an action under section 260.131 by a local social service agency if action under this section is brought by an individual seeking to establish paternity.

Sec. 8. Minnesota Statutes 1990, section 259.255, is amended to read:

259.255 [PROTECTION OF HERITAGE OR BACKGROUND.]

The policy of the state of Minnesota is to ensure that the best interests of the child are met by requiring due consideration of the child's ~~minority~~ race or ~~minority~~ ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child.

The authorized child placing agency shall give preference, in the absence of good cause to the contrary, to placing the child with (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, (b) a family with the same racial or ethnic heritage as the child, or, if that is not feasible, (c) a family of different racial or ethnic heritage from the child which is knowledgeable and appreciative of the child's racial or ethnic heritage.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or clauses (a) and (b) not be followed, the authorized child placing agency shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the agency shall place

the child with a family that also meets the genetic parent's religious preference. Only if no family is available that is described in clause (a) or (b) may the agency give preference to a family described in clause (c) that meets the parent's religious preference.

Sec. 9. Minnesota Statutes 1990, section 259.28, subdivision 2, is amended to read:

Subd. 2. [PROTECTION OF HERITAGE OR BACKGROUND.] The policy of the state of Minnesota is to ensure that the best interests of children are met by requiring due consideration of the child's ~~minority~~ race or ~~minority~~ ethnic heritage in adoption placements. For purposes of intercountry adoptions, due consideration is deemed to have occurred if the appropriate authority in the child's country of birth has approved the placement of the child.

~~In the adoption of a child of minority racial or minority ethnic heritage,~~ In reviewing adoptive placement, the court shall consider preference, and in determining appropriate adoption, the court shall give preference, in the absence of good cause to the contrary, to (a) a relative or relatives of the child, or, if that would be detrimental to the child or a relative is not available, to (b) a family with the same racial or ethnic heritage as the child, or if that is not feasible, to (c) a family of different racial or ethnic heritage from the child that is knowledgeable and appreciative of the child's racial or ethnic heritage.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in an adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the court shall place the child with a family that also meets the genetic parent's religious preference. Only if no family is available as described in clause (a) or (b) may the court give preference to a family described in clause (c) that meets the parent's religious preference.

Sec. 10. Minnesota Statutes 1990, section 259.455, is amended to read:

259.455 [FAMILY RECRUITMENT.]

Each authorized child placing agency shall make special efforts to recruit an adoptive family from among the child's relatives, except as authorized in section 259.28, subdivision 2, and among families of the same ~~minority~~ racial or ~~minority~~ ethnic heritage. Special efforts

include contacting and working with community organizations and religious organizations, utilizing local media and other local resources, and conducting outreach activities. The agency may accept any gifts, grants, offers of services, and other contributions to use in making special recruitment efforts.

Sec. 11. Minnesota Statutes 1990, section 260.012, is amended to read:

260.012 [DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY REUNIFICATION; REASONABLE EFFORTS; NOTICE TO PARENTS OF PLACEMENT PREFERENCE; DETERMINATION OF CHILD'S RACE AND ETHNICITY; COMPLIANCE WITH PLACEMENT PREFERENCES AT ALL STAGES OF NONDELINQUENCY PROCEEDINGS.]

(a) If a child in need of protection or services is under the court's jurisdiction, the court shall ensure that reasonable efforts including culturally appropriate services by the social service agency are made to prevent placement or to eliminate the need for removal and to reunite the child with the child's family at the earliest possible time, consistent with the best interests, safety, and protection of the child. In the case of an Indian child, in proceedings under sections 260.172, 260.191, and 260.221 the juvenile court must make findings and conclusions consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901 et seq., as to the provision of active efforts. If a child is under the court's delinquency jurisdiction, it shall be the duty of the court to ensure that reasonable efforts are made to reunite the child with the child's family at the earliest possible time, consistent with the best interests of the child and the safety of the public.

(b) "Reasonable efforts" means the exercise of due diligence by the responsible social service agency to use appropriate and available services to meet the needs of the child and the child's family in order to prevent removal of the child from the child's family; or upon removal, services to eliminate the need for removal and reunite the family. Services may include those listed under section 256F.07, subdivision 3, and other appropriate services available in the community. The social service agency has the burden of demonstrating that it has made reasonable efforts.

(c) The juvenile court, in proceedings under sections 260.172, 260.191, and 260.221 shall make findings and conclusions as to the provision of reasonable efforts. When determining whether reasonable efforts have been made, the court shall consider whether services to the child and family were:

(1) relevant to the safety and protection of the child;

(2) adequate to meet the needs of the child and family;

(3) culturally appropriate;

(4) available and accessible;

(5) consistent and timely; and

(6) realistic under the circumstances.

(d) This section does not prevent out-of-home placement for treatment of a child with a mental disability when the child's diagnostic assessment or individual treatment plan indicates that appropriate and necessary treatment cannot be effectively provided outside of a residential or inpatient treatment program.

(e) In proceedings under section 260.172, 260.191, 260.192, or 260.221, the court shall notify the parents and the child, if the child is at least 12 years old, of the placement preference in section 260.181, subdivision 3, and that the placement preference will be followed unless the parent or the child, if the child is at least 12 years old, explicitly requests that it not be followed and the court finds that request consistent with the best interests of the child.

(f) If the federal Indian Child Welfare Act applies, the court shall also notify the parents of the placement preference stated in the federal Indian Child Welfare Act, that the preference will be followed, and that, where appropriate, the court shall consider the preference of the Indian child or parent.

(g) For purposes of ensuring compliance with section 260.181 in proceedings under section 260.172, 260.191, 260.192, or 260.221, the court shall ask the parent for information regarding the child's race or ethnicity. If a parent is not present for the proceedings, the court may order the responsible social service agency to conduct an inquiry of the child's relatives and community members for the purpose of identifying for the court the child's race or ethnicity. When the court has sufficient information upon which to make a finding, the court shall make a written finding as to the child's race and ethnicity. That finding shall identify the child's primary racial or ethnic community, but may also reflect the child's racial or ethnic diversity as appropriate. The requirements of this section are in addition to the court's duty to determine tribal affiliation under section 257.354, subdivision 2.

(h) A child placed under section 257.071, 260.172, 260.191, 260.192, or 260.221, or who has a guardian appointed under section 260.242, must be placed according to the preference stated in section 260.181, subdivision 3, or, if applicable, the federal Indian Child Welfare Act. The court shall review the efforts of the responsible social service agency to place the child according to the preference in section 260.181, subdivision 3. The agency shall provide written

documentation to the court regarding placement efforts. The court shall make findings regarding the sufficiency of those efforts at each stage of the court proceedings. If the court finds it in the best interests of the child, the court may also order the responsible social service agency to disclose necessary information to or make necessary inquiry of any person or agency that might be helpful in facilitating a placement according to the preference stated in section 260.181 or the federal Indian Child Welfare Act.

Sec. 12. Minnesota Statutes 1990, section 260.015, is amended by adding a subdivision to read:

Subd. 11a. [ADJUDICATED PARENT.] "Adjudicated parent" means:

(1) a person who has had paternity established under the parentage act, sections 257.51 to 257.74; or

(2) a person who was party to a proceeding under chapter 518 if the decree of dissolution of marriage found the child to be the issue of the marriage.

Sec. 13. Minnesota Statutes 1990, section 260.181, subdivision 3, is amended to read:

Subd. 3. [PROTECTION OF ~~RACIAL OR ETHNIC~~ HERITAGE, OR ~~RELIGIOUS AFFILIATION~~ BACKGROUND.] The policy of the state is to ensure that the best interests of children are met by requiring due consideration of the child's ~~minority~~ race or ~~minority~~ ethnic heritage in foster care placements.

The court, in transferring legal custody of any child or appointing a guardian for the child under the laws relating to juvenile courts, shall place the child, in the following order of preference, in the absence of good cause to the contrary, in the legal custody or guardianship of an individual who (a) is the child's relative, or if that would be detrimental to the child or a relative is not available, who (b) is of the same racial or ethnic heritage as the child, or if that is not possible, who (c) is knowledgeable and appreciative of the child's racial or ethnic heritage. The court may require the county welfare agency to continue efforts to find a guardian of the child's ~~minority~~ racial or ~~minority~~ ethnic heritage when such a guardian is not immediately available. For purposes of this subdivision, "relative" includes members of a child's extended family and important friends with whom the child has resided or had significant contact.

If the child's genetic parent or parents explicitly request that the preference described in clause (a) or in clauses (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

If the child's genetic parent or parents express a preference for placing the child in a foster or adoptive home of the same or a similar religious background to that of the genetic parent or parents, in following the preferences in clause (a) or (b), the court shall order placement of the child with an individual who meets the genetic parent's religious preference. Only if no individual is available who is described in clause (a) or (b) may the court give preference to an individual described in clause (c) who meets the parent's religious preference.

Sec. 14. Minnesota Statutes 1990, section 260.191, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITIONS.] (a) If the court finds that the child is in need of protection or services or neglected and in foster care, it shall enter an order consistent with section 260.181, subdivision 3, making any of the following dispositions of the case:

(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 child's need for protection or services;

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

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

(ii) the county welfare board~~.~~;

(iii) a previously noncustodial parent, or person other than a parent, on a permanent or temporary basis, if a petition or motion is filed under section 518.156, giving notice to all parties to any prior custody determinations, provided that pending proceedings shall be joined with this proceeding and all issues shall be determined by this court; or

(iv) a man presumed to be the biological father or alleged or alleging himself to be the father, on a permanent or temporary basis, if a petition or motion is filed under section 518.156, giving notice to all parties to any prior custody determinations, and if an action is filed under section 257.57 for determination of paternity. Proceedings under section 518.156 and the action under section 257.57 shall be joined with a proceeding under this clause and all issues shall be determined by this court, which may reserve or waive payment of all or a portion of the reasonable expenses of the mother's pregnancy and confinement, prior support, and reimbursement for expenditure of public assistance, consistent with the award of custody and the child's best interests.

(A) Any order issued under this section shall provide for visitation

between the parent and child, and set any conditions the court deems reasonable regarding visitation, consistent with the best interests of the child.

(B) At the request of the proposed custodian the court shall make an order requiring that the cost of the child's care be covered by an order for child support payable by the child's parent and established pursuant to section 518.551, subdivision 5.

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, or, if applicable, the federal Indian Child Welfare Act, except that the preference does not apply in a determination as to custody between parents;

(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 or is unable to provide this treatment or care, the court may order it provided. The court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. 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 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, if the county board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(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 to operate a residential program under sections 245A.01 to 245A.16; 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. 15. Minnesota Statutes 1990, section 260.191, subdivision 1a, is amended to read:

Subd. 1a. [WRITTEN FINDINGS.] Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

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

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

(c) ~~In the case of a child of minority racial or minority ethnic heritage,~~ How the court's disposition complies with the requirements of section 260.181, subdivision 3, relating to protection of heritage or background; and

(d) Whether reasonable efforts consistent with section 260.012 were made to prevent or eliminate the necessity of the child's removal and to reunify the family after removal. The court's findings must include a brief description of what preventive and reunification efforts were made and why further efforts could not have prevented or eliminated the necessity of removal.

If the court finds that the social services agency's preventive or reunification efforts have not been reasonable but that further preventive or reunification efforts could not permit the child to safely remain at home, the court may nevertheless authorize or continue the removal of the child.

Sec. 16. Minnesota Statutes 1990, section 260.221, subdivision 1, is amended to read:

Subdivision 1. [VOLUNTARY AND INVOLUNTARY.] The juvenile court may, upon petition, terminate all rights of a parent to a child or may order any other long-term disposition provided for in section 260.235 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. Abandonment is presumed when:

(i) the parent has had no contact or merely incidental contact with the child for six months in the case of a child under six years of age, or for 12 months in the case of a child ages six to 11; and

(ii) the social service agency has made reasonable efforts to facilitate contact, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under chapter 257 or 518. The court is not prohibited from finding abandonment in the absence of this presumption; 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, and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition; 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 of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that:

(i) the child was adjudicated in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); and

(ii) within the three-year period immediately prior to that adjudication, the parent's parental rights to one or more other children were involuntarily terminated under clause (1), (2), (4), or (7) of this paragraph, or under clause (5) of this paragraph if the child was initially determined to be in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); or

(5) That following upon a determination of neglect or dependency, or of 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. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child under the age of 12 has resided out of the parental home under court order for more than one year following an adjudication of dependency, neglect, need for protection or services under section 260.015, subdivision 2a, clause (1), (2), (6), (8), or (9), or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;

(ii) conditions leading to the determination will not be corrected within the reasonably foreseeable future; and

(iii) reasonable efforts have been made by the social service agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year after a child has been placed out of the home.

It is also presumed that reasonable efforts have failed under this clause upon a showing that:

(i) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis;

(ii) the parent has been required by a case plan to participate in a chemical dependency treatment program;

(iii) the treatment programs offered to the parent were culturally, linguistically, and clinically appropriate;

(iv) the parent has either failed two or more times to successfully complete a treatment program or has refused at two or more separate meetings with a caseworker to participate in a treatment program; and

(v) the parent continues to abuse chemicals.

Provided, that this presumption applies only to parents required by a case plan to participate in a chemical dependency treatment program on or after July 1, 1990; or

(6) That the parent has been convicted of causing the death of another of the parent's children; or

(7) 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

(8) That the child is neglected and in foster care.

In an action involving an American Indian child, sections 257.35 to 257.3579 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to the extent that the provisions of this section are inconsistent with those laws.

Sec. 17. Minnesota Statutes 1990, section 260.235, is amended to read:

260.235 [~~DISPOSITION~~ DISPOSITIONS; PARENTAL RIGHTS NOT TERMINATED.]

Subdivision 1. [CHILD IN NEED OF PROTECTION OR SERVICES OR NEGLECTED AND IN FOSTER CARE.] If, after a hearing, the court does not terminate parental rights but determines that 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 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.

Subd. 2. [OTHER LONG-TERM DISPOSITIONS.] If any condition in section 260.221, subdivision 1, has been proven, but the court concludes that termination of parental rights is not in the best interests of the child, the court may order the following long-term dispositions consistent with the preferences of section 260.181, subdivision 3:

(a) transfer of custody to a relative within the definition of section 260.181, subdivision 3, upon making findings regarding the best interests of the child under section 257.025;

(b) permanent foster care in the home of an individual to be named by the court. Permanent foster care may be in the home of a relative who meets licensing standards or in a licensed foster home of persons who are not related to the child. If this disposition is ordered, the proposed foster care provider shall appear in court and indicate to the court an intention to provide foster care for the child until the child's majority by executing a permanent placement agreement among the foster parent, responsible social service agency, child, and guardian ad litem; or

(c) permanent custody pursuant to section 260.191, subdivision 1, paragraph (a), clause (2), item (iii) or (iv).

Subd. 3. [NOTICE OF FINANCIAL IMPLICATIONS.] An order may not be issued under this section unless the court finds that the individual providing the long-term placement of the child has been advised of any financial consequences of the court's order.

Subd. 4. [VISITATION.] Any order issued under this section must provide for visitation between the child and the child's parent and set any conditions the court deems reasonable regarding visitation.

Subd. 5. [BEST INTERESTS.] In making an order under this section, the best interests of the child are paramount. Best interests

must be determined consistent with sections 257.35 to 257.3579, and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923. The court's order must also follow the placement preference stated in section 260.181 and ensure that the best interests of the child are met by giving due consideration to the child's race or ethnicity in any long-term disposition made.

Subd. 6. [REVIEW OF LONG-TERM FOSTER CARE ORDER.] After the court has issued an order for long-term foster care pursuant to subdivision 2, paragraph (b), the order need not be reviewed by the court, except upon request of a party to the juvenile court proceeding upon a showing by affidavit of a substantial change in the child's circumstances such that the previous order of the court is no longer in the child's best interests, or pursuant to requirements of Public Law Number 96-272. The court continues to have jurisdiction to review its order until the child reaches age 19, notwithstanding anything in section 260.191 to the contrary. The agency shall conduct an administrative review of the case plan every two years when the court has issued an order for long-term care.

Subd. 7. [CESSATION OF REASONABLE EFFORTS.] Upon the entry of an order under this section, the responsible social service agency need not make any further efforts pursuant to section 260.012. In the case of an Indian child, cessation of active efforts may occur only when the court finds the mandates of the Indian Child Welfare Act have been met.

Sec. 18. Minnesota Statutes 1990, section 260.40, is amended to read:

260.40 [AGE LIMIT FOR BENEFITS TO CHILDREN.]

For purposes of any program for foster children and for transitional and independent living services for youth or children under state guardianship for which benefits are made available on June 1, 1973, unless specifically provided therein, the age of majority shall be 21 years of age.

Sec. 19. [EFFECTIVE DATE.]

Sections 1 to 18 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to human services; changing certain provisions for support and placement of children; amending Minnesota Statutes 1990, sections 257.071, subdivision 1, and by adding a subdivision; 257.072, subdivisions 7 and 8; 257.0725; 257.59, subdivision 1; 259.255; 259.28, subdivision 2; 259.455; 260.012; 260.015, by adding a subdivision; 260.181, subdivision 3; 260.191, subdivi-

sions 1 and 1a; 260.221, subdivision 1; 260.235; and 260.40; and Minnesota Statutes 1991 Supplement, section 257.076, by adding a subdivision."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 1982, A bill for an act relating to health; establishing a children's health care mediator; providing for reporting by parents relying on religious or philosophical healing practices and investigation and intervention in cases involving a serious health condition; modifying provisions dealing with children in need of protection or services and termination of parental rights; amending Minnesota Statutes 1990, sections 144.651, by adding a subdivision; 260.191, subdivision 1; 260.221, by adding a subdivision; and 626.556, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 145A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 144.651, is amended by adding a subdivision to read:

Subd. 33. [RESPECT FOR RELIGIOUS OR PHILOSOPHICAL HEALING PRACTICES.] Patients and residents shall have the right to use religious or philosophical healing practices, as long as they are acting in good faith and the healing practice does not interfere with the provision of medical treatment to other patients.

Sec. 2. [145A.20] [DEFINITIONS.]

Subdivision 1. [SCOPE.] The definitions in this section apply to sections 3 to 5.

Subd. 2. [LIFE-THREATENING CONDITION.] "Life-threatening condition" means a condition that presents a serious danger to a child's life.

Subd. 3. [MEDIATOR.] "Mediator" means the children's health care mediator under section 3.

Subd. 4. [PARENT.] "Parent" means a custodial parent or legal guardian.

Subd. 5. [RELIGIOUS OR PHILOSOPHICAL HEALING PRACTICE.] "Religious or philosophical healing practice" means the good faith selection and primary dependence upon spiritual means or prayer or a philosophical system for treatment or care of that disease or remedial care of a child as part of an organized religious or philosophical group or community.

Subd. 6. [SERIOUS DISABILITY OR DISFIGUREMENT.] "Serious disability" or "disfigurement" means permanent or protracted loss or impairment of the function of a bodily member or organ or permanent disfigurement.

Sec. 3. [145A.21] [CHILDREN'S HEALTH CARE MEDIATOR.]

Subdivision 1. [CREATION.] A position of children's health care mediator is created in the department of health. The mediator's role is both to facilitate the provision of medical treatment where the life of a child is threatened or a child faces a significant risk of a serious disability or disfigurement and to ensure that latitude for parental choices in the health care of their children is not unnecessarily compromised. The commissioner of health shall appoint a children's health care mediator to exercise the powers and duties under sections 3 to 5 in a manner consistent with the mediator's role. The commissioner or the mediator may appoint one or more persons to serve as deputy mediators to perform any of the functions of the mediator. To the extent possible, the commissioner and the mediator shall use existing resources and personnel within boards of health and existing community health services to implement sections 3 to 5.

Subd. 2. [POWERS AND DUTIES.] The mediator shall:

(1) regularly meet with designated representatives and other members of a religious or philosophical community affected by this section in order to be familiar with their beliefs and practices;

(2) receive, answer, and investigate reports from parents under section 4;

(3) serve as an intermediary between parents who use religious or philosophical healing practices and traditional medical providers and provide advice and information to parents in cases where traditional medical treatment may be required for their children;

(4) encourage and facilitate the provision of appropriate medical care when emergency medical services are needed;

(5) establish operating principles governing reports, investigations, intervention, and treatment under sections 3 to 5;

(6) provide materials that list or discuss symptoms of life-threatening conditions or a serious disability or disfigurement and the circumstances under which traditional medical treatment may be required;

(7) provide advice and information to traditional medical providers regarding parental and family rights in children's health care cases; and

(8) report physical or sexual abuse or neglect of a child as required under section 626.556.

Subd. 3. [QUALIFICATIONS.] The mediator must have an understanding of and sensitivity to religious and philosophical healing practices and beliefs. The mediator must be a licensed health care professional with sufficient training to be able to identify and assess a child's symptoms for purposes of sections 3 to 5.

Subd. 4. [MEDIATOR DATA.] Data collected and maintained by the mediator are private data on individuals as defined in section 13.02, subdivision 12, and may not be disclosed except as necessary for the purposes of sections 3 to 5 or as otherwise authorized by law.

Subd. 5. [IMMUNITY FROM LIABILITY.] The mediator, a deputy mediator, or the state is not liable for any damages resulting from any acts or omissions by the person in performing the duties of the position unless the person acts in a willful and wanton or reckless manner.

Sec. 4. [145A.22] [REPORTING BY PARENT.]

Subdivision 1. [MEDIATOR CONTACT; ASSESSMENT.] A parent who uses religious or philosophical healing practices shall contact the mediator if the parent believes or has reason to believe that the child is in a life-threatening condition or faces a significant risk of serious disability or disfigurement. The mediator, with appropriate medical input, shall assess the child's symptoms to determine if the child is in a life-threatening condition or faces a significant risk of serious disability or disfigurement.

Subd. 2. [POSTASSESSMENT PROCEDURES.] If the mediator, with appropriate medical input, determines that the child is not in a life-threatening condition or does not face a significant risk of serious disability or disfigurement, the mediator may so inform the parent and provide the parent with any other information that may be helpful to the parent's specific situation. If the mediator is unable to make a definite determination regarding the child's condition, the

mediator shall continue, with appropriate medical input, to assess the child's situation until the mediator is able to conclude whether the condition is life-threatening or the child faces a significant risk of serious disability or disfigurement. If the mediator concludes that the condition is life-threatening or the child faces a significant risk of serious disability or disfigurement, the mediator shall inform the parents and proceed under section 5 for the provision of medical treatment.

Sec. 5. [145A.23] [PROVISION OF MEDICAL TREATMENT.]

Subdivision 1. [VOLUNTARY PROVISION OF MEDICAL TREATMENT.] If the parents of a child are willing to seek medical treatment following a determination under section 4, subdivision 2, the mediator shall assist the parents in obtaining treatment for the child as soon as possible.

Subd. 2. [INVOLUNTARY TREATMENT; DUTIES; FINANCIAL RESPONSIBILITY.] If the mediator has reason to believe that the child is in a life-threatening condition or faces a significant risk of serious disability or disfigurement, and the parent is unwilling to seek medical treatment, the mediator shall inform the parent that the mediator is required to ensure the provision of appropriate medical care. If emergency medical care or transportation to such care is necessary, in the mediator's opinion, the mediator shall obtain it without the parent's consent and without the necessity of seeking a court order. If continued medical care is necessary for the child after the emergency treatment, the mediator shall obtain an expedited court order to authorize the continued care. The mediator may, if the mediator deems it necessary, notify the local social service agency to commence appropriate legal proceedings under chapter 260.

A parent is responsible for the cost of the child's medical care provided under this section, in accordance with the provisions of section 260.251.

Subd. 3. [FAMILY INVOLVEMENT IN TREATMENT.] (a) In all cases where medical treatment is provided to a child whose parent relies on religious or philosophical healing practices, the parent and the child shall continue to be involved in decisions regarding treatment, as long as the parent acts in good faith and the healing practice does not interfere with treatment. In making medical treatment decisions, the medical provider shall consider:

(1) the preferences of the parent and the child, if the child has capacity to give informed consent; and

(2) the degree of likelihood that the proposed treatment for the child will be safe and effective and would, with significant probability, be life saving or avoid serious disability or disfigurement.

(b) Medical providers shall allow a parent to continue to use religious or philosophical healing practices while medical treatment is being provided, as long as the parent is acting in good faith and the healing practice does not interfere with medical treatment.

(c) This subdivision applies to all cases involving the voluntary or involuntary treatment of a child whose parent relies on religious or philosophical healing practices.

Sec. 6. Minnesota Statutes 1990, section 260.191, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITIONS.] (a) If the court finds that the child is 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:

(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 child's need for protection or services;

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

(i) a child placing agency; or

(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;

(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 or is unable to provide this treatment or care, the court may order it provided. The court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. 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 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, if the county

board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(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 to operate a residential program under sections 245A.01 to 245A.16; 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.

(c) In making a disposition in cases involving the physical or mental health of a child whose parents use religious or philosophical healing practices in lieu of medical care, the court shall consider the degree of likelihood that any proposed medical treatment for the child will be safe and effective and would, with significant probability, be life saving or avoid serious disability or disfigurement. The definitions in section 2 apply to this paragraph.

Sec. 7. Minnesota Statutes 1990, section 260.221, is amended by adding a subdivision to read:

Subd. 1a. [RELIGIOUS OR PHILOSOPHICAL HEALING PRACTICES.] Notwithstanding any contrary provision of subdivision 1, parental rights may not be terminated solely on the basis that the parent uses a religious or philosophical healing practice, as defined in section 2.

Sec. 8. Minnesota Statutes 1990, section 609.378, subdivision 1, is amended to read:

Subdivision 1. [PERSONS GUILTY OF NEGLECT OR ENDANGERMENT.] The following people are guilty of neglect or endangerment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than $3,000, or both.

(a) [NEGLECT.] (1) A parent, legal guardian, or caretaker who willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions and the deprivation substantially harms the child's physical or emotional health is guilty of neglect of a child. If a parent, guardian, or caretaker responsible for the child's care in good faith selects and primarily depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment or care is "health care," for purposes of this clause.

However, a parent, guardian, or caretaker who:

(i) selects and depends primarily on spiritual means or prayer for treatment or care;

(ii) believes or has reason to believe that a child is in a life-threatening condition or faces a significant risk of serious disability or disfigurement; and

(iii) either willfully fails to contact the children's health care

mediator as provided in sections 2 to 5, or willfully interferes with the lawful exercise of authority by the mediator;

is depriving a child of necessary health care.

(2) A parent, legal guardian, or caretaker who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child.

(b) [ENDANGERMENT.] A parent, legal guardian, or caretaker who endangers the child's person or health by intentionally causing or permitting a child to be placed in a situation likely to substantially harm the child's physical or mental health or cause the child's death is guilty of child endangerment. This paragraph does not prevent a parent, legal guardian, or caretaker from causing or permitting a child to engage in activities that are appropriate to the child's age, stage of development, and experience, or from selecting health care as defined in subdivision 1, paragraph (a).

Sec. 9. [609.3785] [INTERFERENCE WITH CHILDREN'S HEALTH CARE MEDIATOR.]

A person other than a parent, guardian, or caretaker who willfully interferes with the lawful exercise of authority by the children's health care mediator established pursuant to section 3 is guilty of a misdemeanor.

Sec. 10. Minnesota Statutes 1990, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY AND LOCAL LAW ENFORCEMENT AGENCY UPON RECEIPT OF A REPORT.] (a) If the report alleges neglect, physical abuse, or sexual abuse by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, the local welfare agency shall immediately conduct an assessment and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. If the report alleges that a lack of medical care may cause serious danger to a child because the child's parent or guardian uses a religious or philosophical healing practice, as defined in section 2, in lieu of medical care, the local welfare agency shall immediately notify the children's health care mediator established under section 3. If the report alleges a violation of a criminal statute involving sexual abuse or physical abuse, the local law enforcement agency and local welfare agency shall coordinate the planning and execution of their respective investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. Each agency shall prepare a separate report of the results of its investigation. When necessary the local welfare agency shall seek authority to

remove the child from the custody of a parent, guardian, or adult with whom the child is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) When a local agency receives a report or otherwise has information indicating that a child who is a client, as defined in section 245.91, has been the subject of physical abuse or neglect at an agency, facility, or program as defined in section 245.91, it shall, in addition to its other duties under this section, immediately inform the ombudsman established under sections 245.91 to 245.97.

(c) Authority of the local welfare agency responsible for assessing the child abuse report and of the local law enforcement agency for investigating the alleged abuse includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school or at any facility or other place where the alleged victim or other minors might be found and may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school official. Except as provided in this paragraph, the parent, legal custodian, or guardian shall be notified by the responsible local welfare or law enforcement agency no later than the conclusion of the investigation or assessment that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota rules of procedure for juvenile courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, the agency withhold notification of this interview from the parent, legal custodian, or guardian. If the interview took place or is to take place on school property, the order shall specify that school officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school property, as provided under this paragraph, and any other related information regarding the interview that may be a part of the child's school record. A copy of the order shall be sent by the local welfare or law enforcement agency to the appropriate school official.

(d) When the local welfare or local law enforcement agency determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. For interviews conducted by the local welfare agency, the notification shall be signed by the chair of the county welfare board or the chair's designee. The notification shall be private data on individuals subject to the provisions of this paragraph. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the

interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded. Until that time, the local welfare or law enforcement agency shall be solely responsible for any disclosures regarding the nature of the assessment or investigation.

Except where the alleged perpetrator is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Where the school fails to comply with the provisions of this paragraph, the juvenile court may order the school to comply. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

(e) Where the perpetrator or a person responsible for the care of the alleged victim or other minor prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents, legal custodian, or guardian to produce the alleged victim or other minor for questioning by the local welfare agency or the local law enforcement agency outside the presence of the perpetrator or any person responsible for the child's care at reasonable places and times as specified by court order.

(f) Before making an order under paragraph (d), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews 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. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If appointed, the guardian ad litem shall be present at the hearing on the order to show cause.

(g) The commissioner, the ombudsman for mental health and mental retardation, the local welfare agencies responsible for investigating reports, and the local law enforcement agencies have the right to enter facilities as defined in subdivision 2 and to inspect and copy the facility's records, including medical records, as part of the investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility under investigation that they are conducting an investigation, to disclose to the facility the names of the individuals under investigation for abusing or neglect-

ing a child, and to provide the facility with a copy of the report and the investigative findings.

Sec. 11. Minnesota Statutes 1990, section 626.556, subdivision 10e, is amended to read:

Subd. 10e. [DETERMINATIONS.] Upon the conclusion of every assessment or investigation it conducts, the local welfare agency shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed.

(a) For the purposes of this subdivision, "maltreatment" means any of the following acts or omissions committed by a person responsible for the child's care:

(1) physical abuse as defined in subdivision 2, paragraph (d);

(2) neglect as defined in subdivision 2, paragraph (c);

(3) sexual abuse as defined in subdivision 2, paragraph (a); or

(4) mental injury as defined in subdivision 2, paragraph (k).

(b) For the purposes of this subdivision, a determination that child protective services are needed means that the local welfare agency has documented conditions during the assessment or investigation sufficient to cause a child protection worker, as defined in section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individuals responsible for the child's care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment.

(c) This subdivision does not mean that maltreatment has occurred solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, in lieu of medical care. However, if lack of medical care may result in ~~imminent and~~ serious danger to the child's health, the local welfare agency may ensure that necessary medical services are provided to the child.

Sec. 12. [EFFECTIVE DATE.]

Section 8 is effective August 1, 1992, and applies to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to health; establishing a children's health care mediator; providing for reporting by parents relying on religious or philosophical healing practices and investigation and intervention in cases involving a serious health condition; modifying provisions dealing with children in need of protection or services and termination of parental rights; amending Minnesota Statutes 1990, sections 144.651, by adding a subdivision; 260.191, subdivision 1; 260.221, by adding a subdivision; 609.378, subdivision 1; and 626.556, subdivisions 10 and 10e; proposing coding for new law in Minnesota Statutes, chapters 145A; and 609."

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

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 2193, A bill for an act relating to children; providing for a recognition of parentage with the force and effect of a paternity adjudication; providing for preparation and distribution of a recognition form and educational materials for paternity; amending Minnesota Statutes 1990, sections 144.215, subdivision 3; 257.54; 257.541; 257.55, subdivision 1; 257.59, subdivision 1; 257.74, subdivision 1; and 518.156, subdivision 1; Minnesota Statutes 1991 Supplement, section 257.57, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 257.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 144.215, subdivision 3, is amended to read:

Subd. 3. [FATHER'S NAME; CHILD'S NAME.] In any case in which paternity of a child is determined by a court of competent jurisdiction, ~~or upon compliance with the provisions of section 257.55, subdivision 1, clause (e)~~ a declaration of parentage is executed under section 257.34, or a recognition of parentage is executed under section 7, the name of the father shall be entered on the birth certificate. If the order of the court declares the name of the child, it shall also be entered on the birth certificate. If the order of the court does not declare the name of the child, or there is no court order, then upon the request of both parents in writing, the surname of the child shall be that of the father.

Sec. 2. Minnesota Statutes 1990, section 257.54, is amended to read:

257.54 [HOW PARENT AND CHILD RELATIONSHIP ESTABLISHED.]

The parent and child relationship between a child and

(a) the biological mother may be established by proof of her having given birth to the child, or under sections 257.51 to 257.74 or section 7;

(b) the biological father may be established under sections 257.51 to 257.74 or section 7; or

(c) an adoptive parent may be established by proof of adoption.

Sec. 3. Minnesota Statutes 1990, section 257.541, is amended to read:

257.541 [CUSTODY AND VISITATION OF CHILDREN BORN OUTSIDE OF MARRIAGE.]

Subdivision 1. [MOTHER'S RIGHT TO CUSTODY.] The biological mother of a child born to a mother who was not married to the child's father neither when the child was born nor when the child was conceived has sole custody of the child until paternity has been established under sections 257.51 to 257.74, or until custody is determined in a separate proceeding under section 518.156.

Subd. 2. [FATHER'S RIGHT TO VISITATION AND CUSTODY.] (a) If paternity has been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the father's rights of visitation or custody are determined under sections 518.17 and 518.175.

(b) If paternity has not been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the biological father may petition for rights of visitation or custody in the paternity proceeding or in a separate proceeding under section 518.156.

Subd. 3. [FATHER'S RIGHT TO VISITATION AND CUSTODY; RECOGNITION OF PATERNITY.] If paternity has been recognized under section 7, the father may petition for rights of visitation or custody in an independent action under section 518.156. The proceeding must be treated as an initial determination of custody under section 518.17, if the petition is brought within six months of the birth of the child, and the provisions of chapter 518 apply with

respect to the granting of custody and visitation. These proceedings may not be combined with any proceeding under chapter 518B.

Sec. 4. Minnesota Statutes 1990, section 257.55, subdivision 1, is amended to read:

Subdivision 1. [PRESUMPTION.] A man is presumed to be the biological father of a child if:

(a) He and the child's biological mother are or have been married to each other and the child is born during the marriage, or within 280 days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution, or divorce, or after a decree of legal separation is entered by a court;

(b) Before the child's birth, he and the child's biological mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) if the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 280 days after its termination by death, annulment, declaration of invalidity, dissolution or divorce; or

(2) if the attempted marriage is invalid without a court order, the child is born within 280 days after the termination of cohabitation;

(c) After the child's birth, he and the child's biological mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and,

(1) he has acknowledged his paternity of the child in writing filed with the state registrar of vital statistics;

(2) with his consent, he is named as the child's father on the child's birth certificate; or

(3) he is obligated to support the child under a written voluntary promise or by court order;

(d) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his biological child; ~~or~~

(e) He and the child's biological mother acknowledge his paternity of the child in a writing signed by both of them under section 257.34 and filed with the state registrar of vital statistics. If another man is

presumed under this clause to be the child's father, acknowledgment may be effected only with the written consent of the presumed father or after the presumption has been rebutted.;

(f) Evidence of statistical probability of paternity based on blood testing establishes ~~that~~ the likelihood that ~~the man~~ he is the father of the child, calculated with a prior probability of no more than 0.5 (50 percent), is 99 percent or greater.;

(g) He and the child's biological mother have executed a recognition of parentage in accordance with section 7, and another man is presumed to be the father under this subdivision; or

(h) He and the child's biological mother have executed a recognition of parentage in accordance with section 8, and another man and the child's mother have executed a recognition of parentage in accordance with section 7.

Sec. 5. Minnesota Statutes 1991 Supplement, section 257.57, subdivision 2, is amended to read:

Subd. 2. The child, the mother, or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor may bring an action:

(1) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 257.55, subdivision 1, clause (d), (e), ~~or~~ (f), (g), or (h), or the nonexistence of the father and child relationship presumed under clause (d) of that subdivision;

(2) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, clause (e) or (g), only if the action is brought within three years after the date of the execution of the declaration or recognition of parentage; or

(3) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (f), only if the action is brought within three years after the party bringing the action, or the party's attorney of record, has been provided the blood test results.

Sec. 6. Minnesota Statutes 1990, section 257.74, subdivision 1, is amended to read:

Subdivision 1. If a mother relinquishes or proposes to relinquish for adoption a child who has

(a) a presumed father under section 257.55, subdivision 1,

(b) a father whose relationship to the child has been determined by a court or established under section 7, or

(c) a father as to whom the child is a legitimate child under prior law of this state or under the law of another jurisdiction, the father shall be given notice of the adoption proceeding as provided in section 259.26.

Sec. 7. [257.75] [RECOGNITION OF PARENTAGE.]

Subdivision 1. [RECOGNITION BY PARENTS.] The mother and father of a child born to a mother who was not married to the child's father nor to any other man when the child was conceived nor when the child was born may, in a writing signed by both of them before a notary public, and filed with the state registrar of vital statistics, state and acknowledge under oath that they are the biological parents of the child and wish to be recognized as the biological parents. The recognition must be in the form prepared by the commissioner of human services under subdivision 5.

Subd. 2. [REVOCATION OF RECOGNITION.] A recognition may be revoked in a writing signed by the mother or father before a notary public and filed with the state registrar of vital statistics within 30 days after the recognition is executed. Upon receipt of a revocation of the recognition of parentage, the state registrar of vital statistics shall forward a copy of the revocation to the nonrevoking parent.

Subd. 3. [EFFECT OF RECOGNITION.] Subject to subdivision 2, and section 257.55, subdivision 1, paragraphs (g) and (h), the recognition has the force and effect of a judgment or order determining the existence of the parent and child relationship under section 257.66. If the conditions in section 257.55, subdivision 1, paragraph (g) or (h), exist, the recognition creates only a presumption of paternity for purposes of sections 257.51 to 257.74. Until an order is entered granting custody to another, sole custody is in the mother. The recognition:

(1) is a basis for bringing an action to award custody or visitation rights to either parent, establishing a child support obligation, or ordering a contribution by a parent under section 256.87;

(2) is determinative for all other purposes related to the existence of the parent and child relationship; and

(3) is entitled to full faith and credit in other jurisdictions.

Subd. 4. [ACTION TO VACATE RECOGNITION.] Within one year following execution of a recognition under subdivision 1, the mother or father may bring an action to vacate the recognition on the grounds and conditions contained in section 518.145, subdivision 2. If the court finds grounds for vacating the recognition, the court shall order the child, mother, and father to submit to blood tests. If the results of the blood test establish that the man who executed the recognition is not the father, the court shall vacate the recognition.

Subd. 5. [RECOGNITION FORM.] The commissioner of human services shall prepare a form for the recognition of parentage under this section. In preparing the form, the commissioner shall consult with the individuals specified in subdivision 6. The recognition form must be drafted so that the force and effect of the recognition and the benefits and responsibilities of establishing paternity are clear and understandable. The form must include a notice regarding the finality of a recognition and the revocation procedure under subdivision 2. The form must include a provision for each parent to verify that the parent has read or viewed the educational materials prepared by the commissioner of human services describing the recognition of paternity. Each parent must receive a copy of the recognition.

Subd. 6. [PATERNITY EDUCATIONAL MATERIALS.] The commissioner of human services shall prepare educational materials for new and prospective parents that describe the benefits and effects of establishing paternity. The materials must include a description and comparison of the procedures for establishment of paternity through a recognition of parentage under this section and an adjudication of paternity under sections 257.51 to 257.74. The commissioner shall consider the use of innovative audio or visual approaches to the presentation of the materials to facilitate understanding and presentation. In preparing the materials, the commissioner shall consult with child advocates and support workers, battered women's advocates, social service providers, educators, attorneys, hospital representatives, and people who work with parents in making decisions related to paternity. The commissioner shall consult with representatives of communities of color. On and after July 1, 1993, the commissioner shall make the materials available without cost to hospitals, requesting agencies, and other persons for distribution to new parents.

Subd. 7. [HOSPITAL DISTRIBUTION OF EDUCATIONAL MATERIALS; RECOGNITION FORM.] Hospitals that provide obstetric services shall distribute the educational materials and recognition of parentage forms prepared by the commissioner of human services to new parents and shall assist parents in understanding the recognition of parentage form. On and after July 1, 1993, hospitals may not distribute the declaration of parentage forms.

Subd. 8. [NOTICE.] In the event the state registrar of vital statistics receives more than one recognition of parentage for the same child, the registrar shall notify both signatories on each recognition that the recognition is no longer final and that each man has only a presumption of paternity under section 257.55, subdivision 1.

Sec. 8. Minnesota Statutes 1990, section 518.156, subdivision 1, is amended to read:

Subdivision 1. In a court of this state which has jurisdiction to decide child custody matters, a child custody proceeding is commenced:

(a) by a parent

(1) by filing a petition for dissolution or legal separation; or

(2) where a decree of dissolution or legal separation has been entered or where none is sought, or when paternity has been recognized under section 7, by filing a petition or motion seeking custody or visitation of the child in the county where the child is permanently resident or where the child is found or where an earlier order for custody of the child has been entered; or

(b) by a person other than a parent, where a decree of dissolution or legal separation has been entered or where none is sought by filing a petition or motion seeking custody or visitation of the child in the county where the child is permanently resident or where the child is found or where an earlier order for custody of the child has been entered.

Sec. 9. [EFFECTIVE DATE.]

This act is effective July 1, 1993, except that section 7, subdivisions 5 and 6, are effective July 1, 1992."

Amend the title as follows:

Page 1, line 8, delete "257.59, 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.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 2206, A bill for an act relating to courts; authorizing certain appearances in conciliation court; modifying and clarifying conciliation court jurisdiction and procedures; increasing jurisdictional amounts; amending Minnesota Statutes 1990, sections 487.30, subdivisions 1, 3a, 4, 7, and by adding subdivisions; 488A.12, subdivision 3; and 488A.29, subdivision 3; Minnesota Statutes 1991 Supplement, section 481.02, subdivision 3; repealing Minnesota Statutes 1990, section 487.30, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1991 Supplement, section 481.02, subdivision 3, is amended to read:

Subd. 3. [PERMITTED ACTIONS.] The provisions of this section shall not prohibit:

(1) any person from drawing, without charge, any document to which the person, an employer of the person, a firm of which the person is a member, or a corporation whose officer or employee the person is, is a party, except another's will or testamentary disposition or instrument of trust serving purposes similar to those of a will;

(2) a person from drawing a will for another in an emergency if the imminence of death leaves insufficient time to have it drawn and its execution supervised by a licensed attorney-at-law;

(3) any insurance company from causing to be defended, or from offering to cause to be defended through lawyers of its selection, the insureds in policies issued or to be issued by it, in accordance with the terms of the policies;

(4) a licensed attorney-at-law from acting for several common-carrier corporations or any of its subsidiaries pursuant to arrangement between the corporations;

(5) any bona fide labor organization from giving legal advice to its members in matters arising out of their employment;

(6) any person from conferring or cooperating with a licensed attorney-at-law of another in preparing any legal document, if the attorney is not, directly or indirectly, in the employ of the person or of any person, firm, or corporation represented by the person;

(7) any licensed attorney-at-law of Minnesota, who is an officer or employee of a corporation, from drawing, for or without compensation, any document to which the corporation is a party or in which it is interested personally or in a representative capacity, except wills or testamentary dispositions or instruments of trust serving purposes similar to those of a will, but any charge made for the legal work connected with preparing and drawing the document shall not exceed the amount paid to and received and retained by the attorney, and the attorney shall not, directly or indirectly, rebate the fee to or divide the fee with the corporation;

(8) any person or corporation from drawing, for or without a fee, farm or house leases, notes, mortgages, chattel mortgages, bills of sale, deeds, assignments, satisfactions, or any other conveyances except testamentary dispositions and instruments of trust;

(9) a licensed attorney-at-law of Minnesota from rendering to a corporation legal services to itself at the expense of one or more of its bona fide principal stockholders by whom the attorney is employed and by whom no compensation is, directly or indirectly, received for the services;

(10) any person or corporation engaged in the business of making collections from engaging or turning over to an attorney-at-law for the purpose of instituting and conducting suit or making proof of claim of a creditor in any case in which the attorney-at-law receives the entire compensation for the work;

(11) any regularly established farm journal or newspaper, devoted to general news, from publishing a department of legal questions and answers to them, made by a licensed attorney-at-law, if no answer is accompanied or at any time preceded or followed by any charge for it, any disclosure of any name of the maker of any answer, any recommendation of or reference to any one to furnish legal advice or services, or by any legal advice or service for the periodical or any one connected with it or suggested by it, directly or indirectly;

(12) any authorized management agent of an owner of rental property used for residential purposes, whether the management agent is a natural person, corporation, partnership, limited partnership, or any other business entity, from commencing, maintaining, conducting, or defending in its own behalf any action in any court in this state to recover or retain possession of the property, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal;

(13) any person from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state pursuant to the provisions of section 566.175 or

sections 566.18 to 566.33 or from commencing, maintaining, conducting, or defending on behalf of the plaintiff or defendant any action in any court of this state for the recovery of rental property used for residential purposes pursuant to the provisions of section 566.02 or 566.03, subdivision 1, except that the provision of this clause does not authorize a person who is not a licensed attorney-at-law to conduct a jury trial or to appear before a district court or the court of appeals or supreme court pursuant to an appeal, and provided that, except for a nonprofit corporation, a person who is not a licensed attorney-at-law shall not charge or collect a separate fee for services rendered pursuant to this clause; or

(14) the delivery of legal services by a specialized legal assistant in accordance with a specialty license issued by the supreme court before July 1, 1995; or

(15) an officer, shareholder, director, partner, or employee from appearing on behalf of a corporation, partnership, sole proprietorship, or association in conciliation court in accordance with section 8 or in district court in an action that was removed from conciliation court.

Sec. 2. Minnesota Statutes 1990, section 487.30, subdivision 1, is amended to read:

Subdivision 1. [JURISDICTION; GENERAL.] (a) ~~Except as provided in paragraph (b),~~ The conciliation court shall hear and determine civil claims if the amount of money or property which is the subject matter of the claim does not exceed ~~$4,000~~ $5,000 for the determination thereof without jury trial and by a simple and informal procedure. The rules of the supreme court shall provide for a right of appeal from the decision of the conciliation court to the ~~county~~ district court for a trial on the merits. Except as otherwise provided in this section, the territorial jurisdiction of a conciliation court shall be coextensive with the county in which the court is established.

~~(b) If the claim involves a consumer credit transaction, the amount of money or property that is the subject matter of the claim may not exceed $2,500. "Consumer credit transaction" means a sale of personal property, or a loan arranged to facilitate the purchase of personal property, in which:~~

~~(1) credit is granted by a seller or a lender who regularly engages as a seller or lender in credit transactions of the same kind;~~

~~(2) the buyer is a natural person;~~

~~(3) the claimant is the seller or lender in the transaction; and~~

~~(4) the personal property is purchased primarily for a personal, family, or household purpose and not for a commercial, agricultural, or business purpose.~~ The summons in an action under subdivisions 3a to 4 may be served anywhere within the state.

(b) If the controversy concerns the ownership or possession of personal property the value of which does not exceed $5,000, the court may determine the ownership and possession of the property and order any party to deliver the property to another party. The order is enforceable by the sheriff of the county in which the property is located without further legal process.

Sec. 3. Minnesota Statutes 1990, section 487.30, subdivision 3a, is amended to read:

Subd. 3a. [JURISDICTION; STUDENT LOANS.] ~~Notwithstanding the provisions of subdivision 1 or any rule of court to the contrary,~~ The conciliation court also has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of the county under the following conditions:

(a) the student loan or loans were originally awarded in the county in which the conciliation court is located;

(b) ~~the loan or loans are overdue at the time the action is commenced;~~

~~(c) the amount sought in any single action does not exceed $4,000;~~

~~(d)~~ notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and

~~(e)~~ (c) the notice states that the educational institution may commence a conciliation court action in the county where the loan was awarded to recover the amount of the loan.

~~Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.~~

Sec. 4. Minnesota Statutes 1990, section 487.30, is amended by adding a subdivision to read:

Subd. 3b. [JURISDICTION; FOREIGN DEFENDANTS.] (a) A conciliation court action may be commenced against a foreign corporation doing business in this state in the county where the corporation's registered agent is located; in the county where the cause of action arises, if the corporation has a place of business in that county; or, if the corporation does not appoint or maintain a registered agent in this state, in the county in which the plaintiff resides.

(b) In the case of a nonresident other than a foreign corporation, if this state has jurisdiction under section 543.19, a conciliation court action may be commenced against the nonresident in the county in which the plaintiff resides.

Sec. 5. Minnesota Statutes 1990, section 487.30, is amended by adding a subdivision to read:

Subd. 3c. [JURISDICTION; MULTIPLE DEFENDANTS.] A conciliation court action may be commenced by a plaintiff against two or more defendants in the county in which one or more of the defendants resides. Counterclaims may be commenced in the county where the original action was commenced.

Sec. 6. Minnesota Statutes 1990, section 487.30, is amended by adding a subdivision to read:

Subd. 3d. [JURISDICTION; CERTAIN CLAIMS ARISING OUT OF RENTAL PROPERTY.] An action under section 504.20 for the recovery of a deposit on rental property, or an action under section 504.245, 504.255, or 504.26, also may be brought in the county in which the rental property is located.

Sec. 7. Minnesota Statutes 1990, section 487.30, subdivision 4, is amended to read:

Subd. 4. [JURISDICTION; DISHONORED CHECKS.] The conciliation court also has jurisdiction to determine a civil action commenced by a plaintiff, resident of the county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of the county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This subdivision does not apply to a check that has been dishonored by a stop payment order. ~~Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this subdivision may be served anywhere within the state of Minnesota. The court administrator of conciliation court shall attach a copy of the dishonored check to the summons before it is issued.~~

Sec. 8. Minnesota Statutes 1990, section 487.30, is amended by adding a subdivision to read:

Subd. 4a. [ATTORNEYS; REPRESENTATION.] A corporation, partnership, sole proprietorship, or association may be represented by an officer or partner who is not an attorney or may appoint an employee who is not an attorney to appear on its behalf or settle a claim in conciliation court. If all the partners or shareholders of a partnership, association, or corporation are attorneys, an officer, partner, or employee who is an attorney may represent the partnership, association, or corporation. In the case of an employee, an authorized power of attorney or other evidence of authority acceptable to the court must be filed with the claim or presented at the hearing.

Sec. 9. Minnesota Statutes 1990, section 487.30, subdivision 7, is amended to read:

Subd. 7. [NOTICE OF COSTS ON REMOVAL.] A notice of order for judgment shall contain a statement that if the cause is removed to ~~county~~ district court, the court may~~, in its discretion,~~ allow the prevailing party to recover from the aggrieved party an amount not to exceed $50 as costs if the prevailing party on appeal is not the aggrieved party in the original action. The notice must also contain a statement that if the removing party does not prevail, the opposing party will be awarded costs as provided under subdivision 8, and must include the actual dollar amount of costs applicable to the case.

Sec. 10. Minnesota Statutes 1990, section 487.30, subdivision 8, is amended to read:

Subd. 8. [COSTS AND DISBURSEMENTS ON REMOVAL.] (a) For the purpose of this subdivision, "removing party" means the party who demands removal to district court or the first party who serves or files a demand for removal, if another party also demands removal. "Opposing party" means any party as to whom the removing party seeks a reversal in whole or in part.

(b) If the removing party prevails in district court, the removing party may recover costs from the opposing party as provided by rules of the supreme court. If the removing party does not prevail, the court shall award the opposing party an additional ~~$200~~ amount as costs equal to five percent of the conciliation court jurisdictional limit applicable to the original claim.

(c) The removing party prevails in district court if:

(1) the removing party recovers at least $500 or 50 percent of the amount or value of property that the removing party requested on

removal, whichever is less, when the removing party was denied any recovery in conciliation court;

(2) the opposing party does not recover any amount or any property from the removing party in district court when the opposing party recovered some amount or some property in conciliation court;

(3) the removing party recovers an amount or value of property in district court that exceeds the amount or value of property that the removing party recovered in conciliation court by at least $500 or 50 percent, whichever is less; or

(4) the amount or value of property that the opposing party recovers from the removing party in district court is reduced from the amount or value of property that the opposing party recovered in conciliation court by at least $500 or 50 percent, whichever is less.

(d) Costs or disbursements in conciliation or district court shall not be considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision.

Sec. 11. Minnesota Statutes 1990, section 487.30, is amended by adding a subdivision to read:

Subd. 10. [JUDGMENT DEBTOR DISCLOSURE.] If a cause is removed to county court, judgment is entered by the county court and has been docketed for at least 30 days, the judgment is not satisfied, and the parties have not otherwise agreed, the county court shall, upon request of the judgment creditor, order the judgment debtor to mail to the judgment creditor the information on the judgment debtor's assets, liabilities, and personal earnings specified in subdivision 5 on the form provided by that subdivision. The remedies provided for a violation of subdivision 5 apply to a violation of this subdivision.

Sec. 12. Minnesota Statutes 1990, section 488A.12, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] ~~(a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try, and determine civil actions at law where the amount in controversy does not exceed the sum of $4,000, except that if the action involves a consumer credit transaction, the amount in controversy may not exceed $2,000. "Consumer credit transaction" has the meaning given in section 487.30, subdivision 1. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Hennepin.~~

~~(b) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Hennepin county, and the summons in the action may be served anywhere within the state of Minnesota.~~

~~(c) Notwithstanding the provisions of paragraph (a), or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff, a resident of Hennepin county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Hennepin county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.~~

~~(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Hennepin county has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Hennepin county under the following conditions:~~

~~(1) the student loan or loans were originally awarded in Hennepin county;~~

~~(2) the loan or loans are overdue at the time the action is commenced;~~

~~(3) the amount sought in any single action does not exceed $3,500;~~

~~(4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and~~

~~(5) the notice states that the educational institution may commence a conciliation court action in Hennepin county to recover the amount of the loan.~~

~~Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.~~ The provisions of section 487.30 dealing with jurisdiction of conciliation courts apply in Hennepin county.

Sec. 13. Minnesota Statutes 1990, section 488A.16, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF ORDER.] ~~The court administrator shall promptly mail to each party a notice of the order for judgment which the judge enters. The notice shall state the number of days allowed for obtaining an order to vacate where there has been a default or for removing the cause to municipal court. The notice shall contain a statement that if the cause is removed to municipal court, the court may, in its discretion, allow the prevailing party to recover from the aggrieved party an amount not to exceed $50 as costs if the prevailing party on appeal is not the aggrieved party in the original action.~~ The provisions of section 487.30 dealing with the notice of order apply in Hennepin county.

Sec. 14. Minnesota Statutes 1990, section 488A.17, subdivision 10, is amended to read:

Subd. 10. [COSTS AND DISBURSEMENTS ON REMOVAL.] ~~(a) For the purpose of this subdivision, "removing party" means the party who demands removal to district court or the first party who serves or files a demand for removal, if another party also demands removal. "Opposing party" means any party as to whom the removing party seeks a reversal in whole or in part.~~

~~(b) If the removing party prevails in district court, the removing party may recover $5 as costs from the opposing party, together with disbursements in conciliation and district court. If the removing party does not prevail, the court shall award the opposing party an additional $200 as costs, together with disbursements.~~

~~(c) The removing party prevails in district court if:~~

~~(1) the removing party recovers at least $500 or 50 percent of the amount or value of property that the removing party requested on removal, whichever is less, when the removing party was denied any recovery in conciliation court;~~

~~(2) the opposing party does not recover any amount or any property from the removing party in district court when the opposing party recovered some amount or some property in conciliation court;~~

~~(3) the removing party recovers an amount or value of property in district court that exceeds the amount or value of property that the removing party recovered in conciliation court by at least $500 or 50 percent, whichever is less; or~~

~~(4) the amount or value of property that the opposing party recovers from the removing party in district court is reduced from the amount or value of property that the opposing party recovered in conciliation court by at least $500 or 50 percent, whichever is less.~~

~~(d) Costs or disbursements in conciliation or district court shall not be considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision.~~ The provisions of section 487.30 dealing with costs and disbursements on removal apply in Hennepin county.

Sec. 15. Minnesota Statutes 1990, section 488A.17, is amended by adding a subdivision to read:

Subd. 11a. [JUDGMENT DEBTOR DISCLOSURE.] If a cause is removed to the municipal court, judgment is entered by the municipal court and has been docketed for at least 30 days, the judgment is not satisfied, and the parties have not otherwise agreed, the municipal court shall upon request of the judgment creditor, order the judgment debtor to mail to the judgment creditor the information on the judgment debtor's assets, liabilities, and personal earnings specified in section 488A.16, subdivision 8, on the form provided by that subdivision. The remedies provided for a violation of section 488A.16, subdivision 8, apply to a violation of this subdivision.

Sec. 16. Minnesota Statutes 1990, section 488A.29, subdivision 3, is amended to read:

Subd. 3. [JURISDICTION.] ~~(a) Excepting actions involving title to real estate, the court has jurisdiction to hear, conciliate, try and determine civil actions at law where the amount in controversy does not exceed the sum of $4,000, except that if the action involves a consumer credit transaction, the amount in controversy may not exceed $2,000. "Consumer credit transaction" has the meaning given in section 487.30, subdivision 1. The territorial jurisdiction of the court is coextensive with the geographic boundaries of the county of Ramsey.~~

~~(b) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.~~

~~(c) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff, resident of Ramsey county, to recover the amount of a dishonored check issued in the county, even though the defendant or defendants are not residents of Ramsey county, if the notice of nonpayment or dishonor described in section 609.535, subdivision 3, is sent to the maker or drawer as specified therein and the notice states that the payee or holder of the check may commence a conciliation court action in the county where the dishonored check was issued to recover the amount of the check. This clause does not apply to a check that has been dishonored by a stop payment order. Notwithstanding any law or rule of civil procedure to the contrary, the summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the dishonored check to the summons before it is issued.~~

~~(d) Notwithstanding the provisions of paragraph (a) or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine a civil action commenced by a plaintiff educational institution, including but not limited to, a state university or community college, with administrative offices in the county in which the conciliation court is located, to recover the amount of a student loan or loans even though the defendant or defendants are not residents of Ramsey county under the following conditions:~~

~~(1) the student loan or loans were originally awarded in Ramsey county;~~

~~(2) the loan or loans are overdue at the time the action is commenced;~~

~~(3) the amount sought in any single action does not exceed $4,000;~~

~~(4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and~~

~~(5) the notice states that the educational institution may commence a conciliation court action in Ramsey county to recover the amount of the loan.~~

~~Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.~~ The provisions of section 487.30 dealing with jurisdiction of conciliation courts apply in Ramsey county.

Sec. 17. Minnesota Statutes 1990, section 488A.33, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF ORDER.] ~~The administrator shall promptly mail to each party a notice of the order for judgment which the judge enters. The notice shall state the number of days allowed for obtaining an order to vacate where there has been a default or for removing the cause to municipal court. The notice shall also contain a statement that if the cause is removed to municipal court, the court may, in its discretion, allow the prevailing party to recover from the aggrieved party an amount not to exceed $50 as costs if the prevailing party on appeal is not the aggrieved party in the original action.~~ The provisions of section 487.30 dealing with the notice of order apply in Ramsey county.

Sec. 18. Minnesota Statutes 1990, section 488A.34, subdivision 9, is amended to read:

Subd. 9. [COSTS AND DISBURSEMENTS ON REMOVAL.] ~~(a) For the purpose of this subdivision, "removing party" means the party who demands removal to district court or the first party who serves or files a demand for removal, if another party also demands removal. "Opposing party" means any party as to whom the removing party seeks a reversal in whole or in part.~~

~~(b) If the removing party prevails in district court, the removing party may recover costs and disbursements from the opposing party as though the action were commenced in district court. If the removing party does not prevail, the court shall award the opposing party an additional $200 as costs, together with disbursements.~~

~~(c) The removing party prevails in district court if:~~

~~(1) the removing party recovers at least $500 or 50 percent of the amount or value of property that the removing party requested on removal, whichever is less, when the removing party was denied any recovery in conciliation court;~~

~~(2) the opposing party does not recover any amount or any property from the removing party in district court when the opposing party recovered some amount or some property in conciliation court;~~

~~(3) the removing party recovers an amount or value of property in district court that exceeds the amount or value of property that the removing party recovered in conciliation court by at least $500 or 50 percent, whichever is less; or~~

~~(4) the amount or value of property that the opposing party recovers from the removing party in district court is reduced from~~

~~the amount or value of property that the opposing party recovered in conciliation court by at least $500 or 50 percent, whichever is less.~~

~~(d) Costs or disbursements in conciliation or district court shall not be considered in determining whether there was a recovery by either party in either court or in determining the difference in recovery under this subdivision.~~ The provisions of section 487.30 dealing with costs and disbursements on removal apply in Ramsey county.

Sec. 19. Minnesota Statutes 1990, section 488A.34, is amended by adding a subdivision to read:

Subd. 10a. [JUDGMENT DEBTOR DISCLOSURE.] If a cause is removed to the municipal court, judgment is entered by the municipal court and has been docketed for at least 30 days, the judgment is not satisfied, and the parties have not otherwise agreed, the municipal court shall, upon request of the judgment creditor, order the judgment debtor to mail to the judgment creditor the information on the judgment debtor's assets, liabilities, and personal earnings specified in section 488A.33, subdivision 7, on the form provided by that subdivision. The remedies provided for a violation of section 488A.33, subdivision 7, apply to a violation of this subdivision.

Sec. 20. Minnesota Statutes 1990, section 549.02, is amended to read:

549.02 [COSTS IN DISTRICT COURTS.]

In actions commenced in the district court, costs shall be allowed as follows:

To plaintiff: (1) Upon a judgment in the plaintiff's favor of $100 or more in an action for the recovery of money only, ~~when no issue of fact or law is joined, $5; when issue is joined, $10~~ $200. (2) In all other actions, including an action by a public employee for wrongfully denied or withheld employment benefits or rights, except as otherwise specially provided, ~~$10~~ $200.

To defendant: ~~(1)~~ Upon discontinuance or dismissal, ~~$5. (2)~~ or when judgment is rendered in the defendant's favor on the merits, ~~$10~~ $200.

To the prevailing party: (1) $5.50 for the cost of filing a satisfaction of the judgment.

Sec. 21. [CONCILIATION COURT JURISDICTION AMOUNTS.]

Subdivision 1. [INCREASE IN LIMITS.] The conciliation court

jurisdictional limit contained in Minnesota Statutes, section 487.30, subdivision 1, increases to $6,000 on August 1, 1993, and $7,500 on August 1, 1994.

Subd. 2. [REVISOR'S INSTRUCTION.] The revisor of statutes shall make the changes in the jurisdictional amounts provided in subdivision 1 in Minnesota Statutes 1993 Supplement and subsequent editions of the statutes.

Sec. 22. [REPEALER.]

Minnesota Statutes 1990, sections 487.30, subdivision 3; 488A.14, subdivision 6; and 488A.31, subdivision 6, are repealed."

Delete the title and insert:

"A bill for an act relating to courts; authorizing certain appearances in conciliation court; modifying and clarifying conciliation court jurisdiction and procedures; increasing jurisdictional amounts; amending Minnesota Statutes 1990, sections 487.30, subdivisions 1, 3a, 4, 7, 8, and by adding subdivisions; 488A.12, subdivision 3; 488A.16, subdivision 1; 488A.17, subdivision 10, and by adding a subdivision; 488A.29, subdivision 3; 488A.33, subdivision 1; 488A.34, subdivision 9, and by adding a subdivision; and 549.02; Minnesota Statutes 1991 Supplement, section 481.02, subdivision 3; repealing Minnesota Statutes 1990, sections 487.30, subdivision 3; 488A.14, subdivision 6; and 488A.31, subdivision 6."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 2610, A bill for an act relating to peace officers; affording qualified federal law enforcement officers the authority of peace officers when assigned to special state and federal task forces; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Page 1, line 18, delete "state"

Page 1, line 19, delete "and" and after "government" insert ", the commissioners of the state agencies"

Page 1, line 20, before "and" insert "the sheriffs of the participating counties,"

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. 2633, A bill for an act relating to agricultural development; redefining agricultural business enterprise for purposes of the Minnesota agricultural development act; amending Minnesota Statutes 1991 Supplement, section 41C.02, subdivision 2.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1990, section 41B.03, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY GENERALLY.] To be eligible for a program in sections 41B.01 to 41B.23:

(1) a borrower must be a resident of Minnesota or a domestic family farm corporation, as defined in section 500.24, subdivision 2;

(2) the borrower or one of the borrowers must be the principal operator of the farm or, for a prospective homestead redemption borrower, must have at one time been the principal operator of a farm; and

(3) the borrower ~~must not previously have received assistance under sections 41B.01 to 41B.23~~ may not receive more than a lifetime total of two loans from the authority, and the total amount borrowed from the authority at any one time must not exceed $100,000.

Sec. 2. Minnesota Statutes 1991 Supplement, section 41B.03, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY FOR BEGINNING FARMER LOANS.] In addition to the requirements under subdivision 1, a prospective borrower for a beginning farm loan in which the authority holds an interest, must:

(1) have sufficient education, training, or experience in the type of farming for which the loan is desired;

(2) have a total net worth, including assets and liabilities of the borrower's spouse and dependents, of less than $200,000 in 1991 and an amount in subsequent years determined by multiplying $200,000 by the cumulative inflation rate ~~in years subsequent to 1991~~ as determined by the United States All-Items Consumer Price Index;

(3) demonstrate a need for the loan;

(4) demonstrate an ability to repay the loan;

(5) certify that the agricultural land to be purchased will be used by the borrower for agricultural purposes;

(6) certify that farming will be the principal occupation of the borrower;

(7) agree to participate in a farm management program approved by the commissioner of agriculture for at least the first five years of the loan, if an approved program is available within 45 miles from the borrower's residence; and

(8) agree to file an approved soil and water conservation plan with the soil conservation service office in the county where the land is located.

Sec. 3. Minnesota Statutes 1990, section 41B.039, subdivision 2, is amended to read:

Subd. 2. [STATE PARTICIPATION.] The state may participate in a new real estate loan with an eligible lender to a beginning farmer to the extent of ~~35~~ 45 percent of the first $100,000 in principal amount of the loan ~~or $50,000, whichever is less~~ and 35 percent of the balance of the loan, but the authority's participation must not exceed $100,000 on a single loan. The interest rates and repayment terms of the authority's participation interest may be different than the interest rates and repayment terms of the lender's retained portion of the loan.

Sec. 4. Minnesota Statutes 1990, section 41B.042, subdivision 4, is amended to read:

Subd. 4. [PARTICIPATION LIMIT; INTEREST.] The authority may participate in new seller-sponsored loans to the extent of 35 percent of the principal amount of the loan or ~~$50,000~~ $100,000, whichever is less. The interest rates and repayment terms of the authority's participation interest may be different than the interest

rates and repayment terms of the seller's retained portion of the loan.

Sec. 5. Minnesota Statutes 1991 Supplement, section 41C.02, subdivision 2, is amended to read:

Subd. 2. [AGRICULTURAL BUSINESS ENTERPRISE.] "Agricultural business enterprise" means ~~an individual or partnership with a low or moderate net worth who~~ a small business, as defined in section 645.445, subdivision 2, which owns or plans to own properties, real or personal, used or useful in connection with the general processing of agricultural products or in the manufacturing, assembly, or fabrication of agricultural or agriculture-related equipment. Agricultural business enterprise does not include an operation that involves the breeding or raising of livestock.

Sec. 6. Minnesota Statutes 1991 Supplement, section 41C.05, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY; BEGINNING FARMERS.] The authority shall provide in the agricultural development bond beginning farmer and agricultural business enterprise loan program that a mortgage or a contract on behalf of a beginning farmer may be provided if the borrower qualifies under ~~section 41B.03 and~~ authority rules and under federal tax law governing qualified small issue bonds~~.~~ and must:

(1) be a resident of Minnesota or a Minnesota partnership;

(2) have sufficient education, training, or experience in the type of farming for which the loan is desired;

(3) have a low or moderate net worth as defined in section 41C.02, subdivision 12;

(4) certify that the agricultural land to be purchased will be used by the borrower for agricultural purposes;

(5) certify that farming will be the principal occupation of an individual borrower or of at least one of the partners if the borrower is a partnership;

(6) agree to participate in a farm management program approved by the commissioner of agriculture for at least the first five years of the loan, if an approved program is available within 45 miles from the borrower's residence; and

(7) agree to file an approved soil and water conservation plan with the soil conservation service office in the county where the land is located.

Sec. 7. [EFFECTIVE DATE.]

Section 5 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to agriculture; changing eligibility for certain loan programs of the rural finance authority; allowing greater participation in certain loans; defining certain terms; amending Minnesota Statutes 1990, sections 41B.03, subdivision 1; 41B.039, subdivision 2; and 41B.042, subdivision 4; Minnesota Statutes 1991 Supplement, sections 41B.03, subdivision 3; 41C.02, subdivision 2; and 41C.05, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Vellenga from the Committee on Judiciary to which was referred:

H. F. No. 2649, A bill for an act relating to real estate foreclosures; establishing a voluntary foreclosure process with waiver of deficiency claims and equity; proposing coding for new law in Minnesota Statutes, chapter 582.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [582.32] [VOLUNTARY FORECLOSURE; PROCEDURE.]

Subdivision 1. [APPLICATION.] This section applies to mortgages executed after August 1, 1993, under which there has been a default and where the mortgagor and mortgagee enter into a written agreement to foreclosure of the mortgaged real estate under this section. This section applies only to real estate that is not homestead or agricultural property.

Subd. 2. [DEFINITIONS.] (a) As used in this section, the following terms have the meanings given:

(b) "Agreement" means the agreement for voluntary foreclosure described in subdivision 3.

(c) "Date of agreement" means the effective date of the agreement

which shall not be sooner than the date on which the agreement is executed and acknowledged by both the mortgagor and mortgagee.

(d) "Junior lien" means a lien with a redeemable interest in the real estate under section 580.23 or 580.24 subordinate to the lien of the mortgage foreclosed under this section.

(e) "Mortgage" means a recorded mortgage on real estate no part of which is homestead as defined in section 510.01 or in agricultural use as defined in section 40A.02, subdivision 3.

(f) "Mortgagee" means the record holders of the mortgage, whether one or more.

(g) "Mortgagor" means the record holders of the legal and equitable interest in the real estate encumbered by the mortgage.

(h) "Real estate" means the real property encumbered by the mortgage and, where applicable, fixtures, equipment, furnishings, and other personalty related to the real property and encumbered by the mortgage.

Subd. 3. [PROCEDURE.] (a) Voluntary foreclosure may occur only in accordance with this section.

(b) The mortgagor and mortgagee shall enter into a written agreement to foreclosure under this section. The agreement shall provide that:

(1) The mortgagor and mortgagee have agreed that the mortgage shall be voluntarily foreclosed with a shortened redemption period under this section.

(2) The mortgagee waives any rights to a deficiency or other claim for personal liability against the mortgagor arising from the mortgage or the debt secured by the mortgage. This does not preclude an agreement between the mortgagor and mortgagee to a stipulated payment to the mortgagee as part of the voluntary foreclosure process or collection from a guarantor.

(3) The mortgagor waives its right of reinstatement, to excess sale proceeds, to contest foreclosure, and to rents and occupancy during the period before sale and during the redemption period.

(4) The mortgagor shall consent to the appointment of a receiver for, or grant mortgagee possession of, the real estate as of the date of agreement, for the purposes of operating, maintaining, and protecting the real estate, and the making of any additions or betterments to the real estate.

(c) Within seven days after the date of agreement, the mortgagee must record or file the agreement under this section, with the county recorder or registrar of titles, as appropriate, in the county where the real estate is located, stating that the mortgagor and mortgagee have elected to follow the voluntary foreclosure procedures under this section and indicating the date of agreement.

(d) A certificate signed by the county or city assessor where the real estate is located, stating that the real estate is not in agricultural use as defined in section 40A.02, subdivision 3, and is not a homestead as defined in section 510.01, as the date of agreement, must be recorded with the certificate of sale in the office of the county recorder or registrar of titles where the real estate is located. This certificate is prima facie evidence of the facts contained in the certificate and may be relied upon in examining title to the real estate and by a bona fide purchaser.

Subd. 4. [REQUEST FOR NOTICE; CONTENT REQUIREMENTS.] (a) A person having a junior lien may file for record a request for notice of a mortgage foreclosure under this section with the county recorder or registrar of titles of the county where the real estate is located.

(b) A request for notice must specify: (1) the name and mailing address of the junior lien holder requesting notice; (2) a legal description of the real estate; (3) a description of the junior lien including, if applicable, the date and recording information of the document creating the interest; and (4) a request for notice of a mortgage foreclosure under this section. The request must be executed and acknowledged by the junior lien holder.

(c) The recording of a request for notice by itself does not give the person requesting notice any interest in the real estate for any purpose. A recorded request for notice does not constitute actual or constructive notice of any interest in the real estate.

Subd. 5. [NOTICE TO CREDITORS.] Within seven days after the date of agreement, the mortgagee shall:

(1) serve the person in possession of the mortgaged real estate with notice of the voluntary foreclosure under this section in the same manner as in a foreclosure by advertisement as provided in section 580.03;

(2) send by certified mail a notice of the voluntary foreclosure under this section to all junior lien holders of record upon the real estate or some part of the real estate, as of the date of agreement, who have filed or recorded a request for this notice under subdivision 3; and

(3) publish notice of the voluntary foreclosure under this section in the same manner as in a foreclosure by advertisement as provided in section 580.03 for four consecutive weeks.

The notice must include all information required under section 580.04, clauses (1) to (5), the date of the agreement, and that each junior creditor may redeem in the order and manner provided in subdivision 9, beginning one month after the foreclosure sale. Provided, if the real estate is subject to a federal tax lien entitled to the preemptive 120-day redemption period under section 7425(d)(1) of the Internal Revenue Code, as amended, the notice shall provide that the date of redemption for the first federal tax lien and all other liens junior thereto shall begin four months after the date of the foreclosure sale. Affidavits of service, mailing, and publication to evidence the same must be recorded with the certificate of sale in the office of the county recorder or registrar of titles where the real estate is located. These affidavits are prima facie evidence of the facts contained in the affidavits and may be relied upon in examining title to the real estate and by a bona fide purchaser.

Subd. 6. [SALE, HOW AND BY WHOM MADE.] The sale shall be made in the same manner as in a foreclosure by advertisement as provided in sections 580.06 and 580.11 to 580.19. The sale may be postponed as provided in section 580.07.

Subd. 7. [EFFECT OF FAILURE TO MAIL NOTICE.] If a person foreclosing a mortgage under this section fails to mail a notice in accordance with subdivision 5 to a person with a properly recorded request for notice, the failure does not invalidate the foreclosure.

Subd. 8. [REMEDIES.] If notice of the sale is not mailed in accordance with subdivision 5 to a person with a properly recorded request for notice, the junior lien holder requesting notice has a cause of action against the person foreclosing the mortgage for money damages for the lessor of: (1) the equity in the mortgaged premises that would have been available to the person if the person had redeemed; or (2) the value of the junior lien. The value of a junior lien is the amount due on and secured by the lien. A junior lien holder has the burden of proving that the junior lien was valid and the junior lien holder had measurable damages and had the financial ability to redeem. An action for damages resulting from failure to mail notice must be brought within two years after the date of sale.

Subd. 9. [CREDITOR REDEMPTION.] A subsequent creditor having a junior lien upon the real estate or some part of the real estate may redeem in the order and manner specified in sections 580.24 and 580.25, but only if before the end of the redemption period the creditor files with the county recorder or registrar of titles of each county where the mortgaged real estate is located, a notice of intention to redeem. If a junior creditor fails to redeem its lien as

provided in this subdivision, its lien is extinguished on the real estate.

Sec. 2. [EFFECTIVE DATE.]

This act is effective August 1, 1993, and applies to mortgages entered into on or after August 1, 1993."

Delete the title and insert:

"A bill for an act relating to real estate foreclosures; establishing a voluntary foreclosure process with waiver of deficiency claims and equity; proposing coding for new law in Minnesota Statutes, chapter 582."

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. 2853, A bill for an act relating to agriculture; changing requirements for pesticide registration applications; amending Minnesota Statutes 1990, section 18B.26, subdivision 2.

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 829, 1441, 1941, 2206, 2610, 2633, 2649 and 2853 were read for the second time.

SECOND READING OF SENATE BILLS

S. F. Nos. 1252, 1298, 1671, 1729, 1767, 1801, 1900, 1991, 1997, 2001, 2013, 2069, 2115, 2117, 2124, 2162, 2182, 2185, 2186, 2208, 2231, 2286, 2301, 2308, 2310, 2311, 2382, 2421, 2475 and 2637 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Simoneau, Beard and Milbert introduced:

H. F. No. 3006, A bill for an act relating to taxation; reducing the income tax deduction for personal exemptions; changing certain income tax rates; amending Minnesota Statutes 1990, section 290.01, subdivision 19b; Minnesota Statutes 1991 Supplement, section 290.01, subdivision 19a; 290.06, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Olson, K.; Wejcman; Munger; Reding and Battaglia introduced:

H. F. No. 3007, A bill for an act relating to taxation; reducing the income tax deduction for personal exemptions; changing certain income tax rates; amending Minnesota Statutes 1990, section 290.01, subdivision 19b; Minnesota Statutes 1991 Supplement, section 290.01, subdivision 19a; 290.06, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Janezich, Segal, Trimble, Mariani and McGuire introduced:

H. F. No. 3008, A bill for an act relating to taxation; reducing the income tax deduction for personal exemptions; changing certain income tax rates; amending Minnesota Statutes 1990, section 290.01, subdivision 19b; Minnesota Statutes 1991 Supplement, section 290.01, subdivision 19a; 290.06, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Hausman, Clark, Begich, Rukavina and Lourey introduced:

H. F. No. 3009, A bill for an act relating to taxation; reducing the income tax deduction for personal exemptions; changing certain income tax rates; amending Minnesota Statutes 1990, section 290.01, subdivision 19b; Minnesota Statutes 1991 Supplement,

section 290.01, subdivision 19a; 290.06, subdivision 2c; proposing coding for new law in Minnesota Statutes, chapter 290.

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

O'Connor and McEachern introduced:

H. F. No. 3010, A bill for an act relating to education; requiring a parent participation seminar in connection with pupil registration.

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

Winter; Rukavina; Olson, K., and Waltman introduced:

H. F. No. 3011, A bill for an act relating to armories; providing for the transfer of closed armories to municipalities and counties; providing planning and construction grants for reusing transferred armories; releasing municipalities and counties that acquire armories from certain liabilities; appropriating money.

The bill was read for the first time and referred to the Committee on General Legislation, Veterans Affairs and Gaming.

Dempsey introduced:

H. F. No. 3012, A bill for an act relating to natural resources; increasing fees for issuance of snowmobile, all-terrain vehicle, and watercraft licenses and filing fees for watercraft title applications; amending Minnesota Statutes 1990, sections 84.922, subdivision 2; 86B.415, subdivision 8; and 86B.870, subdivision 1; Minnesota Statutes 1991 Supplement, section 84.82, subdivision 2.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 1399, A bill for an act relating to utilities; determining when reconciliation of actual assessments to public utilities and telephone companies must be completed; amending Minnesota Statutes 1990, sections 216B.62, subdivision 3; and 237.295, subdivision 2.

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

Mrs. Benson, J. E.; Messrs. Novak and Waldorf.

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

Jacobs 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. 1399. The motion prevailed.

Madam 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. 1818, A bill for an act relating to local government; authorizing mail balloting for certain municipalities; amending Minnesota Statutes 1990, sections 204B.45, subdivisions 1 and 2; and 365.51, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

I hereby announce that the Senate wishes to recall for the purpose of further consideration H. F. No. 1818.

PATRICK E. FLAHAVEN, Secretary of the Senate

Wenzel moved that the House accede to the request of the Senate for the return of H. F. No. 1818 for further consideration by the Senate. The motion prevailed.

Madam Speaker:

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

S. F. Nos. 2338, 1735, 1787, 2392, 1691 and 1985.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

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

S. F. Nos. 512, 1794, 1813, 2177, 2328 and 2257.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2338, A bill for an act relating to commerce; authorizing the local government units to regulate tanning facilities; requiring licenses; providing exemptions; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 461.

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

S. F. No. 1735, A bill for an act relating to children; authorizing criminal background checks of professional and volunteer children's service workers; establishing procedures for the sharing of criminal record data with children's service providers; protecting privacy rights of subjects of the background checks; proposing coding for new law in Minnesota Statutes, chapter 299C.

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

S. F. No. 1787, A bill for an act relating to state lands; changing provisions relating to withdrawal of certain lands from sale or exchange; authorizing the sale of surplus land bordering public waters for public use; authorizing public sale of certain tax-forfeited lands that border public water in Fillmore county; amending Minnesota Statutes 1991 Supplement, section 103F.535, subdivision 1; repealing Minnesota Statutes 1990, section 103F.535, subdivisions 2 and 3.

The bill was read for the first time.

Davids moved that S. F. No. 1787 and H. F. No. 2324, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2392, A bill for an act relating to state parks; authorizing additions to and deletions from certain state parks; authorizing an easement and regulating campground use at McCarthy Beach state park.

The bill was read for the first time.

Rodosovich moved that S. F. No. 2392 and H. F. No. 2619, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1691, A bill for an act relating to courts; authorizing certain appearances in conciliation court; modifying and clarifying conciliation court jurisdiction and procedures; increasing jurisdictional amounts; amending Minnesota Statutes 1990, sections 487.30, subdivisions 1, 3a, 4, 7, 8, and by adding subdivisions; 488A.12, subdivision 3; 488A.15, subdivision 2; 488A.16, subdivision 1; 488A.17, subdivision 10; 488A.29, subdivision 3; 488A.32, subdivision 2; 488A.33, subdivision 1; 488A.34, subdivision 9; Minnesota Statutes 1991 Supplement, section 481.02, subdivision 3; repealing Minnesota Statutes 1990, sections 487.30, subdivision 3; 488A.14, subdivision 6; 488A.31, subdivision 6.

The bill was read for the first time.

Pugh moved that S. F. No. 1691 and H. F. No. 2206, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1985, A bill for an act relating to human rights; declaring a state policy of zero tolerance of violence; encouraging state agencies to act to implement the policy; proposing coding for new law in Minnesota Statutes, chapters 1 and 15.

The bill was read for the first time.

McGuire moved that S. F. No. 1985 and H. F. No. 2242, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 512, A bill for an act relating to agriculture; regulating noxious weeds; imposing penalties; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1990,

sections 18.171 to 18.189; 18.192; 18.201; 18.211 to 18.315; and 18.321 to 18.323; Minnesota Statutes 1991 Supplement, section 18.191.

The bill was read for the first time.

Bertram moved that S. F. No. 512 and H. F. No. 829, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1794, A bill for an act relating to state government; appointments of department heads and members of administrative boards and agencies; clarifying procedures and requirements; amending Minnesota Statutes 1990, sections 15.0575, subdivision 4; 15.06, subdivision 5; and 15.066, subdivision 2.

The bill was read for the first time.

Reding moved that S. F. No. 1794 and H. F. No. 2051, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1813, A bill for an act relating to education; allowing children to attend school for 30 days without participating in early childhood developmental screening; allowing parents to decline to provide certain information without penalty; adding health history as an optional screening component; adding height and weight as a required component; amending Minnesota Statutes 1991 Supplement, section 123.702, subdivisions 1, 1a, 1b, and 3.

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

S. F. No. 2177, A bill for an act relating to juries; prohibiting exclusion from jury service based on a disability; amending Minnesota Statutes 1990, section 593.32.

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

S. F. No. 2328, A bill for an act relating to drivers' licenses; eliminating requirement for drivers of special transportation vehicles to take examination for license endorsement; making technical changes; amending Minnesota Statutes 1991 Supplement, sections 171.01, subdivision 24; 171.02, subdivision 2; 171.10, subdivision 2; 171.13, subdivision 5; and 171.323, subdivisions 1 and 3.

The bill was read for the first time.

Seaberg moved that S. F. No. 2328 and H. F. No. 2594, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2257, A bill for an act relating to agricultural development; redefining agricultural business enterprise for purposes of the Minnesota agricultural development act; amending Minnesota Statutes 1991 Supplement, section 41C.02, subdivision 2.

The bill was read for the first time.

Winter moved that S. F. No. 2257 and H. F. No. 2633, now on Technical General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

CONSENT CALENDAR

H. F. No. 2608, A bill for an act relating to consumer protection; requiring certain creditors to file credit card disclosure reports with the state treasurer; providing rulemaking authority; proposing coding for new law in Minnesota Statutes, chapter 325G.

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:

Abrams	Dawkins	Hugoson	Lieder	Olson, K.
Anderson, I.	Dille	Jacobs	Limmer	Omann
Anderson, R.	Dorn	Janezich	Lourey	Onnen
Anderson, R. H.	Erhardt	Jaros	Lynch	Orenstein
Battaglia	Farrell	Jefferson	Macklin	Orfield
Bauerly	Frederick	Jennings	Mariani	Osthoff
Beard	Frerichs	Johnson, A.	Marsh	Ostrom
Begich	Garcia	Johnson, R.	McEachern	Ozment
Bertram	Girard	Johnson, V.	McGuire	Pauly
Bettermann	Goodno	Kahn	McPherson	Pellow
Bishop	Gruenes	Kalis	Milbert	Pelowski
Blatz	Gutknecht	Kelso	Morrison	Peterson
Bodahl	Hanson	Kinkel	Munger	Pugh
Boo	Hartle	Knickerbocker	Murphy	Reding
Brown	Hasskamp	Koppendrayer	Nelson, S.	Rest
Carlson	Haukoos	Krambeer	Newinski	Rice
Clark	Hausman	Krinkie	O'Connor	Rodosovich
Cooper	Heir	Krueger	Ogren	Rukavina
Dauner	Henry	Lasley	Olsen, S.	Runbeck
Davids	Hufnagle	Leppik	Olson, E.	Sarna

Schafer	Smith	Thompson	Vanasek	Welker
Schreiber	Solberg	Tompkins	Vellenga	Welle
Seaberg	Sparby	Trimble	Wagenius	Wenzel
Segal	Stanius	Tunheim	Waltman	Winter
Simoneau	Steensma	Uphus	Weaver	Spk. Long
Skoglund	Sviggum	Valento	Wejcman	

The bill was passed and its title agreed to.

H. F. No. 2707, A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land in Mille Lacs county, and the exchange of certain state-owned lands in Aitkin county.

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 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Kelso	Olson, E.	Skoglund
Anderson, I.	Garcia	Kinkel	Olson, K.	Smith
Anderson, R.	Girard	Knickerbocker	Omann	Solberg
Anderson, R. H.	Goodno	Koppendrayer	Onnen	Sparby
Battaglia	Greenfield	Krambeer	Orenstein	Stanius
Bauerly	Gruenes	Krinkie	Orfield	Steensma
Beard	Gutknecht	Krueger	Osthoff	Sviggum
Begich	Hanson	Lasley	Ostrom	Swenson
Bertram	Hartle	Leppik	Ozment	Thompson
Bettermann	Hasskamp	Lieder	Pauly	Tompkins
Bishop	Haukoos	Limmer	Pellow	Trimble
Blatz	Hausman	Lourey	Pelowski	Tunheim
Bodahl	Heir	Lynch	Peterson	Uphus
Boo	Henry	Macklin	Pugh	Valento
Brown	Hufnagle	Mariani	Reding	Vanasek
Carlson	Hugoson	Marsh	Rest	Vellenga
Clark	Jacobs	McEachern	Rice	Wagenius
Cooper	Janezich	McGuire	Rodosovich	Waltman
Dauner	Jaros	McPherson	Rukavina	Weaver
Davids	Jefferson	Milbert	Runbeck	Wejcman
Dawkins	Jennings	Morrison	Sarna	Welker
Dille	Johnson, A.	Murphy	Schafer	Welle
Dorn	Johnson, R.	Nelson, S.	Schreiber	Wenzel
Erhardt	Johnson, V.	Newinski	Seaberg	Winter
Farrell	Kahn	O'Connor	Segal	Spk. Long
Frederick	Kalis	Olsen, S.	Simoneau	

Those who voted in the negative were:

Munger

The bill was passed and its title agreed to.

S. F. No. 2307, A bill for an act relating to elections; changing

deadlines for certain statutory cities to abolish the ward system; amending Minnesota Statutes 1990, section 412.023, subdivision 4.

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:

Abrams	Frerichs	Kelso	Ogren	Simoneau
Anderson, I.	Garcia	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Girard	Knickerbocker	Olson, K.	Smith
Anderson, R. H.	Goodno	Koppendrayer	Omann	Solberg
Battaglia	Greenfield	Krambeer	Onnen	Sparby
Bauerly	Gruenes	Krinkie	Orenstein	Stanius
Beard	Gutknecht	Krueger	Orfield	Steensma
Begich	Hanson	Lasley	Osthoff	Sviggum
Bertram	Hartle	Leppik	Ostrom	Swenson
Bettermann	Hasskamp	Lieder	Ozment	Thompson
Bishop	Haukoos	Limmer	Pauly	Tompkins
Blatz	Hausman	Lourey	Pellow	Trimble
Bodahl	Heir	Lynch	Pelowski	Tunheim
Boo	Henry	Macklin	Peterson	Uphus
Brown	Hufnagle	Mariani	Pugh	Valento
Carlson	Hugoson	Marsh	Reding	Vanasek
Clark	Jacobs	McEachern	Rest	Vellenga
Cooper	Janezich	McGuire	Rice	Wagenius
Dauner	Jaros	McPherson	Rodosovich	Waltman
Davids	Jefferson	Milbert	Rukavina	Weaver
Dawkins	Jennings	Morrison	Runbeck	Wejcman
Dille	Johnson, A.	Munger	Sarna	Welker
Dorn	Johnson, R.	Murphy	Schafer	Welle
Erhardt	Johnson, V.	Nelson, S.	Schreiber	Wenzel
Farrell	Kahn	Newinski	Seaberg	Winter
Frederick	Kalis	O'Connor	Segal	Spk. Long

The bill was passed and its title agreed to.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Simoneau requested immediate consideration of H. F. No. 1903.

H. F. No. 1903 was reported to the House.

CALL OF THE HOUSE

On the motion of Simoneau and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abrams	Anderson, R. H.	Bauerly	Begich	Bettermann
Anderson, I.	Battaglia	Beard	Bertram	Bishop

Blatz	Hartle	Lasley	Orenstein	Sparby
Bodahl	Hasskamp	Leppik	Orfield	Stanius
Boo	Haukoos	Lieder	Osthoff	Steensma
Brown	Hausman	Limmer	Ostrom	Sviggum
Carlson	Heir	Lourey	Ozment	Swenson
Carruthers	Henry	Lynch	Pauly	Thompson
Clark	Hufnagle	Macklin	Pellow	Tompkins
Cooper	Hugoson	Mariani	Pelowski	Trimble
Dauner	Jacobs	Marsh	Peterson	Tunheim
Davids	Janezich	McEachern	Pugh	Uphus
Dawkins	Jaros	McGuire	Reding	Valento
Dille	Jefferson	McPherson	Rest	Vellenga
Dorn	Jennings	Milbert	Rice	Wagenius
Erhardt	Johnson, A.	Morrison	Rodosovich	Waltman
Farrell	Johnson, R.	Munger	Rukavina	Weaver
Frederick	Johnson, V.	Murphy	Runbeck	Wejcman
Frerichs	Kahn	Nelson, S.	Sarna	Welker
Garcia	Kalis	Newinski	Schafer	Welle
Girard	Kelso	Ogren	Schreiber	Wenzel
Goodno	Kinkel	Olsen, S.	Segal	Winter
Greenfield	Knickerbocker	Olson, E.	Simoneau	Spk. Long
Gruenes	Koppendrayer	Olson, K.	Skoglund	
Gutknecht	Krambeer	Omann	Smith	
Hanson	Krinkie	Onnen	Solberg	

Welle moved that further proceedings of the roll call be dispensed with and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

Anderson, R. H., moved to amend H. F. No. 1903, the first engrossment, as follows:

Page 5, delete lines 35 to 41

Adjust totals accordingly

Renumber or reletter in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Anderson, R. H., amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 53 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Hugoson	Olsen, S.	Smith
Anderson, R. H.	Girard	Johnson, V.	Olson, K.	Sparby
Bettermann	Goodno	Knickerbocker	Omann	Stanius
Bishop	Gruenes	Krambeer	Onnen	Sviggum
Blatz	Gutknecht	Krinkie	Ozment	Tompkins
Boo	Hanson	Leppik	Pauly	Uphus
Dauner	Hartle	Lynch	Pellow	Valento
Davids	Haukoos	Macklin	Runbeck	Waltman
Dille	Heir	Marsh	Schafer	Welker
Erhardt	Henry	McPherson	Schreiber	
Frederick	Hufnagle	Newinski	Seaberg	

Those who voted in the negative were:

Anderson, I.	Greenfield	Lasley	Orfield	Steensma
Battaglia	Hasskamp	Lieder	Osthoff	Swenson
Bauerly	Hausman	Limmer	Ostrom	Thompson
Beard	Jacobs	Lourey	Pelowski	Trimble
Begich	Janezich	Mariani	Peterson	Tunheim
Bertram	Jaros	McEachern	Pugh	Vanasek
Bodahl	Jefferson	McGuire	Reding	Vellenga
Brown	Jennings	Milbert	Rest	Wagenius
Carlson	Johnson, A.	Morrison	Rice	Weaver
Carruthers	Johnson, R.	Munger	Rodosovich	Wejcman
Clark	Kahn	Murphy	Rukavina	Welle
Cooper	Kalis	Nelson, S.	Sarna	Wenzel
Dawkins	Kelso	O'Connor	Segal	Winter
Dorn	Kinkel	Ogren	Simoneau	Spk. Long
Farrell	Koppendrayer	Olson, E.	Skoglund	
Garcia	Krueger	Orenstein	Solberg	

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

Smith, Knickerbocker, Limmer and Abrams moved to amend H. F. No. 1903, the first engrossment, as follows:

Page 13, delete lines 38 to 42

Adjust totals accordingly

Renumber or reletter in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Smith et al amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 52 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Johnson, V.	Newinski	Smith
Anderson, R.	Girard	Kelso	Olsen, S.	Sviggum
Anderson, R. H.	Goodno	Knickerbocker	Omann	Tompkins
Bettermann	Gutknecht	Koppendrayer	Onnen	Uphus
Bishop	Hartle	Krinkie	Ozment	Valento
Blatz	Haukoos	Limmer	Pauly	Waltman
Bodahl	Heir	Lynch	Pellow	Weaver
Boo	Henry	Macklin	Runbeck	Welker
Davids	Hufnagle	Marsh	Schafer	
Erhardt	Hugoson	McPherson	Seaberg	
Frederick	Jennings	Morrison	Segal	

Those who voted in the negative were:

Anderson, I.	Garcia	Krueger	Orfield	Sparby
Battaglia	Greenfield	Lasley	Osthoff	Steensma
Bauerly	Gruenes	Leppik	Ostrom	Swenson
Beard	Hanson	Lieder	Pelowski	Thompson
Begich	Hasskamp	Lourey	Peterson	Trimble
Bertram	Hausman	Mariani	Pugh	Tunheim
Brown	Jacobs	McGuire	Reding	Vanasek
Carlson	Janezich	Milbert	Rest	Vellenga
Carruthers	Jaros	Munger	Rice	Wagenius
Clark	Jefferson	Murphy	Rodosovich	Wejcman
Cooper	Johnson, A.	Nelson, S.	Rukavina	Welle
Dauner	Johnson, R.	O'Connor	Sarna	Wenzel
Dawkins	Kahn	Ogren	Schreiber	Winter
Dille	Kalis	Olson, E.	Simoneau	Spk. Long
Dorn	Kinkel	Olson, K.	Skoglund	
Farrell	Krambeer	Orenstein	Solberg	

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

Frerichs, Welker and Gutknecht moved to amend H. F. No. 1903, the first engrossment, as follows:

Page 10, line 17, delete "13,507,000" and insert "11,605,000"

Page 10, delete lines 38 to 42

Page 22, after line 31, insert:

"Sec. 33. Minnesota Statutes 1990, section 462A.05, is amended by adding a subdivision to read:

Subd. 20b. [INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED.] The agency may make loans to for-profit or nonprofit entities for the purpose of purchase, construction, or remodeling of housing units which are: (1) eligible for certification

by the commissioner of health as intermediate care facilities for the mentally retarded which may be reimbursed under Minnesota Rules, parts 9553.0010 to 9553.0080; and (2) eligible for licensure under Minnesota Rules, parts 9525.0215 to 9525.0355. Loans authorized by this subdivision shall be made under terms and conditions to be determined by the agency, and only after a determination by the agency that a requested loan is not otherwise available from private lenders upon equivalent terms and conditions.

Sec. 34. [HOUSING FINANCE AGENCY BONDS FOR INTERMEDIATE CARE FACILITY LOANS.]

To provide money for loans under section 33, the housing finance agency may issue and sell bonds up to the amount of $1,902,000. The bonds are not general obligations of the state, and the full faith and credit and taxing powers of the state are not and may not be pledged for the payment of these bonds. These bonds shall be payable solely from the property and moneys derived from the loans and pledged to their payment."

Renumber sections in sequence

Adjust final totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Frerichs et al amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 45 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Koppendrayer	Omann	Smith
Anderson, R. H.	Gruenes	Krambeer	Onnen	Stanius
Bettermann	Gutknecht	Krinkie	Osthoff	Sviggum
Bishop	Haukoos	Limmer	Pauly	Tompkins
Blatz	Heir	Lynch	Pellow	Uphus
Davids	Henry	Macklin	Runbeck	Valento
Dille	Hufnagle	Marsh	Schafer	Waltman
Erhardt	Hugoson	McPherson	Schreiber	Weaver
Frerichs	Johnson, V.	Morrison	Seaberg	Welker

Those who voted in the negative were:

Anderson, I.	Beard	Brown	Cooper	Farrell
Anderson, R.	Begich	Carlson	Dauner	Frederick
Battaglia	Bertram	Carruthers	Dawkins	Garcia
Bauerly	Bodahl	Clark	Dorn	Goodno

Greenfield	Kelso	Murphy	Peterson	Swenson
Hanson	Kinkel	Nelson, S.	Pugh	Thompson
Hartle	Knickerbocker	Newinski	Rest	Trimble
Hasskamp	Krueger	O'Connor	Rice	Tunheim
Hausman	Lasley	Ogren	Rodosovich	Vanasek
Jacobs	Leppik	Olsen, S.	Rukavina	Vellenga
Janezich	Lieder	Olson, E.	Sarna	Wagenius
Jefferson	Lourey	Olson, K.	Segal	Wejcman
Jennings	Mariani	Orenstein	Simoneau	Welle
Johnson, A.	McEachern	Orfield	Skoglund	Wenzel
Johnson, R.	McGuire	Ostrom	Solberg	Winter
Kahn	Milbert	Ozment	Sparby	Spk. Long
Kalis	Munger	Pelowski	Steensma	

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

Frerichs, Hugoson and Welker moved to amend H. F. No. 1903, the first engrossment, as follows:

Page 23, after line 15, insert:

"Sec. 36. [NO LOCAL PREVAILING WAGE REQUIREMENT.]

Notwithstanding Minnesota Statutes, sections 177.41 to 177.44, the state or an agency, department, or subdivision of the state may not require the application of those sections or any other law, ordinance, or policy of similar effect to any project authorized in this act."

Renumber the sections in sequence

A roll call was requested and properly seconded.

POINT OF ORDER

Simoneau raised a point of order pursuant to rule 3.09 that the Frerichs et al amendment was not in order. The Speaker ruled the point of order not well taken and the amendment in order.

The question recurred on the Frerichs et al amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 33 yeas and 99 nays as follows:

Those who voted in the affirmative were:

Anderson, R. H.	Girard	Koppendrayer	Pellow	Tompkins
Bettermann	Hartle	Krinkie	Runbeck	Uphus
Davids	Haukoos	Limmer	Schafer	Valento
Dille	Hufnagle	McPherson	Seaberg	Waltman
Erhardt	Hugoson	Olson, K.	Smith	Welker
Frederick	Johnson, V.	Onnen	Steensma	
Frerichs	Knickerbocker	Pauly	Sviggum	

Those who voted in the negative were:

Abrams	Farrell	Kelso	O'Connor	Segal
Anderson, I.	Garcia	Kinkel	Ogren	Simoneau
Anderson, R.	Goodno	Krambeer	Olsen, S.	Skoglund
Battaglia	Greenfield	Krueger	Olson, E.	Solberg
Bauerly	Gruenes	Lasley	Omann	Sparby
Beard	Gutknecht	Leppik	Orenstein	Stanius
Begich	Hanson	Lieder	Orfield	Swenson
Bertram	Hasskamp	Lourey	Osthoff	Thompson
Bishop	Hausman	Lynch	Ostrom	Trimble
Blatz	Heir	Macklin	Ozment	Tunheim
Bodahl	Henry	Mariani	Pelowski	Vanasek
Boo	Jacobs	Marsh	Peterson	Vellenga
Brown	Janezich	McEachern	Pugh	Wagenius
Carlson	Jaros	McGuire	Reding	Weaver
Carruthers	Jefferson	Milbert	Rest	Wejcman
Clark	Jennings	Morrison	Rice	Welle
Cooper	Johnson, A.	Munger	Rodosovich	Wenzel
Dauner	Johnson, R.	Murphy	Rukavina	Winter
Dawkins	Kahn	Nelson, S.	Sarna	Spk. Long
Dorn	Kalis	Newinski	Schreiber	

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

Welker moved to amend H. F. No. 1903, the first engrossment, as follows:

Page 10, line 59, delete "(a)"

Page 11, delete lines 6 to 19

A roll call was requested and properly seconded.

The question was taken on the Welker amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 50 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abrams	Bishop	Davids	Girard	Gutknecht
Anderson, R. H.	Blatz	Dille	Goodno	Haukoos
Bettermann	Boo	Frerichs	Gruenes	Heir

Henry	Krinkie	Newinski	Runbeck	Swenson
Hufnagle	Limmer	Olsen, S.	Schafer	Tompkins
Hugoson	Lynch	Omann	Schreiber	Uphus
Johnson, V.	Macklin	Onnen	Seaberg	Valento
Knickerbocker	Marsh	Osthoff	Smith	Waltman
Koppendrayer	McPherson	Pauly	Stanius	Weaver
Krambeer	Morrison	Pellow	Sviggum	Welker

Those who voted in the negative were:

Anderson, I.	Frederick	Kelso	Olson, E.	Skoglund
Anderson, R.	Garcia	Kinkel	Olson, K.	Solberg
Battaglia	Greenfield	Krueger	Orenstein	Sparby
Bauerly	Hanson	Lasley	Orfield	Steensma
Beard	Hartle	Leppik	Ostrom	Thompson
Begich	Hasskamp	Lieder	Pelowski	Trimble
Bodahl	Hausman	Lourey	Peterson	Tunheim
Brown	Jacobs	Mariani	Pugh	Vellenga
Carlson	Janezich	McEachern	Reding	Wagenius
Carruthers	Jaros	McGuire	Rest	Wejcman
Clark	Jefferson	Milbert	Rice	Welle
Cooper	Jennings	Munger	Rodosovich	Wenzel
Dauner	Johnson, A.	Murphy	Rukavina	Winter
Dawkins	Johnson, R.	Nelson, S.	Sarna	Spk. Long
Dorn	Kahn	O'Connor	Segal	
Farrell	Kalis	Ogren	Simoneau	

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

Hufnagle moved to amend H. F. No. 1903, the first engrossment, as follows:

Page 13, line 48, delete "1992" and insert "1993"

The motion prevailed and the amendment was adopted.

Sviggum and Schreiber moved to amend H. F. No. 1903, the first engrossment, as amended, as follows:

Page 11, line 30, delete "5,000,000" and insert "4,000,000"

Page 11, delete lines 31 to 39

Page 11, line 40, delete "(b) $4,000,000 of"

Change the totals as necessary

A roll call was requested and properly seconded.

The question was taken on the Sviggum and Schreiber amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 54 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Johnson, R.	McPherson	Stanius
Anderson, R. H.	Girard	Kinkel	Morrison	Sviggum
Bettermann	Goodno	Knickerbocker	Nelson, S.	Swenson
Bishop	Gruenes	Koppendrayer	Newinski	Thompson
Blatz	Gutknecht	Krambeer	Olsen, S.	Tompkins
Boo	Hartle	Krinkie	Omann	Uphus
Dauner	Haukoos	Leppik	Onnen	Valento
Davids	Heir	Limmer	Pauly	Waltman
Dille	Henry	Lynch	Schafer	Weaver
Erhardt	Hufnagle	Macklin	Schreiber	Welker
Frederick	Hugoson	Marsh	Smith	

Those who voted in the negative were:

Anderson, I.	Garcia	Lieder	Pellow	Solberg
Anderson, R.	Greenfield	Lourey	Pelowski	Sparby
Battaglia	Hanson	Mariani	Peterson	Steensma
Bauerly	Hasskamp	McGuire	Pugh	Trimble
Beard	Hausman	Milbert	Reding	Tunheim
Begich	Jacobs	Munger	Rest	Vanasek
Bodahl	Jefferson	Murphy	Rice	Vellenga
Brown	Jennings	Ogren	Rodosovich	Wagenius
Carlson	Johnson, A.	Olson, E.	Rukavina	Wejcman
Carruthers	Johnson, V.	Olson, K.	Runbeck	Welle
Clark	Kahn	Orenstein	Sarna	Wenzel
Cooper	Kalis	Orfield	Seaberg	Winter
Dawkins	Kelso	Osthoff	Segal	Spk. Long
Dorn	Krueger	Ostrom	Simoneau	
Farrell	Lasley	Ozment	Skoglund	

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

Cooper moved to amend H. F. No. 1903, the first engrossment, as amended, as follows:

Page 20, after line 10, insert:

"Sec. 26. [APPROPRIATION SHIFTS.]

(a) The appropriations in this act for development of state parks under plans required by Minnesota Statutes, chapter 86A, is increased by $4,000,000.

(b) $2,350,000 is appropriated from the bond proceeds fund to the commissioner of the pollution control agency for supplemental grant adjustments to those municipalities identified in Min-

nesota Statutes, section 116.18, subdivision 3d. A supplemental grant under this paragraph must not exceed 2.5 percent of the total eligible construction costs."

Adjust totals accordingly

Renumber or reletter in sequence

Correct internal references

Amend the title accordingly

The question was taken on the Cooper amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 28 yeas and 101 nays as follows:

Those who voted in the affirmative were:

Bauerly	Hasskamp	Krinkie	Olson, K.	Solberg
Cooper	Jaros	Lasley	Ostrom	Steensma
Dauner	Jennings	Lourey	Peterson	Uphus
Dille	Johnson, R.	Marsh	Rest	Welker
Girard	Johnson, V.	Nelson, S.	Rukavina	
Hartle	Kalis	Ogren	Schafer	

Those who voted in the negative were:

Abrams	Farrell	Koppendrayer	Orenstein	Sviggum
Anderson, I.	Frederick	Krambeer	Orfield	Swenson
Anderson, R.	Garcia	Krueger	Osthoff	Thompson
Anderson, R. H.	Goodno	Leppik	Ozment	Tompkins
Battaglia	Greenfield	Lieder	Pauly	Trimble
Beard	Gruenes	Limmer	Pellow	Tunheim
Begich	Gutknecht	Lynch	Pelowski	Valento
Bertram	Hanson	Macklin	Pugh	Vanasek
Bettermann	Haukoos	Mariani	Reding	Vellenga
Bishop	Hausman	McEachern	Rice	Wagenius
Blatz	Heir	McGuire	Rodosovich	Waltman
Bodahl	Henry	McPherson	Runbeck	Weaver
Boo	Hufnagle	Morrison	Sarna	Wejcman
Brown	Hugoson	Munger	Schreiber	Welle
Carlson	Jacobs	Murphy	Seaberg	Wenzel
Carruthers	Jefferson	Newinski	Segal	Winter
Clark	Johnson, A.	O'Connor	Simoneau	Spk. Long
Davids	Kahn	Olsen, S.	Skoglund	
Dawkins	Kelso	Olson, E.	Smith	
Dorn	Kinkel	Omann	Sparby	
Erhardt	Knickerbocker	Onnen	Stanius	

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

Stanius and Hartle moved to amend H. F. No. 1903, the first engrossment, as amended, as follows:

Page 15, line 35, before "To" insert "(a) $6,050,000 is"

Page 15, after line 45, insert:

"(b) $7,000,000 is to the commissioner of the pollution control agency for supplemental grant adjustments to those municipalities identified in Minnesota Statutes, section 116.18, subdivision 3d. The supplemental grant for each municipality shall be in the amount needed to bring the municipality's total grant for construction of the municipality's treatment works up to the maximum entitlement for grants awarded on or after October 1, 1987, under Minnesota Statutes, section 116.18, subdivisions 2a and 3a."

A roll call was requested and properly seconded.

The question was taken on the Stanius and Hartle amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 46 yeas and 85 nays as follows:

Those who voted in the affirmative were:

Anderson, R. H.	Gruenes	Kinkel	Ostrom	Tompkins
Bettermann	Gutknecht	Koppendrayer	Ozment	Uphus
Bishop	Hartle	Krinkie	Pauly	Valento
Blatz	Hasskamp	Lasley	Pellow	Waltman
Boo	Haukoos	Limmer	Peterson	Welker
Cooper	Hufnagle	Lynch	Runbeck	Winter
Davids	Hugoson	Marsh	Schafer	
Dille	Jennings	McPherson	Seaberg	
Erhardt	Johnson, R.	Omann	Stanius	
Girard	Johnson, V.	Onnen	Sviggum	

Those who voted in the negative were:

Abrams	Anderson, R.	Bauerly	Begich	Bodahl
Anderson, I.	Battaglia	Beard	Bertram	Brown

Carlson	Henry	Macklin	Orenstein	Solberg
Carruthers	Jacobs	Mariani	Orfield	Sparby
Clark	Janezich	McEachern	Osthoff	Steensma
Dauner	Jaros	McGuire	Pelowski	Swenson
Dawkins	Jefferson	Milbert	Pugh	Thompson
Dorn	Johnson, A.	Morrison	Reding	Trimble
Farrell	Kahn	Munger	Rest	Tunheim
Frederick	Kalis	Murphy	Rice	Vanasek
Frerichs	Kelso	Nelson, S.	Rodosovich	Vellenga
Garcia	Knickerbocker	Newinski	Rukavina	Wagenius
Goodno	Krambeer	O'Connor	Sarna	Weaver
Greenfield	Krueger	Ogren	Segal	Wejcman
Hanson	Leppik	Olsen, S.	Simoneau	Welle
Hausman	Lieder	Olson, E.	Skoglund	Wenzel
Heir	Lourey	Olson, K.	Smith	Spk. Long

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

Lourey; Anderson, R.; Ogren and Murphy moved to amend H. F. No. 1903, the first engrossment, as amended, as follows:

Page 1, line 24, delete "13,507,000" and insert "27,107,000"

Page 2, line 11, delete "294,207,500" and insert "307,807,000"

Page 2, line 12, delete "247,359,000" and insert "260,959,000"

Page 10, line 17, delete "13,507,000" and insert "27,107,000"

Page 10, after line 54, insert:

"Subd. 8. Regional Treatment Centers 13,600,000

$7,000,000 of this appropriation is for Phase I construction of a new 150-bed freestanding facility for the treatment of individuals with mental illness at Moose Lake.

$6,600,000 of this appropriation is for Phase I construction of a new 100-bed freestanding facility for treatment of individuals with mental illness at Fergus Falls."

Page 20, line 19, delete "$247,359,000" and insert "$260,959,000"

Segal moved to amend the Lourey et al amendment to H. F. No. 1903, the first engrossment, as amended, as follows:

Page 1 after the line reading "illness at Fergus Falls." insert:

"The bonds for the 150-bed freestanding facility at Moose Lake and the 100-bed freestanding facility at Fergus Falls may not be issued until there has been a systemwide analysis of individual needs and may only be issued in conjunction with a comprehensive integrated mental health plan for regional treatment centers and community-based facilities."

Adjust totals accordingly

Renumber or reletter in sequence

Correct internal references

Amend the title accordingly

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

Ogren, Weaver and Jacobs moved to amend the Lourey et al amendment, as amended, to H. F. No. 1903, the first engrossment, as amended, as follows:

Delete "27,107,000" and insert "34,107,000"

Delete "307,807,000" and insert "314,807,000"

Delete "260,959,000" and insert "267,959,000"

Delete "27,107,000" and insert "34,107,000"

Delete "13,600,000" and insert "20,600,000"

After the line reading "illness at Fergus Falls" insert:

"$7,000,000 of this appropriation is for Phase I construction of a new 150-bed freestanding facility for the treatment of individuals with mental illness at Anoka."

Adjust totals accordingly

Renumber or reletter in sequence

Correct internal references

Amend the title accordingly

The question was taken on the amendment to the amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 75 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Farrell	Krambeer	O'Connor	Simoneau
Anderson, R.	Garcia	Krueger	Ogren	Solberg
Battaglia	Greenfield	Lasley	Olson, E.	Sparby
Bauerly	Hanson	Lieder	Olson, K.	Steensma
Beard	Hartle	Lourey	Omann	Swenson
Begich	Hasskamp	Lynch	Ostrom	Thompson
Bertram	Hausman	Macklin	Ozment	Trimble
Bettermann	Heir	Mariani	Peterson	Tunheim
Bodahl	Jacobs	McEachern	Pugh	Uphus
Carlson	Janezich	McGuire	Reding	Vellenga
Carruthers	Jaros	Milbert	Rest	Wagenius
Clark	Jennings	Munger	Rodosovich	Weaver
Cooper	Johnson, A.	Murphy	Rukavina	Wenzel
Dauner	Johnson, R.	Nelson, S.	Runbeck	Winter
Dawkins	Kinkel	Newinski	Sarna	Spk. Long

Those who voted in the negative were:

Abrams	Frerichs	Knickerbocker	Orfield	Smith
Anderson, R. H.	Girard	Koppendrayer	Osthoff	Stanius
Bishop	Goodno	Krinkie	Pauly	Sviggum
Blatz	Gruenes	Leppik	Pellow	Tompkins
Boo	Haukoos	Limmer	Pelowski	Valento
Davids	Henry	Marsh	Rice	Waltman
Dempsey	Hufnagle	McPherson	Schafer	Wejcman
Dille	Hugoson	Morrison	Schreiber	Welker
Dorn	Johnson, V.	Olsen, S.	Seaberg	Welle
Erhardt	Kalis	Onnen	Segal	
Frederick	Kelso	Orenstein	Skoglund	

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

Segal moved to amend the Lourey et al amendment, as amended, to H. F. No. 1903, the first engrossment, as amended, as follows:

Page 1, line 6, of the Segal amendment to the Lourey et al amendment, after "Fergus Falls" insert:

"and the 150-bed freestanding facility at the Anoka Regional Treatment Center"

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

The question recurred on the Lourey et al amendment, as amended, and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 70 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Garcia	Kelso	Orfield	Sparby
Anderson, R.	Greenfield	Kinkel	Ostrom	Steensma
Battaglia	Hanson	Lasley	Peterson	Thompson
Bauerly	Hasskamp	Lieder	Pugh	Trimble
Beard	Hausman	Lourey	Reding	Tunheim
Begich	Jacobs	Mariani	Rest	Vanasek
Bodahl	Janezich	McGuire	Rice	Vellenga
Carlson	Jaros	Milbert	Rodosovich	Wagenius
Carruthers	Jefferson	Munger	Rukavina	Weaver
Clark	Jennings	Murphy	Runbeck	Wejcman
Cooper	Johnson, A.	Nelson, S.	Sarna	Welle
Dauner	Johnson, R.	O'Connor	Simoneau	Wenzel
Dawkins	Kahn	Ogren	Skoglund	Winter
Farrell	Kalis	Olson, K.	Solberg	Spk. Long

Those who voted in the negative were:

Abrams	Frerichs	Koppendrayer	Olsen, S.	Smith
Anderson, R. H.	Girard	Krambeer	Omann	Stanius
Bertram	Goodno	Krinkie	Onnen	Sviggum
Bettermann	Gruenes	Krueger	Orenstein	Swenson
Bishop	Gutknecht	Leppik	Osthoff	Tompkins
Blatz	Hartle	Limmer	Ozment	Uphus
Boo	Haukoos	Lynch	Pauly	Valento
Davids	Heir	Macklin	Pellow	Waltman
Dempsey	Henry	Marsh	Pelowski	Welker
Dille	Hufnagle	McEachern	Schafer	
Dorn	Hugoson	McPherson	Schreiber	
Erhardt	Johnson, V.	Morrison	Seaberg	
Frederick	Knickerbocker	Newinski	Segal	

The motion prevailed and the amendment, as amended, was adopted.

H. F. No. 1903, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with

certain conditions; authorizing issuance of state bonds; appropriating money; amending Minnesota Statutes 1990, section 124.495; Minnesota Statutes 1991 Supplement, section 124.479; proposing coding for new law in Minnesota Statutes, chapters 124; and 124C.

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

The question was taken on the passage of the bill and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 90 yeas and 40 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Frederick	Kelso	O'Connor	Simoneau
Anderson, R.	Garcia	Kinkel	Ogren	Skoglund
Battaglia	Goodno	Koppendrayer	Olson, E.	Solberg
Bauerly	Greenfield	Krambeer	Olson, K.	Sparby
Beard	Gruenes	Krueger	Omann	Steensma
Begich	Hanson	Lasley	Orenstein	Swenson
Bertram	Hasskamp	Lieder	Osthoff	Thompson
Bettermann	Hausman	Lourey	Ostrom	Trimble
Blatz	Hufnagle	Macklin	Pelowski	Tunheim
Bodahl	Jacobs	Mariani	Peterson	Uphus
Brown	Janezich	Marsh	Pugh	Vellenga
Carlson	Jaros	McEachern	Reding	Wagenius
Carruthers	Jefferson	McGuire	Rest	Wejcman
Clark	Jennings	Milbert	Rice	Welker
Cooper	Johnson, A.	Munger	Rodosovich	Welle
Dawkins	Johnson, R.	Murphy	Rukavina	Wenzel
Dorn	Kahn	Nelson, S.	Sarna	Winter
Farrell	Kalis	Newinski	Schreiber	Spk. Long

Those who voted in the negative were:

Abrams	Frerichs	Johnson, V.	Olsen, S.	Segal
Anderson, R. H.	Girard	Knickerbocker	Onnen	Smith
Bishop	Gutknecht	Krinkie	Ozment	Stanius
Boo	Hartle	Leppik	Pauly	Sviggum
Davids	Haukoos	Limmer	Pellow	Tompkins
Dempsey	Heir	Lynch	Runbeck	Valento
Dille	Henry	McPherson	Schafer	Waltman
Erhardt	Hugoson	Morrison	Seaberg	Weaver

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

SPECIAL ORDERS

Welle moved that the bills on Special Orders for today be continued. The motion prevailed.

GENERAL ORDERS

Welle moved that the bills on General Orders for today be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Carruthers moved that the names of Pugh, Rest, Swenson and Macklin be added as authors on H. F. No. 2181. The motion prevailed.

Rice moved that the name of Sarna be added as an author on H. F. No. 2302. The motion prevailed.

Jefferson moved that the names of Dawkins and Clark be added as authors on H. F. No. 2352. The motion prevailed.

Lasley moved that the names of Kalis, Valento, Steensma and Uphus be added as authors on H. F. No. 2368. The motion prevailed.

Bodahl moved that the name of McGuire be stricken and the name of Dawkins be added as an author on H. F. No. 2501. The motion prevailed.

Segal moved that H. F. No. 1521 be returned to its author. The motion prevailed.

Segal moved that H. F. No. 2530 be returned to its author. The motion prevailed.

Segal moved that H. F. No. 2770 be returned to its author. The motion prevailed.

Pellow moved that H. F. No. 2396 be returned to its author. The motion prevailed.

Anderson, R., moved that H. F. No. 2883 be returned to its author. The motion prevailed.

Jefferson moved that H. F. No. 123 be returned to its author. The motion prevailed.

Jefferson moved that H. F. No. 1979 be returned to its author. The motion prevailed.

Orfield moved that the following statement be printed in the Permanent Journal of the House:

"It was my intention to vote in the affirmative on Tuesday, March 24, 1992, when the final vote was taken on the passage of H. F. No. 2113." The motion prevailed.

ADJOURNMENT

Welle moved that when the House adjourns today it adjourn until 1:30 p.m., Monday, March 30, 1992. The motion prevailed.

Welle moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:30 p.m., Monday, March 30, 1992.

EDWARD A. BURDICK, Chief Clerk, House of Representatives