

STATE OF MINNESOTA
SEVENTY-EIGHTH SESSION — 1994

ONE HUNDRED-FIRST DAY

SAINT PAUL, MINNESOTA, FRIDAY, APRIL 29, 1994

The House of Representatives convened at 9:00 a.m. and was called to order by Irv Anderson, Speaker of the House.

Prayer was offered by Monsignor James D. Habiger, House Chaplain.

The roll was called and the following members were present:

Abrams	Dehler	Holsten	Krueger	Murphy	Reding	Van Dellen
Anderson, R.	Delmont	Hugoson	Lasley	Neary	Rhodes	Vellenga
Battaglia	Dempsey	Huntley	Leppik	Nelson	Rice	Vickerman
Bauerly	Dorn	Jacobs	Lieder	Ness	Rodosoyich	Wagenius
Beard	Erhardt	Jaros	Limmer	Olson, E.	Rukavina	Waltman
Bergson	Evans	Jefferson	Lindner	Olson, K.	Sarna	Weaver
Bertram	Farrell	Jennings	Long	Olson, M.	Seagren	Wejzman
Bettermann	Finseth	Johnson, A.	Lourey	Onnen	Sekhon	Wenzel
Bishop	Frerichs	Johnson, R.	Luther	Opatz	Simoneau	Winter
Brown, C.	Garcia	Johnson, V.	Lynch	Orenstein	Skoglund	Wolf
Brown, K.	Girard	Kahn	Mahon	Orfield	Smith	Worke
Carlson	Goodno	Kalis	Mariani	Osthoff	Soilberg	Workman
Carruthers	Greenfield	Kelley	McCollum	Ostrom	Steensma	Spk. Anderson, I.
Clark	Greiling	Kelso	McGuire	Ozment	Sviggum	
Commers	Gruenes	Kinkel	Milbert	Pawlenty	Swenson	
Cooper	Gutknecht	Klinzing	Molnau	Pelowski	Tomassoni	
Dauner	Hasskamp	Knight	Morrison	Perlt	Tompkins	
Dauids	Haukoos	Koppendrayar	Mosel	Peterson	Trimble	
Dawkins	Hausman	Krinkie	Munger	Pugh	Tunheim	

A quorum was present.

Van Engen was excused.

Rest was excused until 9:25 a.m. Asch and Pauly were excused until 9:35 a.m. Knickerbocker was excused until 10:30 a.m. Stanius was excused until 12:00 noon. Macklin was excused until 12:10 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Perlt moved that further reading of the Journal be dispensed with and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF CHIEF CLERK

S. F. No. 2316 and H. F. No. 2651, which had been referred to the Chief Clerk for comparison, were examined and found to be identical with certain exceptions.

SUSPENSION OF RULES

Reding moved that the rules be so far suspended that S. F. No. 2316 be substituted for H. F. No. 2651 and that the House File be indefinitely postponed. The motion prevailed.

PETITIONS AND COMMUNICATIONS

The following communications were received:

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 22, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Anderson:

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

H. F. No. 1094, relating to insurance; regulating fees, data collection, coverages, notice provisions, enforcement provisions, the Minnesota joint underwriting association and the liquor liability assigned risk plan; enacting the NAIC model regulation relating to reporting requirements for licensees seeking to do business with certain unauthorized multiple employer welfare arrangements; making various technical changes.

H. F. No. 2360, relating to transportation; authorizing commissioner of transportation to contract with state of Wisconsin to build and operate truck inspection station in Wisconsin.

H. F. No. 3053, relating to unemployment compensation; changing its name; modifying provisions relating to reporting requirements, eligibility conditions, and liability for benefits.

H. F. No. 2433, relating to the city of Duluth; authorizing the issuance of general obligation bonds to finance improvements to the Duluth entertainment convention center.

H. F. No. 1416, relating to retirement; Austin fire department relief association; modifying health insurance benefit coverage for the spouses of certain retired firefighters; providing survivor benefit coverage for the spouses of certain retired firefighters.

H. F. No. 1957, relating to housing and redevelopment authorities; providing for the membership in the Olmsted county housing and redevelopment authority and for dissolution of the Rochester housing and redevelopment authority; making conforming changes; allowing certain cities the option to form their own authorities.

H. F. No. 1859, relating to housing; establishing penalties for failure to provide a written lease.

H. F. No. 2670, relating to retirement; adding Hennepin county paramedics and emergency medical technicians to membership in the public employees police and fire fund.

Warmest regards,

ARNE H. CARLSON
Governor

STATE OF MINNESOTA
OFFICE OF THE GOVERNOR
SAINT PAUL 55155

April 25, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives
The State of Minnesota

Dear Speaker Anderson:

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

H. F. No. 2893, relating to unemployment compensation; extending benefits for certain employees; providing for a shared work plan; requiring a study.

H. F. No. 2175, relating to the city of Saint Paul; authorizing a program for the replacement of lead pipes and the charging or assessment of costs for the program and the issuance of general or special obligations to pay the costs of the program.

H. F. No. 2311, relating to taxation; abolishing certain local government levy limitations.

H. F. No. 2124, relating to retirement; state university and state community college individual retirement account plans; clarifying various plan provisions; providing for plan coverage for technical college teachers; providing for an optional election of plan coverage for certain state university and community college teachers; mandating the preparation of plan recodification legislation.

H. F. No. 2275, relating to taxes; making tax policy, collections, and administrative changes.

H. F. No. 228, relating to local government; providing procedures and criteria for municipal annexations; providing for the application of city development regulations.

H. F. No. 2159, relating to limited liability companies; providing for the application of workers' compensation and unemployment compensation laws.

H. F. No. 2148, relating to human services; providing monitoring and evaluation of emergency health services on a pilot project basis; authorizing advisory committees.

Warmest regards,

ARNE H. CARLSON
Governor

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

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 1994 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

S.F. No.	H.F. No.	Session Laws Chapter No.	Time and Date Approved 1994	Date Filed 1994
	1094	485	1:45 p.m. April 22	April 22
	2360	487	2:15 p.m. April 22	April 22
	3053	488	1:47 p.m. April 22	April 22
	2433	489	2:10 p.m. April 22	April 22
	1416	490	1:49 p.m. April 22	April 22
	1957	493	1:50 p.m. April 22	April 22
	1859	496	2:04 p.m. April 22	April 22
2171		498	1:56 p.m. April 22	April 22
	2670	499	1:52 p.m. April 22	April 22
862		500	1:59 p.m. April 22	April 22
2260		501	2:00 p.m. April 22	April 22
1732		502	12:00 p.m. April 25	April 25
	2893	503	1:02 p.m. April 25	April 25
	2175	504	1:04 p.m. April 25	April 25
	2311	505	1:06 p.m. April 25	April 25
1912		506	12:01 p.m. April 25	April 25
1744		507	12:05 p.m. April 25	April 25
	2124	508	1:11 p.m. April 25	April 25
760		509	11:58 a.m. April 25	April 25
	2275	510	1:12 p.m. April 25	April 25
	228	511	1:42 p.m. April 25	April 25
	2159	512	1:13 p.m. April 25	April 25
2329		513	1:17 p.m. April 25	April 25
1903		514	1:00 p.m. April 25	April 25
	2148	515	1:15 p.m. April 25	April 25

Sincerely,

JOAN ANDERSON GROWE
Secretary of State

SECOND READING OF SENATE BILLS

S. F. No. 2316 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Wenzel; Anderson, I.; Lieder; Anderson, R., and Koppendrayner introduced:

H. F. No. 3240, A bill for an act relating to veterans; establishing a veterans' cemetery; providing for funding; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1992, section 197.235.

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

HOUSE ADVISORIES

The following House Advisory was introduced:

Clark, Mariani, Jefferson, Garcia and Rhodes introduced:

H. A. No. 39, A proposal to study the hiring, promotion, and retention of House of Representatives minority staff.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

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

H. F. No. 2485, A bill for an act relating to water; providing for duties of the legislative water commission; providing for a sustainable agriculture advisory committee; requiring plans relating to sustainable agriculture and integrated pest management; regulating acceptance of empty pesticide containers; changing disclosures and fees related to dewatering wells; establishing groundwater policy and education; changing water well permit requirements; requiring reports to the legislature; amending Minnesota Statutes 1992, sections 3.887, subdivisions 5, 6, and 8; 17.114, subdivisions 1, 3, 4, and by adding a subdivision; 18B.045, subdivision 1; 103A.43; 103B.151, subdivision 1; 103G.271, subdivision 5; 103H.175, by adding a subdivision; 103H.201, subdivisions 1 and 4; 103I.101, subdivision 5; 103I.205, subdivision 1; 103I.208; and 103I.331, subdivision 6; Minnesota Statutes 1993 Supplement, sections 18B.135, subdivision 1; 18E.06; and 115B.20, subdivision 6; proposing coding for new law in Minnesota Statutes, chapters 103A; and 103F; repealing Minnesota Statutes 1992, section 103F.460.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2710, A bill for an act relating to state government; requiring the commissioner of administration to study and report on the best way to increase electronic services to citizens; proposing coding for new law in Minnesota Statutes, chapter 16B.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2365, A bill for an act relating to traffic regulations; making technical changes; removing requirement for auxiliary low beam lights to be removed or covered when snowplow blade removed; requiring seat belts for commercial motor vehicles; allowing transportation within state of raw farm and forest products exceeding maximum

weight limitation by not more than ten percent; amending Minnesota Statutes 1992, sections 169.743; and 169.851, subdivision 5; Minnesota Statutes 1993 Supplement, sections 169.122, subdivision 5; 169.47, subdivision 1; 169.522, subdivision 1; 169.56, subdivision 5; and 169.686, subdivision 1.

The Senate has appointed as such committee:

Mr. Langseth, Ms. Johnston and Mr. Bertram.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2411, A bill for an act relating to retirement; providing for coverage of employees of lessee of Itasca Medical Center facilities by the public employees retirement association.

The Senate has appointed as such committee:

Messrs. Lessard, Riveness and Frederickson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2080, A bill for an act relating to agriculture; providing for uniformity of certain food laws with federal regulations; amending Minnesota Statutes 1992, sections 31.101; 31.102, subdivision 1; 31.103, subdivision 1; and 31.104.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Dehler moved that the House concur in the Senate amendments to H. F. No. 2080 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 2080, A bill for an act relating to agriculture; providing for uniformity of certain food laws with federal regulations; appropriating money; amending Minnesota Statutes 1992, sections 31.101; 31.102, subdivision 1; 31.103, subdivision 1; and 31.104; Laws 1993, chapter 172, section 7, subdivision 4.

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 122 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Beard	Bishop	Carruthers	Dauner	Delmont	Evans
Anderson, R.	Bergson	Brown, C.	Clark	Davids	Dempsey	Farrell
Battaglia	Bertram	Brown, K.	Commers	Dawkins	Dorn	Finseth
Bauerly	Bettermann	Carlson	Cooper	Dehler	Erhardt	Frerichs

Garcia	Jefferson	Krueger	Morrison	Ozment	Simoneau	Wagenius
Girard	Jennings	Lasley	Mosel	Pawlenty	Skoglund	Waltman
Goodno	Johnson, A.	Leppik	Munger	Pelowski	Smith	Weaver
Greiling	Johnson, R.	Lieder	Murphy	Perlt	Solberg	Wejcman
Gruenes	Johnson, V.	Lindner	Neary	Peterson	Steensma	Wenzel
Gutknecht	Kahn	Long	Nelson	Pugh	Sviggum	Winter
Hasskamp	Kalis	Lourey	Ness	Reding	Swenson	Wolf
Haukoos	Kelley	Luther	Olson, E.	Rhodes	Tomassoni	Worke
Hausman	Kelso	Lynch	Olson, M.	Rice	Tompkins	Workman
Holsten	Kinkel	Mahon	Onnen	Rodosovich	Trimble	Spk. Anderson, I.
Hugoson	Klinzing	McCollum	Opatz	Rukavina	Tunheim	
Huntley	Knight	McGuire	Orenstein	Sarna	Van Dellen	
Jacobs	Koppendrayar	Milbert	Osthoff	Seagren	Vellenga	
Jaros	Krinkie	Molnau	Ostrom	Sekhon	Vickerman	

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

Mr. Speaker:

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

S. F. No. 2710.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2710

A bill for an act relating to health; modifying provisions relating to lead abatement; amending Minnesota Statutes 1992, sections 144.871, subdivision 3; and 144.874, subdivision 12, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 16B.61, subdivision 3; 144.871, subdivision 2; 144.872, subdivision 2; 144.874, subdivisions 1, 3, 9, and 11a; 144.878, subdivisions 2 and 5; and 326.71, subdivision 4; repealing Minnesota Statutes 1993 Supplement, section 144.877.

April 26, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2710, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2710 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 16B.61, subdivision 3, is amended to read:

Subd. 3. [SPECIAL REQUIREMENTS.] (a) [SPACE FOR COMMUTER VANS.] The code must require that any parking ramp or other parking facility constructed in accordance with the code include an appropriate number of spaces suitable for the parking of motor vehicles having a capacity of seven to 16 persons and which are principally used to provide prearranged commuter transportation of employees to or from their place of employment or to or from a transit stop authorized by a local transit authority.

(b) [SMOKE DETECTION DEVICES.] The code must require that all dwellings, lodging houses, apartment houses, and hotels as defined in section 299F.362 comply with the provisions of section 299F.362.

(c) [DOORS IN NURSING HOMES AND HOSPITALS.] The state building code may not require that each door entering a sleeping or patient's room from a corridor in a nursing home or hospital with an approved complete standard automatic fire extinguishing system be constructed or maintained as self-closing or automatically closing.

(d) [CHILD CARE FACILITIES IN CHURCHES; GROUND LEVEL EXIT.] A licensed day care center serving fewer than 30 preschool age persons and which is located in a below ground space in a church building is exempt from the state building code requirement for a ground level exit when the center has more than two stairways to the ground level and its exit.

(e) [CHILD CARE FACILITIES IN CHURCHES; VERTICAL ACCESS.] Until August 1, 1996, an organization providing child care in an existing church building which is exempt from taxation under section 272.02, subdivision 1, clause (5), shall have five years from the date of initial licensure under chapter 245A to provide interior vertical access, such as an elevator, to persons with disabilities as required by the state building code. To obtain the extension, the organization providing child care must secure a \$2,500 performance bond with the commissioner of human services to ensure that interior vertical access is achieved by the agreed upon date.

(f) [FAMILY AND GROUP FAMILY DAY CARE.] The commissioner of administration shall establish a task force to determine occupancy standards specific and appropriate to family and group family day care homes and to examine hindrances to establishing day care facilities in rural Minnesota. The task force must include representatives from rural and urban building code inspectors, rural and urban fire code inspectors, rural and urban county day care licensing units, rural and urban family and group family day care providers and consumers, child care advocacy groups, and the departments of administration, human services, and public safety.

By January 1, 1989, the commissioner of administration shall report the task force findings and recommendations to the appropriate legislative committees together with proposals for legislative action on the recommendations.

Until the legislature enacts legislation specifying appropriate standards, the definition of Group R-3 occupancies in the state building code applies to family and group family day care homes licensed by the department of human services under Minnesota Rules, chapter 9502.

(g) [MINED UNDERGROUND SPACE.] Nothing in the state building codes shall prevent cities from adopting rules governing the excavation, construction, reconstruction, alteration, and repair of mined underground space pursuant to sections 469.135 to 469.141, or of associated facilities in the space once the space has been created, provided the intent of the building code to establish reasonable safeguards for health, safety, welfare, comfort, and security is maintained.

(h) [ENCLOSED STAIRWAYS.] No provision of the code or any appendix chapter of the code may require stairways of existing multiple dwelling buildings of two stories or less to be enclosed.

(i) [DOUBLE CYLINDER DEAD BOLT LOCKS.] No provision of the code or appendix chapter of the code may prohibit double cylinder dead bolt locks in existing single-family homes, townhouses, and first floor duplexes used exclusively as a residential dwelling. Any recommendation or promotion of double cylinder dead bolt locks must include a warning about their potential fire danger and procedures to minimize the danger.

(j) [RELOCATED RESIDENTIAL BUILDINGS.] A residential building relocated within or into a political subdivision of the state need not comply with the state energy code or section 326.371 provided that, where available, an energy audit is conducted on the relocated building.

(k) [AUTOMATIC GARAGE DOOR OPENING SYSTEMS.] The code must require all residential buildings as defined in section 325F.82 to comply with the provisions of sections 325F.82 and 325F.83.

(l) [EXIT SIGN ILLUMINATION.] For a new building on which construction is begun on or after October 1, 1993, or an existing building on which remodeling affecting 50 percent or more of the enclosed space is begun on or after October 1, 1993, the code must prohibit the use of internally illuminated exit signs whose electrical consumption during nonemergency operation exceeds 20 watts of resistive power. All other requirements in the code for exit signs must be complied with.

(m) [RESIDENTIAL WORK.] By January 1, 1996, the commissioner of administration shall develop building code provisions in accordance with the directives and provisions developed under section 144.874, subdivision 11a.

Sec. 2. Minnesota Statutes 1993 Supplement, section 144.871, subdivision 2, is amended to read:

Subd. 2. [ABATEMENT.] "Abatement" means ~~removal of, replacement of, or encapsulation of deteriorated paint, bare soil, dust, drinking water, or other lead-containing materials that are or may become readily accessible during the lead abatement process and pose an immediate threat of actual lead exposure to people~~ any set of procedures designed to eliminate or reduce human exposure to lead hazards.

Sec. 3. Minnesota Statutes 1992, section 144.871, is amended by adding a subdivision to read:

Subd. 2a. [LEAD HAZARD.] "Lead hazard" means a condition that causes exposure to lead from lead-contaminated dust, lead-contaminated bare soil, lead-contaminated drinking water, lead-contaminated deteriorating paint, or lead-contaminated intact paint on accessible, friction, or impact surfaces that poses an immediate threat that would result in adverse human health effects.

Sec. 4. Minnesota Statutes 1992, section 144.871, subdivision 3, is amended to read:

Subd. 3. [ABATEMENT CONTRACTOR.] "Abatement contractor" means any person hired by a property owner or resident to perform abatement of a lead source in violation of standards under section 144.878 and who is licensed by the commissioner according to rules adopted under section 144.878, subdivision 5.

Sec. 5. Minnesota Statutes 1992, section 144.871, is amended by adding a subdivision to read:

Subd. 5a. [DETERIORATED PAINT.] "Deteriorated paint" or "deteriorating paint" means paint that is chipped, peeled, or otherwise separated from its substrate or that is attached to damaged substrate.

Sec. 6. Minnesota Statutes 1993 Supplement, section 144.872, subdivision 2, is amended to read:

Subd. 2. [HOME ASSESSMENTS CONTRACTS.] (a) ~~The commissioner shall, within available federal or state appropriations, contract with boards of health, who may determine priority for responding to cases of elevated blood lead levels, to conduct assessments to determine sources of lead contamination in the residences of pregnant women whose blood lead levels are at least ten micrograms per deciliter and of children whose blood lead levels are at least 20 micrograms per deciliter or whose blood lead levels persist in the range of 15 to 19 micrograms per deciliter for 90 days after initial identification to the board of health or the commissioner. Assessments must be conducted within five working days of the board of health receiving notice that the criteria in this subdivision have been met. The commissioner or boards of health must be notified of all violations of standards under section 144.878, subdivision 2, that are identified during a home assessment in accordance with section 144.878.~~

~~(b) The commissioner or boards of health must identify the known addresses for the previous 12 months of the child or pregnant woman with elevated blood lead levels and notify the property owners at those addresses. The commissioner may also collect information on the race, sex, and family income of children and pregnant women with elevated blood lead levels.~~

~~(c) Within the limits of appropriations, a board of health shall conduct home assessments for children and pregnant women whose confirmed blood lead levels are in the range of ten to 19 micrograms per deciliter.~~

~~(d) The commissioner shall also provide educational materials on all sources of lead to boards of health to provide education on ways of reducing the danger of lead contamination. The commissioner may provide laboratory or field lead testing equipment to a board of health or may reimburse a board of health for direct costs associated with assessments.~~

Sec. 7. Minnesota Statutes 1993 Supplement, section 144.872, subdivision 4, is amended to read:

Subd. 4. [LEAD CLEANUP EQUIPMENT AND MATERIAL GRANTS.] (a) Within the limits of available state or federal appropriations, funds shall be made available under a grant program to nonprofit community-based organizations in areas at high risk for toxic lead exposure. Grantees shall use the money to purchase lead cleanup equipment and to pay for training for staff and volunteers for lead abatement certification. Grantees may work with licensed lead abatement contractors and certified trainers sponsors of approved training courses in order to receive

training necessary for certification under section 144.876, subdivision 1. Lead cleanup equipment shall include: high efficiency particle accumulator and wet vacuum cleaners, drop cloths, secure containers, respirators, scrapers, dust and particle containment material, and other cleanup and containment materials to remove loose paint and plaster, patch plaster, control household dust, wax floors, clean carpets and sidewalks, and cover bare soil.

(b) Upon certification, the grantee's staff and volunteers may make equipment and educational materials available to residents and property owners and instruct them on the proper use. Equipment shall be made available to low-income households on a priority basis at no fee, and other households on a sliding fee scale. Equipment shall not be made available to any person, ~~licensed lead abatement contractor, or certified trainer~~ who charges or intends to charge a fee for services performed using equipment or materials purchased by a nonprofit community-based organization through a grant obtained under this subdivision.

Sec. 8. Minnesota Statutes 1993 Supplement, section 144.873, subdivision 1, is amended to read:

Subdivision 1. [REPORT REQUIRED.] Medical laboratories performing blood lead analyses must report to the commissioner finger stick and venipuncture blood lead results and the method used to obtain these results. Boards of health must report to the commissioner the results of analyses from residential samples of paint, soil, dust, and drinking water. The commissioner shall require the type of blood sample tested and the date of the test, and the current address and birthdate of the patient, the gender and race of the patient, and other related information from medical laboratories and boards of health as may be needed to monitor and evaluate blood lead levels in the public. Clinic staff and physicians who collect blood samples for lead analyses must provide the information in this subdivision to the medical laboratory performing the analyses. If a clinic or physician sends a blood lead test to a medical laboratory outside of Minnesota, that clinic or physician must meet the reporting requirements under this subdivision.

Sec. 9. Minnesota Statutes 1993 Supplement, section 144.874, subdivision 1, is amended to read:

Subdivision 1. [RESIDENCE ASSESSMENT.] (a) A board of health must conduct ~~a timely an~~ assessment of a residence ~~and all common areas, if the residence is located in a building with two or more residential units,~~ within ~~five ten~~ working days of receiving notification that the criteria in this subdivision have been met, as confirmed by lead analysis of a venous blood sample, to determine sources of lead exposure if:

(1) a pregnant woman in the residence is identified as having a blood lead level of at least ten micrograms of lead per deciliter of whole blood;

(2) a child in the residence is identified as having a blood lead level at or above 20 micrograms per deciliter; or

(3) a child in the residence is identified as having a blood lead level that persists in the range of 15 to 19 micrograms per deciliter for 90 days after initial identification. In a building with two or more residential units, a board of health must inspect the individual unit in which the conditions of this subdivision are met and must also inspect all common areas in the building. Assessments must be conducted by a board of health regardless of the availability of state or federal appropriations for assessments.

(b) Within the limits of available state and federal appropriations, a board of health shall also conduct home assessments for children whose confirmed blood lead levels are in the range of ten to 19 micrograms per deciliter. A board of health may assess a residence even if none of the three criteria in this subdivision are met.

(c) If a child regularly spends several hours at one or more other sites such as another residence, or a residential or commercial child care facility, the board of health must also assess the other sites. The board of health shall have one additional day to complete the assessment for each additional site.

(d) ~~Sections 144.871 to 144.879 neither authorize nor prohibit a board of health from charging a property owner for the cost of assessment. The commissioner or boards of health must identify the known addresses for the previous 12 months of the child or pregnant woman with elevated blood lead levels and notify the property owners at those addresses. This information shall be classified as private data on individuals as defined under section 13.02, subdivision 12.~~

(e) The board of health must conduct the residential assessment according to rules adopted by the commissioner under section 144.878. A board of health must have residence assessments performed by lead inspectors licensed by the commissioner according to rules adopted under section 144.878. A board of health may observe the performance

of lead abatement in progress and may enforce the provisions of sections 144.871 to 144.879 under section 144.8781. The staff complement of the department of health shall be increased by two full-time equivalent positions who shall be lead inspectors.

(f) A lead inspector must notify the commissioner or the board of health of all violations under section 144.878, subdivision 2, that are identified in a residence assessment under this section.

(g) The commissioner may provide laboratory or field lead testing equipment to a board of health or may reimburse a board of health for direct costs associated with assessments.

(h) Sections 144.871 to 144.879 neither authorize nor prohibit a board of health from charging a property owner for the cost of assessment.

Sec. 10. Minnesota Statutes 1993 Supplement, section 144.874, subdivision 3, is amended to read:

Subd. 3. ~~[SWAB TEAMS, LEAD ASSESSMENT, LEAD ABATEMENT ORDERS.]~~ A board of health must order a property owner to perform abatement on a lead source that exceeds a standard adopted according to section 144.878 at the residence of a child with an elevated blood lead level or a pregnant woman with a blood lead level of at least ten micrograms per deciliter. If the paint standard under section 144.878 is violated, but the paint is intact, the board of health must not order paint removal unless the intact paint is a known source, or reasonably expected to be a source, of actual lead exposure to a specific person. Before the board of health may order the intact paint to be removed, a reasonable effort must be made to protect the child and preserve the intact paint by the use of guards or other protective devices. Lead abatement orders must require that any source of damage, such as leaking roofs, plumbing, and windows, must be repaired or replaced, as needed, to prevent damage to lead-containing interior surfaces. The board of health is not required to pay for lead abatement. With each lead abatement order, the board of health must coordinate with swab team abatement and provide a residential lead abatement guide.

Sec. 11. Minnesota Statutes 1993 Supplement, section 144.874, subdivision 3a, is amended to read:

Subd. 3a. ~~[SWAB TEAM SERVICES.]~~ After issuing abatement orders for a residence of a child or pregnant women with elevated blood lead levels, the commissioner or a board of health must send a swab team within ~~five~~ ten working days to the residence to perform swab team services as defined in section 144.871, subdivision 9. If the commissioner or board of health provides swab team services after an assessment, but before the issuance of an abatement order, swab team services do not need to be repeated after the issuance of an abatement order. Swab team services are not considered completed until the reassessment required under subdivision 6 shows no violation of one or more of the standards under section 144.878, subdivision 2. If assessments and abatement orders are conducted at times when weather or soil conditions do not permit the assessment or abatement of lead in soil, the residences shall have their soil assessed and abated, if necessary, at the first opportunity that weather and soil conditions allow.

Sec. 12. Minnesota Statutes 1993 Supplement, section 144.874, subdivision 11a, is amended to read:

Subd. 11a. [LEAD ABATEMENT AND LEAD-SAFE WORK DIRECTIVES.] (a) In order to achieve statewide consistency in the application of lead abatement standards, the commissioner shall issue program directives that interpret the application of rules under section 144.878 in ambiguous or unusual lead abatement situations. These directives are guidelines to local boards of health. The commissioner shall periodically review the evaluation of lead abatement orders and the program directives to determine if the rules under section 144.878 need to be amended to reflect new understanding of lead abatement practices and methods.

(b) By July 1, 1995, the commissioner shall develop in cooperation with the commissioner of administration provisions, procedures, and directives to define residential remodeling, renovation, installation, and rehabilitation activities that are not lead abatement but may disrupt lead-based paint surfaces. The directives and provisions must define lead-safe procedures for nonlead abatement activities including preparation, cleanup, and disposal procedures. The directives must be based on the different levels and types of work involved and the potential for lead hazards. The directives must address activities including, but not limited to, painting, remodeling, weatherization, installation of cable, wire, plumbing, and gas, and replacement of doors and windows. The commissioners of health and administration shall consult with representatives of builders, weatherization providers, nonprofit rehabilitation organizations, a representative of each of the affected trades, and housing and redevelopment authorities in developing the directives and procedures. This group shall also make recommendations for consumer and contractor education and training. Directives developed under this section are exempt from chapter 14. The commissioner of health shall report to the legislature by February 15, 1995, regarding development of the provisions required under this subdivision.

Sec. 13. Minnesota Statutes 1993 Supplement, section 144.8771, subdivision 2, is amended to read:

Subd. 2. [LICENSE APPLICATION.] (a) An application for a license and for renewal of a license must be on a form provided by the commissioner and be accompanied by:

(1) the fee set by the commissioner; and

(2) evidence that the applicant has successfully completed a lead inspection training course approved by the commissioner or, within the previous 180 days, an initial lead inspection training course.

(b) The fee required by this subdivision is waived for an employee of ~~a board of health~~ the federal, state, or local government within Minnesota.

Sec. 14. Minnesota Statutes 1993 Supplement, section 144.878, subdivision 2, is amended to read:

Subd. 2. [LEAD STANDARDS AND ABATEMENT METHODS.] (a) The commissioner shall adopt rules establishing standards and abatement methods for lead in paint, dust, ~~and~~ drinking water, and soil in a manner that protects public health and the environment for all residences, including residences also used for a commercial purpose.

(b) The commissioner shall differentiate between intact paint and deteriorating paint. The commissioner and political subdivisions shall require abatement of intact paint only if the commissioner or political subdivision finds that the intact paint is on a chewable or lead-dust producing surface that is a known source or reasonably expected to be a source of actual lead exposure to a specific person. The commissioner shall work cooperatively with the commissioner of administration to determine which practices under section 144.874, subdivision 11a, may be used for lead-safe work including preparation and cleanup. The commissioner shall work cooperatively with the commissioner of the pollution control agency to develop disposal procedures. In adopting rules under this subdivision, the commissioner shall require the best available technology for lead abatement methods, paint stabilization, and repainting.

(b) (c) The commissioner of health shall adopt standards and abatement methods for lead in bare soil on playgrounds and residential property in a manner to protect public health and the environment. The commissioner shall adopt a maximum standard of 100 parts of lead per million in bare soil, unless it is proven that a different standard provides greater protection of public health.

(e) (d) The commissioner of the pollution control agency shall adopt rules to ensure that removal of exterior lead-based coatings from residential property by abrasive blasting methods is conducted in a manner that protects public health and the environment.

(d) (e) All standards adopted under this subdivision must provide reasonable margins of safety that are consistent with a detailed review of scientific evidence and an emphasis on overprotection rather than underprotection when the scientific evidence is ambiguous. The rules must apply to any individual performing or ordering the performance of lead abatement.

(e) (f) No unit of local government may have an ordinance or regulation governing lead abatement methods for lead in paint, dust, or soil for residences and residential land that require a different lead abatement method than the lead abatement standards established under sections 144.871 to 144.879.

(g) The commissioner shall adopt standards and abatement methods for lead in drinking water in a manner to protect the public health and the environment. The commissioner shall adopt rules for controlling lead in drinking water as contained in Code of Federal Regulations, title 40, part 141. Samples collected for the purposes of lead analysis of drinking water shall be done in accordance with lab certification requirements and analytical techniques specified by the Code of Federal Regulations, title 40, part 141.89.

Sec. 15. Minnesota Statutes 1992, section 144.878, is amended by adding a subdivision to read:

Subd. 2b. [PRIORITIES FOR RESPONSE ACTION.] The commissioner of health must establish, by publication in the State Register, a priority list of census tracts at high risk for toxic lead exposure for primary prevention response actions. In establishing the list, the commissioner shall award points under this subdivision to each census tract on which information is available. The priority for primary prevention response actions in census tracts at high risk for

toxic lead exposure shall be based on the cumulative points awarded to each census tract. A greater number of points means a higher priority. If a tie occurs in the number of points, priority shall be given to the census tract with the higher percentage of population with blood lead levels greater than ten micrograms of lead per deciliter. All local governmental units and boards of health shall follow the priorities under this subdivision. The commissioner shall revise and update the priority list at least every five years. Points shall be awarded to each census tract for each criteria, considered independently, as described in section 144.871, subdivision 7a. Points shall be awarded as follows:

(a) In a census tract where at least 20 children have been screened in the last five years, one point shall be awarded for each ten percent of children who were under six years old at the time they were screened for lead in blood and whose blood lead level exceeds ten micrograms of lead per deciliter. An additional point shall be awarded if one percent of the children had blood levels greater than 20 micrograms per deciliter of blood. Two points shall be awarded to a census tract, where the blood lead screening has been inadequate, that is contiguous with a census tract where more than ten percent of the children under six years of age have blood lead levels exceeding ten micrograms per deciliter.

(b) One point shall be awarded for every five percent of housing that is defined as dilapidated or deteriorated by the planning department or similar agency of the city in which the housing is located. Where data is available by neighborhood or section within a city, the percent of dilapidated or deteriorated housing shall apply equally to each census tract within the neighborhood or section.

(c) One point shall be awarded for every 100 parts per million of lead soil, based on the median soil lead values of foundation soil samples, calculated on 100 parts per million intervals, or fraction thereof. For the cities of St. Paul and Minneapolis, the commissioner shall use the June 1988 census tract version of the houseside map entitled "Distribution of Houseside Lead Content of Soil-Dust in the Twin Cities," prepared by the Center for Urban and Regional Affairs. Where the map displays a census tract that is crossed by two or more intervals, the commissioner shall make a reasoned determination of the median foundation soil lead value for that tract. Values for census tracts may be updated by surveying the tract according to the procedures under Minnesota Rules, part 4761.0400, subpart 8.

Sec. 16. Minnesota Statutes 1993 Supplement, section 144.878, subdivision 5, is amended to read:

Subd. 5. [LEAD ABATEMENT CONTRACTORS AND EMPLOYEES.] The commissioner shall adopt rules to license lead abatement contractors; to certify employees of lead abatement contractors who perform abatement, and to certify lead abatement trainers who provide lead abatement training for contractors, employees, or other lead abatement trainers. ~~A person who performs painting, renovation, rehabilitation, remodeling, or other residential work that is not lead abatement need not be a licensed lead abatement contractor. By July 1, 1994, a person who performs work that removes intact paint on residences built before February 27, 1978, must determine whether lead sources are present and whether the planned work would be lead abatement as defined in section 144.871, subdivision 2. This determination may be made by quantitative chemical analysis, X-ray fluorescence analyzer, or chemical spot test using sodium rhodizonate. If lead sources are identified, the work must be performed by a licensed lead abatement contractor. An owner of an owner-occupied residence with one or two units is not subject to the requirements under this subdivision. All lead abatement training must include a hands-on component and instruction on the health effects of lead exposure, the use of personal protective equipment, workplace hazards and safety problems, abatement methods and work practices, decontamination procedures, cleanup and waste disposal procedures, lead monitoring and testing methods, and legal rights and responsibilities. The commissioner shall adopt rules to approve lead abatement training courses and to charge a fee for approval. At least 30 days before publishing initial notice of proposed rules under this subdivision on the licensing of lead abatement contractors, the commissioner shall submit the rules to the chairs of the health and human services committee in the house of representatives and the health care committee in the senate, and to any legislative committee on licensing created by the legislature.~~

Sec. 17. Minnesota Statutes 1992, section 144.878, is amended by adding a subdivision to read:

Subd. 5a. [RESIDENTIAL RENOVATION AND REMODELING.] A person who performs painting, renovation, rehabilitation, remodeling, demolition, or other residential work that is not lead abatement need not be a licensed lead abatement contractor. After July 1, 1995, a person who performs work that removes intact paint on residences built before February 27, 1978, must determine whether lead sources are present. This determination may be made by quantitative chemical analysis, X-ray fluorescence analyzer, or chemical spot test using sodium rhodizonate. A person does not have to be licensed as a lead inspector to use sodium rhodizonate for this purpose. If lead sources are identified, the work must be performed in accordance with the standard in section 144.878, subdivision 2, as modified by the program directives developed under section 144.874, subdivision 11a. An owner of an owner-occupied residence with one or two units is not subject to the requirements under this subdivision.

Sec. 18. [144.8782] [EXEMPTIONS.]

The provisions of sections 144.876 and 144.878, subdivision 5, do not apply to homeowners, apartment owners, farmers, and small business persons with 50 or fewer employees who do their own maintenance and remodeling work, or to small contractors, excluding lead abatement contractors. Exemptions under this section also apply to purchasers of one or two unit residences. Nothing in this section affects any federal grant from the Department of Housing and Urban Development or state financed swab teams.

Sec. 19. Minnesota Statutes 1993 Supplement, section 326.71, subdivision 4, is amended to read:

Subd. 4. [ASBESTOS-RELATED WORK.] "Asbestos-related work" means the enclosure, ~~repair~~, removal, or encapsulation of asbestos-containing material in a quantity that meets or exceeds 260 lineal feet of friable asbestos-containing material on pipes, 160 square feet of friable asbestos-containing material on other facility components, or, if linear feet or square feet cannot be measured, a total of 35 cubic feet of friable asbestos-containing material on or off all facility components in one facility. In the case of single or multifamily residences, "asbestos-related work" also means the enclosure, ~~repair~~, removal, or encapsulation of greater than ten but less than 260 lineal feet of friable asbestos-containing material on pipes or ducts or greater than six but less than 160 square feet of friable asbestos-containing material on other facility components. This provision excludes asbestos-containing ~~vinyl~~ floor tiles and sheeting under 160 square feet, roofing materials, siding, and all ceilings with asbestos-containing material in single family residences and buildings with no more than four dwelling units. Asbestos-related work includes asbestos abatement area preparation; enclosure, removal, encapsulation, or repair operations; and an air quality monitoring specified in rule to assure that the abatement and adjacent areas are not contaminated with asbestos fibers during the project and after completion.

For purposes of this subdivision, the quantity of asbestos containing material applies separately for every project permit fee paid under section 326.75, subdivision 3.

Sec. 20. Minnesota Statutes 1993 Supplement, section 326.75, subdivision 3, is amended to read:

Subd. 3. [PERMIT FEE.] One Five calendar day days before beginning asbestos-related work, a person shall pay a project permit fee to the commissioner equal to one percent of the total costs of the asbestos-related work. For asbestos-related work performed in single or multifamily residences, of greater than ten but less than 260 linear feet of asbestos-containing material on pipes, or greater than six but less than 160 square feet of asbestos-containing material on other facility components, a person shall pay a project permit fee of \$35 to the commissioner.

Sec. 21. [REVIEW AND CODIFICATION; LEAD LAWS AND STATUTES.]

The commissioners of health, the pollution control agency, and the housing finance agency in collaboration with the revisor of statutes shall review current lead abatement standards, statutes, laws, and rules, and propose a reorganization and recodification to the legislature by January 10, 1995.

Sec. 22. [PROPOSAL FOR FEDERAL CONFORMING LEGISLATION.]

The commissioners of the pollution control agency, and the department of health shall monitor federal rules proposed and adopted for lead hazard reduction of public buildings and structures under title X, of the federal Residential Lead-Based Paint Hazard Reduction Act of 1992, Public Law Number 102-550. The commissioner of health shall report to the legislature by January 10, 1995, with a legislative proposal to bring Minnesota law into conformance with the federal requirements for accreditation of training, inspection, contracting, and employment. The proposal shall be developed jointly with the commissioners of other affected agencies.

Sec. 23. [FEDERAL TRAINING GRANTS.]

The commissioner shall identify and apply for federal grants to subsidize the cost of the current lead abatement training program and to increase the number of certified trainers. The commissioner shall take necessary actions to expand the number of certified trainers, and increase the capacity of the current lead abatement training program to train and certify contractors and employees as required under section 144.876, subdivision 1, and rules adopted under section 144.878, subdivision 5.

Sec. 24. [REPEALER.]

(a) Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5; 157.082; and 157.09, are repealed.

(b) Laws 1993, First Special Session chapter 1, article 9, section 49, is repealed.

Sec. 25. [RULE DELAY.]

The requirement for testing of intact paint found in Minnesota Rules, part 4761.0100, "Applicability," paragraph C, shall not take effect until July 1, 1995.

Sec. 26. [EFFECTIVE DATE.]

Sections 1 to 25 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; modifying provisions relating to lead and asbestos abatement; amending Minnesota Statutes 1992, sections 144.871, subdivision 3, and by adding subdivisions; and 144.878, by adding subdivisions; Minnesota Statutes 1993 Supplement, sections 16B.61, subdivision 3; 144.871, subdivision 2; 144.872, subdivisions 2 and 4; 144.873, subdivision 1; 144.874, subdivisions 1, 3, 3a, and 11a; 144.8771, subdivision 2; 144.878, subdivisions 2 and 5; 326.71, subdivision 4; and 326.75, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 144; repealing Minnesota Statutes 1993 Supplement, sections 144.8771, subdivision 5; 144.8781, subdivisions 1, 2, 3, and 5; 157.082; and 157.09; Laws 1993, First Special Session chapter 1, article 9, section 49."

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

Senate Conferees: SAM G. SOLON, JIM VICKERMAN AND DUANE D. BENSON.

House Conferees: KAREN CLARK, CARLOS MARIANI AND EILEEN TOMPKINS.

Clark moved that the report of the Conference Committee on S. F. No. 2710 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2710, A bill for an act relating to health; modifying provisions relating to lead abatement; amending Minnesota Statutes 1992, sections 144.871, subdivision 3; and 144.874, subdivision 12, and by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 16B.61, subdivision 3; 144.871, subdivision 2; 144.872, subdivision 2; 144.874, subdivisions 1, 3, 9, and 11a; 144.878, subdivisions 2 and 5; and 326.71, subdivision 4; repealing Minnesota Statutes 1993 Supplement, section 144.877.

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

The question was taken on the repassage of the bill and the roll was called. There were 122 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Bertram	Clark	Dehler	Farrell	Greiling	Hugoson
Anderson, R.	Bettermann	Commers	Delmont	Finseth	Gruenes	Huntley
Battaglia	Bishop	Cooper	Dempsey	Frerichs	Gutknecht	Jacobs
Bauerly	Brown, K.	Dauner	Dorn	Garcia	Hasskamp	Jaros
Beard	Carlson	Dauids	Erhardt	Girard	Hausman	Jefferson
Bergson	Carruthers	Dawkins	Evans	Goodno	Holsten	Jennings

Johnson, A.	Krueger	McGuire	Onnen	Reding	Steensma	Weaver
Johnson, R.	Lasley	Milbert	Opatz	Rhodes	Sviggum	Wejcman
Johnson, V.	Leppik	Molnau	Orenstein	Rice	Swenson	Wenzel
Kahn	Lieder	Morrison	Orfield	Rodosovich	Tomassoni	Winter
Kalis	Lindner	Mosel	Osthoff	Rukavina	Tompkins	Wolf
Kelley	Long	Munger	Ostrom	Sarna	Trimble	Worke
Kelso	Lourey	Murphy	Ozment	Seagren	Tunheim	Workman
Kinkel	Luther	Neary	Pawlenty	Sekhon	Van Dellen	Spk. Anderson, I.
Klinzing	Lynch	Nelson	Pelowski	Simoneau	Vellenga	
Knight	Mahon	Ness	Perlt	Skoglund	Vickerman	
Koppendrayer	Mariani	Olson, E.	Peterson	Smith	Wagenius	
Krinkie	McCollum	Olson, M.	Pugh	Solberg	Waltman	

Those who voted in the negative were:

Haukoos

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

Mr. Speaker:

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

S. F. No. 584.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 584

A bill for an act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their rights of public participation in government; proposing coding for new law as Minnesota Statutes, chapter 554.

April 26, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 584, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendment and that S. F. No. 584 be further amended as follows:

Page 2, line 24, delete "established by a preponderance of the" and insert "produced clear and convincing"

Page 3, line 24, before the period, insert "and apply to judicial claims commenced on or after that date"

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

Senate Conferees: JANE KRENTZ, EMBER D. REICHGOTT JUNGE AND MARTHA R. ROBERTSON.

House Conferees: THOMAS PUGH, KATHLEEN SEKHON AND JIM RHODES.

Pugh moved that the report of the Conference Committee on S. F. No. 584 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 584, A bill for an act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their rights of public participation in government; proposing coding for new law as Minnesota Statutes, chapter 554.

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

The question was taken on the repassage of the bill and the roll was called. There were 102 yeas and 23 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Jennings	Lieder	Nelson	Rhodes	Trimble
Anderson, R.	Delmont	Johnson, A.	Long	Olson, E.	Rice	Tunheim
Battaglia	Dorn	Johnson, R.	Lourey	Onnen	Rodosovich	Vellenga
Bauerly	Erhardt	Johnson, V.	Luther	Opatz	Rukavina	Wagenius
Beard	Evans	Kahn	Mahon	Orenstein	Sarna	Waltman
Bergson	Farrell	Kalis	Mariani	Orfield	Seagren	Weaver
Bertram	Garcia	Kelley	McCollum	Osthoff	Sekhon	Wejzman
Bishop	Greenfield	Kelso	McGuire	Ostrom	Simoneau	Wenzel
Brown, C.	Greiling	Kinkel	Milbert	Ozment	Skoglund	Winter
Brown, K.	Hasskamp	Klinzing	Molnau	Pelowski	Solberg	Wolf
Carlson	Hausman	Koppendrayner	Morrison	Perlt	Steensma	Worke
Carruthers	Huntley	Krinkie	Mosel	Peterson	Sviggun	Spk. Anderson, I.
Clark	Jacobs	Krueger	Munger	Pugh	Swenson	
Cooper	Jaros	Lasley	Murphy	Reding	Tomassoni	
Dauner	Jefferson	Leppik	Neary	Rest	Tompkins	

Those who voted in the negative were:

Bettermann	Dempsey	Goodno	Hugoson	Ness	Van Dellen
Commers	Finseth	Gruenes	Knight	Olson, M.	Vickerman
Dauids	Frerichs	Gutknecht	Lindner	Pawlenty	Workman
Dehler	Girard	Haukoos	Lynch	Smith	

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

Mr. Speaker:

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

S. F. No. 1766.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 1766

A bill for an act relating to attorneys; expanding remedies for the unauthorized practice of law; amending Minnesota Statutes 1992, section 481.02, subdivision 8.

April 22, 1994

The Honorable Allan H. Spear
President of the Senate

The Honorable Irv Anderson
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 1766, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 1766 be further amended as follows:

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1992, section 325D.55, subdivision 2, is amended to read:

Subd. 2. (a) Nothing contained in sections 325D.49 to 325D.66, shall apply to actions or arrangements otherwise permitted, or regulated by any regulatory body or officer acting under statutory authority of this state or the United States.

(b) Paragraph (a) includes programs established and operated by nonprofit organizations under the supervision of the supreme court that provide legal services to low-income persons at reduced fees based on a fee structure approved by the supreme court. The nonprofit organization shall submit a proposed fee structure, including hourly rates, to the supreme court at least once each calendar year. The supreme court may approve the proposed fee structure or establish another fee structure."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "authorizing the operation of certain legal service programs for low-income persons;"

Page 1, line 4, delete "section" and insert "sections 325D.55, subdivision 2; and"

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

Senate Conferees: EMBER D. REICHGOTT JUNGE, DON BETZOLD AND DAVID L. KNUTSON.

House Conferees: DAVE BISHOP, THOMAS PUGH AND BILL MACKLIN.

Bishop moved that the report of the Conference Committee on S. F. No. 1766 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 1766, A bill for an act relating to attorneys; expanding remedies for the unauthorized practice of law; amending Minnesota Statutes 1992, section 481.02, subdivision 8.

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

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abrams	Bauerly	Bertram	Brown, C.	Carruthers	Cooper	Dawkins
Anderson, R.	Beard	Bettermann	Brown, K.	Clark	Dauner	Dehler
Battaglia	Bergson	Bishop	Carlson	Commers	Dauids	Delmont

Dempsey	Haukoos	Kinkel	Mariani	Onnen	Rice	Trimble
Dorn	Hausman	Klinzing	McCollum	Opatz	Rodosovich	Tunheim
Erhardt	Holsten	Knight	McGuire	Orenstein	Rukavina	Van Dellen
Evans	Hugoson	Koppendrayner	Milbert	Orfield	Sarna	Vellenga
Farrell	Huntley	Krinkie	Molnau	Osthoff	Seagren	Vickerman
Finseth	Jacobs	Krueger	Morrison	Ostrom	Sekhon	Wagenius
Frerichs	Jaros	Lasley	Mosel	Ozment	Simoneau	Waltman
Garcia	Jefferson	Leppik	Munger	Pawlenty	Skoglund	Weaver
Girard	Jennings	Lieder	Murphy	Pelowski	Smith	Wejcman
Goodno	Johnson, A.	Lindner	Neary	Perlt	Solberg	Wenzel
Greenfield	Johnson, R.	Long	Nelson	Peterson	Steensma	Winter
Greiling	Johnson, V.	Lourey	Ness	Pugh	Sviggum	Wolf
Gruenes	Kahn	Luther	Olson, E.	Reding	Swenson	Worke
Gutknecht	Kelley	Lynch	Olson, K.	Rest	Tomassoni	Workman
Hasskamp	Kelso	Mahon	Olson, M.	Rhodes	Tompkins	Spk. Anderson, I.

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

The following Conference Committee Reports were received:

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2046

A bill for an act relating to wild animals; restricting the killing of dogs wounding, killing, or pursuing big game within the metropolitan area; amending Minnesota Statutes 1992, section 97B.011.

April 28, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 2046, report that we have agreed upon the items in dispute and recommend as follows:

That the House concur in the Senate amendment and that H. F. No. 2046 be further amended as follows:

Amend the title as follows:

Page 1, line 3, delete "within"

Page 1, line 4, delete everything before the semicolon

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

House Conferees: JEAN WAGENIUS, STEVE TRIMBLE AND DENNIS OZMENT.

Senate Conferees: JANE B. RANUM, GARY W. LAIDIG AND ELLEN R. ANDERSON.

Wagenius moved that the report of the Conference Committee on H. F. No. 2046 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2046, A bill for an act relating to wild animals; restricting the killing of dogs wounding, killing, or pursuing big game within the metropolitan area; amending Minnesota Statutes 1992, section 97B.011.

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

The question was taken on the repassage of the bill and the roll was called. There were 109 yeas and 20 nays as follows:

Those who voted in the affirmative were:

Abrams	Dauner	Jaros	Leppik	Murphy	Reding	Trimble
Anderson, R.	Dawkins	Jefferson	Lieder	Neary	Rest	Tunheim
Asch	Delmont	Jennings	Limmer	Nelson	Rhodes	Van Dellen
Battaglia	Dorn	Johnson, A.	Long	Olson, E.	Rice	Vellenga
Bauerly	Erhardt	Johnson, R.	Lourey	Olson, K.	Rodosovich	Vickerman
Beard	Evans	Johnson, V.	Luther	Olson, M.	Sarna	Wagenius
Bertram	Farrell	Kahn	Lynch	Opatz	Seagren	Weaver
Bettermann	Finseth	Kalis	Mahon	Orenstein	Sekhon	Wejcman
Bishop	Garcia	Kelley	Mariani	Orfield	Simoneau	Wenzel
Brown, C.	Goodno	Kelso	McCollum	Osthoff	Skoglund	Winter
Brown, K.	Greenfield	Kinkel	McGuire	Ozment	Solberg	Wolf
Carlson	Greiling	Klinzing	Milbert	Pauly	Steensma	Worke
Carruthers	Hasskamp	Koppendrayer	Molnau	Pawlenty	Sviggum	Spk. Anderson, I.
Clark	Hausman	Krinkie	Morrison	Pelowski	Swenson	
Commers	Huntley	Krueger	Mosel	Peterson	Tomassoni	
Cooper	Jacobs	Lasley	Munger	Pugh	Tompkins	

Those who voted in the negative were:

Bergson	Dempsey	Gruenes	Holsten	Lindner	Perit	Waltman
Dauids	Frerichs	Gutknecht	Hugoson	Ness	Rukavina	Workman
Dehler	Girard	Haukoos	Knight	Onnen	Smith	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2227

A bill for an act relating to electric currents in earth; requiring the public utilities commission to appoint a team of science advisors; mandating scientific framing of research questions; providing for studies of stray voltage and the effects of earth as a conductor of electricity; requiring scientific peer review of findings and conclusions; providing for a report to the public utilities commission; appropriating money.

April 28, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 2227, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment and that H. F. No. 2227 be further amended as follows:

Page 4, line 16, delete "\$493,000" and insert "\$548,000"

Page 4, line 30, delete "\$245,000" and insert "\$300,000"

Page 4, line 34, delete "\$170,000" and insert "\$225,000"

Page 4, line 36, delete "1995" and insert "1996"

Page 5, line 7, delete "1995" and insert "1996"

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

House Conferees: RICHARD "RICK" KRUEGER, JOEL JACOBS AND LEROY KOPPENDRAYER.

Senate Conferees: DALLAS C. SAMS, JOE BERTRAM, SR., AND STEVE DILLE.

Krueger moved that the report of the Conference Committee on H. F. No. 2227 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2227, A bill for an act relating to electric currents in earth; requiring the public utilities commission to appoint a team of science advisors; mandating scientific framing of research questions; providing for studies of stray voltage and the effects of earth as a conductor of electricity; requiring scientific peer review of findings and conclusions; providing for a report to the public utilities commission; appropriating money.

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

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

Those who voted in the affirmative were:

Abrams	Dawkins	Hausman	Krinkie	Munger	Peterson	Tompkins
Anderson, R.	Dehler	Holsten	Krueger	Murphy	Pugh	Trimble
Asch	Delmont	Hugoson	Lasley	Neary	Reding	Tunheim
Battaglia	Dempsey	Huntley	Leppik	Nelson	Rest	Van Dellen
Bauerly	Dorn	Jacobs	Lieder	Ness	Rhodes	Vellenga
Beard	Erhardt	Jaros	Limmer	Olson, E.	Rice	Vickerman
Bergson	Evans	Jefferson	Lindner	Olson, K.	Rodosovich	Wagenius
Bertram	Farrell	Jennings	Long	Olson, M.	Rukavina	Waltman
Bettermann	Finseth	Johnson, A.	Lourey	Onnen	Sarna	Weaver
Bishop	Frerichs	Johnson, R.	Luther	Opatz	Seagren	Wejcman
Brown, C.	Garcia	Johnson, V.	Lynch	Orenstein	Sekhon	Wenzel
Brown, K.	Girard	Kahn	Mahon	Orfield	Simoneau	Winter
Carlson	Goodno	Kalis	Mariani	Osthoff	Skoglund	Wolf
Carruthers	Greenfield	Kelley	McCollum	Ostrom	Smith	Worke
Clark	Greiling	Kelso	McGuire	Ozment	Solberg	Workman
Commers	Gruenes	Kinkel	Milbert	Pauly	Steensma	Spk. Anderson, I.
Cooper	Gutknecht	Klinzing	Molnau	Pawlenty	Sviggum	
Dauner	Hasskamp	Knight	Morrison	Pelowski	Swenson	
Davids	Haukoos	Koppendraye	Mosel	Perlt	Tomassoni	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 2074

A bill for an act relating to crime prevention; juvenile justice; providing for adult court jurisdiction over juveniles alleged to have committed first degree murder or first degree criminal sexual conduct after age 16; providing for presumptive certification to adult court for juveniles alleged to have committed other prison-level felonies; authorizing

the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 23; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home delinquency placement is proposed; providing for adult court jurisdiction over juveniles alleged to have committed nonfelony-level traffic offenses after age 16; authorizing the juvenile court to require parents to attend delinquency hearings; providing for the sharing of certain data collected or maintained on juveniles; requiring county attorneys to establish juvenile diversion programs; providing mandatory minimum sentences for drive-by shooting crimes; expanding the crime relating to the possession of dangerous weapons on school property; increasing penalties for certain firearms offenses involving youth; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 13.99, subdivision 79; 242.31, subdivision 1; 242.32; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.115, subdivision 1; 260.121, subdivision 3; 260.125; 260.131, by adding a subdivision; 260.132; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a, 2, and by adding a subdivision; 260.181, subdivision 4; 260.185, subdivision 3; 260.193, subdivisions 1, 3, 4, 6, and by adding a subdivision; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 268.31; 609.055, subdivision 2; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 144.651, subdivisions 2, 21, and 26; 253B.03, subdivisions 3 and 4; 260.155, subdivision 1; 260.161, subdivisions 1 and 3; 299A.35, subdivisions 1 and 2; 299C.65, subdivision 1; 401.065, subdivision 1, and by adding a subdivision; 609.11, subdivision 9; 609.66, subdivision 1d; 624.713, subdivision 1; 624.7132, subdivision 15; and 624.7181, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 260; 299A; 388; and 609; repealing Minnesota Statutes 1992, section 260.125, subdivision 3.

April 26, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 2074, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendments and that H. F. No. 2074 be further amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [126.25] [COMMUNITY-BASED TRUANCY ACTION PROJECTS.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of education shall establish demonstration projects to reduce truancy rates in schools by early identification of students with school absenteeism problems and providing appropriate interventions based on each student's underlying issues that are contributing to the truant behavior.

Subd. 2. [PROGRAM COMPONENTS.] (a) Projects eligible for grants under this section shall be community-based and must include cooperation between at least one school and one community agency and provide coordinated intervention, prevention, and educational services. Services may include:

(1) assessment for underlying issues that are contributing to the child's truant behavior;

(2) referral to community-based services for the child and family which includes, but is not limited to, individual or family counseling, educational testing, psychological evaluations, tutoring, mentoring, and mediation;

(3) transition services to integrate the child back into school and to help the child succeed once there;

(4) culturally sensitive programming and staffing; and

(5) increased school response including in-school suspension, better attendance monitoring and enforcement, after-school study programs, and in-service training for teachers and staff.

(b) Priority will be given to grants that include:

(1) local law enforcement;

(2) elementary and middle schools;

(3) multiple schools and multiple community agencies;

(4) parent associations; and

(5) neighborhood associations.

Subd. 3. [EVALUATION.] Grant recipients must report to the commissioner of education by September 1 of each year on the services and programs provided, the number of children served, the average daily attendance for the school year, and the number of habitual truancy and educational neglect petitions referred for court intervention.

Sec. 2. Minnesota Statutes 1992, section 126.78, is amended by adding a subdivision to read:

Subd. 5. [REPORT.] A report detailing the costs and results of programs funded under this section must be submitted to the chairs of the committees in the senate and house of representatives with jurisdiction over crime prevention funding and criminal justice policy by February 15 each year.

Sec. 3. Minnesota Statutes 1992, section 242.31, is amended to read:

242.31 [RESTORATION OF CIVIL RIGHTS; POSSESSION OF FIREARMS.]

Subdivision 1. Whenever a person who has been committed to the custody of the commissioner of corrections upon conviction of a crime following ~~reference for prosecution certification to district court~~ under the provisions of section 260.125 is finally discharged by order of the commissioner, that discharge shall restore the person to all civil rights and, if so ordered by the commissioner of corrections, also shall have the effect of setting aside the conviction, nullifying it and purging the person of it. The commissioner shall file a copy of the order with the district court of the county in which the conviction occurred; upon receipt, the court shall order the conviction set aside. An order setting aside a conviction for a crime of violence as defined in section 624.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the order was entered and during that time the person was not convicted of any other crime of violence. A person whose conviction was set aside under this section and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.

Subd. 2. Whenever a person described in subdivision 1 has been placed on probation by the court pursuant to section 609.135 and, after satisfactory fulfillment of it, is discharged from probation, the court shall issue an order of discharge pursuant to subdivision 2a and section 609.165. On application of the defendant or on its own motion and after notice to the county attorney, the court in its discretion may also order that the defendant's conviction be set aside with the same effect as a court order under subdivision 1.

These orders restore the defendant to civil rights and purge and free the defendant from all penalties and disabilities arising from the defendant's conviction and the conviction shall not thereafter be used against the defendant, except in a criminal prosecution for a subsequent offense if otherwise admissible therein. In addition, the record of the defendant's conviction shall be sealed and may be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the court or the department of public safety shall notify the requesting party of the existence of the sealed record and the right to seek a court order to open it pursuant to this section.

Subd. 2a. [CRIMES OF VIOLENCE; INELIGIBILITY TO POSSESS FIREARMS.] The order of discharge must provide that a person who has been convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the person was restored to civil rights and during that time the person was not convicted of any other crime of violence. Any person who has received such a discharge and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.

Subd. 3. The commissioner of corrections shall file a copy of the order with the district court of the county in which the conviction occurred; upon receipt, the court shall order the conviction set aside and all records pertinent to the conviction sealed. These records shall only be reopened in the case of a judicial criminal proceeding instituted at a later date or upon court order, for purposes of a criminal investigation, prosecution, or sentencing, in the manner provided in subdivision 2.

The term "records" includes, but is not limited to, all matters, files, documents and papers incident to the arrest, indictment, information, complaint, trial, appeal, dismissal and discharge, which relate to the conviction for which the order was issued.

Sec. 4. Minnesota Statutes 1992, section 242.32, is amended to read:

242.32 [CONSTRUCTIVE PROGRAMS; COOPERATION, OTHER AGENCIES SECURE PLACEMENT.]

Subdivision 1. [COMMUNITY-BASED PROGRAMMING.] The commissioner of corrections shall be charged with the duty of developing constructive programs for the prevention and decrease of delinquency and crime among youth and. To that end, the commissioner shall cooperate with counties and existing agencies and to encourage the establishment of new agencies programming, both local and statewide, having as their object the prevention and decrease of delinquency and crime among youth; and to provide a continuum of services for serious and repeat juvenile offenders who do not require secure placement. The commissioner shall assist local authorities of any county or municipality when so requested by the governing body thereof, in planning, developing and coordinating their educational, welfare, recreational and health activities or other constructive community programs, which have as their object the conservation of youth work jointly with the commissioner of human services and counties and municipalities to develop and provide community-based services for residential placement of juvenile offenders and community-based services for nonresidential programming for juvenile offenders and their families.

Subd. 2. [SECURE PLACEMENT OF JUVENILE OFFENDERS.] The commissioner shall license several small regional facilities providing secure capacity programming for juveniles who have been adjudicated delinquent or convicted as extended jurisdiction juveniles and require secure placement. The programming shall be tailored to the types of juveniles being served, including their offense history, age, gender, cultural and ethnic heritage, mental health and chemical dependency problems, and other characteristics. Services offered shall include but not be limited to:

- (1) intensive general educational programs, with an individual educational plan for each juvenile;
- (2) specific educational components in the management of anger and nonviolent conflict resolution;
- (3) treatment for chemical dependency;
- (4) mental health screening, assessment, and treatment; and
- (5) programming to educate offenders about sexuality and address issues specific to victims and perpetrators of sexual abuse.

The facilities shall collaborate with facilities providing nonsecure residential programming and with community-based aftercare programs.

Subd. 3. [LICENSURE.] The commissioner shall adopt rules establishing licensing criteria for secure placement programming for juvenile offenders. The criteria must ensure that the programming is distributed throughout the state. The commissioner is authorized to license long-term residential secure programming up to a maximum of 100 beds statewide in addition to those licensed as of the date of enactment of this section.

Sec. 5. Minnesota Statutes 1992, section 257.3571, is amended by adding a subdivision to read:

Subd. 2a. [COMPLIANCE GRANTS.] The commissioner shall establish direct grants to an Indian child welfare defense corporation, as defined in section 611.216, subdivision 1a, to promote statewide compliance with the Indian family preservation act and the Indian Child Welfare Act, United States Code, title 25, section 1901 et seq. The commissioner shall give priority consideration to applicants with demonstrated capability of providing legal advocacy services statewide.

Sec. 6. Minnesota Statutes 1992, section 257.3571, subdivision 3, is amended to read:

Subd. 3. [REQUEST FOR PROPOSALS.] The commissioner shall request proposals for ~~primary support for Indian child welfare programs and special focus programs~~ grants under subdivisions 1 and 2, and 2a, and specify the information and criteria required.

Sec. 7. Minnesota Statutes 1992, section 257.3572, is amended to read:

257.3572 [GRANT APPLICATIONS.]

A tribe or Indian organization may apply for primary support grants under section 257.3571, subdivision 1. A local social service agency, tribe, Indian organization, or other social service organization may apply for special focus grants under section 257.3571, subdivision 2. Civil legal service organizations eligible for grants under section 257.3571, subdivision 2a, may apply for grants under that section. Application may be made alone or in combination with other tribes or Indian organizations.

Sec. 8. Minnesota Statutes 1992, section 257.3579, is amended to read:

257.3579 [AMERICAN INDIAN CHILD WELFARE ADVISORY COUNCIL.]

The commissioner shall appoint an American Indian advisory council to help formulate policies and procedures relating to Indian child welfare services and to make recommendations regarding approval of grants provided under section 257.3571, subdivisions 1 ~~and 2, and 2a~~. The council shall consist of 17 members appointed by the commissioner and must include representatives of each of the 11 Minnesota reservations who are authorized by tribal resolution, one representative from the Duluth Urban Indian Community, three representatives from the Minneapolis Urban Indian Community, and two representatives from the St. Paul Urban Indian Community. Representatives from the urban Indian communities must be selected through an open appointments process under section 15.0597. The terms, compensation, and removal of American Indian child welfare advisory council members shall be as provided in section 15.059.

Sec. 9. Minnesota Statutes 1992, section 260.015, subdivision 5, is amended to read:

Subd. 5. [DELINQUENT CHILD.] (a) Except as otherwise provided in paragraph (b), "delinquent child" means a child:

(a) (1) who has violated any state or local law, except as provided in section 260.193, subdivision 1, and except for juvenile offenders as described in subdivisions 19 to 23;

(b) (2) who has violated a federal law or a law of another state and whose case has been referred to the juvenile court if the violation would be an act of delinquency if committed in this state or a crime or offense if committed by an adult;

(c) (3) who has escaped from confinement to a state juvenile correctional facility after being committed to the custody of the commissioner of corrections; or

(d) (4) who has escaped from confinement to a local juvenile correctional facility after being committed to the facility by the court.

(b) The term delinquent child does not include a child alleged to have committed murder in the first degree after becoming 16 years of age, but the term delinquent child does include a child alleged to have committed attempted murder in the first degree.

Sec. 10. Minnesota Statutes 1992, section 260.111, is amended by adding a subdivision to read:

Subd. 1a. [NO JUVENILE COURT JURISDICTION OVER CERTAIN OFFENDERS.] Notwithstanding any other law to the contrary, the juvenile court lacks jurisdiction over proceedings concerning a child excluded from the definition of delinquent child under section 260.015, subdivision 5, paragraph (b). The district court has original and exclusive jurisdiction in criminal proceedings concerning a child excluded from the definition of delinquent child under section 260.015, subdivision 5, paragraph (b).

Sec. 11. Minnesota Statutes 1992, section 260.115, subdivision 1, is amended to read:

Subdivision 1. Except where a juvenile court has ~~referred~~ certified an alleged violation to a ~~prosecuting authority district court~~ in accordance with the provisions of section 260.125 or a court has original jurisdiction of a child who has committed ~~a minor~~ an adult court traffic offense, as defined in section 260.193, subdivision 1, clause (c), a court other than a juvenile court shall immediately transfer to the juvenile court of the county the case of a minor who appears before the court on a charge of violating any state or local law or ordinance and who is under 18 years of age or who was under 18 years of age at the time of the commission of the alleged offense.

Sec. 12. Minnesota Statutes 1992, section 260.121, subdivision 3, is amended to read:

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

Sec. 13. Minnesota Statutes 1992, section 260.125, is amended to read:

260.125 [REFERENCE FOR PROSECUTION CERTIFICATION TO DISTRICT COURT.]

Subdivision 1. When a child is alleged to have ~~violated a state or local law or ordinance~~ committed, after becoming 14 years of age, an offense that would be a felony if committed by an adult, the juvenile court may enter an order referring certifying the alleged violation proceeding to the appropriate prosecuting authority district court for action under the criminal laws in force governing the commission of and punishment for violations of statutes or local laws or ordinances. ~~The prosecuting authority to whom the matter is referred shall within the time specified in the order of reference, which time shall not exceed 90 days, file with the court making the order of reference notice of intent to prosecute or not to prosecute. If the prosecuting authority files notice of intent not to prosecute or fails to act within the time specified, the court shall proceed as if no order of reference had been made. If such prosecuting authority files with the court notice of intent to prosecute the jurisdiction of the juvenile court in the matter is terminated.~~

Subd. 2. [ORDER OF REFERENCE CERTIFICATION; REQUIREMENTS.] Except as provided in subdivision 3a or 3b, the juvenile court may order a reference certification to district court only if:

- (a) (1) a petition has been filed in accordance with the provisions of section 260.131;
- (b) (2) a motion for certification has been filed by the prosecuting authority;
- (c) (3) notice has been given in accordance with the provisions of sections 260.135 and 260.141;
- (d) (4) a hearing has been held in accordance with the provisions of section 260.155 within 30 days of the filing of the reference certification motion, unless good cause is shown by the prosecution or the child as to why the hearing should not be held within this period in which case the hearing shall be held within 90 days of the filing of the motion; and
- (e) (5) the court finds that
 - (1) there is probable cause, as defined by the rules of criminal procedure promulgated pursuant to section 480.059, to believe the child committed the offense alleged by delinquency petition; and
 - (2) (6) the court finds either:
 - (i) that the presumption of certification created by subdivision 2a applies and the child has not rebutted the presumption by clear and convincing evidence demonstrating that retaining the proceeding in the juvenile court serves public safety; or

(ii) that the presumption of certification does not apply and the prosecuting authority has demonstrated by clear and convincing evidence that the child is not suitable to treatment or that the retaining the proceeding in the juvenile court does not serve public safety is not served under the provisions of laws relating to juvenile courts. If the court finds that the prosecutor has not demonstrated by clear and convincing evidence that retaining the proceeding in juvenile court does not serve public safety, the court shall retain the proceeding in juvenile court.

Subd. 2a. [PRESUMPTION OF CERTIFICATION.] It is presumed that a proceeding involving an offense committed by a child will be certified to district court if:

(1) the child was 16 or 17 years old at the time of the offense; and

(2) the delinquency petition alleges that the child committed an offense that would result in a presumptive commitment to prison under the sentencing guidelines and applicable statutes, or that the child committed any felony offense while using, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm.

If the court determines that probable cause exists to believe the child committed the alleged offense, the burden is on the child to rebut this presumption by demonstrating by clear and convincing evidence that retaining the proceeding in the juvenile court serves public safety. If the court finds that the child has not rebutted the presumption by clear and convincing evidence, the court shall certify the child to district court.

Subd. 2b. [PUBLIC SAFETY.] In determining whether the public safety is served by certifying a child to district court, the court shall consider the following factors:

(1) the seriousness of the alleged offense in terms of community protection, including the existence of any aggravating factors recognized by the sentencing guidelines, the use of a firearm, and the impact on any victim;

(2) the culpability of the child in committing the alleged offense, including the level of the child's participation in planning and carrying out the offense and the existence of any mitigating factors recognized by the sentencing guidelines;

(3) the child's prior record of delinquency;

(4) the child's programming history, including the child's past willingness to participate meaningfully in available programming;

(5) the adequacy of the punishment or programming available in the juvenile justice system; and

(6) the dispositional options available for the child.

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the child's prior record of delinquency than to the other factors listed in this subdivision.

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

(1) is alleged by delinquency petition to have committed an aggravated felony against the person and (a) in committing the offense, the child acted with particular cruelty or disregard for the life or safety of another; or (b) the offense involved a high degree of sophistication or planning by the juvenile; or (c) the juvenile, at the time of the offense, used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or

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

(3) is alleged by delinquency petition (a) to have committed the delinquent act of escape from confinement to a state juvenile correctional facility or a local juvenile correctional facility and (b) to have committed an offense as part of, or subsequent to, escape from custody that would be a felony listed in section 609.11, subdivision 9, if committed by an adult; or

(4) has been found by the court, pursuant to an admission in court or after trial, to have committed an offense within the preceding 24 months which would be a felony if committed by an adult, and is alleged by delinquency petition to have committed murder in the second or third degree, manslaughter in the first degree, criminal sexual conduct in the first degree or assault in the first degree; or

(5) has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed manslaughter in the second degree, kidnapping, criminal sexual conduct in the second degree, arson in the first degree, aggravated robbery, or assault in the second degree; or

(6) has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months, one or both of which would be the felony of burglary of a dwelling if committed by an adult, and the child is alleged by the delinquency petition to have committed another burglary of a dwelling. For purposes of this subdivision, "dwelling" means a building which is, in whole or in part, usually occupied by one or more persons living there at night; or

(7) has previously been found by the court, pursuant to an admission in court or after trial, to have committed three offenses, none in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed any felony other than those described in clause (2), (4), or (5); or

(8) is alleged by delinquency petition to have committed an aggravated felony against the person, other than a violation of section 609.713, in furtherance of criminal activity by an organized gang; or

(9) has previously been found by the court, pursuant to an admission in court or after trial, to have committed an offense which would be a felony if committed by an adult, and is alleged by delinquency petition to have committed a felony level violation of chapter 152 involving the unlawful sale or possession of a schedule I or II controlled substance, while in a park zone or a school zone as defined in section 152.01, subdivisions 12a and 14a. This clause does not apply to a juvenile alleged to have unlawfully possessed a controlled substance in a private residence located within the school zone or park zone; or

(10) is alleged by delinquency petition to have committed a violation of section 624.713, subdivision 1, clause (a), and has been previously found by the court, pursuant to an admission in court or after trial, to have committed a violation of section 624.713, subdivision 1, clause (a).

For the purposes of this subdivision, "aggravated felony against the person" means a violation of any of the following provisions: section 609.185; 609.19; 609.195; 609.20, subdivision 1 or 2; 609.221; 609.222; 609.223; 609.245; 609.25; 609.342; 609.343; 609.344, subdivision 1, clause (c) or (d); 609.345, subdivision 1, clause (c) or (d); 609.561; 609.582, subdivision 1, clause (b) or (c); or 609.713.

For the purposes of this subdivision, an "organized gang" means an association of five or more persons, with an established hierarchy, formed to encourage members of the association to perpetrate crimes or to provide support to members of the association who do commit crimes.

Subd. 3a. [PRIOR REFERENCE CERTIFICATION; EXCEPTION.] Notwithstanding the provisions of subdivisions 2, and 3 2a, and 2b, the court shall order a reference certification in any felony case where if the prosecutor shows that the child has been previously referred for prosecution prosecuted on a felony charge by an order of reference certification issued pursuant to either a hearing held under subdivision 2 or pursuant to the waiver of the right to such a hearing, other than a prior reference certification in the same case.

This subdivision only applies if the child is convicted of the offense or offenses for which the child was prosecuted pursuant to the order of reference certification or of a lesser-included lesser-included offense which is a felony.

This subdivision does not apply to juvenile offenders who are subject to criminal court jurisdiction under section 609.055.

Subd. 3b. [ADULT CHARGED WITH JUVENILE OFFENSE.] The juvenile court has jurisdiction to hold a certification hearing on motion of the prosecuting authority to certify the matter to district court if:

(1) an adult is alleged to have committed an offense before the adult's 18th birthday; and

(2) a petition is filed under section 260.131 before expiration of the time for filing under section 628.26.

The court may not certify the matter to district court under this subdivision if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

Subd. 4. [EFFECT OF ORDER.] When the juvenile court enters an order ~~referring~~ certifying an alleged violation to a ~~prosecuting authority district court~~, the prosecuting authority shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

Subd. 5. [WRITTEN FINDINGS; OPTIONS.] The court shall decide whether to order certification to district court within 15 days after the certification hearing was completed, unless additional time is needed, in which case the court may extend the period up to another 15 days. If the juvenile court orders a reference for prosecution certification, and the presumption described in subdivision 2a does not apply, the order shall contain in writing, findings of fact and conclusions of law as to why the child is not suitable to treatment or the public safety is not served under by retaining the provisions of laws relating to proceeding in the juvenile courts court. If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides not to order a reference for prosecution certification to district court, the decision shall contain, in writing, findings of fact and conclusions of law as to why a reference for prosecution certification is not ordered. If the juvenile court decides not to order certification in a case in which the presumption described in subdivision 2a applies, the court shall designate the proceeding an extended jurisdiction juvenile prosecution and include in its decision written findings of fact and conclusions of law as to why the retention of the proceeding in juvenile court serves public safety, with specific reference to the factors listed in subdivision 2b. If the court decides not to order certification in a case in which the presumption described in subdivision 2a does not apply, the court may designate the proceeding an extended jurisdiction juvenile prosecution.

Subd. 6. [FIRST-DEGREE MURDER.] When a motion for certification has been filed in a case in which the petition alleges that the child committed murder in the first degree, the prosecuting authority shall present the case to the grand jury for consideration of indictment under chapter 628 within 14 days after the petition was filed.

Subd. 7. [INAPPLICABILITY TO CERTAIN OFFENDERS.] This section does not apply to a child excluded from the definition of delinquent child under section 260.015, subdivision 5, paragraph (b).

Sec. 14. [260.126] [EXTENDED JURISDICTION JUVENILE PROSECUTIONS.]

Subdivision 1. [DESIGNATION.] A proceeding involving a child alleged to have committed a felony offense is an extended jurisdiction juvenile prosecution if:

(1) the child was 14 to 17 years old at the time of the alleged offense, a certification hearing was held, and the court designated the proceeding an extended jurisdiction juvenile prosecution;

(2) the child was 16 or 17 years old at the time of the alleged offense; the child is alleged to have committed an offense for which the sentencing guidelines and applicable statutes presume a commitment to prison or to have committed any felony in which the child allegedly used a firearm; and the prosecutor designated in the delinquency petition that the proceeding is an extended jurisdiction juvenile prosecution; or

(3) the child was 14 to 17 years old at the time of the alleged offense, the prosecutor requested that the proceeding be designated an extended jurisdiction juvenile prosecution, a hearing was held on the issue of designation, and the court designated the proceeding an extended jurisdiction juvenile prosecution.

Subd. 2. [HEARING ON PROSECUTOR'S REQUEST.] When a prosecutor requests that a proceeding be designated an extended jurisdiction juvenile prosecution, the court shall hold a hearing under section 260.155 to consider the request. The hearing must be held within 30 days of the filing of the request for designation, unless good cause is shown by the prosecution or the child as to why the hearing should not be held within this period in which case the hearing shall be held within 90 days of the filing of the request. If the prosecutor shows by clear and convincing evidence that designating the proceeding an extended jurisdiction juvenile prosecution serves public safety, the court shall grant the request for designation. In determining whether public safety is served, the court shall consider the factors specified in section 260.125, subdivision 2b. The court shall decide whether to designate the proceeding an extended jurisdiction juvenile prosecution within 15 days after the designation hearing is completed, unless additional time is needed, in which case the court may extend the period up to another 15 days.

Subd. 3. [PROCEEDINGS.] A child who is the subject of an extended jurisdiction juvenile prosecution has the right to a trial by jury and to the effective assistance of counsel, as described in section 260.155, subdivision 2.

Subd. 4. [DISPOSITION.] (a) If an extended jurisdiction juvenile prosecution results in a guilty plea or finding of guilt, the court shall:

(1) impose one or more juvenile dispositions under section 260.185; and

(2) impose an adult criminal sentence, the execution of which shall be stayed on the condition that the offender not violate the provisions of the disposition order and not commit a new offense.

(b) If a child prosecuted as an extended jurisdiction juvenile after designation by the prosecutor in the delinquency petition is convicted of an offense after trial that is not an offense described in subdivision 1, clause (2), the court shall adjudicate the child delinquent and order a disposition under section 260.185. If the extended jurisdiction juvenile proceeding results in a guilty plea for an offense not described in subdivision 1, clause (2), the court may impose a disposition under paragraph (a) if the child consents.

Subd. 5. [EXECUTION OF ADULT SENTENCE.] When it appears that a person convicted as an extended jurisdiction juvenile has violated the conditions of the stayed sentence, or is alleged to have committed a new offense, the court may, without notice, revoke the stay and probation and direct that the offender be taken into immediate custody. The court shall notify the offender in writing of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. If the offender challenges the reasons, the court shall hold a summary hearing on the issue at which the offender is entitled to be heard and represented by counsel. After the hearing, if the court finds that reasons exist to revoke the stay of execution of sentence, the court shall treat the offender as an adult and order any of the adult sanctions authorized by section 609.14, subdivision 3. If the offender was convicted of an offense described in subdivision 1, clause (2), and the court finds that reasons exist to revoke the stay, the court must order execution of the previously-imposed sentence unless the court makes written findings regarding the mitigating factors that justify continuing the stay.

Subd. 6. [INAPPLICABILITY TO CERTAIN OFFENDERS.] This section does not apply to a child excluded from the definition of delinquent child under section 260.015, subdivision 5, paragraph (b).

Sec. 15. Minnesota Statutes 1992, section 260.131, is amended by adding a subdivision to read:

Subd. 4. [DELINQUENCY PETITION; EXTENDED JURISDICTION JUVENILE.] When a prosecutor files a delinquency petition alleging that a child committed a felony offense after reaching the age of 16 years, the prosecutor shall indicate in the petition whether the prosecutor designates the proceeding an extended jurisdiction juvenile prosecution. When a prosecutor files a delinquency petition alleging that a child aged 14 to 17 years committed a felony offense, the prosecutor may request that the court designate the proceeding an extended jurisdiction juvenile prosecution.

Sec. 16. Minnesota Statutes 1992, section 260.132, is amended to read:

260.132 [PROCEDURE; HABITUAL TRUANTS, RUNAWAYS, JUVENILE PETTY AND MISDEMEANOR OFFENDERS.]

Subdivision 1. [NOTICE.] When a peace officer, or attendance officer in the case of a habitual truant, has probable cause to believe that a child:

(1) is in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12); ~~or;~~

(2) is a juvenile petty offender; ~~or~~

(3) has committed a delinquent act that would be a petty misdemeanor or misdemeanor if committed by an adult;

the officer may issue a notice to the child to appear in juvenile court in the county in which the child is found or in the county of the child's residence or, in the case of a juvenile petty offense, or a petty misdemeanor or misdemeanor delinquent act, the county in which the offense was committed. The officer shall file a copy of the notice to appear with the juvenile court of the appropriate county. If a child fails to appear in response to the notice, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody, sections 260.165 and 260.171 shall apply.

Subd. 2. [EFFECT OF NOTICE.] Filing with the court a notice to appear containing the name and address of the child, specifying the offense alleged and the time and place it was committed, has the effect of a petition giving the juvenile court jurisdiction. In the case of running away, the place where the offense was committed may be stated in the notice as either the child's custodial parent's or guardian's residence or lawful placement or where the child was found by the officer. In the case of truancy, the place where the offense was committed may be stated as the school or the place where the child was found by the officer.

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

Sec. 17. Minnesota Statutes 1992, section 260.145, is amended to read:

260.145 [FAILURE TO OBEY SUMMONS OR SUBPOENA; CONTEMPT, ARREST.]

If any person personally served with summons or subpoena fails, without reasonable cause, to appear or bring the ~~minor child, or if any custodial parent or guardian fails, without reasonable cause, to accompany the child to a hearing as required under section 260.155, subdivision 4b,~~ the person may be proceeded against for contempt of court or the court may issue a warrant for the person's arrest, or both. In any case when it appears to the court that the service will be ineffectual, or that the welfare of the ~~minor child~~ requires that the ~~minor child~~ be brought forthwith into the custody of the court, the court may issue a warrant for the ~~minor child~~.

Sec. 18. Minnesota Statutes 1992, section 260.152, is amended to read:

260.152 [MENTAL HEALTH SCREENING OF JUVENILES IN DETENTION CHILDREN.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of human services, in cooperation with the commissioner of corrections, shall establish 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.] (a) The commissioner of 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) ~~availability of 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; children who are alleged or found to be delinquent and children who are reported as being or found to be in need of protection or services.~~

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

(3) (c) Upon completion of the assessment, the project must provide or ensure 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, 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, shall jointly develop a model screening tool to screen juveniles held in juvenile detention children 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 children 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 interagency agreements and protocols to ensure that the mental health needs of juvenile offenders and children in need of protection or services 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 children 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 child 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 children 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 children 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 By January 1, 1994, and annually after that,~~ each year, 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~~ children screened and assessed who are juvenile offenders and the number who were reported as children in need of protection or services;

(2) the number of juveniles children 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 and family reintegration.

Sec. 19. Minnesota Statutes 1993 Supplement, section 260.155, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) 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, except that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury trial on the issue of guilt. 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, an extended jurisdiction juvenile, 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. In all adjudicatory proceedings involving a child alleged to be in need of protection or services, the court shall admit only evidence that would be admissible in a civil trial. To be proved at trial, allegations of a petition alleging a child to be in need of protection or services must be proved by clear and convincing evidence.

(b) 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.

(c) Except as otherwise provided in this paragraph, the court shall exclude the general public from these hearings under this chapter 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 or extended jurisdiction juvenile 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, except that the court may exclude the public from portions of a certification hearing to discuss psychological material or other evidence that would not be accessible to the public in an adult proceeding.

(d) 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 referencee certification or adjudicatory hearings, and (2) the disposition of the case.

(e) Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Sec. 20. Minnesota Statutes 1992, section 260.155, subdivision 2, is amended to read:

Subd. 2. [APPOINTMENT OF COUNSEL.] (a) The minor child, parent, guardian or custodian have the right to effective assistance of counsel in connection with a proceeding in juvenile court. Before a child who is charged by delinquency petition with a misdemeanor offense waives the right to counsel or enters a plea, the child shall consult in person with counsel who shall provide a full and intelligible explanation of the child's rights. The court shall appoint counsel, or stand-by counsel if the child waives the right to counsel, for a child who is:

(1) charged by delinquency petition with a gross misdemeanor or felony offense; or

(2) the subject of a delinquency proceeding in which out-of-home placement has been proposed.

(b) If they desire counsel but are unable to employ it, the court shall appoint counsel to represent the minor child or the parents or guardian in any other case in which it feels that such an appointment is desirable.

Sec. 21. Minnesota Statutes 1992, section 260.155, is amended by adding a subdivision to read:

Subd. 4b. [PARENT OR GUARDIAN MUST ACCOMPANY CHILD AT HEARING.] The custodial parent or guardian of a child who is alleged or found to be delinquent, or is prosecuted as an extended jurisdiction juvenile, must accompany the child at each hearing held during the delinquency or extended jurisdiction juvenile proceedings, unless the court excuses the parent or guardian from attendance for good cause shown. The failure of a parent or guardian to comply with this duty may be punished as provided in section 260.145.

Sec. 22. Minnesota Statutes 1993 Supplement, section 260.161, subdivision 1, is amended to read:

Subdivision 1. [RECORDS REQUIRED TO BE KEPT.] (a) The juvenile court judge shall keep such minutes and in such manner as the court deems necessary and proper. Except as provided in paragraph (b), the court shall keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 23 28 years and shall release the records on an individual to another juvenile court that has jurisdiction of the juvenile, to a requesting adult court for purposes of sentencing, or to an adult court or juvenile court as required by the right of confrontation of either the United States Constitution or the Minnesota Constitution. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child. The court also may provide copies of records concerning delinquency adjudications, on request, to law enforcement agencies, probation officers, and corrections agents if the court finds that providing these records serves public safety or is in the best interests of the child. The records have the same data classification in the hands of the agency receiving them as they had in the hands of the court.

The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the child. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the child all documents filed pertaining to the child and in the order filed. The list shall show the name of the document and the date of filing thereof. The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. Unless otherwise provided by law, all court records shall be open at all reasonable times to the inspection of any child to whom the records relate, and to the child's parent and guardian.

(b) The court shall retain records of the court finding that a juvenile committed an act that would be a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, or 609.345, until the offender reaches the age of 25 28. If the offender commits another violation of sections 609.342 to 609.345 as an adult, or the court convicts a child as an extended jurisdiction juvenile, the court shall retain the juvenile records for as long as the records would have been retained if the offender had been an adult at the time of the juvenile offense. This paragraph does not apply unless the juvenile was represented by an attorney when the petition was admitted or proven provided counsel as required by section 260.155, subdivision 2.

Sec. 23. Minnesota Statutes 1992, section 260.161, subdivision 1a, is amended to read:

Subd. 1a. [RECORD OF ADJUDICATIONS; NOTICE TO BUREAU OF CRIMINAL APPREHENSION.] (a) The juvenile court shall forward to the bureau of criminal apprehension the following data on juveniles adjudicated delinquent for having committed ~~an act described in subdivision 1, paragraph (b)~~ felony-level criminal sexual conduct:

- (1) the name and birth date of the juvenile;
- (2) the type of act for which the juvenile was adjudicated delinquent and date of the offense; and
- (3) the date and county of the adjudication.

(b) The bureau shall retain data on a juvenile until the offender reaches the age of 25 28. If the offender commits another violation of sections 609.342 to 609.345 as an adult, the bureau shall retain the data for as long as the data would have been retained if the offender had been an adult at the time of the juvenile offense.

(c) The juvenile court shall forward to the bureau the following data on individuals convicted as extended jurisdiction juveniles:

- (1) the name and birthdate of the offender;
- (2) the crime committed by the offender and the date of the crime; and
- (3) the date and county of the conviction.

The court shall notify the bureau whenever it executes an extended jurisdiction juvenile's adult sentence under section 260.126, subdivision 5.

(d) The bureau shall retain the extended jurisdiction juvenile data for as long as the data would have been retained if the offender had been an adult at the time of the offense. Data retained on individuals under this subdivision are private data under section 13.02, except that extended jurisdiction juvenile data becomes public data under section 13.87, subdivision 2, when the juvenile court notifies the bureau that the individual's adult sentence has been executed under section 260.126, subdivision 5.

Sec. 24. Minnesota Statutes 1992, section 260.161, subdivision 2, is amended to read:

Subd. 2. Except as provided in this subdivision and in subdivision 1, and except for legal records arising from proceedings or portions of proceedings that are public under section 260.155, subdivision 1, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except (a) by order of a court or (b) as required by sections 245A.04, 611A.03, 611A.04, 611A.06, and 629.73. The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84, subdivision 5a. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260.255, 260.261, or 260.315 when the proceeding involves an adult defendant. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

When a judge of a juvenile court, or duly authorized agent of the court, determines under a proceeding under this chapter that a child has violated a state or local law, ordinance, or regulation pertaining to the operation of a motor vehicle on streets and highways, except parking violations, the judge or agent shall immediately report the violation to the commissioner of public safety. The report must be made on a form provided by the department of public safety and must contain the information required under section 169.95.

Sec. 25. Minnesota Statutes 1992, section 260.181, subdivision 4, is amended to read:

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

(b) The jurisdiction of the court over an extended jurisdiction juvenile, with respect to the offense for which the individual was convicted as an extended jurisdiction juvenile, extends until the offender becomes 21 years of age, unless the court terminates jurisdiction before that date.

(c) The juvenile court has jurisdiction to designate the proceeding an extended jurisdiction juvenile prosecution, or to conduct a trial, receive a plea, or impose a disposition under section 14, subdivision 4, if:

(1) an adult is alleged to have committed an offense before the adult's 18th birthday; and

(2) a petition is filed under section 260.131 before expiration of the time for filing under section 628.26 and before the adult's 21st birthday.

The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

(d) The district court has original and exclusive jurisdiction over a proceeding:

(1) that involves an adult who is alleged to have committed an offense before the adult's 18th birthday; and

(2) in which a criminal complaint is filed before expiration of the time for filing under section 628.26 and after the adult's 21st birthday.

The juvenile court retains jurisdiction if the adult demonstrates that the delay in filing a criminal complaint was purposefully caused by the state in order to gain an unfair advantage.

(e) The juvenile court has jurisdiction over a person who has been adjudicated delinquent until the person's 21st birthday if the person fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under a juvenile court order. The juvenile court has jurisdiction over a convicted extended jurisdiction juvenile who fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under section 14, subdivision 4. The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

Sec. 26. Minnesota Statutes 1992, section 260.185, subdivision 3, is amended to read:

Subd. 3. [CONTINUANCE.] When it is in the best interests of the child to do so and when the child has admitted the allegations contained in the petition before the judge or referee, or when a hearing has been held as provided for in section 260.155 and the allegations contained in the petition have been duly proven but, in either case, before a finding of delinquency has been entered, the court may continue the case for a period not to exceed 90 days on any one order. Such a continuance may be extended for one additional successive period not to exceed 90 days and only after the court has reviewed the case and entered its order for an additional continuance without a finding of delinquency. During this continuance the court may enter an order in accordance with the provisions of subdivision 1, clauses (a) or (b) or enter an order to hold the child in detention for a period not to exceed 15 days on any one order for the purpose of completing any consideration, or any investigation or examination ordered in accordance with the provisions of section 260.151. This subdivision does not apply to an extended jurisdiction juvenile proceeding.

Sec. 27. Minnesota Statutes 1992, section 260.185, is amended by adding a subdivision to read:

Subd. 6. [OUT-OF-STATE PLACEMENTS.] (a) A court may not place a preadjudicated delinquent, an adjudicated delinquent, or a convicted extended jurisdiction juvenile in a residential or detention facility outside Minnesota unless the commissioner of corrections has certified that the facility:

(1) meets or exceeds the standards for Minnesota residential treatment programs set forth in rules adopted by the commissioner of human services and the standards for juvenile residential facilities set forth in rules adopted by the commissioner of corrections or the standards for juvenile detention facilities set forth in rules adopted by the commissioner of corrections; and

(2) provides education, health, dental, and other necessary care equivalent to that which the child would receive if placed in a Minnesota facility licensed by the commissioner of corrections or commissioner of human services.

(b) The interagency licensing agreement between the commissioners of corrections and human services shall be used to determine which rule shall be used for certification purposes under this subdivision.

(c) The commissioner of corrections may charge each facility evaluated a reasonable amount. Money received is annually appropriated to the commissioner of corrections to defray the costs of the certification program.

Sec. 28. Minnesota Statutes 1992, section 260.185, is amended by adding a subdivision to read:

Subd. 7. [PLACEMENT IN JUVENILE FACILITY.] A person who has reached the age of 20 may not be kept in a residential facility licensed by the commissioner of corrections together with persons under the age of 20. The commissioner may adopt criteria for allowing exceptions to this prohibition.

Sec. 29. Minnesota Statutes 1992, section 260.193, subdivision 1, is amended to read:

Subdivision 1. (a) For purposes of this section, the following terms have the meanings given them.

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

(c) "~~Minor~~ Adult court traffic offense" means:

(1) a petty misdemeanor violation of a state or local traffic law, ordinance, or regulation, or a petty misdemeanor violation of a federal, state, or local water traffic law constituting an offense punishable only by fine of not more than \$100; or

(2) a violation of section 169.121, 169.129, or any other misdemeanor- or gross misdemeanor-level traffic violation committed as part of the same behavioral incident as a violation of section 169.121 or 169.129.

Sec. 30. Minnesota Statutes 1992, section 260.193, subdivision 3, is amended to read:

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

Sec. 31. Minnesota Statutes 1992, section 260.193, subdivision 4, is amended to read:

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

Sec. 32. Minnesota Statutes 1992, section 260.193, subdivision 6, is amended to read:

Subd. 6. Before making a disposition of any child found to be a juvenile major traffic offender or to have violated a misdemeanor- or gross misdemeanor-level traffic law, the court shall obtain from the department of public safety information of any previous traffic violation by this juvenile. In the case of a juvenile water traffic offender, the court shall obtain from the office where the information is now or hereafter may be kept information of any previous water traffic violation by the juvenile.

Sec. 33. Minnesota Statutes 1992, section 260.193, is amended by adding a subdivision to read:

Subd. 7a. [CRIMINAL COURT DISPOSITIONS; ADULT COURT TRAFFIC OFFENDERS.] (a) A juvenile who is charged with an adult court traffic offense in district court shall be treated as an adult before trial, except that the juvenile may be held in secure, pretrial custody only in a secure juvenile detention facility.

(b) A juvenile who is convicted of an adult court traffic offense in district court shall be treated as an adult for sentencing purposes, except that the court may order the juvenile placed out of the home only in a residential treatment facility or in a juvenile correctional facility.

(c) The disposition of an adult court traffic offender remains with the county in which the adjudication occurred.

Sec. 34. Minnesota Statutes 1992, section 260.211, subdivision 1, is amended to read:

Subdivision 1. (a) No adjudication upon the status of any child in the jurisdiction of the juvenile court shall operate to impose any of the civil disabilities imposed by conviction, nor shall any child be deemed a criminal by reason of this adjudication, nor shall this adjudication be deemed a conviction of crime, except as otherwise provided in this section or section 260.215. An extended jurisdiction juvenile conviction shall be treated in the same manner as an adult felony criminal conviction for purposes of the sentencing guidelines. The disposition of the child or any evidence given by the child in the juvenile court shall not be admissible as evidence against the child in any case or proceeding in any other court, except that an adjudication may later be used to determine a proper sentence, nor shall the disposition or evidence disqualify the child in any future civil service examination, appointment, or application.

(b) A person who was adjudicated delinquent for, or convicted as an extended jurisdiction juvenile of, a crime of violence as defined in section 624.712, subdivision 5, is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the person was discharged and during that time the person was not convicted of any other crime of violence. A person who has received a relief of disability under United States Code, title 18, section 925, is not subject to the restrictions of this subdivision.

Sec. 35. Minnesota Statutes 1992, section 260.215, subdivision 1, is amended to read:

Subdivision 1. A violation of a state or local law or ordinance by a child before becoming 18 years of age is not a crime unless the juvenile court:

(1) refers ~~certifies~~ the matter to the ~~appropriate prosecuting authority~~ district court in accordance with the provisions of section 260.125; or

(2) transfers the matter to a court in accordance with the provisions of section 260.193; or

(3) convicts the child as an extended jurisdiction juvenile and subsequently executes the adult sentence under section 260.126, subdivision 5.

Sec. 36. Minnesota Statutes 1992, section 260.291, is amended to read:

260.291 [APPEAL.]

Subdivision 1. [PERSONS ENTITLED TO APPEAL; PROCEDURE.] (a) An appeal may be taken by the aggrieved person from a final order of the juvenile court affecting a substantial right of the aggrieved person, including but not limited to an order adjudging a child to be in need of protection or services, neglected and in foster care, delinquent, or a juvenile traffic offender. The appeal shall be taken within 30 days of the filing of the appealable order. The court administrator shall notify the person having legal custody of the minor of the appeal. Failure to notify the person having legal custody of the minor shall not affect the jurisdiction of the appellate court. The order of the juvenile court shall stand, pending the determination of the appeal, but the reviewing court may in its discretion and upon application stay the order.

(b) An appeal may be taken by an aggrieved person from an order of the juvenile court on the issue of certification of a child to district court. Certification appeals shall be expedited as provided by applicable rules.

Subd. 2. [APPEAL.] The appeal from a juvenile court is taken to the court of appeals as in other civil cases, except as provided in subdivision 1.

Sec. 37. Minnesota Statutes 1992, section 268.31, is amended to read:

268.31 [DEVELOPMENT OF YOUTH EMPLOYMENT OPPORTUNITIES.]

(a) To the extent of available funding, the commissioner of jobs and training shall establish a program to employ individuals from the ages of 14 years up to 22 years. Available money may be used to operate this program on a full calendar year basis, to provide transitional services, link basic skills training and remedial education to job training and school completion, and for support services. The commissioner shall ensure that all youth employment opportunities include components of work-related learning described in chapter 126B so that participating individuals learn necessary workplace skills. The amount spent on support services in any one fiscal year may not exceed 15 percent of the total annual appropriation for this program. Individuals employed in this program will be placed in service with departments, agencies, and instrumentalities of the state, county, local governments, school districts, with nonprofit organizations, and private sector employers. The maximum number of hours that an individual may be employed in a position supported under this program is 480 hours. Program funds may not be used for private sector placements. Program operators must use the targeted jobs tax credit, other federal, state, and local government resources, as well as private sector resources to fund private sector placements. The commissioner shall cooperate with the commissioner of human services in determining and implementing the most effective means of disregarding a youth's earnings from family income for purposes of the aid to families with dependent children program, to the extent permitted by the federal government.

(b) Upon request of the commissioner of the department of natural resources, the commissioner will contract for or provide available services for remedial skills, life skills, and career counseling activities to youth in the Minnesota conservation corps program.

(c) The commissioner shall evaluate the services provided under this section. The evaluation shall include information on the effectiveness of program services in promoting the employability of young people. In order to measure the long-term effectiveness of the program, the evaluation shall include follow-up information on each participant.

Sec. 38. Minnesota Statutes 1993 Supplement, section 299A.35, subdivision 1, is amended to read:

Subdivision 1. [PROGRAMS.] The commissioner shall, in consultation with the chemical abuse prevention resource council, administer a grant program to fund community-based programs that are designed to enhance the community's sense of personal security and to assist the community in its crime control efforts. Examples of qualifying programs include, but are not limited to, the following:

(1) programs to provide security systems for residential buildings serving low-income persons, elderly persons, and persons who have physical or mental disabilities;

(2) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities;

- (3) neighborhood block clubs and innovative community-based crime watch programs;
- (4) community-based programs designed to enrich the educational, cultural, or recreational opportunities of at-risk elementary or secondary school age youth, including programs designed to keep at-risk youth from dropping out of school and encourage school dropouts to return to school;
- (5) support services for a municipal curfew enforcement program including, but not limited to, rent for drop-off centers, staff, supplies, equipment, and the referral of children who may be abused or neglected; and
- (6) community-based programs designed to intervene with juvenile offenders who are identified as likely to engage in repeated criminal activity in the future unless intervention is undertaken;
- (7) community-based collaboratives that coordinate five or more programs designed to enrich the educational, cultural, or recreational opportunities of at-risk elementary or secondary school age youth, including programs designed to keep at-risk youth from dropping out of school and to encourage school dropouts to return to school;
- (8) programs that are proven successful at increasing the rate of graduation from secondary school and the rate of post-secondary education attendance for high-risk students; and
- (9) other community-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program.

Sec. 39. Minnesota Statutes 1993 Supplement, section 299A.35, subdivision 2, is amended to read:

Subd. 2. [GRANT PROCEDURE.] A local unit of government or a nonprofit community-based entity may apply for a grant by submitting an application with the commissioner. The applicant shall specify the following in its application:

- (1) a description of each program for which funding is sought;
- (2) the amount of funding to be provided to the program;
- (3) the geographical area to be served by the program;
- (4) statistical information as to the number of arrests in the geographical area for violent crimes and for crimes involving schedule I and II controlled substances. "Violent crime" includes a violation of or an attempt or conspiracy to violate any of the following laws: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.687; or any provision of chapter 152 that is punishable by a maximum sentence greater than ten years; and
- (5) the number of economically disadvantaged youth in the geographical areas to be served by the program.

The commissioner shall give priority to funding programs that demonstrate substantial involvement by members of the community served by the program and either serve the geographical areas that have the highest crime rates, as measured by the data supplied under clause (4), or serve geographical areas that have the largest concentrations of economically disadvantaged youth. The maximum amount that may be awarded to an applicant is \$50,000; except that if the applicant is a community-based collaborative under subdivision 1, clause (7), the maximum amount that can be awarded is \$50,000 for each program participating in the collaborative.

Sec. 40. [299A.60] [SCHOOL-RELATED CRIME TELEPHONE LINE.]

The commissioner shall operate at least one statewide toll-free 24-hour telephone line for the purpose of receiving reports from students and school employees regarding suspected criminal activity occurring in school zones, as defined in section 152.01, subdivision 14a. The commissioner shall promptly forward reports received through the telephone line to the appropriate local law enforcement agency. The commissioner may pay a reward in an amount not to exceed \$100 for information leading to the arrest or prosecution of an adult or juvenile offender for committing or attempting to commit an offense in a school zone.

Sec. 41. Minnesota Statutes 1993 Supplement, section 299C.65, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHING GROUP.] The criminal and juvenile information policy group consists of the chair of the sentencing guidelines commission, the commissioner of corrections, the commissioner of public safety, and the state court administrator.

The policy group shall study and make recommendations to the governor, the supreme court, and the legislature on:

(1) a framework for integrated criminal justice information systems, including the development and maintenance of a community data model for state, county, and local criminal justice information;

(2) the responsibilities of each entity within the criminal and juvenile justice systems concerning the collection, maintenance, dissemination, and sharing of criminal justice information with one another;

(3) actions necessary to ensure that information maintained in the criminal justice information systems is accurate and up-to-date;

(4) the development of an information system containing criminal justice information on gross misdemeanor-level and felony-level juvenile offenders that is part of the integrated criminal justice information system framework;

(5) the development of an information system containing criminal justice information on misdemeanor arrests, prosecutions, and convictions that is part of the integrated criminal justice information system framework;

(6) comprehensive training programs and requirements for all individuals in criminal justice agencies to ensure the quality and accuracy of information in those systems;

(7) continuing education requirements for individuals in criminal justice agencies who are responsible for the collection, maintenance, dissemination, and sharing of criminal justice data;

(8) a periodic audit process to ensure the quality and accuracy of information contained in the criminal justice information systems;

(9) the equipment, training, and funding needs of the state and local agencies that participate in the criminal justice information systems;

(10) the impact of integrated criminal justice information systems on individual privacy rights; ~~and~~

(11) the impact of proposed legislation on the criminal justice system, including any fiscal impact, need for training, changes in information systems, and changes in processes;

(12) the collection of data on race and ethnicity in criminal justice information systems;

(13) the development of a tracking system for domestic abuse orders for protection;

(14) processes for expungement, correction of inaccurate records, destruction of records, and other matters relating to the privacy interests of individuals; and

(15) the development of a data base for extended jurisdiction juvenile records and whether the records should be public or private and how long they should be retained.

Sec. 42. [388.24] [PRETRIAL DIVERSION PROGRAMS FOR JUVENILES.]

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

(1) a child under the jurisdiction of the juvenile court is an "offender" if:

(i) the child is petitioned for, or probable cause exists to petition or take the child into custody for, a felony, gross misdemeanor, or misdemeanor offense, other than an offense against the person, but has not yet entered a plea in the proceedings;

(ii) the child has not previously been adjudicated in Minnesota or any other state for any offense against the person; and

(iii) the child has not previously been petitioned for an offense in Minnesota and then had the petition dismissed as part of a diversion program, including a program that existed before July 1, 1995; and

(2) "pretrial diversion" means the decision of a prosecutor to refer an offender to a diversion program on condition that the delinquency petition against the offender will be dismissed or the petition will not be filed after a specified period of time if the offender successfully completes the program.

Subd. 2. [ESTABLISHMENT OF PROGRAM.] By July 1, 1995, every county attorney shall establish a pretrial diversion program for offenders. If the county attorney's county participates in the community corrections act as part of a group of counties under section 401.02, the county attorney may establish a pretrial diversion program in conjunction with other county attorneys in that group of counties. The program must be designed and operated to further the following goals:

- (1) to provide eligible offenders with an alternative to adjudication that emphasizes restorative justice;
- (2) to reduce the costs and caseload burdens on juvenile courts and the juvenile justice system;
- (3) to minimize recidivism among diverted offenders;
- (4) to promote the collection of restitution to the victim of the offender's crime;
- (5) to develop responsible alternatives to the juvenile justice system for eligible offenders; and
- (6) to develop collaborative use of demonstrated successful culturally specific programming, where appropriate.

Subd. 3. [PROGRAM COMPONENTS.] A diversion program established under this section may:

(1) provide screening services to the court and the prosecuting authorities to help identify likely candidates for pretrial diversion;

(2) establish goals for diverted offenders and monitor performance of these goals;

(3) perform chemical dependency assessments of diverted offenders where indicated, make appropriate referrals for treatment, and monitor treatment and aftercare;

(4) provide individual, group, and family counseling services;

(5) oversee the payment of victim restitution by diverted offenders;

(6) assist diverted offenders in identifying and contacting appropriate community resources;

(7) provide educational services to diverted offenders to enable them to earn a high school diploma or GED; and

(8) provide accurate information on how diverted offenders perform in the program to the court, prosecutors, defense attorneys, and probation officers.

Subd. 4. [REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).] Every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

(1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;

(2) the date on which the individual began to participate in the diversion program;

(3) the date on which the individual is expected to complete the diversion program;

(4) the date on which the individual successfully completed the diversion program, where applicable; and

(5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

Subd. 5. [REPORTS.] By January 1, 1996, and biennially thereafter, each county attorney shall report to the department of corrections and the legislature on the operation of a pretrial diversion program required by this section. The report shall include a description of the program, the number of offenders participating in the program, the number and characteristics of the offenders who successfully complete the program, the number and characteristics of the offenders who fail to complete the program, and an evaluation of the program's effect on the operation of the juvenile justice system in the county.

Sec. 43. Minnesota Statutes 1993 Supplement, section 401.065, subdivision 1, is amended to read:

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

(1) a person is an "offender" means a person who if:

(i) the person is charged with, or probable cause exists to arrest or charge the person with, a felony, gross misdemeanor, or misdemeanor crime, other than a crime against the person, but who the person has not yet entered a plea in the proceedings;

(ii) the person has not previously been convicted as an adult in Minnesota or any other state of any crime against the person; and

(iii) the person has not previously been charged with a crime participated as an adult in Minnesota in a pretrial diversion program, including a program that existed before July 1, 1994, and then had charges dismissed or not filed as part of a diversion that program, including a program that existed before July 1, 1994; and

(2) "pretrial diversion" means the decision of a prosecutor to refer an offender to a diversion program on condition that the criminal charges against the offender will be dismissed after a specified period of time, or the case will not be charged, if the offender successfully completes the program.

Sec. 44. Minnesota Statutes 1993 Supplement, section 401.065, is amended by adding a subdivision to read:

Subd. 3a. [REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).] Every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

(1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;

(2) the date on which the individual began to participate in the diversion program;

(3) the date on which the individual is expected to complete the diversion program;

(4) the date on which the individual successfully completed the diversion program, where applicable; and

(5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

Sec. 45. Minnesota Statutes 1992, section 609.055, subdivision 2, is amended to read:

Subd. 2. [ADULT PROSECUTION.] (a) Except as otherwise provided in paragraph (b), children of the age of 14 years or over but under 18 years may be prosecuted for a criminal felony offense if the alleged violation is duly referred certified to the appropriate prosecuting authority district court or may be designated an extended jurisdiction juvenile in accordance with the provisions of chapter 260. A child who is 16 years of age or older but under 18 years of age is capable of committing a crime and may be prosecuted for a felony if:

(1) the child has been previously referred for prosecution certified to the district court on a felony charge by an order of reference issued pursuant to a hearing under section 260.125, subdivision 2, or pursuant to the waiver of the right to such a hearing, or prosecuted pursuant to this subdivision; and

(2) the child was convicted of the felony offense or offenses for which the child was prosecuted or of a lesser included felony offense.

(b) A child who is alleged to have committed murder in the first degree after becoming 16 years of age is capable of committing a crime and may be prosecuted for the felony. This paragraph does not apply to a child alleged to have committed attempted murder in the first degree after becoming 16 years of age.

Sec. 46. Minnesota Statutes 1993 Supplement, section 609.11, subdivision 9, is amended to read:

Subd. 9. [APPLICABLE OFFENSES.] The crimes for which mandatory minimum sentences shall be served as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; criminal sexual conduct under the circumstances described in sections 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); and 609.344, subdivision 1, clauses (a) to (e) and (h) to (j); escape from custody; arson in the first, second, or third degree; drive-by shooting under section 609.66, subdivision 1e; a felony violation of chapter 152; or any attempt to commit any of these offenses.

Sec. 47. Minnesota Statutes 1992, section 609.49, is amended by adding a subdivision to read:

Subd. 1a. [JUVENILE OFFENDERS.] (a) A person who intentionally fails to appear for a juvenile court disposition is guilty of a felony if:

(1) the person was prosecuted in juvenile court for an offense that would have been a felony if committed by an adult;

(2) the juvenile court made findings pursuant to an admission in court or after trial;

(3) the person was released from custody on condition that the person appear in the juvenile court for a disposition in connection with the offense; and

(4) the person was notified that failure to appear is a criminal offense.

(b) A person who violates the provisions of this subdivision 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.

Sec. 48. Minnesota Statutes 1992, section 609.49, subdivision 3, is amended to read:

Subd. 3. [AFFIRMATIVE DEFENSE.] If proven by a preponderance of the evidence, it is an affirmative defense to a violation of subdivision 1, 1a, or 2 that the person's failure to appear in court as required was due to circumstances beyond the person's control.

Sec. 49. Minnesota Statutes 1993 Supplement, section 609.66, subdivision 1d, is amended to read:

Subd. 1d. [FELONY; POSSESSION ON SCHOOL PROPERTY.] (a) Whoever possesses, stores, or keeps a dangerous weapon ~~as defined in section 609.02, subdivision 6, on or uses or brandishes a replica firearm or a BB gun on school property~~ is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(b) Whoever possesses, stores, or keeps a replica firearm or a BB gun on school property is guilty of a gross misdemeanor.

(c) As used in this subdivision:

(1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch or less in diameter;

(2) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;

(3) "replica firearm" has meaning given it in section 609.713; and

(4) "school property" means:

(1) a public or private elementary, middle, or secondary school building and its grounds, whether leased or owned by the school; and

(2) the area within a school bus when that bus is being used to transport one or more elementary, middle, or secondary school students.

(e) (d) This subdivision does not apply to:

(1) licensed peace officers, military personnel, or students participating in military training, who are performing official duties;

(2) persons who carry pistols according to the terms of a permit;

(3) persons who keep or store in a motor vehicle pistols in accordance with sections 624.714 and 624.715 or other firearms in accordance with section 97B.045;

(4) firearm safety or marksmanship courses or activities conducted on school property;

(5) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;

(6) a gun or knife show held on school property; or

(7) possession of dangerous weapons, BB guns, or replica firearms with written permission of the principal.

Sec. 50. Minnesota Statutes 1992, section 611.15, is amended to read:

611.15 [NOTIFICATION OF RIGHT TO REPRESENTATION.]

In every criminal case or proceeding, including a juvenile delinquency or extended jurisdiction juvenile proceeding, in which any person entitled by law to representation by counsel shall appear without counsel, the court shall advise such person of the right to be represented by counsel and that counsel will be appointed to represent the person if the person is financially unable to obtain counsel.

Sec. 51. Minnesota Statutes 1992, section 611.19, is amended to read:

611.19 [WAIVER OF APPOINTMENT OF COUNSEL.]

Where counsel is waived by a defendant, the waiver shall in all instances be made in writing, signed by the defendant, except that in such situation if the defendant refuses to sign the written waiver, then the court shall make a record evidencing such refusal of counsel. Waiver of counsel by a child who is the subject of a delinquency or extended jurisdiction juvenile proceeding is governed by section 260.155, subdivisions 2 and 8.

Sec. 52. Minnesota Statutes 1992, section 611.25, subdivision 1, is amended to read:

Subdivision 1. [REPRESENTATION.] (a) The state public defender shall represent, without charge;

(1) a defendant or other person appealing from a conviction of a felony or gross misdemeanor. ~~The state public defender shall represent, without charge;~~

(2) a person convicted of a felony or gross misdemeanor who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction; and

(3) a child who is appealing from a delinquency adjudication or from an extended jurisdiction juvenile conviction.

(b) The state public defender may represent, without charge, all other persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel.

(c) The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed to do so by the supreme court or the court of appeals, except that the state public defender shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award. When requested by a district public defender or appointed counsel, the state public defender may assist the district public defender, appointed counsel, or an organization designated in section 611.216 in the performance of duties, including trial representation in matters involving legal conflicts of interest or other special circumstances, and assistance with legal research and brief preparation. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender.

Sec. 53. Minnesota Statutes 1992, section 611A.02, is amended by adding a subdivision to read:

Subd. 3. [NOTICE OF THE RIGHTS OF VICTIMS IN JUVENILE COURT.] (a) The crime victim and witness advisory council shall develop a notice of the rights of victims in juvenile court that explains:

(1) the rights of victims in the juvenile court;

(2) when a juvenile matter is public;

(3) the procedures to be followed in juvenile court proceedings; and

(4) other relevant matters.

(b) The juvenile court shall distribute a copy of the notice to each victim of juvenile crime who attends a juvenile court proceeding, along with a notice of services for victims available in that judicial district.

Sec. 54. Minnesota Statutes 1992, section 611A.77, subdivision 1, is amended to read:

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 crime or a juvenile ~~with respect to whom~~ who has been referred to a mediation program before or after a petition for delinquency has been filed in connection with a nonviolent offense, and "nonviolent crime" and "nonviolent offense" exclude any offense in which the victim is a family or household member, as defined in section 518B.01, subdivision 2.

Sec. 55. Minnesota Statutes 1993 Supplement, section 624.713, subdivision 1, is amended to read:

Subdivision 1. [INELIGIBLE PERSONS.] The following persons shall not be entitled to possess a pistol or semiautomatic military-style assault weapon:

(a) a person under the age of 18 years except that a person under 18 may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

(b) a person who has been convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, in this state or elsewhere ~~of~~ a crime of violence unless ten years have elapsed since the person has been restored to civil rights or the sentence or disposition has expired, whichever occurs first, and during that time the person has not been convicted of or adjudicated for any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) a person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person as defined in section 253B.02, to a treatment facility, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that the person is no longer suffering from this disability;

(d) a person who has been convicted in Minnesota or elsewhere of a misdemeanor or gross misdemeanor violation of chapter 152, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in sections 152.01 and 152.02, unless the person possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that the person has not abused a controlled substance or marijuana during the previous two years;

(e) a person who has been confined or committed to a treatment facility in Minnesota or elsewhere as "chemically dependent" as defined in section 253B.02, unless the person has completed treatment. Property rights may not be abated but access may be restricted by the courts;

(f) a peace officer who is informally admitted to a treatment facility pursuant to section 253B.04 for chemical dependency, unless the officer possesses a certificate from the head of the treatment facility discharging or provisionally discharging the officer from the treatment facility. Property rights may not be abated but access may be restricted by the courts;

(g) a person, including a person under the jurisdiction of the juvenile court, who has been charged with committing a crime of violence and has been placed in a pretrial diversion program by the court before disposition, until the person has completed the diversion program and the charge of committing the crime of violence has been dismissed; or

(h) a person who has been convicted in another state of committing an offense similar to the offense described in section 609.224, subdivision 3, against a family or household member, unless three years have elapsed since the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224, subdivision 3, or a similar law of another state.

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

Sec. 56. Minnesota Statutes 1993 Supplement, section 624.713, subdivision 3, is amended to read:

Subd. 3. [NOTICE.] (a) When a person is convicted of, or adjudicated delinquent or convicted as an extended jurisdiction juvenile for committing, a crime of violence as defined in section 624.712, subdivision 5, the court shall inform the defendant that the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon for a period of ten years after the person was restored to civil rights or since the sentence or disposition has expired, whichever occurs first, and that it is a felony offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semiautomatic military-style assault weapon possession prohibition or the felony penalty to that defendant.

(b) When a person, including a person under the jurisdiction of the juvenile court, is charged with committing a crime of violence and is placed in a pretrial diversion program by the court before disposition, the court shall inform the defendant that: (1) the defendant is prohibited from possessing a pistol or semiautomatic military-style assault weapon until the person has completed the diversion program and the charge of committing a crime of violence has been dismissed; (2) it is a gross misdemeanor offense to violate this prohibition; and (3) if the defendant violates this condition of participation in the diversion program, the charge of committing a crime of violence may be prosecuted. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol or semiautomatic military-style assault weapon possession prohibition or the gross misdemeanor penalty to that defendant.

Sec. 57. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 15, is amended to read:

Subd. 15. [PENALTIES.] (a) Except as otherwise provided in paragraph (b), a person who does any of the following is guilty of a gross misdemeanor:

(a) (1) transfers a pistol or semiautomatic military-style assault weapon in violation of subdivisions 1 to 13;

(b) (2) transfers a pistol or semiautomatic military-style assault weapon to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(e) (3) knowingly becomes a transferee in violation of subdivisions 1 to 13; or

(d) (4) makes a false statement in order to become a transferee of a pistol or semiautomatic military-style assault weapon knowing or having reason to know the statement is false.

(b) A person who does either of the following is guilty of a felony:

(1) transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 in violation of subdivisions 1 to 13; or

(2) transfers a pistol or semiautomatic military-style assault weapon to a person under the age of 18 who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement.

Sec. 58. Minnesota Statutes 1993 Supplement, section 624.7181, subdivision 2, is amended to read:

Subd. 2. ~~[GROSS MISDEMEANOR PENALTIES.]~~ Whoever carries a rifle or shotgun on or about the person in a public place is guilty of a gross misdemeanor. A person under the age of 21 who carries a semiautomatic military style assault weapon, as defined in section 624.712, subdivision 7, on or about the person in a public place is guilty of a felony.

Sec. 59. [JUDICIAL DISTRICT DELINQUENCY DISPOSITION PRINCIPLES.]

By January 1, 1996, the chief judge in each judicial district shall publish the written criteria used by judges in the district in determining juvenile delinquency dispositions. The judges of the district shall develop the written criteria in consultation with local county attorneys, public defenders, local corrections personnel, victim advocates, and the public. Each chief judge shall submit a copy of the written criteria to the head of the conference of chief judges by September 1, 1995, who shall submit copies of the criteria to the chairs of the senate crime prevention committee and the house judiciary committee by November 1, 1995.

Sec. 60. [USE OF EXTENDED JURISDICTION JUVENILE ADJUDICATIONS AS ADULT CRIMINAL HISTORY POINTS.]

The sentencing guidelines commission shall modify the guidelines to take effect January 1, 1995, to provide that an extended jurisdiction juvenile conviction is treated under the guidelines in the same manner as a felony conviction of an adult.

Sec. 61. [SENTENCING GUIDELINES MODIFICATIONS.]

Subdivision 1. [MODIFICATIONS TO SENTENCING GUIDELINES REQUIRED.] The sentencing guidelines commission shall adopt the modifications described in subdivision 2 and shall apply them to persons whose crimes occur on or after January 1, 1995.

Subd. 2. [PRIOR JUVENILE OFFENSES; CRIMINAL HISTORY SCORE.] The commission shall modify sentencing guideline II.B.4 as follows:

(1) it shall change clause (c) to allow juvenile offenses occurring after the juvenile's 14th birthday to be included in the offender's criminal history score;

(2) it shall change clause (d) to permit juvenile offenses to be included in an offender's criminal history score if the offender was under 25 years of age at the time the current felony was committed; and

(3) it shall change clause (e) to exclude crimes for which the guidelines presume imprisonment from the maximum limit on the number of criminal history score points an offender may receive for prior juvenile offenses.

Subd. 3. [AGGRAVATING FACTOR.] The commission shall consider modifying sentencing guideline II.D. by adding to the list of aggravating factors the fact that the offender committed the crime as part of a group of three or more persons.

Sec. 62. [TASK FORCE ON JUVENILE PROGRAMMING EVALUATION AND PLANNING.]

Subdivision 1. [DUTIES; REPORT.] The task force on juvenile programming evaluation and planning shall report to the chairs of the senate committee on crime prevention and the house of representatives committee on judiciary and the legislative auditor by November 30, 1994, concerning the results of the tasks described in this section.

Subd. 2. [SURVEY OF PROGRAMMING.] (a) The commissioners of corrections and human services shall conduct a comprehensive survey of existing juvenile programming available across the state and report its findings to the task force. For purposes of the survey, juvenile programming includes all out-of-home placement and nonresidential programs in which juveniles are placed as part of a diversion from juvenile court or as the result of a juvenile court delinquency or extended jurisdiction juvenile proceeding or children in need of protection or services proceeding.

(b) The survey shall determine for each program: whether juveniles were placed there through a child protection proceeding, a juvenile delinquency or extended jurisdiction juvenile proceeding, or through diversion; whether payment is by the state, a local government entity, the child's family, or another source; the extent to which the program provides family and community reintegration services; the extent to which the program provides mental health screening or assessment of each child and develops a treatment plan to address the child's mental health needs; the extent to which the program provides a comprehensive educational assessment of each child and an educational plan to address the child's educational needs during the placement and after reentry into the community, including critical skill thinking and conflict resolution; and the extent to which aftercare is provided.

(c) The survey shall determine for each program: the race and sex of juveniles placed there; the race and sex of staff members; the number of juveniles requiring special services; and the cultural appropriateness of the programming.

(d) The survey shall determine for each program the availability of special services including but not limited to: programming for juvenile female offenders; resources for sex offenders; chemical dependency services; mental health assessments and services; suicide prevention services; services for abuse victims; and services for the developmentally disabled.

Subd. 3. [TASK FORCE DUTIES.] The task force shall make recommendations concerning:

(1) a full continuum of programming to fulfill the service needs identified by the survey conducted under subdivision 2 for extended jurisdiction juveniles and adjudicated juveniles and the cost of providing those services;

(2) rules establishing criteria for secure placement of juvenile offenders;

(3) existing programs that counties and the state should not continue to fund and a specific list of priorities to be used at the state and county level in evaluating programs for juvenile offenders;

(4) the appropriate financial responsibility for extended jurisdiction juveniles and adjudicated juveniles placed out of their homes, the need for additional programming, and the circumstances, if any, under which the state should be responsible for the costs of programming;

(5) a planning process and time line to implement a full range of programming and services for adjudicated juveniles and extended jurisdiction juveniles;

(6) necessary changes in state rules, statutes, and licensing requirements, including changes in statutes and rules relating to the dispositional and discharge authority of the commissioner of corrections that are needed to implement the extended jurisdiction juvenile category; and

(7) funding needs, including the short- and long-range costs to the following of implementing this act and the recommendations of the supreme court advisory task force on the juvenile justice system:

(i) the probation and correctional systems;

(ii) the public defender system;

(iii) the judiciary; and

(iv) other governmental entities.

Subd. 4. [MEMBERSHIP.] The commissioner of corrections or the commissioner's designee shall serve as chair of the task force. The commissioner shall invite individuals who have demonstrated experience in the juvenile justice field and who are representatives or designees of the following, to participate in and serve as members of the task force:

- (1) the commissioner of corrections;
- (2) the commissioner of human services;
- (3) the commissioner of education;
- (4) the office of drug policy and violence prevention;
- (5) probation officers;
- (6) community corrections officers;
- (7) public defenders;
- (8) prosecutors;
- (9) juvenile corrections specialists;
- (10) law enforcement officials;
- (11) chemical dependency counselors;
- (12) mental health experts;
- (13) children's services providers;
- (14) victim advocates;
- (15) district court judges;
- (16) the council on Black Minnesotans;
- (17) the council on the affairs of Spanish-speaking people;
- (18) the council on Asian-Pacific Minnesotans;
- (19) the Indian affairs council;
- (20) the association of counties;
- (21) the council on disabilities; and
- (22) parents of youthful offenders.

The commissioner may use an existing task force convened to study similar juvenile justice issues to perform the duties outlined in this section as long as the commissioner provides an opportunity for representatives of each of the designated groups to participate in and serve as members of the task force.

Sec. 63. [LEGISLATIVE AUDITOR.]

Subdivision 1. [EVALUATION OF CORRECTIONS PROGRAMMING.] The legislative audit commission is requested to direct the legislative auditor to conduct an evaluation of programming at existing state-run facilities serving youthful offenders, including those at Sauk Centre, St. Cloud, Thistledeew, and Red Wing and report to the legislature by January 1, 1995, concerning its findings. The evaluation of the programming shall focus on the following factors:

- (1) recidivism;
- (2) participation by youthful offenders;

- (3) subjective effectiveness among probation officials;
- (4) subjective effectiveness among youthful offenders; and
- (5) comparison with programming operating effectively in other states.

Subd. 2. [EVALUATION OF REPORT OF TASK FORCE ON JUVENILE PROGRAMMING EVALUATION AND PLANNING.] The legislative audit commission is requested to direct the legislative auditor to receive and analyze the report of the task force on juvenile programming evaluation and planning submitted under section 62. The evaluation of the task force recommendations shall include a comprehensive independent assessment of relevant factors, including but not limited to those enumerated in section 62, subdivision 3. If the commission undertakes this evaluation, the legislative auditor shall report to the chairs of the senate committee on crime prevention and the house judiciary committee by February 15, 1995.

Subd. 3. [EVALUATION OF FOUR EXISTING PROGRAMS.] The legislative audit commission is requested to direct the legislative auditor to evaluate four programs comprising the largest number of court-ordered out-of-home placements of children in Minnesota. The four programs shall be selected in consultation with the commissioner of corrections and the commissioner of human services. If undertaken by the legislative auditor, the auditor shall report the results of the evaluation to the chairs of the senate committee on crime prevention and the house of representatives committee on judiciary by January 1, 1995. The evaluation shall focus on the five factors listed in subdivision 1.

Sec. 64. [SUPREME COURT.]

Subdivision 1. [DATA COLLECTION.] The supreme court shall develop a sentencing form for use in extended jurisdiction juvenile proceedings and a procedure for data collection to ensure that extended jurisdiction juvenile data will be compatible with other criminal justice data. The supreme court shall consult with the criminal and juvenile information policy group in carrying out this duty.

Subd. 2. [TRAINING.] By October 1, 1994, the supreme court shall prepare and conduct a training course for judges and members of their staffs concerning the provisions of this act. In particular, the course shall inform judges of the juvenile disposition options available, the procedural requirements of extended jurisdiction juvenile proceedings, and the sentencing form to be used in those proceedings to ensure that extended jurisdiction juvenile data will be compatible with other criminal justice data.

Sec. 65. [COMMUNITY PROJECT IN JUVENILE CRIME PREVENTION.]

The commissioner of jobs and training shall fund a pilot project for a program of early intervention initiatives designed to serve juvenile offenders and probationers. The pilot project shall include the following initiatives:

- (1) a peer tutoring project designed for juvenile offenders required to perform community services;
- (2) specialized group home services for juvenile probationers who have been suspended from school;
- (3) social services and counseling for female juvenile offenders and their mothers;
- (4) training in cognitive skill-building and in creative arts;
- (5) an entrepreneurship program designed to operate on a self-supporting basis; and

(6) a mentoring program designed to match juveniles with positive adult role models. The county community corrections department shall prepare a model training manual based on these initiatives for use by other governmental and nonprofit agencies in developing crime prevention programs in their communities. The manual shall be submitted to the commissioner as part of the final report and evaluation of the project for distribution to appropriate agencies.

The primary purpose of this project shall be to provide a network of community services for juvenile offenders and probationers. The project shall operate from January 1, 1995, to December 31, 1996. The funding provided by the commissioner must be matched at 20 percent by the local community, either through county funding, or in-kind services, such as volunteer time, space, or transportation. The commissioner, in consultation with the grantee, shall

develop evaluation protocols designed to assess the impact of project components on deterring juvenile crime in the communities where the project operates. The commissioner shall report to the legislature by January 15, 1997, on the effectiveness of the program initiatives, with recommendations regarding expansion of the pilot project.

Sec. 66. [OUT-OF-STATE PLACEMENT; TRANSITION.]

An out-of-state facility subject to certification under section 27 that has preadjudicated delinquents, adjudicated delinquents, or convicted extended jurisdiction juveniles in residence on July 1, 1994, shall be considered certified for purposes of that section until July 1, 1995, or until the facility is evaluated and certification is granted or denied, whichever is earlier.

Sec. 67. [APPROPRIATIONS.]

Subdivision 1. [APPROPRIATIONS.] The sums shown in the column marked "APPROPRIATIONS" are appropriated from the general fund to the agencies and for the purposes specified, to be available for the fiscal year ending June 30, 1995.

APPROPRIATIONS

GENERAL FUND TOTAL

\$ 13,864,000

Subd. 2. Corrections

Total General Fund Appropriation

\$ 1,322,000

Of this appropriation, \$50,000 is for a plan for extended jurisdiction juveniles to provide programming that is culturally sensitive to the juveniles who are served and implements restorative justice principles. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Of this appropriation, \$50,000 is to conduct the survey of existing juvenile programming, jointly with the commissioner of human services. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Of this appropriation, \$12,000 is for rulemaking. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Of this appropriation, \$100,000 is to develop and implement a plan for extended jurisdiction juveniles. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Of this appropriation, \$50,000 is to ensure that the race and cultural heritage of juvenile programming staff reflect the characteristics of the juvenile offender population.

Of this appropriation, \$1,000,000 is to be used to hire or fund the use of additional state and county probation officers and of community corrections officers under Minnesota Statutes, chapter 401. The funds shall be allocated by the commissioner for probation officers for offenders under age 21 based on weighted caseloads determined by the commissioner after consultation with those entities receiving the funds. The distributions shall be reported by the commissioner annually to the chairs of the senate crime prevention and house judiciary finance committees.

Of this appropriation, \$60,000 is to expand the sentencing to service program to include work crews whose primary function is the removal of graffiti and other defacing signs or symbols from public property and from the property of requesting private property owners.

APPROPRIATIONS

Subd. 3. Board of Public Defense

Total General Fund Appropriation

\$ 2,650,000

(a) \$2,650,000 is appropriated to the state board of public defense from the general fund for the provision of counsel for juveniles charged with delinquency, for the period January 1, 1995, to June 30, 1995. This appropriation shall be annualized for the 1996-1997 biennium.

(b) Of this amount, \$1,000,000 is a six-month appropriation for the assumption of the cost of public defender services for juveniles in the first, fifth, seventh, ninth, and tenth judicial districts beginning January 1, 1995. This appropriation shall be annualized for the 1996-1997 biennium.

(c) Of this amount, \$200,000 is a six-month appropriation for the provision of appellate services for juveniles beginning January 1, 1995. This appropriation shall be annualized for the 1996-1997 biennium.

(d) Of this amount, \$1,450,000 is a six-month appropriation for the provision of counsel for juveniles in the second, third, fourth, sixth, and eighth judicial districts beginning January 1, 1995. This appropriation shall be annualized for the 1996-1997 biennium.

Subd. 4. Education

Total General Fund Appropriation

\$ 4,900,000

Of this appropriation, \$1,000,000 is for violence prevention education grants under Minnesota Statutes, section 126.78. One hundred percent of this appropriation must be paid according to the process established in Minnesota Statutes, section 124.195, subdivision 9. Up to five percent of this appropriation may be used for auditing, monitoring, and administration of the programs funded by this appropriation.

Of this appropriation, \$1,500,000 is for learning readiness programs under Minnesota Statutes, sections 121.831 and 124.2615. This amount is added to the appropriation for learning readiness in Laws 1991, chapter 224, article 4, section 44, subdivision 16. Notwithstanding Minnesota Statutes, section 124.195, subdivision 10, 100 percent of the appropriation in this paragraph must be paid in fiscal year 1995. This additional appropriation is available in fiscal year 1995 only.

Of this appropriation, \$2,200,000 is for high risk youth violence prevention grants. Up to five percent of this appropriation may be used for administration and evaluation of the programs funded in this subdivision. These grants may be for periods of up to two years.

Of this appropriation, \$100,000 is for grants to organizations representing communities of color, neighborhoods, or small nonprofits to assist in local, grassroots collaboration efforts. Up to 2.5 percent of this appropriation may be used for administration of the programs funded in this subdivision.

APPROPRIATIONS

Of this appropriation, \$100,000 is for implementation of the community-based truancy action projects which shall be equitably distributed throughout the state. Of this amount, \$50,000 is for the model school for chronic truants in Blue Earth county. Funds shall not be used to replace existing funding, but may be used to supplement it.

The money appropriated in this subdivision shall not be included in the budget base for the 1996-1997 biennium.

Subd. 5. Public Safety

Total General Fund Appropriation

\$ 2,495,000

Of this appropriation, \$2,225,000 is for community crime reduction grants under Minnesota Statutes, section 299A.35. Up to five percent of this appropriation may be used for administration and evaluation of the programs funded by this appropriation. These grants may be for periods of up to two years. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Of this appropriation, \$250,000 is appropriated to the commissioner of public safety, bureau of criminal apprehension, from the general fund for the costs of performing initial analysis and design work for the juvenile criminal history system, including extended jurisdiction juvenile data, the statewide misdemeanor system, including violent and enhanceable crimes, and the domestic abuse orders for protection tracking system. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Of this appropriation, \$20,000 is to operate the statewide school-related crime telephone line and to pay rewards for information received over the statewide telephone line. Any unexpended funds in fiscal year 1995 do not cancel and carry forward to fiscal year 1996.

Subd. 6. Attorney General

Total General Fund Appropriation

\$ 10,000

This appropriation is to conduct training for county attorneys on juvenile laws and on the provisions of this act. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Subd. 7. District Courts

Total General Fund Appropriation

\$ 372,000

Of this appropriation, \$372,000 is to be used to fund four additional district court judgeships beginning March 1, 1995. The supreme court, in consultation with the state court administrator and the conference of chief judges, shall determine the districts in which these judgeships will be located, based on increased court caseloads resulting from the provisions of this act.

Subd. 8. Supreme Court

Total General Fund Appropriation

\$ 245,000

This appropriation is for the costs of performing initial analysis and design work for the juvenile criminal history system, including

APPROPRIATIONS

extended jurisdiction juvenile data, the statewide misdemeanor system, and the tracking system for domestic abuse orders for protection. This appropriation shall not be included in the budget base for the 1996-1997 biennium.

Subd. 9. Human Services

Total General Fund Appropriation

\$ 700,000

Of this appropriation, \$50,000 is for the survey of existing juvenile programming jointly with the commissioner of corrections.

Of this appropriation, \$50,000 is to provide grants to agencies that conduct interdisciplinary training of criminal justice officials who deal with victims and perpetrators of violence, including training in interviewing children who report being sexually abused or perpetrators of violence.

Of this appropriation, \$50,000 is for a grant to an Indian child welfare defense corporation to promote compliance with the Indian family preservation act and the Indian Child Welfare Act under Minnesota Statutes, section 257.3571, subdivision 2a.

Of this appropriation, \$500,000 is for the mental health screening of juveniles under Minnesota Statutes, section 260.152.

Of this appropriation, \$50,000 is for a grant to a nonprofit, statewide child abuse prevention organization whose primary focus is parent self-help and support.

The appropriations in this subdivision shall not be included in the budget base for the 1996-1997 biennium.

Subd. 10. Jobs and Training

Total General Fund Appropriation

\$ 1,170,000

Of this appropriation, \$20,000 is for the pilot project through a community corrections department for early intervention to serve juvenile offenders.

Of this appropriation, \$1,150,000 is to be used to award grants to cities for creating and expanding curfew enforcement, truancy prevention, and after-school and summer recreational programs for children and youth.

Any after-school programs created under this paragraph shall ensure that program participants learn necessary workplace skills consistent with the provisions in Minnesota Statutes, section 268.31.

The appropriations in this subdivision shall not be included in the budget base for the 1996-1997 biennium.

Sec. 68. [EFFECTIVE DATE.]

Sections 62 to 64 are effective the day following final enactment. Sections 1, 2, 5 to 8, 18, 27, 37 to 44, 54, 59, 60, 61, 65, and 66 are effective July 1, 1994. Sections 46 to 49 and 57 are effective August 1, 1994, and apply to violations occurring on or after that date. Sections 3, 4, 9 to 17, 19 to 26, 28 to 36, 45, 50 to 53, 55 and 56 are effective January 1, 1995.

Delete the title and insert:

"A bill for an act relating to crime prevention; juvenile justice; providing for adult court jurisdiction over juveniles alleged to have committed first degree murder after age 16; providing for presumptive certification to adult court for juveniles over age 16 alleged to have committed other prison-level felonies or any felony while using a firearm; authorizing the court or the prosecutor to designate a juvenile an extended jurisdiction juvenile; authorizing adult felony sentences for extended jurisdiction juveniles; extending juvenile court jurisdiction to age 21 for extended jurisdiction juveniles; limiting certification to adult court to felony offenses; extending a right to jury trial to extended jurisdiction juveniles; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home delinquency placement is proposed; providing for adult court jurisdiction over juveniles alleged to have committed DWI-related traffic offenses after age 16; requiring parents to attend delinquency hearings; requiring county attorneys to establish juvenile diversion programs; providing mandatory minimum sentences for drive-by shooting crimes; expanding the crime relating to the possession of dangerous weapons on school property; increasing penalties for certain firearms offenses involving youth; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 126.78, by adding a subdivision; 242.31; 242.32; 257.3571, subdivision 3, and by adding a subdivision; 257.3572; 257.3579; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.115, subdivision 1; 260.121, subdivision 3; 260.125; 260.131, by adding a subdivision; 260.132; 260.145; 260.152; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a and 2; 260.181, subdivision 4; 260.185, subdivision 3, and by adding subdivisions; 260.193, subdivisions 1, 3, 4, 6, and by adding a subdivision; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 268.31; 609.055, subdivision 2; 609.49, subdivision 3, and by adding a subdivision; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 260.155, subdivision 1; 260.161, subdivision 1; 299A.35, subdivisions 1 and 2; 299C.65, subdivision 1; 401.065, subdivision 1, and by adding a subdivision; 609.11, subdivision 9; 609.66, subdivision 1d; 624.713, subdivisions 1 and 3; 624.7132, subdivision 15; and 624.7181, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 126; 260; 299A; and 388."

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

House Conferees: WESLEY J. "WES" SKOGLUND, MARY MURPHY, THOMAS PUGH, PHIL CARRUTHERS AND BILL MACKLIN.

Senate Conferees: JANE B. RANUM, ALLAN H. SPEAR, TRACY L. BECKMAN, PATRICK D. MCGOWAN AND GARY W. LAIDIG.

Skoglund moved that the report of the Conference Committee on H. F. No. 2074 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 2074, A bill for an act relating to crime prevention; juvenile justice; providing for adult court jurisdiction over juveniles alleged to have committed first degree murder or first degree criminal sexual conduct after age 16; providing for presumptive certification to adult court for juveniles alleged to have committed other prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 23; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home delinquency placement is proposed; providing for adult court jurisdiction over juveniles alleged to have committed nonfelony-level traffic offenses after age 16; authorizing the juvenile court to require parents to attend delinquency hearings; providing for the sharing of certain data collected or maintained on juveniles; requiring county attorneys to establish juvenile diversion programs; providing mandatory minimum sentences for drive-by shooting crimes; expanding the crime relating to the possession of dangerous weapons on school property; increasing penalties for certain firearms offenses involving youth; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 13.99, subdivision 79; 242.31, subdivision 1; 242.32; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.115, subdivision 1; 260.121, subdivision 3; 260.125; 260.131, by adding a

subdivision; 260.132; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a, 2, and by adding a subdivision; 260.181, subdivision 4; 260.185, subdivision 3; 260.193, subdivisions 1, 3, 4, 6, and by adding a subdivision; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 268.31; 609.055, subdivision 2; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 144.651, subdivisions 2, 21, and 26; 253B.03, subdivisions 3 and 4; 260.155, subdivision 1; 260.161, subdivisions 1 and 3; 299A.35, subdivisions 1 and 2; 299C.65, subdivision 1; 401.065, subdivision 1, and by adding a subdivision; 609.11, subdivision 9; 609.66, subdivision 1d; 624.713, subdivision 1; 624.7132, subdivision 15; and 624.7181, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 260; 299A; 388; and 609; repealing Minnesota Statutes 1992, section 260.125, subdivision 3.

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

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

Those who voted in the affirmative were:

Abrams	Dawkins	Holsten	Krueger	Murphy	Pugh	Trimble
Anderson, R.	Dehler	Hugoson	Lasley	Neary	Reding	Tunheim
Asch	Delmont	Huntley	Leppik	Nelson	Rest	Van Dellen
Battaglia	Dempsey	Jacobs	Lieder	Ness	Rhodes	Vellenga
Bauerly	Dorn	Jaros	Limmer	Olson, E.	Rice	Vickerman
Beard	Erhardt	Jefferson	Lindner	Olson, K.	Rodosovich	Wagenius
Bergson	Evans	Jennings	Long	Olson, M.	Rukavina	Waltman
Bertram	Farrell	Johnson, A.	Lourey	Onnen	Sarna	Weaver
Bettermann	Finseth	Johnson, R.	Luther	Opatz	Seagren	Wejcman
Bishop	Frerichs	Johnson, V.	Lynch	Orenstein	Sekhon	Wenzel
Brown, C.	Garcia	Kahn	Mahon	Orfield	Simoneau	Winter
Brown, K.	Girard	Kalis	Mariani	Osthoff	Skoglund	Wolf
Carlson	Goodno	Kelley	McCollum	Ostrom	Smith	Worke
Carruthers	Greenfield	Kelso	McGuire	Ozment	Solberg	Workman
Clark	Greiling	Kinkel	Milbert	Pauly	Steensma	Spk. Anderson, I.
Commers	Gruenes	Klinzing	Molnau	Pawlenty	Sviggum	
Cooper	Gutknecht	Knight	Morrison	Pelowski	Swenson	
Dauner	Hasskamp	Koppendrayner	Mosel	Perlt	Tomassoni	
Dauids	Haukoos	Krinkie	Munger	Peterson	Tompkins	

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

CONFERENCE COMMITTEE REPORT ON H. F. NO. 1999

A bill for an act relating to insurance; requiring disclosure of information relating to insurance fraud; granting immunity for reporting suspected insurance fraud; requiring insurers to develop antifraud plans; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 60A.

April 28, 1994

The Honorable Irv Anderson
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

We, the undersigned conferees for H. F. No. 1999, report that we have agreed upon the items in dispute and recommend as follows:

That the Senate recede from its amendment.

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

House Conferees: THOMAS PUGH, MARC ASCH AND DOUG SWENSON.

Senate Conferees: PHIL J. RIVENESS, ELLEN R. ANDERSON AND CAL LARSON.

Pugh moved that the report of the Conference Committee on H. F. No. 1999 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

H. F. No. 1999, A bill for an act relating to insurance; requiring disclosure of information relating to insurance fraud; granting immunity for reporting suspected insurance fraud; requiring insurers to develop antifraud plans; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

The question was taken on the repassage of the bill and the roll was called. There were 126 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Haukoos	Krinkie	Mosel	Perlt	Swenson
Anderson, R.	Dehler	Hausman	Krueger	Munger	Peterson	Tomassoni
Asch	Delmont	Holsten	Lasley	Murphy	Pugh	Tompkins
Battaglia	Dempsey	Huntley	Leppik	Neary	Reding	Trimble
Beard	Dorn	Jacobs	Lieder	Nelson	Rest	Tunheim
Bergson	Erhardt	Jaros	Limmer	Ness	Rhodes	Van Dellen
Bertram	Evans	Jefferson	Lindner	Olson, E.	Rice	Vellenga
Bettermann	Farrell	Jennings	Long	Olson, K.	Rodosovich	Vickerman
Bishop	Finseth	Johnson, A.	Lourey	Olson, M.	Rukavina	Wagenius
Brown, C.	Frerichs	Johnson, R.	Luther	Onnen	Sarna	Waltman
Brown, K.	Garcia	Johnson, V.	Lynch	Opatz	Seagren	Weaver
Carlson	Girard	Kahn	Mahon	Orenstein	Sekhon	Wejzman
Carruthers	Goodno	Kalis	Mariani	Orfield	Simoneau	Wenzel
Clark	Greenfield	Kelley	McCollum	Osthoff	Skoglund	Winter
Commers	Greiling	Kelso	McGuire	Ostrom	Smith	Wolf
Cooper	Gruenes	Kinkel	Milbert	Ozment	Solberg	Worke
Dauner	Gutknecht	Klinzing	Molnau	Pauly	Steensma	Workman
Dauids	Hasskamp	Knight	Morrison	Pelowski	Sviggum	Spk. Anderson, I.

Those who voted in the negative were:

Pawlenty

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

SPECIAL ORDERS

S. F. No. 2309 was reported to the House.

Pugh moved that S. F. No. 2309 be temporarily laid over on Special Orders. The motion prevailed.

S. F. No. 1948 was reported to the House.

There being no objection, S. F. No. 1948 was temporarily laid over on Special Orders.

S. F. No. 609, A bill for an act relating to retirement; the Minneapolis teachers retirement fund association; providing for purchase of allowable service credit for public school employment outside the state of Minnesota; proposing coding for new law in Minnesota Statutes, chapter 354A.

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

The question was taken on the passage of the bill and the roll was called. There were 124 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abrams	Dawkins	Hausman	Krinkie	Munger	Pugh	Tompkins
Anderson, R.	Dehler	Holsten	Krueger	Murphy	Reding	Trimble
Asch	Delmont	Hugoson	Lasley	Neary	Rest	Tunheim
Battaglia	Dempsey	Huntley	Leppik	Nelson	Rhodes	Van Dellen
Bauerly	Dorn	Jacobs	Lieder	Ness	Rice	Vellenga
Beard	Erhardt	Jaros	Limmer	Olson, E.	Rodosovich	Vickerman
Bergson	Evans	Jefferson	Long	Olson, K.	Rukavina	Wagenius
Bertram	Farrell	Jennings	Lourey	Onnen	Sarna	Waltman
Bettermann	Finseth	Johnson, A.	Luther	Opatz	Seagren	Weaver
Bishop	Frerichs	Johnson, R.	Lynch	Orenstein	Sekhon	Wejcman
Brown, C.	Garcia	Johnson, V.	Mahon	Orfield	Simoneau	Wenzel
Brown, K.	Girard	Kahn	Mariani	Osthoff	Skoglund	Winter
Carlson	Greenfield	Kalis	McCollum	Ostrom	Smith	Wolf
Carruthers	Greiling	Kelley	McGuire	Ozment	Solberg	Worke
Clark	Gruenes	Kelso	Milbert	Pauly	Steensma	Workman
Commers	Gutknecht	Kinkel	Molnau	Pelowski	Swiggum	Spk. Anderson, I.
Cooper	Hasskamp	Klinzing	Morrison	Perlt	Swenson	
Dauner	Haukoos	Koppendraye	Mosel	Peterson	Tomassoni	

Those who voted in the negative were:

Davids	Goodno	Knight	Lindner	Olson, M.
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The bill was passed and its title agreed to.

S. F. No. 309 was reported to the House.

Trimble moved that S. F. No. 309 be temporarily laid over on Special Orders. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Carruthers, from the Committee on Rules and Legislative Administration, pursuant to rule 1.09, designated the following bills as Special Orders to be acted upon immediately preceding printed Special Orders for today:

S. F. Nos. 180 and 103; H. F. Nos. 1809 and 2651; and S. F. Nos. 2129 and 1735.

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

REPORTS OF STANDING COMMITTEES

Solberg from the Committee on Ways and Means to which was referred:

H. F. No. 2742, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; authorizing assessments for debt service; reducing certain earlier project authorizations and

appropriations; appropriating money, with certain conditions; amending Minnesota Statutes 1992, sections 16A.85, subdivision 1; 85.015, subdivision 4; 136.651; and 471.191, subdivision 1; Minnesota Statutes 1993 Supplement, sections 16B.335, by adding subdivisions; Laws 1993, chapter 373, sections 18; and 25, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; 124C; 134; 135A; and 241.

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

The report was adopted.

Carruthers 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.

Farrell was excused between the hours of 11:00 a.m. and 12:15 p.m.

SPECIAL ORDERS

S. F. No. 1948 which was temporarily laid over earlier today on Special Orders was again reported to the House.

Winter moved to amend S. F. No. 1948 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 500.24, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] For the purposes of this section, the terms defined in this subdivision have the meanings here given them:

(a) "Farming" means the production of (1) agricultural products; (2) livestock or livestock products; (3) milk or milk products; or (4) fruit or other horticultural products. It does not include the processing, refining, or packaging of said products, nor the provision of spraying or harvesting services by a processor or distributor of farm products. It does not include the production of timber or forest products or the production of poultry or poultry products.

(b) "Family farm" means an unincorporated farming unit owned by one or more persons residing on the farm or actively engaging in farming.

(c) "Family farm corporation" means a corporation founded for the purpose of farming and the ownership of agricultural land in which the majority of the voting stock is held by and the majority of the stockholders are persons or the spouses of persons related to each other within the third degree of kindred according to the rules of the civil law, and at least one of said related persons is residing on or actively operating the farm, and none of whose stockholders are corporations; provided that a family farm corporation shall not cease to qualify as such hereunder by reason of any devise or bequest of shares of voting stock.

(d) "Authorized farm corporation" means a corporation meeting the following standards under clause (1) or (2):

(1)(i) its shareholders do not exceed five in number;

- (2) (ii) all its shareholders, other than any estate are natural persons;
- (3) (iii) it does not have more than one class of shares; and
- (4) (iv) its revenues from rent, royalties, dividends, interest and annuities does not exceed 20 percent of its gross receipts; and
- (5) (v) shareholders holding 51 percent or more of the interest in the corporation must be residing on the farm or actively engaging in farming;
- (6) (vi) the authorized farm corporation, directly or indirectly, owns or otherwise has an interest, whether legal, beneficial, or otherwise, in any title to no more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and
- (7) (vii) a shareholder of the authorized farm corporation is not a shareholder in other authorized farm corporations that directly or indirectly in combination with the authorized farm corporation own not more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; or
- (2)(i) the corporation is engaged in the production of livestock other than dairy cattle; and not engaged in farming activities otherwise prohibited under this section;
- (ii) all its shareholders other than an estate, are natural persons or a family farm corporation;
- (iii) it does not have more than one class of shares;
- (iv) its revenues from rent, royalties, dividends, interest and annuities does not exceed 20 percent of its gross receipts;
- (v) shareholders holding 80 percent or more of the control and financial investment in the corporation must be farmers residing in Minnesota;
- (vi) the authorized farm corporation, directly or indirectly, owns or otherwise has an interest, whether legal, beneficial, or otherwise, in any title to no more than 1,500 acres of real estate used for farming or capable of being used for farming in this state;
- (vii) the corporation was formed for the production of livestock other than dairy cattle by natural persons or family farm corporations that provide 80 percent or more of the capital investment.
- (e) "Agricultural land" means land used for farming.
- (f) "Pension or investment fund" means a pension or employee welfare benefit fund, however organized, a mutual fund, a life insurance company separate account, a common trust of a bank or other trustee established for the investment and reinvestment of money contributed to it, a real estate investment trust, or an investment company as defined in United States Code, title 15, section 80a-3. "Pension or investment fund" does not include a benevolent trust established by the owners of a family farm, authorized farm corporation or family farm corporation.
- (g) "Farm homestead" means a house including adjoining buildings that has been used as part of a farming operation or is part of the agricultural land used for a farming operation.
- (h) "Family farm partnership" means a limited partnership formed for the purpose of farming and the ownership of agricultural land in which the majority of the interests in the partnership is held by and the majority of the partners are persons or the spouses of persons related to each other within the third degree of kindred according to the rules of the civil law, and at least one of the related persons is residing on or actively operating the farm, and none of the partners are corporations. A family farm partnership does not cease to qualify as a family farm partnership because of a devise or bequest of interest in the partnership.
- (i) "Authorized farm partnership" means a limited partnership meeting the following standards:
- (1) it has been issued a certificate from the secretary of state or is registered with the county recorder and farming and ownership of agricultural land is stated as a purpose or character of the business;

- (2) its partners do not exceed five in number;
- (3) all its partners, other than an estate, are natural persons;
- (4) its revenues from rent, royalties, dividends, interest, and annuities do not exceed 20 percent of its gross receipts;
- (5) its general partners hold at least 51 percent of the interest in the land assets of the partnership and reside on the farm or are actively engaging in farming not more than 1,500 acres as a general partner in an authorized limited partnership;
- (6) its limited partners do not participate in the business of the limited partnership including operating, managing, or directing management of farming operations;
- (7) the authorized farm partnership, directly or indirectly, does not own or otherwise have an interest, whether legal, beneficial, or otherwise, in a title to more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and
- (8) a limited partner of the authorized farm partnership is not a limited partner in other authorized farm partnerships that directly or indirectly in combination with the authorized farm partnership own not more than 1,500 acres of real estate used for farming or capable of being used for farming in this state.

(i) "Farmer" means a person who regularly participates in physical labor or operations management in the farmer's farming operation and files "Schedule F" as part of the person's annual Form 1040 filing with the United States Internal Revenue Service.

Sec. 2. Minnesota Statutes 1992, section 500.24, subdivision 3, is amended to read:

Subd. 3. [FARMING AND OWNERSHIP OF AGRICULTURAL LAND BY CORPORATIONS RESTRICTED.] No corporation, limited liability company, pension or investment fund, or limited partnership shall engage in farming; nor shall any corporation, limited liability company, pension or investment fund, or limited partnership, directly or indirectly, own, acquire, or otherwise obtain an interest, whether legal, beneficial or otherwise, in any title to real estate used for farming or capable of being used for farming in this state. Livestock that are delivered for slaughter or processing may be fed and cared for by a corporation up to 20 days prior to slaughter or processing. Provided, however, that the restrictions in this subdivision do not apply to corporations or partnerships in clause (b) and do not apply to corporations, limited partnerships, and pension or investment funds that record its name and the particular exception under clauses (a) to (s) under which the agricultural land is owned or farmed, have a conservation plan prepared for the agricultural land, report as required under subdivision 4, and satisfy one of the following conditions under clauses (a) to (s):

- (a) a bona fide encumbrance taken for purposes of security;
- (b) a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership as defined in subdivision 2 or a general partnership;
- (c) agricultural land and land capable of being used for farming owned by a corporation as of May 20, 1973, or a pension or investment fund as of May 12, 1981, including the normal expansion of such ownership at a rate not to exceed 20 percent of the amount of land owned as of May 20, 1973, or, in the case of a pension or investment fund, as of May 12, 1981, measured in acres, in any five-year period, and including additional ownership reasonably necessary to meet the requirements of pollution control rules;
- (d) agricultural land operated for research or experimental purposes with the approval of the commissioner of agriculture, provided that any commercial sales from the operation must be incidental to the research or experimental objectives of the corporation. A corporation, limited partnership, or pension or investment fund seeking to operate agricultural land for research or experimental purposes must submit to the commissioner a prospectus or proposal of the intended method of operation, containing information required by the commissioner including a copy of any operational contract with individual participants, prior to initial approval of an operation. A corporation, limited partnership, or pension or investment fund operating agricultural land for research or experimental purposes prior to May 1, 1988, must comply with all requirements of this clause except the requirement for initial approval of the project;

(e) agricultural land operated by a corporation or limited partnership for the purpose of raising breeding stock, including embryos, for resale to farmers or operated for the purpose of growing seed, wild rice, nursery plants or sod. An entity that is organized to raise livestock other than dairy cattle under this clause after April 1, 1994, that does not meet the definition requirement for an authorized farm corporation must:

(1) sell all castrated animals to be fed out or finished to farming operations that are neither directly or indirectly owned by the business entity operating the breeding stock operation; and

(2) report its total production and sales annually to the commissioner of agriculture;

(f) agricultural land and land capable of being used for farming leased by a corporation or limited partnership in an amount, measured in acres, not to exceed the acreage under lease to such corporation as of May 20, 1973, or to the limited partnership as of May 1, 1988, and the additional acreage required for normal expansion at a rate not to exceed 20 percent of the amount of land leased as of May 20, 1973; for a corporation or May 1, 1988, for a limited partnership in any five-year period, and the additional acreage reasonably necessary to meet the requirements of pollution control rules;

(g) agricultural land when acquired as a gift (either by grant or a devise) by an educational, religious, or charitable nonprofit corporation or by a pension or investment fund or limited partnership; provided that all lands so acquired by a pension or investment fund, and all lands so acquired by a corporation or limited partnership which are not operated for research or experimental purposes, or are not operated for the purpose of raising breeding stock for resale to farmers or operated for the purpose of growing seed, wild rice, nursery plants or sod must be disposed of within ten years after acquiring title thereto;

(h) agricultural land acquired by a pension or investment fund or a corporation other than a family farm corporation or authorized farm corporation, as defined in subdivision 2, or a limited partnership other than a family farm partnership or authorized farm partnership as defined in subdivision 2, for which the corporation or limited partnership has documented plans to use and subsequently uses the land within six years from the date of purchase for a specific nonfarming purpose, or if the land is zoned nonagricultural, or if the land is located within an incorporated area. A pension or investment fund or a corporation or limited partnership may hold such agricultural land in such acreage as may be necessary to its nonfarm business operation; provided, however, that pending the development of agricultural land for nonfarm purposes, such land may not be used for farming except under lease to a family farm unit, a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership, or except when controlled through ownership, options, leaseholds, or other agreements by a corporation which has entered into an agreement with the United States of America pursuant to the New Community Act of 1968 (Title IV of the Housing and Urban Development Act of 1968; United States Code, title 42, sections 3901 to 3914) as amended, or a subsidiary or assign of such a corporation;

(i) agricultural lands acquired by a pension or investment fund or a corporation or limited partnership by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, however, that all lands so acquired be disposed of within ten years after acquiring the title if acquired before May 1, 1988, and five years after acquiring the title if acquired on or after May 1, 1988, acquiring the title thereto, and further provided that the land so acquired shall not be used for farming during the ten-year or five-year period except under a lease to a family farm unit, a family farm corporation, an authorized farm corporation, a family farm partnership, or an authorized farm partnership. The aforementioned ten-year or five-year limitation period shall be deemed a covenant running with the title to the land against any grantee, assignee, or successor of the pension or investment fund, corporation, or limited partnership. Notwithstanding the five-year divestiture requirement under this clause, a financial institution may continue to own the agricultural land if the agricultural land is leased to the immediately preceding former owner, but must divest of the agricultural land within the ten-year period. Livestock acquired by a pension or investment fund, corporation, or limited partnership in the collection of debts, or by a procedure for the enforcement of lien or claim on the livestock whether created by security agreement or otherwise after the effective date of this act, must be sold or disposed of within one full production cycle for the type of livestock acquired or 18 months after the livestock is acquired, whichever is later.

(j) agricultural land acquired by a corporation regulated under the provisions of Minnesota Statutes 1974, chapter 216B, for purposes described in that chapter or by an electric generation or transmission cooperative for use in its business, provided, however, that such land may not be used for farming except under lease to a family farm unit, a family farm corporation, or a family farm partnership;

(k) agricultural land, either leased or owned, totaling no more than 2,700 acres, acquired after May 20, 1973, for the purpose of replacing or expanding asparagus growing operations, provided that such corporation had established 2,000 acres of asparagus production;

(l) all agricultural land or land capable of being used for farming which was owned or leased by an authorized farm corporation as defined in Minnesota Statutes 1974, section 500.24, subdivision 1, clause (d), but which does not qualify as an authorized farm corporation as defined in subdivision 2, clause (d);

(m) a corporation formed primarily for religious purposes whose sole income is derived from agriculture;

(n) agricultural land owned or leased by a corporation prior to August 1, 1975, which was exempted from the restriction of this subdivision under the provisions of Laws 1973, chapter 427, including normal expansion of such ownership or leasehold interest to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on August 1, 1975, in any five-year period and the additional ownership reasonably necessary to meet requirements of pollution control rules;

(o) agricultural land owned or leased by a corporation prior to August 1, 1978, including normal expansion of such ownership or leasehold interest, to be exercised at a rate not to exceed 20 percent of the amount of land owned or leased on August 1, 1978, and the additional ownership reasonably necessary to meet requirements of pollution control rules, provided that nothing herein shall reduce any exemption contained under the provisions of Laws 1975, chapter 324, section 1, subdivision 2;

(p) an interest in the title to agricultural land acquired by a pension fund or family trust established by the owners of a family farm, authorized farm corporation or family farm corporation, but limited to the farm on which one or more of those owners or shareholders have resided or have been actively engaged in farming as required by subdivision 2, clause (b), (c), or (d);

(q) agricultural land owned by a nursing home located in a city with a population, according to the state demographer's 1985 estimate, between 900 and 1,000, in a county with a population, according to the state demographer's 1985 estimate, between 18,000 and 19,000, if the land was given to the nursing home as a gift with the expectation that it would not be sold during the donor's lifetime. This exemption is available until July 1, 1995;

(r) the acreage of agricultural land and land capable of being used for farming owned and recorded by an authorized farm corporation as defined in Minnesota Statutes 1986, section 500.24, subdivision 2, paragraph (d), or a limited partnership as of May 1, 1988, including the normal expansion of the ownership at a rate not to exceed 20 percent of the land owned and recorded as of May 1, 1988, measured in acres, in any five-year period, and including additional ownership reasonably necessary to meet the requirements of pollution control rules;

(s) agricultural land owned or leased as a necessary part of an aquatic farm as defined in section 17.47, subdivision 3."

Delete the title and insert:

"A bill for an act relating to agriculture; changing the law limiting corporate farming; amending Minnesota Statutes 1992, section 500.24, subdivisions 2 and 3."

The motion prevailed and the amendment was adopted.

Winter moved to amend S. F. No. 1948, as amended, as follows:

Page 1, after line 5, insert:

"Section 1. [17.4999] [STORAGE, HANDLING, AND DISPOSAL OF FISH MANURE.]

Fish manure from aquatic farm operations:

(1) is subject to the same requirements under state law and rules as other animal manures; and

(2) if managed in a pond system, may be applied as a manipulated manure under chapter 18C if certified by the commissioner.

Sec. 2. Minnesota Statutes 1992, section 97A.135, subdivision 3, is amended to read:

Subd. 3. [COOPERATIVE FARMING AGREEMENTS.] On any public hunting, game refuge, or wildlife management area, or scientific and natural area lands, the commissioner may enter into written cooperative farming agreements with nearby farmers on a sharecrop basis, without competitive bidding, for the purpose of ~~establishing or maintaining wildlife food or cover for habitat purposes and plant management.~~ Cooperative farming agreements may also be used to allow pasturing of livestock. The agreements may provide for the bartering of a share of any crop, ~~not exceeding \$1,500 in value and produced from these lands, for services such as weed control, planting, cultivation, or other wildlife habitat practices or products that will enhance or benefit the management of state lands for plant and animal species.~~ Cooperative farming agreements pursuant to this section shall not be considered leases for tax purposes under section 272.01, subdivision 2, or 273.19.

Sec. 3. Minnesota Statutes 1992, section 180.03, is amended by adding a subdivision to read:

Subd. 5. Upon written notice to the county mine inspector, a person, firm, or corporation that is actively and exclusively engaged in the business of cold water aquaculture shall be exempt from the requirements of subdivision 3. The exemption shall only apply to those portions of idle or abandoned open pit mines that are actively being used for aquaculture operations and that are owned by the person, firm, or corporation. A landowner exempted assumes all responsibility for inspection and safety measures pertaining to the affected parcels of land and the county mine inspector is relieved of inspection requirements. The notice provided to the county mine inspector pursuant to this subdivision shall be annual and shall be filed with the county mine inspector's office by January 15 of each year. The notice shall describe the affected parcels of land and shall provide a sworn affidavit by the landowner that the subject property will be actively and exclusively used for aquaculture purposes during the calendar year. Failure to comply with the notice requirement of this subdivision makes the idle or abandoned open pit mines subject to the provisions of subdivision 3.

Page 10, after line 22, insert:

"Sec. 6. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment and applies to licensed aquatic farms in operation on or after that date."

Renumber the sections in sequence

Amend the title accordingly

Tomassoni moved to amend the Winter amendment to S. F. No. 1948, as amended, as follows:

Page 1, delete lines 4 to 11

Page 2, delete lines 6 to 32

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Winter amendment, as amended, to S. F. No. 1948, as amended. The motion prevailed and the amendment, as amended, was adopted.

Winter, Steensma and Cooper moved to amend S. F. No. 1948, as amended, as follows:

Page 3, line 6, after "Minnesota" insert "and at least 51 percent of the farmers must be actively engaged in livestock production"

Page 4, after line 36, insert:

"(k) "actively engaged in livestock production" means that a person performs day-to-day physical labor or day-to-day operations management that significantly contributes to livestock production and the functioning of a livestock operation."

The motion prevailed and the amendment was adopted.

Cooper moved to amend S. F. No. 1948, as amended, as follows:

Page 10, after line 22, insert:

"Sec. 3. [STUDY; CORPORATE IMPACT ON RURAL ECONOMY, ENVIRONMENT.]

(a) Changes to Minnesota corporate farming law under sections 1 and 2 are expected to have significant impacts on the sociology, the economic structure, and the natural environment of rural Minnesota. Greatest changes during early months and years following passage will relate to business enterprises organized as authorized farm corporations for the production of swine. The impacts and effects of changes in corporate farming law must be monitored and evaluated to determine whether they are of overall benefit or detriment to the rural economy and to efforts to effectively control non-point source pollution from livestock operations. The advisory task force created under this section will examine actual and projected effects and report findings and recommendations to the legislature.

(b) An advisory task force is authorized, consisting of two members of the Minnesota Senate appointed by the senate committee on rules and administration, two members of the Minnesota house of representatives appointed by the speaker of the house, and eight citizen members appointed by the commissioner of agriculture. No fewer than two of the members appointed by the commissioner must be production agriculture farmers with investment and direct involvement in a swine production enterprise having multiple shareholders or partners. No fewer than two of the members appointed by the commissioner must be family farmer swine producers with no investment or involvement in a consolidated or shared facility for swine production. Other members appointed by the commissioner must include persons with training and experience in agricultural economics, rural sociology, feedlot pollution control, and business organization structures. Each of the appointing authorities must make the required appointments not later than June 15, 1994. The commissioner shall convene the first meeting of the advisory task force not later than July 15, 1994.

(c) The commissioner of agriculture shall provide necessary resources and staff support for the meetings, activities, and report of the advisory task force. To the extent the advisory task force deems it necessary, the commissioner shall serve as fiscal agent for the task force for the purchase of non-state research and analytical services.

(d) The advisory task force shall report its findings and recommendations to the legislature not later than March 1, 1995. Recommendations must include proposals (1) to minimize non-point source pollution from livestock operations under the ownership or management of an authorized farm corporation; (2) to authorize and encourage farm business structures that maximize opportunities for economic success by farm families with both large scale and small scale livestock operations; (3) to support the economic health of small business enterprises in farming areas of the state; and (4) to examine the issue of responsibility for potential pollution damage.

Sec. 4. [APPROPRIATION.]

\$50,000 is appropriated from the general fund to the commissioner of agriculture to provide staff and research support for the advisory task force under section 3.

Sec. 5. [EFFECTIVE DATE.]

(a) If the conditions in paragraph (b) are not met, sections 3 and 4 are effective the day following final enactment.

(b) If a bill styled as Senate File number 2168 is enacted into law during the 1994 regular session of the Minnesota legislature, and if the law includes authorization for and an appropriation for a task force on corporate farming law, sections 3 and 4 are of no effect upon and after the effective date of that act."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Cooper moved to amend S. F. No. 1948, as amended, as follows:

Page 6, line 22, delete "after April 1, 1994,"

The motion prevailed and the amendment was adopted.

Bauerly moved to amend S. F. No. 1948, as amended, as follows:

Page 6, after line 27, insert:

"Sec. 2. Minnesota Statutes 1992, section 561.19, subdivision 1, is amended to read:

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

(a) "Agricultural operation" means a facility and its appurtenances for the production of crops, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agricultural products.

(b) "Established date of operation" means the date on which the agricultural operation commenced. If the agricultural operation is subsequently expanded or significantly altered, the established date of operation for each expansion or alteration is deemed to be the date of commencement of the expanded or altered operation. As used in this paragraph, "expanded or significantly altered" means:

(1) an expansion by at least 15 percent in the amount of a particular crop grown or the number of a particular kind of animal or livestock located on an agricultural operation; or

(2) a distinct change in the kind of agricultural operation, as in changing from one kind of crop, livestock, animal, or product to another, but not merely a change from one generally accepted agricultural practice to another in producing the same crop or product.

(c) "Family farm" means an unincorporated farm unit owned by one or more persons or spouses of persons related to each other within the third degree of kindred according to the rules of the civil law at least one of whom is residing or actively engaged in farming on the farm unit, or a "family farm corporation," as that term is defined in section 500.24, subdivision 2.

Sec. 3. Minnesota Statutes 1992, section 561.19, subdivision 2, is amended to read:

Subd. 2. [AGRICULTURAL OPERATION NOT A NUISANCE.] (a) An agricultural operation which is a part of a family farm is not and shall not become a private or public nuisance after six years one year from its established date of operation if the operation was not a nuisance at its established date of operation.

(b) An agricultural operation is operating according to generally accepted agricultural practices if it is located in an agriculturally zoned area and complies with the provisions of all applicable federal and state statutes and rules or any issued permits for the operation.

(c) The provisions of this subdivision do not apply:

(a) (1) to a condition or injury which results from the negligent or improper operation of an agricultural operation or from operations contrary to commonly accepted agricultural practices or to applicable state or local laws, ordinances, rules, or permits;

(b) (2) when an agricultural operation causes injury or direct threat of injury to the health or safety of any person;

(c) (3) to the pollution of, or change in the condition of, the waters of the state or the overflow of waters on the lands of any person;

(d) (4) to an animal feedlot facility with a swine capacity of 1,000 or more animal units as defined in the rules of the pollution control agency for control of pollution from animal feedlots, or a cattle capacity of 2,500 animals or more; or

(e) (5) to any prosecution for the crime of public nuisance as provided in section 609.74 or to an action by a public authority to abate a particular condition which is a public nuisance."

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Olson, M., offered an amendment to S. F. No. 1948, as amended.

POINT OF ORDER

Cooper raised a point of order pursuant to rule 3.09 that the Olson, M., amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

S. F. No. 1948, A bill for an act relating to agriculture; providing for family farm limited liability companies and authorized farm limited liability companies; removing limitation on number of shareholders or partners for authorized farm corporations and partnerships; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

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 125 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abrams	Dehler	Hugoson	Krueger	Mosel	Perlt	Swenson
Battaglia	Delmont	Huntley	Lasley	Murphy	Peterson	Tomassoni
Bauerly	Dempsey	Jacobs	Leppik	Neary	Pugh	Tompkins
Beard	Dorn	Jaros	Lieder	Nelson	Reding	Trimble
Bergson	Erhardt	Jefferson	Limmer	Ness	Rest	Tunheim
Bertram	Evans	Jennings	Lindner	Olson, E.	Rhodes	Van Dellen
Bettermann	Farrell	Johnson, A.	Long	Olson, K.	Rice	Vickerman
Bishop	Finseth	Johnson, R.	Lourey	Olson, M.	Rodosovich	Wagenius
Brown, C.	Frerichs	Johnson, V.	Luther	Onnen	Rukavina	Waltman
Brown, K.	Garcia	Kahn	Lynch	Opatz	Sarna	Weaver
Carlson	Girard	Kelley	Macklin	Orenstein	Seagren	Wejcman
Carruthers	Goodno	Kelso	Mahon	Orfield	Simoneau	Wenzel
Clark	Greenfield	Kinkel	Mariani	Osthoff	Skoglund	Winter
Commers	Greiling	Klinzing	McCollum	Ostrom	Smith	Wolf
Cooper	Gruenes	Knickerbocker	McGuire	Ozment	Solberg	Worke
Dauner	Gutknecht	Knight	Milbert	Pauly	Stanius	Workman
Dauids	Haukoos	Koppendraye	Molnau	Pawlenty	Steensma	Spk. Anderson, I.
Dawkins	Holsten	Krinkie	Morrison	Pelowski	Sviggum	

Those who voted in the negative were:

Anderson, R.	Asch	Kalis	Munger	Sekhon
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The bill was passed, as amended, and its title agreed to.

S. F. No. 309 which was temporarily laid over earlier today on Special Orders was again reported to the House.

S. F. No. 309, A bill for an act relating to St. Paul; authorizing the city to require employees to reside in the city.

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

The question was taken on the passage of the bill and the roll was called. There were 78 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dawkins	Johnson, A.	Mariani	Orfield	Sarna	Weaver
Battaglia	Delmont	Kahn	McGuire	Osthoff	Simoneau	Wejzman
Bauerly	Dorn	Kalis	Milbert	Ostrom	Skoglund	Wenzel
Beard	Farrell	Kelso	Morrison	Pauly	Solberg	Winter
Bergson	Garcia	Kinkel	Mosel	Pawlenty	Stanis	Wolf
Bertram	Goodno	Klinzing	Munger	Pelowski	Steensma	Spk. Anderson, I.
Bishop	Greenfield	Knight	Nelson	Perlt	Tomassoni	
Brown, C.	Gutknecht	Krinkie	Ness	Peterson	Tompkins	
Carlson	Hasskamp	Krueger	Olson, E.	Pugh	Trimble	
Clark	Hausman	Lieder	Olson, K.	Reding	Tunheim	
Cooper	Jaros	Long	Opatz	Rice	Van Dellen	
Dauner	Jefferson	Lourey	Orenstein	Rodosovich	Wagenius	

Those who voted in the negative were:

Abrams	Dempsey	Haukoos	Lasley	McCollum	Rhodes	Worke
Asch	Erhardt	Holsten	Leppik	Molnau	Sekhon	Workman
Bettermann	Evans	Hugoson	Limmer	Murphy	Smith	
Brown, K.	Finseth	Huntley	Lindner	Neary	Sviggum	
Carruthers	Frerichs	Jennings	Luther	Olson, M.	Swenson	
Commers	Girard	Johnson, V.	Lynch	Onnen	Vellenga	
Dauids	Greiling	Kelley	Macklin	Ozment	Vickerman	
Dehler	Gruenes	Koppendrayner	Mahon	Rest	Waltman	

The bill was passed and its title agreed to.

S. F. No. 180 was reported to the House.

Simoneau moved to amend S. F. No. 180 as follows:

Delete everything after the enacting clause and insert:

"Section 1. [CONSTITUTIONAL AMENDMENT.]

An amendment to the Minnesota Constitution, article X, section 8, is proposed to the people. If the amendment is adopted, the section will read as follows:

Sec. 8. The legislature may authorize ~~on-track~~ pari-mutuel betting on horse racing in a manner prescribed by law.

Sec. 2. [SUBMISSION TO VOTERS.]

The proposed amendment must be submitted to the people at the 1994 general election. The question submitted shall be:

"Shall the Minnesota Constitution be amended to repeal the requirement that pari-mutuel betting on horse racing be limited to on-track betting only?"

Yes
No"

Sec. 3. [REPORT TO LEGISLATURE.]

If the constitutional amendment proposed in section 1 is approved by the people at the 1994 general election, the director of pari-mutuel racing shall submit a report to the legislature containing the director's recommendations on legislation to authorize and regulate off-track pari-mutuel betting on horse racing. The report must contain draft legislation that embodies the director's recommendations. The draft legislation must provide that:

- (1) off-track pari-mutuel betting be conducted primarily to support on-track horse racing and not supplant it;
 (2) a separate license be required to operate each off-track betting location;
 (3) off-track betting locations be limited to teletheatres with large-screen television displays of live horse racing, theatre seating and full dining and beverage service; and
 (4) a limited number of off-track betting locations be licensed, with a reasonable geographic distribution of locations around the state.

The director shall submit the report to the legislature by February 1, 1995."

Delete the title and insert:

"A bill for an act proposing an amendment to the Minnesota Constitution, article X, section 8; authorizing off-track betting on horse racing; requiring a report to the legislature."

The motion prevailed and the amendment was adopted.

Svigum offered an amendment to S. F. No. 180, as amended.

POINT OF ORDER

Carruthers raised a point of order pursuant to rule 3.09 that the Svigum amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Svigum appealed the decision of the Chair.

A roll call was requested and properly seconded.

CALL OF THE HOUSE

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

Abrams	Delmont	Huntley	Lieder	Nelson	Rest	Tunheim
Anderson, R.	Dempsey	Jacobs	Limmer	Ness	Rhodes	Van Dellen
Asch	Dorn	Jefferson	Lindner	Olson, E.	Rice	Vellenga
Battaglia	Erhardt	Johnson, A.	Long	Olson, K.	Rodosovich	Vickerman
Bauerly	Evans	Johnson, R.	Lourey	Olson, M.	Rukavina	Wagenius
Beard	Farrell	Johnson, V.	Luther	Onnen	Sama	Waltman
Bergson	Finseth	Kahn	Lynch	Opatz	Seagren	Weaver
Bertram	Frerichs	Kalis	Macklin	Orenstein	Sekhon	Wejcman
Bettermann	Garcia	Kelley	Mahon	Orfield	Simoneau	Wenzel
Brown, C.	Girard	Kelso	Mariani	Osthoff	Skoglund	Winter
Brown, K.	Goodno	Kinkel	McCollum	Ostrom	Smith	Wolf
Carruthers	Greenfield	Klinzing	McGuire	Ozment	Solberg	Worke
Clark	Greiling	Knickerbocker	Milbert	Pauly	Stanis	Workman
Commers	Gruenes	Knight	Molnau	Pawlenty	Steensma	Spk. Anderson, I.
Cooper	Gutknecht	Koppendraye	Morrison	Pelowski	Svigum	
Dauner	Hasskamp	Krinkie	Mosel	Perlt	Swenson	
Dauids	Haukoos	Krueger	Munger	Peterson	Tomassoni	
Dawkins	Holsten	Lasley	Murphy	Pugh	Tompkins	
Dehler	Hugoson	Leppik	Neary	Reding	Trimble	

Carruthers 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.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called.

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

There were 81 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Asch	Dauner	Jefferson	Lieder	Neary	Pugh	Tomassoni
Battaglia	Dawkins	Jennings	Long	Nelson	Reding	Trimble
Bauerly	Delmont	Johnson, A.	Lourey	Olson, E.	Rest	Tunheim
Beard	Dorn	Johnson, R.	Luther	Olson, K.	Rice	Vellenga
Bergson	Evans	Kahn	Mahon	Opatz	Rodosovich	Wagenius
Bertram	Farrell	Kalis	Mariani	Orenstein	Rukavina	Wejcman
Brown, C.	Garcia	Kelley	McCollum	Orfield	Sarna	Wenzel
Brown, K.	Greenfield	Kelso	McGuire	Osthoff	Sekhon	Winter
Carlson	Greiling	Kinkel	Milbert	Ostrom	Simoneau	Spk. Anderson, I.
Carruthers	Hasskamp	Klinzing	Mosel	Pelowski	Skoglund	
Clark	Hausman	Krueger	Munger	Perlt	Solberg	
Cooper	Huntley	Lasley	Murphy	Peterson	Steensma	

Those who voted in the negative were:

Abrams	Finseth	Hugoson	Limner	Onnen	Sviggum	Worke
Anderson, R.	Frerichs	Jacobs	Lindner	Ozment	Swenson	Workman
Bettermann	Girard	Johnson, V.	Lynch	Pauly	Tompkins	
Commers	Goodno	Knickerbocker	Macklin	Pawlenty	Van Dellen	
Davids	Gruenes	Knight	Molnau	Rhodes	Vickerman	
Dehler	Gutknecht	Koppendrayner	Morrison	Seagren	Waltman	
Dempsey	Haukoos	Krinkie	Ness	Smith	Weaver	
Erhardt	Holsten	Leppik	Olson, M.	Stanius	Wolf	

So it was the judgment of the House that the decision of the Speaker should stand.

Olson, M., offered an amendment to S. F. No. 180, as amended.

POINT OF ORDER

Carruthers raised a point of order pursuant to rule 3.09 that the Olson, M., amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

The Speaker called Bauerly to the Chair.

S. F. No. 180, A bill for an act relating to horse racing; proposing an amendment to the Minnesota Constitution, article X, section 8; permitting the legislature to authorize pari-mutuel betting on horse racing without limitation; directing the Minnesota racing commission to prepare and submit legislation to implement televised off-site betting.

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.

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

There were 79 yeas and 53 nays as follows:

Those who voted in the affirmative were:

Abrams	Dempsey	Jacobs	Lasley	Ness	Rukavina	Van Dellen
Bauerly	Erhardt	Jaros	Limmer	Olson, K.	Sama	Vickerman
Beard	Farrell	Jefferson	Lindner	Olson, M.	Sekhon	Winter
Bergson	Frerichs	Jennings	Lynch	Onnen	Simoneau	Wolf
Bertram	Garcia	Johnson, A.	Macklin	Opatz	Smith	Worke
Bishop	Girard	Johnson, V.	Mahon	Ozment	Solberg	Workman
Brown, C.	Gruenes	Kahn	Mariani	Pauly	Stanisus	Spk. Anderson, I.
Cooper	Hasskamp	Kelso	McGuire	Pelowski	Svigum	
Dauner	Haukoos	Klinzing	Milbert	Perlt	Swenson	
Dawkins	Holsten	Knickerbocker	Molnau	Pugh	Tomassoni	
Dehler	Hugoson	Koppendraye	Morrison	Reding	Trimble	
Delmont	Huntley	Krinkie	Nelson	Rhodes	Tunheim	

Those who voted in the negative were:

Anderson, R.	Commers	Gutknecht	Lieder	Neary	Rest	Wagenius
Asch	Davids	Johnson, R.	Long	Olson, E.	Rice	Waltman
Battaglia	Dorn	Kalis	Lourey	Orenstein	Rodosovich	Weaver
Bettermann	Evans	Kelley	Luther	Orfield	Seagren	Wejzman
Brown, K.	Finseth	Kinkel	McCollum	Osthoff	Skoglund	Wenzel
Carlson	Goodno	Knight	Mosel	Ostrom	Steensma	
Carruthers	Greenfield	Krueger	Munger	Pawlenty	Tompkins	
Clark	Greiling	Leppik	Murphy	Peterson	Vellenga	

The bill was passed, as amended, and its title agreed to.

CALL OF THE HOUSE LIFTED

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

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

S. F. No. 103 was reported to the House.

Dehler, Gruenes, Kahn and Bergson moved to amend S. F. No. 103, the second unofficial engrossment, as follows:

Page 133, lines 6 and 11, before the comma, insert "except bingo games excluded under section 349.166, subdivision 1, or exempted under section 349.166, subdivision 2"

The motion prevailed and the amendment was adopted.

Swenson moved to amend S. F. No. 103, the second unofficial engrossment, as amended, as follows:

Page 143, after line 6, insert:

"Sec. 7. Minnesota Statutes 1992, section 349A.09, subdivision 2, is amended to read:

Subd. 2. [CONTENT OF ADVERTISING.] (a) Advertising and promotional materials for the lottery adopted or published by the director must be consistent with the dignity of the state and may only:

(1) present information on how lottery games are played, prizes offered, where and how tickets may be purchased, when drawings are held, and odds on the games advertised;

(2) identify state programs supported by lottery net revenues; or

(3) ~~present the lottery as a form of entertainment; or~~

(4) ~~state the winning numbers or identity of winners of lottery prizes.~~

(b) The director may not adopt or publish any advertising for the lottery which:

(1) presents directly or indirectly any lottery game as a potential means of relieving any person's financial difficulties;

(2) is specifically targeted with the intent to exploit a person, a specific group or economic class of people, or a religious holiday by use of a religious theme or symbol;

(3) presents the purchase of a lottery ticket as a financial investment or a way to achieve financial security;

(4) uses the name or picture of a current elected state official to promote a lottery game;

(5) exhorts the public to bet by directly or indirectly misrepresenting a person's chance of winning a prize; ~~or~~

(6) denigrates a person who does not buy a lottery ticket or unduly praises a person who does buy a ticket; or

(7) is intended to induce persons to participate in the lottery or buy a lottery ticket.

Sec. 8. Minnesota Statutes 1992, section 349A.10, subdivision 3, is amended to read:

Subd. 3. [LOTTERY OPERATIONS.] (a) The director shall establish a lottery operations account in the lottery fund. The director shall pay all costs of operating the lottery, including payroll costs or amounts transferred to the state treasury for payroll costs, but not including lottery prizes, from the lottery operating account. The director shall credit to the lottery operations account amounts sufficient to pay the operating costs of the lottery.

(b) The director may not credit in fiscal year 1993 amounts to the lottery operations account which when totaled exceed 14.5 percent of gross revenue to the lottery fund. The director may not credit in any fiscal year thereafter amounts to the lottery operations account which when totaled exceed 15 percent of gross revenue to the lottery fund in that fiscal year. In computing total amounts credited to the lottery operations account under this paragraph the director shall disregard amounts transferred to or retained by lottery retailers as sales commissions or other compensation.

(c) The director of the lottery may not expend ~~after July 1, 1991,~~ more than ~~2-3/4~~ 1.5 percent of gross revenues in a fiscal year for contracts for the preparation, publication, and placement of advertising.

(d) Except as the director determines, the board is not subject to chapter 16A relating to budgeting, payroll, and the purchase of goods and services."

Page 144, line 28, delete "11" and insert "13"

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 Swenson amendment and the roll was called. There were 94 yeas and 36 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Evans	Jennings	Long	Olson, E.	Rice	Vellenga
Asch	Farrell	Johnson, V.	Lourey	Olson, K.	Rodosovich	Vickerman
Beard	Finseth	Kalis	Luther	Olson, M.	Seagren	Wagenius
Bergson	Frerichs	Kelley	Lynch	Onnen	Sekhon	Waltman
Bettermann	Garcia	Kelso	Macklin	Opatz	Skoglund	Weaver
Brown, K.	Girard	Klinzing	Mariani	Orenstein	Smith	Wejcman
Carlson	Goodno	Knight	McGuire	Orfield	Stanius	Wenzel
Clark	Greenfield	Koppendraye	Molnau	Ostrom	Steensma	Winter
Commers	Greiling	Krinkie	Morrison	Ozment	Sviggum	Worke
Dauner	Gruenes	Lasley	Mosel	Pawlenty	Swenson	Workman
Dawkins	Hasskamp	Leppik	Munger	Perlt	Tompkins	
Dempsey	Hausman	Lieder	Neary	Peterson	Trimble	
Dorn	Holsten	Limmer	Nelson	Rest	Tunheim	
Erhardt	Hugoson	Lindner	Ness	Rhodes	Van Dellen	

Those who voted in the negative were:

Abrams	Carruthers	Haukoos	Johnson, R.	Murphy	Sarna
Battaglia	Cooper	Huntley	Kahn	Osthoff	Simoneau
Bauerly	Davids	Jacobs	Kinkel	Pauly	Solberg
Bertram	Dehler	Jaros	Knickerbocker	Pugh	Tomassoni
Bishop	Delmont	Jefferson	Krueger	Reding	Wolf
Brown, C.	Gutknecht	Johnson, A.	Milbert	Rukavina	Spk. Anderson, I.

The motion prevailed and the amendment was adopted.

Swenson and Seagren moved to amend S. F. No. 103, the second unofficial engrossment, as amended, as follows:

Page 147, after line 19, insert:

"Sec. 3. [325E.42] [DECEPTIVE TRADE PRACTICES; GAMBLING ADVERTISING AND MARKETING CLAIMS.]

Subdivision 1. [REGULATION.] All advertising or marketing materials relating to the conduct of any form of legal gambling in Minnesota, including informational or promotional materials, must:

(1) be sufficiently clear to prevent deception; and

(2) not overstate expressly, or by implication, the attributes or benefits of participating in legal gambling.

Subd. 2. [ENFORCEMENT.] A person who violates this section is subject to the penalties and remedies in section 8.31. Nothing in this section limits the rights or remedies otherwise available under other law.

Subd. 3. [ADVERTISING MEDIA EXCLUDED.] This section applies to actions of the owner, publisher, agent, or employee of newspapers, magazines, other printed matter, or radio or television stations or other advertising media used for the publication or dissemination of an advertisement or marketing materials, only if the owner, publisher, agent, or employee has been personally served with a certified copy of a court order or consent judgment or agreement prohibiting the publication of particular gambling advertising or marketing materials and thereafter publishes such materials."

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 Swenson and Seagren amendment and the roll was called. There were 78 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Evans	Hugoson	Lourey	Olson, E.	Seagren	Waltman
Asch	Farrell	Johnson, V.	Luther	Olson, M.	Sekhon	Weaver
Battaglia	Finseth	Kalis	Macklin	Onnen	Skoglund	Wejzman
Brown, K.	Frerichs	Kelso	Mariani	Opatz	Smith	Wenzel
Clark	Garcia	Knight	McGuire	Orfield	Stanius	Worke
Commers	Goodno	Koppendraye	Molnau	Ostrom	Steensma	Workman
Cooper	Greiling	Krinkie	Mosel	Ozment	Sviggum	
Dauner	Gruenes	Leppik	Munger	Pawlenty	Swenson	
Davids	Gutknecht	Lieder	Murphy	Peterson	Tompkins	
Dawkins	Hasskamp	Limmer	Neary	Rest	Van Dellen	
Dempsey	Haukoos	Lindner	Nelson	Rhodes	Vickerman	
Erhardt	Holsten	Long	Ness	Rice	Wagenius	

Those who voted in the negative were:

Abrams	Carlson	Jacobs	Kinkel	Morrison	Pugh	Trimble
Bauerly	Carruthers	Jaros	Klinzing	Olson, K.	Reding	Tunheim
Beard	Dehler	Jefferson	Knickerbocker	Orenstein	Rukavina	Winter
Bergson	Dejmont	Johnson, A.	Krueger	Osthoff	Sarna	Wolf
Bertram	Dorn	Johnson, R.	Lasley	Pauly	Simoneau	Spk. Anderson, I.
Bishop	Girard	Kahn	McCollum	Pelowski	Solberg	
Brown, C.	Huntley	Kelley	Milbert	Perlt	Tomassoni	

The motion prevailed and the amendment was adopted.

Seagren and Swenson moved to amend S. F. No. 103, the second unofficial engrossment, as amended, as follows:

Page 22, line 10, strike "18" and insert "21"

Page 27, after line 23, insert:

"Sec. 16. Minnesota Statutes 1992, section 240.26, is amended by adding a subdivision to read:

Subd. 5. [CERTAIN VIOLATIONS; DEFENSE.] In a prosecution under section 240.13, subdivision 8, it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in section 340A.503, subdivision 6, paragraph (a)."

Page 29, line 28, delete "17 and 18 to 21" and insert "22"

Page 133, delete section 90, and insert:

"Sec. 90. Minnesota Statutes 1992, section 349.2127, is amended by adding a subdivision to read:

Subd. 8. [MINIMUM AGE.] (a) A person under the age of 21 years may not buy a pull-tab, tipboard ticket, or paddlewheel ticket. Violation of this paragraph is a misdemeanor.

(b) A licensed organization or employee may not allow a person under the age of 21 to buy a pull-tab, tipboard ticket, or paddlewheel ticket. Violation of this paragraph is a gross misdemeanor.

(c) In a prosecution under paragraph (b), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in section 340A.503, subdivision 6, paragraph (a)."

Page 144, after line 5, insert:

"Sec. 9. Minnesota Statutes 1992, section 349A.12, subdivision 1, is amended to read:

Subdivision 1. [PURCHASE BY MINORS.] A person under the age of ~~18~~ 21 years may not buy a ticket in the state lottery.

Sec. 10. Minnesota Statutes 1992, section 349A.12, subdivision 2, is amended to read:

Subd. 2. [SALE TO MINORS.] A lottery retailer may not sell a ticket in the state lottery to any person under the age of ~~18~~ 21 years. It is an affirmative defense to a charge under this subdivision for the lottery retailer to prove by a preponderance of the evidence that the lottery retailer reasonably and in good faith relied upon representation of proof of age described in section 340A.503, subdivision 6, in making the sale."

Page 144, line 28, delete "11" and insert "13"

Page 146, after line 6, insert:

"Sec. 5. [GOVERNOR; RENEGOTIATION OF COMPACTS.]

The governor, pursuant to Minnesota Statutes, section 3.9221, shall take all feasible steps to renegotiate all compacts negotiated under that section for the purpose of establishing a minimum age of 21 years for participation in gambling authorized under the Indian gaming regulatory act, Public Law Number 100-497, and future amendments to it."

Page 146, line 9, after the period, insert "Section 5 is effective the day following final enactment."

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 Seagren and Swenson amendment and the roll was called. There were 67 yeas and 62 nays as follows:

Those who voted in the affirmative were:

Abrams	Finseth	Knickerbocker	Mariani	Olson, M.	Rice	Vickerman
Anderson, R.	Garcia	Knight	McGuire	Onnen	Rodosovich	Wagenius
Asch	Greiling	Koppendrayner	Molnau	Opatz	Seagren	Waltman
Battaglia	Gutknecht	Krinkie	Morrison	Osthoff	Skoglund	Wejcman
Bettermann	Haukoos	Krueger	Mosel	Ostrom	Stanius	Wenzel
Clark	Hugoson	Leppik	Munger	Ozment	Steensma	Wolf
Commers	Johnson, V.	Lieder	Murphy	Pawlentny	Svigum	Workman
Erhardt	Kalis	Lindner	Nelson	Pugh	Swenson	
Evans	Kelso	Luther	Ness	Rest	Tompkins	
Farrell	Klinzing	Lynch	Olson, E.	Rhodes	Vellenga	

Those who voted in the negative were:

Bauerly	Brown, C.	Dauner	Dempsey	Gruenes	Jaros	Kelley
Beard	Brown, K.	Davids	Dorn	Hasskamp	Jefferson	Kinkel
Bergson	Carlson	Dawkins	Frerichs	Holsten	Johnson, A.	Lasley
Bertram	Carruthers	Dehler	Girard	Huntley	Johnson, R.	Limmer
Bishop	Cooper	Delmont	Goodno	Jacobs	Kahn	Long

Lourey	Neary	Pauly	Reding	Simoneau	Trimble	Winter
Macklin	Olson, K.	Pelowski	Rukavina	Smith	Tunheim	Worke
McCollum	Orenstein	Perlt	Sarna	Solberg	Van Dellen	Spk. Anderson, I.
Milbert	Orfield	Peterson	Sekhon	Tomassoni	Weaver	

The motion prevailed and the amendment was adopted.

Dehler moved to amend S. F. No. 103, the second unofficial engrossment, as amended, as follows:

Page 147, after line 19, insert:

"Section 1. Minnesota Statutes 1992, section 340A.410, subdivision 5, is amended to read:

Subd. 5. [GAMBLING PROHIBITED.] (a) No retail establishment licensed to sell alcoholic beverages may keep, possess, or operate, or permit the keeping, possession, or operation on the licensed premises of dice or any gambling device as defined in section 349.30, or permit gambling therein except as provided in this subdivision.

(b) Gambling equipment may be kept or operated and raffles conducted on licensed premises and adjoining rooms when the use of the gambling equipment is authorized by (1) chapter 349, (2) a tribal ordinance in conformity with the Indian Gaming Regulatory Act, Public Law Number 100-497, or (3) a tribal-state compact authorized under section 3.9221.

(c) Lottery tickets may be purchased and sold within the licensed premises as authorized by the director of the lottery under chapter 349A.

(d) Dice and dice cups may be kept on the licensed premises, but only if: (1) the dice and dice cups are used exclusively by patrons of the licensed establishment for the purpose of determining responsibility for payment for alcoholic beverages, food, or other items lawfully sold on the licensed premises; and (2) authorized by the governing body of the home rule charter or statutory city or town board of the town in which the licensed establishment is located."

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 Dehler amendment and the roll was called. There were 7 yeas and 118 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Bertram	Cooper	Dehler	Gruenes	Hasskamp	Pauly
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Those who voted in the negative were:

Abrams	Brown, K.	Delmont	Garcia	Hugoson	Kalis	Krueger
Asch	Carlson	Dempsey	Girard	Huntley	Kelley	Lasley
Battaglia	Carruthers	Dorn	Goodno	Jacobs	Kinkel	Leppik
Bauerly	Clark	Erhardt	Greiling	Jaros	Klinzing	Lieder
Beard	Commers	Evans	Gutknecht	Jefferson	Knickerbocker	Limmer
Bergson	Dauner	Farrell	Haukoos	Johnson, A.	Knight	Lindner
Bettermann	Dauids	Finseth	Hausman	Johnson, R.	Koppendrayner	Long
Brown, C.	Dawkins	Frerichs	Holsten	Kahn	Krinkie	Lourey

Luther	Mosel	Opatz	Peterson	Seagren	Tomassoni	Weaver
Lynch	Munger	Orenstein	Pugh	Sekhon	Tompkins	Wejcman
Macklin	Murphy	Orfield	Reding	Simoneau	Trimble	Wenzel
Mariani	Neary	Osthoff	Rest	Skoglund	Tunheim	Winter
McCollum	Nelson	Ostrom	Rhodes	Smith	Van Dellen	Wolf
McGuire	Ness	Ozment	Rice	Solberg	Vellenga	Worke
Milbert	Olson, E.	Pawlenty	Rodosovich	Stanius	Vickerman	Workman
Molnau	Olson, M.	Pelowski	Rukavina	Steensma	Wagenius	Spk. Anderson, I.
Morrison	Onnen	Perlt	Sarna	Sviggum	Waltman	

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

The Speaker resumed the Chair.

Koppendraye, Gruenes and Haukoos moved to amend S. F. No. 103, the second unofficial engrossment, as amended, as follows:

Page 82, line 17, strike "or"

Page 82, line 18, after "(ii)" insert "50 percent of the real estate taxes and assessments or" and after "year" insert ", whichever is more,"

Page 82, line 19, after the semicolon, insert "or"

Page 82, after line 19, insert:

"(iii) 100 percent of the real estate taxes and assessments for premises constructed, acquired, or expanded, if the construction, acquisition, or expansion was started before August 1, 1990,"

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 55 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Cooper	Gruenes	Kelso	McCollum	Peterson	Waltman
Bauerly	Dauner	Hasskamp	Klinzing	Molnau	Rest	Weaver
Beard	Dehler	Haukoos	Koppendraye	Munger	Smith	Wenzel
Bergson	Dempsey	Hugoson	Limner	Nelson	Stanius	Winter
Bertram	Dorn	Jacobs	Lindner	Ness	Steensma	Wolf
Bettermann	Frerichs	Johnson, A.	Lourey	Opatz	Sviggum	Worke
Brown, C.	Girard	Johnson, R.	Lynch	Ozment	Swenson	Workman
Brown, K.	Goodno	Johnson, V.	Macklin	Perlt	Vickerman	

Those who voted in the negative were:

Abrams	Davids	Greenfield	Jennings	Krueger	Morrison	Orenstein
Asch	Dawkins	Greiling	Kahn	Lasley	Mosel	Orfield
Battaglia	Delmont	Gutknecht	Kalis	Leppik	Murphy	Osthoff
Bishop	Erhardt	Hausman	Kelley	Lieder	Neary	Ostrom
Carlson	Evans	Holsten	Kinkel	Long	Olson, E.	Pauly
Carruthers	Farrell	Huntley	Knickerbocker	Luther	Olson, K.	Pawlenty
Clark	Finseth	Jaros	Knight	Mariani	Olson, M.	Pelowski
Commers	Garcia	Jefferson	Krinkie	McGuire	Onnen	Reding

Rhodes	Sarna	Skoglund	Trimble	Wagenius
Rice	Seagren	Solberg	Tunheim	Wejcman
Rodosovich	Sekhon	Tomassoni	Van Dellen	Spk. Anderson, I
Rukavina	Simoneau	Tompkins	Vellenga	

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

Knight moved to amend S. F. No. 103, the second unofficial engrossment, as amended, as follows:

Page 147, after line 19, insert:

"Sec. 3. [GAMBLING ADDICTION WARNING; POSTED NOTICE.]

The following written notice must be placed at every location where authorized gambling is conducted in this state:

"WARNING: You may develop a compulsive gambling addiction by participating in the forms of gambling conducted here."

The notices required by this section must be placed so that they may be easily seen by participants.

This section applies to all forms of gambling conducted under Minnesota Statutes, chapters 240, 349, and 349A.

The appropriate state regulatory bodies shall ensure compliance with this section."

Renumber the sections in sequence

Correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Sekhon was excused while in conference.

Olson, M.; Onnen and Waltman moved to amend S. F. No. 103, the second unofficial engrossment, as amended, as follows:

Page 149, line 16, after "MODEL" insert "AND STUDY"

Page 149, after line 16, insert:

"(a) The gambling control board and department of commerce shall conduct a joint study and poll of citizens of the state with a view to observing the history of gambling and studying its compulsive characteristics and socio-economic costs and benefits to determine the desirability of eliminating all forms of gambling in Minnesota through a constitutional amendment. For the purposes of this section, a sum sufficient is appropriated from those lottery proceeds allotted to the general fund under Minnesota Statutes, section 349A.10, subdivision 5. The study shall be submitted to each member of the legislature and the governor by February 1, 1995."

Page 149, line 17, before "The" insert "(b)" and delete "shall" and insert "may"

A roll call was requested and properly seconded.

The question was taken on the Olson, M., et al amendment and the roll was called. There were 23 yeas and 103 nays as follows:

Those who voted in the affirmative were:

Bettermann	Gutknecht	Lindner	Olson, M.	Perlt	Vickerman
Dehler	Holsten	Lynch	Onnen	Seagren	Waltman
Frerichs	Johnson, V.	McCollum	Ozment	Stanisius	Workman
Gruenes	Koppendraye	Molnau	Pawlenty	Swenson	

Those who voted in the negative were:

Abrams	Dauner	Haukoos	Knickerbocker	Mosel	Pugh	Tompkins
Anderson, R.	Davids	Hausman	Knight	Munger	Reding	Trimble
Asch	Dawkins	Hugoson	Krinkie	Murphy	Rest	Tunheim
Battaglia	Delmont	Huntley	Krueger	Nelson	Rhodes	Van Dellen
Bauerly	Dempsey	Jacobs	Lasley	Ness	Rice	Vellenga
Beard	Dorn	Jaros	Leppik	Olson, E.	Rodosovich	Wagenius
Bergson	Erhardt	Jefferson	Lieder	Olson, K.	Rukavina	Weaver
Bertram	Evans	Johnson, A.	Limmer	Opatz	Sarna	Wejcman
Brown, C.	Farrell	Johnson, R.	Long	Orenstein	Simoneau	Wenzel
Brown, K.	Finseth	Kahn	Lourey	Orfield	Skoglund	Winter
Carlson	Garcia	Kalis	Luther	Osthoff	Smith	Wolf
Carruthers	Girard	Kelley	Mariani	Ostrom	Solberg	Worke
Clark	Greenfield	Kelso	McGuire	Pauly	Steensma	Spk. Anderson, I.
Commers	Greiling	Kinkel	Milbert	Pelowski	Sviggum	
Cooper	Hasskamp	Klinzing	Morrison	Peterson	Tomassoni	

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

S. F. No. 103, A bill for an act relating to lawful gambling; regulating the conduct of lawful gambling; prescribing the powers and duties of licensees and the board; giving the gambling control board director cease and desist authority for violations of board rules; adding restrictions for bingo halls, distributors, and manufacturers; providing more flexibility in denying a license application to ensure the integrity of the lawful gambling industry; strengthening the gambling control board's enforcement ability by increasing licensing requirements; establishing the combined receipts tax as a lawful purpose expenditure; expanding definition of lawful purpose to include certain senior citizen activities, certain real estate taxes and assessments, and wildlife management projects; prohibiting the use of lawful purpose contributions by local governmental units in pension or retirement funds; exempting organizations with gross receipts of \$50,000 or less from the annual audit; expanding the definition of a class C license; making class C licensee reporting requirements quarterly; modifying the definition of allowable expense to include some advertising costs; eliminating additional compensation for the state lottery director; clarifying and strengthening the regulation of the conduct of bingo; prohibiting certain forms of gambling by persons under 18; modifying the definition of net profits for local assessments; prescribing penalties; amending Minnesota Statutes 1992, sections 240.13, subdivision 8; 240.25, by adding a subdivision; 240.26, subdivision 3; 299L.03, subdivisions 1 and 2; 299L.07, by adding a subdivision; 349.12, subdivisions 1, 3a, 4, 8, 11, 18, 19, 21, 23, 25, 30, 32, 34, and by adding a subdivision; 349.151, subdivision 4; 349.152, subdivisions 2 and 3; 349.153; 349.154, subdivision 2; 349.16, subdivisions 6 and 8; 349.161, subdivisions 1, 3, and 5; 349.162, subdivisions 1, 2, 4, and 5; 349.163, subdivisions 1, 1a, 3, 5, and 6; 349.164, subdivisions 1, 3, and 6; 349.1641; 349.166, subdivisions 1, 2, and 3; 349.167, subdivisions 1 and 4; 349.168, subdivisions 3 and 6; 349.169, subdivision 1; 349.17, subdivisions 2, 4, 5, and by adding a subdivision; 349.174; 349.18, subdivisions 1, 1a, and 2; 349.19, subdivisions 2, 5, 6, 8, and 9; 349.191, subdivisions 1, 4, and by adding a subdivision; 349.211, subdivisions 1 and 2; 349.2122; 349.2125, subdivisions 1 and 3; 349.2127, subdivisions 2, 4, and by adding a subdivision; 349.213, subdivision 1; 349A.03, subdivision 2; 349A.12, subdivisions 1, 2, 5, and 6; and 609.755; proposing coding for new law in Minnesota Statutes, chapters 471; and 609; repealing Minnesota Statutes 1992, sections 349A.03, subdivision 3; and 349A.08, subdivision 3.

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 113 yeas and 16 nays as follows:

Those who voted in the affirmative were:

Abrams	Bettermann	Dawkins	Finseth	Haukoos	Johnson, R.	Knight
Anderson, R.	Bishop	Dehler	Frerichs	Holsten	Johnson, V.	Koppendrayner
Asch	Brown, C.	Delmont	Garcia	Hugoson	Kahn	Krinkie
Battaglia	Brown, K.	Dempsey	Girard	Huntley	Kelley	Krueger
Bauerly	Carlson	Dorn	Greiling	Jacobs	Kelso	Lasley
Beard	Carruthers	Erhardt	Gruenes	Jaros	Kinkel	Leppik
Bergson	Commers	Evans	Gutknecht	Jefferson	Klinzing	Lieder
Bertram	Cooper	Farrell	Hasskamp	Johnson, A.	Knickerbocker	Limmer

Lindner	Molnau	Olson, M.	Pelowski	Seagren	Trimble	Worke
Long	Morrison	Ornen	Perlt	Simoneau	Tunheim	Workman
Lourey	Mosel	Opatz	Peterson	Smith	Van Dellen	Spk. Anderson, I.
Lynch	Munger	Orfield	Pugh	Solberg	Vellenga	
Macklin	Murphy	Osthoff	Reding	Stanis	Vickerman	
Mariani	Neary	Ostrom	Rest	Svigum	Waltman	
McCollum	Ness	Ozment	Rhodes	Swenson	Weaver	
McGuire	Olson, E.	Pauly	Rukavina	Tomassoni	Winter	
Milbert	Olson, K.	Pawlenty	Sarna	Tompkins	Wolf	

Those who voted in the negative were:

Clark	Goodno	Luther	Rice	Steensma	Wenzel
Dauner	Greenfield	Nelson	Rodosovich	Wagenius	
Davids	Kalis	Orenstein	Skoglund	Wejman	

The bill was passed, as amended, and its title agreed to.

Carruthers 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.

SPECIAL ORDERS, Continued

H. F. No. 1809 was reported to the House.

Abrams, Skoglund, Orfield, Weaver, Wagenius, Farrell, Munger, Vellenga, Bishop, Mariani, Kahn, Jennings and Pugh moved to amend H. F. No. 1809, the second engrossment, as follows:

Page 1, line 13, after the comma, insert "subject to article one of this constitution and"

Page 1, line 25, after the comma, insert "subject to article one of this constitution and"

The motion prevailed and the amendment was adopted.

Skoglund moved that H. F. No. 1809, as amended, be continued on Special Orders. The motion prevailed.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Carruthers, from the Committee on Rules and Legislative Administration, pursuant to rule 1.09, designated the following bills as Special Orders to be acted upon immediately preceding printed Special Orders for today:

H. F. No. 3230; and S. F. Nos. 1996 and 2858.

SPECIAL ORDERS, Continued

H. F. No. 3230 was reported to the House.

Lieder moved to amend H. F. No. 3230, the first engrossment, as follows:

Page 3, line 20, after "the" insert "state's portion of"

The motion prevailed and the amendment was adopted.

CALL OF THE HOUSE

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

Abrams	Dawkins	Hausman	Koppendraye	Morrison	Pawlenty	Tomassoni
Anderson, R.	Dehler	Hugoson	Krinkie	Mosel	Pelowski	Tompkins
Asch	Delmont	Huntley	Krueger	Munger	Perlt	Trimble
Battaglia	Dempsey	Jacobs	Lasley	Murphy	Peterson	Tunheim
Bauerly	Dorn	Jaros	Leppik	Neary	Pugh	Van Dellen
Beard	Erhardt	Jefferson	Lieder	Nelson	Reding	Vellenga
Bergson	Farrell	Jennings	Limmer	Ness	Rhodes	Vickerman
Bertram	Finseth	Johnson, A.	Lindner	Olson, E.	Rice	Wagenius
Bettermann	Frerichs	Johnson, R.	Long	Olson, K.	Rodosovich	Waltman
Brown, C.	Garcia	Johnson, V.	Lourey	Olson, M.	Rukavina	Weaver
Brown, K.	Girard	Kahn	Luther	Onnen	Sarna	Wejcman
Carlson	Goodno	Kalis	Lynch	Opatz	Seagren	Wenzel
Carruthers	Greenfield	Kelley	Macklin	Orenstein	Skoglund	Winter
Clark	Greiling	Kelso	Mariani	Orfield	Smith	Wolf
Commers	Gruenes	Kinkel	McCollum	Osthoff	Solberg	Worke
Cooper	Gutknecht	Klinzing	McGuire	Ostrom	Steensma	Workman
Dauner	Hasskamp	Knickerbocker	Milbert	Ozment	Sviggum	Spk. Anderson, I.
Davids	Haukoos	Knight	Molnau	Pauly	Swenson	

Carruthers 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.

Sviggum moved to amend H. F. No. 3230, the first engrossment, as amended, as follows:

Page 3, delete line 22, and insert "proceeds of motor fuel excise taxes, which will be indexed each year to the consumer price index and will increase initially by 4.4 cents per gallon if this constitutional amendment is adopted, and motor vehicle registration taxes"

A roll call was requested and properly seconded.

The question was taken on the Sviggum amendment and the roll was called. There were 40 yeas and 88 nays as follows:

Those who voted in the affirmative were:

Bettermann	Dehler	Finseth	Goodno	Haukoos	Knight	Leppik
Commers	Dempsey	Frerichs	Gruenes	Hugoson	Koppendraye	Limmer
Davids	Erhardt	Girard	Gutknecht	Knickerbocker	Krinkie	Lindner

Lynch	Munger	Ozment	Sviggum	Wolf
Molnau	Ness	Rhodes	Tompkins	Worke
Morrison	Olson, M.	Smith	Vickerman	Workman
Mosel	Onnen	Stanisus	Waltman	

Those who voted in the negative were:

Abrams	Clark	Holsten	Kinkel	Murphy	Perlt	Tomassoni
Anderson, R.	Cooper	Huntley	Klinzing	Neary	Peterson	Trimble
Asch	Dauner	Jacobs	Krueger	Nelson	Pugh	Tunheim
Battaglia	Dawkins	Jaros	Lasley	Olson, E.	Reding	Van Dellen
Bauerly	Delmont	Jefferson	Lieder	Olson, K.	Rice	Vellenga
Beard	Dorn	Jennings	Long	Opatz	Rodosovich	Wagenius
Bergson	Evans	Johnson, A.	Lourey	Orenstein	Sarna	Weaver
Bertram	Farrell	Johnson, R.	Luther	Orfield	Seagren	Wejcman
Bishop	Garcia	Johnson, V.	Macklin	Osthoff	Sekhon	Wenzel
Brown, C.	Greenfield	Kahn	Mariani	Ostrom	Skoglund	Winter
Brown, K.	Greiling	Kalis	McCollum	Pauly	Solberg	
Carlson	Hasskamp	Kelley	McGuire	Pawlenty	Steensma	
Carruthers	Hausman	Kelso	Milbert	Pelowski	Swenson	

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

Frerichs and Vickerman offered an amendment to H. F. No. 3230, the first engrossment, as amended.

POINT OF ORDER

Carruthers raised a point of order pursuant to rule 3.09 that the Frerichs and Vickerman amendment was not in order. The Speaker ruled the point of order well taken and the amendment out of order.

Frerichs appealed the decision of the Chair.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called.

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

There were 77 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Cooper	Huntley	Krueger	Murphy	Pelowski	Solberg
Asch	Dauner	Jaros	Lieder	Neary	Perlt	Steensma
Battaglia	Delmont	Jefferson	Long	Nelson	Peterson	Tomassoni
Bauerly	Dorn	Jennings	Lourey	Olson, E.	Pugh	Trimble
Beard	Evans	Johnson, A.	Luther	Olson, K.	Reding	Tunheim
Bergson	Farrell	Johnson, R.	Mariani	Opatz	Rice	Vellenga
Bertram	Garcia	Kahn	McCollum	Orenstein	Rodosovich	Wagenius
Brown, C.	Greenfield	Kalis	McGuire	Orfield	Sarna	Wejcman
Carlson	Greiling	Kelley	Milbert	Osthoff	Sekhon	Wenzel
Carruthers	Hasskamp	Kelso	Mosel	Ostrom	Simoneau	Winter
Clark	Hausman	Kinkel	Munger	Pauly	Skoglund	Spk. Anderson, I.

Those who voted in the negative were:

Abrams	Dempsey	Haukoos	Lasley	Morrison	Smith	Waltman
Bettermann	Erhardt	Holsten	Leppik	Ness	Stanius	Weaver
Bishop	Finseth	Hugoson	Limmer	Olson, M.	Sviggum	Wolf
Brown, K.	Frerichs	Knickerbocker	Lindner	Onnen	Swenson	Worke
Commers	Girard	Knight	Lynch	Pawlenty	Tompkins	Workman
Dauids	Gruenes	Koppendraye	Macklin	Rhodes	Van Dellen	
Dehler	Gutknecht	Krinkie	Molnau	Seagren	Vickerman	

So it was the judgment of the House that the decision of the Speaker should stand.

Sviggum moved to amend H. F. No. 3230, the first engrossment, as amended, as follows:

Pages 1 and 2, delete section 1

Page 3, delete section 5

Renumber the sections in sequence

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 37 yeas and 90 nays as follows:

Those who voted in the affirmative were:

Abrams	Erhardt	Holsten	Leppik	Ness	Seagren	Wolf
Bettermann	Frerichs	Hugoson	Limmer	Olson, M.	Sviggum	
Bishop	Girard	Knickerbocker	Lindner	Onnen	Tompkins	
Commers	Gruenes	Knight	Lynch	Orenstein	Van Dellen	
Dehler	Gutknecht	Koppendraye	Macklin	Pawlenty	Waltman	
Dempsey	Haukoos	Krinkie	Molnau	Rhodes	Weaver	

Those who voted in the negative were:

Anderson, R.	Dauner	Jacobs	Lasley	Neary	Pugh	Tomassoni
Asch	Dauids	Jaros	Lieder	Nelson	Reding	Trimble
Battaglia	Delmont	Jefferson	Long	Olson, E.	Rice	Tunheim
Bauerly	Dorn	Jennings	Lourey	Olson, K.	Rodosovich	Vellenga
Beard	Evans	Johnson, A.	Luther	Opatz	Sarna	Vickerman
Bergson	Farrell	Johnson, R.	Mariani	Orfield	Sekhon	Wagenius
Bertram	Finseth	Johnson, V.	McCollum	Osthoff	Simoneau	Wejzman
Brown, C.	Garcia	Kahn	McGuire	Ostrom	Skoglund	Wenzel
Brown, K.	Greenfield	Kalis	Milbert	Ozment	Smith	Winter
Carlson	Greiling	Kelley	Morrison	Pauly	Solberg	Worke
Carruthers	Hasskamp	Kelso	Mosel	Pelowski	Stanius	Workman
Clark	Hausman	Kinkel	Munger	Perlt	Steensma	Spk. Anderson, I.
Cooper	Huntley	Krueger	Murphy	Peterson	Swenson	

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

H. F. No. 3230, A bill for an act proposing an amendment to the Minnesota Constitution; dedicating part of tax on vehicles to public transit; expanding transportation purposes for which highway user tax proceeds may be used by the metropolitan area; providing for annual inflation adjustments to motor fuel tax rate contingent on approval of

constitutional dedication of motor fuel excise tax revenues; amending the Minnesota Constitution, article XI, by adding a section; and article XIV, section 5; amending Minnesota Statutes 1992, section 296.02, by adding a subdivision; repealing Minnesota Statutes 1992, section 297B.09, subdivision 1.

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.

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

There were 83 yeas and 44 nays as follows:

Those who voted in the affirmative were:

Anderson, R.	Dauner	Jacobs	Krueger	Neary	Perlt	Swenson
Battaglia	Davids	Jaros	Lieder	Nelson	Peterson	Tomassoni
Bauerly	Delmont	Jefferson	Long	Olson, E.	Pugh	Trimble
Beard	Dorn	Jennings	Lourey	Olson, K.	Reding	Tunheim
Bergson	Evans	Johnson, A.	Luther	Opatz	Rice	Vellenga
Bertram	Farrell	Johnson, R.	Mariani	Orenstein	Rodosovich	Vickerman
Brown, C.	Garcia	Johnson, V.	McCollum	Orfield	Sarna	Wagenius
Brown, K.	Greenfield	Kahn	McGuire	Osthoff	Sekhon	Wejcman
Carlson	Greiling	Kalis	Milbert	Ostrom	Simoneau	Wenzel
Carruthers	Hasskamp	Kelley	Morrison	Ozment	Skoglund	Winter
Clark	Hausman	Kelso	Mosel	Pauly	Solberg	Spk. Anderson, I.
Cooper	Huntley	Kinkel	Munger	Pelowski	Steensma	

Those who voted in the negative were:

Abrams	Erhardt	Holsten	Leppik	Ness	Stanius	Worke
Asch	Finseth	Hugoson	Limmer	Olson, M.	Sviggun	Workman
Bettermann	Frerichs	Knickerbocker	Lindner	Onnen	Tompkins	
Bishop	Girard	Knight	Lynch	Pawlenty	Van Dellen	
Comumers	Gruenes	Koppendraye	Macklin	Rhodes	Waltman	
Dehler	Gutknecht	Krinkle	Molnau	Seagren	Weaver	
Dempsey	Haukoos	Lasley	Murphy	Smith	Wolf	

The bill was passed, as amended, and its title agreed to.

Carruthers moved that the remaining bills on Special Orders for today be continued. The motion prevailed.

GENERAL ORDERS

Carruthers moved that the bills on General Orders for today be continued. The motion prevailed.

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

REPORTS OF STANDING COMMITTEES

Carruthers from the Committee on Rules and Legislative Administration to which was referred:

H. F. No. 2742, A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; authorizing assessments for debt service; reducing certain earlier project authorizations and

appropriations; appropriating money, with certain conditions; amending Minnesota Statutes 1992, sections 16A.85, subdivision 1; 85.015, subdivision 4; 136.651; and 471.191, subdivision 1; Minnesota Statutes 1993 Supplement, sections 16B.335, by adding subdivisions; Laws 1993, chapter 373, sections 18; and 25, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 16A; 16B; 124C; 134; 135A; and 241.

Reported the same back with the following amendments:

Page 17, delete line 33

Page 17, line 34, delete "remodeling" and insert "To remodel and expand the campus"

Page 20, line 32, delete "43,580,000" and insert "68,580,000"

Page 21, after line 48, insert:

"Subd. 7. Transit Capital Improvements	15,000,000
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To the commissioner of transportation for a grant to the metropolitan transit commission to acquire, construct and improve land, buildings, and related improvements for transit purposes. None of this appropriation can be used for light rail transit.

Subd. 8. State Road Construction	10,000,000
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This appropriation is for state road construction. This appropriation is added to the appropriation for state road construction in fiscal year 1995 in Laws 1993, chapter 266, section 2, subdivision 7."

Renumber succeeding subdivisions

Page 35, line 44, delete "\$406,163,000" and insert "\$431,163,000"

Page 42, after line 3, insert:

"Sec. 44. [116].558] [EFFECT OF ISSUANCE OF GRANTS.]

The issuance of a contamination cleanup grant under sections 116J.551 to 116J.557 has no effect on the responsibility or the liability of the state, under chapter 115B or any other law, in relation to the contamination at a site or sites for which the grant is issued. The issuance of a grant neither implies any state responsibility for the contamination nor imposes any obligation on the state to participate in the cleanup of the contamination or in the cleanup costs beyond the amount of the grant."

Correct appropriations total

Renumber the sections in sequence

Correct internal references

Amend the title as follows:

Page 1, line 15, after the second semicolon, insert "116J;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Solberg from the Committee on Ways and Means to which was referred:

S. F. No. 2929, A bill for an act relating to education; providing assistance to school districts by permitting the waiver of certain rules and statutes in response to a catastrophe; appropriating money for payment to independent school district No. 191, Burnsville; amending Minnesota Statutes 1992, section 121.11, by adding a subdivision.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 124.242, is amended to read:

124.242 [BUILDING BONDS FOR CALAMITIES.]

Subdivision 1. [BONDS.] When a building owned by a school district is substantially damaged by an act of God or other means beyond the control of the district, the district may issue general obligation bonds without an election to provide money immediately to carry out its adopted health and safety program. Each year the district must pledge an attributable share of its health and safety revenue to the repayment of principal and interest on the bonds. The pledged revenue shall be transferred to the debt redemption fund of the district. The district shall submit to the department of education the repayment schedule for any bonds issued under this section. The district shall deposit in the debt redemption fund all proceeds received for specific costs for which the bonds were issued, including but not limited to:

- (1) insurance proceeds;
- (2) restitution proceeds; and
- (3) proceeds of litigation or settlement of a lawsuit.

Before bonds are issued, the district must submit a combined application to the commissioner of education for health and safety revenue, according to section 124.83, and requesting review and comment, according to section 121.15, subdivisions 6, 7, 8, and 9. The commissioner shall complete all procedures concerning the combined application within 20 days of receiving the application. The publication provisions of section 121.15, subdivision 9, do not apply to bonds issued under this section.

Subd. 2. [HEALTH AND SAFETY REVENUE.] For any fiscal year where the total amount of health and safety revenue is limited, the commissioner of education shall award highest priority to health and safety revenue pledged to repay building bonds issued under subdivision 1.

Sec. 2. Laws 1993, chapter 224, article 5, section 46, subdivision 4, is amended to read:

Subd. 4. [HEALTH AND SAFETY AID.] (a) For health and safety aid according to Minnesota Statutes, section 124.83, subdivision 5:

\$11,260,000	1994
\$18,924,000	1995

The 1994 appropriation includes \$1,256,000 for 1993 and \$10,004,000 for 1994.

The 1995 appropriation includes \$1,694,000 for 1994 and \$17,230,000 for 1995.

(b) \$400,000 in fiscal year 1994 and \$400,000 in fiscal year 1995 is for health and safety management assistance contracts under section 24.

(c) \$60,000 of each year's appropriation shall be used to contract with the state fire marshal to provide services under Minnesota Statutes, section 121.502. This amount is in addition to the amount for this purpose in article 11.

(d) For fiscal year 1995, the sum of total health and safety revenue and levies under section 3 may not exceed \$64,000,000. The state board of education shall establish criteria for prioritizing district health and safety project applications not to exceed this amount. In addition to the criteria developed by the state board of education, for any health and safety revenue authority that is redistributed, the commissioner shall place highest priority on requests for health and safety revenue to address calamities. The commissioner may request documentation as necessary from school districts for the purpose of reestablishing health and safety revenue priorities.

(e) Notwithstanding section 124.14, subdivision 7, the commissioner of education, with the approval of the commissioner of finance, may transfer a projected excess in the appropriation for health and safety aid for fiscal year 1995 to the appropriation for debt service aid for the same fiscal year. The projected excess amount and the projected deficit in the appropriation for debt service aid, and the amount of the transfer must be determined and the transfer made as of November 1, 1994 1993. The projections and the amount of the transfer may be revised to reflect corrected data as of June 1, 1994. The transfer must be made as of July 1, 1994. The amount of the transfer is limited to the lesser of the projected excess in the health and safety appropriation or the projected deficit in the appropriation for debt service aid. Any transfer must be reported immediately to the education committees of the house of representatives and senate.

Sec. 3. [WAIVER OF RULES AND STATUTES.]

Upon approval of the commissioner of education, for the 1993-1994 school year only, independent school district No. 191, Burnsville, may provide a shorter school day than required by Minnesota Rules, part 3500.1200, and may offer fewer instructional days and maintain school for fewer required days than specified by Minnesota Statutes, sections 120.101, subdivision 5b, and 124.19, and is not subject to a general education aid reduction.

Sec. 4. [BUDGET RESERVE.]

Notwithstanding Minnesota Statutes, section 16A.152, subdivision 1, the amount of the budget reserve and cash flow account established in that subdivision, and as amended by any bill passed in 1994, is reduced by \$400,000 to fund the appropriation in this act.

Sec. 5. [APPROPRIATIONS.]

\$400,000 is appropriated from the general fund to the commissioner of education in fiscal year 1995 to make a grant to independent school district No. 191, Burnsville.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective the day following final enactment."

Amend the title accordingly

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

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. No. 2742 was read for the second time.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 7, A senate concurrent resolution relating to the delivery of bills to the governor after final adjournment.

PATRICK E. FLAHAVEN, Secretary of the Senate

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

Mr. Speaker:

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

H. F. No. 1999, A bill for an act relating to insurance; requiring disclosure of information relating to insurance fraud; granting immunity for reporting suspected insurance fraud; requiring insurers to develop antifraud plans; prescribing penalties; proposing coding for new law in Minnesota Statutes, chapter 60A.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2046, A bill for an act relating to wild animals; restricting the killing of dogs wounding, killing, or pursuing big game within the metropolitan area; amending Minnesota Statutes 1992, section 97B.011.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2074, A bill for an act relating to crime prevention; juvenile justice; providing for adult court jurisdiction over juveniles alleged to have committed first degree murder or first degree criminal sexual conduct after age 16; providing for presumptive certification to adult court for juveniles alleged to have committed other prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 23; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home delinquency placement is proposed; providing for adult court jurisdiction over juveniles alleged to have committed nonfelony-level traffic offenses after age 16; authorizing the juvenile court to require parents to attend delinquency hearings; providing for the sharing of certain data collected or maintained on juveniles; requiring county attorneys to establish juvenile diversion programs; providing mandatory minimum sentences for drive-by shooting crimes; expanding the crime relating to the possession of dangerous weapons on school property; increasing penalties for certain firearms offenses involving youth; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 13.99, subdivision 79; 242.31, subdivision 1; 242.32; 260.015, subdivision

5; 260.111, by adding a subdivision; 260.115, subdivision 1; 260.121, subdivision 3; 260.125; 260.131, by adding a subdivision; 260.132; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a, 2, and by adding a subdivision; 260.181, subdivision 4; 260.185, subdivision 3; 260.193, subdivisions 1, 3, 4, 6, and by adding a subdivision; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 268.31; 609.055, subdivision 2; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 144.651, subdivisions 2, 21, and 26; 253B.03, subdivisions 3 and 4; 260.155, subdivision 1; 260.161, subdivisions 1 and 3; 299A.35, subdivisions 1 and 2; 299C.65, subdivision 1; 401.065, subdivision 1, and by adding a subdivision; 609.11, subdivision 9; 609.66, subdivision 1d; 624.713, subdivision 1; 624.7132, subdivision 15; and 624.7181, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 260; 299A; 388; and 609; repealing Minnesota Statutes 1992, section 260.125, subdivision 3.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2227, A bill for an act relating to electric currents in earth; requiring the public utilities commission to appoint a team of science advisors; mandating scientific framing of research questions; providing for studies of stray voltage and the effects of earth as a conductor of electricity; requiring scientific peer review of findings and conclusions; providing for a report to the public utilities commission; appropriating money.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1899, A bill for an act relating to state government; revising procedures used for adoption and review of administrative rules; correcting erroneous, ambiguous, obsolete, and omitted text and obsolete references; eliminating redundant, conflicting, and superseded provisions in Minnesota Rules; making various technical changes; amending Minnesota Statutes 1992, sections 10A.02, by adding a subdivision; 14.05, subdivision 1; 14.12; 14.38, subdivisions 1, 7, 8, and 9; 14.46, subdivisions 1 and 3; 14.47, subdivisions 1, 2, and 6; 14.50; 14.51; 17.84; 84.027, by adding a subdivision; and 128C.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 3.841; and 3.984, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 3; and 14; correcting Minnesota Rules, parts 1200.0300; 1400.0500; 3530.0200; 3530.1500; 3530.2614; 3530.2642; 4685.0100; 4685.3000; 4685.3200; 4692.0020; 5000.0400; 7045.0075; 7411.7100; 7411.7400; 7411.7700; 7883.0100; 8130.3500; 8130.6500; 8800.1200; 8800.1400; 8800.3100; 8820.0600; 8820.2300; 9050.1070; and 9505.2175; repealing Minnesota Statutes 1992, sections 3.842; 3.843; 3.844; 3.845; 3.846; 14.03, subdivision 3; 14.05, subdivisions 2 and 3; 14.06; 14.08; 14.09; 14.11; 14.115; 14.131; 14.1311; 14.14; 14.15; 14.16; 14.18, subdivision 1; 14.19; 14.20; 14.22; 14.225; 14.23; 14.235; 14.24; 14.25; 14.26; 14.27; 14.28; 14.29; 14.30; 14.305; 14.31; 14.32; 14.33; 14.34; 14.35; 14.36; 14.365; 14.38, subdivisions 4, 5, and 6; and 17.83; Minnesota Statutes 1993 Supplement, sections 3.984; and 14.10; Minnesota Rules, parts 1300.0100; 1300.0200; 1300.0300; 1300.0400; 1300.0500; 1300.0600; 1300.0700; 1300.0800; 1300.0900; 1300.0940; 1300.0942; 1300.0944; 1300.0946; 1300.0948; 1300.1000; 1300.1100; 1300.1200; 1300.1300; 1300.1400; 1300.1500; 1300.1600; 1300.1700; 1300.1800; 1300.1900; 1300.2000; 4685.2600; 4692.0020, subpart 2; 4692.0045; 7856.1000, subpart 5; 8017.5000; 8130.9500, subpart 6; 8130.9912; 8130.9913; 8130.9916; 8130.9920; 8130.9930; 8130.9956; 8130.9958; 8130.9968; 8130.9972; 8130.9980; 8130.9992; and 8130.9996.

The Senate has appointed as such committee:

Messrs. Hottinger, Betzold and Benson, D. D.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 1919, A bill for an act relating to manufactured homes; clarifying certain language governing application fees with in park sales; requiring a study; amending Minnesota Statutes 1992, section 327C.07, subdivisions 1, 2, 3, and 6.

The Senate has appointed as such committee:

Ms. Krentz, Mr. Betzold and Ms. Runbeck.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 2158, A bill for an act relating to pollution; requiring that certain towns, cities, and counties have ordinances complying with pollution control agency rules regarding individual sewage treatment systems; requiring the agency to license sewage treatment professionals; requiring rulemaking; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.

The Senate has appointed as such committee:

Messrs. Price, Dille and Morse.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

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

H. F. No. 3086, A bill for an act relating to the environment; expanding the authority of the commissioner of the pollution control agency to release persons from liability for contamination from petroleum tanks; establishing an environmental cleanup program for landfills; increasing the solid waste generator fee; providing penalties; appropriating money; abolishing the metropolitan landfill contingency action trust fund; transferring trust fund assets; transferring certain personnel, powers, and duties back to the office of waste management; transferring solid and hazardous waste management personnel, powers, and duties of the metropolitan council to the office of waste management; amending Minnesota Statutes 1992, sections 115.073; 115A.055; 115B.42, subdivision 1, and by adding subdivisions; 115C.03, subdivision 9; 116G.15; 383D.71, subdivision 1; 473.801, subdivisions 1 and 4; 473.841; 473.842, subdivision 1; and 473.843, subdivision 2; amending Minnesota Statutes 1993 Supplement, sections 115B.42, subdivision 2; and 116.07, subdivision 10; proposing coding for new law in Minnesota Statutes, chapter 115B; repealing Minnesota Statutes 1992, sections 473.842, subdivisions 1a, 4a, and 5; 473.845; and 473.847.

The Senate has appointed as such committee:

Messrs. Morse; Mondale; Merriam; Ms. Johnson, J. B.; and Mr. Frederickson.

Said House File is herewith returned to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 1948, A bill for an act relating to agriculture; providing for family farm limited liability companies and authorized farm limited liability companies; removing limitation on number of shareholders or partners for authorized farm corporations and partnerships; amending Minnesota Statutes 1992, section 500.24, subdivision 2.

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

Messrs. Berg, Vickerman, Dille, Bertram and Ms. Reichgott Junge.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Winter moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 1948. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 2168, A bill for an act relating to agricultural businesses; exempting from sales tax the gross receipts of used farm machinery sales; providing matching moneys for federal emergency disaster funds to flood damaged counties; providing supplemental funding for grain inspection programs, financial assistance programs under the ethanol production fund, and small business disaster loan programs; expanding research on grain diseases; increasing funding for the farm advocates program, agricultural resource centers, legal challenges to the federal milk market order system, farm and small business management programs at technical colleges, and the Farmers' Legal Action Group; providing funding to the Agricultural Utilization Research Institute; appropriating money; amending Minnesota Statutes 1992, sections 297A.02, subdivision 2; and 297A.25, by adding a subdivision; Minnesota Statutes 1993 Supplement, section 41B.044, subdivision 2; and Laws 1993, chapter 172, section 7, subdivision 3.

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

Mr. Bertram, Ms. Hanson, Messrs. Morse, Langseth and Dille.

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

PATRICK E. FLAHAVEN, Secretary of the Senate

Wenzel moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 5 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 2168. The motion prevailed.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 1948:

Winter; Wenzel; Peterson; Brown, C., and Hugoson.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 2168:

Wenzel; Olson, K.; Peterson; Steensma and Johnson, V.

MOTIONS AND RESOLUTIONS

Bergson moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, April 28, 1994, when the vote was taken on the Osthoff amendment to S. F. No. 2015, the second unofficial engrossment, as amended." The motion prevailed.

Clark moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the negative on Thursday, April 28, 1994, when the vote was taken on the Rhodes amendment to the Kelso amendment to S. F. No. 2015, the second unofficial engrossment, as amended." The motion prevailed.

Asch moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, April 28, 1994, when the vote was taken on the repassage of S. F. No. 2104, as amended by Conference." The motion prevailed.

McCollum moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, April 28, 1994, when the vote was taken on the repassage of S. F. No. 2104, as amended by Conference." The motion prevailed.

Seagren moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, April 28, 1994, when the vote was taken on the repassage of S. F. No. 2104, as amended by Conference." The motion prevailed.

Olson, M., moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, April 28, 1994, when the vote was taken on the repassage of S. F. No. 2709, as amended by Conference." The motion prevailed.

Seagren moved that the following statement be printed in the Journal of the House: "It was my intention to vote in the affirmative on Thursday, April 28, 1994, when the vote was taken on the repassage of S. F. No. 2709, as amended by Conference." The motion prevailed.

ADJOURNMENT

Carruthers moved that when the House adjourns today it adjourn until 9:30 a.m., Monday, May 2, 1994. The motion prevailed.

Carruthers moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 9:30 a.m., Monday, May 2, 1994.

EDWARD A. BURDICK, Chief Clerk, House of Representatives