

STATE OF MINNESOTA

SEVENTY-SEVENTH SESSION—1992

NINETY-SECOND DAY

SAINT PAUL, MINNESOTA, MONDAY, APRIL 6, 1992

The House of Representatives convened at 12:00 noon and was called to order by Dee Long, Speaker of the House.

Prayer was offered by the Reverend David W. Mohn, Faith Evangelical Lutheran Church, Waconia, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

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

A quorum was present.

Jacobs was excused.

The Chief Clerk proceeded to read the Journals of the preceding

days. Anderson, R. H., moved that further reading of the Journals be dispensed with and that the Journals be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 1821 and H. F. No. 1941, 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. 1821 be substituted for H. F. No. 1941 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 1935 and H. F. No. 2028, 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. 1935 be substituted for H. F. No. 2028 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2233 and H. F. No. 2282, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Rukavina moved that the rules be so far suspended that S. F. No. 2233 be substituted for H. F. No. 2282 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2380 and H. F. No. 2189, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Simoneau moved that the rules be so far suspended that S. F. No. 2380 be substituted for H. F. No. 2189 and that the House File be indefinitely postponed. The motion prevailed.

S. F. No. 2547 and H. F. No. 2784, which had been referred to the Chief Clerk for comparison, were examined and found to be identical.

Sarna moved that S. F. No. 2547 be substituted for H. F. No. 2784 and that the House File be indefinitely postponed. The motion prevailed.

SECOND READING OF SENATE BILLS

S. F. Nos. 1821, 1935, 2233, 2380 and 2547 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Seaberg introduced:

H. F. No. 3027, A bill for an act relating to uniform laws; enacting uniform land security interest act to regulate real estate security in excess of \$500,000; proposing coding for new law as Minnesota Statutes, chapter 506.

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

Nelson, S.; Garcia; Dauner; Davids and Bodahl introduced:

H. F. No. 3028, A resolution making application to the Congress of the United States to adopt an amendment to the Constitution of the United States, for submission to the States, to require, with certain exceptions, that the Federal budget be balanced.

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

Schreiber, Frederick, Uphus, Valento and Lynch introduced:

H. F. No. 3029, A bill for an act relating to taxation; property tax relief; changing the funding and payment of certain aids to local governments; appropriating money; amending Minnesota Statutes 1991 Supplement, sections 16A.711, subdivisions 1, 3, and 4; and

477A.014, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Laws 1991, chapter 291, article 2, section 3.

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

Henry, Swenson, Koppendraye, Haukoos and Hugoson introduced:

H. F. No. 3030, A bill for an act relating to taxation; property tax relief; changing the funding and payment of certain aids to local governments; appropriating money; amending Minnesota Statutes 1991 Supplement, sections 16A.711, subdivisions 1, 3, and 4; and 477A.014, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Laws 1991, chapter 291, article 2, section 3.

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

Girard; Stanius; Johnson, V.; Newinski and Morrison introduced:

H. F. No. 3031, A bill for an act relating to taxation; property tax relief; changing the funding and payment of certain aids to local governments; appropriating money; amending Minnesota Statutes 1991 Supplement, sections 16A.711, subdivisions 1, 3, and 4; and 477A.014, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Laws 1991, chapter 291, article 2, section 3.

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

Marsh, Erhardt, Waltman, Welker and Pellow introduced:

H. F. No. 3032, A bill for an act relating to taxation; property tax relief; changing the funding and payment of certain aids to local governments; appropriating money; amending Minnesota Statutes 1991 Supplement, sections 16A.711, subdivisions 1, 3, and 4; and 477A.014, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Laws 1991, chapter 291, article 2, section 3.

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

Krambeer, Heir, Weaver, Frerichs and Smith introduced:

H. F. No. 3033, A bill for an act relating to taxation; property tax relief; changing the funding and payment of certain aids to local governments; appropriating money; amending Minnesota Statutes 1991 Supplement, sections 16A.711, subdivisions 1, 3, and 4; and 477A.014, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Laws 1991, chapter 291, article 2, section 3.

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

Schafer, Onnen, Uphus, Limmer and Sviggum introduced:

H. F. No. 3034, A bill for an act relating to taxation; property tax relief; changing the funding and payment of certain aids to local governments; appropriating money; amending Minnesota Statutes 1991 Supplement, sections 16A.711, subdivisions 1, 3, and 4; and 477A.014, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 16A; repealing Laws 1991, chapter 291, article 2, section 3.

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

Hasskamp and Wenzel introduced:

H. F. No. 3035, A resolution memorializing the Governor of Minnesota to exercise his authority to allow the city of Brainerd to have local control over the decision to fluoridate its water.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Madam Speaker:

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

H. F. No. 2063, A bill for an act relating to retirement; changing provisions governing reduced annuities from the public employees retirement association due to reemployment of annuitants; amending Minnesota Statutes 1990, section 353.37, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Madam Speaker:

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

H. F. No. 2137, A bill for an act relating to retirement; the Minnesota state retirement system and the public employees retirement association; making various changes to administration, benefits, and investment practices; amending Minnesota Statutes 1990, sections 352.01, subdivision 2b; 352.029, subdivisions 1 and 2; 352.113, subdivisions 1, 3, 4, and 10; 352.12, subdivision 1; 352.22, subdivision 3; 352D.12; 353.01, subdivision 28; 353.27, subdivision 10; 353.29, subdivision 7; 353.33, subdivisions 1, 6, 6a, and 6b; 353.34, subdivision 2; 353.65, subdivision 1; 353.656, subdivision 5; 353.659; 353.68, subdivision 4; 353A.02, subdivision 12; 353A.04, subdivision 2; 353A.05, subdivision 3; 353A.07, subdivision 3; 353A.08, subdivision 6, and by adding a subdivision; 353A.09, subdivision 1; 353A.10, subdivision 4, and by adding a subdivision; 356.30, subdivision 1; 356.302, subdivision 6; 356.303, subdivision 3; 490.124, subdivision 11; Minnesota Statutes 1991 Supplement, sections 353.01, subdivisions 2b, 16, and 20; 353.27, subdivisions 12 and 12b; 353.31, subdivision 1; 353.32, subdivision 1a; 353.64, subdivision 5a; 353.657, subdivisions 1, 2, and 2a; 353A.03; 353A.06; 353D.01, subdivision 2; 353D.02; 353D.03; 353D.04, subdivision 1; 353D.05, subdivisions 2 and 3; 353D.07, subdivisions 2 and 3; 353D.12, subdivision 1; Laws 1990, chapter 570, article 8, section 14, subdivision 1, as amended; Laws 1991, chapter 269, article 2, section 13; proposing coding for new law in Minnesota Statutes, chapter 353; repealing Minnesota Statutes 1990, sections 352.029, subdivision 4; 353.656, subdivision 7; and 353.71, subdivision 3.

H. F. No. 2369, A bill for an act relating to retirement; authorizing a benefit increase for certain retired police officers and surviving spouses in the city of Thief River Falls.

PATRICK E. FLAHAVEN, Secretary of the Senate

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. 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.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Koppendrayser moved that the House concur in the Senate amendments to H. F. No. 2707 and that the bill be repassed as amended by the Senate. The motion prevailed.

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; authorizing an exchange of real property.

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

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

Those who voted in the affirmative were:

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

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

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. 2082, A bill for an act relating to utilities; requiring rules for tracing calls made to a household that has received harassing calls; proposing coding for new law in Minnesota Statutes, chapter 237.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Skoglund moved that the House concur in the Senate amendments to H. F. No. 2082 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2082, A bill for an act relating to utilities; requiring the public utilities commission to adopt rules governing telephone companies' responses to requests for tracing calls made to households that have received harassing calls; proposing coding for new law in Minnesota Statutes, chapter 237.

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

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

Those who voted in the affirmative were:

Abrams	Dauner	Hasskamp	Koppendrayner	Munger
Anderson, I.	Davids	Haukoos	Krambeer	Murphy
Anderson, R.	Dawkins	Hausman	Krinkie	Nelson, S.
Anderson, R. H.	Dempsey	Heir	Krueger	Newinski
Battaglia	Dille	Henry	Lasley	O'Connor
Bauerly	Dorn	Hufnagle	Leppik	Olsen, S.
Beard	Erhardt	Hugoson	Lieder	Olson, E.
Begich	Farrell	Janezich	Limmer	Olson, K.
Bertram	Frederick	Jaros	Lourey	Omann
Bettermann	Frerichs	Jefferson	Lynch	Onnen
Blatz	Garcia	Jennings	Macklin	Orenstein
Bodahl	Girard	Johnson, A.	Mariani	Orfield
Boo	Goodno	Johnson, R.	Marsh	Osthoff
Brown	Greenfield	Johnson, V.	McEachern	Ostrom
Carlson	Gruenes	Kahn	McGuire	Ozment
Carruthers	Gutknecht	Kalis	McPherson	Pauly
Clark	Hanson	Kinkel	Milbert	Pellow
Cooper	Hartle	Knickerbocker	Morrison	Pelowski

Peterson	Sarna	Solberg	Trimble	Wejman
Pugh	Schafer	Sparby	Tunheim	Welker
Reding	Schreiber	Stanius	Uphus	Welle
Rest	Seaberg	Steensma	Valento	Wenzel
Rice	Segal	Sviggum	Vanasek	Winter
Rodosovich	Simoneau	Swenson	Wagenius	Spk. Long
Rukavina	Skoglund	Thompson	Waltman	
Runbeck	Smith	Tompkins	Weaver	

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

Madam Speaker:

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

S. F. Nos. 522, 1230, 1590, 651, 1856, 1993 and 2510.

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. 2137, 2523, 2556, 2599, 2017, 2196, 304, 2194 and 2236.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 522, A bill for an act relating to game and fish; specifying allowed methods for taking fish in certain designated trout streams; proposing coding for new law in Minnesota Statutes, chapter 97C.

The bill was read for the first time.

Reding moved that S. F. No. 522 and H. F. No. 905, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1230, A bill for an act relating to retirement; volunteer firefighters relief associations; increasing service pension maximums; establishing a fire state aid maximum apportionment; providing penalties for noncompliance with service pension maximums; specifying duties for the state auditor; ratifying certain prior nonconforming lump sum service pension payments; continuing certain nonconforming lump sum service pension amounts in force; modify-

ing certain investment performance calculations; modifying certain local volunteer firefighters relief association provisions; amending Minnesota Statutes 1990, sections 11A.04; 356.218, subdivisions 2 and 3; and 424A.02, subdivisions 1, 3, and by adding a subdivision; Laws 1971, chapter 140, section 5, as amended; proposing coding for new law in Minnesota Statutes, chapter 69.

The bill was read for the first time.

Reding moved that S. F. No. 1230 and H. F. No. 1334, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1590, A bill for an act relating to unemployment compensation; pertaining to treatment of American Indian tribal governments as employers for purposes of unemployment compensation insurance payments; amending Minnesota Statutes 1990, section 268.06, by adding a subdivision.

The bill was read for the first time.

Tunheim moved that S. F. No. 1590 and H. F. No. 2360, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 651, A bill for an act relating to insurance; regulating utilization review services; providing standards and procedures; regulating appeals of determinations not to certify; regulating prior authorization of services; prescribing staff and program qualifications; proposing coding for new law as Minnesota Statutes, chapter 62M.

The bill was read for the first time.

Orenstein moved that S. F. No. 651 and H. F. No. 802, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1856, A bill for an act relating to real property; abolishing issuance of duplicate certificates of title and duplicate CPTs for use by lessees and mortgagees of registered land; providing for mortgage satisfaction or release by fewer than all mortgagees; regulating various notice, hearing, and other procedures and requirements for foreclosures and other involuntary transfers of real property; providing for new certificates of title or CPT to be issued for registered land adjoining a vacated street or alley; providing that purchase money mortgages are subject to rights or interest of nonmortgaging spouse; providing that marital property interest of nontitled spouse

is not subject to levy, judgments, or tax liens; clarifying provisions relating to notice of termination of contract for deed; changing certain dates relating to validation of mortgage foreclosures; amending Minnesota Statutes 1990, sections 507.03; 508.44, subdivision 2; 508.45; 508.55; 508.56; 508.57; 508.58; 508.59; 508.67; 508.71, subdivision 6; 508.73; 508.835; 508A.11, subdivision 3; 508A.44, subdivision 2; 508A.45; 508A.55; 508A.56; 508A.57; 508A.58; 508A.59; 508A.71, subdivision 6; 508A.73; 508A.835; 508A.85, subdivision 3; 514.08, subdivision 2; 518.54, subdivision 5; 559.21, subdivisions 2a and 3; 580.15; 582.01, by adding a subdivision; and 582.27; Minnesota Statutes 1991 Supplement, sections 508.82; and 508A.82; proposing coding for new law in Minnesota Statutes, chapters 507; and 580.

The bill was read for the first time.

Pugh moved that S. F. No. 1856 and H. F. No. 1938, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1993, A bill for an act relating to transportation; directing the regional transit board to establish a program to reduce traffic congestion; prohibiting right turns in front of buses; providing public transit operations priority in the event of an energy supply emergency; establishing a demonstration enforcement project for high occupancy vehicle lane use; amending Minnesota Statutes 1990, sections 169.01, by adding a subdivision; 169.19, subdivision 1; and 216C.15, subdivision 1; Minnesota Statutes 1991 Supplement, section 169.346, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 169; and 473.

The bill was read for the first time.

Johnson, A., moved that S. F. No. 1993 and H. F. No. 2219, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2510, A bill for an act relating to transportation; providing procedures for design, approval, and construction of light rail transit; establishing corridor management committee; providing for resolution of disputes; changing membership and responsibilities of the light rail transit joint powers board; amending Minnesota Statutes 1990, sections 174.32, subdivision 2; 473.167, subdivision 1; 473.399, subdivision 1; 473.3994, subdivisions 2, 3, 4, 5, 6, 7, and by adding subdivisions; 473.3996; 473.4051; Minnesota Statutes 1991 Supplement, sections 473.3997; and 473.3998; proposing coding for new law in Minnesota Statutes, chapter 174; repealing Minnesota Statutes 1990, sections 473.399, subdivisions 2 and 3; 473.3991; and Laws 1991, chapter 291, article 4, section 20.

The bill was read for the first time.

Simoneau moved that S. F. No. 2510 and H. F. No. 2510, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2137, A bill for an act relating to nursing homes; defining a residential hospice facility; modifying hospice program conditions; limiting the number of residential hospice facilities; requiring a report; amending Minnesota Statutes 1990, section 144A.48, subdivision 1, and by adding a subdivision.

The bill was read for the first time.

Greenfield moved that S. F. No. 2137 and H. F. No. 2696, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2523, A bill for an act relating to human services; providing for HIV minimum standards; providing for HIV training in chemical dependency treatment programs; expanding exclusion from licensure; providing for integration of residential programs; delegating authority to enforce uniform fire code; setting adult foster care license capacity; regulating case management for persons with mental retardation or related conditions; amending Minnesota Statutes 1990, sections 245A.02, by adding a subdivision; 245A.07, subdivisions 2 and 3; 245A.11, subdivisions 2, 3, 4, and by adding subdivisions; 299F.011, subdivision 4a; Minnesota Statutes 1991 Supplement, sections 245A.03, subdivision 2; 245A.04, subdivision 3; 245A.16, subdivision 1; and 256B.092, subdivision 7; proposing coding for new law in Minnesota Statutes, chapter 245A; repealing Minnesota Statutes 1990, sections 245A.11, subdivision 5; 245A.14, subdivision 5; and 245A.17.

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

S. F. No. 2556, A bill for an act relating to education; including in the PER policy a procedure for parents to review the content of instructional materials; entitling the PER report the "Annual Report on Curriculum and Student Performances"; including in the PER report information about curriculum advisory committee membership; amending Minnesota Statutes 1990, section 126.666, subdivisions 1 and 4.

The bill was read for the first time.

Lynch moved that S. F. No. 2556 and H. F. No. 2318, now on

General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2599, A bill for an act relating to retirement; Columbia Heights paid firefighters and police relief associations; authorizing the termination of the firefighters relief association; providing a procedure for the conversion of retirement benefits for the active and retired membership; continuing certain state aid payments; exclusions from salary in computing police relief association retirement benefits; amending Laws 1965, chapter 605, sections 5, 16, 18 and 31; Laws 1975, chapter 424, section 13; and Laws 1977, chapter 374, sections 8, subdivision 1, 39, 40, 45, 47, 49, 51, as amended, and 54; repealing Laws 1965, chapter 605, sections 1, 2, 4, 5, 7, 8, 9, 10, 11, 13, 14, 15, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, and 30; Laws 1975, chapter 424, sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, and 12; Laws 1977, chapter 374, sections 38, 48, 52, 53, 56, 57, 58, and 59; Laws 1978, chapter 563, sections 29 and 30; Laws 1979, chapter 201, section 40; and Laws 1981, chapter 224, section 267.

The bill was read for the first time.

Simoneau moved that S. F. No. 2599 and H. F. No. 2754, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2017, A bill for an act relating to utilities; defining the term excavation; authorizing land surveyors to receive location information related to underground facilities; requiring notice of land surveys; clarifying authority of commission to reinstate original rate for a telephone service subject to emerging competition on finding proposed rate is below incremental cost or is not just and reasonable; requiring commission to make final decision within 180 days on rate increase of telephone service subject to effective competition, when contested case hearing is not held; providing for telephone company promotion activities; authorizing the recording of monuments on plats before actual placement; amending Minnesota Statutes 1990, sections 216D.01, subdivision 8, and by adding subdivisions; 216D.04; 237.60, subdivision 2; 465.79, subdivisions 2 and 4; 505.02, subdivision 1; and 505.03, subdivision 1; Minnesota Statutes 1991 Supplement, 216D.01, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 237.

The bill was read for the first time.

O'Connor moved that S. F. No. 2017 and H. F. No. 1943, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2196, A bill for an act relating to human services; providing for notice to vendors when payments on behalf of a recipient will be reduced or terminated; limiting the liability of the state and county for damages claimed by vendors due to failure of a recipient to pay for rent, goods, or services; amending Minnesota Statutes 1990, section 256.81.

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

S. F. No. 304, A bill for an act relating to commerce; authorizing local units of government to license the retail sale of tobacco; requiring a county to license the retail sale of tobacco under certain conditions; providing for mandatory suspension of licenses for sales to minors; amending Minnesota Statutes 1990, sections 461.12; 461.13; and 461.15; proposing coding for new law in Minnesota Statutes, chapter 461.

The bill was read for the first time.

Thompson moved that S. F. No. 304 and H. F. No. 487, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2194, A bill for an act relating to governmental operations; authorizing two additional deputies in the state auditor's office; setting conditions for certain state laws; regulating payments; fixing local accounting procedures; prohibiting the use of pictures of elected officials for certain local government purposes; providing for investments and uses of public facilities; requiring that airline travel credit accrue to the issuing body; amending Minnesota Statutes 1990, sections 6.02; 11A.24, subdivision 6; 13.76, by adding a subdivision; 15A.082, by adding a subdivision; 367.36, subdivision 1; 412.222; 471.49, by adding a subdivision; 471.66; 471.68, by adding a subdivision; 471.696; 471.697; 477A.017, subdivision 2; and 609.415, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 279; and 609; repealing Minnesota Statutes 1991 Supplement, section 128B.10, subdivision 2.

The bill was read for the first time.

Pugh moved that S. F. No. 2194 and H. F. No. 2404, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2236, A bill for an act relating to state government; changing the definition of a meeting of the legislature for purposes of the open meeting law; imposing standards and requirements of

accountability on organizations and agencies established by law, executive order, or action of a political subdivision acting alone or jointly with another political subdivision; amending Minnesota Statutes 1990, section 3.055, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 471.

The bill was read for the first time.

Rest moved that S. F. No. 2236 and H. F. No. 2343, now on General Orders, be referred to the Chief Clerk for comparison. The motion prevailed.

Welle moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Simoneau from the Committee on Appropriations to which was referred:

H. F. No. 1849, 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.

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 conditionally 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, 1992. 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 on a regular basis to the person's assigned probation officer concerning the person's progress toward successful completion of the treatment program.

Sec. 18. Minnesota Statutes 1990, section 609.1352, subdivision 1, is amended to read:

Subdivision 1. [SENTENCING AUTHORITY.] A court may sentence a person to a term of imprisonment of not less than double the presumptive sentence under the sentencing guidelines and not more than the statutory maximum, or if the statutory maximum is less than double the presumptive sentence, to a term of imprisonment equal to the statutory maximum, if:

(1) the court is imposing an executed sentence, based on a sentencing guidelines presumptive imprisonment sentence or a dispositional departure for aggravating circumstances or a mandatory minimum sentence, on a person convicted of committing or attempting to commit a violation of section 609.342, 609.343, 609.344, or 609.345, or on a person convicted of committing or attempting to commit any other crime listed in subdivision 2 if it reasonably appears to the court that the crime was motivated by the offender's sexual impulses or was part of a predatory pattern of behavior that had criminal sexual conduct as its goal;

(2) the court finds that the offender is a danger to public safety; and

(3) the court finds that the offender needs long-term treatment or supervision beyond the presumptive term of imprisonment and supervised release. The finding must be based on a professional assessment by an examiner experienced in evaluating sex offenders that concludes that the offender is a patterned sex offender. The assessment must contain the facts upon which the conclusion is based, with reference to the offense history of the offender or the severity of the current offense, the social history of the offender, and the results of an examination of the offender's mental status unless the offender refuses to be examined. The conclusion may not be based on testing alone. A patterned sex offender is one whose criminal sexual behavior is so engrained that the risk of reoffending is great without intensive psychotherapeutic intervention or other long-term controls.

Sec. 19. 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. 20. 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. 21. 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. 22. 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. 23. 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. 24. 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. 25. 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. 26. 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. 27. 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. 28. Minnesota Statutes 1990, section 609.346, subdivision 2a, is amended to read:

Subd. 2a. [MAXIMUM MANDATORY LIFE SENTENCE IM-

~~POSED.]~~ (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. 29. 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. 30. 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. 31. 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 must be experienced in the evaluation and treatment of sex offenders. 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. 32. 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), (c), (f), or (g); or 609.345, clause (a), (b), (c), (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. 33. [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 functioning. 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. 34. [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 32 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 28 and 29.

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 whose crimes were committed 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 whose crimes were committed 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 whose crime was committed 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 whose crimes were committed 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 WHO COMMIT CRIMES ON OR AFTER DECEMBER 31, 1993.] (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to prison for a felony offense committed 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 WHO COMMIT OFFENSES ON AND AFTER DECEMBER 31, 1993.]

Subdivision 1. [SENTENCING AUTHORITY.] When a felony offender is sentenced to a fixed executed prison sentence for an offense committed 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 December 31, 1993, and apply to crimes committed on or after that date. 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 whose crime was committed 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 whose crimes were committed 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] [BOOT CAMP PROGRAM.]

Subdivision 1. [GENERALLY.] The commissioner may select offenders who meet the eligibility requirements of subdivisions 2 and 3 to participate in the boot camp program described in sections 244.171 and 244.172 for all or part of the offender's sentence if the offender agrees to participate in the program and signs a written contract with the commissioner agreeing to comply with the program's requirements.

Subd. 2. [ELIGIBILITY] The commissioner must limit the boot camp program to the following persons:

(1) offenders who are committed to the commissioner's custody following revocation of a stayed sentence; and

(2) offenders who are committed to the commissioner's custody for a term of imprisonment of not less than 18 months nor more than 36 months and who did not receive a dispositional departure under the sentencing guidelines.

Subd. 3. [OFFENDERS NOT ELIGIBLE.] The following offenders are not eligible to be placed in the boot camp program:

(1) offenders who are committed to the commissioner's custody following a conviction for murder, manslaughter, criminal sexual conduct, assault, kidnapping, robbery, arson, or any other offense involving death or personal injury; and

(2) offenders who previously were convicted of an offense described in clause (1) and were committed to the custody of the commissioner.

Sec. 5. [244.171] [BOOT CAMP PROGRAM; BASIC ELEMENTS.]

Subdivision 1. [REQUIREMENTS.] The commissioner shall operate the boot camp program in conformance with this section. The commissioner shall administer the program to further the following goals:

(1) to punish the offender;

(2) to protect the safety of the public;

(3) to enhance the employment skills of the offender during the boot camp program and afterward;

(4) to use offenders to accomplish community service initiatives, goals and projects; and

(5) to facilitate treatment of offenders who are chemically dependent.

Subd. 2. [GOOD TIME NOT AVAILABLE.] An offender in the boot camp program does not earn good time during phases I and II of the program, notwithstanding section 244.04.

Subd. 3. [SANCTIONS.] The commissioner shall impose severe and meaningful sanctions for violating the conditions of the boot camp program. The commissioner shall remove an offender from the boot camp program if the offender:

(1) commits a material violation of or repeatedly fails to follow the rules of the program;

(2) commits any misdemeanor, gross misdemeanor, or felony offense; or

(3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of alcohol or controlled substances. The removal of an offender from the boot camp program is governed by the procedures in the commissioner's rules adopted under section 244.05, subdivision 2.

An offender who is removed from the boot camp program shall be imprisoned for a time period equal to the offender's original term of imprisonment, minus earned good time if any, but in no case for longer than the time remaining in the offender's sentence. "Original term of imprisonment" means a time period equal to two-thirds of the sentence originally executed by the sentencing court, minus jail credit, if any.

Sec. 6. [244.172] [BOOT CAMP PROGRAM; PHASES I to III.]

Subdivision 1. [PHASE I.] Phase I of the program lasts at least six months. The offender must be confined in a state correctional facility designated by the commissioner and must successfully participate in all intensive treatment, education and work programs required by the commissioner. The offender must also submit on demand to random drug and alcohol testing at time intervals set by the commissioner. For the first three months of phase I, the offender may not receive visitors or telephone calls, except under emergency circumstances.

Subd. 2. [PHASE II.] Phase II of the program lasts at least six months. The offender shall serve this phase of the offender's sentence in an intensive community supervision program established by the commissioner under section 244.13. The commissioner may impose on the offender any of the requirements described in section 244.15, subdivisions 2 to 7, provided that the offender must be required to submit to daily drug and alcohol tests for the first three months; biweekly tests for the next two months; and weekly tests for the remainder of phase II. The commissioner shall also require the

offender to report daily to a day-reporting facility designated by the commissioner. In addition, if the commissioner required the offender to undergo acupuncture during phase I, the offender must continue to submit to acupuncture treatment throughout phase II.

Subd. 3. [PHASE III.] Phase III lasts for the remainder of the offender's sentence. During phase III, the commissioner shall place the offender on supervised release under section 244.05. The commissioner shall set the level of the offender's supervision based on the public risk presented by the offender.

Sec. 7. [244.173] [BOOT CAMP PROGRAM; EVALUATION AND REPORT.]

The commissioner shall develop a system for gathering and analyzing information concerning the value and effectiveness of the boot camp program. The commissioner shall report to the legislature by January 1, 1996, on the operation of the program.

Sec. 8. [244.18] [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 12. 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 12. 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. 9. 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 county 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. 10. 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. 11. 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 12.

Sec. 12. [609.102] [LOCAL CORRECTIONAL 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 8.

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 8.

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 8, 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. 13. 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 12.

Sec. 14. [EFFECTIVE DATE.]

Section 1 is effective July 1, 1992. Sections 2, 3, 9, and 10 are effective the day following final enactment. Sections 4 to 8 and 11 to 13 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 35 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. Minnesota Statutes 1990, section 609.747, subdivision 2, is amended to read:

Subd. 2. [HARASSMENT FOLLOWING ASSAULT OR, TERROR-

ISTIC THREAT, OR PRIOR HARASSMENT CONVICTION.] (a) It is a ~~gross misdemeanor~~ felony for a person who has been convicted of assault ~~or~~, terroristic threat, or harassment to commit harassment:

(1) against the same victim, within five consecutive years after the conviction; or

(2) against any victim, within two consecutive years after the conviction.

(b) A person convicted under this subdivision 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.

(c) In this subdivision:

(1) "assault" means a violation of section 609.221, 609.222, 609.223, 609.2231, or 609.224;

(2) "harassment" means a violation of section 609.605, subdivision 1, paragraph (b), clause (7); 609.746, subdivision 2; 609.79, subdivision 1, clause (1)(b); ~~or~~ 609.795, subdivision 1, clause (3); or 609.748, subdivision 6; and

(3) "terroristic threat" means a violation of section 609.713, subdivision 1 or 3.

Sec. 7. [REPORT ON CRIMINAL FINE ASSESSMENTS.]

By December 1, 1992, the district administrators of the ten judicial districts shall report the following information to the chairs of the house and senate judiciary committees:

(1) the total amount of fines imposed on persons convicted of misdemeanor, gross misdemeanor and felony offenses in each judicial district in calendar years 1991 and 1992;

(2) the total amount of criminal fines collected in each judicial district in those years;

(3) the total amount of unpaid criminal fines in each judicial district in those years; and

(4) the judicial district's plan for collecting the unpaid criminal fines.

Sec. 8. [TASK FORCE ON CRIMINAL FINES AND CRIMINAL JUSTICE RESOURCE MANAGEMENT.]

Subdivision 1. [MEMBERSHIP.] An advisory task force on criminal fines and criminal justice resource management is created consisting of the following members or their designees:

(1) the chairs of the state government division and the human resources division of the house appropriations committee;

(2) the chairs of the economic and state affairs division and the health and human services division of the senate finance committee;

(3) the chairs of the house and senate judiciary committees;

(4) one senator and one state representative selected by the minority leaders of the senate and the house of representatives;

(5) the chair of the sentencing guidelines commission;

(6) the state public defender; and

(7) a district judge selected by the conference of chief judges.

Subd. 2. [DUTIES.] The task force shall study the following matters:

(1) whether and to what extent judges currently impose criminal fines on convicted defendants;

(2) which crimes are more or less likely to be punished by the imposition of a criminal fine;

(3) what is the collection rate of criminal fines;

(4) what are the main impediments to the collection of unpaid fines;

(5) whether current statutory maximum fine limits should be increased and, if so, for which crimes or categories of crimes;

(6) whether minimum fine requirements should apply to some or all convicted offenders;

(7) whether convicted offenders should pay a portion of the costs of criminal prosecution and, if so, whether this responsibility should be implemented statewide;

(8) the role criminal fines should play in the overall management of criminal justice resources; and

(9) any other matters the task force finds relevant.

Subd. 3. [REPORT.] The task force shall report its findings and recommendations to the legislature by February 15, 1993. The task force expires on June 30, 1993.

Sec. 9. [EFFECTIVE DATE.]

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

ARTICLE 5
CRIME VICTIMS

Section 1. Minnesota Statutes 1990, section 72A.20, is amended by adding a subdivision to read:

Subd. 28. [HIV TESTS; CRIME VICTIMS.] No insurer regulated under chapter 61A or 62B, or providing health, medical, hospitalization, or accident and sickness insurance regulated under chapter 62A, or nonprofit health services corporation regulated under chapter 62C, health maintenance organization regulated under chapter 62D, or fraternal beneficiary association regulated under chapter 64B, may:

(1) obtain or use the performance of or the results of a test to determine the presence of the human immune deficiency virus (HIV) antibody performed on an offender under section 6 or performed on a crime victim who was exposed to or had contact with an offender's bodily fluids during commission of a crime that was reported to law enforcement officials, in order to make an underwriting decision, cancel, fail to renew, or take any other action with respect to a policy, plan, certificate, or contract; 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).

A 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 this test. An answer that does not mention the test is considered to be a truthful answer for all purposes. An authorization for the release of medical records for insurance purposes must specifically exclude any test performed for the purpose set forth in clause (1) and must be read as providing this exclusion regardless of whether the exclusion is expressly stated. This subdivision does not affect tests conducted for purposes other than those 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 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. Minnesota Statutes 1990, section 611A.03, subdivision 1, is amended to read:

Subdivision 1. [PLEA AGREEMENTS; NOTIFICATION OF VICTIM.] Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall make a reasonable and good faith effort to inform the victim of:

(a) The contents of the plea agreement recommendation, including the amount of time recommended for the defendant to serve in jail or prison if the court accepts the agreement; and

(b) The right to be present at the sentencing hearing and to express orally or in writing, at the victim's option, any objection to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated objections to the prosecuting attorney, the prosecuting attorney shall make these objections known to the court.

Sec. 6. [611A.19] [TESTING OF SEX OFFENDER FOR HUMAN IMMUNODEFICIENCY VIRUS.]

Subdivision 1. [TESTING ON REQUEST OF VICTIM.] (a) The sentencing court may issue an order requiring 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:

(1) the prosecutor moves for the test order in camera;

(2) the victim requests the test; and

(3) evidence exists that the broken skin or mucous membrane of

the victim was exposed to or had contact with the offender's semen or blood during commission of the crime.

(b) If the court grants the prosecutor's motion, the court shall order that the test be performed by an appropriate health professional and that no reference to the test, the motion requesting the test, the test order, or the test results may appear in the criminal record or be maintained in any record of the court or court services.

Subd. 2. [DISCLOSURE OF TEST RESULTS.] The date and results of any test performed under subdivision 1 are private data as defined in section 13.02, subdivision 12, 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 and positive test results may be reported to the commissioner of health. Any test results given to a victim or victim's parent or guardian shall be provided by a health professional who is trained to provide the counseling described in section 144.763. Data regarding administration and results of the test are not accessible to any other person for any purpose and shall not be maintained in any record of the court or court services or any other record. After the test results are given to the victim or the victim's parent or guardian, data on the test must be removed from any medical data or health records maintained under section 13.42 or 144.335.

Sec. 7. [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. 8. [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, and "nonviolent misdemeanor" excludes any offense in which the victim is a family or household member, as defined in section 518B.01, subdivision 2.

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. 9. [EFFECTIVE DATE.]

Sections 3 and 4 are effective August 1, 1992, and apply to proceedings commenced on or after that date. Section 6 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 non-profit, 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 for 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 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 1991 Supplement, section 518B.01, subdivision 6, is amended to read:

Subd. 6. [RELIEF BY THE COURT.] (a) Upon notice and hearing, the court may provide relief as follows:

(1) restrain the abusing party from committing acts of domestic abuse;

(2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;

(3) award temporary custody or establish temporary visitation

with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. Except for cases in which custody is contested, findings under sections 518.17 and 518.175 are not required. The court's deliberation under this subdivision decision on custody and visitation shall in no way delay the issuance of an order for protection granting other reliefs provided for in Laws 1985, chapter 195 this section;

(4) on the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518;

(5) provide upon request of the petitioner counseling or other social services for the parties, if married, or if there are minor children;

(6) order the abusing party to participate in treatment or counseling services;

(7) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;

(8) exclude the abusing party from the place of employment of the petitioner, or otherwise limit access to the petitioner by the abusing party at the petitioner's place of employment; and

(9) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or constable, as provided by this section.

(b) Any relief granted by the order for protection shall be for a fixed period not to exceed one year, except when the court determines a longer fixed period is appropriate.

(c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated or modified in a proceeding for dissolution of marriage or legal separation, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the

proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

(d) An order granting the relief authorized in paragraph (a), clause (2), is not voided by the admittance of the abusing party into the dwelling from which the abusing party is excluded.

(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.

Sec. 4. Minnesota Statutes 1990, section 518B.01, subdivision 7, is amended to read:

Subd. 7. [TEMPORARY ORDER.] (a) Where an application under this section alleges an immediate and present danger of domestic abuse, the court may grant an ex parte temporary order for protection, pending a full hearing, and granting relief as the court deems proper, including an order:

(1) restraining the abusing party from committing acts of domestic abuse;

(2) excluding any party from the dwelling they share or from the residence of the other except by further order of the court; and

(3) excluding the abusing party from the place of employment of the petitioner or otherwise limiting access to the petitioner by the abusing party at the petitioner's place of employment.

(b) A finding by the court that there is a basis for issuing an ex parte temporary order for protection constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte temporary relief.

(c) An ex parte temporary order for protection shall be effective for a fixed period not to exceed 14 days, except for good cause as provided under paragraph (c). A full hearing, as provided by this section, shall be set for not later than seven days from the issuance of the temporary order. The respondent shall be served forthwith a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(e) (d) When service is made by published notice, as provided under subdivision 5, the petitioner may apply for an extension of the period of the ex parte order at the same time the petitioner files the affidavit required under that subdivision. The court may extend the ex parte temporary order for an additional period not to exceed 14

days. The respondent shall be served forthwith a copy of the modified ex parte order along with a copy of the notice of the new date set for the hearing.

Sec. 5. 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. 6. 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 viola-

tions 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. 7. Minnesota Statutes 1990, section 609.02, is amended by adding a subdivision to read:

Subd. 14. [ELECTRONIC MONITORING DEVICE.] As used in sections 9, 13, and 16, "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. 8. 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. 9. 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. 10. 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. 11. 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. 12. 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. 13. [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. 14. [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. 15. [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. 16. 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. 17. 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. 18. 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. 19. [EFFECTIVE DATE.]

Sections 6, 8, and 10 to 12 are effective August 1, 1992, and apply to crimes committed on or after that date. Sections 3 and 4 are effective the day following final enactment.

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 recommitment 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, according to their ability to pay, and to the extent that the commissioner of corrections has not reimbursed the county welfare board.

Sec. 2. Minnesota Statutes 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 inter-

ested 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. [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. 8. [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
TREATMENT PROGRAMS

Section 1. [145.9265] [FETAL ALCOHOL SYNDROME AND EFFECTS AND DRUG-EXPOSED INFANT PREVENTION.]

The commissioner of health, in coordination with the commissioner of education and the commissioner of human services, shall design and implement a coordinated prevention effort to reduce the rates of fetal alcohol syndrome and fetal alcohol effects, and reduce the number of drug-exposed infants. The commissioner shall:

(1) conduct research to determine the most effective methods of preventing fetal alcohol syndrome, fetal alcohol effects, and drug-exposed infants and to determine the best methods for collecting information on the incidence and prevalence of these problems in Minnesota;

(2) provide training on effective prevention methods to health care professionals and human services workers; and

(3) operate a statewide media campaign focused on reducing the incidence of fetal alcohol syndrome and fetal alcohol effects, and reducing the number of drug-exposed infants.

Sec. 2. [145A.15] [HOME VISITING PROGRAM.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of health shall establish, within the division of community health services, a grant program designed to prevent child abuse and neglect by providing early intervention services for families at risk of child abuse and neglect. The grant program will include:

(1) expansion of current public health nurse and family aide home visiting programs;

(2) distribution of educational and public information programs and materials in hospital maternity divisions, well-baby clinics, obstetrical clinics, and community clinics; and

(3) training of home visitors.

Subd. 2. [GRANT RECIPIENTS.] The commissioner is authorized to award grants to programs that meet the requirements of subdivision 3 and that are targeted to at-risk families. Families considered to be at-risk for child abuse and neglect include, but are not limited to, families with:

(1) adolescent parents;

- (2) a history of alcohol and other drug abuse;
- (3) a history of child abuse, domestic abuse, or other dysfunction in the family of origin;
- (4) a history of domestic abuse, rape, or other forms of victimization;
- (5) reduced cognitive functioning;
- (6) a lack of knowledge of child growth and development stages; or
- (7) difficulty dealing with stress, including stress caused by discrimination, mental illness, a high incidence of crime or poverty in the neighborhood, unemployment, divorce, and lack of basic needs, often found in conjunction with a pattern of family isolation.

Subd. 3. [PROGRAM REQUIREMENTS.] (a) The commissioner shall award grants, using a request for proposal system, to programs designed to:

(1) develop a risk assessment tool and offer direct home visiting services to at-risk families including, but not limited to, education on: parenting skills, child development and stages of growth, communication skills, stress management, problem-solving skills, positive child discipline practices, methods to improve parent-child interactions and enhance self-esteem, community support services and other resources, and how to enjoy and have fun with your children;

(2) establish clear objectives and protocols for the home visits;

(3) determine the frequency and duration of home visits based on a risk-need assessment of the client; except that home visits shall begin in the second trimester of pregnancy and continue based on the need of the client until the child reaches age six;

(4) develop and distribute educational resource materials and offer presentations on the prevention of child abuse and neglect for use in hospital maternity divisions, well-baby clinics, obstetrical clinics, and community clinics; and

(5) coordinate with other local home visitation programs, particularly those offered by school boards under section 121.882, subdivision 2b, so as to avoid duplication.

(b) Programs must provide at least 40 hours of training for public health nurses, family aides, and other home visitors. Training must include information on the following:

(1) the dynamics of child abuse and neglect, domestic violence, and victimization within family systems;

(2) signs of abuse or other indications that a child may be at risk of abuse or neglect;

(3) what is child abuse and neglect;

(4) how to properly report cases of child abuse and neglect;

(5) respect for cultural preferences in child rearing;

(6) community resources, social service agencies, and family support activities or programs;

(7) child development and growth;

(8) parenting skills;

(9) positive child discipline practices;

(10) identification of stress factors and stress reduction techniques;

(11) home visiting techniques; and

(12) risk assessment measures.

Program services must be community-based, accessible, and culturally relevant and must be designed to foster collaboration among existing agencies and community-based organizations.

Subd. 4. [EVALUATION.] Each program that receives a grant under this section must include a plan for program evaluation designed to measure the effectiveness of the program in preventing child abuse and neglect. On January 1, 1994, and annually thereafter, the commissioner of health shall submit a report to the legislature on all activities initiated in the prior biennium under this section. The report shall include information on the outcomes reported by all programs that received grant funds under this section in that biennium.

Sec. 3. Minnesota Statutes 1990, section 241.021, is amended by adding a subdivision to read:

Subd. 4a. [CHEMICAL DEPENDENCY TREATMENT PROGRAMS.] All residential chemical dependency treatment programs operated by the commissioner of corrections to treat adults and juveniles committed to the commissioner's custody shall comply

with the standards mandated in Minnesota Rules, parts 9530.4100 to 9530.4450, for treatment programs operated by community-based residential treatment facilities.

Sec. 4. Minnesota Statutes 1990, section 241.67, subdivision 1, is amended to read:

Subdivision 1. [SEX OFFENDER TREATMENT.] A sex offender treatment system is established under the administration of the commissioner of corrections to provide and finance a range of sex offender treatment programs for eligible adults and juveniles. Eligible Offenders who are eligible to receive treatment, within the limits of available funding, are:

(1) adults and juveniles committed to the custody of the commissioner;

(2) adult offenders for whom treatment is required by the court as a condition of probation; and

(3) juvenile offenders who have been found delinquent or received a stay of adjudication, for whom the juvenile court has ordered treatment; and

(4) adults and juveniles who are eligible for community-based treatment under the sex offender treatment fund established in section 6.

Sec. 5. Minnesota Statutes 1990, section 241.67, subdivision 2, is amended to read:

Subd. 2. [TREATMENT PROGRAM STANDARDS.] By July 1, 1991, (a) The commissioner shall adopt rules under chapter 14 for the certification of adult and juvenile sex offender treatment programs in state and local correctional facilities. The rules shall require that sex offender treatment programs be at least four months in duration. After July 1, 1991, A correctional facility may not operate a sex offender treatment program unless the program has met the standards adopted by and been certified by the commissioner of corrections. As used in this subdivision, "correctional facility" has the meaning given it in section 241.021, subdivision 1, clause (5).

(b) By July 1, 1993, the commissioner shall adopt rules under chapter 14 for the certification of community-based adult and juvenile sex offender treatment programs not operated in state or local correctional facilities. To the extent possible, the rules must minimize paperwork and administrative requirements, encourage creativity and experimentation, recognize any regional variation in needs and conditions that exists in the state, and emphasize treat-

ment outcomes rather than prescriptive standards and procedural requirements.

(c) In addition to other certification requirements established under paragraphs (a) and (b), rules adopted by the commissioner must require all certified programs to participate in an ongoing outcome-based evaluation and quality management system established by the commissioner.

Sec. 6. [241.68] [SEX OFFENDER TREATMENT FUND.]

Subdivision 1. [TREATMENT FUND ADMINISTRATION.] A sex offender treatment fund is established to pay for community-based sex offender treatment for adults and juveniles. The commissioner of corrections and the commissioner of human services shall establish an interagency staff work group to coordinate agency activities relating to sex offender treatment. The commissioner of human services is responsible for administering the sex offender treatment fund, including establishing requirements for submitting claims for payment, paying vendors, collecting the county share required under subdivision 8, and enforcing the county maintenance of effort requirement in subdivision 7. The commissioner of corrections is responsible for overseeing and coordinating a statewide sex offender treatment system under section 241.67, subdivision 1; certifying sex offender treatment providers under section 241.67, subdivision 2, paragraph (b); establishing eligibility criteria and an assessment process under subdivision 3; determining county allocations of treatment fund money under subdivision 4; and approving special project grants under subdivision 5. The county is responsible for developing and coordinating sex offender treatment services within the county under the supervision of the commissioner of corrections, approving sex offender treatment vendors under subdivision 9, approving persons for treatment within the limits of the county's allocation of treatment fund money under subdivision 4, and selecting an eligible vendor to provide the appropriate level of treatment to each person who is eligible to receive treatment and for whom funding is available. The assessment of eligibility and treatment needs under subdivision 3 must be conducted by the agency responsible for probation services. If this agency is not a county agency, the county shall enter into an agreement with the agency that prescribes the process for county approval of treatment and treatment vendors within the limits of the county's allocation of treatment fund money. The commissioner of corrections shall adopt rules under chapter 14 governing the sex offender treatment fund. At the request of the commissioner of corrections, the commissioner of human services shall provide technical assistance relating to the administration of the treatment fund. The commissioner may adopt emergency rules in order to establish the sex offender treatment fund and begin making payments out of the fund beginning July 1, 1993.

Subd. 2. [PERSONS ELIGIBLE TO RECEIVE TREATMENT.]

Within the limits of available funding, the sex offender treatment fund pays for sex offender treatment for sex offenders who have been ordered by the court to receive treatment and high-risk persons who seek treatment voluntarily. For purposes of this section, a sex offender is an adult who has been convicted of, or a juvenile who has been adjudicated to be delinquent based on a violation of, section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.746, 609.79, 617.23, 617.246, or 617.247, or another offense arising out of a charge based on one or more of these sections. The treatment fund pays for treatment only to the extent that the costs of treatment cannot be met by the person's income or assets, health coverage, or other resources. Payment may be made on behalf of eligible persons only if:

(1) the person has been assessed and determined to be in need of community-based treatment under subdivision 3;

(2) the county has approved treatment and designated a treatment vendor within the limits of the county's allocation of money under subdivision 4;

(3) the person received the appropriate level of treatment as determined through the assessment process;

(4) the person received services from a vendor certified by the commissioner of corrections under section 241.67, subdivision 2, paragraph (b); and

(5) the vendor submitted a claim for payment in accordance with requirements established by the commissioner of human services.

Subd. 3. [ASSESSMENT.] The commissioner of corrections shall establish a process and criteria for assessing the eligibility and treatment needs of persons on whose behalf payment from the sex offender treatment fund is sought. The assessment determines: (1) whether the individual is eligible under subdivision 2; (2) the person's ability to contribute to the cost of treatment; (3) whether a need for treatment exists; (4) if treatment is needed, the appropriate level of treatment; and (5) if the person is seeking treatment voluntarily, whether the person represents a high risk of becoming a sex offender in the absence of intervention and treatment. The commissioner shall develop a sliding fee scale to determine the amount of the contribution required from persons who have income or other financial resources. The fee scale must require persons whose income and assets are above the limits for the medical assistance program to contribute to the cost of the assessment and treatment and require persons whose income is above the state median income to pay the entire cost of assessment and treatment.

Subd. 4. [COUNTY ALLOCATIONS.] (a) For the first year of the sex offender treatment fund, the money appropriated for the treat-

ment fund must be allocated among the counties according to the following formula:

(1) two-thirds based on the number of sex offender convictions or adjudications in the county in the previous year; and

(2) one-third based on county population.

(b) Any balance remaining in the fund at the end of the first year of the fund does not cancel and is available for the next year. Any balance remaining in subsequent years does not carry forward unless specifically authorized by the legislature.

(c) For the second year of the fund, an amount equal to the balance carried forward from the first year, plus any legislative appropriation for special project grants, must be reserved for special projects under subdivision 5. This becomes the base funding level for special project grants. The appropriation for the treatment fund must be allocated to counties in proportion to the amount actually paid out of each county's treatment fund allocation in the previous year.

(d) For the third and subsequent years of the fund, the appropriation for the sex offender treatment fund must be allocated to counties in proportion to the previous year's allocations. Any increase or decrease in funding for the sex offender treatment fund must be allocated proportionately among counties.

(e) For the second and subsequent years of the treatment fund, a reduction in the special projects base funding and a corresponding increase in a county's sex offender treatment fund allocation may be made under subdivision 5.

Subd. 5. [SPECIAL PROJECT GRANTS.] The commissioner of corrections shall approve grants to counties for special projects using the money reserved for special projects under subdivision 4, paragraph (c), and any appropriations specifically designated for sex offender treatment special projects. Special project grants may be used to develop new sex offender treatment services or providers, develop or test new treatment methods, educate courts and corrections personnel on treatment programs and methods, address special treatment needs in a particular county, or provide additional funding to counties that demonstrate that their treatment needs cannot be met within their formula allocation under subdivision 4. For the first three years of the fund, highest priority for special project grants must be given to counties that spent less than their allocation under the formula in subdivision 4, paragraph (a), during the previous year; demonstrate a significant need to increase their spending for sex offender treatment; and submit a detailed plan for improving their sex offender treatment system. For these high priority counties, upon successful completion of a special project the commissioner shall increase that county's base allocation under

subdivision 4 for subsequent years by the amount of the special project grant or another amount determined by the commissioner and agreed to by the county as a condition of receiving a special project grant. The base funding level for special projects for the subsequent year must be reduced by the amount of the increase in the county's base allocation. After the third year of the treatment fund, the commissioner may allocate up to 40 percent of the special project grant money to increase the base allocation of treatment fund money for those counties that demonstrate the greatest need to increase funding for sex offender treatment. The base funding level for special projects must be reduced by the amount of the increase in counties' base allocations.

Subd. 6. [COUNTY ADMINISTRATION.] A county may use up to five percent of the money allocated to it under subdivision 4 for administrative costs associated with the sex offender treatment fund, including the costs of assessment and referral of persons for treatment, state administrative and reporting requirements, service development, and other activities directly related to sex offender treatment. Nothing in this section requires a county to spend local money or commit local resources in addition to state money provided under this section, except as provided in subdivisions 7 and 8.

Subd. 7. [MAINTENANCE OF EFFORT.] As a condition of receiving an allocation of money from the sex offender treatment fund under this section, a county must agree not to reduce the level of funding provided for sex offender treatment below the average annual funding level for calendar years 1989, 1990, and 1991.

Subd. 8. [COUNTY MATCH.] The county share of the cost of treatment provided through the sex offender treatment fund is ten percent. By the 15th of each month, a county shall pay to the commissioner of human services the county share of services approved by the county for payment out of the sex offender treatment fund during the previous month, subject to future settle-up based on actual payments made. Payments made under this subdivision may be used to satisfy the maintenance of effort requirement under subdivision 7.

Subd. 9. [ELIGIBILITY OF VENDORS.] To be eligible to receive payment from the sex offender treatment fund, a vendor must be certified by the commissioner of corrections under section 241.67, subdivision 2, paragraph (b), and must comply with billing and reporting requirements established by the commissioner of human services. A county may become certified and approved as a vendor by satisfying the same requirements that apply to other vendors.

Subd. 10. [START-UP GRANTS.] Within the limits of appropriations made specifically for this purpose, the commissioner of corrections shall award grants to counties or providers for the initial start-up costs of establishing new certified, community-based sex

offender treatment programs eligible for reimbursement under the sex offender treatment fund. In awarding the grants, the commissioner shall promote a statewide system of sex offender treatment programs that will provide reasonable geographic access to treatment throughout the state.

Subd. 11. [COORDINATION OF FUNDING FOR SEX OFFENDER TREATMENT.] The commissioners of corrections and human services shall identify all sources of funding for sex offender treatment in the state and develop methods of coordinating funding sources.

Sec. 7. Minnesota Statutes 1991 Supplement, section 245.484, is amended to read:

245.484 [RULES.]

The commissioner shall adopt emergency rules to govern implementation of case management services for eligible children in section 245.4881 and professional home-based family treatment services for medical assistance eligible children, in section 245.4884, subdivision 3, by January 1, 1992, and must adopt permanent rules by January 1, 1993.

The commissioner shall adopt permanent rules as necessary to carry out sections 245.461 to 245.486 and 245.487 to 245.4888. The commissioner shall reassign agency staff as necessary to meet this deadline.

By January 1, 1993, the commissioner shall adopt permanent rules specifying program requirements for family community support services.

Sec. 8. Minnesota Statutes 1990, section 245.4871, is amended by adding a subdivision to read:

Subd. 9a. [CRISIS ASSISTANCE.] "Crisis assistance" means assistance to the child, family, and the child's school in recognizing and resolving a mental health crisis. It shall include, at a minimum, working with the child, family, and school to develop a crisis assistance plan. Crisis assistance does not include services designed to secure the safety of a child who is at risk of abuse or neglect or necessary emergency services.

Sec. 9. Minnesota Statutes 1991 Supplement, section 245.4884, subdivision 1, is amended to read:

Subdivision 1. [AVAILABILITY OF FAMILY COMMUNITY SUPPORT SERVICES.] By July 1, 1991, county boards must provide or contract for sufficient family community support services within the

county to meet the needs of each child with severe emotional disturbance who resides in the county and the child's family. Children or their parents may be required to pay a fee in accordance with section 245.481.

Family community support services must be designed to improve the ability of children with severe emotional disturbance to:

- (1) manage basic activities of daily living;
- (2) function appropriately in home, school, and community settings;
- (3) participate in leisure time or community youth activities;
- (4) set goals and plans;
- (5) reside with the family in the community;
- (6) participate in after-school and summer activities;
- (7) make a smooth transition among mental health and education services provided to children; and
- (8) make a smooth transition into the adult mental health system as appropriate.

In addition, family community support services must be designed to improve overall family functioning if clinically appropriate to the child's needs, and to reduce the need for and use of placements more intensive, costly, or restrictive both in the number of admissions and lengths of stay than indicated by the child's diagnostic assessment.

The commissioner of human services shall work with mental health professionals to develop standards for clinical supervision of family community support services. These standards shall be incorporated in rule and in guidelines for grants for family community support services.

Sec. 10. Minnesota Statutes 1990, section 254A.14, is amended by adding a subdivision to read:

Subd. 3. [GRANTS FOR TREATMENT OF HIGH-RISK YOUTH.] The commissioner of human services shall award grants on a pilot project basis to develop culturally specific chemical dependency treatment programs for minority and other high-risk youth, including those enrolled in area learning centers, those presently in residential chemical dependency treatment, and youth currently under commitment to the commissioner of corrections or detained under chapter 260. Proposals submitted under this section shall

include an outline of the treatment program components, a description of the target population to be served, and a protocol for evaluating the program outcomes.

Sec. 11. Minnesota Statutes 1990, section 254A.17, subdivision 1, is amended to read:

Subdivision 1. [MATERNAL AND CHILD SERVICE PROGRAMS.] (a) The commissioner shall fund maternal and child health and social service programs designed to improve the health and functioning of children born to mothers using alcohol and controlled substances. Comprehensive programs shall include immediate and ongoing intervention, treatment, and coordination of medical, educational, and social services through a child's preschool years. Programs shall also include research and evaluation to identify methods most effective in improving outcomes among this high-risk population.

(b) The commissioner of human services shall develop models for the treatment of children ages 6 to 12 who are in need of chemical dependency treatment. The commissioner shall fund at least two pilot projects with qualified providers to provide nonresidential treatment for children in this age group. Model programs must include a component to monitor and evaluate treatment outcomes.

Sec. 12. Minnesota Statutes 1990, section 254A.17, is amended by adding a subdivision to read:

Subd. 1a. [PROGRAMS FOR PREGNANT WOMEN AND WOMEN WITH CHILDREN.] Within the limits of funds available, the commissioner of human services shall fund programs providing specialized chemical dependency treatment for pregnant women and women with children. The programs shall provide prenatal care, child care, housing assistance, and other services needed to ensure successful treatment.

Sec. 13. [256.995] [SCHOOL-LINKED SERVICES FOR AT-RISK CHILDREN AND YOUTH.]

Subdivision 1. [PROGRAM ESTABLISHED.] In order to enhance the delivery of needed services to at-risk children and youth and maximize federal funds available for that purpose, the commissioner of human services shall design a statewide program of collaboration between providers of health and social services for children and local school districts, to be financed, to the greatest extent possible, from federal sources. The commissioners of health, education, and public safety shall assist the commissioner of human services in designing the program.

Subd. 2. [AT-RISK CHILDREN AND YOUTH.] The program shall

target at-risk children and youth, defined as individuals, whether or not enrolled in school, who are under 21 years of age and who:

- (1) are school dropouts;
- (2) have failed in school;
- (3) have become pregnant;
- (4) are economically disadvantaged;
- (5) are children of drug or alcohol abusers;
- (6) are victims of physical, sexual, or psychological abuse;
- (7) have committed a violent or delinquent act;
- (8) have experienced mental health problems;
- (9) have attempted suicide;
- (10) have experienced long-term physical pain due to injury;
- (11) are at risk of becoming or have become drug or alcohol abusers or chemically dependent;
- (12) have experienced homelessness;
- (13) have been excluded or expelled from school under sections 127.26 to 127.39; or
- (14) have been adjudicated children in need of protection or services.

Subd. 3. [SERVICES.] The program must be designed not to duplicate existing programs, but to enable schools to collaborate with county social service agencies and county health boards and with local public and private providers to assure that at-risk children and youth receive health care, mental health services, family drug and alcohol counseling, and needed social services. Screenings and referrals under this program shall not duplicate screenings under section 123.702.

Subd. 4. [FUNDING.] The program must be designed to take advantage of available federal funding, including the following:

- (1) child welfare funds under United States Code, title 42, sections 620-628 (1988) and United States Code, title 42, sections 651-669 (1988);

(2) funds available for health care and health care screening under medical assistance, United States Code, title 42, section 1396 (1988);

(3) social services funds available under United States Code, title 42, section 1397 (1988);

(4) children's day care funds available under federal transition year child care, the Family Support Act, Public Law Number 100-485; federal at-risk child care program, Public Law Number 101-5081; and federal child care and development block grant, Public Law Number 101-5082; and

(5) funds available for fighting drug abuse and chemical dependency in children and youth, including the following:

(i) funds received by the office of drug policy under the federal Anti-Drug Abuse Act and other federal programs;

(ii) funds received by the commissioner of human services under the federal alcohol, drug abuse, and mental health block grant; and

(iii) funds received by the commissioner of human services under the drug-free schools and communities act.

Subd. 5. [WAIVERS.] The commissioner of human services shall collaborate with the commissioners of education, health, and public safety to seek the federal waivers necessary to secure federal funds for implementing the statewide school-based program mandated by this section. Each commissioner shall amend the state plans for programs specified in subdivision 3, to the extent necessary to ensure the availability of federal funds for the school-based program.

Subd. 6. [PILOT PROJECTS.] Within 90 days of receiving the necessary federal waivers, the commissioner of human services shall implement at least two pilot programs that link health and social services in the schools. One program shall be located in a school district in the seven-county metropolitan area. The other program shall be located in a greater Minnesota school district. The commissioner of human services, in collaboration with the commissioner of education, shall select the pilot programs on a request for proposal basis. The commissioners shall give priority to school districts with some expertise in colocating services for at-risk children and youth. Programs funded under this subdivision must:

(1) involve a plan for collaboration between a school district and at least two local social service or health care agencies to provide services for which federal funds are available to at-risk children or youth;

(2) include parents or guardians in program planning and implementation;

(3) contain a community outreach component; and

(4) include protocol for evaluating the program.

Subd. 7. [REPORT] The commissioner of human services shall report to the legislature by January 15, 1993, on the design and status of the statewide program for school-linked services. The report shall include the following:

(1) a complete program design for assuring the implementation of health and human services for children within school districts statewide;

(2) a statewide funding plan based on the use of federal funds, including federal funds available only through waiver;

(3) copies of the waiver requests and information on the status of requests for federal approval;

(4) status of the pilot program development; and

(5) recommendations for statewide implementation of the school-linked services program.

Sec. 14. Minnesota Statutes 1990, section 260.151, subdivision 1, is amended to read:

Subdivision 1. Upon request of the court the county welfare board or probation officer shall investigate the personal and family history and environment of any minor coming within the jurisdiction of the court under section 260.111 and shall report its findings to the court. The court may order any minor coming within its jurisdiction to be examined by a duly qualified physician, psychiatrist, or psychologist appointed by the court.

The court shall have a chemical use assessment conducted when: (1) a child is (4) found to be delinquent for violating a provision of chapter 152; or; (2) a child is alleged to be delinquent for violating a provision of chapter 152, if the child is being held in custody under a detention order; or (3) a child has violated a condition of release imposed by the court under section 260.172, subdivision 2c, relating to abstinence from the use of chemicals. The assessor's qualifications and the assessment criteria shall comply with Minnesota Rules, parts 9530.6600 to 9530.6655. If funds under chapter 254B are to be used to pay for the recommended treatment, the assessment and placement must comply with all provisions of Minnesota Rules, parts 9530.6600 to 9530.6655 and 9530.7000 to 9530.7030. The

commissioner of public safety shall reimburse the court for the cost of the chemical use assessment, up to a maximum of \$100.

With the consent of the commissioner of corrections and agreement of the county to pay the costs thereof, the court may, by order, place a minor coming within its jurisdiction in an institution maintained by the commissioner for the detention, diagnosis, custody and treatment of persons adjudicated to be delinquent, in order that the condition of the minor be given due consideration in the disposition of the case. Adoption investigations shall be conducted in accordance with the laws relating to adoptions. Any funds received under the provisions of this subdivision shall not cancel until the end of the fiscal year immediately following the fiscal year in which the funds were received. The funds are available for use by the commissioner of corrections during that period and are hereby appropriated annually to the commissioner of corrections as reimbursement of the costs of providing these services to the juvenile courts.

Sec. 15. [260.152] [MENTAL HEALTH SCREENING OF JUVENILES IN DETENTION.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of human services, in cooperation with the commissioner of corrections, shall establish two pilot projects in counties to reduce the recidivism rates of juvenile offenders, by identifying and treating underlying mental health problems that contribute to delinquent behavior and can be addressed through nonresidential services. At least one of the pilot projects must be in the seven-county metropolitan area and at least one must be in greater Minnesota.

Subd. 2. [PROGRAM COMPONENTS.] The commissioners of corrections and human services shall, in consultation with the Indian affairs council, the council on affairs of Spanish-speaking people, the council on Black Minnesotans, and the council on Asian-Pacific Minnesotans, provide grants to the counties for the pilot projects. The projects shall build upon the existing service capabilities in the community and must include:

(1) screening for mental health problems of all juveniles admitted before adjudication to a secure detention facility as defined in section 260.015, subdivision 16, and any juvenile alleged to be delinquent as that term is defined in section 260.015, subdivision 5, who is admitted to a shelter care facility, as defined in section 260.015, subdivision 17;

(2) referral for mental health assessment of all juveniles for whom the screening indicates a need. This assessment is to be provided by the appropriate mental health professional. If the juvenile is of a minority race or minority ethnic heritage, the mental health professional must be skilled in and knowledgeable about the juvenile's

racial and ethnic heritage, or must consult with a special mental health consultant who has such knowledge so that the assessment is relevant, culturally specific, and sensitive to the juvenile's cultural needs; and

(3) upon completion of the assessment, access to or provision of nonresidential mental health services identified as needed in the assessment.

Subd. 3. [SCREENING TOOL.] The commissioner of human services and the commissioner of corrections shall jointly develop a model screening tool to screen juveniles held in juvenile detention to determine if a mental health assessment is needed. This tool must contain specific questions to identify potential mental health problems. In implementing a pilot project, a county must either use this model tool or another screening tool approved by the commissioner of human services which meets the requirements of this section.

Subd. 4. [PROGRAM REQUIREMENTS.] To receive funds, the county program proposal shall be a joint proposal with all affected local agencies, resulting in part from consultation with the local coordinating council established under section 245.4873, subdivision 3, and the local mental health advisory council established under section 245.4875, subdivision 5, and shall contain the following:

(1) evidence of interagency collaboration by all publicly funded agencies serving juveniles with emotional disturbances, including evidence of consultation with the agencies listed in this section;

(2) a signed agreement by the local court services and local mental health and county social service agencies to work together on the following: development of a program; development of written inter-agency agreements and protocols to ensure that the mental health needs of juvenile offenders are identified, addressed, and treated; and development of a procedure for joint evaluation of the program;

(3) a description of existing services that will be used in this program;

(4) a description of additional services that will be developed with program funds, including estimated costs and numbers of juveniles to be served; and

(5) assurances that funds received by a county under this section will not be used to supplant existing mental health funding for which the juvenile is eligible.

The commissioner of human services and the commissioner of corrections shall jointly determine the application form, information

needed, deadline for application, criteria for awards, and a process for providing technical assistance and training to counties. The technical assistance shall include information about programs that have been successful in reducing recidivism by juvenile offenders.

Subd. 5. [INTERAGENCY AGREEMENTS.] To receive funds, the county must agree to develop written interagency agreements between local court services agencies and local county mental health agencies within six months of receiving the initial program funds. These agreements shall include a description of each local agency's responsibilities, with a detailed assignment of the tasks necessary to implement the program. The agreement shall state how they will comply with the confidentiality requirements of the participating local agencies.

Subd. 6. [EVALUATION.] The commissioner of human services and the commissioner of corrections shall, in consultation with the Indian affairs council, the council on affairs of Spanish-speaking people, the council on Black Minnesotans, and the council on Asian-Pacific Minnesotans, develop systems and procedures for evaluating the pilot projects. The departments must develop an interagency management information system to track juveniles who receive mental health and chemical dependency services. The system must be designed to meet the information needs of the agencies involved and to provide a basis for evaluating outcome data. The system must be designed to track the mental health treatment of juveniles released from custody and to improve the planning, delivery, and evaluation of services and increase interagency collaboration. The evaluation protocol must be designed to measure the impact of the program on juvenile recidivism, school performance, and state and county budgets.

Subd. 7. [REPORT.] On January 1, 1994, and annually after that, the commissioner of corrections and the commissioner of human services shall present a joint report to the legislature on the pilot projects funded under this section. The report shall include information on the following:

- (1) the number of juvenile offenders screened and assessed;
- (2) the number of juveniles referred for mental health services, the types of services provided, and the costs;
- (3) the number of subsequently adjudicated juveniles that received mental health services under this program; and
- (4) the estimated cost savings of the program and the impact on crime.

Sec. 16. Minnesota Statutes 1990, section 260.172, is amended by adding a subdivision to read:

Subd. 2c. [CONDITIONS OF RELEASE.] If the court releases from detention a child alleged to have committed a delinquent act, the court may impose reasonable conditions of release on the child including, but not limited to, a requirement that the child abstain from the use of alcohol and drugs. If the child violates a condition of release requiring abstinence from the use of chemicals, the court shall order a chemical use assessment as provided in section 260.151, subdivision 1.

Sec. 17. 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, 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.

If the child is found delinquent due to the commission of an offense that would be a felony if committed by an adult, the court shall make a specific finding on the record regarding the juvenile's mental health and chemical dependency treatment needs.

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. 18. Minnesota Statutes 1991 Supplement, section 299A.30, subdivision 2, is amended to read:

Subd. 2. [DUTIES.] (a) The assistant commissioner shall gather and make available information on prevention and supply reduction activities throughout the state, foster cooperation among involved state and local agencies, and assist agencies and public officials in training and other programs designed to improve the effectiveness of prevention and supply reduction activities.

(b) The assistant commissioner shall coordinate the distribution of funds received by the state of Minnesota through the federal Anti-Drug Abuse Act. The assistant commissioner shall recommend to the commissioner recipients of grants under sections 299A.33 and 299A.34, after consultation with the chemical abuse prevention resource council.

(c) The assistant commissioner shall:

(1) after consultation with all state agencies involved in prevention or supply reduction activities, develop a state chemical abuse and dependency strategy encompassing the efforts of those agencies and taking into account all money available for prevention and supply reduction activities, from any source;

(2) submit the strategy to the governor and the legislature by January 15 of each year, along with a summary of prevention and supply reduction activities during the preceding calendar year;

(3) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of prevention and supply reduction activities;

(4) provide information, including information on drug trends, and assistance to state and local agencies, both directly and by functioning as a clearinghouse for information from other agencies;

(5) facilitate cooperation among drug program agencies; and

(6) in coordination with the chemical abuse prevention resource council, review, approve, and coordinate the administration of prevention, criminal justice, and treatment grants.

Sec. 19. Minnesota Statutes 1991 Supplement, section 299A.31, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT; MEMBERSHIP.] A chemical abuse prevention resource council consisting of ~~17~~ 19 members is established. The commissioners of public safety, education, health, corrections, and human services, the director of the office of strategic and long-range planning, and the attorney general shall each appoint one member from among their employees. The speaker of the house of representatives and the subcommittee on committees of the senate shall each appoint a legislative member. The governor shall appoint an additional ten members who shall represent the demographic and geographic composition of the state and, to the extent possible, shall represent the following: public health; education including preschool, elementary, and higher education; social services; financial aid services; chemical dependency treatment; law enforcement; prosecution; defense; the judiciary; corrections; treatment research professionals; drug abuse prevention professionals; the business sector; religious leaders; representatives of racial and ethnic minority communities; and other community representatives. The members shall designate one of the governor's appointees as chair of the council. Compensation and removal of members are governed by section 15.059.

Sec. 20. Minnesota Statutes 1991 Supplement, section 299A.32, subdivision 2a, is amended to read:

Subd. 2a. [GRANT PROGRAMS.] The council shall, in coordination with the assistant commissioner of the office of drug policy and violence prevention, review and approve state agency plans regarding the use of federal funds for programs to reduce chemical abuse or reduce the supply of controlled substances. The appropriate state agencies would have responsibility for management of state and federal drug grant programs.

Sec. 21. [299A.325] [STATE CHEMICAL HEALTH INDEX MODEL.]

The assistant commissioner of the office of drug policy and violence prevention and the chemical abuse prevention resource council shall develop and test a chemical health index model to help assess the state's chemical health and coordinate state policy and programs relating to chemical abuse prevention and treatment. The chemical health index model shall assess a variety of factors known to affect the use and abuse of chemicals in different parts of the state including, but not limited to, demographic factors, risk factors, health care utilization, drug-related crime, productivity, resource availability, and overall health.

Sec. 22. [REPORT ON SEX OFFENDER TREATMENT FUNDING.]

By January 1, 1993, the commissioners of human services and

corrections shall submit a report to the legislature on funding for sex offender treatment, including:

(1) a summary of the sources and amounts of public and private funding for sex offender treatment;

(2) a progress report on implementation of sections 4 to 6;

(3) methods currently being used to coordinate funding;

(4) recommendations on whether other sources of funding should be consolidated into the sex offender treatment fund;

(5) recommendations regarding medical assistance program changes or waivers that will improve the cost-effective use of medical assistance funds for sex offender treatment;

(6) recommendations on whether start-up grants are needed to promote the development of needed sex offender treatment vendors, and if so, the amount of money needed for various regions, types of vendor, and class of sex offender;

(7) an estimate of the amount of money needed to fully fund the sex offender treatment fund and information regarding the cost of an array of possible options for partial funding, including funding options that prioritize treatment needs based on the age of the offender, the level of offense, or other factors identified by the commissioner; and

(8) recommendations for other changes that will improve the effectiveness and efficiency of the sex offender treatment funding system.

Sec. 23. [SEX OFFENDER TREATMENT; PILOT PROGRAM.]

The commissioners of corrections and human services shall administer a grant to create a pilot program to test the effectiveness of pharmacological agents, such as antiandrogens, in the treatment of sex offenders, including psychopathic personalities.

Participation in the study must be by volunteers who meet defined criteria. The commissioner of corrections shall report to the legislature by February 1, 1993, regarding the preliminary results of the study.

Sec. 24. [STUDY; DEPARTMENT OF CORRECTIONS.]

The commissioner of corrections, in collaboration with the commissioner of human services and the assistant commissioner of the office of drug policy and violence prevention, shall conduct a com-

prehensive study of the availability and quality of appropriate treatment programs within the criminal or juvenile justice system for adult and juvenile offenders who are chemically dependent or abuse chemicals. In particular, the commissioner shall investigate the extent to which the lack of culturally oriented treatment programs for minority youth has contributed to disparate and more punitive treatment of these youth by the juvenile justice system. As part of this study, the commissioner shall determine the cost of expanding the availability of culturally oriented treatment programs to all adult and juvenile offenders who are in need of treatment. The commissioner shall report the study's findings and recommendations to the legislature by February 1, 1993.

Sec. 25. [STATEWIDE MEDIA CAMPAIGN.]

The commissioner of health, in collaboration with the commissioner of human services and the commissioner of public safety, shall design and implement a statewide mass media campaign for the promotion of chemical health. The campaign must use both traditional and nontraditional media and focus on and support chemical health activities conducted at the community level with diverse and targeted populations. The campaign must last a minimum of six months and be coordinated with local school and community educational efforts, policy, skills training, and behavior modeling.

Sec. 26. [CHILD ABUSE PREVENTION GRANT.]

The commissioner of human services shall award a grant to a nonprofit, statewide child abuse prevention organization whose primary focus is parent self-help and support. Grant money may be used for one or more of the following activities:

(1) to provide technical assistance and consultation to individuals, organizations, or communities to establish local or regional parent self-help and support organizations for abusive or potentially abusive parents;

(2) to provide coordination and networking among existing parent self-help child abuse prevention organizations;

(3) to recruit, train, and provide leadership for volunteers working in child abuse prevention programs;

(4) to expand and develop child abuse programs throughout the state; or

(5) for statewide educational and public information efforts to increase awareness of the problems and solutions of child abuse.

Sec. 27. [EFFECTIVE DATE.]

Sections 4, 5, 6, 22, and 23 are effective the day following final enactment.

ARTICLE 12

VIOLENCE PREVENTION AND EDUCATION

Section 1. Minnesota Statutes 1991 Supplement, section 3.873, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT.] A legislative commission on children, youth, and their families is established to study state policy and legislation ~~affecting children and youth and their families related to subdivision 1a.~~ The commission shall make recommendations about how to ensure and promote the present and future well-being of Minnesota children and youth and their families, including methods for helping state and local agencies to work together.

Sec. 2. Minnesota Statutes 1991 Supplement, section 3.873, is amended by adding a subdivision to read:

Subd. 1a. [POLICY; CHILDREN, YOUTH, FAMILIES.] The development of physically, intellectually, socially, and emotionally healthy children is our state's top priority. To ensure this, the state shall focus on empowering every child's family. Every family shall be able to draw strength and support from its community.

To ensure Minnesota's future, the state and its communities must make a significant investment in long-term family policies that support and enhance healthy, responsible, and productive individuals by:

(1) developing physically, intellectually, socially, and emotionally healthy children;

(2) preserving, strengthening, and empowering families through collaboration among all state services and with other stakeholders;

(3) encouraging state service providers and other stakeholders to listen to families and respond to their needs;

(4) encouraging state service providers and other stakeholders to recognize that cultural diversity is integral to the well-being of children, families, and communities;

(5) enabling communities to provide strength and support to every child's family;

(6) promoting independence and stability among families through educational, economic, and early intervention programs; and

(7) developing a consensus about a realistic definition of today's family that declares the child's best interests to be paramount.

Sec. 3. Minnesota Statutes 1991 Supplement, section 3.873, subdivision 5, is amended to read:

Subd. 5. [INFORMATION COLLECTION; INTERGOVERNMENTAL COORDINATION.] (a) The commission may conduct public hearings and otherwise collect data and information necessary to its purposes.

(b) The commission may request information or assistance from any state agency or officer to assist the commission in performing its duties. The agency or officer shall promptly furnish any information or assistance requested.

(c) The commission may review and comment on existing programs which affect children, youth, and their families.

(d) Before implementing new or substantially revised programs relating to the subjects being studied by the commission under subdivision 7, the commissioner responsible for the program shall prepare an implementation plan for the program and shall submit the plan to the commission for review and comment. The commission may advise and make recommendations to the commissioner on the implementation of the program and may request the changes or additions in the plan it deems appropriate.

~~(d)~~ (e) By July 1, 1991, the responsible state agency commissioners, including the commissioners of education, health, human services, jobs and training, and corrections, shall prepare data for presentation to the commission on the state programs to be examined by the commission under subdivision 7, paragraph (a).

~~(e)~~ (f) To facilitate coordination between executive and legislative authorities, the governor shall appoint a person to act as liaison between the commission and the governor.

Sec. 4. Minnesota Statutes 1991 Supplement, section 3.873, subdivision 7, is amended to read:

Subd. 7. [PRIORITIES.] The commission shall give priority to studying and reporting to the legislature on the matters described in this subdivision.

(a) The commission must study and report on methods of improving legislative consideration of children and family issues and coordinating state agency programs relating to children and families, including the desirability, feasibility, and effects of creating a new state department of children's services, or children and family services, in which would be consolidated the responsibility for administering state programs relating to children and families.

(b) The commission must study and report on methods of consolidating or coordinating local health, correctional, educational, job, and human services, to improve the efficiency and effectiveness of services to children and families and to eliminate duplicative and overlapping services. The commission shall evaluate and make recommendations on programs and projects in this and other states that encourage or require local jurisdictions to consolidate the delivery of services in schools or other community centers to reduce the cost and improve the coverage and accessibility of services.

(c) The commission must study and report on methods of improving and coordinating educational, social, and health care services that assist children and families during the early childhood years. The commission's study must include an evaluation of the following: early childhood health and development screening services, head-start, child care, and early childhood family education.

(d) The commission must study and report on methods of improving and coordinating the practices of judicial, correctional, and social service agencies in placing juvenile offenders and children who are in need of protective services or treatment. As part of the study, the commission shall gather information from counties on the costs of court ordered juvenile treatment under chapter 260 and on the collections for the costs of juvenile treatment under section 260.251.

Sec. 5. Minnesota Statutes 1991 Supplement, section 121.882, subdivision 2, is amended to read:

Subd. 2. [PROGRAM CHARACTERISTICS.] Early childhood family education programs are programs for children in the period of life from birth to kindergarten, for the parents of such children, and for expectant parents. The programs may include the following:

- (1) programs to educate parents about the physical, mental, and emotional development of children;
- (2) programs to enhance the skills of parents in providing for their children's learning and development;
- (3) learning experiences for children and parents;

(4) activities designed to detect children's physical, mental, emotional, or behavioral problems that may cause learning problems;

(5) activities and materials designed to encourage self-esteem, skills, and behavior that prevent sexual and other interpersonal violence;

(6) educational materials which may be borrowed for home use;

(7) information on related community resources; or

(8) programs to prevent child abuse and neglect; or

(9) other programs or activities to improve the health, development, and learning readiness of children.

The programs shall not include activities for children that do not require substantial involvement of the children's parents. The programs shall be reviewed periodically to assure the instruction and materials are not racially, culturally, or sexually biased. The programs shall encourage parents to be aware of practices that may affect equitable development of children.

Sec. 6. Minnesota Statutes 1990, section 121.882, is amended by adding a subdivision to read:

Subd. 2b. [HOME VISITING PROGRAM.] (a) The commissioner of education shall include as part of the early childhood family education programs a parent education component to prevent child abuse and neglect. This parent education component must include:

(1) expanding statewide the home visiting component of the early childhood family education programs;

(2) training parent educators, child educators, and home visitors in the dynamics of child abuse and neglect and positive parenting and discipline practices; and

(3) developing and distributing education and public information materials that promote positive parenting skills and prevent child abuse and neglect.

(b) The parent education component must:

(1) offer to isolated or at-risk families direct visiting parent education services that at least address parenting skills, a child's development and stages of growth, communication skills, managing stress, problem-solving skills, positive child discipline practices, methods of improving parent-child interactions and enhancing self-

esteem, using community support services and other resources, and encouraging parents to have fun with and enjoy their children;

(2) develop a risk assessment tool to determine the family's level of risk;

(3) establish clear objectives and protocols for home visits;

(4) determine the frequency and duration of home visits based on a risk-need assessment of the client, with home visits beginning in the second trimester of pregnancy and continuing, based on client need, until a child is six years old;

(5) encourage families to make a transition from home visits to site-based parenting programs to build a family support network and reduce the effects of isolation;

(6) develop and distribute education materials on preventing child abuse and neglect that may be used in home visiting programs and parent education classes and distributed to the public;

(7) provide at least 40 hours of training for parent educators, child educators, and home visitors that covers the dynamics of child abuse and neglect, domestic violence and victimization within family systems, signs of abuse or other indications that a child may be at risk of being abused or neglected, what child abuse and neglect are, how to properly report cases of child abuse and neglect, respect for cultural preferences in child rearing, what community resources, social service agencies, and family support activities and programs are available, child development and growth, parenting skills, positive child discipline practices, identifying stress factors and techniques for reducing stress, home visiting techniques, and risk assessment measures;

(8) provide program services that are community-based, accessible, and culturally relevant; and

(9) foster collaboration among existing agencies and community-based organizations that serve young children and their families.

(c) Home visitors should reflect the demographic composition of the community the home visitor is serving to the extent possible.

Sec. 7. Minnesota Statutes 1991 Supplement, section 124A.29, subdivision 1, is amended to read:

Subdivision 1. [STAFF DEVELOPMENT AND, PARENTAL INVOLVEMENT, AND VIOLENCE PREVENTION PROGRAMS.] (a) Of a district's basic revenue under section 124A.22, subdivision 2, an amount equal to \$15 times the number of actual pupil units shall be

reserved and may be used only to provide staff time for peer review under section 125.12 or 125.17, in-service education for violence prevention programs under section 126.77, subdivision 2, or staff development programs for outcome-based education, according to section 126.70, subdivisions 1 and 2a. Staff development revenue may be used only for staff time for peer review, violence prevention programs or outcome-based education activities. The school board shall determine the staff development activities to provide, the manner in which they will be provided, and the extent to which other local funds may be used to supplement staff development activities that implement outcome-based education.

(b) Of a district's basic revenue under section 124A.22, subdivision 2, an amount equal to \$5 times the number of actual pupil units must be reserved and may be used only to provide parental involvement programs that implement section 124C.61.

Sec. 8. Minnesota Statutes 1991 Supplement, section 126.70, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY FOR REVENUE.] A school board may use the revenue authorized in section 124A.29 for staff time for peer review under section 125.12 or 125.17, for in-service education for violence prevention programs under section 126.77, subdivision 2, or if it establishes an outcome-based staff development advisory committee and adopts a staff development plan on outcome-based education according to this subdivision. A majority of the advisory committee must be teachers representing various grade levels and subject areas. The advisory committee must also include parents and administrators. The advisory committee shall develop a staff development plan containing proposed outcome-based education activities and related expenditures and shall submit the plan to the school board. If the school board approves the plan, the district may use the staff development revenue authorized in section 124A.29. Copies of approved plans must be submitted to the commissioner.

Sec. 9. Minnesota Statutes 1991 Supplement, section 126.70, subdivision 2a, is amended to read:

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

(1) foster readiness for outcome-based education by increasing knowledge and understanding of and commitment to outcome-based education;

(2) facilitate organizational changes by enabling a site-based team composed of pupils, parents, school personnel, and community members to address pupils' needs through outcome-based education;

(3) develop programs to increase pupils' educational progress by developing appropriate outcomes and personal learning plans and by encouraging pupils and their parents to assume responsibility for their education;

(4) design and develop outcome-based education programs containing various instructional opportunities that recognize pupils' individual needs and utilize family and community resources;

(5) evaluate the effectiveness of outcome-based education policies, processes, and products through appropriate evaluation procedures that include multiple criteria and indicators; and

(6) provide staff time for peer review of probationary, continuing contract, and nonprobationary teachers;

(7) train elementary and secondary staff to help students learn to resolve conflicts in effective, nonviolent ways; and

(8) encourage staff to teach and model violence prevention policy and curricula that address issues of sexual and racial harassment.

Sec. 10. [126.77] [VIOLENCE PREVENTION EDUCATION.]

Subdivision 1. [VIOLENCE PREVENTION CURRICULUM.] (a) The commissioner of education, in consultation with the commissioners of health and human services, state minority councils, battered women's programs, sexual assault centers, representatives of religious communities, and the assistant commissioner of the office of drug policy and violence prevention, shall assist districts on request in developing or implementing a violence prevention program for students in kindergarten to grade 12 that can be integrated into existing curriculum. The purpose of the program is to help students learn how to resolve conflicts within their families and communities in nonviolent, effective ways.

(b) Each district is encouraged to integrate into its existing curriculum a program for violence prevention that includes at least:

(1) a comprehensive, accurate, and age appropriate curriculum on violence prevention, nonviolent conflict resolution, and sexual and racial harassment that promotes equality, respect, understanding, effective communication, individual responsibility, thoughtful decisionmaking, positive conflict resolution, useful coping skills, critical thinking, listening and watching skills, and personal safety;

(2) planning materials, guidelines, and other accurate information on preventing physical and emotional violence, identifying and reducing the incidence of sexual and racial harassment, and reducing child abuse and neglect;

(3) a special parent education component of early childhood family education programs to prevent child abuse and neglect and to promote positive parenting skills, giving priority to services and outreach programs for at-risk families;

(4) involvement of parents and other community members, including the clergy, business representatives, civic leaders, local elected officials, law enforcement officials, and the county attorney;

(5) collaboration with local community services, agencies, and organizations that assist in violence intervention or prevention, including family-based services, crisis services, life management skills services, case coordination services, mental health services, and early intervention services;

(6) collaboration among districts and ECSUs;

(7) targeting early adolescents for prevention efforts, especially early adolescents whose personal circumstances may lead to violent or harassing behavior; and

(8) administrative policies that reflect, and a staff that models, nonviolent behaviors that do not display or condone sexual or racial harassment.

(c) The department may provide assistance at a neutral site to a nonpublic school participating in a district's program.

Subd. 2. [IN-SERVICE TRAINING.] Each district is encouraged to provide training for district staff and school board members to help students identify violence in the family and the community so that students may learn to resolve conflicts in effective, nonviolent ways. The in-service training must be ongoing and involve experts familiar with domestic violence and personal safety issues.

Subd. 3. [FUNDING SOURCES.] Districts may accept funds from public and private sources for violence prevention programs developed and implemented under this section.

Sec. 11. Minnesota Statutes 1990, section 127.46, is amended to read:

127.46 [SEXUAL HARASSMENT AND VIOLENCE POLICY.]

Each school board shall adopt a written sexual harassment and sexual violence policy that conforms with sections 363.01 to 363.15. The policy shall apply to pupils, teachers, administrators, and other school personnel, include reporting procedures, and set forth disciplinary actions that will be taken for violation of the policy. Disciplinary actions must conform with collective bargaining agree-

ments and sections 127.27 to 127.39. The policy must be conspicuously posted ~~in~~ throughout each school building and included in each school's student handbook on school policies. Each school must develop a process for discussing the school's sexual harassment and violence policy with students and school employees.

Sec. 12. Minnesota Statutes 1991 Supplement, section 299A.30, is amended to read:

299A.30 [OFFICE OF DRUG POLICY AND VIOLENCE PREVENTION.]

Subdivision 1. [OFFICE; ASSISTANT COMMISSIONER.] The office of drug policy and violence prevention is an office in the department of public safety headed by an assistant commissioner appointed by the commissioner to serve in the unclassified service. The assistant commissioner may appoint other employees. The assistant commissioner shall coordinate the violence prevention activities and the prevention and supply reduction activities of state and local agencies and provide one professional staff member to assist on a full-time basis the work of the chemical abuse prevention resource council.

Subd. 2. [DUTIES.] (a) The assistant commissioner shall:

(1) gather, develop, and make available throughout the state information and educational materials on preventing and reducing violence in the family and in the community, both directly and by serving as a clearinghouse for information and educational materials from schools, state and local agencies, community service providers, and local organizations;

(2) foster collaboration among schools, state and local agencies, community service providers, and local organizations that assist in violence intervention or prevention;

(3) assist schools, state and local agencies, service providers, and organizations, on request, with training and other programs designed to educate individuals about violence and reinforce values that contribute to ending violence;

(4) after consulting with all state agencies involved in preventing or reducing violence within the family or community, develop a statewide strategy for preventing and reducing violence that encompasses the efforts of those agencies and takes into account all money available for preventing or reducing violence from any source;

(5) submit the strategy to the governor and the legislature by January 15 of each calendar year, along with a summary of activi-

ties occurring during the previous year to prevent or reduce violence experienced by children, young people, and their families; and

(6) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of activities to prevent or reduce violence within the family or community.

(b) The assistant commissioner shall gather and make available information on prevention and supply reduction activities throughout the state, foster cooperation among involved state and local agencies, and assist agencies and public officials in training and other programs designed to improve the effectiveness of prevention and supply reduction activities.

(b) (c) The assistant commissioner shall coordinate the distribution of funds received by the state of Minnesota through the federal Anti-Drug Abuse Act. The assistant commissioner shall recommend to the commissioner recipients of grants under sections 299A.33 and 299A.34, after consultation with the chemical abuse prevention resource council.

(e) (d) The assistant commissioner shall:

(1) after consultation with all state agencies involved in prevention or supply reduction activities, develop a state chemical abuse and dependency strategy encompassing the efforts of those agencies and taking into account all money available for prevention and supply reduction activities, from any source;

(2) submit the strategy to the governor and the legislature by January 15 of each year, along with a summary of prevention and supply reduction activities during the preceding calendar year;

(3) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of prevention and supply reduction activities;

(4) provide information, including information on drug trends, and assistance to state and local agencies, both directly and by functioning as a clearinghouse for information from other agencies;

(5) facilitate cooperation among drug program agencies; and

(6) coordinate the administration of prevention, criminal justice, and treatment grants.

Sec. 13. Minnesota Statutes 1991 Supplement, section 299A.32, subdivision 2, is amended to read:

Subd. 2. [SPECIFIC DUTIES AND RESPONSIBILITIES.] In furtherance of the general purpose specified in subdivision 1, the council shall:

(1) assist state agencies in the coordination of drug policies and programs and in the provision of services to other units of government, communities, and citizens;

(2) promote among state agencies policies to achieve uniformity in state and federal grant programs and to streamline those programs;

(3) oversee comprehensive data collection and research and evaluation of alcohol and drug program activities;

(4) seek the advice and counsel of appropriate interest groups and advise the assistant commissioner of the office of drug policy and violence prevention;

(5) seek additional private funding for community-based programs and research and evaluation;

(6) evaluate whether law enforcement narcotics task forces should be reduced in number and increased in geographic size, and whether new sources of funding are available for the task forces;

(7) continue to promote clarity of roles among federal, state, and local law enforcement activities; and

(8) establish criteria to evaluate law enforcement drug programs.

Sec. 14. Minnesota Statutes 1991 Supplement, section 299A.36, is amended to read:

299A.36 [OTHER DUTIES.]

The assistant commissioner assigned to the office of drug policy and violence prevention, in consultation with the chemical abuse prevention resource council, shall:

(1) provide information and assistance upon request to school preassessment teams established under section 126.034 and school and community advisory teams established under section 126.035;

(2) provide information and assistance upon request to the state board of pharmacy with respect to the board's enforcement of chapter 152;

(3) cooperate with and provide information and assistance upon request to the alcohol and other drug abuse section in the department of human services;

(4) assist in coordinating the policy of the office with that of the narcotic enforcement unit in the bureau of criminal apprehension; and

(5) coordinate the activities of the regional drug task forces, provide assistance and information to them upon request, and assist in the formation of task forces in areas of the state in which no task force operates.

Sec. 15. [299A.365] [ASIAN JUVENILE CRIME PREVENTION GRANT PROGRAM.]

Subdivision 1. [GRANT PROGRAM.] The assistant commissioner of the office of drug policy and violence prevention shall establish a grant program for coordinated, family-based crime prevention services for Asian youth.

Subd. 2. [GRANT RECIPIENTS.] The assistant commissioner shall award grants to agencies based in the Asian community that have experience providing coordinated, family-based community services to Asian youth and families.

Subd. 3. [PROJECT DESIGN.] Projects eligible for grants under this section must provide coordinated crime prevention and educational services that include:

(1) education for Asian parents, including parenting methods in the United States and information about the United States legal and educational systems;

(2) crime prevention programs for Asian youth, including employment and career-related programs and guidance and counseling services;

(3) family-based services, including support networks, language classes, programs to promote parent-child communication, access to education and career resources, and conferences for Asian children and parents;

(4) coordination with public and private agencies to improve communication between the Asian community and the community at large; and

(5) hiring staff to implement the services in clauses (1) to (4).

Subd. 4. [ANNUAL REPORT.] Grant recipients must report to the assistant commissioner by June 30 of each year on the services and programs provided, expenditures of grant money, and an evaluation of the program's success in reducing crime among Asian youth.

Sec. 16. Minnesota Statutes 1990, section 299A.37, is amended to read:

299A.37 [COOPERATION OF OTHER AGENCIES.]

State agencies, and agencies and governing bodies of political subdivisions, shall cooperate with the assistant commissioner assigned to the office of drug policy and violence prevention and shall provide any public information requested by the assistant commissioner assigned to the office of drug policy and violence prevention.

Sec. 17. Minnesota Statutes 1990, section 299A.40, subdivision 3, is amended to read:

Subd. 3. [GRANTS FOR DEMONSTRATION PROGRAM.] The assistant commissioner of the office of drug policy and violence prevention may award a grant to a county, multicounty organization, or city, as described in subdivision 1, for establishing and operating a multidisciplinary chemical abuse prevention team. The assistant commissioner may approve up to five applications for grants under this subdivision. The grant funds must be used to establish a multidisciplinary chemical abuse prevention team to carry out the duties in subdivision 2.

Sec. 18. [ECFE REVENUE.]

In addition to the revenue in section 124.2711, subdivision 1, in fiscal year 1993 a district is eligible for aid equal to \$1.60 times the greater of 150 or the number of people under five years of age residing in the school district on September 1 of the last school year. This amount may be used only for in-service education for early childhood family education parent educators, child educators, and home visitors for violence prevention programs and for home visiting programs under section 6. A district that uses revenue under this paragraph for home visiting programs shall provide home visiting program services through its early childhood family education program or shall contract with a public or nonprofit organization to provide such services. A district may establish a new home visiting program only where no existing, reasonably accessible home visiting program meets the program requirements in section 6.

Sec. 19. [VIOLENCE PREVENTION EDUCATION GRANTS.]

Subdivision 1. [GRANT PROGRAM ESTABLISHED.] The commissioner of education, after consulting with the assistant commis-

sioner of the office of drug policy and violence prevention, shall establish a violence prevention education grant program to enable a school district, an education district, or a group of districts that cooperate for a particular purpose to develop and implement a violence prevention program for students in kindergarten through grade 12 that can be integrated into existing curriculum. A district or group of districts that elects to develop and implement a violence prevention program under section 126.77 is eligible to apply for a grant under this section.

Subd. 2. [GRANT APPLICATION.] To be eligible to receive a grant, a school district, an education district, or a group of districts that cooperate for a particular purpose must submit an application to the commissioner in the form and manner and according to the timeline established by the commissioner. The application must describe how the applicant will: (1) integrate into its existing K-12 curriculum a program for violence prevention that contains the program components listed in section 126.77; (2) collaborate with local organizations involved in violence prevention and intervention; and (3) structure the program to reflect the characteristics of the children, their families and the community involved in the program. The commissioner may require additional information from the applicant. When reviewing the applications, the commissioner shall determine whether the applicant has met the requirements of this subdivision.

Subd. 3. [GRANT AWARDS.] The commissioner shall award a grant for a violence prevention education program to an applicant with an approved application equal to the greater of \$1 per actual pupil unit or \$700 per district.

Subd. 4. [GRANT PROCEEDS.] A successful applicant shall use the grant money to develop and implement a violence prevention program according to the terms of the grant application.

Sec. 20. [EFFECTIVE DATE.]

Section 10 is effective for the 1992-1993 school year.

ARTICLE 13

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 14

APPROPRIATIONS

Section 1. [APPROPRIATIONS.]

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund to the agencies and for the purposes specified in this article, to be available for the fiscal year ending June 30, 1993.

Sec. 2. CORRECTIONS

Total General Fund Appropriation

\$ 3,673,000

Of this appropriation, \$15,000 is for the development of standards for electronic monitoring devices used to protect victims of domestic abuse.

Of this appropriation, \$300,000 is to establish and operate a secure unit for dangerous juvenile offenders at the Minnesota correctional facility-Red Wing.

One juvenile sex offender treatment program must be located in a secure unit at a state juvenile correctional facility.

When awarding grants for crime victim programs, the commissioner shall give priority to those areas and regions in the state that currently have insufficient programs or services for crime victims.

Sec. 3. HUMAN SERVICES

Total General Fund Appropriation

1,019,000

Money appropriated for juvenile mental health screening projects may not be used to pay for out-of-home placement or to replace current funding for programs presently in operation, but must be used to expand existing programs or initiate new ones.

Of this amount, \$50,000 is for a child abuse prevention grant to a parent self-help organization under article 11, section 26, to be available until expended.

The commissioner shall distribute the appropriation for family-based services as special incentive bonus payments under section 256F.05, subdivision 4a, or as family-based crisis service grants under section 256F.05, subdivision 8.

Sec. 4. EDUCATION

Total General Fund Appropriation

1,400,000

The appropriation for ECFE is added to the appropriation in 1991 Laws, chapter 265, article 4, section 30, subdivision 5. In fiscal year 1993 only, a district receiving additional revenue according to article 12, section 18 shall receive all the additional revenue as aid and shall not have its levy for early childhood family education programs adjusted for any of this additional revenue. One hundred percent of the aid appropriated must be paid in fiscal year 1993 according to the process established in section 124.195, subdivision 9.

Of the amount appropriated for violence prevention education grants, one hundred percent of the aid must be paid in fiscal year 1993 according to the process established in section 124.195, subdivision 9.

Sec. 5. PUBLIC SAFETY

Total General Fund Appropriation

1,090,000

Of this appropriation, \$50,000 is available immediately after enactment of this act and is available for violence prevention efforts until June 30, 1993. The state complement of the department is increased by one for the purposes of this act.

Of this appropriation, \$900,000 is to be distributed by the commissioner according to the recommendations of the chemical abuse prevention resource council for the programs described in article 11, sections 1, 10, 11, 12, 25, and Minnesota Statutes, section 144.401.

Sec. 6. HIGHER EDUCATION CO-ORDINATING BOARD

92nd Day] MONDAY, APRIL 6, 1992 12027

Total General Fund Appropriation 20,000

Sec. 7. HEALTH

Total General Fund Appropriation 200,000

Sec. 8. SUPREME COURT

Total General Fund Appropriation 211,000

Sec. 9. DISTRICT COURTS

Total General Fund Appropriation 800,000

Sec. 10. LEGISLATIVE COORDINATING COMMISSION

Total General Fund Appropriation 15,000

Sec. 11. BOARD OF PUBLIC DEFENSE

Total General Fund Appropriation 1,000,000

The appropriation for appellate services shall be annualized for the 1994-1995 biennium. The board's approved complement for appellate services is increased by six positions.

Sec. 12. DEPARTMENT OF JOBS AND TRAINING

Total General Fund Appropriation 300,000

This appropriation is to supplement youth employment, training, service, or leadership development programs currently funded under the federal Job Training Partnership Act.

Sec. 13. [EFFECTIVE DATE.]

Section 4 is effective the day following final enactment.

ARTICLE 15
BONDING AND APPROPRIATIONS

Section 1. [HEAD START FACILITIES.]

\$6,000,000 is appropriated from the bond proceeds fund to the commissioner of jobs and training for grants to agencies and political subdivisions of the state for construction or rehabilitation of facilities for Head Start or other early intervention education programs. The facilities must be owned by the state or a political subdivision, but may be leased to organizations that operate the programs. The commissioner shall prescribe the terms and conditions of leases. The grants must be distributed according to a demonstrated need for the facilities. The grants shall also be geographically distributed across the state to the extent that this is not inconsistent with need for the facilities.

Sec. 2. [BATTERED WOMEN'S SHELTERS.]

\$3,000,000 is appropriated from the bond proceeds fund to the commissioner of corrections for grants to agencies and political subdivisions of the state for construction or rehabilitation of shelters for battered women or other facilities serving crime victims. The shelters or facilities must be owned by the state or a political subdivision, but may be leased to organizations that operate the shelters or facilities. The commissioner shall prescribe the terms and conditions of leases. The grants must be distributed according to a demonstrated need for the facilities. The grants shall also be geographically distributed across the state, to the extent that this is not inconsistent with need for the facilities.

Sec. 3. [APPROPRIATION; HOUSING FINANCE AGENCY.]

\$5,000,000 is appropriated from the bond proceeds fund to the housing finance agency's local government unit housing account established in Minnesota Statutes, section 462A.202, for capital costs of housing construction and housing rehabilitation for the youth employment program under Minnesota Statutes, sections 268.361 to 268.367, and for the training and housing program for homeless adults. The agency may use the appropriation for loans, with or without interest, or grants to cities for publicly owned housing projects in conjunction with the youth and homeless training and employment programs. Eligible projects include local government transitional housing and public housing programs under Minnesota Statutes, section 462A.202, city-owned neighborhood land trust housing under Minnesota Statutes, sections 462A.30 and 462A.31, publicly owned housing trust fund activities under Minnesota Statutes, section 462A.201, and any other publicly owned housing enterprises. The commissioner of jobs and training shall make funding recommendations to the housing finance agency on

the capital requirements of youth employment projects that are publicly owned or meet the neighborhood land trust requirements for eligible cities. The commissioner of housing finance may make grants or loans for eligible costs for the recommended youth employment projects and the homeless training and housing projects under the terms and conditions that the agency determines. For the purposes of this section, "city" has the meaning given in Minnesota Statutes, section 462C.02, subdivision 6.

Sec. 4. [APPROPRIATION; NATURAL RESOURCES.]

Subdivision 1. [APPROPRIATION.] \$5,000,000 is appropriated from the bond proceeds fund to the commissioner of finance for grants to the commissioner of natural resources and to local government units that own forest, park, or recreation land, for capital improvement projects on state or local land. Grants under this section must be used to support projects that include a youth component in conjunction with the Minnesota conservation corps under Minnesota Statutes, section 84.98. The youth work experience component must include direct supervision by individuals skilled in each specific vocation or craft. The grants must be distributed according to a demonstrated need for the facilities. The grants shall also be geographically distributed across the state, to the extent that this is not inconsistent with need for the facilities.

Subd. 2. [UNION SECURITY.] At least 30 days prior to the start-up of any youth employment project under this section a detailed written description of the project shall be submitted to the local union president of the area where the project is proposed to take place. The description shall include an outline of the proposed work to be done, the specific location where the work is proposed to take place, and an estimate of how long the project will take to complete along with any information concerning the impact the project is likely to have on bargaining unit employees.

Each project must certify that the assignment of personnel to a project will not result in the displacement of currently employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of nonovertime work, wages, or other employment benefits. Each project must also certify that project work shall not be carried out at a work location which has employees on layoff during the regular park season. An agency that administers a project may not terminate, layoff, reduce the seasonal hours, or reduce the working hours of any employee for the purpose of utilizing project personnel. Project personnel shall be paid the prevailing rate of state employees performing similar work.

Implementation of this section, as well as procedures for notifying the exclusive representative and employees affected by projects must

be negotiated into collective bargaining agreements under Minnesota Statutes, chapter 179A, prior to the start-up of any project.

Subd. 3. [PROJECT SELECTION.] At least 90 days prior to the anticipated start-up of any youth employment project the administering agency shall submit to the exclusive representative as defined in Minnesota Statutes, chapter 179A, a list of all proposed youth employment projects. The administering agency shall meet and confer with the exclusive representative of public employees concerning proposed youth employment projects. Projects shall be selected by the administrative agency based on the meet and confer process and must in each case demonstrate that: (1) specific projects will not displace public employees, (2) specific projects to the extent possible utilize laid-off employees of the agency who are capable and qualified to perform lead worker or line supervisory duties, and (3) to the extent possible crew leaders of projects are bargaining unit employees.

Implementation of this section must be negotiated into collective bargaining agreements under Minnesota Statutes, chapter 179A, prior to the start-up of any project.

Subd. 4. [IMPLEMENTATION PLAN.] The bond proceeds under this section must not be expended until the department of natural resources and bargaining representatives for park employees meet and confer to develop an implementation plan. The plan must be developed by January 1, 1993.

Sec. 5. [BOND SALE EXPENSES.]

\$19,000 is appropriated to the commissioner of finance for bond sale expenses under Minnesota Statutes, section 16A.641, subdivision 8.

Sec. 6. [BOND SALE.]

To provide the money appropriated in this article 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 \$19,019,000 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."

Delete the title and insert:

"A bill for an act relating to crime; anti-violence education, prevention and treatment; 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; providing a fund for sex offender treatment; eliminating the "good time" reduction in prison sentences; allowing the extension of prison terms for disciplinary violations in prison; authorizing the commissioner of corrections to establish a "boot camp" program; authorizing the imposition of fees for local correctional services on offenders; requiring the imposition of minimum fines on convicted offenders; providing for HIV testing of certain sex offenders; 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; providing for a variety of anti-violence education, prevention, and treatment programs; authorizing the issuance of state bonds for a variety of projects; appropriating money; amending Minnesota Statutes 1990, sections 13.87, subdivision 2; 72A.20, by adding a subdivision; 121.882, by adding a subdivision; 127.46; 135A.15; 241.021, by adding a subdivision; 241.67, subdivisions 1, 2, 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; 245.4871, by adding a subdivision; 254A.14, by adding a subdivision; 254A.17, subdivision 1, and by adding a subdivision; 259.11; 260.151, subdivision 1; 260.155, subdivision 1, and by adding a subdivision; 260.172, 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; 299A.37; 299A.40, subdivision 3; 332.51, subdivisions 1 and 5; 401.02, subdivision 4; 485.018, subdivision 5; 518B.01, subdivisions 7 and 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, subdivisions 1 and 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; 609.747, subdivision 2; 611A.03, subdivision 1; 626.843, subdivision 1; 626.8451; 626.8465, subdivision 1; 629.72, by adding a subdivision; 630.36, subdivision 1, and by adding a subdivision; 631.035; Minnesota Statutes 1991 Supplement, sections 3.873, subdivisions 1, 5, 7, and by adding a subdivision; 8.15; 121.882, subdivision 2; 124A.29, subdivision 1; 126.70, subdivisions 1 and 2a; 243.166, subdivisions 1, 2, and 3; 244.05, subdivision 6; 244.12, subdivision 3; 245.484; 245.4884, subdivision 1; 299A.30; 299A.31, subdivision 1; 299A.32, subdivisions 2 and 2a; 299A.36; 518B.01, subdivisions 3a, 6, and 14; 609.135, subdivision 2; Laws 1991, chapter 232, section 5; proposing coding for new law in Minnesota Statutes, chapter 126; 145; 145A; 169; 241; 244; 256; 256F; 260; 299A; 609; 611A; 617; and 629."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 1849 was read for the second time.

CONSIDERATION UNDER RULE 1.10

Pursuant to rule 1.10, Simoneau requested immediate consideration of H. F. No. 2694.

H. F. No. 2694 was reported to the House.

CALL OF THE HOUSE

On the motion of Stanius and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

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

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.

POINT OF ORDER

Abrams raised a point of order pursuant to Article IV, section 17,

of the Minnesota Constitution relating to laws embracing only one subject and that H. F. No. 2694 was not in order.

The Speaker pursuant to sections 242 and 578 of "Mason's Manual of Legislative Procedure" submitted the following question to the House: "Is it the judgment of the House that the Abrams point of order is well taken?"

A roll call was requested and properly seconded.

The question was taken on the Abrams point of order and the roll was called. There were 54 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Knickerbocker	Newinski	Smith
Anderson, R. H.	Goodno	Koppendrayner	Olsen, S.	Stanius
Bettermann	Gruenes	Krambeer	Omann	Sviggum
Blatz	Gutknecht	Krinkie	Onnen	Swenson
Boo	Hartle	Leppik	Ozment	Tompkins
Davids	Haukoos	Limmer	Pauly	Uphus
Dempsey	Heir	Lynch	Pellow	Valento
Dille	Henry	Macklin	Runbeck	Waltman
Erhardt	Hufnagle	Marsh	Schafer	Weaver
Frederick	Hugoson	McPherson	Schreiber	Welker
Frerichs	Johnson, V.	Morrison	Seaberg	

Those who voted in the negative were:

Anderson, I.	Garcia	Lasley	Orfield	Sparby
Battaglia	Greenfield	Lieder	Osthoff	Steensma
Bauerly	Hanson	Lourey	Ostrom	Thompson
Beard	Hasskamp	Mariani	Pelowski	Trimble
Begich	Hausman	McEachern	Peterson	Tunheim
Bertram	Janezich	McGuire	Pugh	Vanasek
Bodahl	Jaros	Milbert	Reding	Vellenga
Brown	Jefferson	Munger	Rest	Wagenius
Carlson	Jennings	Murphy	Rice	Wejcmann
Carruthers	Johnson, A.	Nelson, K.	Rodosovich	Welle
Clark	Johnson, R.	Nelson, S.	Rukavina	Wenzel
Cooper	Kahn	O'Connor	Sarna	Winter
Dauner	Kalis	Ogren	Segal	Spk. Long
Dawkins	Kelso	Olson, E.	Simoneau	
Dorn	Kinkel	Olson, K.	Skoglund	
Farrell	Krueger	Orenstein	Solberg	

So it was the judgment of the House that the Abrams point of order was not well taken and that H. F. No. 2694 was in order.

Greenfield moved to amend H. F. No. 2694, the first engrossment, as follows:

Page 196, line 24, delete "March 30, 1993" and insert "September 30, 1992"

Page 326, delete section 137

Page 328, lines 35 and 36, reinstate the stricken language

Page 329, lines 1 through 5, reinstate the stricken language

Page 329, line 6, reinstate the stricken "under this clause continues until June 30, 1992."

Page 329, line 6, strike "June" and insert "September"

Page 339, line 32, delete "156" and insert "155"

Renumber sections in sequence

Correct internal references

The motion prevailed and the amendment was adopted.

Simoneau moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 345, after line 32, insert:

"ARTICLE 6

GENERAL EFFECTIVE DATE

Section 1. [GENERAL EFFECTIVE DATE.]

This act is effective the day after its final enactment, except as to any part of it for which a different effective date is stated."

The motion prevailed and the amendment was adopted.

Bertram; Olson, K.; Cooper; Brown; Schafer; Dauner; Welker; Dille; Koppendrayar; Steensma and Uphus moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 108, lines 15 and 16, reinstate the stricken language and delete the new language

A roll call was requested and properly seconded.

The question was taken on the Bertram et al amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 31 yeas and 101 nays as follows:

Those who voted in the affirmative were:

Bauerly	Frerichs	Krueger	Onnen	Waltman
Bertram	Girard	McEachern	Peterson	Welker
Brown	Gruenes	McPherson	Schafer	Winter
Cooper	Hasskamp	Nelson, S.	Steensma	
Dauner	Jennings	O'Connor	Sviggum	
Davids	Koppendrayar	Olson, E.	Tunheim	
Dille	Krinkie	Olson, K.	Uphus	

Those who voted in the negative were:

Abrams	Garcia	Kinkel	Omann	Skoglund
Anderson, I.	Goodno	Knickerbocker	Orenstein	Smith
Anderson, R.	Greenfield	Krambeer	Orfield	Solberg
Anderson, R. H.	Gutknecht	Lasley	Osthoff	Sparby
Battaglia	Hanson	Leppik	Ostrom	Stanisus
Beard	Hartle	Lieder	Ozment	Swenson
Begich	Haukoos	Limmer	Pauly	Thompson
Bettermann	Hausman	Lourey	Pellow	Trimble
Bishop	Heir	Lynch	Pelowski	Valento
Blatz	Henry	Macklin	Pugh	Vanasek
Bodahl	Hufnagle	Mariani	Reding	Vellenga
Boo	Hugoson	Marsh	Rest	Wagenius
Carlson	Janezich	McGuire	Rice	Weaver
Carruthers	Jaros	Milbert	Rodosovich	Wejcman
Clark	Jefferson	Morrison	Rukavina	Welle
Dawkins	Johnson, A.	Munger	Runbeck	Wenzel
Dempsey	Johnson, R.	Murphy	Sarna	Spk. Long
Dorn	Johnson, V.	Nelson, K.	Schreiber	
Erhardt	Kahn	Newinski	Seaberg	
Farrell	Kalis	Ogren	Segal	
Frederick	Kelso	Olsen, S.	Simoneau	

The motion did not prevail and the amendment was not adopted.

Bertram; Olson, K.; Cooper; Brown; Schafer; Dauner; Welker; Dille; Koppendrayar; Steensma and Uphus moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 108, line 15, after “1991” insert “and until June 30, 1992”

Page 108, line 16, delete “for calendar year” and insert “from July 1,”

A roll call was requested and properly seconded.

The question was taken on the Bertram et al amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Davids	Hufnagle	Nelson, S.	Smith
Anderson, R. H.	Dille	Hugoson	O'Connor	Steensma
Bauerly	Frederick	Jennings	Olson, E.	Sviggum
Beard	Frerichs	Kalis	Olson, K.	Tompkins
Bertram	Girard	Koppendrayner	Onnen	Trimble
Bettermann	Goodno	Krinkie	Ostrom	Tunheim
Bishop	Gruenes	Krueger	Pellow	Uphus
Blatz	Gutknecht	Lasley	Pelowski	Waltman
Brown	Hasskamp	Marsh	Peterson	Weaver
Cooper	Heir	McEachern	Reding	Welker
Dauner	Henry	McPherson	Schafer	Winter

Those who voted in the negative were:

Abrams	Hanson	Limmer	Orfield	Solberg
Anderson, I.	Hartle	Lourey	Osthoff	Sparby
Battaglia	Haukoos	Lynch	Ozment	Stanius
Begich	Hausman	Macklin	Pauly	Swenson
Bodahl	Jaros	Mariani	Pugh	Thompson
Boo	Jefferson	McGuire	Rest	Valento
Carlson	Johnson, A.	Milbert	Rice	Vanasek
Carruthers	Johnson, R.	Morrison	Rodosovich	Vellenga
Clark	Johnson, V.	Munger	Rukavina	Wagenius
Dawkins	Kahn	Murphy	Runbeck	Wejcmann
Dempsey	Kelso	Nelson, K.	Sarna	Welle
Dorn	Kinkel	Newinski	Schreiber	Wenzel
Erhardt	Knickerbocker	Ogren	Seaberg	Spk. Long
Farrell	Krambeer	Olsen, S.	Segal	
Garcia	Leppik	Omann	Simoneau	
Greenfield	Lieder	Orenstein	Skoglund	

The motion did not prevail and the amendment was not adopted.

Lieder; Dauner; Sparby; Rice; Nelson, S.; Kalis; Winter; Steensma; Frederick and Frerichs moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 30, after line 19, insert:

"The department of trade and economic development may grant up to \$125,000 to a private entity for a pilot project to test the feasibility of an energy conversion plant utilizing an anaerobic digestion system. This appropriation is available only upon verification that

matching funds have been committed to the project from other sources."

The motion prevailed and the amendment was adopted.

Solberg moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 50, strike lines 1 to 3 and insert "state."

Page 50, delete section 58

Page 50, line 25, delete "11" and insert "10"

Page 50, line 30, delete "12" and insert "11"

Page 51, line 5, delete everything after the period

Page 51, delete lines 6 and 7

Page 51, line 10, delete "13" and insert "12"

Page 51, line 20, delete "14" and insert "13" and delete "DISTRICT COURT" and insert "EMERGENCY APPROPRIATION; CORRECTIONAL FACILITY INMATES.]"

Page 51, line 21, delete "ADMINISTRATION.]"

Page 51, line 24, delete everything after the first "the" and insert "state public defender. In cases where adequate representation cannot be provided by the district public defender and where counsel has been appointed under a court order, the state public defender shall forward to the commissioner of finance all billings for services rendered under the court order. The commissioner shall pay for services from funds appropriated to the commissioner of revenue for that purpose. In the event funds are not appropriated for that purpose, the state public defender shall apply to the legislative advisory commission for an emergency appropriation. The request for emergency funding must be placed on the agenda of the next regularly scheduled meeting of the legislative advisory commission. The state public defender is not responsible for the payment of these costs until action has been taken by the commission."

The costs of appointed counsel and associated services in cases arising from new criminal charges brought against indigent inmates who are incarcerated in a Minnesota state correctional facility with which the state contracts are the responsibility of the state. In such cases the state public defender shall follow the procedures outlined

in this section for obtaining court-ordered counsel or an emergency appropriation from the legislative advisory commission. The request for emergency funding must be placed on the agenda of the next regularly scheduled meeting of the legislative advisory commission."

Page 51, delete lines 25 to 36

Page 52, delete line 1

Page 52, delete section 63

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Abrams moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 34, after line 19, insert:

"Sec. 31. Minnesota Statutes 1990, section 16A.14, is amended by adding a subdivision to read:

Subd. 4a. [WORKING PAPERS.] Appropriation working papers that are not set forth in a law do not have the force and effect of law. They are not binding on any agency or official regarding the allotment, transfer, or expenditure of all or part of an appropriation."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Abrams amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 58 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abrams	Frerichs	Knickerbocker	Newinski	Smith
Anderson, R. H.	Girard	Koppendraye	Olsen, S.	Stanius
Bettermann	Goodno	Krambeer	Omann	Sviggun
Bishop	Gruenes	Krinkie	Onnen	Swenson
Blatz	Gutknecht	Leppik	Ozment	Tompkins
Boo	Hartle	Limmer	Pauly	Uphus
Dauner	Haukoos	Lynch	Pellow	Valento
Dauids	Heir	Macklin	Peterson	Waltman
Dempsey	Henry	Marsh	Runbeck	Weaver
Dille	Hufnagle	McPherson	Schafer	Welker
Erhardt	Hugoson	Morrison	Schreiber	
Frederick	Johnson, V.	Nelson, S.	Seaberg	

Those who voted in the negative were:

Anderson, I.	Farrell	Krueger	Orfield	Sparby
Anderson, R.	Garcia	Lasley	Osthoff	Steensma
Battaglia	Greenfield	Lieder	Ostrom	Thompson
Bauerly	Hanson	Lourey	Pelowski	Trimble
Beard	Hasskamp	Mariani	Pugh	Tunheim
Begich	Hausman	McGuire	Reding	Vanasek
Bertram	Jaros	Milbert	Rest	Vellenga
Bodahl	Jefferson	Munger	Rice	Wagenius
Brown	Jennings	Murphy	Rodosovich	Wejzman
Carlson	Johnson, A.	Nelson, K.	Rukavina	Welle
Carruthers	Johnson, R.	O'Connor	Sarna	Wenzel
Clark	Kahn	Ogren	Segal	Winter
Cooper	Kalis	Olson, E.	Simoneau	Spk. Long
Dawkins	Kelso	Olson, K.	Skoglund	
Dorn	Kinkel	Orenstein	Solberg	

The motion did not prevail and the amendment was not adopted.

Macklin, Limmer, Jennings and Smith moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 227, after line 13, insert:

"Sec. 40. [256.046] [ADMINISTRATIVE FRAUD DISQUALIFICATION HEARINGS.]

Subdivision 1. [HEARING AUTHORITY.] A local agency may initiate an administrative fraud disqualification hearing for individuals accused of wrongfully obtaining assistance or intentional program violations in the aid to families with dependent children or food stamp programs. The hearing is subject to the requirements of section 256.045 and the requirements in Code of Federal Regulations, title 7, section 273.16, for the food stamp program and title 45,

section 235.112, for the aid to families with dependent children program.

Subd. 2. [COMBINED HEARING.] The referee may combine a fair hearing and administrative fraud disqualification hearing into a single hearing if the factual issues arise out of the same, or related, circumstances and the individual receives prior notice that the hearings will be combined. If the administrative fraud disqualification hearing and fair hearing are combined, the time frames for administrative fraud disqualification hearings set forth in Code of Federal Regulations, title 7, section 273.16, and title 45, section 235.112, apply. If the individual accused of wrongfully obtaining assistance is charged under section 256.98 for the same act or acts which are the subject of the hearing, the individual may request that the hearing be delayed until the criminal charge is decided by the court or withdrawn.

Subd. 3. [PROSECUTORIAL DISCRETION.]

Nothing in this subdivision shall limit the discretion of a county attorney to initiate a criminal prosecution where such action is deemed appropriate.

Sec. 41. Minnesota Statutes 1990, section 256.12, is amended by adding a subdivision to read:

Subd. 23. [IN-KIND INCOME.] "In-kind income," as used in sections 256.72 to 256.87, means income, benefits, or payments provided in a form other than money or liquid assets. In-kind income includes goods, produce, services, privileges, or payments on behalf of a person by a third party. Retirement Survivors and Disability Insurance (RSDI) benefits of an applicant or recipient, paid to a representative payee, and spent on behalf of the applicant or recipient, are not in-kind income, but are considered available income of the applicant or recipient."

Page 233, after line 31, insert:

"Sec. 48. Minnesota Statutes 1991 Supplement, section 256.98, subdivision 8, is amended to read:

Subd. 8. [DISQUALIFICATION FROM PROGRAM.] Any person found to be guilty of wrongfully obtaining assistance by a federal or state court or by an administrative hearing determination, in either the aid to families with dependent children program or the food stamp program, shall be disqualified from that program. The needs of that individual shall not be taken into consideration in determining the grant level for that assistance unit:

(1) for six months after the first ~~conviction~~ offense;

- (2) for 12 months after the second ~~conviction~~ offense; and
- (3) permanently after the third or subsequent ~~conviction~~ offense.

Any period for which sanctions are imposed is effective, without possibility of administrative stay, until the findings upon which the sanctions were imposed are reversed by a court of competent jurisdiction. The period for which sanctions are imposed is not subject to review. The sanctions provided under this subdivision are in addition to, and not in substitution for, any other sanctions that may be provided for by law for the offense involved. When the disqualified individual is a caretaker relative, the remainder of the aid to families with dependent children grant payable to the other eligible assistance unit members must be provided in the form of protective payments. These payments may be made to the disqualified individual only if, after reasonable efforts, the county agency documents that it cannot locate an appropriate protective payee. Protective payments must continue until the disqualification period ends.

Sec. 49. [256.986] [ASSISTANCE TRANSACTION CARD FRAUD.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meaning given them.

(a) "Assistance transaction card" means any instrument or device issued for the use of the cardholder in obtaining financial or medical assistance or in accessing any automated teller or electronic benefits machine to secure cash assistance.

(b) "Issuer" means the department of human services or any county welfare agency or human services board that issues an assistance transaction card.

(c) "Cardholder" means a person in whose name an assistance transaction card is issued.

Subd. 2. [VIOLATION.] A person who does any of the following commits assistance transaction card fraud:

(1) uses or attempts to use a card to obtain assistance without the consent of the cardholder knowing the cardholder has not given consent;

(2) uses or attempts to use a card knowing it to be forged, false, fictitious, or obtained in violation of clause (5);

(3) sells or transfers a card knowing that the issuer has not authorized the person to whom the card is sold or transferred to use

the card, or knowing the card is forged, false, fictitious, or was obtained in violation of clause (5);

(4) receives or possesses, with intent to use, sell, or transfer in violation of clause (3), two or more cards issued in the name of another, or two or more cards knowing the cards to be forged, false, fictitious, or obtained in violation of clause (5);

(5) upon applying for an assistance transaction card from the issuer, knowingly gives a false name; and

(6) with intent to defraud, falsely notifies the issuer or any other person of a theft, loss, disappearance, or nonreceipt of an assistance transaction card.

Subd. 3. [SENTENCE.] A person who commits assistance transaction card fraud is guilty of theft and shall be sentenced under section 609.52, subdivision 3."

Page 301, after line 32, insert:

"Sec. 109. Minnesota Statutes 1990, section 256D.02, subdivision 8, is amended to read:

Subd. 8. "Income" means any form of income, including remuneration for services performed as an employee and net earnings from self-employment, reduced by the amount attributable to employment expenses as defined by the commissioner. The amount attributable to employment expenses shall include amounts paid or withheld for federal and state personal income taxes and federal social security taxes.

"Income" includes any payments received as an annuity, retirement, or disability benefit, including veteran's or workers' compensation; old age, survivors, and disability insurance; railroad retirement benefits; unemployment benefits; and benefits under any federally aided categorical assistance program, supplementary security income, or other assistance program; rents, dividends, interest and royalties; and support and maintenance payments. Such payments may not be considered as available to meet the needs of any person other than the person for whose benefit they are received, unless that person is a family member or a spouse and the income is not excluded under section 256D.01, subdivision 1a. Goods and services provided in lieu of cash payment shall be excluded from the definition of income, except that payments made for room, board, tuition or fees by a parent, on behalf of a child enrolled as a full-time student in a post-secondary institution, and payments made on behalf of an applicant or recipient which the applicant or recipient could legally require to be paid in cash to himself or herself, must be included as income. Benefits of an applicant or recipient, such as

those administered by the Social Security Administration, that are paid to a representative payee, and are spent on behalf of the applicant or recipient, are considered available income of the applicant or recipient."

Page 316, after line 19, insert:

"Sec. 120. Minnesota Statutes 1990, section 256D.35, subdivision 11, is amended to read:

Subd. 11. [IN-KIND INCOME.] "In-kind income" means income, benefits, or payments that are provided in a form other than money or liquid asset. In-kind income includes goods, produce, services, privileges, or payments on behalf of a person by a third party; except benefits of the recipient, such as those administered by the Social Security Administration, that are paid to a representative payee, and are spent on behalf of the applicant or recipient, are not in-kind income, but are considered available income of the applicant or recipient."

Page 345, after line 10, insert:

"Sec. 166. [APPROPRIATIONS.]

Subdivision 1. [ADMINISTRATIVE FRAUD DISQUALIFICATION HEARINGS.] \$260,000 is appropriated from the general fund to the commissioner of human services for fiscal year 1993, to establish an administrative fraud disqualification hearing process in the state of Minnesota. This appropriation is for other administrative expenses related to the funding of state staff to implement administrative fraud disqualification hearings.

Subd. 2. [CREDIT BUREAU ACCESS.] \$40,000 is appropriated from the general fund to the commissioner of human services for fiscal year 1993, for the purchase or lease of equipment and to cover the cost of credit bureau access by fraud prevention investigators and others involved in welfare fraud investigations."

Renumber sections in sequence

Adjust totals accordingly

Amend the title

The question was taken on the Macklin et al amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 112 yeas and 15 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Clark	Greenfield	Kahn	Ogren	Vanasek
Dawkins	Jaros	Lourey	Rice	Vellenga
Garcia	Jefferson	Mariani	Simoneau	Wejzman

The motion prevailed and the amendment was adopted.

Seaberg moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Pages 81 and 82, delete section 42

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Seaberg amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 55 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Knickerbocker	Olsen, S.	Seaberg
Anderson, R. H.	Goodno	Koppendrayner	Omman	Smith
Bettermann	Gruenes	Krinkie	Onnen	Stanisus
Bishop	Gutknecht	Leppik	Osthoft	Sviggum
Blatz	Hartle	Limmer	Ozment	Tompkins
Davids	Haukoos	Lynch	Pauly	Uphus
Dempsey	Heir	Macklin	Pellow	Valento
Dille	Henry	Marsh	Pugh	Waltman
Erhardt	Hufnagle	McPherson	Runbeck	Weaver
Frederick	Hugoson	Morrison	Schafer	Welker
Frerichs	Johnson, V.	Newinski	Schreiber	Winter

Those who voted in the negative were:

Anderson, I.	Farrell	Krambeer	Olson, K.	Sparby
Anderson, R.	Garcia	Krueger	Orenstein	Steensma
Battaglia	Greenfield	Lasley	Orfield	Thompson
Bauerly	Hanson	Lieder	Ostrom	Trimble
Beard	Hasskamp	Lourey	Pelowski	Tunheim
Begich	Hausman	Mariani	Peterson	Vanasek
Bertram	Janezich	McEachern	Reding	Vellenga
Bodahl	Jaros	McGuire	Rest	Wagenius
Brown	Jefferson	Milbert	Rice	Wejcmann
Carlson	Jennings	Munger	Rodosovich	Welle
Carruthers	Johnson, A.	Murphy	Rukavina	Wenzel
Clark	Johnson, R.	Nelson, K.	Sarna	Spk. Long
Cooper	Kahn	Nelson, S.	Segal	
Dauner	Kalis	O'Connor	Simoneau	
Dawkins	Kelso	Ogren	Skoglund	
Dorn	Kinkel	Olson, E.	Solberg	

The motion did not prevail and the amendment was not adopted.

Thompson and Pelowski moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 19, line 33, after the second "subdivision 2" insert "Minnesota Statutes 1991 Supplement, sections 136E.01; 136E.02; 136E.03; 136E.04; and 136E.05; Laws 1991, chapter 356, article 9, sections 8; 9; 10; 11; 12; 13; 14; and 15"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

The Speaker called Krueger to the Chair.

Henry, Bettermann, Blatz and Pellow moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 307, after line 1, insert:

"Sec. 113. [256D.045] [SOCIAL SECURITY NUMBERS.]

In order to be eligible for assistance under sections 256D.01 to 256D.21, an individual must provide his or her social security number to the county agency. The provisions of this section do not apply to the determination of eligibility for emergency general assistance under section 256D.06, subdivision 2."

Renumber the sections in sequence

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Henry et al amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 80 yeas and 49 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Kinkel	Nelson, S.	Schreiber
Anderson, I.	Frederick	Knickerbocker	Newinski	Seaberg
Anderson, R.	Frerichs	Koppendrayer	Olsen, S.	Smith
Anderson, R. H.	Girard	Krambeer	Olson, E.	Solberg
Bertram	Goodno	Krinkie	Omann	Sparby
Bettermann	Gruenes	Leppik	Onnen	Stanius
Blatz	Gutknecht	Lieder	Osthoff	Steensma
Boo	Hartle	Limmer	Ostrom	Sviggum
Carlson	Hasskamp	Lynch	Ozment	Swenson
Carruthers	Heir	Macklin	Pauly	Tompkins
Cooper	Henry	Marsh	Pellow	Tunheim
Dauner	Hufnagle	McEachern	Pelowski	Uphus
Davids	Hugoson	McGuire	Peterson	Valento
Dempsey	Jennings	McPherson	Pugh	Waltman
Dille	Johnson, R.	Milbert	Runbeck	Weaver
Dorn	Johnson, V.	Morrison	Schafer	Welker

Those who voted in the negative were:

Battaglia	Brown	Hanson	Johnson, A.	Lourey
Bauerly	Clark	Haukoos	Kahn	Mariani
Beard	Dawkins	Hausman	Kalis	Munger
Begich	Farrell	Janezich	Kelso	Murphy
Bishop	Garcia	Jaros	Krueger	Ogren
Bodahl	Greenfield	Jefferson	Lasley	Olson, K.

Orenstein
Orfield
Reding
Rice

Rodosovich
Rukavina
Segal
Simoneau

Skoglund
Thompson
Trimble
Vanasek

Vellenga
Wagenius
Wejman
Welle

Wenzel
Winter
Spk. Long

The motion prevailed and the amendment was adopted.

The Speaker resumed the Chair.

Smith moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 34, after line 19, insert:

"Sec. 31. Minnesota Statutes 1990, section 16A.18, is amended to read:

16A.18 [ACCOUNTING, PAYROLL FOR COURTS, LEGISLATURE.]

The judicial and legislative branches are branch is not required to use the state accounting system or a computerized payroll system."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Smith amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 59 yeas and 73 nays as follows:

Those who voted in the affirmative were:

Abrams
Anderson, R. H.
Bettermann
Blatz
Boo
Davids
Dempsey
Dille

Erhardt
Frederick
Frerichs
Girard
Goodno
Gruenes
Gutknecht
Hartle

Hasskamp
Haukoos
Heir
Henry
Hufnagle
Hugoson
Jennings
Johnson, V.

Knickerbocker
Koppendrayer
Krambeer
Krinkie
Leppik
Limmer
Lynch
Macklin

Marsh
McPherson
Morrison
Newinski
Olsen, S.
Omann
Onnen
Ostrom

Ozment	Peterson	Seaberg	Swenson	Waltman
Pauly	Runbeck	Smith	Tompkins	Weaver
Pellow	Schafer	Stanius	Uphus	Welker
Pelowski	Schreiber	Sviggum	Valento	

Those who voted in the negative were:

Anderson, I.	Dawkins	Kinkel	Olson, K.	Sparby
Anderson, R.	Dorn	Krueger	Orenstein	Steensma
Battaglia	Farrell	Lasley	Orfield	Thompson
Bauerly	Garcia	Lieder	Osthoff	Trimble
Beard	Greenfield	Lourey	Pugh	Tunheim
Begich	Hanson	Mariani	Reding	Vanasek
Bertram	Hausman	McGuire	Rest	Vellenga
Bishop	Janezich	Milbert	Rice	Wagenius
Bodahl	Jaros	Munger	Rodosovich	Wejzman
Brown	Jefferson	Murphy	Rukavina	Welle
Carlson	Johnson, A.	Nelson, K.	Sarna	Wenzel
Carruthers	Johnson, R.	Nelson, S.	Segal	Winter
Clark	Kahn	O'Connor	Simoneau	Spk. Long
Cooper	Kalis	Ogren	Skoglund	
Dauner	Kelso	Olson, E.	Solberg	

The motion did not prevail and the amendment was not adopted.

Davids moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Pages 42 to 44, delete sections 46 to 48

Pages 45 to 49, delete sections 51 and 52

Page 64, delete section 19

Pages 67 to 71, delete sections 24, 25, 26, 27, 28, and 29

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Davids amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 60 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Goodno	Koppendrayner	Olsen, S.	Schreiber
Anderson, R. H.	Gruenes	Krambeer	Olson, E.	Smith
Bettermann	Gutknecht	Krinkie	Olson, K.	Sparby
Bishop	Hartle	Limmer	Omann	Stanis
Blatz	Hasskamp	Lynch	Onnen	Sviggum
Dauner	Haukoos	Macklin	Osthoff	Tompkins
Davids	Heir	Marsh	Ozment	Uphus
Dempsey	Henry	McEachern	Pauly	Valento
Dille	Hufnagle	McPherson	Pellow	Waltman
Frederick	Hugoson	Milbert	Peterson	Weaver
Frerichs	Jennings	Morrison	Runbeck	Welker
Girard	Knickerbocker	Newinski	Schafer	Winter

Those who voted in the negative were:

Abrams	Dawkins	Kinkel	Orfield	Solberg
Anderson, I.	Dorn	Krueger	Ostrom	Steensma
Battaglia	Farrell	Lasley	Pelowski	Swenson
Bauerly	Garcia	Leppik	Pugh	Thompson
Beard	Greenfield	Lieder	Reding	Trimble
Begich	Hanson	Lourey	Rest	Tunheim
Bertram	Janezich	McGuire	Rice	Vanasek
Bodahl	Jaros	Munger	Rodostovich	Vellenga
Boo	Jefferson	Murphy	Rukavina	Wagenius
Brown	Johnson, A.	Nelson, K.	Sarna	Wejzman
Carlson	Johnson, R.	Nelson, S.	Seaberg	Welle
Carruthers	Kahn	O'Connor	Segal	Wenzel
Clark	Kalis	Ogren	Simoneau	Spk. Long
Cooper	Kelso	Orenstein	Skoglund	

The motion did not prevail and the amendment was not adopted.

Bishop moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 26, line 11, delete "1,000,000" and insert "1,800,000"

Adjust the totals accordingly

The question was taken on the Bishop amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 125 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abrams	Anderson, R. H.	Beard	Bettermann	Bodahl
Anderson, I.	Battaglia	Begich	Bishop	Boo
Anderson, R.	Bauerly	Bertram	Blatz	Brown

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

Those who voted in the negative were:

Hasskamp	Hufnagle	Jaros	Krinkie
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The motion prevailed and the amendment was adopted.

Welker, Runbeck, Valento, Dille, Krinkie, Tompkins and McPherson moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 54, after line 35, insert:

"Sec. 66. [SALARY FREEZE.]

(a) The salary of a public employee may not be increased during the time periods indicated in paragraphs (b), (c) and (d). For purposes of this section, "public employee" means any person employed by a public employer, as defined in Minnesota Statutes, chapter 179A. The term also includes legislators, judges, and constitutional officers, and their employees. For purposes of this section "salary" includes, but is not necessarily limited to, across-the-board increases, step or lane increases, performance-based increases, and lump-sum payments.

(b) The salary of an employee who is covered by a collective bargaining agreement on the effective date of this section may not be increased during the two-year period immediately after the expiration date of the current collective bargaining agreement. A current agreement may not be renegotiated to provide additional salary increases during its term.

(c) The salary of an employee who is not covered by a collective bargaining agreement on the effective date of this section may not be increased during the period in which increases are prohibited for represented employees of the same employer. A salary of such an employee may not be increased after the effective date of this section and before the freeze period, except to the extent that similar increases are granted to comparable represented employees of the same employer. If the employer has no represented employees, a salary may not be increased for two years after the effective date of this section.

(d) The salary of legislators, judges, and constitutional officers may not be increased until January, 1995.

(e) This section supersedes Minnesota Statutes, chapters 15A, 43A, 179A, Laws 1991, chapter 345, and any other law to the contrary. No contract or arbitration award may provide a salary increase in conflict with this section."

Renumber subsequent sections

Correct internal cross references

A roll call was requested and properly seconded.

The question was taken on the Welker et al amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 29 yeas and 100 nays as follows:

Those who voted in the affirmative were:

Bettermann	Frerichs	Koppendrayner	Schafer	Tompkins
Boo	Gutknecht	Krinkie	Schreiber	Uphus
Davids	Haukoos	McPherson	Seaberg	Valento
Dempsey	Hufnagle	Onnen	Smith	Waltman
Dille	Hugoson	Pellow	Stanisus	Welker
Erhardt	Johnson, V.	Runbeck	Swiggum	

Those who voted in the negative were:

Abrams	Bertram	Dawkins	Hanson	Jennings
Anderson, I.	Blatz	Dorn	Hartle	Johnson, A.
Anderson, R.	Bodahl	Farrell	Hasskamp	Johnson, R.
Anderson, R. H.	Carlson	Frederick	Hausman	Kahn
Battaglia	Carruthers	Garcia	Henry	Kalis
Bauerly	Clark	Girard	Janezich	Kelso
Beard	Cooper	Goodno	Jaros	Kinkel
Begich	Dauner	Greenfield	Jefferson	Knickerbocker

Krambeer	McGuire	Olson, K.	Rest	Thompson
Krueger	Milbert	Omann	Rice	Trimble
Lasley	Morrison	Orenstein	Rodosovich	Tunheim
Leppik	Munger	Orfield	Rukavina	Vanasek
Lieder	Murphy	Osthoff	Sarna	Vellenga
Limmer	Nelson, K.	Ostrom	Segal	Wagenius
Lourey	Nelson, S.	Ozment	Simoneau	Weaver
Lynch	Newinski	Pauly	Skoglund	Wejeman
Macklin	O'Connor	Pelowski	Solberg	Welle
Mariani	Ogren	Peterson	Sparby	Wenzel
Marsh	Olsen, S.	Pugh	Steensma	Winter
McEachern	Olson, E.	Reding	Swenson	Spk. Long

The motion did not prevail and the amendment was not adopted.

Welker moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 103, line 22, after the period insert:

"No reductions may be made for the state parks listed in Minnesota Statutes, section 85.012."

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 64 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Hufnagle	Morrison	Solberg
Anderson, R.	Erhardt	Hugoson	Nelson, S.	Stanius
Anderson, R. H.	Frederick	Jennings	Newinski	Steensma
Bertram	Frerichs	Johnson, V.	Olsen, S.	Sviggun
Bettermann	Girard	Kinkel	Olson, K.	Swenson
Blatz	Goodno	Knickerbocker	Omann	Tompkins
Boo	Gruenes	Koppendrayner	Ostrom	Uphus
Brown	Gutknecht	Krinkie	Pauly	Valento
Cooper	Hanson	Limmer	Pelowski	Waltman
Dauner	Hartle	Lynch	Peterson	Weaver
Davids	Hasskamp	Marsh	Runbeck	Welker
Dempsey	Haukoos	McEachern	Schafer	Winter
Dille	Henry	McPherson	Smith	

Those who voted in the negative were:

Anderson, I.	Bodahl	Farrell	Janezich	Kahn
Battaglia	Carlson	Garcia	Jaros	Kalis
Bauerly	Carruthers	Greenfield	Jefferson	Kelso
Beard	Clark	Hausman	Johnson, A.	Krambeer
Begich	Dawkins	Heir	Johnson, R.	Krueger

Lasley	Murphy	Ozment	Schreiber	Vanasek
Leppik	Nelson, K.	Pellow	Seaberg	Vellenga
Lieder	O'Connor	Pugh	Segal	Wagenius
Lourey	Ogren	Reding	Simoneau	Wejcman
Macklin	Olson, E.	Rest	Skoglund	Welle
Mariani	Onnen	Rice	Sparby	Wenzel
McGuire	Orenstein	Rodosovich	Thompson	Spk. Long
Milbert	Orfield	Rukavina	Trimble	
Munger	Osthoff	Sarna	Tunheim	

The motion did not prevail and the amendment was not adopted.

O'Connor and Reding moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 129, delete lines 52 to 59

Adjust totals accordingly

A roll call was requested and properly seconded.

The question was taken on the O'Connor and Reding amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 81 yeas and 46 nays as follows:

Those who voted in the affirmative were:

Abrams	Farrell	Krambeer	Omman	Sparby
Anderson, I.	Garcia	Krinkie	Osthoff	Stanis
Anderson, R.	Goodno	Krueger	Ostrom	Swenson
Anderson, R. H.	Hanson	Lasley	Ozment	Thompson
Battaglia	Hartle	Lieder	Pauly	Trimble
Beard	Hasskamp	Limmer	Pellow	Tunheim
Begich	Hausman	Lourey	Pelowski	Valento
Bertram	Heir	Macklin	Peterson	Waltman
Bettermann	Henry	McEachern	Pugh	Weaver
Bishop	Hufnagle	McGuire	Reding	Wejcman
Boo	Janezich	Milbert	Rukavina	Welker
Brown	Jaros	Morrison	Runbeck	Wenzel
Cooper	Johnson, R.	Nelson, S.	Schafer	Winter
Dauner	Johnson, V.	Newinski	Schreiber	
Davids	Kelso	O'Connor	Seaberg	
Dille	Kinkel	Olson, E.	Smith	
Erhardt	Knickerbocker	Olson, K.	Solberg	

Those who voted in the negative were:

Bauerly	Carruthers	Dorn	Greenfield	Hugoson
Blatz	Clark	Frederick	Gruenes	Jefferson
Bodahl	Dawkins	Frerichs	Gutknecht	Jennings
Carlson	Dempsey	Girard	Haukoos	Johnson, A.

Kahn	McPherson	Rice	Steensma	Welle
Koppendrayner	Olsen, S.	Rodosovich	Sviggum	Spk. Long
Leppik	Onnen	Sarna	Tompkins	
Lynch	Orenstein	Segal	Uphus	
Mariani	Orfield	Simoneau	Vellenga	
Marsh	Rest	Skoglund	Wagenius	

The motion prevailed and the amendment was adopted.

Blatz; Krambeer; Olsen, S.; Valento and Morrison moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 57, line 14, after "1,500,000" insert "1,150,000"

Page 61, line 14, delete "1,150,000"

Page 61, delete lines 21 to 58

Pages 65 to 67, delete sections 22 and 23

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Blatz et al amendment and the roll was called.

Welle moved that those not voting be excused from voting. The motion prevailed.

There were 42 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Abrams	Gutknecht	Leppik	Osthoff	Swenson
Bettermann	Haukoos	Limmer	Ozment	Uphus
Blatz	Heir	Lynch	Pauly	Valento
Boo	Henry	Macklin	Rest	Waltman
Dempsey	Hufnagle	McPherson	Runbeck	Weaver
Erhardt	Knickerbocker	Morrison	Schafer	Welker
Farrell	Koppendrayner	Newinski	Schreiber	
Goodno	Krambeer	Olsen, S.	Smith	
Gruenes	Krinkie	Omann	Sviggum	

Those who voted in the negative were:

Anderson, I.	Dorn	Kalis	Olson, K.	Solberg
Anderson, R.	Frederick	Kelso	Onnen	Sparby
Anderson, R. H.	Frerichs	Kinkel	Orenstein	Stanius
Battaglia	Garcia	Krueger	Orfield	Steensma
Bauerly	Girard	Lasley	Ostrom	Thompson
Beard	Greenfield	Lieder	Pellow	Tompkins
Begich	Hanson	Lourey	Pelowski	Trimble
Bertram	Hartle	Mariani	Peterson	Tunheim
Bishop	Hasskamp	Marsh	Pugh	Vanasek
Bodahl	Hausman	McEachern	Reding	Vellenga
Brown	Hugoson	McGuire	Rice	Wagenius
Carruthers	Janezich	Milbert	Rodosovich	Wejzman
Clark	Jefferson	Murphy	Rukavina	Welle
Cooper	Jennings	Nelson, K.	Sarna	Wenzel
Dauner	Johnson, A.	Nelson, S.	Seaberg	Winter
Dauids	Johnson, R.	O'Connor	Segal	Spk. Long
Dawkins	Johnson, V.	Ogren	Simoneau	
Dille	Kahn	Olson, E.	Skoglund	

The motion did not prevail and the amendment was not adopted.

Frerichs, Tompkins, Davids, Welker, Sviggum, Heir, Omann, Valento, Bettermann, Haukoos, Koppendrayar, Dempsey, Girard, Macklin, Waltman, Gutknecht, Seaberg and McPherson moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 127, delete lines 29 to 63

Pages 209 to 211, delete section 24

Page 212, line 1, after "develop" strike "the" and insert "only those"

Page 212, line 2, after "facilities" insert "for which the governor has"

Page 212, line 2, strike "in"

Page 212, lines 3 to 9, strike the old language and delete the new language

Page 212, line 10, strike everything before the period and insert "the department of finance to sell and issue bonds"

Page 212, after line 12, insert:

"Sec. 27. [252.505] [SALE OF STATE-OPERATED COMMUNITY FACILITIES.]

Notwithstanding the requirements of chapter 94 or sections 252.025 and 252.50, or any other law to the contrary, the commissioner of human services is directed to sell directly by private sealed bid for not less than the appraised value all of the state-operated

community residential facilities which are constructed or under construction as of June 30, 1992, under the authority of section 252.50, but which are not yet serving residents. In addition, the commissioner is directed to sell all parcels of undeveloped land acquired under the authority of section 252.50 directly by sealed bid for not less than the appraised value. The commissioner shall present to the legislature by February 15, 1993, a report on the implementation of this section and a plan for phase out of all state programs operated under the authority of section 252.50. The plan shall include recommendations developed in consultation with bargaining representatives, for transfer of affected state employees."

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 44 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Koppendrayner	Omann	Smith
Bettermann	Gruenes	Krambeer	Onnen	Stanius
Bishop	Gutknecht	Krinkie	Pauly	Sviggunum
Blatz	Haukoos	Leppik	Pellow	Tompkins
Davids	Heir	Limmer	Pelowski	Uphus
Dempsey	Henry	Macklin	Runbeck	Valento
Dille	Hufnagle	Marsh	Schafer	Waltman
Erhardt	Hugoson	McPherson	Schreiber	Welker
Frerichs	Johnson, V.	Morrison	Seaberg	

Those who voted in the negative were:

Anderson, I.	Farrell	Kinkel	Olsen, S.	Skoglund
Anderson, R.	Frederick	Knickerbocker	Olson, E.	Solberg
Anderson, R. H.	Garcia	Krueger	Olson, K.	Sparby
Battaglia	Goodno	Lasley	Orenstein	Steensma
Bauerly	Greenfield	Lieder	Orfield	Swenson
Beard	Hanson	Lourey	Osthoff	Thompson
Begich	Hartle	Lynch	Ostrom	Trimble
Bertram	Hasskamp	Mariani	Ozment	Tunheim
Bodahl	Hausman	McEachern	Peterson	Vanasek
Boo	Janezich	McGuire	Pugh	Wagenius
Brown	Jaros	Milbert	Reding	Weaver
Carlson	Jefferson	Munger	Rest	Wejcman
Carruthers	Jennings	Murphy	Rice	Welle
Clark	Johnson, A.	Nelson, K.	Rodosovich	Wenzel
Cooper	Johnson, R.	Nelson, S.	Rukavina	Winter
Dauner	Kahn	Newinski	Sarna	Spk. Long
Dawkins	Kalis	O'Connor	Segal	
Dorn	Kelso	Ogren	Simoneau	

The motion did not prevail and the amendment was not adopted.

CALL OF THE HOUSE LIFTED

Welle moved that the call of the House be dispensed with. The motion prevailed and it was so ordered.

Krinkie, Koppendraye, Welker and Hufnagle moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Pages 52 to 54, delete sections 64 and 65

Page 55, line 10, delete everything after the period

Page 55, delete line 11

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Svigum moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 301, after line 32, insert:

"Sec. 109. Minnesota Statutes 1990, section 256D.01, subdivision 1, is amended to read:

Subdivision 1. [POLICY.] The objectives of sections 256D.01 to 256D.21 are to provide a sound administrative structure for public assistance programs; to maximize the use of federal money for public assistance purposes; and to provide an integrated public assistance program for all persons in the state without adequate income or resources to maintain a subsistence reasonably compatible with decency and health; ~~and to provide work readiness services to help employable and potentially employable persons prepare for and attain self-sufficiency and obtain permanent work.~~

It is declared to be the policy of this state that persons unable to provide for themselves and not otherwise provided for by law and who meet the eligibility requirements of sections 256D.01 to 256D.21 are entitled to receive grants of general assistance neces-

sary to maintain a subsistence reasonably compatible with decency and health. Providing this assistance is a matter of public concern and a necessity in promoting the public health and welfare.

Sec. 110. Minnesota Statutes 1990, section 256D.02, subdivision 12a, is amended to read:

Subd. 12a. [RESIDENT.] For purposes of eligibility for general assistance under section 256D.05, ~~and work readiness payments under section 256D.051,~~ a "resident" is a person living in the state with the intention of making his or her home here and not for any temporary purpose. All applicants for these programs are required to demonstrate the requisite intent and can do so in any of the following ways:

(1) by showing that the applicant maintains a residence at a verified address, other than a place of public accommodation. An applicant may verify a residence address by presenting a valid state driver's license, a state identification card, a voter registration card, a rent receipt, a statement by the landlord, apartment manager, or homeowner verifying that the individual is residing at the address, or other form of verification approved by the commissioner;

(2) by providing written documentation that the applicant came to the state in response to an offer of employment;

(3) by providing verification that the applicant has been a long-time resident of the state or was formerly a resident of the state for at least 365 days and is returning to the state from a temporary absence, as those terms are defined in rules to be adopted by the commissioner; or

(4) by providing other persuasive evidence to show that the applicant is a resident of the state, according to rules adopted by the commissioner."

Page 302, after line 15, insert:

"Sec. 111. Minnesota Statutes 1991 Supplement, section 256D.03, subdivision 2, is amended to read:

Subd. 2. After December 31, 1980, state aid shall be paid for 75 percent of all general assistance ~~and work readiness~~ grants up to the standards of sections 256D.01, subdivision 1a, ~~and 256D.051,~~ and according to procedures established by the commissioner, except as provided for under section 256.017. Benefits shall be issued to recipients by the state or county and funded according to section 256.025, subdivision 3.

Beginning July 1, 1991, the state will reimburse counties accord-

ing to the payment schedule in section 256.025 for the county share of county agency expenditures made under this subdivision from January 1, 1991, on. Payment to counties under this subdivision is subject to the provisions of section 256.017.

Sec. 112. Minnesota Statutes 1991 Supplement, section 256D.03, subdivision 2a, is amended to read:

Subd. 2a. [COUNTY AGENCY OPTIONS.] Any county agency may, from its own resources, make payments of general assistance ~~and work readiness assistance~~: (a) at a standard higher than that established by the commissioner without reference to the standards of section 256D.01, subdivision 1; or (b) to persons not meeting the eligibility standards set forth in section 256D.05, subdivision 1, ~~or 256D.051~~ but for whom the aid would further the purposes established in the general assistance ~~or work readiness~~ program in accordance with rules adopted by the commissioner pursuant to the administrative procedure act. The Minnesota department of human services may maintain client records and issue these payments, providing the cost of benefits is paid by the counties to the department of human services in accordance with sections 256.01 and 256.025, subdivision 3."

Pages 307 to 314, delete sections 113, 114 and 115, and insert:

"Sec. 113. Minnesota Statutes 1991 Supplement, section 256D.05, subdivision 1, is amended to read:

Subdivision 1. [ELIGIBILITY.] (a) Each person or family whose income and resources are less than the standard of assistance established by the commissioner and who is a resident of the state shall be eligible for and entitled to general assistance if the person or family is:

(1) a person who is suffering from a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment;

(2) a person whose presence in the home on a substantially continuous basis is required because of the professionally certified illness, injury, incapacity, or the age of another member of the household;

(3) a person who has been placed in, and is residing in, a licensed or certified facility for purposes of physical or mental health or rehabilitation, or in an approved chemical dependency domiciliary facility, if the placement is based on illness or incapacity and is pursuant to a plan developed or approved by the county agency through its director or designated representative;

(4) a person who resides in a shelter facility described in subdivision 3;

(5) a person not described in clause (1) or (3) who is: (a) diagnosed by a licensed physician, licensed psychologist, or other qualified professional, as mentally retarded or mentally ill, and that condition prevents the person from obtaining or retaining employment; or (b) certified by a qualified professional as exhibiting perceptible symptoms of mental illness and is not eligible under clause (1) or (3) because the mental illness interferes with diagnosis and professional certification of the illness, and the person cooperates with plans developed by the county agency to address the illness;

(6) a person who has an application pending for, or is appealing termination of benefits from, the social security disability program or the program of supplemental security income for the aged, blind, and disabled, provided the person has a professionally certified permanent or temporary illness, injury, or incapacity which is expected to continue for more than 30 days and which prevents the person from obtaining or retaining employment;

(7) a person who is unable to obtain or retain employment because advanced age significantly affects the person's ability to seek or engage in substantial work;

(8) a person who, ~~following participation in the work readiness program, completion of an individualized employability assessment by the work readiness service provider, and consultation between the county agency and the work readiness service provider, the county agency determines is not employable. For purposes of this item, a person is considered employable if the county agency determines that there exist positions of employment in the local labor market, regardless of the current availability of openings for those positions, that the person is capable of performing. Eligibility under this category must be reassessed at least annually by the county agency and must be based upon the results of a new individualized employability assessment completed by the work readiness service provider. The recipient shall, if otherwise eligible, continue to receive general assistance while the annual individualized employability assessment is completed by the work readiness service provider, rather than receive work readiness payments under section 256D.051. Subsequent eligibility for general assistance is dependent upon the county agency determining, following consultation with the work readiness service provider, that the person is not employable, or the person meeting the requirements of another general assistance category of eligibility over age 18 whose primary language is not English and who is attending high school at least half-time;~~

(9) a person who is determined by the county agency, in accordance with emergency and permanent rules adopted by the commissioner, to be learning disabled, provided that if a rehabilitation plan

for the person is developed or approved by the county agency, the person is following the plan;

(10) a child under the age of 18 who is not living with a parent, stepparent, or legal custodian, but only if: the child is legally emancipated or living with an adult with the consent of an agency acting as a legal custodian; the child is at least 16 years of age and the general assistance grant is approved by the director of the county agency or a designated representative as a component of a social services case plan for the child; or the child is living with an adult with the consent of the child's legal custodian and the county agency. For purposes of this clause, "legally emancipated" means a person under the age of 18 years who: (i) has been married; (ii) is on active duty in the uniformed services of the United States; (iii) has been emancipated by a court of competent jurisdiction; or (iv) is otherwise considered emancipated under Minnesota law, and for whom county social services has not determined that a social services case plan is necessary, for reasons other than that the child has failed or refuses to cooperate with the county agency in developing the plan. A child eligible under this clause who has not graduated from high school or received a general equivalency diploma must be enrolled in and attending high school if an educational option leading to a high school diploma exists. Failure to attend school without good cause will result in disqualification from general assistance as provided in section 256D.051;

(11) a woman in the last trimester of pregnancy who does not qualify for aid to families with dependent children. A woman who is in the last trimester of pregnancy who is currently receiving aid to families with dependent children may be granted emergency general assistance to meet emergency needs;

(12) a person who is eligible for displaced homemaker services, programs, or assistance under section 268.96, but only if that person is enrolled as a full-time student;

(13) a person who lives more than two hours round-trip traveling time from any potential suitable employment; and within the last 12 months has been assessed under Minnesota Rules, parts 9530.6600 to 9530.6655, to be drug dependent and, except for the limitation on the number of days spent in extended care in the past 24 months, determined to meet the criteria for placement in extended care under Minnesota Rules, part 9530.6640;

(14) a person who is involved with protective or court-ordered services that prevent the applicant or recipient from working at least four hours per day; and

(15) a family as defined in section 256D.02, subdivision 5, which is ineligible for the aid to families with dependent children program. If all children in the family are six years of age or older, or if suitable

child care is available for children under age six at no cost to the family, all the adult members of the family must register for and cooperate in the ~~work readiness~~ program under section 256D.051. If one or more of the children is under the age of six and suitable child care is not available without cost to the family, all the adult members except one adult member must register for and cooperate with the ~~work readiness~~ program under section 256D.051. The adult member who must participate in the ~~work readiness~~ program is the one having earned the greater of the incomes, excluding in-kind income, during the 24-month period immediately preceding the month of application for assistance. When there are no earnings or when earnings are identical for each adult, the applicant must designate the adult who must participate in ~~work readiness~~ program and that designation must not be transferred or changed after program eligibility is determined as long as program eligibility continues without an interruption of 30 days or more. ~~The adult members required to register for and cooperate with the work readiness program are not eligible for financial assistance under section 256D.051, except as provided in section 256D.051, subdivision 6, and shall be included in the general assistance grant. If an adult member fails to cooperate with requirements of section 256D.051, the local agency shall not take that member's needs into account in making the grant determination as provided by the termination provisions of section 256D.051, subdivision 1a, paragraph (b). The time limits of section 256D.051, subdivision 1, do not apply to persons eligible under this clause.~~

(b) Persons or families who are not state residents but who are otherwise eligible for general assistance may receive emergency general assistance to meet emergency needs.

(c) As a condition of eligibility under paragraph (a), clauses (1), (3), (5), ~~(8)~~ (6), and (9), and (13), the recipient must complete an interim assistance agreement and must apply for other maintenance benefits as specified in section 256D.06, subdivision 5, and must comply with efforts to determine the recipient's eligibility for those other maintenance benefits.

(d) The burden of providing documentation for a county agency to use to verify eligibility for general assistance ~~or work readiness~~ is upon the applicant or recipient. The county agency shall use documents already in its possession to verify eligibility, and shall help the applicant or recipient obtain other existing verification necessary to determine eligibility which the applicant or recipient does not have and is unable to obtain.

(e) The county agency shall inform recipients terminated from assistance when the work readiness program ends and new applicants determined ineligible for general assistance due to not meeting a category of eligibility of the existence of the program, the

services it provides, and the address and telephone number of the local office.

Sec. 114. Minnesota Statutes 1991 Supplement, section 256D.05, subdivision 6, is amended to read:

Subd. 6. [ASSISTANCE FOR PERSONS WITHOUT A VERIFIED RESIDENCE.] (a) For applicants or recipients of general assistance, or emergency general assistance, ~~or work readiness assistance~~ who do not have a verified residence address, the county agency may provide assistance using one or more of the following methods:

(1) the county agency may provide assistance in the form of vouchers or vendor payments and provide separate vouchers or vendor payments for food, shelter, and other needs;

(2) the county agency may divide the monthly assistance standard into weekly payments, whether in cash or by voucher or vendor payment. Nothing in this clause prevents the county agency from issuing voucher or vendor payments for emergency general assistance in an amount less than the standards of assistance; and

(3) the county agency may determine eligibility and provide assistance on a weekly basis. Weekly assistance can be issued in cash or by voucher or vendor payment and can be determined either on the basis of actual need or by prorating the monthly assistance standard.

(b) An individual may verify a residence address by providing a driver's license; a state identification card; a statement by the landlord, apartment manager, or homeowner verifying that the individual is residing at the address; or other written documentation approved by the commissioner.

(c) Notwithstanding the provisions of section 256D.06, subdivision 1, if the county agency elects to provide assistance on a weekly payment basis, the agency may not provide assistance for a period during which no need is claimed by the individual unless the individual has good cause for failing to claim need. The individual must be notified, each time weekly assistance is provided, that subsequent weekly assistance will not be issued unless the individual claims need. The advance notice required under section 256D.10 does not apply to weekly assistance that is withheld because the individual failed to claim need without good cause.

(d) The county agency may not issue assistance on a weekly basis to an applicant or recipient who has professionally certified mental illness or mental retardation or a related condition, or to an assistance unit that includes minor children, unless requested by the assistance unit.

Sec. 115. Minnesota Statutes 1990, section 256D.05, is amended by adding a subdivision to read:

Subd. 8. [PERSONS INELIGIBLE.] (a) Each undocumented alien and nonimmigrant is ineligible for general assistance or emergency general assistance benefits. For purposes of this subdivision, a nonimmigrant is an individual in one or more of the classes listed in United States Code, title 8, section 1101(a)(15), and an undocumented alien is an individual who has come to, entered, or remains in the United States in violation of law and not under color of law.

(b) For the five-year period beginning on the date when lawful temporary resident status was granted under United States Code, title 8, section 1255a, each alien granted lawful temporary residence status is ineligible for general assistance or emergency general assistance benefits. Each alien admitted to the United States for purposes of family unity with an alien granted lawful temporary residence status is ineligible for general assistance or emergency general assistance benefits for the five-year period beginning on the date of entry into the United States.

(c) This subdivision does not apply to a child under age 18, a Cuban or Haitian entrant as defined in Public Law Number 96-722, section 501(e)(1) or (2)(a), or to an alien who is aged, blind, or disabled as defined in United States Code, title 42, section 1382c(a)(1).

Sec. 116. Minnesota Statutes 1991 Supplement, section 256D.051, subdivision 3, is amended to read:

Subd. 3. [REGISTRANT DUTIES.] In order to receive work readiness general assistance, a registrant recipient who is required to participate in the program under the provisions of section 256D.05, subdivision 1, shall:

(1) cooperate with the county agency in all aspects of the work readiness participate in and cooperate with the program;

(2) accept any suitable employment, including employment offered through the job training partnership act, and other employment and training options; and

(3) participate in work readiness program activities assigned by the county agency program service provider. The county agency may terminate assistance to a registrant recipient who fails to cooperate in the work readiness program, as provided in subdivision 1a 13a.

Sec. 117. Minnesota Statutes 1990, section 256D.051, subdivision 3b, is amended to read:

Subd. 3b. [~~WORK READINESS PARTICIPATION SCHOOL ATTENDANCE REQUIREMENTS.~~] ~~A work readiness registrant meets the work readiness participation requirements if the registrant:~~

(1) ~~completes the specific tasks or assigned duties that were identified by the county agency in the notice required under section 256D.101, subdivision 1, paragraph (a); and~~

(2) ~~meets the requirements in subdivisions 3 and 8. A recipient required to attend high school under the provisions of section 256D.05, subdivision 1, clause (10), shall be determined to be attending school if the person meets the school's attendance requirements. The recipient is considered to be attending school when the recipient is enrolled but school is not in regular session, including holidays and summer breaks. The county agency must verify school attendance through quarterly contacts with the school. Prior to utilizing the disqualification procedures in subdivision 13a, the county agency must meet with the recipient and school personnel to determine if the recipient had good cause for failing to attend school and to determine if the recipient faces barriers to school attendance. If the county determines the recipient has failed without good cause to attend school, the recipient shall be disqualified from general assistance under the provisions of subdivision 13a.~~

Sec. 118. Minnesota Statutes 1991 Supplement, section 256D.051, subdivision 8, is amended to read:

Subd. 8. [VOLUNTARY QUIT.] A person who is required to participate in ~~work readiness program~~ services is not eligible for general assistance ~~or work readiness payments or services~~ if, without good cause, the person refuses a legitimate offer of, or quits, suitable employment within 60 days before the date of application. A person who is required to participate in ~~work readiness program~~ services and, without good cause, voluntarily quits suitable employment or refuses a legitimate offer of suitable employment while receiving general assistance ~~or work readiness payments or services~~ shall be terminated from the general assistance ~~or work readiness~~ program as specified in subdivision ~~1a~~ 13a.

Sec. 119. Minnesota Statutes 1990, section 256D.051, subdivision 13, is amended to read:

Subd. 13. [RIGHT TO NOTICE AND HEARING.] (a) The county agency shall provide notice and opportunity for hearings as ~~required~~ for persons who must be ~~disqualified~~ under this section according to section ~~256D.101~~, for adverse actions based on a determination that ~~a recipient has failed to participate in work readiness activities, or 256D.10 for all other adverse actions. A determination made under subdivision 1, that a person is not eligible for general assistance is a denial of general assistance for purposes of notice, appeal, and~~

hearing requirements. The county agency must notify the person that this determination will result in a requirement that the person participate in the work readiness program as a condition of receiving assistance 256D.10.

Sec. 120. Minnesota Statutes 1990, section 256D.051, is amended by adding a subdivision to read:

Subd. 13a. [DISQUALIFICATION PROCEDURES.] The program service provider shall determine if a general assistance recipient who is a mandatory participant in the program has, without good cause, failed to participate or cooperate with program requirements, or has quit or refused to accept suitable employment while participating in the program, and shall promptly notify the county agency of the determination. Such determination is binding upon the county agency. When the county agency is notified that a mandatory recipient has, without good cause, failed to participate in or comply with the program or has quit or refused to accept suitable employment while participating in the program, and when the county determines that a mandatory recipient has, without good cause, failed to attend high school under the provisions of subdivision 3b, the county shall disqualify the recipient from general assistance. The period of disqualification shall be two months, beginning with the first day of the first month in which the disqualification is imposed following timely notice. During a disqualification, the county agency shall remove the disqualified person's needs from the grant and provide assistance to the remaining members of the assistance unit through vouchers or vendor payments. A person disqualified from general assistance must reapply for benefits before being added to the assistance unit and determined eligible for assistance."

Pages 315 and 316, delete sections 118 and 119 and insert:

"Sec. 121. Minnesota Statutes 1991 Supplement, section 256D.065, is amended to read:

256D.065 [GENERAL ASSISTANCE AND WORK READINESS PAYMENTS FOR NEW RESIDENTS.]

Notwithstanding any other provisions of sections 256D.01 to 256D.21, otherwise eligible applicants without minor children, who have been residing in the state less than six months, shall be granted general assistance ~~and work readiness~~ payments in an amount that, when added to the nonexempt income actually available to the applicant, shall equal 60 percent of the amount that the applicant would be eligible to receive under section 256D.06, subdivision 1. A person may receive benefits in excess of this amount, equal to the lesser of the benefits actually received in the last state of residence or the maximum benefits allowable under section 256D.06, subdivision 1. To receive the higher benefit amount, the

person must provide verification of the amount of assistance received in the last state of residence. Nonexempt income is the income considered available under Minnesota Rules, parts 9500.1200 to 9500.1270.

Sec. 122. Minnesota Statutes 1990, section 256D.09, subdivision 2a, is amended to read:

Subd. 2a. [REPRESENTATIVE PAYEE.] Notwithstanding subdivision 1, the commissioner shall adopt rules, and may adopt emergency rules, governing the assignment of a representative payee and management of the general assistance ~~or work readiness assistance~~ grant of a drug dependent person as defined in section 254A.02, subdivision 5. The representative payee is responsible for deciding how the drug dependent person's benefits can best be used to meet that person's needs. The determination of drug dependency must be made by an assessor qualified under Minnesota Rules, part 9530.6615, subpart 2, to perform an assessment of chemical use. Upon receipt of the assessor's determination of drug dependency, the county shall determine whether a representative payee will be assigned to manage the person's benefits. The chemical use assessment, the decision to refer a person for the assessment, and the county determination of whether a representative payee will be assigned are subject to the administrative and judicial review provisions of section 256.045. However, notwithstanding any provision of section 256.045 to the contrary, an applicant or recipient who is referred for an assessment and is otherwise eligible to receive a general assistance ~~or work readiness~~ benefit, may only be provided with emergency general assistance or vendor payments pending the outcome of an administrative or judicial review. If, at the time of application or at any other time, there is a reasonable basis for questioning whether a person is drug dependent, the person may be referred for a chemical health assessment, and only emergency assistance payments or general assistance vendor payments may be provided until the assessment is complete and the results of the assessment made available to the county agency. A reasonable basis for questioning whether a person is drug dependent exists when:

(1) the person has required detoxification two or more times in the past 12 months;

(2) the person appears intoxicated at the county agency as indicated by two or more of the following:

(i) the odor of alcohol;

(ii) slurred speech;

(iii) disconjugate gaze;

- (iv) impaired balance;
- (v) difficulty remaining awake;
- (vi) consumption of alcohol;
- (vii) responding to sights or sounds that are not actually present;
- (viii) extreme restlessness, fast speech, or unusual belligerence;

(3) the person has been involuntarily committed for drug dependency at least once in the past 12 months; or

(4) the person has received treatment, including domiciliary care, for drug abuse or dependency at least twice in the past 12 months.

The assignment to representative payee status must be reviewed at least every 12 months. The county agency shall designate the representative payee after consultation with the recipient. The county agency shall select the representative payee from appropriate individuals, or public or nonprofit agencies, including those suggested by the recipient, but the county agency's designation of representative payee prevails, subject to the administrative and judicial review provisions of section 256.045.

Sec. 123. Minnesota Statutes 1990, section 256D.09, subdivision 3, is amended to read:

Subd. 3. [EMPLOYMENT FUNDED BY GRANT DIVERSION.] Notwithstanding the provisions of subdivision 1, the commissioner of jobs and training shall establish by rule a grant diversion process for payment of all or a part of a recipient's grant ~~or work readiness assistance~~ payment to a private or nonprofit employer who agrees to employ the recipient in a permanent job or to a public employer who agrees to employ the recipient in a permanent job or an approved community investment program. The commissioner of jobs and training shall design the program to provide, to the extent possible, employment or employment-related training that will enable recipients to become self-supporting. A recipient shall be eligible for general assistance medical care during the term of the grant diversion contract to the extent that medical care coverage is not provided by the employer. Any rule adopted by the commissioner of jobs and training:

(a) shall require the county agencies to administer and deliver the grant diversions directly or to contract for the delivery of the program according to section 268.871;

(b) shall require that ~~grants or work readiness assistance~~ grant

payments paid to employers be paid pursuant to a written grant diversion contract;

(c) shall determine the amount of the grant ~~or work readiness assistance~~ payment to be paid to the employer and the term of the grant diversion contract;

(d) shall establish standards to ensure that recipients hired pursuant to grant diversion contracts do not displace other workers;

(e) shall provide for the amount of the wage to be paid to the recipient, which shall not be less than the minimum wage and shall be the usual and customary wage for comparable jobs with the employers;

(f) shall require that the job provide sufficient hours of work each month to provide a net monthly wage equal to or exceeding the difference between the amount of the grant ~~or work readiness assistance~~ payment retained by the recipient and 150 percent of the recipient's monthly grant ~~or work readiness assistance~~ payment standard if the recipient were not employed; and

(g) may establish other terms and conditions for the operation of the grant diversion process.

Sec. 124. Minnesota Statutes 1991 Supplement, section 256D.10, is amended to read:

256D.10 [HEARINGS PRIOR TO REDUCTION; TERMINATION; SUSPENSION OF GENERAL ASSISTANCE GRANTS.]

No grant of general assistance except one made pursuant to section 256D.06, subdivision 2; ~~256D.051, subdivisions 1, paragraph (d), and 1a, paragraph (b),~~ or 256D.08, subdivision 2, shall be reduced, terminated or suspended unless the recipient receives notice and is afforded an opportunity to be heard prior to any action by the county agency.

Nothing herein shall deprive a recipient of the right to full administrative and judicial review of an order or determination of a county agency as provided for in section 256.045 subsequent to any action taken by a county agency after a prior hearing.

Sec. 125. Minnesota Statutes 1991 Supplement, section 256D.101, subdivision 1, is amended to read:

Subdivision 1. [NOTICE REQUIREMENTS.] (a) At the time a registrant is registered for the ~~work readiness N~~ program, and on the first day of each month of services after that, the ~~county agency~~ ... service provider shall provide, in advance, a clear, written

description of the specific tasks and assigned duties which the mandatory registrant must complete to receive general assistance or work readiness pay. The notice must explain that the registrant will be terminated from the work readiness general assistance program at the end of the month if the registrant fails without good cause to comply with work readiness program requirements, and must include the name, location, and telephone number of a person or persons the registrant may contact to discuss the registrant's work readiness program compliance obligations.

(b) For a recipient who has failed to provide the county agency with a mailing address, the recipient must be assigned a schedule by which a recipient is to visit the agency to pick up any notices. For a recipient without a mailing address, notices must be deemed delivered on the date of the registrant's next scheduled visit with the county agency."

Page 334, after line 4, insert:

"Sec. 147. Minnesota Statutes 1990, section 261.001, subdivision 1, is amended to read:

Subdivision 1. The town system for caring for the poor is hereby abolished; hereafter, the county welfare board of each county shall administer poor relief. Poor relief means payment for costs as specifically required or authorized in this chapter, and does not include assistance to meet basic maintenance needs of poor or indigent persons.

Sec. 148. Minnesota Statutes 1990, section 261.003, is amended to read:

261.003 [ELIGIBILITY STANDARDS, RULES.]

The commissioner of human services shall ~~may~~ promulgate rules in accordance with chapter 14, prescribing minimum standards of eligibility and payment for poor relief, ~~which shall recognize cost of living differences in the various counties of the state.~~

Sec. 149. Minnesota Statutes 1990, section 261.063, is amended to read:

261.063 [TAX LEVY FOR SOCIAL SECURITY MEASURES; DUTIES OF COUNTY BOARD.]

The board of county commissioners of each county shall annually levy taxes and fix a rate sufficient to produce the full amount required for poor relief, benefits specifically required or authorized in this chapter, and the county share of general assistance, aid to dependent children, county share of county and state supplemental

aid to supplemental security income applicants or recipients, and any other social security measures wherein there is now or may hereafter be county participation, sufficient to produce the full amount necessary for each such item, including administrative expenses, for the ensuing year, within the time fixed by law in addition to all other tax levies and tax rates, however fixed or determined, and any commissioner who shall fail to comply herewith shall be guilty of a gross misdemeanor and shall be immediately removed from office by the governor."

Page 335, after line 26, insert:

"Sec. 150. Minnesota Statutes 1990, section 383A.06, subdivision 1, is amended to read:

Subdivision 1. [FINANCING.] Ramsey county shall pay all of the costs of relief of the poor therein and be responsible for all welfare programs within the county, the cost of which is not met from federal, state or private sources."

Page 345, after line 10, insert:

"Sec. 166. [REPEALER; GENERAL ASSISTANCE AND WORK READINESS.]

Minnesota Statutes 1990, sections 256D.051, subdivisions 6b, 7, 9, 10, and 15; 256D.052; 256D.111; and 256D.113; Minnesota Statutes 1991 Supplement, sections 256D.051, subdivisions 1, 1a, 2, 3a, and 6; 256D.101, subdivision 3; and 261.062, are repealed."

Page 345, after line 18, insert:

"Sec. 168. [EFFECTIVE DATE.]

Section 115 is effective July 1, 1992, and applies to all recipients of and applicants for general assistance or emergency general assistance benefits. Sections 147 to 150 are effective the day following final enactment. The commissioner of human services shall not accept applications for work readiness assistance after May 31, 1992."

Renumber sections in sequence

Correct internal cross references

Adjust the totals accordingly

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 60 yeas and 69 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Johnson, V.	Nelson, S.	Seaberg
Anderson, R. H.	Frederick	Knickerbocker	Newinski	Smith
Bettermann	Frerichs	Koppendrayner	Olsen, S.	Stanis
Bishop	Girard	Krambeer	Omann	Sviggum
Blatz	Goodno	Krinkie	Onnen	Swenson
Boo	Gruenes	Leppik	Ozment	Tompkins
Cooper	Gutknecht	Limmer	Pauly	Uphus
Dauner	Haukoos	Lynch	Pellow	Valento
Davids	Heir	Macklin	Peterson	Waltman
Dempsey	Henry	Marsh	Runbeck	Weaver
Dille	Hufnagle	McPherson	Schafer	Welker
Dorn	Hugoson	Morrison	Schreiber	Winter

Those who voted in the negative were:

Anderson, I.	Garcia	Krueger	Olson, K.	Solberg
Anderson, R.	Greenfield	Lasley	Orenstein	Sparby
Battaglia	Hanson	Lieder	Orfield	Steensma
Bauerly	Hausman	Lourey	Ostrom	Thompson
Beard	Janezich	Mariani	Pugh	Trimble
Begich	Jaros	McEachern	Reding	Tunheim
Bertram	Jefferson	McGuire	Rest	Vanasek
Bodahl	Jennings	Milbert	Rice	Vellenga
Brown	Johnson, A.	Munger	Rodosovich	Wagenius
Carlson	Johnson, R.	Murphy	Rukavina	Wejzman
Carruthers	Kahn	Nelson, K.	Sarna	Welle
Clark	Kalis	O'Connor	Segal	Wenzel
Dawkins	Kelso	Ogren	Simoneau	Spk. Long
Farrell	Kinkel	Olson, E.	Skoglund	

The motion did not prevail and the amendment was not adopted.

Wenzel, Omann, Sparby, Bertram, Haukoos and Frerichs moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 30, delete lines 39 to 42

The motion prevailed and the amendment was adopted.

Kahn and Bishop moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 55, after line 5, insert:

"Sec. 67. [LAYOFFS.]

It is the policy of the legislature to maximize the delivery of services to the public. If layoffs of state employees as defined in Minnesota Statutes, chapter 43A, are necessary in an agency with 50 or more employees, the agency must make an effort to reduce at least the same percentage of management and supervisory personnel as line and support personnel for the biennium ending June 30, 1993. This section does not modify any employee rights contained in any other law or collective bargaining agreement under Minnesota Statutes, chapter 179A."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Svigum moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 126, delete lines 48 to 51

Page 127, delete lines 4 to 28

A roll call was requested and properly seconded.

The question was taken on the Svigum amendment and the roll was called. There were 52 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Gruenes	Krambeer	Omann	Stanis
Anderson, R. H.	Gutknecht	Krinkie	Onnen	Svigum
Bishop	Hartle	Leppik	Ozment	Swenson
Blatz	Haukoos	Limmer	Pauly	Tompkins
Davids	Heir	Lynch	Pellow	Uphus
Dempsey	Henry	Macklin	Runbeck	Valento
Dille	Hufnagle	Marsh	Schafer	Waltman
Dorn	Hugoson	McPherson	Schreiber	Welker
Erhardt	Johnson, V.	Morrison	Seaberg	
Frerichs	Knickerbocker	Newinski	Segal	
Girard	Koppendrayner	Olsen, S.	Smith	

Those who voted in the negative were:

Anderson, I.	Beard	Bodahl	Carruthers	Dawkins
Anderson, R.	Begich	Boo	Clark	Farrell
Battaglia	Bertram	Brown	Cooper	Frederick
Bauerly	Bettermann	Carlson	Dauner	Garcia

Goodno	Kalis	Nelson, K.	Pugh	Thompson
Greenfield	Kelso	Nelson, S.	Reding	Trimble
Hanson	Kinkel	O'Connor	Rest	Tunheim
Hasskamp	Krueger	Ogren	Rice	Vanasek
Hausman	Lasley	Olson, E.	Rodosovich	Vellenga
Janezich	Lourey	Olson, K.	Rukavina	Wagenius
Jaros	Mariani	Orenstein	Sarna	Weaver
Jefferson	McEachern	Orfield	Simoneau	Wejcman
Jennings	McGuire	Osthoff	Skoglund	Welle
Johnson, A.	Milbert	Ostrom	Solberg	Wenzel
Johnson, R.	Munger	Pelowski	Sparby	Winter
Kahn	Murphy	Peterson	Steensma	Spk. Long

The motion did not prevail and the amendment was not adopted.

Johnson, R.; Ogren; Jefferson; Uphus; Jennings; Reding; Simoneau; Carruthers; Boo; Kahn; Osthoff and Anderson, I., moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 40, after line 31, insert:

“(c) If the legislative commission on pensions and retirement, based on the most recent valuation performed by its actuary, determines that the total amount raised by the employer and employee contributions under subdivision 2 and paragraph (b) is less than the actuarial requirements determined under section 356.215, the employer and employee rates must be increased by equal amounts as necessary to meet the actuarial requirements. The employee rate may not exceed 4.15 percent of salary and the employer rate may not exceed 4.29 percent of salary. The increases are effective on the next January 1 following the determination by the commission. The executive director of the Minnesota state retirement system shall notify employing units of any increases under this paragraph.”

The motion prevailed and the amendment was adopted.

Gutknecht moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 24, delete lines 21 to 39

Adjust totals accordingly

A roll call was requested and properly seconded.

The question was taken on the Gutknecht amendment and the roll was called. There were 25 yeas and 104 nays as follows:

Those who voted in the affirmative were:

Abrams	Gruenes	Hugoson	McPherson	Smith
Daids	Gutknecht	Johnson, V.	Onnen	Stanisus
Erhardt	Haukoos	Krinkie	Pellow	Sviggun
Frederick	Henry	Limmer	Schafer	Tompkins
Frerichs	Hufnagle	Marsh	Seaberg	Uphus

Those who voted in the negative were:

Anderson, I.	Dorn	Koppendrayer	Olson, E.	Skoglund
Anderson, R.	Farrell	Krambeer	Olson, K.	Solberg
Anderson, R. H.	Garcia	Krueger	Omman	Sparby
Battaglia	Girard	Lasley	Orenstein	Steensma
Bauerly	Goodno	Leppik	Orfield	Swenson
Beard	Greenfield	Lieder	Osthoof	Thompson
Begich	Hanson	Lourey	Ostrom	Trimble
Bertram	Hartle	Macklin	Ozment	Tunheim
Bettermann	Hasskamp	Mariani	Pauly	Valento
Bishop	Hausman	McEachern	Pelowski	Vanasek
Blatz	Heir	McGuire	Peterson	Vellenga
Bodahl	Jaros	Milbert	Pugh	Wagenius
Boo	Jefferson	Morrison	Reding	Waltman
Brown	Jennings	Munger	Rest	Weaver
Carlson	Johnson, A.	Murphy	Rice	Wejzman
Carruthers	Johnson, R.	Nelson, K.	Rodosovich	Welker
Clark	Kahn	Nelson, S.	Rukavina	Welle
Cooper	Kalis	Newinski	Runbeck	Wenzel
Dauner	Kelso	O'Connor	Sarna	Winter
Dawkins	Kinkel	Ogren	Segal	Spk. Long
Dille	Knickerbocker	Olsen, S.	Simoneau	

The motion did not prevail and the amendment was not adopted.

Morrison and Carlson moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 9, after line 9, add a section to read:

"Sec. 12. Minnesota Statutes 1991 Supplement, section 136A.121, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY FOR GRANTS.] An applicant is eligible to be considered for a grant, regardless of the applicant's sex, creed, race, color, national origin, or ancestry, under sections 136A.095 to 136A.131 if the board finds that the applicant:

(1) is a resident of the state of Minnesota;

(2) is a graduate of a secondary school or its equivalent, or is 17 years of age or over, and has met all requirements for admission as a student to an eligible college or technical college of choice as defined in sections 136A.095 to 136A.131;

(3) has met the financial need criteria established in Minnesota Rules;

(4) is not in default, as defined by the board, of any federal or state student educational loan; and

(5) is not more than 30 days in arrears for any child support payments owed to a public agency responsible for child support enforcement or, if the applicant is more than 30 days in arrears, is complying with a payment plan for arrearages.

The director and the commissioner of human services shall develop procedures to implement clause (5). A student who is determined to be ineligible for aid under clause (5) may appeal that decision to the board under the provisions of Minnesota Rules, part 4380.7720, subpart 3."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Koppendraye, Haukoos, Runbeck, Newinski, Hugoson and Frederick moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 55, delete lines 38 and 39

Page 56, delete lines 1 to 7

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 Koppendraye et al amendment and the roll was called. There were 26 yeas and 100 nays as follows:

Those who voted in the affirmative were:

Bettermann	Goodno	Hugoson	Omann	Weaver
Bishop	Gruenes	Koppendrayner	Runbeck	Welker
Boo	Gutknecht	Krinkie	Stanius	
Erhardt	Haukoos	Limmer	Sviggunn	
Farrell	Heir	Marsh	Valento	
Girard	Henry	McPherson	Waltman	

Those who voted in the negative were:

Abrams	Dorn	Lasley	Olson, K.	Segal
Anderson, I.	Frederick	Leppik	Onnen	Simoneau
Anderson, R.	Frerichs	Lieder	Orenstein	Skoglund
Anderson, R. H.	Garcia	Lourey	Orfield	Smith
Battaglia	Greenfield	Lynch	Osthoff	Solberg
Beard	Hanson	Macklin	Ostrom	Sparby
Begich	Hartle	Mariani	Ozment	Steensma
Bertram	Hasskamp	McEachern	Pauly	Swenson
Blatz	Hausman	McGuire	Pellow	Thompson
Bodahl	Hufnagle	Milbert	Pelowski	Tompkins
Brown	Jaros	Morrison	Peterson	Trimble
Carlson	Jefferson	Munger	Pugh	Tunheim
Carruthers	Jennings	Murphy	Reding	Uphus
Clark	Johnson, A.	Nelson, K.	Rest	Vanasek
Cooper	Johnson, V.	Nelson, S.	Rice	Vellenga
Dauner	Kalis	Newinski	Rodosovich	Wagenius
Davids	Kelso	O'Connor	Rukavina	Welle
Dawkins	Knickerbocker	Ogren	Sarna	Wenzel
Dempsey	Krambeer	Olsen, S.	Schafer	Winter
Dille	Krueger	Olson, E.	Seaberg	Spk. Long

The motion did not prevail and the amendment was not adopted.

Dempsey moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 138, after line 4, insert:

"Sec. 13. Minnesota Statutes 1991 Supplement, section 518.551, subdivision 5, is amended to read:

Subd. 5. [NOTICE TO PUBLIC AUTHORITY; GUIDELINES.] (a) The petitioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving aid to families with dependent children or applies for it subsequent to the commencement of the proceeding. After receipt of the notice, the court shall set child support as provided in this subdivision. The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support, without regard to marital misconduct. The court shall approve a child support stipulation of the parties if each party is represented by independent counsel, unless the stipulation does not meet the conditions of paragraph (h). In other cases the court shall determine and order child support in a specific dollar amount in accordance with the guidelines and the other factors set forth in paragraph (b) and any departure therefrom. The court may also

order the obligor to pay child support in the form of a percentage share of the obligor's net bonuses, commissions, or other forms of compensation, in addition to, or if the obligor receives no base pay, in lieu of, an order for a specific dollar amount.

The court shall derive a specific dollar amount by multiplying the obligor's net income by the percentage indicated by the following guidelines:

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
\$400 and Below	Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.						
\$401 – 500	14%	17%	20%	22%	24%	26%	28%
\$501 – 550	15%	18%	21%	24%	26%	28%	30%
\$551 – 600	16%	19%	22%	25%	28%	30%	32%
\$601 – 650	17%	21%	24%	27%	29%	32%	34%
\$651 – 700	18%	22%	25%	28%	31%	34%	36%
\$701 – 750	19%	23%	27%	30%	33%	36%	38%
\$751 – 800	20%	24%	28%	31%	35%	38%	40%
\$801 – 850	21%	25%	29%	33%	36%	40%	42%
\$851 – 900	22%	27%	31%	34%	38%	41%	44%
\$901 – 950	23%	28%	32%	36%	40%	43%	46%
\$951 – 1000	24%	29%	34%	38%	41%	45%	48%
\$1001 – 4000	25%	30%	35%	39%	43%	47%	50%

Guidelines for support for an obligor with a monthly income of \$4,001 or more shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income of \$4,000.

Net Income defined as:

Total monthly
income less

- *(i) Federal Income Tax
- *(ii) State Income Tax
- (iii) Social Security
Deductions
- (iv) Reasonable Pension
Deductions
- (v) Union Dues
- (vi) Cost of Dependent
Health Insurance
Coverage

*Standard Deductions
apply—use of tax
tables recommended

- (vii) Cost of Individual or Group Health/Hospitalization Coverage or an Amount for Actual Medical Expenses
- (viii) A Child Support or Maintenance Order that is Currently Being Paid.

"Net income" does not include:

(1) the income of the obligor's spouse, but does include in-kind payments received by the obligor in the course of employment, self-employment, or operation of a business if the payments reduce the obligor's living expenses; or

(2) compensation received by a party for employment in excess of a 40-hour work week, provided that:

(i) support is nonetheless ordered in an amount at least equal to the guidelines amount based on income not excluded under this clause; and

(ii) the party demonstrates, and the court finds, that:

(A) the excess employment began after the filing of the petition for dissolution;

(B) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;

(C) the excess employment is voluntary and not a condition of employment;

(D) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(E) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

(b) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support:

(1) all earnings, income, and resources of the parents, including real and personal property, but excluding income from excess

employment of the obligor or obligee that meets the criteria of paragraph (a), clause (2)(ii);

(2) the financial needs and resources, physical and emotional condition, and educational needs of the child or children to be supported;

(3) the standards of living the child would have enjoyed had the marriage not been dissolved, but recognizing that the parents now have separate households;

(4) the amount of the aid to families with dependent children grant for the child or children;

(5) which parent receives the income taxation dependency exemption and what financial benefit the parent receives from it; and

(6) the parents' debts as provided in paragraph (c).

(c) In establishing or modifying a support obligation, the court may consider debts owed to private creditors, but only if:

(1) the right to support has not been assigned under section 256.74;

(2) the court determines that the debt was reasonably incurred for necessary support of the child or parent or for the necessary generation of income. If the debt was incurred for the necessary generation of income, the court shall consider only the amount of debt that is essential to the continuing generation of income; and

(3) the party requesting a departure produces a sworn schedule of the debts, with supporting documentation, showing goods or services purchased, the recipient of them, the amount of the original debt, the outstanding balance, the monthly payment, and the number of months until the debt will be fully paid.

(d) Any schedule prepared under paragraph (c), clause (3), shall contain a statement that the debt will be fully paid after the number of months shown in the schedule, barring emergencies beyond the party's control.

(e) Any further departure below the guidelines that is based on a consideration of debts owed to private creditors shall not exceed 18 months in duration, after which the support shall increase automatically to the level ordered by the court. Nothing in this section shall be construed to prohibit one or more step increases in support to reflect debt retirement during the 18-month period.

(f) Where payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

If there is an existing child support order or maintenance order in the nature of child support, and after that order the obligor becomes the natural or adoptive parent of another child or children, the previous support or maintenance order may be reduced to assure that all the obligor's children are treated equally.

(g) Nothing shall preclude the court from receiving evidence on the above factors to determine if the guidelines should be exceeded or modified in a particular case.

(h) The guidelines in this subdivision are a rebuttable presumption and shall be used in all cases when establishing or modifying child support. If the court does not deviate from the guidelines, the court shall make written findings concerning the amount of the obligor's income used as the basis for the guidelines calculation and any other significant evidentiary factors affecting the determination of child support. If the court deviates from the guidelines, the court shall make written findings giving the reasons for the deviation and shall specifically address the criteria in paragraph (b) and how the deviation serves the best interest of the child. The provisions of this paragraph apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines and the court is not required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Dempsey amendment and the roll was called. There were 54 yeas and 78 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Goodno	Hufnagle	Lynch
Anderson, I.	Dille	Gruenes	Hugoson	Marsh
Bettermann	Dorn	Gutknecht	Johnson, V.	McEachern
Brown	Erhardt	Hasskamp	Knickerbocker	McPherson
Cooper	Frederick	Haukoos	Koppendrayner	Morrison
Dauner	Frerichs	Heir	Krinkie	Newinski
Davids	Girard	Henry	Limmer	Omann

Ostrom	Schafer	Stanis	Uphus	Welker
Pelowski	Schreiber	Steensma	Valento	Wenzel
Peterson	Seaberg	Sviggum	Waltman	Winter
Runbeck	Smith	Tompkins	Weaver	

Those who voted in the negative were:

Anderson, R.	Garcia	Krueger	Olson, E.	Simoneau
Anderson, R. H.	Greenfield	Lasley	Olson, K.	Skoglund
Battaglia	Hanson	Leppik	Onnen	Solberg
Bauerly	Hartle	Lieder	Orenstein	Sparby
Beard	Hausman	Lourey	Orfield	Swenson
Begich	Janezich	Macklin	Osthoff	Thompson
Bertram	Jaros	Mariani	Ozment	Trimble
Bishop	Jefferson	McGuire	Pellow	Tunheim
Blatz	Jennings	Milbert	Pugh	Vanasek
Bodahl	Johnson, A.	Munger	Reding	Vellenga
Boo	Johnson, R.	Murphy	Rest	Wagenius
Carlson	Kahn	Nelson, K.	Rice	Wejzman
Carruthers	Kalis	Nelson, S.	Rodosovich	Welle
Clark	Kelso	O'Connor	Rukavina	Spk. Long
Dawkins	Kinkel	Ogren	Sarna	
Farrell	Krambeer	Olsen, S.	Segal	

The motion did not prevail and the amendment was not adopted.

Dempsey moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 137, after line 7, insert:

“Sec. 11. Minnesota Statutes 1990, section 518.175, subdivision 3, is amended to read:

Subd. 3. The custodial parent shall not move the residence of the child to another state or more than 100 miles from the residence of the noncustodial parent except upon order of the court or with the consent of the noncustodial parent, when the noncustodial parent has been given visitation rights by the decree. If the purpose of the move is to interfere with visitation rights given to the noncustodial parent by the decree, or if the custodial parent fails to show that the reasons for the proposed move are compelling and that the move is in the best interests of the child, the court shall not permit the child's residence to be moved to another state or further than 100 miles from the residence of the noncustodial parent.”

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Dempsey amendment and the roll was called. There were 95 yeas and 37 nays as follows:

Those who voted in the affirmative were:

Abrams	Dorn	Jennings	Morrison	Schreiber
Anderson, I.	Erhardt	Johnson, R.	Munger	Skoglund
Anderson, R.	Farrell	Johnson, V.	Murphy	Smith
Anderson, R. H.	Frederick	Kalis	Nelson, S.	Solberg
Battaglia	Frerichs	Kinkel	Newinski	Sparby
Beard	Girard	Knickerbocker	O'Connor	Stanisus
Begich	Goodno	Koppendrayner	Olsen, S.	Steensma
Bettermann	Gruenes	Krinkie	Omann	Sviggum
Bishop	Gutknecht	Krueger	Ostrom	Thompson
Blatz	Hanson	Lasley	Ozment	Tompkins
Boo	Hartle	Leppik	Pauly	Tunheim
Brown	Hasskamp	Lieder	Pellow	Uphus
Carlson	Haukoos	Limmer	Pelowski	Valento
Cooper	Heir	Lynch	Peterson	Vanasek
Dauner	Henry	Marsh	Reding	Waltman
Davids	Hufnagle	McEachern	Rukavina	Weaver
Dawkins	Hugoson	McGuire	Runbeck	Welker
Dempsey	Janezich	McPherson	Sarna	Wenzel
Dille	Jaros	Milbert	Schafer	Winter

Those who voted in the negative were:

Bauerly	Jefferson	Nelson, K.	Pugh	Vellenga
Bertram	Johnson, A.	Ogren	Rest	Wagenius
Bodahl	Kahn	Olson, E.	Rice	Wejzman
Carruthers	Kelso	Olson, K.	Rodosovich	Welle
Clark	Krambeer	Onnen	Seaberg	Spk. Long
Garcia	Lourey	Orenstein	Segal	
Greenfield	Macklin	Orfield	Simoneau	
Hausman	Mariani	Osthoff	Swenson	

The motion prevailed and the amendment was adopted.

Dempsey moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 146, after line 13, insert:

"Sec. 20. Minnesota Statutes 1990, section 518.619, is amended by adding a subdivision to read:

Subd. 9. [MEDIATION.] Except when domestic abuse is proven, every decree of dissolution, legal separation, or custody in which there is a determination of custody or visitation, and every postjudgment or postdecree order of such a decree shall order that all issues concerning custody and visitation that may arise thereafter shall be subject to mandatory mediation. The decree or order shall appoint a mediator who shall, upon the written request of either party, commence mediation proceedings. The unjustified refusal to participate or failure to cooperate by a party is admissible evidence in any motion related to visitation or custody."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Dempsey moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 143, delete section 14

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Dempsey amendment and the roll was called. There were 68 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Johnson, A.	Nelson, S.	Skoglund
Anderson, I.	Frederick	Johnson, R.	Newinski	Smith
Anderson, R. H.	Frerichs	Johnson, V.	Olsen, S.	Sparby
Begich	Girard	Kalis	Omann	Stanius
Bettermann	Goodno	Knickerbocker	Onnen	Sviggum
Bishop	Gutknecht	Koppendrayer	Osthoff	Tompkins
Blatz	Hartle	Krinkie	Ostrom	Uphus
Boo	Hasskamp	Limmer	Ozment	Valento
Brown	Haukoos	Lynch	Pauly	Waltman
Dauner	Heir	Macklin	Pellow	Weaver
Davids	Henry	Marsh	Pelowski	Welker
Dempsey	Hufnagle	McEachern	Runbeck	Wenzel
Dille	Hugoson	McPherson	Schafer	
Dorn	Jefferson	Morrison	Seaberg	

Those who voted in the negative were:

Anderson, R.	Clark	Hausman	Krueger	Murphy
Battaglia	Cooper	Janezich	Lasley	Nelson, K.
Bauerly	Dawkins	Jaros	Leppik	Ogren
Beard	Farrell	Jennings	Lieder	Olson, E.
Bertram	Garcia	Kahn	Lourey	Olson, K.
Bodahl	Greenfield	Kelso	Mariani	Orenstein
Carlson	Gruenes	Kinkel	McGuire	Orfield
Carruthers	Hanson	Krambeer	Munger	Peterson

Pugh	Rukavina	Swenson	Vellenga	Spk. Long
Reding	Schreiber	Thompson	Wagenius	
Rest	Segal	Trimble	Wejman	
Rice	Simoneau	Tunheim	Welle	
Rodosovich	Steensma	Vanasek	Winter	

The motion prevailed and the amendment was adopted.

Frerichs and Sviggum moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 126, delete lines 37 to 47

Page 203, delete section 14

Page 209, delete section 23

Pages 344 and 345, delete section 163

Renumber sections in sequence

A roll call was requested and properly seconded.

The question was taken on the Frerichs and Sviggum amendment and the roll was called. There were 48 yeas and 80 nays as follows:

Those who voted in the affirmative were:

Abrams	Girard	Koppendrayser	Omamn	Sviggum
Anderson, R. H.	Gruenes	Krambeer	Onnen	Swenson
Bettermann	Gutknecht	Krinkie	Pauly	Tompkins
Blatz	Haukoos	Leppik	Pellow	Uphus
Boo	Heir	Limmer	Schafer	Valento
Davids	Henry	Lynch	Schreiber	Waltman
Dempsey	Hufnagle	Marsh	Seaberg	Weaver
Dille	Hugoson	McPherson	Segal	Welker
Erhardt	Johnson, V.	Morrison	Smith	
Frerichs	Knickerbocker	Olsen, S.	Stanisus	

Those who voted in the negative were:

Anderson, I.	Dawkins	Jennings	Milbert	Pugh
Anderson, R.	Dorn	Johnson, A.	Munger	Reding
Battaglia	Farrell	Johnson, R.	Murphy	Rest
Bauerly	Frederick	Kahn	Nelson, S.	Rice
Beard	Garcia	Kalis	Newinski	Rodosovich
Begich	Goodno	Kelso	Ogren	Rukavina
Bertram	Greenfield	Kinkel	Olson, E.	Runbeck
Bodahl	Hanson	Krueger	Olson, K.	Sarna
Brown	Hartle	Lasley	Orenstein	Simoneau
Carlson	Hasskamp	Lieder	Orfield	Skoglund
Carruthers	Hausman	Lourey	Osthoff	Solberg
Clark	Janezich	Mariani	Ostrom	Sparby
Cooper	Jaros	McEachern	Ozment	Steensma
Dauner	Jefferson	McGuire	Peterson	Thompson

Trimble
Tunheim

Vanasek
Vellenga

Wagenius
Wejcman

Welle
Wenzel

Winter
Spk. Long

The motion did not prevail and the amendment was not adopted.

Heir moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 59, delete lines 17 to 22

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Heir amendment and the roll was called. There were 45 yeas and 84 nays as follows:

Those who voted in the affirmative were:

Anderson, R. H.	Gruenes	Knickerbocker	Omann	Stanisus
Bettermann	Gutknecht	Koppendrayer	Onnen	Sviggun
Blatz	Hartle	Krinkie	Ozment	Swenson
Boo	Haukoos	Limmer	Pauly	Tompkins
Davids	Heir	Lynch	Peterson	Uphus
Frederick	Henry	Marsh	Runbeck	Valento
Frerichs	Hufnagle	McPherson	Schafer	Waltman
Girard	Hugoson	Morrison	Seaberg	Weaver
Goodno	Johnson, V.	Newinski	Smith	Welker

Those who voted in the negative were:

Abrams	Dorn	Kinkel	Ogren	Simoneau
Anderson, I.	Erhardt	Krambeer	Olsen, S.	Skoglund
Anderson, R.	Farrell	Krueger	Olson, E.	Solberg
Battaglia	Garcia	Lasley	Orenstein	Sparby
Bauerly	Greenfield	Leppik	Orfield	Steensma
Beard	Hanson	Lieder	Osthoff	Thompson
Begich	Hasskamp	Lourey	Ostrom	Trimble
Bertram	Hausman	Macklin	Pellow	Tunheim
Bodahl	Janezich	Mariani	Pelowski	Vanasek
Brown	Jaros	McEachern	Pugh	Vellenga
Carlson	Jefferson	McGuire	Reding	Wagenius
Carruthers	Jennings	Milbert	Rest	Wejcman
Clark	Johnson, A.	Munger	Rice	Welle
Cooper	Johnson, R.	Murphy	Rodosovich	Wenzel
Dauner	Kahn	Nelson, K.	Rukavina	Winter
Dawkins	Kalis	Nelson, S.	Sarna	Spk. Long
Dempsey	Kelso	O'Connor	Segal	

The motion did not prevail and the amendment was not adopted.

Gutknecht moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 61, line 14, delete "1,150,000"

Page 61, after line 22, insert:

"\$1,150,000 in fiscal year 1993 is for privatization of the world trade center corporation. The governor shall authorize the transfer of these funds for this purpose only after the corporation has presented to the governor, and the governor has approved, a plan and method of privatization."

Page 61, delete lines 15 to 58

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 Gutknecht amendment and the roll was called. There were 42 yeas and 87 nays as follows:

Those who voted in the affirmative were:

Abrams	Goodno	Koppendraye	Osthoff	Swenson
Bettermann	Gruenes	Krinkie	Pauly	Tompkins
Blatz	Gutknecht	Limmer	Pellow	Valento
Boo	Haukoos	Lynch	Runbeck	Waltman
Davids	Heir	Macklin	Schafer	Weaver
Dempsey	Henry	McPherson	Seaberg	Welker
Dille	Hufnagle	Olsen, S.	Smith	
Erhardt	Hugoson	Omann	Stanius	
Girard	Johnson, V.	Onnen	Sviggum	

Those who voted in the negative were:

Anderson, I.	Begich	Clark	Frederick	Hasskamp
Anderson, R.	Bertram	Cooper	Frerichs	Hausman
Anderson, R. H.	Bishop	Dauner	Garcia	Janezich
Battaglia	Bodahl	Dawkins	Greenfield	Jaros
Bauerly	Brown	Dorn	Hanson	Jefferson
Beard	Carlson	Farrell	Hartle	Jennings

Johnson, A.	Marsh	Olson, K.	Rukavina	Uphus
Johnson, R.	McEachern	Orenstein	Sarna	Vanasek
Kahn	McGuire	Orfield	Schreiber	Vellenga
Kalis	Milbert	Ostrom	Segal	Wagenius
Kinkel	Munger	Ozment	Simoneau	Wejzman
Krambeer	Murphy	Pelowski	Skoglund	Welle
Krueger	Nelson, K.	Peterson	Solberg	Wenzel
Lasley	Nelson, S.	Pugh	Sparby	Winter
Leppik	Newinski	Reding	Steensma	Spk. Long
Lieder	O'Connor	Rest	Thompson	
Lourey	Ogren	Rice	Trimble	
Mariani	Olson, E.	Rodosovich	Tunheim	

The motion did not prevail and the amendment was not adopted.

Pellow moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 44, after line 1, insert:

“Sec. 49. Minnesota Statutes 1990, section 375.055, subdivision 1, is amended to read:

Subdivision 1. [FIXED BY COUNTY BOARD.] (a) The county commissioners in all counties, except Hennepin and Ramsey, shall receive as compensation for services rendered by them for their respective counties, annual salaries and in addition may receive per diem payments and reimbursement for necessary expenses in the duties of the office as set by resolution of the county board. The salary and schedule of per diem payments shall not be effective until January 1 of the next year. The resolution shall contain a statement of the new salary on an annual basis. The board may establish a schedule of per diem payments for service by individual county commissioners on any board, committee, or commission of county government including committees of the board, or for the performance of services by individual county commissioners when required by law. In addition to its publication in the official newspaper of the county as part of the proceedings of the meeting of the county board, the resolution setting the salary and schedule of per diem payments shall be published in one other newspaper of the county, if there is one located in a different municipality in the county than the official newspaper. The salary of a county commissioner or the schedule of per diem payments shall not change except in accordance with this subdivision.

(b) The annual salary of a county commissioner in any county, including Hennepin and Ramsey, may not exceed the salary of a legislator. Per diem payments in a year may not exceed one-third of a commissioner's salary. The provisions of this paragraph supersede any inconsistent provision of charter or other law.

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Pellow amendment and the roll was called. There were 73 yeas and 56 nays as follows:

Those who voted in the affirmative were:

Abrams	Frederick	Johnson, V.	Newinski	Skoglund
Anderson, R. H.	Frerichs	Kalis	O'Connor	Smith
Begich	Girard	Knickerbocker	Olsen, S.	Sparby
Bettermann	Goodno	Koppendrayner	Omann	Stanis
Bishop	Gruenes	Krambeer	Orfield	Swiggum
Blatz	Gutknecht	Krinkie	Ozment	Swenson
Boo	Hanson	Lasley	Pauly	Tompkins
Brown	Hartle	Leppik	Pellow	Uphus
Cooper	Hasskamp	Limmer	Pelowski	Valento
Davids	Haukoos	Lynch	Peterson	Vanasek
Dawkins	Heir	Macklin	Sarna	Waltman
Dempsey	Henry	Marsh	Schafer	Weaver
Dorn	Hufnagle	McEachern	Schreiber	Welker
Erhardt	Hugoson	McPherson	Seaberg	
Farrell	Jennings	Morrison	Segal	

Those who voted in the negative were:

Anderson, I.	Greenfield	Mariani	Ostrom	Tunheim
Anderson, R.	Hausman	McGuire	Pugh	Vellenga
Battaglia	Janezich	Milbert	Reding	Wagenius
Bauerly	Jaros	Munger	Rest	Wejcman
Beard	Jefferson	Murphy	Rice	Welle
Bodahl	Johnson, A.	Nelson, K.	Rodosovich	Wenzel
Carlson	Johnson, R.	Nelson, S.	Rukavina	Winter
Carruthers	Kahn	Ogren	Simoneau	Spk. Long
Clark	Kinkel	Olson, K.	Solberg	
Dauner	Krueger	Onnen	Steensma	
Dille	Lieder	Orenstein	Thompson	
Garcia	Lourey	Osthoff	Trimble	

The motion prevailed and the amendment was adopted.

Solberg moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 52, restore section 63

Page 52, line 14, delete "15" and insert "14"

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Stanis moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 136, delete section 9

Page 151, after line 23, insert:

"Sec. 27. [STUDY.]

The commissioner of human services shall study and recommend to the legislature by January 15, 1993, an appropriate method of considering and calculating work-related child care expenses in determining the child support guideline amounts under section 518.551, subdivision 1. In conducting the study, the department shall consult with interested persons and groups."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Stanis amendment and the roll was called. There were 65 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Hugoson	McPherson	Runbeck
Anderson, R. H.	Frederick	Jennings	Milbert	Schafer
Bettermann	Frerichs	Johnson, V.	Newinski	Schreiber
Bishop	Girard	Knickerbocker	Olsen, S.	Seaberg
Blatz	Goodno	Koppendraye	Olson, E.	Smith
Boo	Gruenes	Krambeer	Omann	Stanis
Brown	Gutknecht	Krinkie	Ostrom	Sviggum
Cooper	Hartle	Leppik	Ozment	Tompkins
Dauner	Hasskamp	Limmer	Pauly	Uphus
Davids	Haukoos	Lynch	Pellow	Valento
Dempsey	Heir	Macklin	Pelowski	Waltman
Dille	Henry	Marsh	Peterson	Weaver
Dorn	Hufnagle	McGuire	Pugh	Welker

Those who voted in the negative were:

Anderson, I.	Greenfield	Lieder	Osthoff	Trimble
Anderson, R.	Hanson	Lourey	Reding	Tunheim
Battaglia	Hausman	Mariani	Rest	Vanasek
Bauerly	Janezich	McEachern	Rice	Vellenga
Beard	Jaros	Munger	Rodosovich	Wagenius
Begich	Jefferson	Murphy	Rukavina	Wejzman
Bertram	Johnson, A.	Nelson, K.	Sarna	Welle
Bodahl	Johnson, R.	Nelson, S.	Segal	Wenzel
Carlson	Kahn	O'Connor	Simoneau	Winter
Carruthers	Kalis	Ogren	Skoglund	Spk. Long
Clark	Kelso	Olson, K.	Sparby	
Dawkins	Kinkel	Onnen	Steensma	
Farrell	Krueger	Orenstein	Swenson	
Garcia	Lasley	Orfield	Thompson	

The motion did not prevail and the amendment was not adopted.

Ozment, Limmer and Hartle moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 54, after line 35, insert:

"Sec. 66. [SALARY FREEZE.]

Notwithstanding any other law to the contrary, the salary of legislators, judges, and constitutional officers may not be increased until January, 1995."

Renumber the sections in sequence

Correct internal references

The motion did not prevail and the amendment was not adopted.

Carlson, Dorn, Limmer, Morrison, Brown, Haukoos and Bertram moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 6, after line 47, insert:

"Sec. 8. [16A.645] [COLLEGE SAVINGS BONDS.]

Subdivision 1. [ESTABLISHMENT OF PROGRAM.] The commissioner of finance, in consultation with the higher education coordinating board, shall establish a college savings bond program to encourage individuals to save for higher education costs by investing

in state general obligation bonds. The program consists of (1) issuing a portion of the state general obligation bonds in zero coupon form and in denominations and maturities that will be attractive to individuals saving to pay for higher education costs, and (2) developing a program for marketing the bonds to investors who are saving to pay for higher education costs. The commissioner of finance may designate all or a portion of each state general obligation bond sale as "college savings bonds."

Subd. 2. [DENOMINATIONS; MATURITIES.] The commissioner shall determine the appropriate denominations and maturities for college savings bonds. It is the intent of the legislature to make bonds available in as small denominations as is feasible given the costs of marketing and administering the bond issue. Minimum denominations of \$1,000 must be made available. The minimum denomination bonds need not be made available for bonds of all maturities. For purposes of this section, "denomination" means the compounded maturity amount of the bond.

Subd. 3. [DIRECT SALE PERMITTED.] Notwithstanding the provisions of section 9, subdivision 5, the commissioner may sell any series of college savings bonds directly to the public or to financial institutions for prompt resale to the public upon the terms and conditions and the restrictions the commissioner prescribes. The commissioner may enter into all contracts deemed necessary or desirable to accomplish the sale in a cost effective manner, but the commissioner may contract for investment banking and banking services only after receiving competitive proposals for the services.

Subd. 4. [MARKETING PLAN.] The commissioner and the higher education coordinating board shall develop a plan for marketing college savings bonds. The marketing program must include appropriate disclosures to potential buyers, including information on the types of savers for whom long-term, tax-exempt bonds may not be appropriate investments.

The plan must include strategies to:

(1) inform parents and relatives about the availability of the bonds;

(2) take orders for the bonds;

(3) target the sale of the bonds to Minnesota residents, especially parents and relatives of children who are likely to seek higher education;

(4) ensure that purchase of the bonds by corporations will not prevent individuals and relatives of future students from buying them; and

(5) market the bonds at the lowest cost to the state.

Subd. 5. [EFFECT ON STUDENT GRANTS.] The first \$25,000 of college savings bonds purchased for the benefit of a student must not be considered in determining the financial need of an applicant for the state grant program under section 136A.121.

Sec. 9. [16A.646] [ZERO COUPON BONDS.]

Subdivision 1. [AUTHORITY TO ISSUE.] When authorized by law to issue state general obligation bonds, the commissioner may issue all or part of the bonds as serial maturity bonds or as zero coupon bonds or a combination of the two.

Subd. 2. [DEFINITIONS.] For purposes of this section and section 8, the following terms have the meanings given them.

(a) "Compounded maturity" means the amount of principal and interest payable at maturity on zero coupon bonds.

(b) "Serial maturity bonds" means bonds maturing on a specified day in two or more consecutive years and bearing interest at a specified rate payable periodically to maturity or prior redemption.

(c) "Zero coupon bonds" means bonds in a stated principal amount, maturing on a specified date or dates, and bearing interest that accrues and compounds to and is payable only at maturity or upon prior redemption of the bonds.

Subd. 3. [METHOD OF SALE; PRINCIPAL AMOUNT.] Except as otherwise provided by this section or section 8, any series of bonds including zero coupon bonds must be issued and sold under the provisions of section 16A.641. The stated principal amount of zero coupon bonds must be used to determine the principal amount of bonds issued under the laws authorizing issuance of state general obligation bonds.

Subd. 4. [SINKING FUND.] The commissioner's order authorizing the issuance of zero coupon bonds shall establish a separate sinking fund account for the zero coupon bonds in the state bond fund. There is annually appropriated from the general fund to each zero coupon bond account, beginning in the year in which the zero coupon bonds are issued, an amount not less than the sum of:

(1) the total stated principal amount of the zero coupon bonds that would have matured from their date of issue to and including the second July 1 following the transfer of appropriated money, if the bonds matured serially in an equal principal amount in each year during their term and in the same month as their stated maturity date; plus

(2) the total amount of interest accruing on the stated principal amount of the bonds and on interest previously accrued, from the bonds' date of issue to and including the second July 1 following the transfer of appropriated money; less

(3) the amount in the sinking fund account for the payment of the compounded maturity amount of the bonds, including interest earnings on amounts in the account. This appropriation is in lieu of all other appropriations made with respect to zero coupon bonds. The appropriated amounts must be transferred from the general fund to the sinking fund account in the state bond fund by December 1 of each year.

Subd. 5. [SALE.] Except as otherwise provided in section 8, zero coupon bonds, or a series of bonds including zero coupon bonds, must be sold at public sale at price not less than 98 percent of their stated principal amount. No state trunk highway bond may be sold for a price of less than par and accrued interest."

Page 19, after line 23, insert:

"Sec. 32. [ADVISORY RECOMMENDATION.]

Before implementing the marketing plan for college savings bonds required in section 8, the commissioner of finance and the higher education coordinating board shall submit the plan to the chairs of the senate finance and house appropriations committees for their recommendations."

Page 19, before line 35, insert:

"(a) Sections 8 and 9 are effective the day following final enactment and apply to authorizations of state bonds under laws enacted before or after this effective date."

Renumber the remaining clauses

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Simoneau and Rice moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Pages 63 and 64, delete section 18

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Uphus, Bettermann, Jennings and Waltman offered an amendment to H. F. No. 2694, the first engrossment, as amended.

POINT OF ORDER

Welle raised a point of order pursuant to rule 3.09 that the Uphus et al amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Runbeck; Stanius; Pauly; Morrison; Henry; Olsen, S.; Leppik; Gutknecht; Krinkie; Welker and Schreiber offered an amendment to H. F. No. 2694, the first engrossment, as amended.

POINT OF ORDER

Welle raised a point of order pursuant to rule 3.09 that the Runbeck et al amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Hufnagle, Onnen, Newinski, Krinkie, Frederick and Welker offered an amendment to H. F. No. 2694, the first engrossment, as amended.

POINT OF ORDER

Welle raised a point of order pursuant to rule 3.09 that the Hufnagle et al amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Kahn moved to amend H. F. No. 2694, the first engrossment, as amended, as follows:

Page 22, after line 61, insert:

"During the biennium ending June 30, 1993, costs of personnel in the governor's office who are paid from state

appropriations must be paid out of appropriations to the office of the governor and lieutenant governor; they may not be charged to appropriations made to other agencies."

A roll call was requested and properly seconded.

The question was taken on the Kahn amendment and the roll was called. There were 73 yeas and 55 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Dorn	Kinkel	Orfield	Sparby
Anderson, R.	Farrell	Krueger	Osthoff	Steensma
Battaglia	Garcia	Lasley	Ostrom	Thompson
Bauerly	Greenfield	Lieder	Pelowski	Trimble
Beard	Hanson	Lourey	Peterson	Tunheim
Begich	Hasskamp	Mariani	Pugh	Vanasek
Bertram	Hausman	McGuire	Reding	Vellenga
Bodahl	Janezich	Milbert	Rest	Wagenius
Brown	Jaros	Munger	Rice	Wejman
Carlson	Jefferson	Murphy	Rodosovich	Welle
Carruthers	Johnson, A.	Nelson, K.	Rukavina	Wenzel
Clark	Johnson, R.	Nelson, S.	Segal	Winter
Cooper	Kahn	Ogren	Simoneau	Spk. Long
Dauner	Kalis	Olson, K.	Skoglund	
Dawkins	Kelso	Orenstein	Solberg	

Those who voted in the negative were:

Abrams	Frerichs	Jennings	Newinski	Seaberg
Anderson, R. H.	Girard	Johnson, V.	Olsen, S.	Smith
Bettermann	Goodno	Knickerbocker	Olson, E.	Stanis
Bishop	Gruenes	Koppendraye	Omann	Sviggum
Blatz	Gutknecht	Krambeer	Onnen	Swenson
Boo	Hartle	Krinkie	Ozment	Tompkins
Davids	Haukoos	Limmer	Pauly	Uphus
Dempsey	Heir	Lynch	Pellow	Valento
Dille	Henry	Macklin	Runbeck	Waltman
Erhardt	Hufnagle	Marsh	Schafer	Weaver
Frederick	Hugoson	Morrison	Schreiber	Welker

The motion prevailed and the amendment was adopted.

H. F. No. 2694, A bill for an act relating to public administration; providing for the organization, operation, and administration of programs relating to state government, higher education, infrastructure and regulatory agencies, environment and natural resources, and human resources; making grants; imposing conditions; appropriating money and reducing earlier appropriations; amending Minnesota Statutes 1990, sections 3.736, subdivision 8; 5.14; 10A.31, subdivision 4; 15.0597, subdivision 4; 16A.45, by adding a subdivision; 16A.48, subdivision 1; 16B.85, subdivision 5;

17.03, by adding a subdivision; 18B.26, subdivision 3; 44A.0311; 60A.1701, subdivision 5; 69.031, subdivision 5; 72B.04, subdivision 10; 80A.28, subdivision 2; 82.21, subdivision 1; 82B.09, subdivision 1; 85.015, subdivision 7; 85A.04, subdivision 1; 89.035; 89.37, by adding a subdivision; 116J.9673, subdivision 4; 116P.11; 136A.121, by adding a subdivision; 136A.1354, subdivision 4; 136A.29, subdivision 9; 136C.04, by adding a subdivision; 136C.05, subdivision 5; 138.56, by adding a subdivision; 141.21, by adding a subdivision; 144.122; 144.123, subdivision 2; 144A.071, subdivision 2; 144A.073, subdivisions 3a and 5; 147.02, by adding a subdivision; 169.01, subdivision 55; 169.965, by adding a subdivision; 202A.19, subdivision 3; 204B.11, subdivision 1; 204B.27, subdivision 2; 204D.11, subdivisions 1 and 2; 237.701, subdivision 1; 240.14, subdivision 3; 245A.02, by adding a subdivision; 245A.13, subdivision 4; 252.025, subdivision 4; 254A.03, subdivision 2; 256.12, by adding a subdivision; 256.81; 256.9655; 256.9695, subdivision 3; 256B.02, by adding subdivisions; 256B.035; 256B.056, subdivisions 1a, 5, and by adding a subdivision; 256B.057, by adding a subdivision; 256B.0625, subdivision 9, and by adding subdivisions; 256B.064, by adding a subdivision; 256B.092, by adding a subdivision; 256B.14, subdivision 2; 256B.19, by adding a subdivision; 256B.36; 256B.41, subdivisions 1 and 2; 256B.421, subdivision 1; 256B.431, subdivisions 2i, 4, and by adding subdivisions; 256B.432, by adding a subdivision; 256B.433, subdivisions 1, 2, and 3; 256B.48, subdivisions 1b, 3, and by adding a subdivision; 256B.495, subdivisions 1, 2, and by adding subdivisions; 256B.501, subdivision 3c, and by adding subdivisions; 256D.02, subdivision 8, and by adding subdivisions; 256D.03, by adding a subdivision; 256D.06, subdivision 5, and by adding a subdivision; 256D.35, subdivision 11; 256E.05, by adding a subdivision; 256E.14; 256H.01, subdivision 9, and by adding a subdivision; 256H.10, subdivision 1; 256I.01; 256I.02; 256I.03, subdivisions 2 and 3; 256I.04, as amended; 256I.05, subdivisions 1, 3, 6, 8, 9, and by adding a subdivision; 256I.06; 257.67, subdivision 3; 270.063; 270.71; 298.221; 299E.01, subdivision 1; 340A.301, subdivision 6; 340A.302, subdivision 3; 340A.315, subdivision 1; 340A.317, subdivision 2; 340A.408, subdivision 4; 345.32; 345.33; 345.34; 345.35; 345.36; 345.37; 345.38; 345.39; 345.42, subdivision 3; 352.04, subdivisions 2 and 3; 353.27, subdivision 13; 353.65, subdivision 7; 356.65, subdivision 1; 357.021, subdivision 1a; 357.022; 357.18, by adding a subdivision; 359.01, subdivision 3; 363.071, by adding a subdivision; 363.14, subdivision 3; 375.055, subdivision 1; 466.06; 490.123, by adding a subdivision; 514.67; 518.14; 518.171, subdivisions 1, 3, 4, and 6; 518.175, subdivisions 1 and 3; 518.54, subdivision 4; 518.551, subdivisions 1, 7, 10, and by adding a subdivision; 518.57, subdivision 1, and by adding a subdivision; 518.611, subdivision 4; 518.619, by adding a subdivision; 548.091, subdivision 1a; 588.20; 609.131, by adding a subdivision; 609.375, subdivisions 1 and 2; 609.5315, by adding a subdivision; 611.27, by adding subdivisions; and 626.861, subdivision 3; Minnesota Statutes 1991 Supplement, sections 16A.45, subdivision 1; 16A.723, subdivision 2; 17.63; 28A.08; 41A.09, subdivision 3; 43A.316, subdivision 9; 60A.14, subdivision 1; 84.0855; 89.37, subdivision 4; 121.936, subdivision 1; 135A.03, subdivisions 1a, 3a, and 7; 136A.121, subdivisions 2 and 6; 136A.1353, subdivision 4; 144.50, subdivision 6; 144A.071, subdivisions 3 and 3a; 144A.31, subdivision 2a; 148.91, subdivision 3; 148.921, subdivision 2;

148.925, subdivisions 1, 2, and by adding a subdivision; 168.129, subdivisions 1 and 2; 214.101, subdivision 1; 240.13, subdivisions 5 and 6; 240.15, subdivision 6; 240.18, by adding a subdivision; 245A.03, subdivision 2; 252.28, subdivision 1; 252.46, subdivision 3; 252.50, subdivision 2; 254B.04, subdivision 1; 256.031, subdivision 3; 256.033, subdivisions 1, 2, 3, and 5; 256.034, subdivision 3; 256.035, subdivision 1; 256.0361, subdivision 2; 256.9656; 256.9657, subdivisions 1, 2, 3, 4, 7, and by adding subdivisions; 256.9685, subdivision 1; 256.969, subdivisions 1, 2, 20, 21, and by adding a subdivision; 256.9751, subdivisions 1 and 6; 256.98, subdivision 8; 256B.0625, subdivision 13; 256B.0627, subdivision 5; 256B.064, subdivision 2; 256B.0911, subdivisions 3, 8, and by adding a subdivision; 256B.0913, subdivisions 4, 5, 8, 11, 12, and 14; 256B.0915, subdivision 3, and by adding subdivisions; 256B.0917, subdivisions 2, 3, 4, 5, 6, 7, 8, and 11; 256B.092, subdivision 4; 256B.431, subdivisions 2l and 3f; 256B.49, subdivision 4; 256B.74, subdivisions 1 and 3; 256D.03, subdivision 4; 256D.05, subdivision 1; 256D.051, subdivisions 1 and 1a; 256D.10; 256D.101, subdivision 3; 256H.03, subdivisions 4 and 6; 256H.05, subdivision 1b, and by adding a subdivision; 256I.05, subdivisions 1a, 1b, and 10; 268.914, subdivision 2; 340A.311; 340A.316; 340A.504, subdivision 3; 349A.10, subdivision 3; 357.021, subdivision 2; 508.82; 508A.82; 518.551, subdivisions 5 and 12; 518.64, subdivisions 1, 2, and 5; 611.27, subdivision 7; and 626.861, subdivisions 1 and 4; Laws 1991, chapters 233, sections 2, subdivision 2; and 3; 254, article 1, sections 7, subdivision 5; and 14, subdivision 19; and 356, articles 1, section 5, subdivision 4; 2, section 6, subdivision 3; and 6, section 4, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 4A; 16A; 16B; 44A; 84; 136C; 137; 144; 144A; 241; 244; 245; 246; 252; 256; 256B; 256D; 256I; 290; and 518; repealing Minnesota Statutes 1990, sections 41A.051; 84.0885; 84A.51, subdivisions 3 and 4; 89.036; 136A.143; 136C.13, subdivision 2; 141.21, subdivision 2; 144A.15, subdivision 6; 211A.04, subdivision 2; 245.0311; 245.0312; 246.14; 253B.14; 256B.056, subdivision 3a; 256B.495, subdivision 3; 256I.05, subdivision 7; 270.185; and 609.37; Minnesota Statutes 1991 Supplement, sections 97A.485, subdivision 1a; 136E.01; 136E.02; 136E.03; 136E.04; 136E.05; 256.9657, subdivision 5; 256.969, subdivision 7; 256B.74, subdivisions 8 and 9; and 256I.05, subdivision 7a; Laws 1991, chapter 292, article 4, section 77.

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

The question was taken on the passage of the bill and the roll was called. There were 68 yeas and 64 nays as follows:

Those who voted in the affirmative were:

Anderson, R.
Battaglia
Bauerly

Bertram
Bodahl
Brown

Carlson
Carruthers
Clark

Cooper
Dauner
Dawkins

Dorn
Farrell
Garcia

Greenfield	Kelso	Nelson, S.	Rice	Tunheim
Hanson	Kinkel	Ogren	Rodosovich	Vanasek
Hasskamp	Krueger	Olson, E.	Sarna	Vellenga
Hausman	Lasley	Orenstein	Segal	Wagenius
Jaros	Lieder	Orfield	Simoneau	Wejcmán
Jefferson	Lourey	Ostrom	Skoglund	Welle
Jennings	Mariani	Pelowski	Solberg	Wenzel
Johnson, A.	McGuire	Peterson	Sparby	Winter
Johnson, R.	Munger	Pugh	Steensma	Spk. Long
Kahn	Murphy	Reding	Thompson	
Kalis	Nelson, K.	Rest	Trimble	

Those who voted in the negative were:

Abrams	Frerichs	Knickerbocker	Newinski	Schreiber
Anderson, I.	Girard	Koppendrayer	O'Connor	Seaberg
Anderson, R. H.	Goodno	Krambeer	Olsen, S.	Smith
Beard	Gruenes	Krinkie	Olson, K.	Stanis
Begich	Gutknecht	Leppik	Omann	Sviggum
Bettermann	Hartle	Limmer	Onnen	Swenson
Blatz	Haukoos	Lynch	Osthoff	Tompkins
Boo	Heir	Macklin	Ozment	Uphus
Davids	Henry	Marsh	Pauly	Valento
Dempsey	Hufnagle	McEachern	Pellow	Waltman
Dille	Hugoson	McPherson	Rukavina	Weaver
Erhardt	Janezich	Milbert	Runbeck	Welker
Frederick	Johnson, V.	Morrison	Schafer	

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

Stanis moved that the name of Krambeer be stricken as an author on H. F. No. 1845. The motion prevailed.

Wejcmán moved that the name of Rodosovich be added as an author on H. F. No. 2193. The motion prevailed.

Brown moved that the name of Winter be shown as chief author on H. F. No. 2633. The motion prevailed.

Leppik moved that H. F. No. 1357 be returned to its author. The motion prevailed.

Waltman moved that H. F. No. 1813 be returned to its author. The motion prevailed.

McPherson moved that H. F. No. 2823 be returned to its author. The motion prevailed.

ADJOURNMENT

Welle moved that when the House adjourns today it adjourn until 1:00 p.m., Tuesday, April 7, 1992. The motion prevailed.

Welle moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Tuesday, April 7, 1992.

EDWARD A. BURDICK, Chief Clerk, House of Representatives