

FORTY-SEVENTH DAY

St. Paul, Minnesota, Monday, April 29, 1985

The Senate met at 7:00 p.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Moe, R.D. imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

Prayer was offered by the Chaplain, Rev. Neal E. Lloyd.

The roll was called, and the following Senators answered to their names:

Adkins	Diessner	Knutson	Novak	Schmitz
Anderson	Dieterich	Kroening	Olson	Sieloff
Belanger	Frank	Kronebusch	Pehler	Solon
Benson	Frederick	Laidig	Peterson, C.C.	Spear
Berg	Frederickson	Langseth	Peterson, D.C.	Storm
Berglin	Freeman	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Vega
Brataas	Isackson	McQuaid	Pogemiller	Waldorf
Chmielewski	Johnson, D.E.	Mehrkins	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Merriam	Ramstad	Willet
Davis	Jude	Moe, D.M.	Reichgott	
DeCramer	Kamrath	Moe, R.D.	Renneke	
Dicklich	Knaak	Nelson	Samuelson	

The President declared a quorum present.

The reading of the Journal was dispensed with and the Journal, as printed and corrected, was approved.

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 29, 1985

The Honorable Jerome M. Hughes
President of the Senate

Dear Sir:

I have the honor of informing you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 46, 70, 379, 437, 625 and 1231.

Sincerely,

Rudy Perpich, Governor

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted. The motion prevailed.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 418: A bill for an act relating to public finance; modifying provisions that allocate industrial revenue bond authority; clarifying the duties of the department of energy and economic development; appropriating money; amending Minnesota Statutes 1984, sections 116J.58, subdivision 4; 116M.07, subdivision 1, and by adding subdivisions; 474.16, subdivisions 1, 4, and 5, and by adding subdivisions; 474.17, subdivisions 1, 2, 3, 4, and by adding a subdivision; 474.18, subdivisions 1, 2, 3, and 4, and by adding a subdivision; 474.19, subdivisions 1, 2, 3, 4, 5, 6, and 7, and by adding subdivisions; 474.20, subdivisions 1 and 2; 474.22; 474.23; and 474.25; repealing Laws 1984, chapter 582, section 23.

Reports the same back with the recommendation that the bill be amended as follows:

Page 2, line 24, delete "*seek the comments of*" and insert "*forward the application to*"

Page 2, line 25, delete "*. The commissioner shall*" and insert "*for*" and after "*review*" delete "*the*"

Page 2, line 26, delete everything before "*subdivision*" and insert "*under*" and after the period, insert "*The authority must not approve or enter into a commitment for a loan unless the application has been approved by the commissioner of health.*"

Pages 3 and 4, delete section 5 and insert:

"Sec. 5. Minnesota Statutes 1984, section 116M.07, is amended by adding a subdivision to read:

Subd. 7c. [HEALTH CARE EQUIPMENT LOANS; ADMINISTRATION.] (a) The commissioner of health shall review each loan application received from the authority to determine whether the application is an approvable application. An application is approvable if the following criteria are satisfied:

(1) the hospital is owned and operated by a county, district, municipality or nonprofit corporation;

(2) the loan would not be used to refinance existing debt;

(3) the hospital was unable to obtain suitable financing from other sources;

(4) the loan is necessary to establish or maintain patient access to an essential health care service that would not otherwise be available within a reasonable distance from that facility; and

(5) the project to be financed by the loan is cost-effective and efficient.

(b) *The commissioner shall determine whether the allocation available for the health care equipment loan program for a period of time specified in a rule is sufficient for all approvable applications received during the period of time. If the allocations are sufficient, the commissioner shall approve all approvable applications. If the allocations are not sufficient, the commissioner shall compare the relative merits of the approvable applications in relation to the criteria in clauses (4) and (5), rank the applications in order of priority, and approve the applications in order of priority to the extent possible within the available allocation.*

(c) *The commissioner of energy and economic development may charge a reasonable fee under section 16A.128 to an applicant for the costs of the departments of health and energy and economic development in the review of the application. The commissioner of energy and economic development shall transfer to the commissioner of health from the fees collected an amount sufficient to pay the costs of the commissioner of health in the review of applications effective July 1, 1985. The commissioner of health may adopt emergency and permanent rules to implement subdivisions 7a to 7c of this section. Notwithstanding section 14.25, emergency rules adopted under this section are effective until December 31, 1986. The commissioner of energy and economic development may adopt emergency rules under section 14.29, subdivision 3, and permanent rules to implement subdivisions 7a to 7c.*

Sec. 6. Minnesota Statutes 1984, section 116M.08, subdivision 4, is amended to read:

Subd. 4. It may adopt, amend, and repeal rules, including emergency rules, not inconsistent with the provisions of this chapter and chapters 472 and 474 as necessary to effectuate its purposes. The authority to adopt emergency rules ~~expires June 30, 1985~~ is subject to section 14.29, subdivision 3.

Sec. 7. [458.1951] [BOND ISSUANCE FOR WAREHOUSE PROJECT PROHIBITED.]

Subdivision 1. Notwithstanding any provision of this chapter or sections 474.16 to 474.23, bonds issued pursuant to this chapter or those sections may not be used for the financing of a warehouse project. For the purposes of this section, "warehouse project" means any building or structure that is used primarily for the self storage by an individual of goods, wares, or merchandise for compensation. "Warehouse project" does not include a safe deposit box or a storage area on the grounds of, and maintained primarily for the convenience of the occupants of, residential housing structures.

Subd. 2. For the purposes of subdivision 1, "warehouse project" includes facilities used for storing or warehousing, unless the facility (a) is used as a part of or in connection with an assembly, fabricating, manufacturing, mining, distributing, or processing facility, or (b) is used for the storing of agricultural products and is located outside of the metropolitan area, as defined in section 473.121, subdivision 2."

Page 8, line 8, strike "calendar year 1984,"

Page 8, line 9, strike "\$40,000,000 and for" and insert "each" and strike "1985" and insert a comma

Page 8, line 15, delete "research" and insert "resource"

Page 10, delete lines 31 to 36

Page 11, delete lines 1 to 11

Page 13, line 21, before "From" insert "*For calendar year 1986 and each year thereafter,*"

Page 15, lines 5 and 6, reinstate the stricken language

Page 17, delete line 3

Page 18, delete lines 34 and 35

Page 24, line 5, reinstate the stricken "to the"

Page 24, line 6, reinstate the stricken language

Page 24, lines 8 to 13, delete the new language

Page 26, delete lines 10 to 14 and insert "*On November 1 of each year, any portion of the allocation authority resulting from the reductions provided in this subdivision for which bonds have not been issued shall be made available for allocation pursuant to section 474.19, subdivision 6.*"

Page 26, line 17, delete "28" and insert "30"

Page 26, line 23, delete "26" and insert "28" and delete "33" and insert "35"

Page 26, line 27, delete "20" and insert "22"

Page 26, line 29, delete "33" and insert "35"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "prohibiting issuance of bonds for certain projects;"

Page 1, line 7, after the semicolon, insert "116M.08, subdivision 4;"

Page 1, line 14, before "repealing" insert "proposing coding for new law in Minnesota Statutes, chapter 458;"

And when so amended the bill do pass. Amendments adopted. Report adopted.

Mr. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was re-referred

S.F. No. 993: A bill for an act relating to water; providing for comprehensive local water management; requiring counties to develop and implement county water and related land resources plans; authorizing the water resources board to make comprehensive water planning grants to counties; providing additional authorities to counties; providing additional duties of the water resources board; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 110B.

Reports the same back with the recommendation that the bill be amended as follows:

Page 10, line 16, after "provided" insert "*for municipalities*"

Page 10, delete lines 22 and 23, and insert:

“(4) establish one or more special taxing districts within the county and issue bonds for the purpose of financing capital improvements under sections 1 to 12.

The tax district shall be established by resolution adopted by the county board after a hearing. Notice of the time, place, and purpose of the hearing shall be published for two successive weeks in the official newspaper of the county, ending at least seven days before the day of the hearing. The resolution shall describe with particularity the territory or area to be included in the tax district. After adoption, the resolution shall be filed with the county auditor and county recorder. The district may be dissolved by following the procedures prescribed for the establishment of the district.

After adoption of the resolution under this clause, a county may annually levy a tax on all taxable property in the district for the purposes for which the tax district was established. The proceeds of the tax shall be paid into a fund reserved for these purposes. Any proceeds remaining in the reserve fund at the time the tax is terminated or the district is dissolved shall be transferred and irrevocably pledged to the debt service fund of the county to be used solely to reduce tax levies for bonded indebtedness of taxable property in the district. A tax levied in accordance with this subdivision for paying capital costs is a levy for the payment of principal and interest on bonded indebtedness within the meaning of section 275.50, subdivision 5, clause (e).

After adoption of the resolution under this clause, and after a contract for the construction of all or part of an improvement has been entered into or the work has been ordered done by day labor, the county may issue obligations in the amount it deems necessary to pay in whole or in part the capital cost incurred and estimated to be incurred in making the improvement. The obligations shall be payable out of the proceeds of the tax levied pursuant to this clause. The county may, by resolution of its board adopted prior to the sale of obligations, pledge the full faith, credit and taxing power of the county to assure payment of the principal and interest in the event the proceeds of the tax levy in the district are insufficient to pay principal and interest. The amount of any taxes that are required to be levied outside of the territory of the tax district or taken from the general funds of the county to pay principal and interest on the obligations shall be reimbursed to the county from taxes levied within the territory of the tax district. Obligations shall be issued in accordance with chapter 475, except that an election is not required and the amount of any obligations shall not be included in determining the net indebtedness of the county under the provisions of any law or charter limiting indebtedness.”

And when so amended the bill do pass and be re-referred to the Committee on Finance. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 264 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
264	348

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 264 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 264 and insert the language after the enacting clause of S.F. No. 348, the first engrossment; further, delete the title of H.F. No. 264 and insert the title of S.F. No. 348, the first engrossment.

And when so amended H.F. No. 264 will be identical to S.F. No. 348, and further recommends that H.F. No. 264 be given its second reading and substituted for S.F. No. 348, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

H.F. No. 889 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS

H.F. No.	S.F. No.
889	639

CONSENT CALENDAR

H.F. No.	S.F. No.
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CALENDAR

H.F. No.	S.F. No.
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Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 889 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 889 and insert the language after the enacting clause of S.F. No. 639, the second engrossment; further, delete the title of H.F. No. 889 and insert the title of S.F. No. 639, the second engrossment.

And when so amended H.F. No. 889 will be identical to S.F. No. 639, and further recommends that H.F. No. 889 be given its second reading and substituted for S.F. No. 639, and that the Senate File be indefinitely postponed.

Pursuant to Rule 49, this report was prepared and submitted by the Secretary of the Senate on behalf of the Committee on Rules and Administration. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. No. 418 was read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 264 and 889 were read the second time.

MOTIONS AND RESOLUTIONS

Mrs. Kronebusch moved that her name be stricken as a co-author to S.F.

No. 1061. The motion prevailed.

Mr. Diessner introduced—

Senate Resolution No. 76: A Senate resolution congratulating the Oak-Land Junior High School of Lake Elmo for its recognition by the United States Department of Education for educational excellence.

Referred to the Committee on Rules and Administration.

Mr. Chmielewski moved that Senate Concurrent Resolution No. 15 be taken from the table. The motion prevailed.

Senate Concurrent Resolution No. 15: A Senate concurrent resolution designating the "Red Ribbon" to commemorate Minnesota citizens who are still missing in action or are being held against their will in Asian countries.

WHEREAS, the State of Minnesota is proud of the veterans of this nation's wars; and

WHEREAS, 8,800 Americans including 121 Minnesotans remain unaccounted for from the Korean conflict and 2,483 Americans including 49 Minnesotans remain unaccounted for from the Vietnam conflict; NOW, THEREFORE,

BE IT RESOLVED by the Senate of the State of Minnesota, the House of Representatives concurring, that an official symbol is established in memory of those Americans who are missing and unaccounted for. The symbol established is a "Red Ribbon" and that the Red Ribbon will be displayed in all public buildings and other appropriate locations on the national day of recognition as designated by the Congress of the United States.

BE IT FURTHER RESOLVED that the Secretary of the Senate is directed to prepare enrolled copies of this resolution, to be authenticated by his signature and those of the Chairman of the Senate Rules and Administration Committee, the Speaker of the House of Representatives, and the Chief Clerk of the House of Representatives, and present them to representatives of the various Minnesota veterans organizations.

Mr. Chmielewski moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate take up the Consent Calendar. The motion prevailed.

CONSENT CALENDAR

H.F. No. 852: A bill for an act relating to state lands; directing conveyance of an easement over certain state lands to the city of Duluth.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Nelson	Schmitz
Anderson	Dieterich	Kroening	Novak	Sieloff
Belanger	Frank	Kronebusch	Olson	Solon
Benson	Frederick	Laidig	Pehler	Spear
Berg	Frederickson	Langseth	Peterson, C.C.	Storm
Berglin	Freeman	Lantry	Peterson, D.L.	Stumpf
Bernhagen	Gustafson	Lessard	Peterson, R.W.	Taylor
Bertram	Hughes	Luther	Petty	Vega
Brataas	Isackson	McQuaid	Pogemiller	Wegscheid
Chmielewski	Johnson, D.E.	Mehrkens	Purfeerst	Willet
Dahl	Jude	Merriam	Ramstad	
Davis	Kamrath	Moe, D.M.	Reichgott	
DeCramer	Knaak	Moe, R.D.	Renneke	

So the bill passed and its title was agreed to.

S.F. No. 1202: A bill for an act relating to environment; requiring the commissioner of health to monitor the quality of water in private water wells in the metropolitan area; amending Minnesota Statutes 1984, section 473.845, subdivision 2.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Nelson	Renneke
Anderson	Dieterich	Knutson	Novak	Schmitz
Belanger	Frank	Kroening	Olson	Sieloff
Benson	Frederick	Kronebusch	Pehler	Solon
Berg	Frederickson	Langseth	Peterson, C.C.	Spear
Berglin	Freeman	Lantry	Peterson, D.C.	Storm
Bernhagen	Gustafson	Lessard	Peterson, D.L.	Stumpf
Bertram	Hughes	Luther	Peterson, R.W.	Taylor
Brataas	Isackson	McQuaid	Petty	Vega
Chmielewski	Johnson, D.E.	Mehrkens	Pogemiller	Waldorf
Dahl	Johnson, D.J.	Merriam	Purfeerst	Wegscheid
Davis	Jude	Moe, D.M.	Ramstad	Willet
DeCramer	Kamrath	Moe, R.D.	Reichgott	

So the bill passed and its title was agreed to.

Pursuant to Rule 10, Mr. Moe, R.D., Chairman of the Subcommittee on Bill Scheduling, designated the General Orders Calendar a Special Orders Calendar to be heard immediately.

SPECIAL ORDER

S.F. No. 979: A bill for an act relating to dispute resolution; establishing guidelines for community dispute resolution programs; proposing coding for new law in Minnesota Statutes, chapter 494; repealing Minnesota Statutes 1984, sections 494.01, subdivision 3; 494.02; and 494.03.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 64 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Nelson	Renneke
Anderson	Diessner	Kroening	Novak	Schmitz
Belanger	Frank	Kronebusch	Olson	Sieloff
Benson	Frederickson	Laidig	Pehler	Solon
Berg	Freeman	Langseth	Peterson, C.C.	Spear
Berglin	Gustafson	Lantry	Peterson, D.C.	Storm
Bernhagen	Hughes	Lessard	Peterson, D.L.	Stumpf
Bertram	Isackson	Luther	Peterson, R.W.	Taylor
Brataas	Johnson, D.E.	McQuaid	Petty	Vega
Chmielewski	Johnson, D.J.	Mehrkens	Pogemiller	Waldorf
Dahl	Jude	Merriam	Purfeerst	Wegscheid
Davis	Kamrath	Moe, D.M.	Ramstad	Willet
DeCramer	Knaak	Moe, R.D.	Reichgott	

So the bill passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 516: A bill for an act relating to counties; authorizing reimbursement to county commissioners and county officers for certain expenses; renaming the county executive secretary; fixing expenditure authority for certain county activities; removing provisions for county purchasing agents, demonstration and experiment farms, and seed and feed loans; revising the language of the text of chapters concerning county powers and county boards; amending Minnesota Statutes 1984, sections 375.055, by adding a subdivision; 375.48, subdivisions 1 and 2; 375.49, subdivisions 1 and 2; 375.50; 375A.07, subdivision 1; 475.52, subdivision 3; chapters 370; 371; 372; 374; 376; 377; 392; and 395; proposing new law coded in Minnesota Statutes, chapter 382; repealing Minnesota Statutes 1984, sections 374.05; 377.02; 377.04; 392.01; 392.02; 392.03; 395.01; 395.02; 395.03; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

Mrs. Adkins moved to amend H.F. No. 516 as follows:

Amend the title as follows:

Page 1, line 7, delete the first comma and insert "and" and delete ", and seed"

Page 1, line 8, delete "and feed loans"

The motion prevailed. So the amendment was adopted.

Mr. Frederickson moved to amend H.F. No. 516 as follows:

Page 8, line 22, strike "he" and delete "or she" and insert "the former commissioner"

Page 8, line 25, strike "his" and delete "or her" and insert "the"

Page 15, line 14, strike "his" and delete "or her" and insert "the"

Page 17, lines 23 and 35, strike "his" and delete "or her" and insert "the auditor's"

Page 19, line 9, strike "his" and delete "or her" and insert "the auditor's"

Page 20, line 5, strike "his" and delete "or her" and insert "the clerk's"

Page 20, line 16, strike "his" and delete "or"

Page 20, line 17, delete "her" and insert "the voter's"

Page 25, line 10, strike "he" and delete "or she" and insert "the person"

Page 42, line 13, delete "him or her" and insert "the commissioner"

Page 42, line 34, strike "he" and delete "or she" and insert "the commissioner"

Page 43, line 8, strike "he"

Page 43, line 9, delete "or she" and insert "the county coordinator"

Page 43, lines 20 and 24, strike "he" and delete "or she" and insert "the county coordinator"

Page 59, line 8, delete "him or her" and insert "the officer"

Page 60, line 10, strike "him" and delete "or her" and insert "the director"

Page 62, line 29, delete "his or her" and insert "the person's"

The motion prevailed. So the amendment was adopted.

H.F. No. 516 was then progressed.

SPECIAL ORDER

H.F. No. 882: A bill for an act relating to natural resources; authorizing the commissioner to enter into agreements with other states for forest fire prevention and suppression purposes; proposing coding for new law in Minnesota Statutes, chapter 88.

Mr. Willet moved to amend H.F. No. 882, as follows:

Page 1, after line 12, insert:

"Sec. 2. Minnesota Statutes 1984, section 574.26, is amended to read:

574.26 [CONTRACTORS' BONDS.]

No Except as provided in sections 2 and 3, a contract with the state, or with any municipal corporation or other public board or body thereof, for the doing of any public work, ~~shall be valid for any purpose~~, is not valid unless the contractor shall give bond to the state or other body contracted with, for the use of the obligee, the state and of all persons doing work or furnishing skill, tools, machinery, or materials or insurance premiums or equipment or supplies for any camp maintained for the feeding or keeping of men and animals engaged under, or for the purpose of, such contract, conditioned for the payment, as they become due, of all just claims for such work, tools, machinery, skill, materials, insurance premiums, equipment, taxes incurred under section 290.92 or chapter 297A, and supplies for the completion of the contract in accordance with its terms, for saving the obligee harmless from all costs and charges that may accrue on account of the doing of the work specified,

and for the enforcing of the terms of the bond if action is brought on the bond, including reasonable attorney's fees, in any case where such action is successfully maintained and for the compliance with the laws appertaining thereto. The penalty of such bond shall be not less than the contract price, and if after the giving of the bond the contract price should for any reason be increased, the obligee may require an additional bond, the penalty of which shall be not less than the amount of such increase, and if such additional bond be not furnished within ten days after such demand, the work on the contract shall cease until such additional bond shall have been furnished. In contracts made by the commissioner of administration or the department of transportation of the state, the penalty of the bond shall be in such amount as the commissioner of administration or the commissioner of transportation may fix, but not less than three-quarters of the contract price.

Sec. 3. [574.263] [FORESTRY DEVELOPMENT PROJECTS.]

Subdivision 1. [DEFINITION.] For the purposes of sections 2 and 3, "forestry development project" includes site preparation by discing, shearing, rock raking or piling, patch scarification, or furrowing; tree planting; tree seeding; tree pruning; timber stand improvement by thinning or clearing existing forest trees by manual, mechanical, or chemical techniques; or forest road and bridge construction, reconstruction, and maintenance.

Subd. 2. [CONTRACTOR'S BOND.] A contract with the state for a forestry development project may require a performance bond at the discretion of the commissioner of natural resources. If the commissioner determines that a performance bond is required, it shall not be less than five percent of the contract price.

Subd. 3. [BID DEPOSIT.] For a contract made by the commissioner for a forestry development project, the commissioner may require a bid deposit in lieu of a performance bond for charges that may accrue because of doing the specified work and to enforce the terms of the contract, including reasonable attorney's fees if an action is successful. The commissioner may set the amount of the bid deposit, but it may not be less than five percent of the contract price.

Sec. 4. [574.264] [SECURITY IN LIEU OF BOND.]

Subdivision 1. [FOREST DEVELOPMENT PROJECTS.] For a state contract for a forestry development project if the amount of the contract is not more than \$20,000, the person required to file the bond or bid deposit may deposit in a local designated state depository or with the state treasurer a certified check, a cashier's check, a postal, bank, or express money order, assignable bonds or notes of the United States, or an assignment of a bank savings account or investment certificate or an irrevocable bank letter of credit, in the same amount that would be required for a bond or bid deposit. If securities listed in this section are deposited, their value shall not be less than the amount required for the bond or bid deposit and the person required to file the performance bond or bid deposit shall submit an agreement authorizing the commissioner to sell or otherwise take possession of the securities in the event of default under the contract. The security deposits are for the protec-

tion of the state and for the performance and completion of the contract in accordance with its terms and as security for all costs and charges that may accrue for the doing of the work specified and compliance with the laws relating to it.

Subd. 2. [CLAIMS AGAINST BID DEPOSITS.] *The bid deposit is subject to claims as provided for other deposits in section 574.261, subdivision 2."*

Renumber the remaining section

Amend the title as follows:

Page 1, line 5, after the semicolon insert "amending Minnesota Statutes 1984, section 574.26;"

Page 1, line 6, delete "chapter" and insert "chapters" and after "88" insert "and 574"

The motion prevailed. So the amendment was adopted.

H.F. No. 882 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 62 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knaak	Novak	Sieloff
Anderson	Dieterich	Knutson	Olson	Solon
Belanger	Frank	Kroening	Pehler	Spear
Benson	Frederick	Kronebusch	Peterson, D.C.	Storm
Berg	Frederickson	Laidig	Peterson, D.L.	Stumpf
Berglin	Freeman	Langseth	Peterson, R.W.	Taylor
Bernhagen	Gustafson	Lantry	Petty	Vega
Bertram	Hughes	Lessard	Pogemiller	Waldorf
Brataas	Isackson	Luther	Purfeerst	Wegscheid
Chmielewski	Johnson, D.E.	McQuaid	Ramstad	Willet
Dahl	Johnson, D.J.	Mehrkins	Reichgott	
Davis	Jude	Merriam	Renneke	
DeCramer	Kamrath	Moe, R.D.	Schmitz	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 657: A bill for an act relating to dissemination of data; prohibiting public access to data identifying certain youthful victims of criminal sexual behavior; amending Minnesota Statutes 1984, section 609.3471.

Was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Jude	Merriam	Renneke
Anderson	Diessner	Kamrath	Moe, R.D.	Samuelson
Belanger	Dieterich	Knaak	Olson	Schmitz
Benson	Frank	Knutson	Pehler	Sieloff
Berg	Frederick	Kroening	Peterson, D.C.	Solon
Berglin	Frederickson	Kronebusch	Peterson, D.L.	Spear
Bernhagen	Freeman	Laidig	Peterson, R.W.	Stumpf
Bertram	Gustafson	Langseth	Petty	Taylor
Brataas	Hughes	Lantry	Pogemiller	Vega
Chmielewski	Isackson	Lessard	Purfeerst	Waldorf
Dahl	Johnson, D.E.	Luther	Ramstad	Wegscheid
Davis	Johnson, D.J.	McQuaid	Reichgott	Willet

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So the bill passed and its title was agreed to.

RECONSIDERATION

Mr. Merriam moved that the vote whereby H.F. No. 882 was passed by the Senate on April 29, 1985, be now reconsidered. The motion prevailed.

SPECIAL ORDER

H.F. No. 882: A bill for an act relating to natural resources; authorizing the commissioner to enter into agreements with other states for forest fire prevention and suppression purposes; proposing coding for new law in Minnesota Statutes, chapter 88.

Mr. Merriam moved to amend the Willet amendment to H.F. No. 882 as follows:

Page 1, line 6, delete "2 and 3" and insert "3 and 4"

Page 2, line 5, delete "2 and 3" and insert "3 and 4"

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

H.F. No. 882 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Knutson	Novak	Samuelson
Anderson	Dieterich	Kroening	Olson	Schmitz
Belanger	Frank	Kronebusch	Pehler	Sieloff
Benson	Frederick	Laidig	Peterson, D.C.	Solon
Berg	Frederickson	Langseth	Peterson, D.L.	Spear
Bernhagen	Freeman	Lantry	Peterson, R.W.	Storm
Bertram	Hughes	Lessard	Petty	Stumpf
Brataas	Isackson	Luther	Pogemiller	Taylor
Chmielewski	Johnson, D.E.	McQuaid	Purfeerst	Vega
Dahl	Jude	Mehrkins	Ramstad	Waldorf
Davis	Kamrath	Merriam	Reichgott	Wegscheid
DeCramer	Knaak	Moe, R.D.	Renneke	Willet

So the bill, as amended, passed and its title was agreed to.

RECESS

Mr. Moe, R.D. moved that the Senate do now recess subject to the call of

the President. The motion prevailed.

After a brief recess, the President called the Senate to order.

APPOINTMENTS

Mr. Moe, R.D. from the Subcommittee on Committees recommends that the following Senators be and they hereby are appointed as a Conference Committee on:

S.F. No. 472: Messrs. Johnson, D.J.; Peterson, C.C. and Sieloff.

H.F. No. 1216: Messrs. Stumpf, Davis and Berg.

Mr. Moe, R.D. moved that the foregoing appointments be approved. The motion prevailed.

SPECIAL ORDER

S.F. No. 818: A bill for an act relating to employment and economic opportunity; providing for the streamlining and coordination of job, economic development, and income-maintenance programs; setting as dual goals the lowering of unemployment rates and welfare caseloads; creating the councils for the hearing impaired and for the blind; abolishing the department of economic security; creating a new department of employment and training; transferring responsibilities of the department of economic security to the department of employment and training and the department of human services; transferring certain employment and training functions of the department of human services and the department of administration to the department of employment and training; providing for biennial statewide plans for employment and training and apprenticeships; providing for coordination of state and federal jobs programs; establishing community investment programs; granting rulemaking authority; changing formulas for paying local agencies for general assistance grants to recipients subject to work requirements; removing a sunset provision from the Minnesota emergency employment development act; amending Minnesota Statutes 1984, sections 15A.081, subdivision 1; 86.33, by adding subdivisions; 116J.035, by adding a subdivision; 116L.03, subdivision 7; 116L.04, by adding a subdivision; 129A.02, subdivision 2; 136.63, by adding a subdivision; 136C.06; 178.03, by adding a subdivision; 245.87; 248.07; 248.08; 256.736; 256.737; 256C.24; 256C.25; 256C.26; 256D.02, subdivision 13; 256D.03, subdivision 2; 256D.09, subdivision 3, and by adding a subdivision; 256D.111, subdivision 2; 268.04, by adding subdivisions; 268.08, by adding a subdivision; 268.31; 268.32; 268.33; 268.34; 268.36; 268.672, subdivision 6; 268.676, subdivision 1; and 268.686; proposing coding for new law in Minnesota Statutes, chapters 256C and 268; proposing coding for new law as Minnesota Statutes, chapters 267 and 268A; repealing Minnesota Statutes 1984, sections 129A.02, subdivision 4; 245.84, subdivision 2; 256.736, subdivisions 1 and 2; 256D.02, subdivision 8a; 256D.111, subdivision 1a; 256D.112; 268.011; 268.012; 268.013; 268.12, subdivisions 1 and 1a; 268.683, subdivision 2; 268.684; 268.80; and 268.81.

Mr. Benson moved to amend S.F. No. 818 as follows:

Page 2, delete section 1

Page 33, delete section 38

Renumber the sections in sequence and correct the internal references

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

Mr. Benson then moved to amend S.F. No. 818 as follows:

Page 23, line 36, delete "*must be advised no later than*" and insert "*after he or she has received public assistance for six months, shall be referred for*"

Page 24, delete line 1

Page 24, line 2, delete "*assistance of the option to receive*"

Page 52, line 10, delete "*voluntary*"

CALL OF THE SENATE

Mr. Benson imposed a call of the Senate for the balance of the proceedings on S.F. No. 818. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the Benson amendment.

Mr. Moe, R.D. moved that those not voting be excused from voting. The motion prevailed.

The roll was called, and there were yeas 31 and nays 34, as follows:

Those who voted in the affirmative were:

Anderson	Chmielewski	Jude	McQuaid	Sieloff
Belanger	DeCramer	Kamrath	Mehrkens	Storm
Benson	Frederick	Knaak	Olson	Taylor
Berg	Frederickson	Knutson	Peterson, D.L.	
Bernhagen	Gustafson	Kronebusch	Purfeerst	
Bertram	Isackson	Langseth	Ramstad	
Brataas	Johnson, D.E.	Lessard	Renneke	

Those who voted in the negative were:

Adkins	Frank	Merriam	Peterson, D.C.	Solon
Berglin	Freeman	Moe, D.M.	Peterson, R.W.	Spear
Dahl	Hughes	Moe, R.D.	Petty	Vega
Davis	Johnson, D.J.	Nelson	Pogemiller	Waldorf
Dicklich	Kroening	Novak	Reichgott	Wegscheid
Diessner	Lantry	Pehler	Samuelson	Willet
Dieterich	Luther	Peterson, C.C.	Schmitz	

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

Mr. Benson then moved to amend S.F. No. 818 as follows:

Page 22, line 32, strike "*or emergency rule*"

Page 36, line 6, delete "*emergency or*"

Page 39, line 32, delete "*emergency and*"

Page 43, line 18, delete "*emergency and*"

Page 46, line 7, delete "*emergency and*"

Page 49, line 12, delete "*emergency and*"

Page 54, line 5, delete "*emergency and*"

Page 55, lines 5 and 22, delete "*emergency and*"

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 45 and nays 20, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Isackson	McQuaid	Samuelson
Anderson	DeCramer	Johnson, D.E.	Mehrrens	Sieloff
Belanger	Dicklich	Jude	Merriam	Spear
Benson	Diessner	Kamrath	Olson	Storm
Berg	Frank	Knaak	Pehler	Stumpf
Bernhagen	Frederick	Knutson	Peterson, D.L.	Taylor
Bertram	Frederickson	Kronebusch	Purfeerst	Waldorf
Brataas	Gustafson	Laidig	Ramstad	Wegscheid
Chmielewski	Hughes	Lessard	Renneke	Willet

Those who voted in the negative were:

Berglin	Johnson, D.J.	Moe, R.D.	Peterson, D.C.	Reichgott
Davis	Lantry	Nelson	Peterson, R.W.	Schmitz
Dieterich	Luther	Novak	Petty	Solon
Freeman	Moe, D.M.	Peterson, C.C.	Pogemiller	Vega

The motion prevailed. So the amendment was adopted.

Mr. Knutson moved to amend S.F. No. 818 as follows:

Page 3, delete lines 10 and 11

Page 4, delete sections 3 and 4

Pages 5 and 6, delete sections 5, 7, 9, 10, and 11

Page 23, line 11, delete the new language and insert "*commissioner of employment and training*"

Page 26, delete section 26

Page 31, line 31, delete "*COORDINATOR*" and reinstate the stricken "*GOVERNOR*"

Page 32, line 3, delete "*coordinator*" and reinstate the stricken "*governor*"

Page 33, delete lines 28 to 32

Renumber the subdivisions in sequence

Page 34, line 27, delete everything after "*programs*"

Page 34, line 28, delete everything before "*under*"

Pages 35 to 41, delete sections 40 to 43

Page 44, delete lines 10 to 12

Renumber the clauses in sequence

Page 44, line 13, delete "*the coordinator,*"

Page 44, line 36, delete everything after "(12)"

Page 45, line 1, delete "coordinator,"

Page 45, line 18, delete "Under the direction of the coordinator,"

Page 48, line 13, delete everything after "Subdivision 1."

Page 48, line 14, delete "coordinator,"

Page 49, line 27, delete everything before the period

Page 50, line 26, delete "coordinator shall"

Page 50, line 27, delete "prohibit"

Page 50, line 30, after "1985" insert "shall be prohibited"

Page 52, line 18, delete "(a)"

Page 53, delete lines 16 and 17

Page 56, line 13, delete "full" and insert "governor"

Page 56, line 14, delete "productivity and opportunity coordinator"

Renumber the sections in sequence

Correct the cross references and the revisor's instructions

Amend the title as follows:

Page 1, line 16, delete everything after the semicolon

Page 1, delete lines 17 and 18

Page 1, line 25, delete "86.33,"

Page 1, delete line 26

Page 1, line 27, delete the first "subdivision;" and delete "116L.04, by"

Page 1, line 28, delete "adding a subdivision;" and delete "136.63,"

Page 1, delete line 29

Page 1, line 30, delete "subdivision;"

Page 1, line 34, delete "subdivisions" and insert "a subdivision"

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 26 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Frederick	Knaak	Olson	Taylor
Belanger	Frederickson	Knutson	Peterson, D.L.	Wegscheid
Benson	Gustafson	Kronebusch	Ramstad	
Berg	Isackson	Laidig	Renneke	
Bernhagen	Johnson, D.E.	McQuaid	Sieloff	
Brataas	Kamrath	Mehrkens	Storm	

Those who voted in the negative were:

Adkins	Diessner	Lantry	Novak	Samuelson
Berglin	Dieterich	Lessard	Pehler	Schmitz
Bertram	Frank	Luther	Peterson, D.C.	Solon
Dahl	Freeman	Merriam	Peterson, R.W.	Stumpf
Davis	Hughes	Moe, D.M.	Pogemiller	Vega
DeCramer	Jude	Moe, R.D.	Purfeerst	Waldorf
Dicklich	Langseth	Nelson	Reichgott	Willet

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

Mr. Storm moved to amend S.F. No. 818 as follows:

Page 22, line 3, delete "60" and insert "75"

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 25 and nays 41, as follows:

Those who voted in the affirmative were:

Anderson	Brataas	Johnson, D.E.	Laidig	Ramstad
Belanger	Frederick	Kamrath	McQuaid	Renneke
Benson	Frederickson	Knaak	Mehrkens	Sieloff
Berg	Gustafson	Knutson	Olson	Storm
Bernhagen	Isackson	Kronebusch	Peterson, D.L.	Taylor

Those who voted in the negative were:

Adkins	Dieterich	Lessard	Peterson, R.W.	Stumpf
Berglin	Frank	Luther	Petty	Vega
Bertram	Freeman	Merriam	Pogemiller	Waldorf
Chmielewski	Hughes	Moe, D.M.	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Nelson	Reichgott	Willet
Davis	Jude	Novak	Samuelson	
DeCramer	Kroening	Pehler	Schmitz	
Dicklich	Langseth	Peterson, C.C.	Solon	
Diessner	Lantry	Peterson, D.C.	Spear	

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

Mr. Ramstad moved to amend S.F. No. 818 as follows:

Page 3, delete lines 10 and 11

Page 4, line 9, strike the period and insert a semicolon

Page 4, after line 9, insert:

"Coordinator of full productivity and opportunity."

The question was taken on the adoption of the amendment.

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

The roll was called, and there were yeas 45 and nays 15, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Isackson	Lessard	Reichgott
Anderson	Davis	Johnson, D.E.	McQuaid	Renneke
Belanger	DeCramer	Jude	Mehrkins	Sieloff
Benson	Dieterich	Kamrath	Novak	Storm
Berg	Frank	Knaak	Olson	Stumpf
Berglin	Frederick	Knutson	Peterson, D.L.	Taylor
Bernhagen	Frederickson	Kronebusch	Peterson, R.W.	Waldorf
Bertram	Gustafson	Laidig	Purfeerst	Wegscheid
Brataas	Hughes	Langseth	Ramstad	Willet

Those who voted in the negative were:

Dicklich	Johnson, D.J.	Merriam	Peterson, C.C.	Pogemiller
Diessner	Lantry	Nelson	Peterson, D.C.	Spear
Freeman	Luther	Pehler	Petty	Vega

The motion prevailed. So the amendment was adopted.

S.F. No. 818 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 42 and nays 25, as follows:

Those who voted in the affirmative were:

Adkins	Diessner	Lantry	Peterson, D.C.	Spear
Berg	Dieterich	Lessard	Peterson, R.W.	Stumpf
Berglin	Frank	Luther	Petty	Vega
Bertram	Freeman	Merriam	Pogemiller	Waldorf
Chmielewski	Hughes	Moe, R.D.	Purfeerst	Wegscheid
Dahl	Johnson, D.J.	Nelson	Reichgott	Willet
Davis	Jude	Novak	Samuelson	
DeCramer	Kroening	Pehler	Schmitz	
Dicklich	Langseth	Peterson, C.C.	Solon	

Those who voted in the negative were:

Anderson	Frederick	Kamrath	McQuaid	Ramstad
Belanger	Frederickson	Knaak	Mehrkins	Renneke
Benson	Gustafson	Knutson	Moe, D.M.	Sieloff
Bernhagen	Isackson	Kronebusch	Olson	Storm
Brataas	Johnson, D.E.	Laidig	Peterson, D.L.	Taylor

So the bill, as amended, passed and its title was agreed to.

The question recurred on H.F. No. 516.

SPECIAL ORDER

H.F. No. 516: A bill for an act relating to counties; authorizing reimbursement to county commissioners and county officers for certain expenses; renaming the county executive secretary; fixing expenditure authority for certain county activities; removing provisions for county purchasing agents, demonstration and experiment farms, and seed and feed loans; revising the language of the text of chapters concerning county powers and county boards; amending Minnesota Statutes 1984, sections 375.055, by adding a subdivision; 375.48, subdivisions 1 and 2; 375.49, subdivisions 1 and 2; 375.50; 375A.07, subdivision 1; 475.52, subdivision 3; chapters 370; 371; 372; 374; 376; 377; 392; and 395; proposing new law coded in Minnesota Statutes, chapter 382; repealing Minnesota Statutes 1984, sections 374.05; 377.02;

397.04; 392.01; 392.02; 392.03; 395.01; 395.02; 395.03; 395.14; 395.15; 395.16; 395.17; 395.18; 395.19; 395.20; 395.21; 395.22; 395.23; and 395.24.

Mr. Chmielewski moved to amend H.F. No. 516, the unofficial engrossment, as follows:

Page 63, after line 20, insert:

"Sec. 16. Minnesota Statutes 1984, section 485.01, is amended to read:

485.01 [APPOINTMENT; BOND; DUTIES.]

A clerk of the district court for each county within the judicial district, *who shall also be known as the court administrator*, shall be appointed by a majority of the district court judges in the district, after consultation with the county court judges of the county court district affected. The clerk, before entering upon the duties of his office, shall give bond to the state, to be approved by the chief judge of the judicial district, in a penal sum of not less than \$1,000 nor more than \$10,000 conditioned for the faithful discharge of his official duties. The bond, with his oath of office, shall be filed for record with the county recorder. The clerk shall perform all duties assigned him by law and by the rules of the court. ~~He~~ *The clerk and all deputies shall not practice as an attorney in the court of which he is the clerk they are employed. The duties, functions, and responsibilities of the clerk of the district court shall be performed by the court administrator.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, after the semicolon, insert "providing that the clerk of district court shall be known as court administrator; prohibiting deputies from practicing law in their court;"

Page 1, line 13, after "3;" insert "485.01;"

Mr. Knaak questioned whether the amendment was germane.

The Chair ruled the amendment was not germane.

H.F. No. 516 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 61 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Olson	Sieloff
Anderson	Diessner	Kroening	Pehler	Spear
Belanger	Dieterich	Kronebusch	Peterson, C.C.	Storm
Benson	Frank	Laidig	Peterson, D.C.	Stumpf
Berg	Frederick	Lantry	Peterson, D.L.	Taylor
Berglin	Frederickson	Lessard	Petty	Vega
Bernhagen	Gustafson	Luther	Pogemiller	Waldorf
Bertram	Hughes	McQuaid	Purfeerst	Wegscheid
Brataas	Isackson	Merriam	Ramstad	Willet
Chmielewski	Johnson, D.E.	Moe, D.M.	Reichgott	
Dahl	Jude	Moe, R.D.	Renneke	
Davis	Kamrath	Nelson	Samuelson	
DeCramer	Knaak	Novak	Schmitz	

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 362: A bill for an act relating to Beltrami county; providing for disposition of the proceeds from the sale or rental of tax-forfeited lands or from the sale of their products; increasing the amount that may be spent for promotion of tourist, agricultural, and industrial developments; amending Laws 1967, chapter 558, section 1, subdivision 5, as amended.

Mr. Willet moved to amend H.F. No. 362 as follows:

Page 1, after line 10, insert:

"Section 1. Laws 1967, chapter 558, section 1, subdivision 1, is amended to read:

Section 1. [BELTRAMI COUNTY; TAX FORFEITED LANDS.]

Subdivision 1. Notwithstanding the provisions of Minnesota Statutes, section 282.08, clause (4) (3), the county board of Beltrami county, out of the proceeds from the sale or rental of any parcel of forfeited land, or from the sale of any products therefrom after making such payments as are directed by Minnesota Statutes, section 282.08, clauses (1); and (2); and (3), may annually by resolution set aside not exceeding 30 percent of the receipts remaining, including undistributed receipts remaining in the fund on the effective date of this act for any of the purposes set forth in subdivisions 2 to 7."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete "subdivision" and insert "subdivisions 1 and"

The motion prevailed. So the amendment was adopted.

H.F. No. 362 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 60 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kamrath	Moe, R.D.	Ramstad
Anderson	Dicklich	Knaak	Nelson	Reichgott
Belanger	Diessner	Knutson	Novak	Renneke
Benson	Dieterich	Kroening	Olson	Schmitz
Berg	Frank	Kronebusch	Pehler	Sieloff
Berglin	Frederick	Laidig	Peterson, C.C.	Spear
Bernhagen	Frederickson	Lantry	Peterson, D.C.	Stumpf
Bertram	Gustafson	Lessard	Peterson, D.L.	Taylor
Brataas	Hughes	Luther	Peterson, R.W.	Vega
Chmielewski	Isackson	McQuaid	Petty	Waldorf
Dahl	Johnson, D.E.	Merriam	Pogemiller	Wegscheid
Davis	Jude	Moe, D.M.	Purfeerst	Willet

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

H.F. No. 683: A bill for an act relating to probate; allowing a minor to be a donor for purposes of the Uniform Anatomical Gift Act; amending Minne-

sota Statutes 1984, sections 525.922, subdivision 1; and 525.924, by adding a subdivision.

Mr. Willet moved to amend H.F. No. 683, as amended pursuant to Rule 49, adopted by the Senate April 26, 1985, as follows:

(The text of the amended House File is identical to S.F. No. 1223.)

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1984, section 390.11, is amended by adding a subdivision to read:

Subd. 3a. The coroner may conduct an autopsy in the case of any human death of any type not referred to in subdivision 1 provided that the autopsy is paid for by the person requesting the autopsy."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "probate" and insert "health" and after the semicolon, insert "providing that the county coroner may conduct certain autopsies under certain circumstances;"

Page 1, line 4, after "sections" insert "390.11, by adding a subdivision;"

Mr. Benson questioned whether the amendment was germane.

The Chair ruled that the amendment was not germane.

H.F. No. 683 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 58 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dicklich	Knutson	Novak	Schmitz
Anderson	Diessner	Kroening	Olson	Sieloff
Belanger	Dieterich	Kronebusch	Pehler	Spear
Benson	Frank	Lantry	Peterson, D.C.	Storm
Berg	Frederick	Lessard	Peterson, D.L.	Stumpf
Berglin	Frederickson	Luther	Peterson, R.W.	Taylor
Bernhagen	Hughes	McQuaid	Petty	Vega
Bertram	Isackson	Mehrkins	Pogemiller	Waldorf
Brataas	Johnson, D.E.	Merriam	Purfeerst	Wegscheid
Dahl	Jude	Moe, D.M.	Ramstad	Willet
Davis	Kamrath	Moe, R.D.	Reichgott	
DeCramer	Knaak	Nelson	Renneke	

So the bill passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 800: A bill for an act relating to consumer protection; prohibiting certain deceptive advertising practices; amending Minnesota Statutes 1984, sections 325F.68, by adding a subdivision; and 325F.69, by adding a subdivision.

Mr. Ramstad moved to amend S.F. No. 800 as follows:

Page 1, line 14, delete "a "close out sale,""

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

Ms. Reichgott moved to amend S.F. No. 800 as follows:

Page 1, line 22, after the comma, insert "if" and delete the second "this" and insert "that"

Page 1, line 23, delete "if"

The motion prevailed. So the amendment was adopted.

S.F. No. 800 was read the third time, as amended, and placed on its final passage.

The question was taken on the passage of the bill, as amended.

The roll was called, and there were yeas 41 and nays 16, as follows:

Those who voted in the affirmative were:

Adkins	DeCramer	Kronebusch	Moe, D.M.	Spear
Anderson	Diessner	Laidig	Moe, R.D.	Stumpf
Belanger	Frank	Langseth	Pehler	Vega
Benson	Frederick	Lantry	Peterson, D.C.	Waldorf
Berglin	Frederickson	Lessard	Petty	Willet
Bertram	Hughes	Luther	Pogemiller	
Chmielewski	Johnson, D.E.	McQuaid	Purfeerst	
Dahl	Jude	Mehrkins	Reichgott	
Davis	Kroening	Merriam	Schmitz	

Those who voted in the negative were:

Berg	Isackson	Knutson	Peterson, R.W.	Sieloff
Bernhagen	Kamrath	Olson	Ramstad	Storm
Brataas	Knaak	Peterson, D.L.	Renneke	Taylor
Dieterich				

So the bill, as amended, passed and its title was agreed to.

SPECIAL ORDER

S.F. No. 35: A bill for an act relating to crimes; requiring health professionals to report suspicious wounds to law enforcement authorities; amending Minnesota Statutes 1984, section 626.52.

Mr. Sieloff moved to amend S.F. No. 35 as follows:

Page 1, delete lines 18 to 21

Page 2, lines 4 and 5, delete the new language

Page 2, line 6, delete "dress, or bandage" and after "police" insert "department or county sheriff"

Page 2, line 7, reinstate the stricken language after the first comma

Page 2, lines 8 to 10, reinstate the stricken language

Page 2, line 10, delete the new language

Page 2, after line 10, insert:

"A health professional may report to the proper police authorities any wound that the reporter has reasonable cause to believe has been inflicted by a dangerous weapon other than a firearm as defined under section 609.02,

subdivision 6.

Sec. 2. Minnesota Statutes 1984, section 626.55, is amended to read:
626.55 [PENALTY.]

Subdivision 1. Any person who violates any mandatory provision of sections 626.52 to 626.55 is guilty of a gross misdemeanor.

Subd. 2. Any person reporting in good faith and exercising due care shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his actions pursuant to this section. No cause of action may be brought against any person for not making a report pursuant to this section."

Amend the title as follows:

Page 1, line 4, delete "section" and insert "sections"

Page 1, line 5, before the period, insert "; and 626.55"

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

S.F. No. 35 was read the third time and placed on its final passage.

The question was taken on the passage of the bill.

The roll was called, and there were yeas 37 and nays 26, as follows:

Those who voted in the affirmative were:

Adkins	Dieterich	Merriam	Petty	Stumpf
Berglin	Hughes	Moe, D.M.	Pogemiller	Vega
Chmielewski	Kroening	Moe, R.D.	Purfeerst	Waldorf
Dahl	Laidig	Nelson	Reichgott	Wegscheid
Davis	Langseth	Novak	Samuelson	Willet
DeCramer	Lantry	Pehler	Schmitz	
Dicklich	Lessard	Peterson, D.C.	Solon	
Diessner	Luther	Peterson, R.W.	Spear	

Those who voted in the negative were:

Anderson	Brataas	Jude	Mehrkens	Storm
Belanger	Frank	Kamrath	Olson	Taylor
Benson	Frederick	Knaak	Peterson, D.L.	
Berg	Frederickson	Knutson	Ramstad	
Bernhagen	Isackson	Kronebusch	Renneke	
Bertram	Johnson, D.E.	McQuaid	Sieloff	

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate revert to the Orders of Business of Reports of Committees, Second Reading of Senate Bills and Second Reading of House Bills.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Reports of Committees read by the Secretary be adopted. The motion prevailed.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report

thereon,

S.F. No. 1065: A bill for an act relating to recreational vehicles; regulating three-wheel off-road vehicles; amending Minnesota Statutes 1984, sections 84.922, subdivisions 5 and 8, and by adding subdivisions; 84.927, subdivision 2; 84.928; 85.018; 100.273, subdivision 9; and 296.16, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 84.

Reports the same back with the recommendation that the report from the Committee on Agriculture and Natural Resources, shown in the Journal for April 26, 1985, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass and be referred to the Committee on Finance". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 1080: A bill for an act relating to animals; prohibiting transfer of certain animals for use in research or experimentation; providing a penalty; amending Minnesota Statutes 1984, section 35.71.

Reports the same back with the recommendation that the report from the Committee on Veterans and General Legislation, shown in the Journal for April 22, 1985, be amended to read:

"the bill be amended and when so amended the bill do pass and be referred to the Committee on Health and Human Services". Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

H.F. No. 345: A bill for an act relating to insurance; no-fault automobile; providing mandatory underinsured motorist coverage; clarifying legislative intent concerning stacking of insurance policies; coordinating the priority of applicability of security for the payment of certain benefits; amending Minnesota Statutes 1984, sections 65B.43, by adding subdivisions; 65B.47, by adding a subdivision; 65B.49, subdivision 4, and by adding a subdivision; and 65B.70, by adding a subdivision.

Reports the same back with the recommendation that the report from the Committee on Economic Development and Commerce, shown in the Journal for April 22, 1985, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass." Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred under Rule 35, together with the committee report thereon,

S.F. No. 352: A bill for an act relating to taxation; providing for an annual

compressed natural gas user permit; establishing compressed natural gas user permit fees in lieu of gas taxes; amending Minnesota Statutes 1984, sections 296.01, by adding a subdivision; 296.02, subdivision 1a; and 296.025, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 296.

Reports the same back with the recommendation that the report from the Committee on Energy and Housing, shown in the Journal for April 22, 1985, be adopted; that committee recommendation being:

"the bill be amended and when so amended the bill do pass." Amendments adopted. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

S.F. No. 1431: A resolution memorializing the negotiators for the United States at the Geneva arms talks to demand Soviet action to stop anti-Jewish discrimination and to allow Jews to emigrate.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was re-referred

S.F. No. 363: A bill for an act relating to state government; proposing an amendment to the Minnesota Constitution, article IV, section 23; article V, sections 1, 3, and 4; article VII, section 8; article VIII, section 2; article XI, sections 6, 7, 8, and 10; and article XIII, section 11; combining the offices of state treasurer, state auditor, and secretary of state into the office of state comptroller; providing that the first comptroller would be elected in 1990; transferring the powers, responsibilities, and duties of the state auditor, the secretary of state, and the state treasurer to the state comptroller.

Reports the same back with the recommendation that the bill do pass. Report adopted.

Mr. Moe, R.D. from the Committee on Rules and Administration, to which was referred

Senate Resolution No. 73: A Senate resolution expressing the sense of the Senate that the President of the United States should not pay tribute to those who perpetrated the holocaust.

Reports the same back with the recommendation that the resolution do pass. Report adopted.

Mr. Willet from the Committee on Finance, to which was re-referred

H.F. No. 848: A bill for an act relating to children and families; providing judicial procedures to protect the welfare of alleged child abuse victims; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing certain protections for parents in juvenile court proceedings; clarifying the scope and effect of juvenile court orders; changing the crimes

of "intrafamilial sexual abuse" to "criminal sexual abuse" and limiting the discretion of courts to stay sentences for these crimes; requiring that investigative interviews with child abuse victims be tape-recorded; providing a training program for child protection workers and requiring a new job classification in child protection; amending Minnesota Statutes 1984, sections 260.011, subdivision 2; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.171, subdivision 4; 260.172, subdivision 4, and by adding subdivisions; 260.191, subdivision 1, and by adding subdivisions; 260.301; 595.02, subdivision 3; 609.364 to 609.3644; and 630.36; proposing coding for new law in Minnesota Statutes, chapters 626 and 631.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. [244.12] [REQUIRING COMMISSION TO DEVELOP GUIDELINE DEPARTURE CRITERIA FOR CERTAIN CRIMINAL SEXUAL CONDUCT CASES.]

The sentencing guidelines commission shall develop mitigating departure criteria for sentencing a defendant convicted under section 609.342, 609.343, 609.344, or 609.345 when that defendant has a familial relationship to the complainant. The commission shall submit the criteria to the legislature by January 1, 1986. The criteria shall be effective on August 1, 1986, unless the legislature by law provides otherwise.

Sec. 2. Minnesota Statutes 1984, section 260.011, subdivision 2, is amended to read:

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

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

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

Sec. 3. Minnesota Statutes 1984, section 260.133, subdivision 2, is amended to read:

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

- (1) restraining any party from committing acts of domestic child abuse; or
- (2) excluding the alleged abusing party from the dwelling which the family or household members share or from the residence of the child.

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

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

(2) a remaining adult family or household member is able to care adequately for the child or children in the absence of the excluded party; and

(3) the local welfare agency has developed a plan to provide appropriate social services to the remaining family or household members.

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

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

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

Sec. 4. Minnesota Statutes 1984, section 260.135, subdivision 1, is amended to read:

Subdivision 1. After a petition has been filed and unless the parties hereinafter named voluntarily appear, the court shall set a time for a hearing and shall issue a summons requiring the person who has custody or control of the child to appear with the child before the court at a time and place stated. The summons shall have a copy of the petition attached, and shall advise the parties of the right to counsel and of the consequences of failure to obey the summons. *The court shall give docket priority to any dependency, neglect, or neglected and in foster care petition that contains allegations of child abuse. As used in this subdivision, the term "child abuse" has the meaning given it in section 17, subdivision 2.*

Sec. 5. Minnesota Statutes 1984, section 260.155, is amended by adding a subdivision to read:

Subd. 4a. [EXAMINATION OF CHILD.] In any dependency, neglect, or neglected and in foster care proceeding the court may, on its own motion or

the motion of any party, take the testimony of a child witness informally when it is in the child's best interests to do so. Informal procedures that may be used by the court include taking the testimony of a child witness outside the courtroom. The court may also require counsel for any party to the proceeding to submit questions to the court before the child's testimony is taken, and to submit additional questions to the court for the witness after questioning has been completed. The court may excuse the presence of the child's parent, guardian, or custodian from the room where the child is questioned in accordance with subdivision 5.

Sec. 6. Minnesota Statutes 1984, section 260.156, is amended to read:

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

An out-of-court statement made by a child under the age of ten years alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or any act of physical abuse or neglect of the child by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence in any dependency or neglect proceeding or any proceeding for termination of parental rights if:

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

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

Sec. 7. Minnesota Statutes 1984, section 260.172, is amended by adding a subdivision to read:

Subd. 2a. [PARENTAL VISITATION.] If a child has been taken into custody under section 260.135, subdivision 5, or 260.165, subdivision 1, clause (c)(2), and the court determines that the child should continue in detention, the court shall include in its order reasonable rules for supervised or unsupervised parental visitation of the child in the shelter care facility unless it finds that visitation would endanger the child's physical or emotional well-being.

Sec. 8. Minnesota Statutes 1984, section 260.191, is amended by adding a subdivision to read:

Subd. 1d. [PARENTAL VISITATION.] If the court orders that the child be placed outside of the child's home or present residence, it shall set reasonable rules for supervised or unsupervised parental visitation that contribute to the objectives of the court order and the maintenance of the familial relationship. No parent may be denied visitation unless the court finds at a hearing that the visitation would act to prevent the achievement of the order's objectives or that it would endanger the child's physical or emotional well-being.

Sec. 9. Minnesota Statutes 1984, section 260.191, is amended by adding a subdivision to read:

Subd. 2a. [EFFECT OF ORDER.] Any person who provides services to a

child under a disposition order, or who is subject to the conditions of a disposition order, is bound by the order and shall be served with a copy of it personally or by first class mail. Service for the child shall be upon the guardian ad litem.

Sec. 10. Minnesota Statutes 1984, section 260.301, is amended to read:

260.301 [CONTEMPT.]

Any person knowingly interfering with an order of the juvenile court ~~is in contempt of court~~ or who is subject to a juvenile court order or process may be punished for contempt by the juvenile court pursuant to chapter 588.

Sec. 11. Minnesota Statutes 1984, section 609.341, is amended by adding a subdivision to read:

Subd. 15. [FAMILIAL RELATIONSHIP.] "Familial relationship" means a situation in which the actor is:

(1) the complainant's parent, stepparent, or guardian;

(2) any of the following persons related to the complainant by blood, marriage, or adoption: brother, sister, stepbrother, stepsister, first cousin, aunt, uncle, nephew, niece, grandparent, great-grandparent, great-uncle, great-aunt; or

(3) an adult who jointly resides intermittently or regularly in the same dwelling as the complainant and who is not the complainant's spouse.

Sec. 12. Minnesota Statutes 1984, section 609.342, is amended to read:

609.342 [CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the first degree ~~and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both,~~ if he engages in sexual penetration with another person and if any of the following circumstances exists:

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

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

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

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

(e) The actor causes personal injury to the complainant, and ~~either~~ any of

the following circumstances exist:

- (i) The actor uses force or coercion to accomplish sexual penetration; or
- (ii) The actor knows or has reason to know that the complainant is mentally defective, mentally incapacitated, or physically helpless; or
- (iii) *The actor and the complainant have a familial relationship and the sexual abuse involved multiple acts committed over an extended period of time; or*

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

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

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

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (a) or (b), and that person has a familial relationship to the complainant, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is amenable to treatment.

Sec. 13. Minnesota Statutes 1984, section 609.343, is amended to read:

609.343 [CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both, if he engages in sexual contact with another person and if any of the following circumstances exists:

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

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

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

another; or

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

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

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

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

(iii) *The actor and the complainant have a familial relationship and the sexual abuse involved multiple acts committed over an extended period of time; or*

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

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

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

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clauses (a) and (b), and that person has a familial relationship to the complainant, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is amenable to treatment.

Sec. 14. Minnesota Statutes 1984, section 609.344, is amended to read:

609.344 [CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the third degree and may be sentenced to imprisonment for not more than ten years, or to payment of a fine of not more than \$20,000, or both, if he engages in sexual penetration with another person and any of the following circumstances exists:

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

(b) The complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. In any such case it shall be an affirmative defense, which must be proved by a preponderance of the evidence, that the actor believes the complainant to be 16 years of age or

older. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, he may be sentenced to imprisonment for not more than five years. Consent by the complainant is not a defense; or

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

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

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

(f) *The actor and the complainant have a familial relationship and the sexual abuse involved multiple acts committed over an extended period of time.*

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (a), (b), or (e), and that person has a familial relationship to the complainant, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is amenable to treatment.

Sec. 15. Minnesota Statutes 1984, section 609.345, is amended to read:

609.345 [CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.]

Subdivision 1. [CRIME DEFINED.] A person is guilty of criminal sexual conduct in the fourth degree and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$10,000, or both, if he engages in sexual contact with another person and if any of the following circumstances exists:

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

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

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

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

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

(f) *The actor and the complainant have a familial relationship and the sexual abuse involved multiple acts committed over an extended period of time.*

Subd. 2. [PENALTY.] A person convicted under subdivision 1 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Subd. 3. [STAY.] Except when imprisonment is required under section 609.346, if a person is convicted under subdivision 1, clause (a), (b), or (e), and that person has a familial relationship to the complainant, the court may stay imposition or execution of sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is amenable to treatment.

Sec. 16. Minnesota Statutes 1984, section 626.556, subdivision 11, is amended to read:

*Subd. 11. [RECORDS.] All records maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Report records maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. *In conducting investigations and assessments pursuant to this section, the notice required by section 13.04, subdivision 2, need not be provided to a minor under the age of 10 who is the alleged victim of abuse or neglect.* An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation. After the assessment or investigation is completed, the name of the reporter shall be confidential but shall be accessible to the individual subject of the record upon court order.*

Records maintained by local welfare agencies, the police department or county sheriff under this section shall be destroyed as described in clauses (a) to (c):

(a) If upon assessment or investigation a report is found to be unsubstantiated, notice of intent to destroy records of the report shall be mailed to the individual subject of the report. At the subject's request the records shall be maintained as private data. If no request from the subject is received within 30 days of mailing the notice of intent to destroy, the records shall be de-

stroyed.

(b) All records relating to reports which, upon assessment or investigation, are found to be substantiated shall be destroyed seven years after the date of the final entry in the case record.

(c) All records of reports which, upon initial assessment or investigation, cannot be substantiated or disproved to the satisfaction of the local welfare agency, local police department or county sheriff may be kept for a period of one year. If the local welfare agency, local police department or county sheriff is unable to substantiate the report within that period, each agency unable to substantiate the report shall destroy its records relating to the report in the manner provided by clause (a).

Sec. 17. Minnesota Statutes 1984, section 630.36, is amended to read:

630.36 [ISSUES, HOW DISPOSED OF.]

Subdivision 1. [ORDER.] The issues on the calendar shall be disposed of in the following order, unless, upon the application of either party, for good cause, the court directs an indictment or complaint to be tried out of its order:

(1) *Indictments or complaints alleging child abuse, as defined in subdivision 2, whether or not the defendant is in custody;*

(2) *Indictments or complaints for felony, where the defendant is in custody;*

~~(2)~~ (3) *Indictments or complaints for misdemeanor, where the defendant is in custody;*

~~(3)~~ (4) *Indictments or complaints for felony, where the defendant is on bail; and*

~~(4)~~ (5) *Indictments or complaints for misdemeanor, where the defendant is on bail.*

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

Subd. 2. [CHILD ABUSE DEFINED.] As used in subdivision 1, "child abuse" means any act which involves a minor victim and which constitutes a violation of section 609.221, 609.222, 609.223, 609.2231, 609.224 if the minor victim is a family or household member of the defendant, 609.255, 609.321, 609.322, 609.323, 609.324, 609.342, 609.343, 609.344, 609.345, 609.364, 609.3641, 609.3642, 609.3643, 609.3644, 609.377, 609.378, or 617.246.

Sec. 18. [631.046] [AUTHORIZING PRESENCE OF PARENT FOR MINOR PROSECUTING WITNESS.]

Notwithstanding any other law, a prosecuting witness under 18 years of age in a case involving a violation of section 609.342, 609.343, 609.344, 609.345, 609.364, 609.3641, 609.3642, 609.3643, or 609.3644 may choose to have in attendance a parent, guardian, or other supportive person, whether or not a witness, at the omnibus hearing or at the trial, during testimony of the prosecuting witness. If the person so chosen is also a prosecuting witness, the prosecution shall present on noticed motion, evidence that the person's attendance is both desired by the prosecuting witness for support and will be helpful to the prosecuting witness. Upon that showing the court shall grant

the request unless information presented by the defendant or noticed by the court establishes that the support person's attendance during the testimony of the prosecuting witness would pose a substantial risk of influencing or affecting the content of that testimony.

Sec. 19. [TASK FORCE ON CHILD SEXUAL ABUSE.]

Subdivision 1. [CREATION; MEMBERSHIP.] The attorney general shall appoint the chair and members of an advisory task force to study the problem of child sexual abuse. The task force shall consist of members who collectively are broadly representative of the judiciary, the interagency child sexual abuse team, county attorneys, public defenders, law enforcement, human services, former victims of child sexual abuse, individuals offering child sexual abuse counseling or therapy services, citizens who have been affected by child sexual abuse laws, and appropriate state agencies.

Subd. 2. [STATEWIDE PLAN.] The task force shall develop a statewide plan to:

- (1) educate the public about the nature and scope of child sexual abuse;*
- (2) educate and train individuals involved in the handling of child sexual abuse cases as to how to more competently perform their duties, including the development of ongoing training requirements for individuals involved in child sexual abuse cases;*
- (3) educate individuals involved in providing education and supportive services, such as counseling and treatment, to child sexual abuse victims and their families so that they can more competently perform their duties; and*
- (4) coordinate the reports and findings of the various state agencies reviewing the area of child sexual abuse.*

Subd. 3. [RECOMMENDATIONS.] Based on its findings, the task force shall make recommendations to the legislature by February 1, 1986, on ways to:

- (1) balance the rights and protections of children who have been sexually abused with those of parents accused of child sexual abuse;*
- (2) provide greater protections to child witness victims in child sexual abuse judicial proceedings;*
- (3) provide minimum competency and training standards for professionals providing counseling and therapy to child sexual abuse victims and their families;*
- (4) provide minimum competency and training standards for human services personnel involved in child sexual abuse protection;*
- (5) establish more efficient record keeping and statistical information on the number of child sexual abuse cases and the manner in which those cases are processed by the judicial system; and*
- (6) establish uniform procedures for investigation and assessment of child sexual abuse cases.*

Subd. 4. [EXPIRATION.] The task force expires on July 1, 1986.

Sec. 20. [REPEALER.]

Minnesota Statutes 1984, sections 609.364, 609.3641, 609.3642, 609.3643, and 609.3644, are repealed. Sections 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; and 609.345, subdivision 3, are repealed August 1, 1986.

Sec. 21. [EFFECTIVE DATE.]

Sections 1 and 19 are effective the day following final enactment.

Sections 2 to 18, and 20 are effective August 1, 1985."

Delete the title and insert:

"A bill for an act relating to children and families; requiring the sentencing guidelines commission to develop mitigating departure criteria for certain crimes; providing judicial procedures to protect the welfare of alleged child abuse victims; requiring notice that appropriate social services will be provided during the period of a temporary order; requiring juvenile and criminal courts to give docket priority to child abuse cases; providing for the examination of child witnesses; clarifying the admissibility of certain out-of-court statements; providing certain protections for parents in juvenile court proceedings; clarifying the scope and effect of juvenile court orders; merging the crimes of "intrafamilial sexual abuse" and "criminal sexual conduct"; eliminating certain notice requirements as applied to a minor under 10; authorizing the presence of parents at trials involving criminal sexual conduct or criminal sexual abuse when the prosecuting witness is a minor; establishing a task force on child sexual abuse; amending Minnesota Statutes 1984, sections 260.011, subdivision 2; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, by adding a subdivision; 260.156; 260.172, by adding a subdivision; 260.191, by adding subdivisions; 260.301; 609.341, by adding a subdivision; 609.342; 609.343; 609.344; 609.345; 626.556, subdivision 11; and 630.36; repealing Minnesota Statutes 1984, sections 609.364 to 609.3644; 609.342, subdivision 3; 609.343, subdivision 3; 609.344, subdivision 3; and 609.345, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 244 and 631."

And when so amended the bill do pass. Amendments adopted. Report adopted.

SECOND READING OF SENATE BILLS

S.F. Nos. 352, 1431 and 363 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 345 and 848 were read the second time.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Wegscheid moved that his name be stricken as chief author, shown as a co-author, and the name of Mr. Waldorf be added as chief author to S.F. No. 952. The motion prevailed.

Mr. Chmielewski moved that Senate Concurrent Resolution No. 15 be laid on the table. The motion prevailed.

Mr. Moe, R.D. moved that Senate Resolution No. 73 be laid on the table.

The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bills were read the first time and referred to the committee indicated.

Messrs. Novak; Johnson, D.J.; Peterson, C.C.; Laidig and Pehler introduced—

S.F. No. 1512: A bill for an act relating to tax increment financing; transferring duties to the state auditor; imposing financial reporting and accounting requirements; repealing the authority to provide interest reduction programs; amending Minnesota Statutes 1984, sections 273.74, subdivisions 2, 5, and by adding a subdivision; and 298.2211, subdivision 1; repealing Minnesota Statutes 1984, section 462.445, subdivisions 10, 11, 11a, 12, and 13.

Referred to the Committee on Taxes and Tax Laws.

Mr. Pehler introduced—

S.F. No. 1513: A bill for an act relating to local government; permitting the establishment of special service districts in the cities of Sartell, Sauk Rapids, St. Cloud, and Waite Park; providing taxing and other financial authority for the cities.

Referred to the Committee on Taxes and Tax Laws.

MEMBERS EXCUSED

Mr. Freeman was excused from the Session of today at 10:30 p.m. Mr. Johnson, D.J. was excused from the Session of today from 8:10 to 9:10 p.m.

The following members were excused from today's Session for brief periods of time: Messrs. Johnson, D.J. and Peterson, C.C.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 3:00 p.m., Tuesday, April 30, 1985. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate