SEVENTY-SIXTH DAY

St. Paul, Minnesota, Thursday, February 27, 1986

The Senate met at 2:00 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. Hal Hoekstra.

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

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

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1727, 2230 and 1766.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 26, 1986

FIRST READING OF HOUSE BILLS

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

H.F. No. 1727: A bill for an act relating to agriculture; moving Wadena county from area one to area four for purposes of potato industry promotion; amending Minnesota Statutes 1984, section 17.54, subdivision 9.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1578, now on the Consent Calendar.

H.F. No. 2230: A bill for an act relating to highway traffic regulations; clarifying the evidentiary use of partial alcohol concentration breath tests; amending Minnesota Statutes 1984, section 169.121, subdivision 2.

Referred to the Committee on Judiciary.

H.F. No. 1766: A bill for an act relating to government in this state; providing for its financing, structure, and components; making and reducing appropriations for the general legislative, judicial, and administrative expenses of state government with certain conditions; providing for the transfer of certain money in the state treasury; providing for contingency expenditures; creating, modifying, transferring, and abolishing agencies, boards, and functions; adjusting complements; creating certain funds and changing others; providing for farm relief; making cash flow changes and budget adjustments; setting and adjusting certain aid and mill rate amounts; providing for community emergency response hazardous substance protection; clarifying the income tax exclusion of income on the sale of certain agricultural property; repealing the suspension of inflation adjustments; proposing tax compliance measures; providing a sales tax on intoxicating liquor at the wholesale level; providing a property tax refund for certain commercial industrial property taxes for 1987 only; providing for the deposit of certain motor vehicle excise tax proceeds in the general fund; transferring funds from the highway user tax distribution fund and the transit assistance fund to the general fund; setting local government aids for 1987; changing certain reimbursement payment dates; prescribing sales ratio study requirements; extending the property tax payment date by 30 days in the case of certain agricultural property; changing property tax distribution and settlement; changing the special homestead classification for certain disabled persons; providing penalties; appropriating money; amending Minnesota Statutes 1984, sections 15.01; 15.057; 16A.72; 16B.20, subdivision 1; 16B.50; 17.717, subdivision 6; 25.39, subdivision 4; 41.57, by adding a subdivision; 46.041, subdivision 1; 46.131, subdivision 10; 47.54, subdivision 1; 51A.51, subdivisions 1, 2, 3, 3a, and 5; 52.06, subdivision 1; 53.03, subdivision 6; 56.02; 60A.03, subdivision 6; 60A.14, subdivision 1; 60A.17, by adding a subdivision; 60A.23, subdivision 7; 62E.52, subdivisions 2 and 3; 62E.53, subdivisions 1 and 2; 62E.531, subdivision 2; 79.251, subdivision 1; 82.22, subdivision 3; 82.27, by adding a subdivision; 84.01, subdivision 3; 84.028, subdivision 3; 84.082; 84.086; 84.54; 85.016; 97.41, subdivision 2; 104.35, subdivisions 2 and 3; 105.40, subdivisions 1 and 2; 112.35, by adding a subdivision; 115A.15, subdivision 5; 115A.912, subdivision 2, and by adding a subdivision; 115B.20, subdivisions 5 and 6; 116.07, by adding a subdivision; 116C.24, subdivision 2a; 116C.25; 116J.01, subdivision 3; 116J.16, subdivisions 1, 2, 4, 5, 6, 7, and 8; 116J.29; 116J.36, subdivision 10; 116J.37, subdivision 6; 116J.401; 116J.402; 116J.403; 116J.404; 116J.405; 116J.406, subdivisions 2, 3, 4, and 5; 116J.58, subdivisions 2 and 3; 116J.60; 116J.63; 116J.66; 116J.68, subdivision 2; 116J.74, subdivision 5; 116J.80, subdivision 6; 116J.873, subdivision 4; 116M.03, subdivision 2,

and by adding a subdivision; 116M.05, subdivision 1; 116M.06, subdivisions 4, 7, 8, and 10; 116M.07, subdivision 12; 116M.08, subdivisions 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 19, 20, and 21; 116M.12, subdivision 6; 121.495; 121.901, subdivision 2; 121.934, subdivision 1; 124.195, subdivision 5; 124.32, subdivision 1c; 124A.02, subdivision 15; 129B.02, as amended; 129B.04, subdivisions 1a and 2; 129B.041, subdivisions 1 and 4; 129B.05, subdivision 2; 129B.43; 136.14; 136C.07, by adding a subdivision; 136C.13, by adding a subdivision; 136C.35; 138.65; 144.68; 144.69; 148.10, by adding a subdivision; 150A.08, by adding a subdivision; 160.265, subdivision 1; 161.1419, subdivision 8; 168.67; 169.871, subdivision 5; 176.183, subdivisions 1 and 1a; 176.603; 176.611, subdivision 2; 197.23, subdivision 2; 197.481, by adding subdivisions; 216B.243, subdivision 6; 216B.62, subdivisions 2 and 3; 237.295, subdivisions 1 and 2; 237.30; 239.10; 256.98; 256B.042, subdivisions 2 and 3, and by adding subdivisions; 256B.37, by adding a subdivision; 256D.05, by adding a subdivision; 270.067, subdivision 5; 270.12, subdivision 2; 270.69, by adding a subdivision; 270.72, subdivisions 1, 2, and 3; 271.01, subdivision 1, and by adding a subdivision; 273.1312, subdivision 1; 273.1314, subdivisions 1 and 16; 273.74, subdivision 5; 276.09; 276.10; 276.11; 278.03; 279.01, as amended; 290.069, subdivision 1; 290.53, subdivision 2; 290.61; 296.13; 297A.01, subdivision 9; 297A.02, by adding a subdivision; 297A.03, subdivision 2; 297A.04; 297A.08; 297A.18; 297A.27, subdivision 1; 297A.275; 297A.28; 297A.43; 297B.09, subdivision 2; 299D.03, subdivision 5; 301A.07, subdivision 1; 325F.19, subdivision 3; 325F.24, subdivision 3; 326.20, by adding a subdivision; 326.334, subdivision 7; 349.52, subdivisions 2 and 3; 362A.06; 364.09; 462.384, subdivision 7; 462A.03, subdivision 10; 462A.04, subdivisions 1 and 4; 462A.05, subdivisions 15B, 21, and 23; 465.74, subdivisions 1, 4, and 6; 471.992; 471.996; 471.997; 471.9975; 473.448; 477A.015; 480.242, by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 15A.081, subdivision 8; 40A.03, subdivision 2; 53.03, subdivision 1; 60A.17, subdivision 1a; 92.35; 92.36; 110B.02, by adding a subdivision; 110B.08, subdivision 5; 110B.10, subdivision 1; 116J.58, subdivision 4; 116J.951, subdivision 2; 116J.961, subdivisions 1 and 8; 116M.03, subdivision 17; 116M.04, subdivision 8a; 116M.06, subdivision 2; 116M.07, subdivisions 7a, 7b, and 7c; 116M.08, subdivisions 1, 14, and 15; 116M.11; 116M.12, subdivisions 3 and 4; 124.225, subdivision 7b; 124.245, subdivision 1; 124A.02, subdivision 9; 124A.03, subdivision 1a; 129C.10, subdivision 5; 136C.06; 144.8093, by adding a subdivision; 147.021, by adding a subdivision; 173.085, subdivision 1; 214.06, subdivision 1; 256.01, subdivisions 2 and 4; 256.74, subdivision 1; 256B.06, subdivision 1; 256B.07; 256B.48, subdivision 6; 256C.26; 256D.03, subdivision 4; 256D.05, subdivision 1; 256D.051, subdivisions 4, 5, 6, and by adding a subdivision; 256D.101, subdivisions 1, 2, and by adding a subdivision; 256D.37, subdivision 1; 268.0122, subdivisions 2, 3, and by adding a subdivision; 268.36; 268.673, subdivision 5; 268.6751, subdivisions 1 and 2; 268.871, subdivision 1; 270.063; 270.69, subdivisions 2, 3, and 4; 270.76; 270A.07, subdivision 1; 273.124, by adding a subdivision; 273.13, subdivisions 15a and 22; 273.1314, subdivision 9; 273.74, subdivision 2; 278.05, subdivision 5; 290.491; 297A.257, subdivisions 1 and 3; 298.28, subdivision 1; 326.241, subdivision 3; 326.244, subdivision 2; 340A.904, subdivision 2; 477A.011, subdivisions 10 and 12; 477A.012; 477A.013; Laws 1979, chapter 280, section 2, as amended; Laws 1985, chapter 19, section 2, subdivisions 1, 2, and by adding a subdivision; section 6, subdivision 6; First Special Session chapter 9, article 1, section 2, subdivision 5; First Special Session chapter 10, sections 1; 4, subdivisions 1, 9, 10, and 11; 5, subdivi-

sions 1, 2, and 6; 7; 8; 9; 10, subdivision 1; and 125; First Special Session chapter 11, section 4, subdivision 3; First Special Session chapter 12, article 1, section 36, subdivision 3; article 2, section 15, subdivision 2; article 3, section 28, subdivision 10; article 4, section 11, subdivision 6; article 5, section 8; article 5, section 10, subdivisions 2 and 4; article 6, section 28, subdivisions 11, 17, and 20; article 8, section 62, subdivisions 2, 3, 4, 6, 8, 9, 13, 14, 15, and 17; article 8, section 63, subdivisions 2 and 3; article 8, section 64, subdivision 2; article 9, section 3, subdivisions 2 and 3; First Special Session chapter 15, section 23, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 16A; 17; 45; 84; 115A; 116J; 116K; 129B; 135A; 144; 216A; 256; 276; 297A; 299F; 340A; 462; and 480; repealing Minnesota Statutes 1984, sections 3.351, subdivisions 1, 2, 4, and 5; 3.865; 16B.21, subdivision 2; 17.101, subdivision 2; 17.104; 17.105; 19.64, subdivision 5; 41A.02, subdivisions 1, 2, 3, 4, 6, 9, 10, 12, 13, 14, and 15; 41A.03, subdivisions 2 and 4; 41A.04, subdivision 2; 41A.05, subdivision 4; 41A.06, subdivisions 2, 3, and 4; 41A.07; 42.06, subdivision 4; 84.081; 84.083; 86A.09, subdivisions 1, 2, 3, and 4; 86A.10; 89.014, subdivision 2; 105.40, subdivision 7; 105.71; 105.72; 105.73; 105.75; 105.751; 105.76; 105.77; 105.78; 105.79; 112.35, subdivision 4; 115A.07, subdivision 1; 115A.08, subdivisions 1, 2, and 3; 115A.162; 115A.90, subdivision 4; 116J.01, subdivisions 1 and 2; 116J.03; 116J.035, as amended; 116J.04; 116J.05; 116J.06, subdivisions 4, 5, 6, 7, 8, 10, 11, 12, and 13; 116J.07; 116J.08; 116J.09; 116J.10; 116J.11; 116J.12; 116J.13; 116J.14; 116J.15; 116J.17; 116J.18; 116J.19, subdivisions 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, and 14; 116J.20; 116J.21; 116J.22; 116J.23; 116J.24; 116J.26; 116J.261; 116J.262; 116J.27; 116J.30, subdivision 5; 116J.31; 116J.315; 116J.32; 116J.33; 116J.34; 116J.35; 116J.36, subdivisions 1, 2, 3, 3a, 3b, 3c, 4, 4a, 5, 7, 8, 8a, 9, and 11; 116J.37, subdivisions 2, 3, 4, 5, and 7; 116J.373; 116J.38; 116J.381; 116J.58, subdivision 1; 116J.59; 116J.61; 116J.873, subdivisions 1, 2, and 3; 116L.01; 116L.02; 116L.03, as amended; 116L.04, as amended; 116L.05; 116M.01; 116M.02; 116M.03, subdivisions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, and 26; 116M.04, subdivisions 1, 1a, 2, 3, 4, 5, 7, 8, 10, and 11; 116M.05, subdivisions 1, 2, 3, 4, 5, 6, and 7; 116M.06, subdivisions 1, 6, 11, 12, and 13; 116M.07, subdivisions 1, 3, 5, 6, 7, and 10; 116M.08, subdivisions 13, 16, and 18; 116M.09; 116M.10, as amended; 116M.12, subdivisions 1, 2, and 5; 116M.13, subdivisions 1, 2, and 3; 129B.01; 129B.05; 136.063; 144.66; 144.67; 144A.071, subdivision 5; 161.1419, as amended; 174.03, subdivision 7; 176.611, subdivisions 3 and 4; 177.41; 177.42; 177.43; 177.44; 216B.165, subdivision 2; 270.067, subdivisions 1, 2, 3, and 4; 270.72, subdivision 5; 297A.02, subdivision 3; 301A.01, subdivision 1; 402.045; 402.062, subdivision 1; 402.095; 451.09, subdivision 2; 462.375; 462.421, subdivision 21; 462.445, subdivision 8; 462.595; 462A.072; 472.01; 472.02; 472.03, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, and 13; 472.04; 472.05; 472.06; 472.07; 472.08, subdivision 2; 472.09; 472.10; 472.11, subdivisions 1, 2, 4, 5, 6, 7, and 8; 472.12; Minnesota Statutes 1985 Supplement, sections 3.303, subdivision 5; 3.351, subdivision 3; 3.875; 13.76; 41A.01; 41A.02, subdivisions 5, 7, 7a, 8, and 11; 41A.03, subdivisions 1, 3, and 5; 41A.04, subdivisions 1, 3, and 4; 41A.05, subdivisions 1, 2, 3, and 5; 41A.06, subdivisions 1 and 5; 41A.08; 86.33, subdivisions 2 and 3; 105.74; 110B.02, subdivision 2; 116J.035, subdivision 3; 116J.19, subdivision 13; 116J.36, subdivision 6; 116J.37, subdivision 1; 116J.94; 116M.03, subdivision 27; 116M.04, subdivisions 6 and 9; 116M.05, subdivision 8; 116M.06, subdivisions 3 and 5; 116M.07, subdivisions 2, 4, 8, 9, 11, and 13; 116M.08, subdivisions 11 and 12; 116M.105; 136.63, subdivision 1b; 178.03, subdivision

5; 267.01; 267.02; 267.03; 267.04; 267.05; 267.06; 268.0111, subdivision 3; 268.66, subdivision 2; 268.89, subdivision 2; 290.06, subdivision 2f; 472.03, subdivision 9; 472.08, subdivision 1; 472.11, subdivisions 3 and 9; 472.125; 472.13; 472.14; 472.15; 472.16; 474.17, subdivision 3; Laws 1984, chapter 654, article 2, section 146.

Referred to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1646. The motion prevailed.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1889: A bill for an act relating to appropriations; changing the recipient of a grant for development of an invention support system; amending Laws 1985, first special session chapter 13, section 28, subdivision 7.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1977: A bill for an act relating to occupations and professions; barbers; providing for compensation of board members for the performance of their examination duties; amending Minnesota Statutes 1984, section 154.22.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Finance. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 1823: A bill for an act relating to financial institutions; providing for open end loan account arrangements; modifying permissible finance charges and annual charges; eliminating alternative credit card plan requirements; amending Minnesota Statutes 1984, section 48.185, subdivisions 1, 3, and 4; repealing Minnesota Statutes 1984, section 48.185, subdivision 4a.

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

Page 2, line 2, strike "rate" and insert "*finance charge*"

Page 2, line 3, strike "one and one-half percent per month"

Page 2, lines 7 to 15, strike the old language

Page 2, line 16, strike everything before the period and insert "*the equivalent of an annual percentage rate of 18 percent computed on a 365-day year and in accordance with the Truth in Lending Act, United States Code, title 15, section 1601 et seq., and the Code of Federal Regulations, title 12, part*

226 (1985)''

Page 3, after line 10, insert:

''Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective the day following final enactment.''

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

Mr. Solon from the Committee on Economic Development and Commerce, to which was referred

S.F. No. 2062: A bill for an act relating to occupations and professions; modifying the membership of the board of architecture, engineering, land surveying, and landscape architecture; amending Minnesota Statutes 1984, section 326.04.

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

Page 2, after line 21, insert:

''Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.''

And when so amended the bill do pass and be placed on the Consent Calendar. Amendments adopted. Report adopted.

Mr. Solon from the Committee on Economic Development and Commerce, to which was re-referred

S.F. No. 1782: A bill for an act relating to insurance; accident and health; regulating long-term care policies; requiring coverage for home health care and care in skilled or intermediate nursing facilities; amending Minnesota Statutes 1984, section 62A.31, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 62A.

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

Page 2, line 36, after the period, insert ''*Sections 2 to 7 do not apply to a long-term care policy issued to any group specified in section 62A.31, subdivision 1a, clauses (a) or (b).*''

Page 4, line 10, delete ''*insured's*'' and insert ''*patient's illness or*'' and delete everything after ''*condition*''

Page 4, line 11, delete ''*rendered*''

Page 4, line 36, delete ''*three days*'' and insert ''*one day*''

Page 5, line 2, delete ''*canceled*'' and insert ''*cancelled*''

Page 5, line 2, after ''*refused*'' insert ''*except*''

Page 5, lines 3 and 4, delete ''*the deterioration of the health of the insured*'' and insert ''*nonpayment of the premium*''

Page 5, line 4, after the period, insert ''*The policy must include a provision*

that the policyholder may elect to have the premium paid in full at age 65 by payment of a higher premium up to age 65. The policy must include a provision that the premium would be waived during any period of disability of the insured.''

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

Mr. Chmielewski from the Committee on Employment, to which was referred

S.F. No. 1808: A bill for an act relating to labor; regulating grants to area labor-management committees; amending Minnesota Statutes 1985 Supplement, sections 179.81, subdivision 2, and by adding a subdivision; 179.84; and 179.85.

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

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1730: A bill for an act relating to theft; modifying circumstances justifying detention of suspects in business establishments; modifying immunity from liability for detention; amending Minnesota Statutes 1985 Supplement, section 629.366, subdivisions 1 and 3.

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

Page 1, line 25, after ''*for*'' insert ''*any of*''

Page 2, line 2, delete ''*or*''

Page 2, line 3, delete ''*determine*'' and insert ''*inquire as to*''

Page 2, line 4, delete ''*recover*'' and insert ''*receive*''

Page 2, line 5, delete everything after ''*merchandise*'' and insert ''*;*

(3) to inform a peace officer; or

(4) to institute criminal proceedings against the person.''

Page 2, delete line 6

Page 2, line 13, after ''*unless*'' insert ''*:*

(1)''

Page 2, line 16, before the period, insert ''*; or*

(2) the person is a minor, or claims to be, and the merchant or employee is waiting to surrender the minor to a peace officer or the minor's parent, guardian, or custodian, in which case the minor may be detained until the peace officer, parent, guardian, or custodian has accepted custody of the minor.

(d) If at any time the person detained requests that a peace officer be summoned, the merchant or merchant's employee must notify a peace officer immediately''

Page 2, lines 22 and 23, reinstate the stricken language

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

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1975: A bill for an act relating to venue of actions; modifying venue in actions to recover possession of personal property; amending Minnesota Statutes 1984, section 542.06.

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

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1914: A bill for an act relating to crimes; providing that violations involving theft of services may be aggregated for purposes of criminal prosecution; amending Minnesota Statutes 1984, section 609.52, subdivision 3.

Reports the same back with the recommendation that the bill do pass and be placed on the Consent Calendar. Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 2087: A bill for an act relating to county courts; specifying the prosecuting attorney for certain offenses; amending Minnesota Statutes 1984, section 487.25, subdivision 10.

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

Page 1, line 24, after "*regulation*" insert "*or by the county attorney with whom it has contracted to prosecute these matters*"

Page 2, line 17, after "*regulation*" insert "*or by the county attorney with whom it has contracted to prosecute these matters*"

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

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 2039: A bill for an act relating to the attorney general; expanding the powers of the attorney general to obtain certain information and to investigate and prosecute for fraud of the medical assistance program; amending Minnesota Statutes 1984, sections 8.31, subdivision 1; 256B.064, subdivision 1a; 256B.12; 256B.27, subdivisions 3, 4, and 5; and 256B.30; Minnesota Statutes 1985 Supplement, section 214.10, subdivision 8.

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

Page 5, line 9, delete "*without*" and insert "*upon 24 hours*"

Page 5, line 10, delete "*all*" and after "*vendors*" insert a comma and after "*and*" insert "*records of*"

Page 5, line 11, after "*access*" insert "*under section 256B.27, subdivi-*

sion 3,''

Page 5, line 15, delete everything after the period

Page 5, delete lines 16 to 18

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

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 2094: A bill for an act relating to nonprofit corporations; providing for succession of fiduciary capacity in mergers and consolidations; clarifying authority for separate entities to hold church employee benefit plans; amending Minnesota Statutes 1984, sections 317.38; and 317.66, subdivision 1, and by adding a subdivision.

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

Page 4, line 9, after ''provide'' insert ''*directly or through a church benefits board*''

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

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 2017: A bill for an act relating to environment; providing for rewards for information leading to recovery of civil penalties and criminal fines for hazardous waste violations; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 115.

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

Delete everything after the enacting clause and insert:

''Section 1. [115.074] [REWARDS; HAZARDOUS WASTE CONVICTIONS.]

Subdivision 1. [PAYMENT.] *The director of the agency may pay a reward to an individual, other than a peace officer or employee of the agency or county engaged in enforcement of hazardous waste regulations, for information leading to the arrest and conviction of any person for a criminal offense arising out of the management of hazardous waste, including hazardous waste transportation, storage, and disposal. A reward must not exceed $1,000. The director shall pay the rewards out of money appropriated under subdivision 2 or from other funds donated to the agency for that purpose.*

Subd. 2. [PERCENTAGE OF FINES REMITTED TO SUPERFUND; APPROPRIATION.] *An amount equal to ten percent of each fine imposed upon any person convicted of a criminal offense arising out of the management of hazardous waste shall be forwarded by the court to the state treasurer for deposit in the environmental response, compensation and compliance fund created under section 115B.20. The amounts necessary to pay rewards under subdivision 1 are appropriated from the environmental*

response, compensation and compliance fund to the agency for payment by the director.''

Amend the title as follows:

Page 1, line 3, delete ''recovery of civil penalties and''

Page 1, line 4, delete ''criminal fines for'' and insert ''arrest and conviction of''

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

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1755: A bill for an act relating to human rights; classifying human rights mediation data; eliminating court examination of evidence when there is failure to comply with an order of the department of human rights; providing for indemnification of local human rights commissions; authorizing municipalities to procure insurance against liability of members of a local commission; amending Minnesota Statutes 1984, sections 363.01, by adding subdivisions; 363.091; 363.14, subdivision 1; Minnesota Statutes 1985 Supplement, section 363.061, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 363.

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

Page 1, delete sections 1 and 2 and insert:

''Section 1. Minnesota Statutes 1985 Supplement, section 363.01, subdivision 35, is amended to read:

Subd. 35. [HUMAN RIGHTS INVESTIGATIVE DATA.] ''Human rights investigative data'' means written documents issued or gathered by the department *or a local commission* for the purpose of investigating and prosecuting alleged or suspected discrimination.

Sec. 2. Minnesota Statutes 1985 Supplement, section 363.01, subdivision 36, is amended to read:

Subd. 36. [CONFIDENTIAL, PRIVATE, AND PUBLIC DATA ON INDIVIDUALS AND PROTECTED NONPUBLIC DATA NOT ON INDIVIDUALS.] ''Confidential *data on individuals*,'' ''private *data on individuals*,'' ''public data on individuals,'' ''protected nonpublic data ~~not on individuals~~,'' and any other terms concerning the availability of human rights investigative *or mediation* data have the meanings given them by section 13.02 ~~of the Minnesota government data practices act~~.

Sec. 3. Minnesota Statutes 1984, section 363.01, is amended by adding a subdivision to read:

Subd. 39. [HUMAN RIGHTS MEDIATION DATA.] *''Human rights mediation data'' means data created by a local commission for the purpose of mediating alleged or suspected discrimination.''*

Page 2, line 3, delete ''*41*'' and insert ''*40*''

Page 2, line 9, delete ''*42*'' and insert ''*41*''

Page 2, line 12, delete everything after ''*commission*'' and insert a period

Page 2, delete lines 13 to 15

Page 3, line 1, delete everything after "*a*"

Page 3, line 2, delete everything before the period and insert "*party by court order, subpoena, or written agreement of the parties*"

Page 3, line 25, delete "*person,*"

Page 3, delete line 26

Page 3, line 27, delete everything before the period and insert "*party by court order, subpoena, or written agreement of the parties*"

Page 4, line 9, delete "*person,*"

Page 4, delete line 10

Page 4, line 11, delete everything before the period and insert "*party by court order, subpoena, or written agreement of the parties*"

Page 4, line 22, reinstate the stricken language

Page 4, line 23, reinstate everything before the stricken "shall"

Page 4, line 25, reinstate everything after the stricken "and"

Page 4, line 26, reinstate the stricken "court deems just and equitable."

Page 4, line 35, delete "*A respondent*"

Page 4, delete line 36

Page 5, delete lines 1 and 2

Pages 6 and 7, delete sections 9 and 10 and insert:

"Sec. 10. [363.15] [LIABILITY INSURANCE; INDEMNIFICATION.]

The governing body of any municipality or any local commission may purchase liability insurance for or indemnify the local commission, its members, agents, and employees against tort liability to the same extent and subject to the conditions and limitations under sections 466.06 and 466.07. A municipality shall indemnify and provide defense for members, agents, and employees of a local commission as provided in section 466.07, subdivision 1a."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, delete "section" and insert "sections 363.01, subdivisions 35 and 36; and"

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

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1860: A bill for an act relating to health; providing for county registrars of vital statistics; amending Minnesota Statutes 1984, section 144.214, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1.

Notwithstanding Minnesota Statutes, section 144.214, subdivision 1, the county board of Stearns County may designate the county auditor as the local registrar in the county, with the approval of the court administrator."

Delete the title and insert:

"A bill for an act relating to Stearns County; authorizing the Stearns County board to designate the county auditor as the local registrar of the county."

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

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 2040: A bill for an act relating to taxation; providing for reduction of the original assessed value of a tax increment financing district in the city of Litchfield.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Taxes and Tax Laws. Report adopted.

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1922: A bill for an act relating to the city of Litchfield; permitting certain investments of municipal power agency funds.

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

Page 1, line 10, delete everything after "*loan*"

Page 1, line 11, delete "*required for immediate use*" and insert "*not more than $750,000 from the agency's public utility fund*"

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

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1797: A bill for an act relating to public administration; providing for various town powers; permitting certain sales of public property; providing conditions for contractor's bonds; amending Minnesota Statutes 1984, sections 366.01, subdivision 1; 367.05, subdivision 1; 367.31, subdivision 4; 471.64, subdivision 1; and 624.44; and Minnesota Statutes 1985 Supplement, sections 365.10; and 574.26.

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

Page 3, line 12, delete "*or otherwise regulate the disposal of sewage,*" and insert "*and disposal of household waste and other refuse, consistent with*

other law''

Page 3, line 13, delete ''*garbage, and other waste or refuse*''

Pages 3 and 4, delete section 3

Pages 6 and 7, delete section 7

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete ''367.05, subdivision 1;''

Page 1, line 7, after ''subdivision 4;'' insert ''and'' and delete ''and 624.44;''

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

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 1767: A bill for an act relating to local government; authorizing the counties of Becker, Grant, Hubbard, Otter Tail, Stevens, Todd, Traverse, Wadena, and Wilkin to enter into contracts and agreements for solid waste management.

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

Page 1, line 16, after the comma, insert ''*only*''

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

Mr. Schmitz from the Committee on Local and Urban Government, to which was referred

S.F. No. 2090: A bill for an act relating to counties; clarifying county commissioner conflict of interest provisions; authorizing counties to develop and market computer software products; providing a method for consolidation of the offices of county auditor and county treasurer; changing certain referendum provisions for adoption of optional forms of county government; amending Minnesota Statutes 1984, sections 375.09; 375.18, subdivision 7; 375A.11, subdivision 3; 375A.12, subdivisions 3 and 4; and 383C.17; proposing coding for new law in Minnesota Statutes, chapter 375; repealing Minnesota Statutes 1984, sections 394.01 to 394.05.

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

Page 2, delete lines 34 to 36

Page 3, delete line 1

Page 4, after line 23, insert:

''Sec. 10. Minnesota Statutes 1985 Supplement, section 386.77, is amended to read:

386.77 [CONVEYANCES AND DOCUMENTS FOR BENEFIT OF GOVERNMENTAL AGENCIES, FEES.]

An instrument of conveyance, assignment or release, a judgment or other document, which is entitled to recording or filing, and which by its terms is for the benefit of the state or any county, city or town, shall be recorded or filed by any county recorder or registrar of titles without the payment of fees when offered for filing or recording by the state or any of its agencies, or by the benefited subdivision. The fee for the recording or filing shall be paid by the state, its agency, or by the benefited subdivision, *but not by another department or agency of that county,* upon submission of a statement of charges by the county recorder or registrar of titles."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "exempting other departments or agencies of the same county from having to be billed by county recorder for certain recording transactions;"

Page 1, line 11, after the semicolon insert "Minnesota Statutes 1985 Supplement, section 386.77;"

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1949: A bill for an act relating to natural resources; requiring public access restrictions to be the same as lake use restrictions; amending Minnesota Statutes 1984, sections 378.32, subdivisions 2, 6, and 7; and 459.20; proposing coding for new law in Minnesota Statutes, chapter 378.

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

Page 2, line 35, before the period, insert ", *except that section 4 does not apply to contracts creating a public access to a body of water entered into by a county or municipality with the commissioner of natural resources that have been executed prior to the effective date of this act, but section 4 will apply to all public accesses after June 1, 1993*"

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 1948: A bill for an act relating to natural resources; authorizing watershed management organizations to establish taxing districts within minor watershed units of watersheds; amending Minnesota Statutes 1984, section 473.883, subdivisions 2, 3, 6, and 7; Minnesota Statutes 1985 Supplement, section 473.882, subdivision 1.

Reports the same back with the recommendation that the bill be amended

as follows:

Page 2, after line 9, insert:

"Sec. 2. Minnesota Statutes 1984, section 473.882, subdivision 3, is amended to read:

Subd. 3. [TAX.] After adoption of the ordinance under subdivision 2, a local government unit may annually levy a tax on all taxable property in the district for the purposes for which the tax district is established. *The tax levied may not exceed one mill on property located in rural towns other than urban towns, unless allowed by resolution of the town electors.* 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 local unit 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)."

Page 2, line 25, after the period, insert "*The cost must be apportioned according to the benefits received by property in the county.*"

Page 3, line 29, after the period, insert "*The tax levied on rural towns other than urban towns may not exceed one mill, unless approved by resolution of the town electors.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 473.882, subdivision 3;"

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1965: A bill for an act relating to human services; revising the community social services act; clarifying allocation of funds; expanding responsibilities of county boards; requiring the county boards to publish biennial plans relating to community social services; amending Minnesota Statutes 1984, sections 256E.05, subdivision 3; 256E.06, subdivision 2; 256E.09, subdivision 1; and Minnesota Statutes 1985 Supplement, section 256E.08, subdivision 1.

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1884: A bill for an act relating to housing; requiring notification of the use of pesticides; amending Minnesota Statutes 1984, section 504.22.

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

Page 1, line 11, delete "*the*" and insert "*or at the time of*"

Page 1, lines 11 and 15, delete "*pesticide*" and insert "*rodenticide*"

Page 1, lines 13 and 17, delete "*pesticides*" and insert "*rodenticides*"

Amend the title as follows:

Page 1, line 3, delete "pesticides" and insert "rodenticides"

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

Ms. Berglin from the Committee on Health and Human Services, to which was referred

S.F. No. 1924: A bill for an act relating to health; providing for comprehensive school-based health clinic projects; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Delete everything after the enacting clause and insert:

"Section 1. [145.461] [COMPREHENSIVE SCHOOL-BASED HEALTH CLINICS.]

Subdivision 1. [PURPOSE.] *The commissioner of health, the commissioner of human services, and the commissioner of education, shall assist school and community personnel to develop comprehensive school-based health clinics for adolescents. Poor health status significantly impedes a child's ability to learn in school, to move from a school setting to a productive adult life, and may contribute to early parenthood. In addition, lack of access to health care diminishes a child's ability to learn. The special health and related problems that adolescents face make it particularly important for them to have access at school to health care providers especially trained to deal with young people and to comprehensive health care services for the special health problems particular to young people.*

Subd. 2. [CLINIC OPERATORS.] *School clinic projects may be operated by school districts, school districts in conjunction with any public or private nonprofit entity, or any public or private nonprofit entity in cooperation with school districts except public or private nonprofit entities that provide abortion services, other than solely when medically necessary.*

Subd. 3. [SCOPE OF SERVICES.] *School-based clinics shall be assisted in developing comprehensive adolescent health care services which include primary care services available on-site and other services available upon referral. Primary care services include comprehensive health exams and follow-up care for routine health problems for teenagers; nutrition counseling; family planning services; pregnancy testing, prenatal and postpartum care; and screening and treatment of sexually transmitted disease. Other services that may be provided on-site or upon referral include: comprehensive health exams and follow-up care for children under age two; adolescent mental*

health care, including grief counseling, peer counseling, and chemical dependency evaluation and treatment; educational programs relating to family life, parenting responsibilities, responsibilities of sexuality, and problems related to premarital sexual relationships; transportation; day care; adoption counseling and referral, when appropriate; and education and job training program information. In addition, school clinics shall:

(a) serve all children and determine charges based upon a sliding fee scale;

(b) enroll as a medical assistance provider and meet the requirements of chapter 256B;

(c) not dispense birth control devices, perform abortions or provide abortion referral or abortion counseling services;

(d) contribute a cash or in-kind match that satisfies the requirement of the early, periodic screening, diagnosis and treatment program for outreach, case-management and referral of children eligible under chapter 256B; and

(e) seek recovery of payments from third-party payers who may be liable to pay part or all of the cost of medical care.

Clinics shall be encouraged to:

(a) locate in a regular, comprehensive coeducational school; and

(b) provide services at least four days each week for a period of at least 20 hours each week during the regular school day.

Subd. 4. [DUTIES OF THE COMMISSIONER OF HEALTH.] *For a period of three years the commissioner of health shall monitor and evaluate school-based clinics. Clinics will be evaluated on:*

(1) a demonstrated reduction in the number of adolescent pregnancies;

(2) a demonstrated improvement in the health of babies born to adolescent parents; and

(3) a demonstrated increase in the retention of students and adolescent parents in school.

The commissioner shall develop a uniform system of reporting comparable data to be used to evaluate projects.''

Delete the title and insert:

''A bill for an act relating to health; promoting the development of comprehensive school-based clinics; proposing coding for new law in Minnesota Statutes, chapter 145.''

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

Mr. Lessard from the Committee on Veterans and General Legislation, to which was referred

S.F. No. 2018: A bill for an act relating to historical sites; renaming a state historic site and establishing new boundaries; amending Minnesota Statutes 1984, section 138.58, subdivision 34.

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

Report adopted.

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 2019: A bill for an act relating to discrimination; prohibiting conditioning credit on the signature of another person if the applicant is credit-worthy; amending Minnesota Statutes 1984, section 363.03, subdivision 8.

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

Page 1, line 12, after "of" insert "*personal or commercial*" and after "person" insert "*or the requirements for obtaining credit*"

Page 1, line 13, after the semicolon, insert "*or*"

Page 1, line 20, delete "*; or*"

Page 1, delete lines 21 and 22

Page 1, line 23, delete everything before the period

Amend the title as follows:

Page 1, line 2, delete "prohibiting conditioning"

Page 1, delete line 3

Page 1, line 4, delete "applicant is credit-worthy" and insert "modifying credit discrimination"

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

H.F. No. 1824 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1824	1752				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1824 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1824 and insert the language after the enacting clause of S.F. No. 1752, the first engrossment; further, delete the title of H.F. No. 1824 and insert the title of S.F. No. 1752, the first engrossment.

And when so amended H.F. No. 1824 will be identical to S.F. No. 1752, and further recommends that H.F. No. 1824 be given its second reading and substituted for S.F. No. 1752, 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. 1980 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1980	1853				

and that the above 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. Report adopted.

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

H.F. No. 1860 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1860	1588				

and that the above 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. Report adopted.

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

H.F. No. 1930 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
1930	1818				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1930 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1930 and insert the language after the enacting clause of S.F. No. 1818, the first engrossment; further, delete the title of H.F. No. 1930 and insert the title of S.F. No. 1818, the first engrossment.

And when so amended H.F. No. 1930 will be identical to S.F. No. 1818,

and further recommends that H.F. No. 1930 be given its second reading and substituted for S.F. No. 1818, 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. 671 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 671 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 671 and insert the language after the enacting clause of S.F. No. 607, the first engrossment; further, delete the title of H.F. No. 671 and insert the title of S.F. No. 607, the first engrossment.

And when so amended H.F. No. 671 will be identical to S.F. No. 607, and further recommends that H.F. No. 671 be given its second reading and substituted for S.F. No. 607, 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. Willet from the Committee on Finance, to which was referred

H.F. No. 810: A bill for an act relating to health; requiring the commissioner of health to develop programs for the promotion of nonsmoking; providing for tax increase on cigarettes; raising the cigarette tax; appropriating money; imposing penalties; prohibiting the use of tobacco products on school premises by minors; amending Minnesota Statutes 1984, sections 297.02, by adding a subdivision; 297.03, subdivisions 6 and 10; 297.13, subdivision 1; 297.22, subdivision 1; 297.32, subdivisions 1, 2, and by adding subdivisions; 297.35, subdivision 1; and 325D.41; proposing coding for new law in Minnesota Statutes, chapters 124, 127, 144, and 145.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 123.71, subdivision 1, is amended to read:

Subdivision 1. Every school board shall, no later than ~~September 1~~ *October 1*, publish the revenue and expenditure budgets submitted to the commissioner of education in accordance with section 121.908, subdivision 4, for the current year and the actual revenues, expenditures, fund balances for the prior year and projected fund balances for the current year in a form prescribed by the state board of education after consultation with the advisory

council on uniform financial accounting and reporting standards. The forms prescribed shall be designed so that year to year comparisons of revenue, expenditures and fund balances can be made. These budgets, reports of revenue, expenditures and fund balances shall be published in a qualified newspaper of general circulation in the district.

Sec. 2. Minnesota Statutes 1985 Supplement, section 124.17, subdivision 1a, is amended to read:

Subd. 1a. [AFDC PUPIL UNITS.] In addition to the pupil units counted under subdivision 1, pupil units shall be counted as provided in this subdivision, beginning with the 1986-1987 school year.

(1) Each pupil in subdivision 1 from a family receiving aid to families with dependent children or its successor program who is enrolled in the school district on October 1 *of the previous school year* shall be counted as an additional five-tenths pupil unit.

(2) In every district in which the number of pupils from families receiving aid to families with dependent children or its successor program equals six percent or more of the actual pupil units in the district for the same year as computed in subdivision 1, each such pupil shall be counted as an additional one-tenth of a pupil unit for each percent of concentration over five percent of such pupils in the district. The percent of concentration shall be rounded down to the nearest whole percent for this paragraph. In districts in which the percent of concentration is less than six, additional pupil units must not be counted under this paragraph for pupils from families receiving aid to families with dependent children or its successor program. A pupil must not be counted as more than 1-1/10 additional pupil units under this subdivision. The weighting in this paragraph is in addition to the weighting provided in subdivision 1 and paragraph (1).

Sec. 3. Minnesota Statutes 1985 Supplement, section 124.195, subdivision 11, is amended to read:

Subd. 11. [NONPUBLIC AIDS.] The state shall pay to each school district 85 percent, unless a higher rate has been established according to section 121.904, subdivision 4d, of its aid for pupils attending nonpublic schools *according to sections 123.931 to 123.947* and nonpublic transportation aid ~~requested by a district and an approved by the commissioner~~ according to ~~sections 123.931 to 123.947~~ *section 124.223* by October 31. The final aid distribution shall be made by October 31 of the following school year.

Sec. 4. Minnesota Statutes 1985 Supplement, section 124.2162, subdivision 2, is amended to read:

Subd. 2. [AID.] Beginning in fiscal year 1987, the state shall pay each district for each fiscal year, teacher retirement and F.I.C.A. aid in the amount of the teacher retirement and F.I.C.A. aid allowance under subdivision 1 times the number of pupils in average daily membership in the district for the current school year. However, in no case shall the amount of aid paid to a district for any fiscal year exceed the sum of the district's teacher retirement obligations and F.I.C.A. obligations for that year. *The revenue received from these payments shall be recognized in the appropriate funds of the district in proportion to the related expenditures from each fund.*

Sec. 5. Minnesota Statutes 1985 Supplement, section 124.2163, subdivi-

sion 2, is amended to read:

Subd. 2. [AID.] Each year beginning with fiscal year 1987, the state shall pay teacher retirement and F.I.C.A. aid to intermediate school districts, joint vocational technical school districts, and other employing units equal to the district's or employing unit's aid under subdivision 1. However, in no case shall the amount of aid paid to an intermediate school district, joint vocational technical school district, or the employing unit exceed the sum of the intermediate school district, *joint vocational technical school district,* or other employing unit's teacher retirement obligations and F.I.C.A. obligations for that year. *The revenue received from these payments shall be recognized in the appropriate funds of the intermediate school districts, joint vocational technical school districts, and other employing units in proportion to the related expenditures from each fund.*

Sec. 6. Minnesota Statutes 1985 Supplement, section 124.225, subdivision 10, is amended to read:

Subd. 10. [DEPRECIATION.] Any school district which owns school buses or mobile units shall transfer annually from the unappropriated fund balance account in its transportation fund to the appropriated fund balance account for bus purchases in its transportation fund at least an amount equal to 12-1/2 percent of the original cost of each type one or type two bus or mobile unit until the original cost of each type one or type two bus or mobile unit is fully amortized, plus 20 percent of the original cost of each type three bus included in the district's authorized cost under the provisions of subdivision 1, clause (b)(4), until the original cost of each type three bus is fully amortized, plus 33-1/3 percent of the cost to the district as of July 1 of each year for school bus reconditioning done by the department of corrections until the cost of the reconditioning is fully amortized; provided, if the district's transportation aid is reduced pursuant to subdivision 8a because the appropriation for that year is insufficient, this amount shall be reduced in proportion to the reduction pursuant to subdivision 8a as a percentage of the sum of

(1) the district's total transportation aid without the reduction pursuant to subdivision 8a, plus

(2) for fiscal years 1985 and 1986 an amount equal to 1.75 mills times the adjusted assessed valuation of the district for the preceding year, and for fiscal year 1987 and thereafter, 2.25 mills times the adjusted assessed valuation of the district for the preceding year, *plus*

(3) the district's contract services aid reduction under subdivision 8k, plus

(4) the district's nonregular transportation levy limitation under section 275.125, subdivision 5c.

Sec. 7. Minnesota Statutes 1985 Supplement, section 124.245, subdivision 1, is amended to read:

Subdivision 1. [BASIC COMPUTATION.] ~~(a)~~ Each year the state shall pay a school district the difference by which an amount equal to ~~$90 per~~ *$135 times the total* pupil ~~unit~~ *units* in that school year ~~or, in districts where the number of actual pupil units has increased from the prior year, $95 per pupil unit in that school year,~~ exceeds the amount raised by ~~seven~~ *nine* mills times

the adjusted assessed valuation ~~of the taxable property in the district for the preceding~~ *used to compute the levy attributable to the same* year. To qualify for aid pursuant to this subdivision in any school year, a district must ~~have levied seven EARC mills for use for capital expenditures in that year~~ *levy* pursuant to section 275.125, subdivision 11a *for use in that year*.

~~(b) The aid under clause (a) for any district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program shall be computed using a dollar amount per pupil unit which is $5 higher than the amount specified in clause (a).~~

~~(c) If the sum of a district's capital expenditure levy under section 275.125, subdivision 11a, attributable to any school year and its capital expenditure equalization aid, if any, under this subdivision for that school year exceeds $90 per pupil unit or, in districts where the number of actual pupil units has increased from the prior year, $95 per pupil unit, the amount of the excess may be expended only for the purpose of capital expenditures for equipment for secondary vocational education programs or senior secondary industrial arts programs.~~

Sec. 8. Minnesota Statutes 1985 Supplement, section 124.245, subdivision 3, is amended to read:

Subd. 3. [HAZARDOUS SUBSTANCE COMPUTATION.] The state shall pay a school district the difference by which an amount equal to $25 ~~per~~ *times the total* pupil ~~unit~~ *units* exceeds the amount raised by two mills times the adjusted assessed valuation ~~of the taxable property in the district for the preceding~~ *used to compute the levy attributable to the same* year. To qualify for aid pursuant to this subdivision in any school year, a district must levy pursuant to section 275.125, subdivision 11c for use in that year. Aid paid pursuant to this subdivision may be used only for the purposes for which the proceeds of the levy authorized in section 275.125, subdivision 11c may be used.

Sec. 9. Minnesota Statutes 1985 Supplement, section 124.271, subdivision 2b, is amended to read:

Subd. 2b. [AID; ~~1985,~~ 1986, 1987, *1988* AND AFTER.] (1) Each fiscal year a district which is operating a community education program in compliance with rules promulgated by the state board shall receive community education aid. ~~For fiscal year 1985, the aid shall be an amount equal to the difference obtained by subtracting~~

~~(a) an amount equal to .8 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year, from~~

~~(b) the greater of~~

~~$7,000, or~~

~~$5 times the population of the district.~~

For fiscal year 1986, the aid shall be an amount equal to the difference obtained by subtracting

(a) an amount equal to .8 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to

that school year, from

(b) the greater of

$7,000, or

$5.25 times the population of the district.

For fiscal year 1987 ~~and each year thereafter~~, the aid shall be an amount equal to the difference obtained by subtracting

(a) an amount equal to .8 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year, from

(b) the greater of

$7,140, or

$5.35 times the population of the district.

For fiscal year 1988 and each year thereafter, the aid shall be an amount equal to the difference obtained by subtracting

(a) an amount equal to .8 mill times the adjusted assessed valuation used to compute the community education levy limitation for the levy attributable to that school year, from

(b) the greater of

$7,540, or

$5.65 times the population of the district.

(2) However, for any district which certifies less than the maximum permissible levy under the provisions of section 275.125, subdivision 8, clause (1), the district's community education aid under clause (1) of this subdivision shall be reduced by multiplying the aid amount computed pursuant to clause (1) of this subdivision by the ratio of the district's actual levy under section 275.125, subdivision 8, clause (1), to its maximum permissible levy under section 275.125, subdivision 8, clause (1). For purposes of computing the aid reduction pursuant to this clause, the amount certified pursuant to section 275.125, subdivision 8, clause (1), shall not reflect reductions made pursuant to section 275.125, subdivision 9.

~~(3) In addition to the amount in clause (1), in fiscal year 1985 a district which makes a levy for community education programs pursuant to section 275.125, subdivision 8, shall receive additional aid of 50 cents per capita.~~

Sec. 10. Minnesota Statutes 1984, section 124.32, subdivision 1c, is amended to read:

Subd. 1c. [FOUNDATION AID FORMULA ALLOWANCE.] For purposes of this section, "foundation aid formula allowance" shall have the meaning attributed to it in section 124A.02, subdivision 9, and "summer school revenue allowance" shall have the meaning attributed to it in section 124.201. For the purposes of computing foundation aid formula allowances pursuant to this section, each handicapped child shall be counted as prescribed in section 124.17, subdivision 1~~, clause (1) or (2)~~.

Sec. 11. Minnesota Statutes 1985 Supplement, section 124A.01, is

amended to read:

124A.01 [FOUNDATION AID COMPONENTS.]

Foundation aid shall equal the sum of the following:

(a) basic aid;

(b) cost differential tier aid;

(c) second tier aid;

(d) third tier aid;

(e) fourth tier aid;

(f) fifth tier aid;

(g) minimum aid; *and*

(h) ~~declining pupil unit aid; and~~

~~(i)~~ shared time pupil aid.

Sec. 12. Minnesota Statutes 1985 Supplement, section 124A.02, subdivision 9, is amended to read:

Subd. 9. [FORMULA ALLOWANCE.] "Foundation aid formula allowance" or "formula allowance" means the amount of revenue per pupil unit used in the computation of foundation aid for a particular school year and in the computation of permissible levies for use in that school year. ~~The formula allowance shall be $1,475 for the 1983 payable 1984 levies and for foundation aid for the 1984-1985 school year.~~ The formula allowance shall be $1,585 for the 1984 payable 1985 levies and for foundation aid for the 1985-1986 school year. The formula allowance shall be $1,690 for the 1985 payable 1986 levies and for foundation aid for the 1986-1987 school year. *The formula allowance is $1,700 for the 1986 payable 1987 levies and for foundation aid for the 1987-1988 school year.*

Sec. 13. Minnesota Statutes 1984, section 124A.02, subdivision 15, is amended to read:

Subd. 15. [PUPIL UNITS, ACTUAL.] "Actual pupil units" means pupil units identified in section 124.17, subdivision 1~~, clauses (1) and (2)~~.

Sec. 14. Minnesota Statutes 1985 Supplement, section 124A.03, subdivision 1a, is amended to read:

Subd. 1a. [ESTABLISHMENT OF BASIC MAINTENANCE MILL RATE.] (a) The commissioner of revenue shall establish the basic maintenance mill rate and certify it to the commissioner of education by August 1 of each year for levies payable in the following year. The established basic maintenance mill rate shall be a rate, rounded up to the nearest tenth of a mill, which when applied to the adjusted assessed valuation of taxable property for each school district under subdivision 1 or 3, as applicable, raises the total amount specified in this section.

(b) The basic maintenance mill rate for the 1985 payable 1986 levies and for foundation aid for the 1986-1987 school year shall be established at a rate that raises a total of $702,000,000. *The basic maintenance mill rate for the 1986 payable 1987 levies and for foundation aid for the 1987-1988 school*

year shall be set at a rate that raises $685,000,000. The basic maintenance mill rate computed by the commissioner of revenue must not be recomputed due to changes or corrections made in a school district's adjusted assessed valuation after the mill rate has been certified to the department of education pursuant to paragraph (a).

Sec. 15. Minnesota Statutes 1985 Supplement, section 124A.03, subdivision 3, is amended to read:

Subd. 3. [BASIC MAINTENANCE LEVY; DISTRICTS OFF THE FORMULA.] In any year when the amount of the maximum levy limitation under subdivision 1 for any district, exceeds the product of the district's foundation aid formula allowance for the year in which the levy is recognized as revenue times the estimated number of total pupil units for that district for that school year, the levy limitation for that district under subdivision 1 shall be limited to the greater of the dollar amount of the levy the district certified in 1977 under Minnesota Statutes 1978, section 275.125, subdivision 2a, clause (1), or the following difference but not to exceed the levy limitation under subdivision 1:

(a) *the sum of (1)* the product of the district's foundation aid formula allowance for the school year in which the levy is recognized as revenue, times the estimated number of total pupil units for that district for that school year, *and (2) the amount of the aid reduction for the same school year pursuant to section 16,* less

(b) the estimated amount of any payments which would reduce the district's foundation aid entitlement as provided in section 124A.035, subdivision 4 in the school year in which the levy is recognized as revenue.

A levy made by a district pursuant to this subdivision shall be construed to be the levy made by that district pursuant to subdivision 1, for purposes of statutory cross-reference.

Sec. 16. [124A.038] [REVENUE EQUITY.]

If the amount of a district's maximum basic maintenance levy under section 124A.03, subdivision 1, for fiscal year 1988 or any year thereafter exceeds the district's basic foundation revenue for the corresponding fiscal year, an amount shall be deducted from special state aids of chapter 124 receivable for the same fiscal year, not including aid authorized in sections 124.2137 and 124.646. However, no amount shall be deducted if the assessed valuation of agricultural land identified in section 273.13, subdivisions 4, 6, and 6a, comprises 55 percent or more of the assessed valuation of the district.

The amount of the deduction shall be the lesser of:

(1) the total amount of special state aids of chapter 124 receivable for the same fiscal year, not including aid authorized in sections 124.2137 and 124.646; or

(2) the difference between: (i) the sum of the amount of the district's maximum basic maintenance levy under section 124A.03, subdivision 1, plus the amount of any reductions to that maximum levy pursuant to sections 124A.03, subdivision 3, and 275.125, subdivision 9; and (ii) the district's basic foundation revenue.

Sec. 17. Minnesota Statutes 1985 Supplement, section 129B.38, subdivision 1, is amended to read:

Subdivision 1. [AID AMOUNT.] A district that purchases or leases courseware packages that qualify as high quality according to section 129B.37 shall receive state aid *for the 1985-1986 school year*. The aid shall be equal to the lesser of:

(a) $1 times the number of pupils in average daily membership for the 1984-1985 school year; or

(b) 25 percent of the actual expenditures of the district for purchase or lease of the courseware packages between July 1, 1985, and May 31, ~~1987~~ *1986*.

Sec. 18. Minnesota Statutes 1985 Supplement, section 275.125, subdivision 8, is amended to read:

Subd. 8. [COMMUNITY EDUCATION LEVY.] (1) Each year, a district which has established a community education advisory council pursuant to section 121.88, may levy the amount raised by .8 mill times the most recent adjusted assessed valuation of the district, but no more than the greater of

~~$5.35~~ *$5.65* times the population of the district, or

~~$7,140~~ *$7,540*.

(2) In addition to the levy authorized in clause (1), ~~in 1983~~ *each year* a district may levy an additional amount for community education programs equal to the difference obtained by subtracting

(a) the sum in fiscal year 1984 of

(i) the district's estimated maximum permissible revenue for fiscal year 1985 from community education aid under section 124.271, subdivision 2b, clause (1), and

(ii) the community education levy authorized in clause (1) of this subdivision, from

(b) the sum in fiscal year 1983 of

(i) the district's maximum permissible revenue from community education aid under Minnesota Statutes 1984, section 124.271, subdivision 2, excluding any reductions from community education aid made pursuant to Laws 1981, Third Special Session chapter 2, article 2, section 2, clause (mm), and Laws 1982, Third Special Session chapter 1, article 3, section 6, and

(ii) the maximum community education levy authorized in this subdivision for the district for the levy made in 1981, payable in 1982, before any reduction in the levy pursuant to subdivision 9.

(3) ~~Each year, in addition to the levy authorized in clause (1), a district may levy an amount equal to the amount the district was entitled to levy pursuant to clause (2) in 1983~~ *A district having an approved adult basic and continuing education program, according to section 124.26, may levy an amount not to exceed the amount raised by .2 mill times the adjusted assessed valuation of the district for the preceding year.*

(4) ~~In addition to the levy amounts authorized in this subdivision,~~ A district having an approved program and budget may levy for a handicapped adult

program. The levy amount may not exceed the lesser of one-half of the amount of the approved budget for the program for the fiscal year beginning in the calendar year after the levy is certified or $25,000 for one program. In the case of a program offered by a group of districts, the levy amount shall be divided among the districts according to the agreement submitted to the department. The proceeds of the levy shall be used only for a handicapped adult program or, if the program is subsequently not offered, for community education programs. For programs not offered, the department of education shall reduce the community education levy by the amount levied the previous year for handicapped adult programs.

(5) The levies authorized in this subdivision shall be used for community education, including nonvocational adult programs, recreation and leisure time activity programs, and programs authorized by sections 121.85 to 121.88 and 129B.06 to 129B.09, and 121.882. A school district may levy pursuant to this subdivision only after it has filed a certificate of compliance with the commissioner of education. The certificate of compliance shall certify that the governing boards of the county, municipality and township in which the school district or any part thereof is located have been sent 15 working days written notice of a meeting and that a meeting has been held to discuss methods of increasing mutual cooperation between such bodies and the school board. The failure of a governing board of a county, municipality or township to attend the meeting shall not affect the authority of the school district to levy pursuant to this subdivision.

(6) The population of the district for purposes of this subdivision is the population determined as provided in section 275.14 or as certified by the department of education from the most recent federal census.

Sec. 19. Minnesota Statutes 1984, section 275.125, is amended by adding a subdivision to read:

Subd. 9c. [1985 OPERATING DEBT LEVY.] *(1) Each year, a district may make an additional levy to eliminate a deficit in the net unappropriated balance in the general fund of the district, determined as of June 30, 1985, and certified and adjusted by the commissioner. Each year this levy may be an amount not to exceed the amount raised by a levy of 1.5 mills times the adjusted assessed valuation of the district for the preceding year. However, the total amount of this levy for all years it is made shall not exceed the amount of the deficit in the net unappropriated balance in the general fund of the district as of June 30, 1985. When the cumulative levies made pursuant to this subdivision equal the total amount permitted by this subdivision, the levy shall be discontinued.*

(2) A district, if eligible, may levy under this subdivision or subdivision 9b but not both.

(3) The proceeds of this levy shall be used only for cash flow requirements and shall not be used to supplement district revenues or income for the purposes of increasing the district's expenditures or budgets.

(4) Any district that levies pursuant to this subdivision shall certify the maximum levy allowable under section 124A.03, subdivision 1 or 3 in that same year.

Sec. 20. Minnesota Statutes 1985 Supplement, section 275.125, subdivi-

sion 11a, is amended to read:

Subd. 11a. [CAPITAL EXPENDITURE LEVY.] (a) Each year a school district may levy an amount not to exceed the amount equal to ~~$90 per~~ *$135 times the* total pupil ~~unit, or $95 per total pupil unit in districts where the number of actual pupil units has increased from the prior year~~ *units in the year to which the levy is attributable*. No levy under this clause shall exceed ~~seven~~ *nine* mills times the adjusted assessed valuation of the taxable property in the district for the preceding year.

(b) The proceeds of the levy *shall be placed in the district's capital expenditure fund and* may be used *only:*

(1) to acquire land, to equip and reequip buildings and permanent attached fixtures, to rent or lease buildings for school purposes~~,~~*;*

(2) to purchase textbooks, to purchase and lease computer systems hardware, software, and related materials to support software~~, and~~*;*

(3) to purchase or lease photocopy machines and telecommunications equipment~~. The proceeds may also be used~~*;*

(4) for capital improvement and repair of school sites, buildings and permanent attached fixtures~~, energy assessments, and~~*;*

(5) for energy audits on district-owned buildings and for funding those energy conservations and renewable energy measures that the energy audits indicate will reduce the use of nonrenewable sources of energy to the extent that the projected energy cost savings will amortize the cost of the conservation within a period of ten years or less;

(6) for the payment of any special assessments levied against the property of the district authorized ~~pursuant to~~ *under* section 435.19 or any other law or charter provision authorizing assessments against publicly owned property; provided that a district may not levy amounts to pay assessments for service charges, such as those described in section 429.101, whether levied ~~pursuant to~~ *under* that section or ~~pursuant to~~ any other law or home rule provision~~. The proceeds may also be used~~*;*

(7) for capital expenditures to reduce or eliminate barriers to or increase access to school facilities by handicapped individuals~~. The proceeds may also be used~~*;*

(8) to make capital improvements to schoolhouses ~~to be~~ leased ~~pursuant~~ *according* to section 123.36, subdivision 10~~. The proceeds may also be used~~*;*

(9) to pay fees for capital expenditures assessed and certified to each participating school district by the educational cooperative service unit board of directors~~. The proceeds may also be used~~*;*

(10) to pay principal and interest on loans from the state authorized by sections 116J.37 and 298.292 to 298.298*;*

(11) for capital expenditures to bring district facilities into compliance with the uniform fire code adopted according to chapter 299F;

(12) for expenditures for the removal of asbestos from school buildings or property, asbestos encapsulation, or asbestos-related repairs;

(13) for expenditures for the cleanup and disposal of polychlorinated

biphenyls found in school buildings or property;

(14) for the cleanup, removal, disposal, and repairs related to storing transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined in section 296.01; and

(15) for levies payable in 1987 and thereafter, for capital expenditures needed to implement an interdistrict agreement to discontinue grades according to section 122.541.

(c) Subject to the commissioner's approval, the proceeds may also be used to acquire or construct buildings. The state board shall promulgate rules establishing the criteria to be used by the commissioner in approving and disapproving district applications requesting the use of capital expenditure tax proceeds for the acquisition or construction of buildings. The approval criteria for purposes of building acquisition and construction shall include: the appropriateness of the proposal for the district's long-term needs; the availability of adequate existing facilities; and the economic feasibility of bonding because of the proposed building's size or cost.

(d) ~~The board shall establish a fund in which the proceeds of this tax shall be accumulated until expended.~~ *Notwithstanding anything in paragraphs (b) and (c) to the contrary, a district that levies the maximum amount under this subdivision shall expend at least $5 times the total pupil units of the sum of the proceeds of the amount levied under this subdivision and the aid paid under section 124.245, subdivision 1, for capital expenditures for equipment for secondary vocational education programs or senior secondary industrial arts programs.*

(e) The proceeds of the levy shall not be used for custodial or other maintenance services.

~~(f) Each year, subject to the mill limitation of clause (a), a school district which operates an approved secondary vocational education program or an approved senior secondary industrial arts program may levy an additional amount equal to $5 per total pupil unit for capital expenditures for equipment for these programs.~~

Sec. 21. Minnesota Statutes 1985 Supplement, section 275.125, subdivision 11c, is amended to read:

Subd. 11c. [HAZARDOUS SUBSTANCE CAPITAL EXPENDITURE LEVY.] In addition to the levy authorized in subdivisions 11a and 11b, each year a school district may levy an amount not to exceed the amount equal to $25 ~~per~~ *times the* total pupil ~~unit~~ *units in the year to which the levy is attributable*. No levy under this subdivision shall exceed two mills times the adjusted assessed valuation of the property in the district for the preceding year. The proceeds of the tax shall be placed in the district's capital expenditure fund and may be used only for expenditures necessary for the removal or encapsulation of asbestos from school buildings or property, asbestos related repairs, cleanup and disposal of polychlorinated biphenyls found in school buildings or property, or the cleanup, removal, disposal, and repairs related to storing transportation fuels such as alcohol, gasoline, fuel oil, and special fuel, as defined in section 296.01.

Sec. 22. Minnesota Statutes 1985 Supplement, section 298.28, subdivi-

sion 1, is amended to read:

Subdivision 1. [DISTRIBUTION.] The proceeds of the taxes collected under section 298.24, except the tax collected under section 298.24, subdivision 2, shall, upon certification of the commissioner of revenue, be allocated as follows:

(1) 2.5 cents per gross ton of merchantable iron ore concentrate, hereinafter referred to as "taxable ton," to the city or town in the county in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. If the mining, quarrying, and concentration, or different steps in either thereof are carried on in more than one taxing district, the commissioner shall apportion equitably the proceeds of the part of the tax going to cities and towns among such subdivisions upon the basis of attributing 40 percent of the proceeds of the tax to the operation of mining or quarrying the taconite, and the remainder to the concentrating plant and to the processes of concentration, and with respect to each thereof giving due consideration to the relative extent of such operations performed in each such taxing district. His order making such apportionment shall be subject to review by the tax court at the instance of any of the interested taxing districts, in the same manner as other orders of the commissioner.

(2) (a) 12.5 cents per taxable ton, less any amount distributed under clause (7), paragraph (a), and paragraph (b) of this clause, to be distributed as provided in section 298.282.

(b) An amount annually certified by the county auditor of a county containing a taconite tax relief area within which there is an organized township if, as of January 2, 1982, more than 75 percent of the assessed valuation of the township consists of iron ore. The amount will be the portion of a township's certified levy equal to the proportion of (1) the difference between 50 percent of the township's January 2, 1982, assessed value and its current assessed value to (2) the sum of its current assessed value plus the difference determined in (1). The county auditor shall extend the township's levy against the sum of the township's current assessed value plus the difference between 50 percent of its January 2, 1982, assessed value and its current assessed value. If the current assessed value of the township exceeds 50 percent of the township's January 2, 1982, assessed value, this clause shall not apply.

(3) 29 cents per taxable ton plus the increase provided in paragraph (c) to qualifying school districts to be distributed, based upon the certification of the commissioner of revenue, as follows:

(a) Six cents per taxable ton to the school districts in which the lands from which taconite was mined or quarried were located or within which the concentrate was produced. The distribution must be based on the apportionment formula prescribed in clause (1).

(b) 23 cents per taxable ton, less any amount distributed under part (d), shall be distributed to a group of school districts comprised of those school districts wherein the taconite was mined or quarried or the concentrate produced or in which there is a qualifying municipality as defined by section 273.134 in direct proportion to school district tax levies as follows: each district shall receive that portion of the total distribution which its certified

levy for the prior year, computed pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125, comprises of the sum of certified levies for the prior year for all qualifying districts, computed pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125. For purposes of distributions pursuant to this part, certified levies for the prior year computed pursuant to sections 124A.03, 124A.06, subdivision 3a, 124A.08, subdivision 3a, 124A.10, subdivision 3a, 124A.12, subdivision 3a, 124A.14, subdivision 5a, and 275.125 shall not include the amount of any increased levy authorized by referendum pursuant to section 124A.03, subdivision 2.

(c) On July 15, in years prior to 1988, an amount equal to the increase derived by increasing the amount determined by clause (3)(b) in the same proportion as the increase in the steel mill products index over the base year of 1977 as provided in section 298.24, subdivision 1, clause (a), shall be distributed to any school district described in clause (3)(b) where a levy increase pursuant to section 124A.03, subdivision 2, is authorized by referendum, according to the following formula. On July 15, 1988 and subsequent years, the increase over the amount established for the prior year shall be determined according to the increase in the implicit price deflator as provided in section 298.24, subdivision 1, paragraph (a). Each district shall receive the product of:

(i) $150 times the pupil units identified in section 124.17, subdivision 1, ~~clauses (1) and (2),~~ enrolled in the second previous year or the 1983-1984 school year, whichever is greater, less the product of 1-3/4 mills times the district's taxable valuation in the second previous year; times

(ii) the lesser of:

(A) one, or

(B) the ratio of the amount certified pursuant to section 124A.03, subdivision 2, in the previous year, to the product of 1-3/4 mills times the district's taxable valuation in the second previous year.

If the total amount provided by clause (3)(c) is insufficient to make the payments herein required then the entitlement of $150 per pupil unit shall be reduced uniformly so as not to exceed the funds available. Any amounts received by a qualifying school district in any fiscal year pursuant to clause (3)(c) shall not be applied to reduce foundation aids which the district is entitled to receive pursuant to section 124A.02 or the permissible levies of the district. Any amount remaining after the payments provided in this paragraph shall be paid to the commissioner of iron range resources and rehabilitation who shall deposit the same in the taconite environmental protection fund and the northeast Minnesota economic protection trust fund as provided in clause (9).

(d) There shall be distributed to any school district the amount which the school district was entitled to receive under section 298.32 in 1975.

(4) 19.5 cents per taxable ton to counties to be distributed, based upon certification by the commissioner of revenue, as follows:

(a) 15.5 cents per taxable ton shall be distributed to the county in which the

taconite is mined or quarried or in which the concentrate is produced, less any amount which is to be distributed pursuant to part (b). The apportionment formula prescribed in clause (1) is the basis for the distribution.

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, one cent per taxable ton of the tax distributed to the counties pursuant to part (a) and imposed on and collected from such taxpayer shall be paid to the county in which the power plant is located.

(c) Four cents per taxable ton shall be paid to the county from which the taconite was mined, quarried or concentrated to be deposited in the county road and bridge fund. If the mining, quarrying and concentrating, or separate steps in any of those processes are carried on in more than one county, the commissioner shall follow the apportionment formula prescribed in clause (1).

(5) (a) 17.75 cents per taxable ton, less any amount required to be distributed under part (b), to St. Louis county acting as the counties' fiscal agent, to be distributed as provided in sections 273.134 to 273.136.

(b) If an electric power plant owned by and providing the primary source of power for a taxpayer mining and concentrating taconite is located in a county other than the county in which the mining and the concentrating processes are conducted, .75 cent per taxable ton of the tax imposed and collected from such taxpayer shall be paid to the county and school district in which the power plant is located as follows: 25 percent to the county and 75 percent to the school district.

(6) Three cents per taxable ton shall be paid to the iron range resources and rehabilitation board for the purposes of section 298.22. The amount determined in this clause shall be increased in 1981 and subsequent years prior to 1988 in the same proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1 and shall be increased in 1988 and subsequent years according to the increase in the implicit price deflator as provided in section 298.24, subdivision 1. The amount distributed pursuant to this clause shall be expended within or for the benefit of a tax relief area defined in section 273.134. No part of the fund provided in this clause may be used to provide loans for the operation of private business unless the loan is approved by the governor and the legislative advisory commission.

(7) (a) .20 cent per taxable ton shall be paid to the range association of municipalities and schools, for the purpose of providing an areawide approach to problems which demand coordinated and cooperative actions and which are common to those areas of northeast Minnesota affected by operations involved in mining iron ore and taconite and producing concentrate therefrom, and for the purpose of promoting the general welfare and economic development of the cities, towns and school districts within the iron range area of northeast Minnesota.

(b) 1.5 cents per taxable ton shall be paid to the northeast Minnesota economic protection trust fund.

(8) the amounts determined under clauses (4)(a), (4)(c), (5), and (7)(b) shall be increased in 1979 and subsequent years prior to 1988 in the same

proportion as the increase in the steel mill products index as provided in section 298.24, subdivision 1. Those amounts shall be increased in 1988 and subsequent years in the same proportion as the increase in the implicit price deflator as provided in section 298.24, subdivision 1.

(9) the proceeds of the tax imposed by section 298.24 which remain after the distributions and payments in clauses (1) to (8), as certified by the commissioner of revenue, and parts (a) and (b) of this clause have been made, together with interest earned on all money distributed under this subdivision prior to distribution, shall be divided between the taconite environmental protection fund created in section 298.223 and the northeast Minnesota economic protection trust fund created in section 298.292 as follows: Two-thirds to the taconite environmental protection fund and one-third to the northeast Minnesota economic protection trust fund. The proceeds shall be placed in the respective special accounts.

(a) There shall be distributed to each city, town, school district, and county the amount that they received under section 294.26 in calendar year 1977; provided, however, that the amount distributed in 1981 to the unorganized territory number 2 of Lake county and the town of Beaver Bay based on the between-terminal trackage of Erie Mining Company will be distributed in 1982 and subsequent years to the unorganized territory number 2 of Lake county and the towns of Beaver Bay and Stony River based on the miles of track of Erie Mining Company in each taxing district.

(b) There shall be distributed to the iron range resources and rehabilitation board the amounts it received in 1977 under section 298.22.

On or before October 10 of each calendar year each producer of taconite or iron sulphides subject to taxation under section 298.24 (hereinafter called "taxpayer") shall file with the commissioner of revenue an estimate of the amount of tax which would be payable by such taxpayer under said law for such calendar year; provided such estimate shall be in an amount not less than the amount due on the mining and production of concentrates up to September 30 of said year plus the amount becoming due because of probable production between September 30 and December 31 of said year, less any credit allowable as hereinafter provided. The commissioner of revenue shall annually on or before October 10 report an estimated distribution amount to each taxing district and the officers with whom such report is so filed shall use the amount so indicated as being distributable to each taxing district in computing the permissible tax levy of such county or city in the year in which such estimate is made, and payable in the next ensuing calendar year, except that one cent per taxable ton of the amount distributed under clause (4)(c) shall not be deducted in calculating the permissible levy. In any calendar year in which a general property tax levy subject to sections 275.50 to 275.59 has been made, if the taxes distributable to any such county or city are greater than the amount estimated by the commissioner to be paid to any such county or city in such year, the excess of such distribution shall be held in a special fund by the county or city and shall not be expended until the succeeding calendar year, and shall be included in computing the permissible levies under sections 275.50 to 275.59, of such county or city payable in such year. If the amounts distributable to any such county or city after final determination by the commissioner of revenue under this section are less than the amounts by which a taxing district's levies were reduced pursuant to this

section, such county or city may issue certificates of indebtedness in the amount of the shortage, and may include in its next tax levy, in excess of the limitations of sections 275.50 to 275.59 an amount sufficient to pay such certificates of indebtedness and interest thereon, or, if no certificates were issued, an amount equal to such shortage.

Sec. 23. Minnesota Statutes 1985 Supplement, section 354.43, subdivision 3, is amended to read:

Subd. 3. Each school district, state university, community college and any other employing authority of members of the fund shall pay employer contributions at least once each month in accordance with the provisions of sections 354.42, subdivisions 3 and 5, and 355.46, subdivision 3. Payments for school district or area vocational technical institute employees who are paid from normal operating funds, shall be made from the ~~district's or area vocational technical institute's general~~ *appropriate* fund *of the district or area vocational technical institute*. With respect to state employees, each department and agency shall pay the amounts required by section 354.42, subdivisions 3 and 5 from the accounts and funds from which each department or agency receives its revenue, including appropriations from the general fund and from any other fund, now or hereafter existing, for the payment of salaries and in the same proportion as it pays therefrom the amounts of the salaries. The payments shall be charged as an administrative cost by these units of state government.

Sec. 24. Minnesota Statutes 1985 Supplement, section 354A.12, subdivision 2, is amended to read:

Subd. 2. [EMPLOYER CONTRIBUTIONS.] Notwithstanding any law to the contrary, levies for teachers retirement fund associations in cities of the first class, including levies for any employer social security taxes for teachers covered by the Duluth teachers retirement fund association or the Minneapolis teachers retirement fund association or the St. Paul teachers retirement fund association, are disallowed.

The employing units shall make the following employer contributions to teachers retirement fund associations:

(a) For any coordinated member of a teachers retirement fund association in a city of the first class, the employing unit shall pay the employer social security taxes in accordance with section 355.46, subdivision 3, clause (b);

(b) For any coordinated member of one of the following teachers retirement fund associations in a city of the first class, the employing unit shall make a contribution to the respective retirement fund association in an amount equal to the designated percentage of the salary of the coordinated member as provided below:

Duluth teachers retirement fund association	5.79 percent
Minneapolis teachers retirement fund association	4.50 percent
St. Paul teachers retirement fund association	4.50 percent

(c) For any basic member of one of the following teachers retirement fund

associations in a city of the first class, the employing unit shall make a contribution to the respective retirement fund in an amount equal to the designated percentage of the salary of the basic member as provided below:

Minneapolis teachers retirement fund association	13.35 percent
St. Paul teachers retirement fund association	12.63 percent

The employer contributions shall be remitted directly to each teachers retirement fund association each month.

Payments for school district or area vocational technical institute employees who are paid from normal operating funds, shall be made from the ~~district's or area vocational technical institute's general~~ *appropriate* fund *of the district or area vocational technical institute.*

Sec. 25. Minnesota Statutes 1985 Supplement, section 355.208, is amended to read:

355.208 [EMPLOYER CONTRIBUTIONS.]

Contributions required under the agreement or modification entered into pursuant to section 355.207 to be made by political subdivisions employing teachers, and payments required by section 355.49, which shall apply to political subdivisions employing teachers, shall be paid by the political subdivisions. Payments for school district or area vocational technical institute employees who are paid from normal operating funds, shall be made from the ~~district's or area vocational technical institute's general~~ *appropriate* fund *of the district or area vocational technical institute.*

Sec. 26. Minnesota Statutes 1985 Supplement, section 355.287, is amended to read:

355.287 [EMPLOYER CONTRIBUTIONS.]

Contributions required under the agreement or modification entered into pursuant to section 355.286 to be made by political subdivisions employing teachers, and payments required by section 355.49, which shall apply to political subdivisions employing teachers, shall be paid by the political subdivision. Payments for school district or area vocational technical institute employees who are paid from normal operating funds, shall be made from the ~~district's or area vocational technical institute's general~~ *appropriate* fund *of the district or area vocational technical institute.*

Sec. 27. Minnesota Statutes 1985 Supplement, section 355.46, subdivision 3, is amended to read:

Subd. 3. [SOCIAL SECURITY CONTRIBUTIONS.] The employer taxes due with respect to employment by educational employees who have made their selection pursuant to section 218(d) (6) (C) of the Social Security Act, shall be paid in the following manner:

(a) Contributions required to be made for current service by political subdivisions employing educational employees and payments required by section 355.49 shall be paid by the political subdivision. Payments for school district or area vocational technical institute employees who are paid from normal operating funds, shall be made from the ~~district's or area vocational~~

~~technical institute's general~~ *appropriate* fund *of the district or area vocational technical institute*. The state shall make payments for services rendered prior to July 1, 1986.

(b) Contributions required to be made with respect to educational employees of state departments and institutions and payments required by section 355.49 shall be paid by the departments and institutions in accordance with the provisions of sections 355.49 and 355.50.

Sec. 28. Laws 1985, First Special Session chapter 12, article 3, section 28, subdivision 9, is amended to read:

Subd. 9. [SECONDARY VOCATIONAL HANDICAPPED.] For aid for secondary vocational education for handicapped pupils according to section 124.574, there is appropriated:

$3,534,000 _____ 1986,

$3,606,300 _____ 1987.

The appropriation for 1986 includes $551,700 for aid for fiscal year 1985 payable in fiscal year 1986, and $2,982,300 for aid for fiscal year 1986 payable in fiscal year 1986. ~~This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to $230,000 in fiscal year 1986 of federal money received for vocational education programs pursuant to the vocational education act of 1963, as amended.~~

The appropriation for 1987 includes $526,300 for aid for fiscal year 1986 payable in fiscal year 1987, and $3,080,000 for aid for 1987 payable in fiscal year 1987. ~~This appropriation is based on the assumption that the state will spend for this purpose an amount at least equal to $230,000 in fiscal year 1987 of federal money received for vocational education programs pursuant to the vocational education act of 1963, as amended.~~

The appropriations are based on aid entitlements of $3,508,600 for fiscal year 1986 and $3,623,500 for fiscal year 1987.

Sec. 29. Laws 1985, First Special Session chapter 12, article 8, section 62, subdivision 9, is amended to read:

Subd. 9. [TECHNOLOGY SERVICES.] For the purposes of Minnesota Statutes, sections 129B.35, 129B.37, 129B.39, and 129B.40, there is appropriated:

$649,000 _____ 1986,

~~$649,000~~ *$1,000,000* _____ 1987.

$351,000 shall be used to increase the fiscal year 1987 allocation for purchase of courseware package duplication rights according to Minnesota Statutes, section 129B.39.

Sec. 30. Laws 1985, First Special Session chapter 12, article 8, section 62, subdivision 12, is amended to read:

Subd. 12. [COURSEWARE PURCHASE SUBSIDY.] For subsidies for purchases of courseware packages according to Minnesota Statutes, section 129B.38 there is appropriated:

$351,000 _____ 1986~~,~~

~~$351,000 ——— 1987~~.

Sec. 31. Laws 1985, First Special Session chapter 12, article 8, section 62, subdivision 13, is amended to read:

Subd. 13. [MASTERY LEARNING PROGRAM.] For the purposes of section 42, subdivisions 3 and 10 and section 59, there is appropriated:

$160,000 ——— 1986~~,~~

~~$1,290,000 ——— 1987~~.

$125,000 of the appropriation for fiscal year 1986 shall be used for a computerized mastery management system and support materials. The remaining $35,000 in fiscal year 1986 shall be used for planning aid to districts under section 42, subdivision 3.

~~$1,250,000 of the appropriation in fiscal year 1987 shall be used for mastery learning project grants. The remaining $40,000 for fiscal year 1987 may be used by the department to administer and evaluate the program.~~

Sec. 32. [APPROPRIATION FOR SPECIAL EDUCATION AID DEFICIENCY.]

There is appropriated from the general fund to the department of education the sum of $1,290,000 for fiscal year 1986 for the payment of a deficiency in funds available for payment of special education aid in that fiscal year. This sum shall be added to the sum appropriated for fiscal year 1986 for the same purpose in Laws 1985, First Special Session chapter 12, article 3, section 28, subdivision 2.

Sec. 33. [REPEALER.]

Subdivision 1. [IMMEDIATE.] *Minnesota Statutes 1985 Supplement, sections 129B.61, 129B.62, 129B.63, 129B.64, 129B.65, and 129B.66 are repealed.*

Subd. 2. [JULY 1, 1986.] *Minnesota Statutes 1984, section 275.125, subdivision 16, and Minnesota Statutes 1985 Supplement, sections 124.245, subdivision 5, 129B.38, and 275.125, subdivision 11b, are repealed.*

Subd. 3. [JUNE 30, 1987.] *Minnesota Statutes 1985 Supplement, section 124.245, subdivision 2, and 124A.20 are repealed.*

Sec. 34. [EFFECTIVE DATES.]

Sections 7, 11, and 33, subdivision 3, are effective June 30, 1987. Sections 3, 5, 6, 8, 10, 13, 17, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33, subdivision 1, are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; revising and increasing capital expenditure aid and levy; modifying community education formula and levy; establishing the foundation formula allowance and basic maintenance levy; establishing revenue equity; eliminating mastery learning programs and appropriations; appropriating money for the special education deficiency; making technical and clarifying changes; amending Minnesota Statutes 1984, sections 123.71, subdivision 1; 124.32, subdivision 1c; 124A.02, subdivision 15; Minnesota Statutes 1985 Supplement, sections 124.17, sub-

division 1a; 124.195, subdivision 11; 124.2162, subdivision 2; 124.2163, subdivision 2; 124.225, subdivision 10; 124.245, subdivisions 1 and 3; 124.271, subdivision 2b; 124A.01; 124A.02, subdivision 9; 124A.03, subdivisions 1a and 3; 129B.38, subdivision 1; 275.125, subdivisions 8, 11a, 11c, and by adding a subdivision; 298.28, subdivision 1; 354.43, subdivision 3; 354A.12, subdivision 2; 355.208; 355.287; 355.46, subdivision 3; Laws 1985 First Special Session chapter 12, article 3, section 28, subdivision 9; chapter 12, article 8, section 62, subdivisions 9, 12, and 13; proposing coding for new law in Minnesota Statutes, chapter 124A; repealing Minnesota Statutes 1984, section 275.125, subdivision 16; Minnesota Statutes 1985 Supplement, sections 124.245, subdivisions 2 and 5; 124A.20; 129B.38; 129B.61; 129B.62; 129B.63; 129B.64; 129B.65; 129B.66; and 275.125, subdivision 11b."

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

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

S.F. No. 1790: A bill for an act relating to economic development; rural development; providing for time of lease payments for lease of department of natural resources lands; establishing a mineral resources program; establishing a community development division in the department of energy and economic development; transferring the independent wastewater treatment grant program from the pollution control agency to the department of energy and economic development; establishing the greater Minnesota corporation; establishing the rural development revolving fund program; establishing the state supplemental education grant program; adding criteria for allocation of private activity bonds and available issuance authority; appropriating money; amending Minnesota Statutes 1984, sections 89.17; 116.16, subdivision 5; 116J.61; 116J.873, subdivision 1; 462.384, subdivision 7; and 474.19, subdivision 4; Minnesota Statutes 1985 Supplement, sections 92.50; 116.16, subdivision 2; 116M.06, subdivision 3; and 474.19, subdivisions 3; proposing coding for new law in Minnesota Statutes, chapters 84, 116J, 116L, and 136A; proposing coding for new law as Minnesota Statutes, chapter 116N; repealing Minnesota Statutes 1985 Supplement, sections 116.18, subdivision 3a; 116J.951; 116J.955; and 116J.961, subdivisions 7, 8, 9, and 10.

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

Page 14, line 26, delete "*must*" and insert "*is eligible to*"

Page 14, line 27, delete "*up to*" and insert "*at least $500,000 but no more than*"

Page 27, line 25, in the blank, insert "*740,000*"

Page 27, line 26, delete "*general*" and insert "*rural rehabilitation revolving*"

Page 27, line 29, in the blank, insert "*2,000,000*"

Page 27, line 30, delete "*general*" and insert "*rural rehabilitation revolving*"

Page 27, line 32, delete "*contracts*" and insert "*grant agreements*"

Page 28, line 20, delete "*$6,500,000*" and insert "*$5,500,000*"

Page 28, line 23, delete "*$6,000,000*" and insert "*$5,000,000*"

Page 28, line 25, after the period, insert "*The balance in the rural rehabilitation revolving fund not appropriated for any other purpose is added to the appropriation for rural development pilot projects.*"

Page 28, delete lines 33 to 36 and insert:

"*$60,000 is appropriated from the rural rehabilitation revolving fund to the commissioner of energy and economic development for a grant to the Duluth port authority to prepare a long-term capital improvement plan.*"

Page 29, delete line 1

Page 29, line 3, delete "*$200,000*" and insert "*$150,000*"

Page 29, line 8, delete "*$200,000*" and insert "*$150,000*"

Page 29, line 8, delete "*general*" and insert "*rural rehabilitation revolving*"

Page 29, line 12, in the blank, insert "*200,000*"

Page 29, line 12, delete "*general*" and insert "*rural rehabilitation revolving*"

Page 29, after line 15, insert:

"Sec. 40. [FUND CONTINUED.]

Notwithstanding the repeal of Minnesota Statutes 1985 Supplement, section 116J.955, the rural rehabilitation revolving fund is continued in the state treasury until the balance in it has been expended."

Renumber the sections in sequence

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

Mr. Dieterich from the Committee on Public Utilities and State Regulated Industries, to which was referred

S.F. No. 2026: A bill for an act relating to charitable gambling; providing an exemption from regulation to organizations conducting certain raffles; amending Minnesota Statutes 1984, section 349.214, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1984, section 297A.25, is amended by adding a subdivision to read:

Subd. 6. The gross receipts from the conduct of lawful gambling that is exempt under section 349.214 shall be exempt from taxation under this chapter.

Sec. 2. Minnesota Statutes 1984, section 349.12, subdivision 13, is amended to read:

Subd. 13. "Profit" means the gross receipts collected from lawful gambling, less reasonable sums necessarily and actually expended for gambling supplies and equipment, prizes, rent, and utilities used during the gambling occasions, compensation paid to members for conducting gambling, taxes imposed by this chapter, ~~and~~ maintenance of devices used in lawful gambling, *advertising costs up to one percent of an organization's gambling receipts in a calendar year, accounting services, security services, license fees, bonds, and property and casualty insurance to protect gambling equipment or proceeds. An organization exempt under section 349.214, subdivision 2, may deduct from gross receipts the costs of any food or beverages provided at the event.*

Sec. 3. Minnesota Statutes 1984, section 349.12, subdivision 17, is amended to read:

Subd. 17. "Distributor" is a person who sells gambling equipment he manufactures or purchases for resale *within the state*.

Sec. 4. Minnesota Statutes 1984, section 349.151, subdivision 4, is amended to read:

Subd. 4. [POWERS AND DUTIES.] The board has the following powers and duties:

(1) to issue, revoke, and suspend licenses to organizations and suppliers under sections 349.16 and 349.161;

(2) to collect and deposit license fees and taxes due under this chapter;

(3) to receive reports required by this chapter and inspect the records, books, and other documents of organizations and suppliers to insure compliance with all applicable laws and rules;

(4) to make rules, including emergency rules, required by this chapter;

(5) to register gambling equipment and issue registration stamps under section 349.162;

(6) to provide by rule for the mandatory posting by organizations conducting lawful gambling of rules of play and the odds and/or house percentage on each form of lawful gambling; ~~and~~

(7) to report annually to the governor and legislature on its activities and on recommended changes in the laws governing charitable gambling*; and*

(8) impose civil penalties of not more than $500 per violation on organizations and suppliers for failure to comply with any provision of sections 349.12 to 349.23 or any rule of the board.

Sec. 5. Minnesota Statutes 1984, section 349.16, subdivision 3, is amended to read:

Subd. 3. [FEES.] The board shall by rule establish a schedule of fees for licenses under this section. The schedule must establish ~~three~~ *four* classes of license, authorizing all forms of lawful gambling, all forms except bingo, *raffles only*, and bingo only.

Sec. 6. Minnesota Statutes 1984, section 349.16, is amended by adding a subdivision to read:

Subd. 4. [LOCAL INVESTIGATION FEE.] *The local unit of government notified under section 349.213, subdivision 2, may assess an investigation fee not to exceed $200 to an organization applying for a license or renewing a license to conduct lawful gambling.*

Sec. 7. Minnesota Statutes 1984, section 349.161, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS; LICENSES REQUIRED.] No person may:

(1) sell, offer for sale, or furnish gambling equipment for use within the state for gambling purposes, other than for ~~bingo~~ *lawful gambling* exempt from licensing under section ~~340.19~~ *349.214*, except to an organization licensed for lawful gambling; or

(2) sell, offer for sale, or furnish gambling equipment to an organization licensed for lawful gambling without having obtained a distributor license under this section.

No licensed organization may purchase gambling equipment from any person not licensed as a distributor under this section.

Sec. 8. Minnesota Statutes 1984, section 349.162, is amended to read:

349.162 [EQUIPMENT REGISTERED.]

Subdivision 1. [STAMP REQUIRED.] A distributor may not sell to an organization and an organization may not purchase from a distributor gambling equipment unless the equipment has been registered with the board and has a registration stamp affixed. The board ~~may~~ *shall* charge a fee of ~~up to 25~~ *five* cents for each stamp. Each stamp must bear a registration number assigned by the board. *A distributor is entitled to a refund of the cost of each stamp which is unused, defective, or cancelled by the distributor.*

Subd. 2. [RECORDS REQUIRED.] A distributor must maintain a record of all gambling equipment which it sells to organizations. The record must include:

(1) the identity of the person or firm from whom the equipment was purchased;

(2) the registration number of the equipment;

(3) the name and address of the organization to which the sale was made; and

(4) the date of the sale.

The ~~record~~ *invoice* for each sale must be retained for at least ~~three years~~ *one year* after the sale is completed *and a copy of the invoice is delivered to the board*. For purposes of this section, a sale is completed when the gambling equipment is physically delivered to the purchaser.

Each distributor must report monthly to the board, ~~on~~ *in* a form the board prescribes, its sales of each type of gambling equipment. Employees of the board may inspect the books, records, and other documents of a distributor at any reasonable time without notice and without a search warrant.

Subd. 3. [SALES FROM FACILITIES.] All gambling equipment pur-

chased by a licensed distributor for resale in Minnesota must prior to its resale be unloaded into a facility located in Minnesota which the distributor owns or leases. *Registration stamps shall be placed only upon items that conform to the laws of this state, at the distributor's facility in Minnesota.*

Subd. 4. [EXEMPTION.] *For purposes of this section, bingo cards intended to be used for more than one game need not be registered.*

Sec. 9. Minnesota Statutes 1984, section 349.18, subdivision 2, is amended to read:

Subd. 2. [EXCEPTIONS.] (a) A licensed organization may conduct raffles on a premise it does not own or lease.

(b) A licensed organization may with the permission of the board, conduct bingo on premises it does not own or lease for up to six days in a calendar year, in connection with a county fair or civil celebration.

(c) A licensed organization may, after compliance with section 349.213, conduct lawful gambling on a premises other than the organization's licensed premise for one day per year for not more than 12 hours that day. A lease for that time period for the exempted premises must accompany the request to the board.

Sec. 10. Minnesota Statutes 1984, section 349.19, subdivision 5, is amended to read:

Subd. 5. [REPORTS.] A licensed organization must report to the board and to its membership monthly on its gross receipts, expenses, profits, and expenditure of profits from lawful gambling. If the organization conducts both bingo and other forms of lawful gambling, the figures for both must be reported separately. In addition, a licensed organization must report to the board monthly on its purchases of gambling equipment and must include the type, quantity, and dollar amount from each supplier separately. *If an organization's tax liability under section 349.212 is less than $500 in a quarter, then any reports required to be filed with the board or to its membership may be filed quarterly.* The reports must be on a form the board prescribes.

Sec. 11. Minnesota Statutes 1985 Supplement, section 349.212, subdivision 1, is amended to read:

Subdivision 1. [RATE.] There is hereby imposed a tax on all lawful gambling conducted by organizations licensed by the board at the rate specified in this subdivision. The tax imposed by this section is in lieu of the tax imposed by section 297A.02 and of all local taxes, *except a tax imposed by Laws 1969, chapter 1092,* and license fees.

On all lawful gambling the tax is ten percent of the gross receipts of a licensed organization from lawful gambling less prizes actually paid out, payable by the organization.

Sec. 12. Minnesota Statutes 1984, section 349.212, subdivision 2, is amended to read:

Subd. 2. [COLLECTION; DISPOSITION.] The tax must be paid to the board at times and in a manner the board prescribes by rule, *provided that if an organization's tax liability under this section is $500 or less in any quarter the tax may not be required to be paid more frequently than quarterly.* The

proceeds, along with the revenue received from all license fees and other fees under sections 349.11 to ~~349.21 and 349.211, 349.212, and~~ 349.213, must be paid to the state treasurer for deposit in the general fund.

Sec. 13. Minnesota Statutes 1984, section 349.213, subdivision 1, is amended to read:

Subdivision 1. [LOCAL REGULATION.] A statutory or home rule city or county has the authority to adopt more stringent regulation of any form of lawful gambling within its jurisdiction, *except the sales of licensed raffles otherwise permitted in the city or county*, including the prohibition of any form of lawful gambling, and may require a permit for the conduct of gambling exempt from licensing under section 349.214. The authority granted by this subdivision does not include the authority to require a license or permit to conduct gambling by organizations *or sales by distributors* licensed by the board.

Sec. 14. Minnesota Statutes 1984, section 349.214, subdivision 2, is amended to read:

Subd. 2. [RAFFLES.]

(a) Raffles may be conducted by an organization as defined in section 349.12, subdivision 13, without complying with sections 349.11 to 349.213 if the value of all raffle prizes awarded by the organization in a calendar year does not exceed $750. Merchandise prizes must be valued at their fair market value.

(b) Raffles may be conducted by an organization without complying with section 349.14, or sections 349.151 to 349.212 if the organization or each chapter of the organization conducts no more than one raffle in a calendar year. The organization may also conduct pull-tabs, tipboards, and paddlewheels in conjunction with the raffle without complying with section 349.14 or sections 349.151 to 349.212. An organization that conducts an exempt raffle under this paragraph must report to the board setting forth the date when the raffle was held, the amount of gross receipts, and the charitable purpose for which the proceeds were used.

Sec. 15. Minnesota Statutes 1984, section 609.75, subdivision 3, is amended to read:

Subd. 3. [WHAT ARE NOT BETS.] The following are not bets:

(1) A contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance.

(2) A contract for the purchase or sale at a future date of securities or other commodities.

(3) Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, endurance, or quality or to the bona fide owners of animals or other property entered in such a contest.

(4) The game of bingo when conducted in compliance with sections 349.11 to 349.23.

(5) A private social bet not part of or incidental to organized, commercial-

ized, or systematic gambling.

(6) The operation of equipment or the conduct of a raffle under sections 349.11 to 349.22, by an organization licensed by the charitable gambling control board *or an organization exempt from licensing under section 349.214*.

(7) Pari-mutuel betting on horse racing when the betting is conducted under chapter 240.

Sec. 16. [TAX AMNESTY; NONPROFIT ORGANIZATIONS.]

For an organization that has an unpaid liability for sales tax due under Minnesota Statutes, chapter 297A, arising out of lawful gambling conducted under Minnesota Statutes, chapter 349, between March 1, 1982, and June 30, 1985, the commissioner of revenue shall accept as full payment of the liability, a certified check, cashier's check, or money order in the amount of 50 percent of the liability incurred, plus interest. Payment must be received by the commissioner of revenue before January 1, 1987. For delinquent returns filed under this section, the civil and criminal penalties imposed by law are waived.

Sec. 17. [SALES TAX EXEMPTION.]

The gross receipts from the conduct of lawful gambling conducted under Minnesota Statutes, chapter 349, received prior to March 1, 1982, shall be exempt from taxation under Minnesota Statutes, chapter 297A. No refunds shall be paid pursuant to this section unless the organization can demonstrate to the commissioner of revenue that the refunds will be paid to those who paid the tax.

Sec. 18. [EFFECTIVE DATE.]

This act is effective June 1, 1986."

Delete the title and insert:

"A bill for an act relating to charitable gambling; exempting certain organizations from regulation by the charitable gambling control board; exempting certain organizations who conduct bingo and raffles from the sales tax; clarifying what expenses may be deducted from gross receipts; permitting the board to impose civil penalties; requiring organizations to pay an investigation fee; changing reporting requirements; changing requirements for licensed distributors; providing for a tax amnesty for organizations who have conducted lawful gambling; amending Minnesota Statutes 1984, sections 297A.25, by adding a subdivision; 349.12, subdivisions 13 and 17; 349.151, subdivision 4; 349.16, subdivision 3, and by adding a subdivision; 349.161, subdivision 1; 349.162; 349.18; subdivision 2; 349.19, subdivision 5; 349.212, subdivision 2; 349.213, subdivision 1; 349.214, subdivision 2; and 609.75, subdivision 3; Minnesota Statutes 1985 Supplement, section 349.212, subdivision 1."

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

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 1990: A bill for an act relating to traffic regulations; requiring increased insurance coverage upon conviction of certain alcohol- and drug-related crimes; authorizing the commissioner to grant certain provisional licenses; amending Minnesota Statutes 1984, section 169.121, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 171.

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

Page 1, line 17, delete everything after "*65B.49*"

Page 1, delete line 18 and insert ". *Each plan of reparation security must contain limits of liability, exclusive of interest and costs, with respect to each vehicle for which coverage is thereby granted, of not less than $50,000 because of bodily injury to one person in any one accident and of not less than $100,000 in any one accident.*"

Page 1, delete lines 22 and 23 and insert:

"Sec. 2. [171.175] [REINSTATEMENT; PROOF OF INSURANCE.]"

Page 1, line 27, delete "*for a period of one year*"

Page 2, line 1, delete everything after "*with*"

Page 2, delete line 2 and insert "*either a valid insurance policy or an identification card issued by the insurer*"

Page 2, line 4, delete everything after the period

Page 2, line 5, delete everything before "*provides*" and insert "*After one year, the license must be cancelled unless the licensee*"

Page 2, line 10, delete everything after "*date*" and insert "*of cancellation under this section*"

Page 2, line 11, delete "*expires*" and after the period, insert "*The commissioner may adopt rules to provide for exceptions to this requirement for vehicles that are in storage or out of service for substantial portions of the previous year.*"

Amend the title as follows:

Page 1, line 5, delete "grant" and insert "cancel" and delete "provisional" and insert "reinstated"

Page 1, line 5, before the semicolon, insert "if insurance is not maintained"

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

Mr. Spear from the Committee on Judiciary, to which was referred

S.F. No. 1646: A bill for an act relating to the juvenile court; revising and recodifying current laws governing the apprehension, detention, adjudication, and disposition of minors who commit unlawful acts or who are in need of protection or services; providing additional due process protections for

minors and other parties who are subject to juvenile court jurisdiction; placing limitations on voluntary out-of-home placements of minors; providing for substitute care review; establishing a procedure for the review of residential admissions of minors to chemical dependency and mental illness treatment programs; requiring court review in certain cases; establishing criteria for the assessment and treatment of minors; requiring licensing of treatment programs; establishing minor patients' rights; creating a state office of youth advocate and county youth advocates; imposing penalties; amending Minnesota Statutes 1984, sections 242.19, subdivision 2; 253B.04; 257.071; 259.23, subdivision 1; 260.022, subdivision 4; 260.024, subdivision 2; 260.031, subdivision 1; 260.094; 260.101; 260.103, subdivision 1; 260.121, subdivisions 1 and 2; 260.131; 260.132; 260.133, subdivision 1; 260.135, subdivisions 2 and 3; 260.141, subdivision 1; 260.145; 260.151, subdivision 1; 260.155, subdivisions 1, 3, 4, 5, and 8; 260.161, by adding a subdivision; 260.211; 260.221; 260.231, subdivision 3; 260.235; 260.251, subdivisions 1a and 4; 260.255; 260.315; 260.35; 484.70, subdivision 1; 484.73, subdivision 2; and 524.5-505; and Minnesota Statutes 1985 Supplement, sections 260.121, subdivision 3; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, subdivision 4a; 260.156; 260.161, subdivision 2; and 260.36; proposing coding for new law as Minnesota Statutes, chapters 260A and 260B; repealing Minnesota Statutes 1984, sections 260.011, subdivision 1; 260.015, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 24, and 25; 260.024, subdivision 1; 260.111; 260.115; 260.135, subdivision 5; 260.151, subdivision 2; 260.155, subdivisions 2 and 7; 260.165; 260.171, subdivisions 1, 2, 3, 5, 5a, and 6; 260.172, subdivisions 1, 2, and 3; 260.173; 260.181; 260.185; 260.191, subdivisions 1a, 1b, 1c, 2, 3, and 4; 260.192; 260.193; 260.194; 260.195; 260.261; 260.281; 260.291; and 260.301; Minnesota Statutes 1985 Supplement, sections 260.111, subdivision 2; 260.015, subdivisions 10 and 22; 260.171, subdivision 4; 260.172, subdivisions 2a, 2b, and 4; and 260.191, subdivisions 1, 1d, and 2a.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

GENERAL PROVISIONS

Section 1. [260A.01] [CITATION.]

Articles 1 and 2 may be cited as "the Minnesota juvenile code."

Sec. 2. [260A.011] [PURPOSE AND CONSTRUCTION.]

Subdivision 1. [PURPOSE.] *(a) The legislature finds that children, their families, and participants who are subject to the jurisdiction of the juvenile court are entitled to humane treatment, respect for their rights, and limits on any loss of their liberty. In pursuit of these general goals, the law must define clearly the limits of permissible state authority over children and families as well as provide for due process, system accountability, and the efficient use of resources for the benefit of all participants, victims, and the public.*

(b) The purpose of the juvenile court laws relating to children alleged or

adjudicated in need of protection and services and under the jurisdiction of the court is to secure for them care, protection, and guidance, preferably in the child's own home and community, that will serve the spiritual, emotional, mental and physical well-being of the child; to preserve and strengthen the child's family whenever possible by removing the child from the custody of parents only when the child's needs cannot be met or safety cannot be adequately assured without removal; and, when the child is removed from the family, to secure for the child custody, care, and discipline as nearly possible equivalent to that which should have been given by the child's parents, while seeking to safely reunify the child and family whenever possible.

(c) The purpose of the juvenile court laws relating to children alleged or adjudicated in violation of law and under the jurisdiction of the court is to recognize the unique characteristics and needs of children; to promote the public safety by maintaining the integrity of the substantive law prohibiting certain behavior, and to develop individual responsibility for lawful behavior. This purpose must be pursued through means that are fair and just and that give preference to the use of rehabilitative programs, but recognizing that appropriately applied consequences may be a form of rehabilitation.

Subd. 2. [CONSTRUCTION.] *The provisions of this chapter shall be liberally construed to carry out these purposes.*

Subd. 3. [LIMITATION.] *Unless otherwise specifically provided, nothing in this chapter prevents the provision of services or programs to children on a voluntary basis.*

Sec. 3. [260A.015] [DUTY TO INSURE FAMILY REUNIFICATION.]

At all stages of juvenile court proceedings, it shall be the duty of the court to insure that all reasonable efforts are made to reunite a child with the child's family at the earliest possible moment, consistent with the safety of the child and the public.

Sec. 4. [260A.018] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] *The definitions in this section apply to this chapter unless otherwise indicated.*

Subd. 2. [ABANDON.] *"Abandon" means to engage in conduct that demonstrates that a parent has decided to relinquish parental responsibilities or rights to a child. Evidence of this conduct may include, but is not limited to:*

(1) the stated intention of the parent;

(2) the circumstances in which the child was left by the parent and the provisions, if any, made for the child's care;

(3) the length of time the parent has been absent; and

(4) the parent's willful failure to visit or attempt to visit the child.

Subd. 3. [ADMINISTRATIVE HOLD.] *"Administrative hold" means the short-term holding of a child in a nonsecure facility or in a nonsecure area of a secure detention facility pending release or pending transfer to a shelter care facility.*

Subd. 4. [CHEMICALLY DEPENDENT.] *(a) For the purpose of assessment, "chemically dependent" means a minor who meets the criteria in article 2, section 4, subdivision 1.*

(b) For the purpose of treatment, "chemically dependent" means a minor who meets the criteria in article 2, section 5, subdivision 1.

Subd. 5. [CHILD.] *"Child" means a minor or an individual no longer a minor who is alleged to have been delinquent, a juvenile petty offender, a juvenile alcohol offender, a juvenile traffic offender, or a juvenile controlled substance offender before becoming 18 years old.*

Subd. 6. [CHILD IN NEED OF PROTECTION OR SERVICES.] *"Child in need of protection or services" means a child over whom the court has jurisdiction under section 14.*

Subd. 7. [CHRONIC TRUANT FROM SCHOOL.] *"Chronic truant from school" means a child under 16 years old who is absent from school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven school days if the child is in middle school, junior high school, or high school.*

Subd. 8. [COURT.] *"Court" means the juvenile court unless the context clearly indicates otherwise.*

Subd. 9. [CUSTODIAN.] *"Custodian" means a person who is under a legal obligation to provide care and support for a minor or who is in fact providing care and support for a minor.*

Subd. 10. [DELINQUENT ACT.] *"Delinquent act" means:*

(1) a violation of law, other than those described in subdivisions 25, 26, and 27, that would be a crime if committed by an adult; and

(2) a violation of federal law or the law of another state if the violation would be a delinquent act under clause (1) if committed in this state.

Subd. 11. [DELINQUENT CHILD.] *"Delinquent child" means a child over whom the court has jurisdiction under section 12.*

Subd. 12. [DETOXIFICATION PROGRAM.] *"Detoxification program" has the meaning given in section 254A.08, subdivision 2.*

Subd. 13. [DEVELOPMENTALLY DISABLED MINOR.] *"Developmentally disabled minor" means a minor who has a severe, chronic disability that:*

(1) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(2) is likely to continue indefinitely;

(3) results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic self-sufficiency; and

(4) reflects the minor's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services of lifelong or extended duration that are independently planned and coordinated.

Subd. 14. [DOMESTIC CHILD ABUSE.] *"Domestic child abuse" means any physical injury to a minor family or household member inflicted by an adult family or household member except by accident or the subjection of a minor family or household member by an adult family or household member to any act that violates sections 609.321 to 609.324, 609.342, 609.343, 609.344, 609.345, or 617.246.*

Subd. 15. [EMOTIONALLY DISTURBED.] *(a) For the purpose of assessment, "emotionally disturbed" means a minor who meets the criteria in article 2, section 4, subdivision 3.*

(b) For the purpose of treatment, "emotionally disturbed" means a minor who meets the criteria in article 2, section 5, subdivision 3.

Subd. 16. [FOSTER FAMILY HOME.] *"Foster family home" means a family home licensed to provide substitute care under Minnesota Rules, part 9545.0020.*

Subd. 17. [FUGITIVE.] *"Fugitive" means a child who is alleged to have committed an act in another state that would be a crime if committed by an adult and who, when sought by the other state to be subjected to its delinquency process, has left its jurisdiction and is found in Minnesota.*

Subd. 18. [GROUP HOME.] *"Group home" means a specialized facility licensed to provide care for children under Minnesota Rules, part 9545.1480.*

Subd. 19. [HABITUAL ABSENTEE FROM HOME.] *"Habitual absentee from home" means an unmarried child who is habitually absent from home without the consent of the parent, guardian, or relative in whose home the child resides.*

Subd. 20. [INCAPACITATED MINOR.] *"Incapacitated minor" means a minor who is unconscious or whose judgment is impaired as a result of the use of or withdrawal from alcohol or other drugs and whose condition makes it impossible to communicate or make a rational decision. Evidence of incapacitation includes:*

(1) extreme physical debilitation;

(2) physical harm or serious threat of physical harm to others or property; and

(3) physical harm or serious threat of physical harm to the minor.

Subd. 21. [INDIAN CHILD.] *"Indian child" means an individual under 18 years old who is a member of or eligible for membership in an Indian tribe.*

Subd. 22. [INDIAN CHILD'S TRIBE.] *"Indian child's tribe" means the Indian tribe in which an Indian child is a member or is eligible for membership. In the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian child's tribe is the tribe with which the Indian child has the most significant contacts. If that tribe does not express an interest in the outcome of actions taken under this chapter with respect to the child, any other tribe in which the child is eligible for membership that expresses an interest in the outcome may act as the Indian child's tribe upon the child's request.*

Subd. 23. [INTAKE WORKER.] *"Intake worker" means a person desig-*

nated by the county board to make decisions about nonsecure detention and temporary removal intake under sections 23 to 36, and to provide pre-court diversion services under section 37.

Subd. 24. [INTOXICATED MINOR.] *"Intoxicated minor" means a minor whose mental or physical functioning is substantially impaired as a result of the physiological presence of any psychoactive or mood-altering chemical substance.*

Subd. 25. [JUVENILE ALCOHOL OFFENDER.] *"Juvenile alcohol offender" means a child who violates section 340A.503 or an equivalent local ordinance.*

Subd. 26. [JUVENILE CONTROLLED SUBSTANCE OFFENDER.] *"Juvenile controlled substance offender" means a child who violates section 152.09, subdivision 1, clause (2), with respect to a small amount of marijuana, or who violates an equivalent local ordinance.*

Subd. 27. [JUVENILE MAJOR TRAFFIC OFFENSE.] *"Juvenile major traffic offense" means a misdemeanor or gross misdemeanor violation, as defined in section 609.02, of a state or local traffic law, ordinance, or regulation, or of a federal, state, or local water law or ordinance.*

Subd. 28. [JUVENILE MINOR TRAFFIC OFFENSE.] *"Juvenile minor traffic offense" means a violation of a state or local traffic law, ordinance, or regulation, or a federal, state, or local water law or ordinance constituting an offense punishable only by a fine of $100 or less.*

Subd. 29. [JUVENILE PETTY OFFENDER.] *"Juvenile petty offender" means a child who commits a petty misdemeanor under state or local law or who commits a violation of a local ordinance that would not be a crime if committed by an adult, except conduct described in subdivisions 19, 25, 26, and 28.*

Subd. 30. [JUVENILE TRAFFIC OFFENDER.] *"Juvenile traffic offender" means a child who commits a juvenile traffic offense and who is subject to the court's jurisdiction under section 13, subdivision 2.*

Subd. 31. [JUVENILE TRAFFIC OFFENSE.] *"Juvenile traffic offense" means either a juvenile minor traffic offense or juvenile major traffic offense.*

Subd. 32. [LEGAL CUSTODY.] *"Legal custody" means the right to the care, custody, and control of a child who has been taken from a parent by the court under sections 260.221 to 260.245.*

Subd. 33. [MENTALLY ILL.] *(a) For the purpose of assessment, "mentally ill" means a minor who meets the criteria in article 2, section 4, subdivision 2.*

(b) For the purpose of treatment, "mentally ill" means a minor who meets the criteria in article 2, section 5, subdivision 2.

Subd. 34. [MINOR.] *"Minor" means an individual under 18 years old.*

Subd. 35. [NECESSARY CARE.] *"Necessary care" includes, but is not limited to:*

(1) supervision to the degree required by the child's capacity or ability to make decisions regarding his or her health or safety;

(2) the provision of necessary food, clothing, medical or dental care, safe shelter, and education;

(3) the provision of emotional or social interaction appropriate to the child's age or developmental stage; and

(4) the protection of a child from direct threats of physical harm when there is reason to believe the threats are likely to be carried out, or when there is a clear and continuing pattern of physical abuse of other minor family or household members that is likely to cause serious physical harm to the child in the immediate future.

Subd. 36. [PARENT.] *"Parent" means the natural or adoptive parent of a child.*

Subd. 37. [RELATIVE.] *"Relative" means a person 18 years old or older who is a child's parent, stepparent, grandparent, great-grandparent, brother, sister, uncle, aunt, niece, nephew, first cousin, or second cousin. This relationship may be by blood, marriage, or adoption.*

Subd. 38. [RESIDENTIAL CHEMICAL DEPENDENCY PROGRAM.] *"Residential chemical dependency program" has the meaning given in article 2, section 1, subdivision 13.*

Subd. 39. [RESIDENTIAL MENTAL ILLNESS PROGRAM.] *"Residential mental illness program" has the meaning given in article 2, section 1, subdivision 15.*

Subd. 40. [RESIDENTIAL PROGRAM FOR EMOTIONALLY DISTURBED MINORS.] *"Residential program for emotionally disturbed minors" has the meaning given in article 2, section 1, subdivision 17.*

Subd. 41. [SECURE DETENTION FACILITY.] *"Secure detention facility" means a physically restricting facility, such as a jail, municipal lockup, state institution, or a detention home, used for the temporary care of a child.*

Subd. 42. [SECURE DETENTION INTAKE OFFICER.] *"Secure detention intake officer" means a person designated by the administrator of a secure detention facility to make decisions about secure detention intake consistent with the criteria set forth in section 24, subdivision 3.*

Subd. 43. [SHELTER CARE FACILITY.] *"Shelter care facility" means a physically unrestricting facility, such as a group home or a licensed facility for substitute care, used for the temporary care of a child.*

Subd. 44. [SPECIAL CARE AND TREATMENT.] *"Special care and treatment" means care or treatment beyond that which is necessary for a child's health and well-being and includes but is not limited to specialized or extraordinary care or treatment to remedy a child's behavioral, social, emotional, chemical dependency, mental illness, or physical problems.*

Subd. 45. [SUBSTITUTE CARE.] *"Substitute care" means the 24-hours-a-day care of a child in a licensed facility that for gain or otherwise regularly provides one or more children, when unaccompanied by their parents or guardian, with a substitute for the care, food, lodging, training, education, supervision, or treatment they need, but which for any reason cannot be furnished by their parents or legal guardians in their homes.*

Subd. 46. [TAKING INTO CUSTODY.] *As used in sections 19 to 31,*

"taking into custody" means an act that would be governed by the laws of arrest under section 629.30 if the child taken into custody were an adult.

Subd. 47. [TRAFFIC LAW.] *"Traffic law" includes chapters 168; 169; 171; and sections 65B.67; 84.81 to 84.88; 123.352, subdivision 5; 136C.08; 152.15, subdivision 1, clause (5), with respect to possession of marijuana in a motor vehicle; and section 327.27, subdivisions 2 and 2a.*

ORGANIZATION OF THE COURT

Sec. 5. Minnesota Statutes 1984, section 260.022, subdivision 4, is amended to read:

Subd. 4. The chief judge of the probate court of the county of Saint Louis shall designate one of the judges of such court to serve as the judge of the juvenile court division to hear all cases arising thereunder pursuant to ~~Minnesota Statutes 1967, Chapter 260, and any other law relating to juveniles~~ *this chapter*. Such assignment shall be for one year unless otherwise ordered. The judge designated as the judge of the juvenile court division shall devote all time required to the business of that division and his work in connection therewith shall be disposed of before he engages in any other work of the probate court.

Sec. 6. Minnesota Statutes 1984, section 260.024, subdivision 2, is amended to read:

Subd. 2. Notwithstanding an indication to the contrary in ~~Minnesota Statutes 1967,~~ section 260.311, subdivision 4, a majority of the judges of both the district court and the juvenile court in the county of Saint Louis may direct the payment of salaries to probation officers as otherwise provided for in said subdivision.

Sec. 7. Minnesota Statutes 1984, section 260.031, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT.] *(a)* The chief judge of the judicial district may appoint one or more suitable persons to act as referees. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to juvenile court. Referees shall hold office at the pleasure of the judges of the district court and shall be learned in the law, except that persons holding the office of referee on January 1, 1983, may continue to serve under the terms and conditions of their appointment. The compensation of a referee shall be fixed by the judge, approved by the county board and payable from the general revenue funds of the county not otherwise appropriated. Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.

(b) All juvenile court referees must be licensed attorneys; except that, persons holding the office of juvenile court referee on the effective date of this section who are not licensed attorneys may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment.

Sec. 8. Minnesota Statutes 1984, section 260.094, is amended to read:

260.094 [COUNTY HOME SCHOOLS.]

In any county or group of counties the county boards may purchase, lease, erect, equip, and maintain a county home school for boys and girls, or a separate home school for boys and a separate home school for girls. The juvenile court may ~~transfer legal custody of~~ *place* a delinquent child ~~to~~ *in* the home school in the manner provided in section ~~260.185~~ *67*. The county home school may, with the approval of the ~~district court judges in counties now or hereafter having a population of more than 200,000, or of the juvenile court judges in all other counties~~ *county board or boards*, be a separate institution, or it may be established and operated in connection with any other organized charitable or educational institution. ~~However, the plans, location, equipment, and operation of the county home school shall in all cases have the approval of the said judges.~~ *The county board or boards or, if designated by the county board or boards, the community corrections board shall supervise, plan, operate, and administer the county home school. The county board or boards may not designate the juvenile court judge to supervise, plan, operate, or administer the county home school; however, the juvenile court judge may serve as a member of a community corrections board designated to perform these functions.* There shall be a superintendent or matron, or both, for such school, who shall be appointed and removed by the ~~said judges~~ *county board or boards*. The salaries of the superintendent, matron, and other employees shall be fixed by the ~~said judges, subject to the approval of the~~ county board *or boards*. The county board of each county to which this section applies is hereby authorized, empowered, and required to provide the necessary funds to make all needful appropriations to carry out the provisions of this section. The board of education, commissioner of education, or other persons having charge of the public schools in any city of the first or second class in a county where a county home school is maintained pursuant to the provisions of this section may furnish all necessary instructors, school books, and school supplies for the boys and girls placed in any ~~such~~ home school.

Sec. 9. Minnesota Statutes 1984, section 260.101, is amended to read:

260.101 [DETENTION HOMES.]

In any county or group of counties the county boards may purchase, lease, erect, equip, and maintain a detention home for boys and girls, or a separate detention home for boys and girls, or a separate detention home for boys or a separate detention home for girls. The detention home may~~, with the approval of the district court judges in counties now or hereafter having a population of more than 200,000 or of the juvenile court judges in all other counties~~ be a separate institution, or it may be established and operated in connection with a county home school or any organized charitable or educational institution. ~~However, the plans, location, equipment, and operation of the detention home shall in all cases have the approval of the judges.~~ *The county board or boards or, if designated by the county board or boards, the community corrections board shall supervise, plan, operate, and administer the detention home. The county board or boards may not designate the juvenile court judge to supervise, plan, operate, or administer the detention home; however, the juvenile court judge may serve as a member of a community corrections board designated to perform these functions.* Necessary staff shall be appointed and removed by the ~~judges~~ *county board or boards*. The salaries of the staff shall be fixed by the ~~judges, subject to the approval of the~~ county *board or* boards. The county board of each county to which this section applies shall provide

the necessary funds to carry out the provisions of this section.

Sec. 10. Minnesota Statutes 1984, section 260.103, subdivision 1, is amended to read:

Subdivision 1. [PURPOSES OF CONFERENCES; INSTITUTE.] (a) For the purpose of promoting economy and efficiency in the enforcement of laws relating to children ~~and particularly of the laws relating to defective, delinquent, dependent and neglected children~~, the president of the association of juvenile court judges may at such time and place as he deems advisable call an annual conference of all judges acting as judge of juvenile court.

(b) A judge of juvenile court may attend the institute for judges of juvenile court established by the University of Minnesota, and may attend national or regional conferences similar to the state conference described in clause (a), above.

JUVENILE COURT JURISDICTION AND VENUE

Sec. 11. [260A.05] [JURISDICTION GENERALLY.]

Except as otherwise provided in section 260.125 or section 38, the juvenile court has jurisdiction in proceedings concerning a child described in sections 12 to 15. The court may terminate its jurisdiction at any time on its own motion or on the motion or petition of an interested party. The court shall terminate its jurisdiction when required to do so by this chapter or when the child reaches 19 years old, whichever occurs first.

Sec. 12. [260A.051] [DELINQUENCY JURISDICTION.]

Except as otherwise provided in section 260.125, the juvenile court has original and exclusive jurisdiction in proceedings concerning a child who is alleged to have committed a delinquent act and who at the time of the alleged offense was:

(1) 12 years old or older; or

(2) under 12 years old but at least ten years old, and the court has determined that jurisdiction under section 14, clause (3), is inappropriate.

Sec. 13. [260A.053] [JURISDICTION OVER OTHER JUVENILE OFFENDERS.]

Subdivision 1. [PETTY OFFENDERS OTHER THAN JUVENILE TRAFFIC OFFENDERS.] *The juvenile court has original and exclusive jurisdiction in proceedings concerning a child alleged to be a juvenile petty offender, juvenile alcohol offender, or juvenile controlled substance offender.*

Subd. 2. [JUVENILE TRAFFIC OFFENDERS.] *(a) The juvenile court has original and exclusive jurisdiction in proceedings concerning a child alleged to be a juvenile traffic offender if the child was under 16 years old at the time of the alleged juvenile traffic offense.*

(b) The juvenile court does not have jurisdiction over a child alleged to be a juvenile traffic offender if the child was 16 years old or older at the time of the alleged juvenile traffic offense. In such cases, the child is subject to the laws and court procedures controlling adult traffic law violations.

Sec. 14. [260A.054] [JURISDICTION OVER CHILDREN IN NEED OF

PROTECTION OR SERVICES.]

The juvenile court has original and exclusive jurisdiction in proceedings concerning a child alleged to be in need of protection or services that can be ordered by the court and:

(1) whose physical health is or will be endangered because of the refusal or inability, for reasons unrelated to poverty, of a parent, guardian, custodian, or other caregiver to provide the child with necessary care; or

(2) who has been the victim of physical or sexual abuse, or domestic child abuse, including any injury that is self-inflicted or inflicted by another by nonaccidental means; or

(3) who committed a delinquent act before becoming 12 years old, unless the child was at least ten years old at the time of the delinquent act and the court has determined that jurisdiction under this section is inappropriate due to the maturity of the child, the seriousness of the offense, or the demands of public safety; or

(4) who has been abandoned; or

(5) who is without a parent, guardian, or lawful custodian; or

(6) who is chronically truant from school, but only if evidence is presented in the citation or petition by the appropriate school representative that appropriate school personnel in the school or school district in which the child is enrolled have, during the school year when the truancy occurred:

(i) met with the child's parent or guardian to discuss the child's truancy, or have made reasonable attempts to meet with the child's parent or guardian;

(ii) provided an opportunity to the child for educational counseling to determine whether a change in the child's instructional program would resolve the child's truancy and, if appropriate, have considered program modifications;

(iii) taken reasonable steps to determine whether a learning disability or handicap may be a cause of the child's truancy; and

(iv) documented any knowledge of social problems that may be a cause of the child's truancy; or

(7) who is a habitual absentee from home and either the child or a parent, guardian, or a relative in whose home the child resides signs the petition requesting jurisdiction and attests in court that reconciliation efforts have been attempted and have failed; or

(8) who has been or is committing delinquent acts as a result of parental guidance, pressure, encouragement, or approval; or

(9) who is 12 years of age or older, signs the petition requesting jurisdiction, and states that he or she is in need of necessary care or special care and treatment that the parent, guardian, or custodian is unwilling or unable to provide; or

(10) whose parent or guardian signs the petition requesting jurisdiction and states that he or she is unable to provide necessary care or special care and treatment for the child; or

(11) who is chemically dependent or mentally ill and in need of special care and treatment for either of these conditions; or

(12) who is emotionally disturbed; or

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

(14) whose parent, guardian, or custodian for good cause desires to be relieved of the child's care or custody under circumstances indicating that in-home supervision or out-of-home placement is necessary and in the child's best interests; or

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

(i) the infant is chronically and irreversibly comatose;

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

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

Sec. 15. [260A.055] [JURISDICTION OVER OTHER MATTERS RELATING TO CHILDREN.]

Subdivision 1. [EXCLUSIVE JURISDICTION.] *The juvenile court has original and exclusive jurisdiction in proceedings concerning:*

(1) the termination of parental rights to a child in accordance with sections 260.221 to 260.245;

(2) the appointment and removal of a juvenile court guardian of the person for a child, when parental rights have been terminated under sections 260.221 to 260.245;

(3) judicial review of voluntary placements as provided in section 43;

(4) judicial consent to the marriage of a child when required by law;

(5) contempt of juvenile court as provided in sections 84 to 90;

(6) contributing to a child's offender status or need for protective services as provided in section 260.255;

(7) the interstate compact on juveniles under sections 260.51 to 260.57; and

(8) the interstate compact on the placement of children under section 257.40.

Subd. 2. [ADOPTION.] *The juvenile court shall proceed under the laws relating to adoptions in all adoption matters.*

Subd. 3. [CHILD ABUSE REPORTING.] *The juvenile court has jurisdiction to hear and decide cases arising under section 626.556, subdivision 10.*

Sec. 16. Minnesota Statutes 1984, section 260.121, subdivision 1, is amended to read:

Subdivision 1. [VENUE.] Except where otherwise provided, venue for any proceedings under ~~section 260.111~~ *this chapter* shall be in the county where the child ~~is found, or the county of his residence. When it is alleged that a child is neglected, venue may be in the county where the child is found, in the county of his residence, or in the county where the alleged neglect occurred. If delinquency, habitual truancy, running away, a juvenile petty offense, a juvenile alcohol or controlled substance offense, or a juvenile traffic offense is alleged, proceedings shall be brought in the county of his residence or the county where the alleged delinquency, habitual truancy, running away, juvenile petty offense, juvenile alcohol or controlled substance offense or juvenile traffic offense~~ *or parent resides or where the acts or omissions constituting the basis for the petition* occurred.

Sec. 17. Minnesota Statutes 1984, section 260.121, subdivision 2, is amended to read:

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

Sec. 18. Minnesota Statutes 1985 Supplement, section 260.121, subdivision 3, is amended to read:

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

custodian, if the parent, guardian, or custodian agrees to accept custody of the child and return him to their state.

TAKING CUSTODY AND DETENTION

Sec. 19. [260A.10] [GROUNDS FOR TAKING CUSTODY; DELINQUENCY, TRAFFIC, AND PETTY OFFENSES.]

A child who is or may be subject to the court's jurisdiction under section 12 or 13 may be taken into custody under the following circumstances:

(1) in accordance with the laws relating to arrest; or

(2) by a peace officer or parole or probation officer when there is probable cause to believe that the child has violated the terms of probation, parole or other field supervision, violated the terms of a nonsecure detention order, or run away from a secure detention facility, jail, or municipal lockup; or

(3) by a warrant issued by the court if the child has been personally served with a summons and fails to appear in court, or if it appears to the court that service will be ineffectual.

Sec. 20. [260A.101] [EFFECT OF TAKING CUSTODY.]

A child who has been taken into custody under section 19 has the right to all constitutional and statutory protections given to an adult upon arrest. The taking into custody of a child under section 19 is not an arrest except for the purpose of determining whether the taking into custody or the obtaining of evidence is lawful.

Sec. 21. [260A.102] [TAKING CUSTODY AND RELEASE; STANDARDS; PROCEDURES.]

Subdivision 1. [NOTIFICATION OF PARENTS.] *A person who takes a child into custody under section 19 or the person's designee shall attempt to notify the child's parent, guardian, or custodian as soon as possible by every reasonable means. Notification attempts must continue as long as the child remains in custody and until the parent, guardian, or custodian has been notified.*

Subd. 2. [CHILD'S RIGHT TO CONSULT PARENT OR GUARDIAN.] *A child who has been taken into custody under section 19 must be given a reasonable opportunity to consult with a parent or guardian who is present at the place of custody, or to consult by telephone with a parent or guardian who is not present at the place of custody. The person taking custody of the child or the person's designee shall advise the child of the right to consult a parent or guardian.*

Subd. 3. [RIGHT TO PRESENCE OF PARENT OR OTHER ADULT DURING QUESTIONING.] *A child who has been taken into custody under section 19 has the right to the presence of a parent, guardian, or other responsible relative of the child's choosing during custodial questioning. If the child requests that a parent, guardian, or other responsible relative be present during custodial questioning, the child may not be subjected to custodial questioning until the parent, guardian, or responsible relative arrives. However, if the parent, guardian, or responsible relative is unavailable, the child in custody may be questioned if the child is represented by counsel during the questioning.*

Subd. 4. [NOTIFICATION OF RIGHTS.] *A person who takes a child into custody under section 19 or the person's designee shall advise the child of the child's constitutional rights to the same extent that an adult in a criminal matter is advised before custodial questioning by a peace officer. A person who takes a child into custody under section 19 or the person's designee shall also advise the child of the child's right to the presence of a parent, guardian, or other responsible relative during custodial questioning. The advisory required under this subdivision shall be the same as or substantially the same as the advisory developed by the supreme court under subdivision 5.*

Subd. 5. [ADVISORY DEVELOPED BY SUPREME COURT.] *On or before the effective date of this section, the supreme court shall, pursuant to section 480.0595, develop an advisory written in language intelligible to children, and containing the following information:*

(a) A child who has been taken into custody has the right to remain silent.

(b) Anything the child says can and will be used against the child in a court of law.

(c) The child has the right to be represented by counsel before and during any questioning.

(d) If the child cannot afford counsel, one will be appointed for the child at public expense.

(e) The child has the right to the presence of a parent, guardian, or other responsible relative of the child's choosing, during any questioning.

Subd. 6. [WAIVER.] *A child who has been taken into custody under section 19 may waive the right to remain silent, the right to be represented by counsel, and the right to presence of a parent, guardian, or other responsible relative under the standard contained in section 51.*

Subd. 7. [RELEASE.] *(a) Unless it is determined that the child must be detained under section 22 or 23, the person with authority to release shall make every reasonable effort to release the child immediately to the child's parent, guardian, or custodian or, if the parent, guardian, or custodian is unavailable, to a responsible relative. If the child is 14 years old or older, the person with authority to release may release the child without adult supervision and upon the child's written promise to appear in court as ordered.*

(b) If the child is released other than to the child's parent, guardian, or custodian, the person with authority to release shall notify the child's parent, guardian, or custodian as soon as possible of the time and circumstances of the release, the person, if any, to whom the child was released, and any other relevant information.

(c) A parent, guardian, custodian, or responsible relative to whom a child is released shall promise to bring the child to court, if necessary, at the time the court directs. If the person with authority to release believes it desirable, that person may require the person to whom the child is released to sign a written promise to bring the child to court. The intentional violation of the written promise is a misdemeanor.

Sec. 22. [260A.11] [TRANSFER FOR DIAGNOSIS OR TREATMENT.]

Subdivision 1. [MEDICAL TREATMENT.] *If the person who takes the*

child into custody reasonably believes that the child is suffering from a serious physical condition that requires prompt diagnosis or treatment, the person shall deliver or cause the child to be delivered to an appropriate medical facility.

Subd. 2. [MENTAL ILLNESS OR CHEMICAL DEPENDENCY.] *If the person who takes the child into custody reasonably believes that (1) the child is mentally ill or chemically dependent and is acting in a way likely to cause damage to property or physical harm to the child or to others, or (2) there exists a likelihood of physical impairment or injury to the child as the result of impaired judgment, the person taking custody or other appropriate person may admit the child to a residential chemical dependency or mental illness program subject to the applicable criteria contained in article 2.*

Subd. 3. [ALCOHOL TREATMENT.] *If the person who takes the child into custody reasonably believes the child to be an incapacitated minor, or an intoxicated minor who has threatened, attempted, or inflicted physical self-harm or harm to another and is likely to inflict physical harm unless detained, the person taking custody or other appropriate person may proceed under article 2, section 16.*

Subd. 4. [NOTIFICATION.] *The notification requirements of section 21, subdivision 1, apply to any place of detention to which a child is transferred under this section.*

Sec. 23. [260A.12] [TRANSFER TO DETENTION INTAKE.]

Subdivision 1. [TRANSFER TO INTAKE WORKER.] *If the child was taken into custody in a county that has established an intake unit under section 37, and if the person taking custody or the person with authority to release the child is unable to release the child under section 21, subdivision 7, and seeks to detain the child in a place of nonsecure detention, that person shall transfer the child to an intake worker who has been designated by the county to make nonsecure detention intake decisions. When a child is transferred to the intake worker, the person taking custody or the persons with authority to release shall make a written statement, with supporting facts, of the reasons for taking the child into custody and for transferring him or her to the intake worker, and shall give a copy of the statement to the intake worker and the child. The intake worker shall review the statement to determine if the criteria set forth in section 24, subdivision 1, for holding the child in nonsecure detention have been met. If the criteria have been met, the intake worker may transfer the child to a place of nonsecure detention listed in section 24, subdivision 2. If the criteria have not been met, the person taking custody or the person with authority to release shall make every reasonable effort to release the child in the manner provided in section 21, subdivision 7.*

Subd. 2. [TRANSFER TO PLACE OF NONSECURE DETENTION.] *If the child was taken into custody in a county that has not established an intake unit under section 37, and if the person taking custody or the person with authority to release the child is unable to release the child under section 21, subdivision 7, and determines that the criteria in section 24, subdivision 1, for holding the child in nonsecure detention have been met, that person may transfer the child to a place of nonsecure detention listed in section 24, subdivision 2.*

Subd. 3. [TRANSFER TO SECURE DETENTION INTAKE.] *If the per-*

son taking custody or the person with authority to release the child is unable to release the child under section 21, subdivision 7, and seeks to detain the child in a place of secure detention, that person shall transfer the child to a secure detention intake officer. When a child is transferred to the secure detention intake officer, the person taking custody or the person with authority to release shall make a written statement, with supporting facts, of the reasons for taking the child into custody and for transferring him or her to the secure detention intake officer, and shall give a copy of the statement to the officer and the child. The secure detention intake officer shall review the statement to determine whether the criteria set forth in section 24, subdivision 3, for holding the child in secure detention have been met. If the criteria have been met, the secure detention intake officer shall admit the child to the secure detention facility. If the criteria have not been met, the person taking custody or person with authority to release shall either make every reasonable effort to release the child in the manner provided by section 21, subdivision 7, or seek to detain the child in a place of nonsecure detention in the manner provided in subdivision 1 or 2, whichever is applicable.

Subd. 4. [ADMINISTRATIVE HOLD PENDING RELEASE.] *If the person taking custody or person with authority to release decides to release the child to an adult as provided in section 21, subdivision 7, the child may be detained pursuant to an administrative hold in a facility or by an agency designated by the county until the adult arrives. If the county is unable to designate a nonsecure facility as described in section 24, subdivision 2, and designates an office area within a county or municipal jail or lockup for such a purpose: (1) the child may not be held in the facility for more than six hours; (2) the child must be under constant visual supervision; and (3) the child may not be held in a cell block. Whenever a child is held pending release under this subdivision, the person taking custody or person with authority to release must keep a written record of where the child was held and for what length of time.*

Subd. 5. [CERTIFICATION OF SECURE DETENTION INTAKE OFFICERS.] *A person who performs the duties of a secure detention intake officer must be certified by the department of corrections as having successfully completed a training course on the procedures and requirements of sections 23 to 28.*

Sec. 24. [260A.121] [CRITERIA FOR HOLDING A CHILD IN DETENTION; TYPES OF DETENTION.]

Subdivision 1. [NONSECURE DETENTION.] *A child may be held in a place of nonsecure detention under subdivision 2 if the intake worker or, where applicable, the person taking custody or person with authority to release finds that there is probable cause to believe that the child is subject to the court's jurisdiction under section 12 or 13, and that either:*

(1) the child will be personally injured by another unless detained; or

(2) the parent, guardian, or custodian of the child or other responsible relative is unavailable or unwilling to provide adequate supervision or care; or

(3) the child will run away or be taken away so as to be unavailable for proceedings of the court or its officers, or for probation revocation proceedings.

The criteria in this subdivision for holding a child in nonsecure detention govern the decisions of all persons responsible for determining whether the action is appropriate.

Subd. 2. [PLACES OF NONSECURE DETENTION.] *If the intake worker or, where applicable, the person taking custody or person with authority to release determines that the criteria for holding a child in nonsecure detention have been met, the child may be held in any of the following places:*

(1) the home of a parent, guardian, or custodian;

(2) the home of a relative;

(3) a licensed foster family home, if the placement does not violate the conditions of the license;

(4) a licensed group home, if the placement does not violate the conditions of the license;

(5) a nonsecure facility operated by a licensed child welfare agency;

(6) a licensed private or public shelter care facility; or

(7) the home of a person who is not a relative if the person has not had a foster home license refused, revoked, or suspended within the last two years, and if the placement does not exceed 30 days, provided that the court may extend the placement for an additional 30 days for good cause.

If a child is held in nonsecure detention under clauses (2) to (7), or if supervisory services of a home detention program are provided to a child held under clause (1), the authorized rate of the facility or program must be paid by the child's county of financial responsibility. If no authorized rate has been established, the court shall fix a reasonable amount to be paid by the county of financial responsibility for the supervision or care of the child. Instead of the county of financial responsibility, the court may require the child's parent, guardian, or custodian to pay the cost of holding the child in detention if it makes the determination provided for in section 260.251, subdivision 1.

Subd. 3. [SECURE DETENTION.] *The secure detention intake officer may order that the child be held in the secure detention facility if the conditions in paragraph (a), (b), (c), (d), (e), (f), or (g) are met:*

(a) There is probable cause to believe that the child has committed an offense that would be a felony if committed by an adult, and:

(1) there is probable cause to believe that the child has a record of failure to appear at a court hearing within the past six months; or

(2) there is probable cause to believe that the child is awaiting disposition on a previous adjudication for a delinquent act that would be a felony if committed by an adult; or

(3) there is probable cause to believe that the child is under the continuing delinquency jurisdiction of the court and is presently on probation or parole supervision; or

(4) there is probable cause to believe that the child has a demonstrable

recent record, other than the offense alleged, of violent conduct resulting in injury to others, including the types of conduct indicated in paragraph (b); or

(5) there is probable cause to believe that the child has expressly stated an intention to harm or threaten another person if released.

(b) There is probable cause to believe that the child has committed an offense that if committed by an adult would constitute murder in the first, second, or third degree, assault in the first degree, criminal sexual conduct in the first degree, or kidnapping with the purpose of committing great bodily harm.

(c) There is probable cause to believe that the child is a fugitive from another state or has absconded from a correctional facility, and there has been no reasonable opportunity to return the child.

(d) There is probable cause to believe that the child is under the continuing delinquency jurisdiction of the court, has run away from a court-ordered residential treatment facility placement, and there has been no reasonable opportunity to return the child. No child may be held in secure detention under this paragraph for more than 24 hours unless the court orders an extension of time for an additional 24 hours for good cause shown. The court may order only one extension in any individual case.

(e) There is probable cause to believe that the child has committed a delinquent act and that, after having been placed in nonsecure detention by a nonsecure detention officer under subdivision 2 or by the judge under section 28 in order to hold the child for trial on the delinquent act, the child has run away from nonsecure detention or committed a delinquent act. The child may not be held in secure detention under this paragraph unless there is no suitable alternative to secure detention.

(f) There is probable cause to believe that the child is under the continuing delinquency jurisdiction of the court, has run away from another county, and would run away if held in nonsecure detention pending return. No child may be held in secure detention under this paragraph for more than 24 hours unless the court orders an extension of time for an additional 24 hours for good cause shown. The court may not order more than one extension of time under this paragraph.

(g) There is probable cause to believe that secure detention is necessary to protect the public safety because the child will engage in further criminal acts, or that the detention is necessary to protect the child from imminent harm to the health or safety of the child.

Subd. 4. [JAIL OR LOCKUP.] *(a) If the secure detention intake officer determines that the criteria for holding a child in secure detention have been met, the child may be held in a county or municipal jail or lockup, approved by the commissioner of corrections for the holding of juveniles, for up to six hours if the facility is located within a metropolitan statistical area, and for up to 24 hours, excluding weekends and holidays, if the facility is located outside of a metropolitan statistical area, if:*

(1) the child is 14 years old or older;

(2) the child has been taken into custody for an act that would be a crime if committed by an adult;

(3) there is no licensed secure detention facility in the county, or in a contiguous county within 50 miles of the place where the child is in custody;

(4) there is no less restrictive alternative to the jail or lockup;

(5) the jail or lockup has adequate staff to supervise and monitor the child's activities at all times; and

(6) the child is confined in a manner that prevents haphazard or accidental contact with adult inmates.

(b) A child who has been referred for prosecution as an adult pursuant to section 260.125 and against whom criminal felony charges have been filed may be considered an adult for the purposes of this subdivision.

Sec. 25. [260A.122] [NOTICE OF DETENTION; TRANSPORTATION OF CHILD.]

Subdivision 1. [NOTICE TO PARENTS AND COUNSEL.] *The person who made the detention decision under section 24 shall advise a child who is held in detention, the child's attorney, if any, and, as soon as possible, the child's parent, guardian, or custodian:*

(1) of the reasons why the child has been taken into custody and placed in detention; and

(2) of the name, address, and telephone number of the secure detention facility, jail, lockup, or place of nonsecure detention except as otherwise provided in subdivision 2; and

(3) that the child's parent, guardian, custodian, guardian ad litem, or attorney may make an initial visit to the place of detention at any time; that subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours, and that subsequent visits may be made by the child's attorney or guardian ad litem at reasonable hours; and

(4) that the child may telephone the child's parents, attorney, or guardian ad litem from the place of detention immediately after admission and thereafter on a reasonable basis as determined by the person in charge of the place of detention; and

(5) that the child may not be detained for alleged unlawful acts for longer than 36 hours, excluding weekends and holidays, or, if held in a jail or lockup under section 24, subdivision 4, for longer than 24 hours, excluding weekends and holidays, unless a petition has been filed within that time and the court orders the child's continued detention pursuant to section 28.

Subd. 2. [EXCEPTION TO NOTIFICATION.] *If the intake worker or, where applicable, the person taking custody or person with authority to release determines that there is reason to believe that disclosure to the parents, guardian, or custodian of the information contained in subdivision 1, clause (2), would immediately endanger the child's health or safety, that person may withhold all or part of the information as may be appropriate. A determination to withhold must be included in the report required by subdivision 3, together with instructions to the place of detention to notify or withhold notification.*

Subd. 3. [NOTICE TO COURT AND FACILITY.] *The person who made*

the detention decision under section 24 shall deliver to the court and to the person in charge of the place of detention a signed report, setting forth:

(1) the time when the child was taken into custody;

(2) the time the child was delivered for transportation to the place of detention;

(3) the reasons why the child was taken into custody and placed in detention;

(4) a statement that the child and the child's parent, guardian, custodian, and attorney have received the notice required by subdivision 1, or the reasons why they have not been notified; and

(5) any instructions required by subdivision 2.

Subd. 4. [TRANSPORTATION TO A PLACE OF DETENTION.] *A child who is being held in detention under section 24 must be transported promptly to the place of detention. The mode of transportation must be approved by the person in charge of the place of detention, or by obtaining a written transportation order from the court authorizing transportation by the sheriff or other qualified person.*

Subd. 5. [NOTIFICATION DUTIES OF SECURE DETENTION FACILITY.] *When a child has been delivered to a secure detention facility, the supervisor of the facility or the supervisor's designee shall deliver a signed report to the court in the county where the offense occurred, acknowledging receipt of the child and stating the time of the child's arrival. If the report delivered under subdivision 3 indicates that notification under subdivision 1 has not been made, the supervisor or designee shall immediately attempt to make the notification, and shall include in the report made to the court a statement that notification has been received or the reasons why it has not.*

Subd. 6. [NOTIFICATION DUTIES OF PLACE OF NONSECURE DETENTION.] *When a child has been delivered to a place of nonsecure detention, the person in charge of it or that person's designee shall deliver a signed report to the court in the county where the offense occurred, acknowledging receipt of the child and stating the time of the child's arrival. That person shall also ascertain from the report delivered pursuant to subdivision 3 if notification has been made as required by subdivisions 1 and 2, and shall follow any instructions contained in the report. This subdivision does not apply when the place of nonsecure detention is the home of a parent, guardian, or custodian or home of a relative.*

Sec. 26. [260A.123] [DISCRETIONARY RELEASE PRIOR TO DETENTION HEARING.]

Subdivision 1. [BY OFFICER, FACILITY, OR COUNTY ATTORNEY.] *Except when release is prohibited by a court order or by the rules for juvenile court, the person who made the detention decision under section 24, the supervisor of the person making the decision, the person in charge of the place of detention, or the county attorney may release a child at any time before a detention hearing. No conditions of release may be placed on a child who is released pursuant to this subdivision.*

Subd. 2. [BY COURT.] *The court may at any time release the child and*

may impose one or more of the following conditions:

(a) It may require the child or the child's parent, guardian, or custodian to post bail.

(b) It may place restrictions on the child's travel, associations, or place of abode during the period of the child's release.

(c) It may impose any other conditions reasonably necessary and consistent with criteria for detaining the child.

Conditions of release terminate after 36 hours unless a detention hearing has commenced and the court has ordered continued detention.

Subd. 3. [RELEASE TO CUSTODY OF ADULT.] *A child released from detention under this section shall be released to the custody of the child's parent, guardian, custodian, or other responsible relative.*

Sec. 27. [260A.124] [DETENTION HEARING; PROCEDURES; NOTICE; WAIVER.]

Subdivision 1. [WHEN REQUIRED.] *When a child is held in a place of detention listed in section 24, subdivision 2 or 3, the court shall hold a hearing within 36 hours of the time the child was taken into custody, excluding weekends and holidays, to determine the need for continued detention of the child. When a child is held in detention as provided in section 24, subdivision 4, the court shall hold a hearing within 24 hours of the time the child was taken into custody, excluding weekends and holidays, to determine the need for continued detention of the child. The court's determination shall be based on the criteria contained in section 24.*

Subd. 2. [PETITION FILED PRIOR TO HEARING.] *At or before the scheduled time of the hearing, the county attorney shall file a petition with the court in accordance with section 39 containing a statement of the offense charged and a statement of the underlying facts constituting probable cause to believe that the child committed the offense charged. The court must find that it has received sufficient evidence of probable cause in order to continue detention under section 28. If no petition is filed within the time limit specified in subdivision 1, the child shall be released from detention.*

Subd. 3. [WAIVER OF HEARING.] *A child held in a place of nonsecure detention may waive the detention hearing in writing if the child is represented by counsel at the time of the waiver. A detention hearing must be held after the waiver, however, if the child or any other interested party requests, or if the child is later transferred to a secure detention facility.*

Subd. 4. [NOTICE OF HEARING.] *The court or its designee shall give the child and the child's parent, guardian, or custodian prior notice of the hearing. The notice must state the time and place of the hearing and must advise the parties of their right to be represented by counsel or right to assistance of counsel as provided in sections 52 and 53, and of the consequences of failure to appear at the hearing.*

Subd. 5. [COPY OF PETITION.] *Before or at the beginning of the hearing the court or its designee shall give the child a copy of the petition.*

Subd. 6. [DUTY TO INFORM CHILD; APPOINTMENT OF COUNSEL.] *Before the hearing begins, the court shall inform the child of the alle-*

gations that have been or may be made against the child, and shall ensure that the child is advised of the right to be represented by counsel as provided in section 52. If counsel is appointed for the child, the court shall provide adequate time for the child to consult with counsel.

Sec. 28. [260A.125] [COURT ORDERS; REVIEW; AMENDMENT.]

Subdivision 1. [RELEASE.] *If the court finds either that the criteria of section 24 for holding a child in detention are not met or that the petition is not supported by probable cause, it shall order the child released to the custody of the child's parent, guardian, custodian, or other responsible relative, and shall dismiss the petition if unsupported by probable cause.*

Subd. 2. [CONTINUATION OF DETENTION.] *(a) If the court finds that the criteria of section 24 for holding a child in detention are met and makes a finding of probable cause based on the statement contained in the petition, it shall order that the child continue to be held in detention for up to eight days, excluding weekends and holidays.*

(b) The court, in its order, may place the child with a parent, guardian, custodian, or other responsible relative, and impose reasonable restrictions on the child's travel, associations, and places of abode during the placement period. The restrictions may include a condition requiring the child to return to the place of detention upon request. The court's order may subject the child to supervision by an agency agreeing to supervise the child. The court may also place reasonable restrictions on the conduct of the child's parent, guardian, or custodian where necessary to ensure the child's safety.

(c) As an alternative to paragraph (b), the court may order that the child be held in detention in an appropriate manner under section 24.

Subd. 3. [ORDERS IN WRITING.] *Orders to continue a child in detention must be in writing, and must contain a statement of (1) the reasons for continued detention; (2) the facts supporting these reasons; and (3) the criteria of section 24 under which the order is made.*

Subd. 4. [NOTICE OF ORDER.] *Copies of the court's order must be issued within 72 hours and served on the parties, including the person in charge of the place of detention. That person shall release the child or continue detention as the order directs. When an order continuing detention is served on the parties, each of them must be notified of the provisions of subdivision 5, including their right to submit to the court for informal review any new evidence regarding whether the child should be continued in detention, and their right to request a hearing to present the evidence to the court.*

Subd. 5. [INFORMAL REVIEW; HEARING.] *(a) If a child held in detention under subdivision 2 has not been released before the court's order expires, the court shall review the child's case file informally to determine whether detention should be continued under the criteria contained in section 24. If detention is continued after review, informal reviews such as these shall be made within every eight days, excluding weekends and holidays, of the child's continued detention.*

(b) A hearing rather than an informal review must be held by the court at the request of any party notified under subdivision 4 if the party notifies the court of a wish to present new evidence concerning the need to continue holding

the child in detention.

Subd. 6. [AMENDMENT OF ORDER.] *If a child placed in detention under subdivision 2, paragraph (a), or other person who is subject to the order fails to conform to the conditions imposed in the order, the court may, with the consent of the parties or after notice and a hearing, amend the order so as to place the child in another appropriate place of detention. A child may be transferred to a secure detention facility on meeting the criteria contained in section 24, subdivision 3.*

Sec. 29. [260A.13] [GROUNDS FOR TAKING CUSTODY; RUNAWAYS.]

A peace officer who has probable cause to believe a child is an absentee from home or has run away from court-ordered placement may take the child into custody if:

(1) the peace officer has probable cause to believe that the child has run away from the child's parent, guardian, or legal or physical custodian; and

(2) the purpose of taking custody is either to return the child to the family, guardian, or custodian, or to determine whether or not protective services, shelter care, or a proceeding pursuant to section 14 is needed.

Sec. 30. [260A.131] [TAKING CUSTODY AND RELEASE OF ABSENTEES FROM HOME; STANDARDS; PROCEDURES.]

Subdivision 1. [NOTICE; RELEASE.] *When a child is taken into custody pursuant to section 29 and it appears that the child is a habitual absentee from home, the person taking custody or the person's designee shall follow the appropriate notice procedures and release standards contained in section 21.*

Subd. 2. [TRANSFER TO INTAKE WORKER.] *If the child was taken into custody in a county which has established an intake unit under section 37, and if the person taking custody or the person with authority to release cannot release the child under section 21 or has probable cause to believe that grounds exist to hold the child under subdivision 3, the person taking custody may transfer the child to an intake worker who has been designated by the county to make nonsecure detention intake decisions. The transfer must be made according to procedures in section 23, subdivision 1.*

Subd. 3. [TRANSFER TO PLACE OF NONSECURE DETENTION.] *If the child was taken into custody in a county that has not established an intake unit under section 37, and if the person taking custodyor person with authority to release cannot release the child under section 21, and determines that the criteria in subdivision 4 for holding the child in nonsecure detention have been met, the person may transfer the child to a place of nonsecure detention listed in section 24, subdivision 2.*

Subd. 4. [NONSECURE DETENTION; CRITERIA.] *The intake worker r, where applicable, the person taking custody or person with authority to release may transfer the child to a place of nonsecure detention listed in section 24, subdivision 2, if the person has probable cause to believe the child is an habitual absentee from home and either:*

(1) there is no responsible adult relative or other responsible adult to care for and supervise the child;

(2) the child wishes to be placed in nonsecure detention;

(3) it is necessary to hold the child until the parent, guardian, or custodian arrives; or

(4) it is necessary to hold the child for transfer to another state or county jurisdiction.

Subd. 5. [TRANSFER TO PLACE OF NONSECURE DETENTION; NOTICE; TRANSPORTATION.] *The person who made the detention decision under subdivision 4 shall follow the appropriate notification and transportation procedures contained in section 25, except that instead of the statement required under section 25, subdivision 1, clause (5), the person shall state that the child may not be detained for longer than 72 hours, excluding weekends and holidays, unless a petition under section 39 has been filed within that time and the court orders temporary removal of the child pursuant to section 36.*

Sec. 31. [260A.132] [TAKING CUSTODY AND RELEASE; RUNAWAYS FROM COURT-ORDERED PLACEMENTS.]

Subdivision 1. [RELEASE OR TRANSFER.] *When a child is taken into custody under section 29 and it appears that the child has run away from a foster family home, group home, or other court-ordered placement, the person taking custody may return the child to placement or follow the procedures contained in section 30, subdivision 2 or 3, whichever is applicable.*

Subd. 2. [NONSECURE DETENTION.] *If the child refuses to return to placement or requests to be placed in nonsecure detention, or if the custodian refuses to accept the child's return or is unavailable to care for the child, the intake worker or, where applicable, the person taking custody or person with authority to release may transfer the child to an appropriate place of nonsecure detention listed in section 24, subdivision 2.*

Subd. 3. [HEARING TO EVALUATE PLACEMENT.] *If the child is transferred to a place of nonsecure detention under subdivision 2, the court shall hold a hearing within 72 hours of the transfer, excluding weekends and holidays, to re-evaluate the placement. The child's custodian shall be given notice of and be present at the hearing. At the conclusion of the hearing, the court may either terminate the placement order, modify the order, or vacate the order and issue a new order.*

If the child is returned to placement under subdivision 1, the court may hold a hearing to re-evaluate the placement under this subdivision either on its own motion or at the request of an authorized person.

TEMPORARY REMOVAL

Sec. 32. [260A.15] [TEMPORARY REMOVAL FROM HOME; GROUNDS.]

A child who is or may be subject to the court's jurisdiction under section 14, clauses (1) to (6) or (8) to (15), may be temporarily removed from the child's home or surroundings under the following circumstances:

(1) pursuant to a court order, if it appears from a petition filed under section 39 that there is probable cause to believe that the child should be removed immediately from surroundings or conditions that endanger the child's health

or safety;

(2) pursuant to an order issued by the court before the filing of a petition under section 39 if the court has probable cause to believe that the child should be removed immediately from surroundings or conditions that endanger the child's health or safety; or

(3) by a peace officer who has probable cause to believe that the child should be removed immediately from surroundings or conditions that endanger the child's health or safety if there is not enough time or opportunity for the peace officer to obtain a court order under clause (2).

Sec. 33. [260A.151] [HOMEMAKER SERVICES.]

In preference to temporary removal of the child under sections 32 to 36, a protective services worker or the court may assign homemaker services or a home health aide to the child's home or present residence if the services or aide are able to protect the child from danger to the child's health or safety. The services or aide may be assigned (1) without a court order for not more than 24 hours, and then (2) with a court order for a period of time determined by the court pending disposition of the case. The cost of the services must be paid initially by the county of financial responsibility. The county must be reimbursed by the parent, guardian, or custodian as provided in section 260.251.

Sec. 34. [260A.152] [COURT-ORDERED TEMPORARY REMOVAL; PROCEDURES.]

Subdivision 1. [ISSUANCE OF ORDER; CONTENTS.] *(a) The court may issue an order requiring the temporary removal of a child pursuant to section 32: (1) upon its own motion before or after the filing of a petition under section 39; or (2) upon the application of any person eligible to file a petition under section 39.*

(b) If the child was temporarily removed from the child's home or surroundings in a county that has established an intake unit under section 37, before issuing an order under paragraph (a), clause (2), the court shall require that an intake worker confer with the person seeking the removal order to get information about the reason for the request, and otherwise assist the court in disposing of the application.

(c) The order shall contain the equivalent notices required under section 25, subdivision 1; except that, if the court determines that there is reason to believe that visitation or communication by telephone or otherwise with the child would endanger the child's health or safety, it may exclude from the order, in whole or in part, the name, address, and telephone number of the place where the child was removed to or may otherwise limit visitation or communication with the child as may be appropriate.

Subd. 2. [NONSECURE PLACEMENT; NOTICE.] *A child who is temporarily removed from home or surroundings under this section may be placed in any nonsecure placement listed in section 24, subdivision 2. The peace officer or other person who removes the child pursuant to subdivision 1, or that person's designee, shall advise the child, the child's attorney, if any, and, as soon as possible, the child's parent, guardian, or custodian of the notices contained in the order and any limitations on visitation or other*

communication with the child contained therein.

Subd. 3. [MEDICAL TREATMENT.] *Before either the filing of a petition under section 39 or a hearing under section 36, the court may, consistent with section 144.344, authorize a physician or hospital to provide a child with emergency medical and surgical procedures without the consent of the child's parent or guardian, if it finds that:*

(1) the procedures are necessary to safeguard the life or health of the child; and

(2) there is not enough time either to file the petition or hold the hearing.

Subd. 4. [FILING OF PETITION.] *No child may be temporarily removed from home or surroundings for longer than 72 hours, excluding weekends and holidays, unless a petition is filed under section 39 and a temporary removal hearing is conducted under section 36 to determine the need for continued removal of the child.*

Sec. 35. [260A.153] [TEMPORARY REMOVAL WITHOUT COURT ORDER; PROCEDURES.]

Subdivision 1. [TRANSFER TO INTAKE WORKER.] *A peace officer who removes a child from home or surroundings under section 32, clause (3), in a county that has established an intake unit under section 37, shall immediately bring the child to an intake worker who has been designated by the county to make nonsecure temporary removal placement decisions to determine the appropriate nonsecure placement for the child. The person who removed the child shall inform the intake worker orally and in writing of the reasons for the removal and the circumstances in which the child was found. If, after conferring with the person who removed the child, the intake worker determines that the grounds for removal under section 32, clause (3), have been met, the intake worker may transfer the child to a nonsecure placement as provided in subdivision 3. If the intake worker determines that the grounds for removal under section 32, clause (3), have not been met or that the child should be returned to the child's home or present residence, the intake worker shall arrange for transportation of the child to the home or present residence. Lack of space in nonsecure placement must not be the reason for releasing the child.*

Subd. 2. [TRANSFER TO NONSECURE PLACEMENT.] *A peace officer who removes a child from home or surroundings under section 32, clause (3), in a county that has not established an intake unit under section 37, and who determines that the child should not be returned to the child's home or present residence, may transfer the child to a nonsecure placement as provided in subdivision 3. If the peace officer or person with authority to release determines that the child should be returned to the home or present residence, the peace officer or other person shall arrange for transportation of the child to the child's home or present residence. Lack of space in nonsecure placement must not be the reason for releasing the child.*

Subd. 3. [NONSECURE PLACEMENT; NOTICES.] *A child who is temporarily removed from home or surroundings under this section may be placed in any nonsecure placement listed in section 24, subdivision 2. If necessary, the person who made the temporary removal decision under subdivision 1 or 2 shall arrange for transportation of the child to the placement as*

provided in section 25, subdivision 4, and shall provide the equivalent notices required by section 25, subdivisions 1, 2, and 3. When the child has been transferred to the nonsecure placement, the person in charge of it or the person's designee shall provide the equivalent notices required by section 25, subdivision 6.

Subd. 4. [FILING OF PETITION.] *No child may be temporarily removed from home or surroundings for longer than 72 hours, excluding weekends and holidays, unless a petition is filed under section 39 and a temporary removal hearing is conducted under section 36 to determine the need for continued removal of the child.*

Sec. 36. [260A.154] [TEMPORARY REMOVAL HEARING.]

Subdivision 1. [WHEN HELD.] *(a) When a child is temporarily removed from home or surroundings under sections 32 to 35 and not released, the court shall hold a hearing within 72 hours of the removal, excluding weekends and holidays, to determine the need for continued removal of the child. At or before the scheduled time of the hearing, a petition requesting jurisdiction under section 14 must be filed as provided in section 39.*

(b) Whenever a petition has been filed under section 39, the court may conduct a hearing to determine whether or not the child should be temporarily removed from home or surroundings during all or part of the pendency of the case. The hearing may be held on the court's own motion or at the request of any person eligible to file a petition under section 39.

(c) The court shall give the parties prior notice of the hearing in the manner provided in section 27, subdivision 4, and a copy of the petition as required by section 27, subdivision 5. Additionally, before the hearing the court shall find out if the child is an Indian child and, if so, shall have a copy of the notice and petition given to the child's tribal social service agency or its local representative.

Subd. 2. [ORDER.] *At the conclusion of the hearing, the court may issue an order taking one of the following actions:*

(a) It may temporarily remove the child or continue temporary removal from the home or present residence if it finds that removal or continued removal is necessary to avoid or lessen danger to the child's health or safety.

(b) It may release the child to the child's parent, guardian, or custodian, pending further court action if a less restrictive alternative to removal can reduce the risk to the child's health or safety. Less restrictive alternatives include but are not limited to the assignment of services under section 33.

(c) It may authorize a physician or hospital to provide medical or surgical procedures if found to be necessary to safeguard the child's life or health.

(d) It may grant relief from acts of domestic child abuse in the manner authorized by section 260.133 if the criteria of that section have been satisfied.

If the court finds that the grounds for temporary removal are not met, it shall order the child returned to the child's home or present residence. All orders issued by the court shall be in writing and contain a statement of the findings and reasons supporting the court's decision to remove the child

temporarily from the home or present residence or to return the child to the home or present residence.

Subd. 3. [MENTAL HEALTH TREATMENT.] *A child who is temporarily removed from home because the child is alleged to be a victim of child abuse as defined in section 630.36, subdivision 2, may not be given mental health treatment specifically for the effects of the alleged abuse until the court finds that there is probable cause to believe the abuse has occurred; except that a child may be given mental health treatment prior to a probable cause finding of child abuse if the treatment is either agreed to by the child's parent or guardian in writing, or ordered by the court upon a finding that treatment is in the child's best interests.*

Subd. 4. [PARENTAL VISITATION.] *If the court orders temporary removal of a child under subdivision 2 and determines that the child should continue in a nonsecure placement, the court shall include in its order the right to parental visitation of the child in the nonsecure placement, and reasonable provisions for supervised or unsupervised visitation, unless it finds that visitation would endanger the child's health or safety.*

Subd. 5. [INFORMAL REVIEW; AMENDMENT.] *If the court orders temporary removal of the child under subdivision 2, the court or its designee shall informally review the child's case file every eight days as provided in section 28, subdivision 5, paragraph (a), to determine the need for continued removal pending disposition of the case. A hearing rather than an informal review must be held by the court at the request of any person notified under subdivision 1 who wishes to present new evidence concerning the need for continued removal. In addition, upon the request of any party to the proceeding, the court shall schedule and hold an adjudicatory hearing on the petition within 30 days of the temporary removal hearing.*

INTAKE AND SCREENING

Sec. 37. [260A.20] [INTAKE.]

Subdivision 1. [ESTABLISHMENT OF INTAKE.] *The county attorney may request the county board to establish and maintain an intake unit or units (1) to make nonsecure detention and temporary removal intake decisions under sections 23 to 36, and (2) to provide pre-court diversion services for children alleged to have committed delinquent acts or petty offenses, or for children in need of protection or services, or both. These services shall continue to be provided upon the mutual agreement of the county attorney and the county board. The county board may enter into an agreement with another county or counties or other independent agencies or organizations to provide these intake services for the county. The county board shall adopt guidelines describing the duties and responsibilities of persons providing intake services under this section and shall provide adequate training to intake workers on the procedures and requirements of this section and sections 23 to 36. This section does not mandate a county to establish an intake unit or units.*

Subd. 2. [DUTIES OF COUNTY ATTORNEY.] *The county attorney has the right and responsibility to screen cases for consideration for pre-court diversion services. Except as otherwise provided in subdivision 9, paragraph (b), nothing in this section shall be construed to limit the county attorney's right to file a petition with the court. The county attorney in each county shall*

develop written guidelines identifying which types of cases should be referred for an intake inquiry.

Subd. 3. [INTAKE INQUIRY.] *With the approval of the county attorney, the intake unit may investigate cases concerning children alleged to have committed delinquent acts or petty offenses, or alleged to be in need of protection or services to determine:*

(1) if the available facts establish that the case is the type of case over which the court has jurisdiction; and

(2) what action would best serve the interests of the child, the child's parents or guardian, the community, and, where applicable, the victim of the child's alleged offense.

Subd. 4. [REQUIREMENTS OF INTAKE INQUIRY.] *As part of an intake inquiry, the intake worker may do any of the following:*

(a) The intake worker may hold conferences with the child and with the child's parents, guardian, or custodian. In deciding to hold an intake inquiry conference, the intake worker shall send a notice to appear by first class mail to the following persons:

(1) the child, if (i) the conference relates to a delinquency or petty offense matter; or (ii) the child is alleged to be in need of protection or services, is 12 years old or older, and is capable of understanding and participating in the conference;

(2) the child's custodial parent or parents;

(3) the child's guardian or custodian, if applicable; and

(4) the child's noncustodial parent if the child is presently living with that parent.

The child and the child's parents, guardian, or custodian may not be compelled to appear at any conference or produce any paper or document. Any party who appears at a conference under this section shall be permitted to have counsel present. No conference may be held unless all persons required to be notified appear, except that only one custodial parent need appear.

(b) The intake worker may interview other persons to determine whether the filing of a petition or other allowable action is warranted.

(c) If the intake worker reasonably believes that alcohol abuse may have contributed to the child's commission of the offense or to the child's need for protection or services, the intake worker may request the child, or the parents, guardian, or custodian of a child alleged to be in need of protection or services, to undergo an alcohol assessment as provided in section 169.126. No person may be compelled to undergo an alcohol assessment under this paragraph.

(d) If the case concerns a child alleged to be in need of protection or services, the intake worker shall determine if the child is an Indian child and, if so, shall make reasonable efforts to seek the assistance of the Indian child's tribal social service agency or its local representative in conducting the inquiry.

The intake worker shall complete the intake inquiry and make a recom-

mendation to the county attorney within 60 days of the time that the matter was referred to the intake unit. If the intake inquiry is not completed within 60 days of the initial referral, the intake worker shall refer the matter to the county attorney.

Subd. 5. [ACCESS TO INFORMATION.] *(a) Notwithstanding the provisions of chapter 13 to the contrary, the intake worker shall have access to the following records for the purpose of conducting an intake inquiry under subdivision 4 or monitoring performance of a formal diversion agreement under subdivision 8, provided that the records are material and relevant:*

(1) court records;

(2) law enforcement agency records;

(3) records of the public agency that initiated the report on which the referral to intake was based; and

(4) records of any public agency that provides services or supervision to the parties under the formal diversion agreement.

(b) The intake worker may receive and provide to the victim of the child's offense information that is needed to help the victim obtain reasonable restitution, except that the name of the child or the child's parent, guardian, or custodian may not be given to the victim unless agreed to by the affected party or ordered by a court. The county attorney shall be responsible for providing any notification to the victim that is required by section 609.115.

(c) The intake worker may notify the person or agency that initiated the report on which the referral to intake was based of any action taken on the matter.

Subd. 6. [RIGHTS AT INTAKE INQUIRY CONFERENCE.] *At the beginning of an intake inquiry conference, the intake worker shall inform the child and the child's parent, guardian, or custodian of the following:*

(1) that participation in the conference is voluntary;

(2) the purpose of the conference;

(3) that the conference could result in any of the following: (a) a recommendation to the county attorney that a petition be filed in court, (b) a formal diversion agreement, including the possible requirements of such an agreement and the length of time it could be effective, and (c) a recommendation to the county attorney that no further action be taken in the matter;

(4) that successful completion of a formal diversion agreement will result in no court record of the matter;

(5) that those parties who are present have the right to have their counsel present at the conference;

(6) that the child has the right and, if the child is alleged to be in need of protection or services, that the child's custodial parent or guardian has the right not to participate in the conference and to request that a petition be filed with the court; and

(7) that the child alleged to have committed a delinquent act or petty offense has the right to remain silent, but that even if the child exercises this

right, a recommendation to file a petition with the court may still be made by the intake worker.

Subd. 7. [ACTIONS RESULTING FROM INTAKE INQUIRY.] *After completing an intake inquiry, the intake worker shall take one of the following actions:*

(a) If the intake worker determines that the available facts fail to establish that the case is the type of case over which the court has jurisdiction, the intake worker shall recommend to the county attorney that the case be closed.

(b) If the intake worker determines that further action is neither warranted nor in the interests of the child, the child's parents, guardian, or custodian, the community, or if applicable, the victim of the child's offense, the intake worker shall recommend to the county attorney that the case be closed.

(c) If after an intake inquiry conference the intake worker determines that further action is warranted, but that it would be more beneficial to enter into a formal diversion agreement than to file a petition, the intake worker may enter into a formal diversion agreement pursuant to subdivision 8.

(d) If the intake worker determines that the available facts establish that the case is the type of case over which the court has jurisdiction, and that the interests of the child, the child's parents, guardian, or custodian, the community, or if applicable, the victim of the child's offense, warrant formal court action, the intake worker shall recommend to the county attorney that a petition be filed with the court.

Any recommendations made by the intake worker must be accompanied by the reasons for the recommendation.

The county attorney is deemed to have approved of an intake worker's recommendation to close a case or enter into a formal diversion agreement unless the county attorney sends a written objection to the intake worker and to the parties who were notified of the intake inquiry conference within seven days of receiving the recommendation.

Subd. 8. [FORMAL DIVERSION AGREEMENT.] *(a) An intake worker may enter into a formal diversion agreement with the child and the child's parent, guardian, or custodian if all the following conditions are met:*

(1) The county attorney has approved of the decision to enter into the agreement, either specifically for that case, or pursuant to written guidelines, or by failing to object as provided in subdivision 7.

(2) Available facts give the intake worker reason to believe that the court would have jurisdiction, if sought.

(3) The parties entering into the agreement have been advised of their rights under subdivision 6, and have been given an opportunity to consult with their counsel.

(4) The agreement is signed by the intake worker and by the parties entitled to notice of the conference under subdivision 4, paragraph (a), who appear at the conference; except that the intake worker may require that both of the child's custodial parents and the child's custodian sign the agreement.

(5) The child and the child's parents, guardian, or custodian who sign the

agreement indicate in the agreement that they enter into it voluntarily and with an understanding of their rights as described to them under subdivision 6.

(6) In a delinquency or petty offense matter, there is a factual basis for the allegation to which the child admits.

(7) In a matter alleging a child's need for protection or services, there is a factual basis for the allegation that the child is in need of protection or services and, if the child is an Indian child, the intake worker has made reasonable efforts to involve the child's tribal social service agency or its local representative.

(b) The agreement shall be in writing and signed by the child, the child's parents, guardian, or custodian who are required to sign the agreement, and the intake worker. A copy of the agreement shall be given to the persons who sign it, to those who supervise its conditions, and to those who provide services under it. If the child is an Indian child and if the child's tribe has requested a copy of the agreement, a copy of it shall be given to the child's tribal social service agency or its local representative.

(c) An agreement under this subdivision may be effective for not more than 90 days. However, any part of an agreement requiring restitution may be extended for up to an additional 180 days if the child cannot complete restitution within the original 90-day period and if the extension is agreed to in writing by the parties who signed the original agreement.

(d) If the agreement is based on the child's having committed a delinquent act or petty offense, the agreement may require one or more of the following:

(1) that the child and the child's parents, guardian, or custodian participate in local, community-based counseling programs;

(2) that the child abide by reasonable rules of conduct;

(3) that the child make reasonable restitution;

(4) that the child perform up to 20 hours of uncompensated, supervised community service;

(5) that the child undergo an outpatient chemical dependency evaluation; and

(6) that the child attend up to 20 hours of chemical abuse education classes or of drug awareness program sessions;

(e) If the agreement is based on the child's need for protection or services, the agreement may require one or more of the following:

(1) that the child and the child's parents, guardian, or custodian participate in local community-based counseling programs;

(2) that the child and the child's parents, guardian, or custodian abide by reasonable rules of conduct related to the child's need for protection or services;

(3) that the child and the child's parents, guardian, or custodian receive reasonable in-home and outpatient services related to the child's need for protection or services; and

(4) that the child and the child's parents, guardian, or custodian attend up to 20 hours of chemical abuse education classes or of drug awareness program sessions.

(f) The agreement may not provide for any form of out-of-home placement, any form of secure confinement, any fine, or the loss of any license issued by the state.

(g) The intake worker shall inform the persons who sign a formal diversion agreement:

(1) that all signers of the agreement, except the intake worker, may object at any time to the terms or continuation of the agreement, and that if an objection is made, the intake worker may negotiate an amendment of the terms of the agreement subject to the approval of all the signers; and

(2) that if there is a violation of the terms of the agreement, the intake worker may recommend to the county attorney that a petition be filed with the court.

The advisory required under this paragraph must be in writing and may be made a part of the formal diversion agreement.

Subd. 9. [VIOLATION OR COMPLETION OF DIVERSION AGREEMENT.] *(a) If during the period of the agreement the intake worker finds probable cause that the terms of the agreement are not being met, the intake worker shall document the facts constituting probable cause and either negotiate an amendment to the agreement, or cancel the agreement and refer the matter to the county attorney. The referral must be in writing and be accompanied by a written statement of the documented facts and the intake worker's recommendation. The county attorney may cancel the agreement and file a petition.*

(b) If the terms of the agreement are met within the required time, the intake worker shall notify the parties that the matter is being closed. No petition may be filed based on the events that prompted the original referral, except that in cases involving a child's need for protection or services, the underlying facts for the intake action may be used in addition to other facts to prove a subsequent petition alleging the child's need for protection or services. The fact that a case was handled by the intake unit may be disclosed to the court; however, this shall not be interpreted to mean that the child has a court record concerning the intake matter.

Subd. 10. [PRIVILEGE.] *Except as otherwise provided in this section and section 626.556, an intake worker may not be examined for or against a child, or a child's parents, guardian, or custodian with respect to any communication made or information gathered pursuant to this section from or about the child, or the child's parents, guardian, or custodian, except upon the written, informed consent of the person about whom the communication or information was concerned or from whom the communication or information was received.*

PROCEDURES

Sec. 38. [260A.251] [REFERENCE IN CASES OF JUVENILE MAJOR TRAFFIC OFFENSES.]

If, after a hearing, the court finds that:

(1) there is probable cause, as defined by the rules of criminal procedure adopted pursuant to section 480.059, to believe a child subject to the court's jurisdiction under section 13, subdivision 2, has committed the juvenile major traffic offense alleged in the petition; and

(2) the prosecuting authority has demonstrated by clear and convincing evidence that the child is not suitable to treatment or that the public safety would not be served under the provisions of this chapter; then

the court may transfer the case to any court of competent jurisdiction presided over by a salaried judge if there is one in the county. The juvenile court may transfer the case by forwarding to the appropriate court the documents in the court's file together with an order to transfer. The court to which the case is transferred shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

Sec. 39. Minnesota Statutes 1984, section 260.131, is amended to read:

260.131 [PETITION *PROCEDURES; GENERALLY.*]

Subdivision 1. [PETTY OFFENSES; PROTECTIVE SERVICES; AND MISCELLANEOUS MATTERS.] Any reputable person, including but not limited to *a county attorney and* any agent of the commissioner of human services, having knowledge of a child in this state or of a child who is a resident of this state, who appears to be ~~delinquent, neglected, dependent, or neglected and in foster care,~~ *within the court's jurisdiction under section 13, subdivision 1, and subdivision 2, in cases involving juvenile minor traffic offenses, and sections 14 and 15,* may petition the juvenile court in the manner provided in this section.

~~Subd. 1a. [REVIEW OF FOSTER CARE STATUS.] The social service agency responsible for the placement of a child in a residential facility, as defined in section 257.071, subdivision 1, pursuant to a voluntary release by the child's parent or parents may bring a petition in juvenile court to review the foster care status of the child in the manner provided in this section.~~

Subd. 1b. [DELINQUENCY AND JUVENILE MAJOR TRAFFIC OFFENSES.] *A county attorney of the county where the child resides or where the acts constituting the basis for the petition occurred who has probable cause to believe that the court has jurisdiction over the child under section 12 or section 13, subdivision 2, in cases involving juvenile major traffic offenses, may petition the court in the manner provided in this section.*

Subd. 2. [REQUIREMENTS.] *(a)* The petition shall be verified by the person having knowledge of the facts and may be on information and belief. Unless otherwise provided by rule or order of the court, the county attorney shall draft the petition upon ~~the~~ *a* showing of ~~reasonable grounds~~ *probable cause* to support the petition.

(b) In addition to the content requirements of subdivision 3, a petition containing a statement of the facts establishing probable cause must be filed with the court whenever:

(1) jurisdiction under section 14 is alleged;

(2) a child is alleged to have committed an offense that would be a felony if committed by an adult; and

(3) the petition is ordered by the court upon its own motion or the motion of the child, if the child is alleged to have committed an offense that would be a gross misdemeanor or misdemeanor if committed by an adult.

(c) The facts establishing probable cause must be set forth in writing in or with the petition, or in supporting affidavits and may be supplemented by sworn testimony of witnesses taken before the court. If such testimony is taken, a note so stating must be made on the petition by the court. The testimony must be recorded by a reporter or recording instrument and must be transcribed and filed.

Subd. 3. [CONTENTS.] The petition and all subsequent court documents shall be entitled substantially as follows:

"Juvenile Court, County of _____.

In the matter of the welfare of _____"

The petition shall set forth plainly:

~~(a)~~ *(1)* The facts which bring the child within the jurisdiction of the court;

~~(b)~~ *(2)* The name, date of birth, residence, and post-office address of the child;

~~(c)~~ *(3)* The names, residences, and post-office addresses of his parents;

~~(d)~~ *(4)* The name, residence, and post-office address of his guardian if there be one, of the person having custody or control of the child, and of the nearest known relative if no parent or guardian can be found;

~~(e)~~ *(5)* The spouse of the child, if there be one.

If any of the facts required by the petition are not known or cannot be ascertained by the petitioner, the petition shall so state.

Sec. 40. Minnesota Statutes 1984, section 260.132, is amended to read:

260.132 [~~PROCEDURE; HABITUAL TRUANTS, RUNAWAYS, JUVENILE PETTY OFFENDERS~~ *CITATION PROCEDURES; GENERALLY*.]

Subdivision 1. [~~NOTICE~~ *CITATION*.] When a peace officer, or attendance officer in the case of a ~~habitual truant~~ *chronic truant from school*, has probable cause to believe that ~~a child is a runaway, a habitual truant, or a juvenile petty offender~~ *the court has jurisdiction over a child under section 12, for an offense that would be a misdemeanor if committed by an adult, section 13, for a petty offense, or section 14, clause (6)*, the officer may issue a ~~notice~~ *citation* to the child ~~to appear in juvenile court in the county in which the child is found or in the county of his residence or, in the case of a juvenile petty offense, the county in which the offense was committed~~. The officer shall file a copy of the ~~notice to appear~~ *citation* with the juvenile court of the appropriate county. If a child fails to appear in response to the ~~notice~~ *citation*, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody *or temporarily remove the child*, sections ~~260.165 and 260.171~~ *19 to 36* shall apply.

Subd. 2. [EFFECT OF ~~NOTICE~~ *CITATION*.] *Except as provided under subdivision 2a,* filing with the court a ~~notice to appear~~ *citation* containing the

name and address of the child, specifying the offense alleged and the time and place it was committed, has the effect of a petition giving the juvenile court jurisdiction. ~~In the case of running away, the place where the offense was committed may be stated in the notice as either the child's custodial parent's or guardian's residence or lawful placement or where the child was found by the officer. In the case of truancy, the place where the offense was committed may be stated as the school or the place where the child was found by the officer.~~ *However, the court may not order any out-of-home placement of the child as a disposition in any case that is heard by means of a citation rather than a petition.*

Subd. 2a. [CHILD HELD IN CUSTODY OR TEMPORARY REMOVAL.] *A petition must be filed as provided under section 39 rather than a citation under this section before a detention or temporary removal hearing if the child has been taken into custody or temporarily removed and continued detention or temporary removal is being sought.*

Subd. 3. [NOTICE TO PARENT.] *(a)* Whenever a ~~notice to appear~~ *citation* or petition is filed ~~alleging that a child is a runaway, a habitual truant, or a juvenile petty offender~~ *under this section*, the court shall summon and notify the person or persons having custody or control of the child of the nature of the offense alleged and the time and place of hearing. This summons and notice shall be served in the time and manner provided in ~~section~~ *sections* 260.135~~, subdivision 1~~ *and 260.141; except that, in cases involving juvenile major traffic offenses, it is not necessary to notify more than one parent or personally serve outside the state.*

(b) When a child is alleged to be a juvenile traffic offender and is not subject to the court's jurisdiction under section 13, subdivision 2, the peace officer issuing a citation or making the charge shall follow the arrest procedures prescribed in section 169.91 and shall make reasonable efforts to notify the child's parent or guardian of the nature of the charge.

Sec. 41. Minnesota Statutes 1984, section 260.133, subdivision 1, is amended to read:

Subdivision 1. [PETITION.] The local welfare agency may bring an emergency petition on behalf of minor family or household members seeking relief from acts of domestic child abuse. The petition shall allege the existence of or immediate and present danger of domestic child abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

If the respondent does not appear after service is duly made and proved, the court may hear and determine the proceeding as a default matter. Proceedings under this section must be given docket priority by the court.

Sec. 42. Minnesota Statutes 1985 Supplement, section 260.133, subdivision 2, is amended to read:

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

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

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

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

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

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

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

An ex parte temporary order for protection shall be effective for a fixed period not to exceed 14 days. Within five days of the issuance of the temporary order, the petitioner shall file a ~~dependency and neglect~~ petition with the court pursuant to section ~~260.131~~ *39 alleging jurisdiction under section 14, clause (2)*, and the court shall give docket priority to the petition.

The court may renew the temporary order for protection one time for a fixed period not to exceed 14 days if a ~~dependency and neglect~~ petition *alleging jurisdiction under section 14, clause (2),* has been filed with the court and if the court determines, upon informal review of the case file, that the renewal is appropriate.

Sec. 43. [260A.264] [PLACEMENT OF DEVELOPMENTALLY DISABLED MINORS; PETITION FOR JUDICIAL REVIEW.]

If the parents of a developmentally disabled minor have voluntarily placed the child in substitute care because of the child's handicapping conditions, the social service agency responsible for the placement shall bring a petition for review under this section after the child has been in substitute care for 18 months. Whenever a petition for review is brought pursuant to this section, a guardian ad litem must be appointed for the child. The petition must comply with the applicable requirements of section 39, subdivisions 2 and 3.

Sec. 44. Minnesota Statutes 1985 Supplement, 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, neglected and in foster care, or delinquency~~ petition *for protection or services or delinquency* that contains allegations of child abuse over any other case except those delinquency matters where a child is being held in a secure detention facility. As used in this subdivision, "child abuse" has the meaning given it in section 630.36, subdivision 2.

Sec. 45. Minnesota Statutes 1984, section 260.135, subdivision 2, is

amended to read:

Subd. 2. The court shall have notice of the pendency of the case and of the time and place of the hearing served upon a parent, guardian, or spouse of the child, who has not been summoned as provided in subdivision 1. *If the petition alleges jurisdiction under section 14 and the court determines the child is an Indian child, notice must also be served on the Indian child's tribe, and on the United States department of the interior if required by the Indian Child Welfare Act, United States Code, title 25, section 1912.*

Sec. 46. Minnesota Statutes 1984, section 260.135, subdivision 3, is amended to read:

Subd. 3. If a petition alleging ~~neglect, or dependency, or~~ *jurisdiction under section 14, or* a petition to terminate parental rights is initiated by a person other than a representative of the department of human services or county welfare board, the clerk of the court shall notify the county welfare board of the pendency of the case and of the time and place appointed.

Sec. 47. Minnesota Statutes 1984, section 260.141, subdivision 1, is amended to read:

Subdivision 1. (a) Service of summons or notice required by section 260.135 shall be made upon the following persons in the same manner in which personal service of summons in civil actions is made:

(1) in all delinquency matters, upon the person having custody or control of the child and upon the child; and

(2) in all other matters, upon the person having custody or control of the child, and upon the child if he is more than 12 years of age.

Personal service shall be effected at least 24 hours before the time of the hearing; however, it shall be sufficient to confer jurisdiction if service is made at any time before the day fixed in the summons or notice for the hearing, except that the court, if so requested, shall not proceed with the hearing earlier than the second day after the service. If personal service cannot well be made within the state, a copy of the summons or notice may be served on the person to whom it is directed by delivering a copy thereof to such person personally outside the state. Such service if made personally outside the state shall be sufficient to confer jurisdiction; ~~providing~~ *provided,* however, it ~~be~~ *is* made at least five days before the date fixed for hearing in ~~such~~ *the* summons or notice.

(b) If the court is satisfied that personal service of the summons or notice cannot well be made, it shall make an order providing for the service of summons or notice by certified mail addressed to the last known addresses of such persons~~, and by one weeks published notice as provided in section 645.11. A copy of the notice shall be sent by certified mail~~ at least five days before the time of the hearing or 14 days if mailed to addresses outside the state.

(c) Notification to the county welfare board required by section 260.135, subdivision 3, shall be in such manner as the court may direct.

Sec. 48. Minnesota Statutes 1984, section 260.145, is amended to read:

260.145 [FAILURE TO OBEY SUMMONS OR SUBPOENA; CON-

TEMPT, ARREST.]

If any person personally served with summons or subpoena fails, without reasonable cause, to appear or bring the minor, he may be proceeded against for contempt of court or the court may issue a warrant for his arrest, or both. ~~In any case when it appears to the court that the service will be ineffectual, or that the welfare of the minor requires that he be brought forthwith into the custody of the court, the court may issue a warrant for the minor.~~

Sec. 49. Minnesota Statutes 1984, section 260.151, subdivision 1, is amended to read:

Subdivision 1. Upon request of the court the county welfare board ~~or probation officer~~ shall investigate the personal and family history and environment of any minor coming within the jurisdiction of the court under section ~~260.111~~ *14* and shall report its findings to the court. The court may order any minor coming within its jurisdiction *under section 14* to be examined by a duly qualified physician, psychiatrist, or psychologist appointed by the court. With the consent of the commissioner of corrections and agreement of the county to pay the costs thereof, the court may, by order, place a minor coming within its *delinquency* jurisdiction *who meets the secure detention criteria under section 24* in an institution maintained by the commissioner for the detention, ~~diagnosis~~ *evaluation*, custody and treatment of persons adjudicated to be delinquent, in order that the condition of the minor be given due consideration in the disposition of the case. Adoption investigations shall be conducted in accordance with the laws relating to adoptions. Any funds received under the provisions of this subdivision ~~or under the provisions of section 260.175, clause (d)~~ shall not cancel until the end of the fiscal year immediately following the fiscal year in which the funds were received. The funds are available for use by the commissioner of corrections during that period, and are hereby appropriated annually to the commissioner of corrections as reimbursement of the costs of providing these services to the juvenile courts.

Sec. 50. [260A.28] [RIGHT TO COUNSEL; DEFINITIONS.]

For the purposes of sections 51 to 53:

(1) "counsel" means an attorney acting as adversary counsel who shall advance and protect the legal rights of the party represented, and who may not act as guardian ad litem for any party in the same proceeding; and

(2) "totality of circumstances" includes but is not limited to the child's age, maturity, intelligence, education, experience, and ability to comprehend, and the presence and competence of the child's parents, guardian, or guardian ad litem.

Sec. 51. [260A.281] [CHILD'S RIGHT TO BE REPRESENTED BY COUNSEL DURING CUSTODIAL QUESTIONING.]

(a) A child who is taken into custody under section 19 has a right to be represented by counsel during any custodial questioning. If the child wants to have counsel present during custodial questioning but cannot afford it, the child is entitled to have counsel appointed by the court to represent the child. Counsel must be paid for at public expense in whole or in part depending on the ability of the child and the child's parents, guardian, or custodian to pay

pursuant to section 260.251, subdivision 4. A child must be advised of this right as provided in section 21, subdivision 4, before being questioned. The child may waive the right to the presence of counsel during custodial questioning only if the waiver is made voluntarily and intelligently.

(b) If the county attorney seeks to introduce as evidence a child's confession that was made during custodial questioning while the child was not represented by counsel, the county attorney must prove by a preponderance of the evidence that, under the totality of the circumstances, the child waived the right to counsel voluntarily and intelligently before the confession and that the confession was voluntary.

Sec. 52. [260A.282] [CHILD'S RIGHT TO BE REPRESENTED BY COUNSEL AT COURT PROCEEDINGS.]

Subdivision 1. [RIGHT TO COUNSEL.] *A child who is subject to the court's jurisdiction under section 12; 13, subdivision 1, and subdivision 2, in cases involving a juvenile major traffic offense; 14; or 15 has the right to be represented by counsel at every stage of the court proceedings. If the child wants to be represented by counsel but cannot afford it, the child is entitled to have counsel appointed by the court to represent the child. Counsel must be paid for at public expense in whole or in part depending on the ability of the child and the child's parents, guardian, or custodian to pay pursuant to section 260.251, subdivision 4.*

Subd. 2. [ADVISORY OF RIGHT TO COUNSEL.] *A child who is subject to the court's jurisdiction under section 12 or 14 shall be advised of the right to counsel by an attorney who is not employed by or acting as an agent of the county attorney or the court at the start of the child's first court proceeding. In all other cases where a child has the right to be represented by counsel under this section, the child must be advised by the court on the record of the right to counsel at the start of the child's first court proceeding.*

Subd. 3. [WAIVER OF RIGHT TO COUNSEL.] *(a) A child may waive the right to counsel only after having been advised of this right in the manner provided in subdivision 2. If the child chooses to waive the right to counsel, the attorney who advised the child under subdivision 2, if applicable under that subdivision, shall inform the court of the child's waiver at the child's first court hearing.*

(b) The court may accept the child's waiver only if the waiver is made voluntarily and intelligently. In determining whether a child has voluntarily and intelligently waived the right to counsel the court shall look at the totality of circumstances. If the court accepts the child's waiver, it shall state on the record the findings and conclusions that form the basis for its decision to accept the waiver.

(c) If the court accepts a child's waiver of the right to counsel, the court shall advise the child on the record of the right to counsel at the beginning of each subsequent proceeding at which the child is not represented by counsel.

(d) Notwithstanding a child's waiver under this subdivision, if the petition is based on delinquency jurisdiction and the offense alleged would be a gross misdemeanor or felony if committed by an adult, the court shall designate counsel to be present at all proceedings to assist and consult with the child.

Sec. 53. [260A.283] [RIGHT TO ASSISTANCE OF COUNSEL AT

COURT PROCEEDINGS; JUVENILE MINOR TRAFFIC OFFENSES; OTHER PARTIES.]

(a) A child who is subject to the court's jurisdiction under section 13, subdivision 2, in cases involving a juvenile minor traffic offense, has the right to be assisted by counsel at all stages of the court proceedings. If the child wants the assistance of counsel but cannot afford it, the court may appoint counsel to represent the child. The appointed counsel must be paid for at public expense in whole or in part depending on the ability of the child and the child's parents, guardian, or custodian to pay pursuant to section 260.251, subdivision 4.

(b) When a petition is filed alleging jurisdiction under sections 12 to 15, a child's parent, guardian, or custodian has the right to be assisted by counsel at all stages of the court proceedings. If the parent, guardian, or custodian wants the assistance of counsel but cannot afford it, the court may appoint counsel to represent the person in any case in which it feels that such an appointment is desirable. The appointed counsel must be paid for at public expense in whole or in part depending on the ability of the parent, guardian, or custodian to pay pursuant to section 260.251, subdivision 4.

Sec. 54. [260A.2835] [RIGHT OF OTHERS TO PARTICIPATE IN PROCEEDINGS.]

The parents, guardian, or custodian of a child who is the subject of a petition, and any grandparent of the child with whom the child has resided within the past two years, have the right to participate in all proceedings on a petition.

Sec. 55. Minnesota Statutes 1984, section 260.155, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] ~~Except for hearings arising under section 260.261~~ Hearings on any matter shall be without a jury and may be conducted in an informal manner. The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply ~~in adjudicatory proceedings involving a child alleged to be delinquent, a habitual truant, a runaway, a juvenile petty offender, or a juvenile alcohol or controlled substance offender, and hearings conducted pursuant to section 260.125~~ except to the extent that the rules themselves provide that they do not apply. ~~Hearings may be continued or adjourned from time to time and, in the interim, the court may make any orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301.~~ The court shall exclude the general public from these hearings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court; *except that, the court shall open the hearings to the public in delinquency proceedings where the child is alleged to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the alleged offense.* In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the clerk of court in writing, at his last known address, of (1) the date of the reference or adjudicatory hearings, and (2) the disposition of the case. Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Sec. 56. Minnesota Statutes 1984, section 260.155, subdivision 3, is amended to read:

Subd. 3. [COUNTY ATTORNEY.] Except in adoption proceedings, the county attorney shall present the evidence ~~upon request of the court~~.

Sec. 57. Minnesota Statutes 1984, section 260.155, subdivision 4, is amended to read:

Subd. 4. [GUARDIAN AD LITEM.] (a) The court shall appoint a guardian ad litem to protect the *best* interests of the minor when it appears, at any stage of the proceedings, that the minor is without a parent or guardian, or that his parent is a minor or incompetent, or that his parent or guardian is indifferent or hostile to the minor's *best* interests, and in every proceeding ~~alleging neglect or dependency~~ *brought under section 14*. In any other case the court may appoint a guardian ad litem to protect the *best* interests of the minor when the court feels that such an appointment is desirable. The court shall appoint the guardian ad litem on its own motion or in the manner provided for the appointment of a guardian ad litem in the district court.

(b) The court may waive the appointment of a guardian ad litem pursuant to clause (a), whenever ~~counsel has been appointed pursuant to subdivision 2 or is retained otherwise~~ *the minor, being 12 years old or older, has counsel retained or appointed to advocate the minor's expressed desires*, and the court is satisfied that the *best* interests of the minor are protected.

(c) In appointing a guardian ad litem pursuant to clause (a), the court shall not appoint the party, or any agent or employee thereof, filing a petition pursuant to section ~~260.131~~ *39*.

Sec. 58. Minnesota Statutes 1985 Supplement, section 260.155, subdivision 4a, is amended to read:

Subd. 4a. [EXAMINATION OF CHILD.] In any ~~dependency, neglect~~ *need for protection or services* or neglected and in ~~foster~~ *substitute* 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. 59. Minnesota Statutes 1984, section 260.155, subdivision 5, is amended to read:

Subd. 5. [WAIVING THE PRESENCE OF CHILD, PARENT.] Except in delinquency proceedings, the court may waive the presence of the minor in court at any stage of the proceedings when it is in the best interests of the minor to do so. In a delinquency proceeding, after the child is found to be delinquent, the court may excuse the presence of the child from the hearing when it is in the best interests of the child to do so. *To waive the child's presence, the court must have the consent of the child's guardian ad litem; if the child has none, the child's counsel must consent.* In any proceeding the

court may temporarily excuse the presence of the parent or guardian of a minor from the hearing when it is in the best interests of the minor to do so. The attorney or guardian ad litem, if any, has the right to continue to participate in proceedings during the absence of the minor, parent, or guardian.

Sec. 60. Minnesota Statutes 1984, section 260.155, subdivision 8, is amended to read:

Subd. 8. [WAIVER.] *Except as otherwise provided by this chapter, a* waiver of any right which a child has under this chapter must be an express waiver intelligently made by the child after the child has been fully and effectively informed of the right being waived *and has been advised by counsel or the guardian ad litem.* If a child is under 12 years *or if a child over 12 years* of age *is unable to make an intelligent waiver*, the child's ~~parent, guardian or custodian shall~~ *counsel or guardian may* give any waiver or offer any objection contemplated by this chapter.

Sec. 61. Minnesota Statutes 1985 Supplement, section 260.156, is amended to read:

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

An out-of-court statement made by a child under the age of ten years, or a child over the age of ten years who is mentally impaired, as defined under section 609.341, subdivision 6, alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or any act of physical abuse or neglect of the child by another, not otherwise admissible by statute or rule of evidence, is admissible in evidence in any ~~dependency or neglect~~ *need for protection or services* 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. 62. Minnesota Statutes 1985 Supplement, section 260.161, subdivision 2, is amended to read:

Subd. 2. Except as provided in this subdivision and in subdivision 1, none of the records of the juvenile court *and none of the records arising from an appeal from juvenile court*, including legal records, shall be open to public inspection or their contents disclosed except (a) by order of the court or (b) as required by sections 611A.03, 611A.04, and 611A.06. The records of juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. This *subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this* subdivision does not apply to proceedings under ~~sections~~ *section* 260.255 ~~and 260.261~~. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record a

reasonable time before it is used in connection with any proceeding before the court.

Sec. 63. Minnesota Statutes 1984, section 260.161, is amended by adding a subdivision to read:

Subd. 4. The juvenile court records of juvenile traffic offenders shall be kept separate from delinquency matters.

DISPOSITIONS

Sec. 64. [260A.30] [DISPOSITIONS; GENERAL PROVISIONS.]

Subdivision 1. [DISMISSAL OF PETITION.] *Whenever the court finds that a minor is not within the jurisdiction of the court or that the facts alleged in a petition have not been proved, it shall dismiss the petition.*

Subd. 2. [TIME.] *After a child has been adjudicated, the court shall set a date for the disposition hearing that allows a reasonable time for the parties to prepare but that is no more than 15 days after the date of adjudication, if the child is held in secure detention, and no more than 45 days after the date of adjudication, in all other cases. If all parties consent and if the predisposition report under section 65 has been completed, the court may proceed with a disposition hearing immediately after adjudication.*

Subd. 3. [PROTECTION OF RACIAL OR ETHNIC HERITAGE, OR RELIGIOUS AFFILIATION.] *The policy of the state is to ensure that the best interests of children are met by requiring due consideration of the child's minority race or minority ethnic heritage in substitute care placements.*

In placing a child or appointing a guardian for the child under this chapter, the court shall observe the following order of preference, unless there is good cause not to:

(a) The court shall place the child with a relative.

(b) If that would be detrimental to the child or if no relative is available, the court shall place the child with someone of the same racial or ethnic heritage as the child.

(c) If that is not possible, the court shall place the child with someone who is knowledgeable and appreciative of the child's racial or ethnic heritage. The court may require the county welfare agency to continue efforts to find a guardian of the child's minority racial or minority ethnic heritage when such a guardian is not immediately available.

If the child's birth parent or parents explicitly request that the preference described in paragraph (a) or in paragraphs (a) and (b) not be followed, the court shall honor that request consistent with the best interests of the child.

If the child's birth parent or parents prefer that the child be placed in a foster or adoptive home of the same or a similar religious background to that of the birth parent or parents, then in following the preferences in paragraph (a) or (b), the court shall order placement of the child with an individual of the preferred religious background. Only if no individual is available who is described in paragraph (a) or (b) may the court give preference to an individual described in paragraph (c) who meets the parent's religious

preference.

When the Indian Child Welfare Act, United States Code, title 25, sections 1911 to 1963, requires a particular disposition or placement for a child, or establishes a preference of disposition or placement for a child, the provisions of that act control.

Sec. 65. [260A.301] [PREDISPOSITION REPORT.]

Subdivision 1. [WHEN REPORT IS PREPARED.] *(a) The court shall order preparation of a predisposition report and shall consider the report before making a disposition in the following cases:*

(1) when a child has been adjudicated delinquent, if the delinquency is based upon the commission of an offense that would be a felony if committed by an adult;

(2) when a child has been adjudicated in need of protection or services; or

(3) when a child may be placed outside the child's home or present residence.

(b) If the child has been sent to the commissioner of corrections for evaluation pursuant to section 49, the court may delay its order for preparation of a predisposition report under paragraph (a) until after the evaluation has been completed.

(c) The court may order the preparation of the report by the county welfare department, a probation officer, or any licensed child welfare agency. The court may also order that experts in education, mental health, and other human services professions be consulted and asked to participate in the development of the report.

(d) The court, in its discretion, may order that a report be prepared and submitted in any other case before it.

Subd. 2. [PREPARATION AND SUBMISSION OF REPORT.] *The person or agency preparing the report must follow the requirements of section 609.115, subdivisions 1b and 1c, relating to victim notice and input.*

The report shall be prepared and submitted to the court after the allegations of the petition have been admitted or proved, but before the disposition hearing, unless the child's counsel consents to an earlier time.

Subd. 3. [CONTENTS OF REPORT.] *The predisposition report shall contain the following:*

(1) the social history of the child and the child's previous juvenile court records, if any;

(2) a recommended plan of rehabilitation, treatment, care, or punishment for the child that uses the least restrictive means appropriate to reach the goals of the plan;

(3) if the report recommends that the child undergo an assessment to determine if the child is chemically dependent or mentally ill, a statement of the reliable information that supports the report preparer's reasonable belief that the child is chemically dependent or mentally ill for assessment purposes;

(4) a statement of specific goals of the plan, including the desired behavior changes of the child, the child's parents, or the child's guardian and, when appropriate, the academic, social, or vocational skills that the child needs to develop;

(5) the identity of the person or agency recommended to be primarily responsible for carrying out the recommended plan;

(6) if the report recommends placement of the child outside the child's home or present residence for purposes other than protecting the public, a case plan as defined by section 94, subdivision 1, and a description of the efforts that were made to avoid placement of the child, including services provided to the child and family and why these efforts were unsuccessful;

(7) if the report recommends placement of the child outside the child's home or present residence solely for the purpose of protecting the public, a statement of why the child is a danger to the public and needs restrictive custodial care;

(8) if the report recommends placement of the child outside the child's home or present residence, and the recommended placement is more than 60 miles from the child's home or present residence, an explanation of why a placement not within that distance is more appropriate given the child's needs for services or rehabilitation;

(9) if the child has been adjudicated a chronic truant from school, a statement of reasons why the truancy occurred and a list of recommended services and educational and community programs designed to remedy the truancy and respond to the child's educational needs; and

(10) if the child has been adjudicated a juvenile traffic offender in a case involving a juvenile major traffic offense, a list obtained from the department of public safety of any previous traffic or water law violations by the child.

Subd. 4. [RELEASE OF INFORMATION IN REPORT.] *The court may, in its discretion, advise counsel for any party and guardians ad litem not to disclose portions of the predisposition report to the child, the child's parents, or the child's guardian if the court reasonably believes that disclosure would seriously harm the rehabilitation or treatment of the child. Counsel or guardians ad litem shall make every reasonable effort to follow the court's advice.*

Sec. 66. [260A.302] [DISPOSITION HEARING.]

Subdivision 1. [SEPARATE FROM ADJUDICATORY HEARING.] *The disposition hearing must be separate from the hearing at which the petition or citation is proved.*

Subd. 2. [EVIDENCE.] *The court shall admit all relevant and material evidence including reliable hearsay and opinions. The introduction of privileged communications is controlled by section 595.02. Any party may present evidence relevant to the issue of disposition, including expert testimony, and may make alternative dispositional recommendations or submit an alternative predisposition report. A person, agency, or party that submits evidence to the court may be examined by counsel for any party, including counsel for the guardian ad litem, or by a guardian ad litem who is an attorney, or by the county attorney.*

Subd. 3. [SUSPENSION OF HEARING.] *If the court finds that there is probable cause to believe that the child meets the definition of chemically dependent, mentally ill, or emotionally disturbed for assessment purposes, it may suspend the disposition hearing for up to 30 days and order the child to undergo an assessment to determine if the child is chemically dependent, mentally ill, or emotionally disturbed. A copy of the assessment must be provided to the court and the parties at least 48 hours before the disposition hearing is scheduled to recommence.*

Subd. 4. [DISPOSITION ORDER.] *At the conclusion of the disposition hearing, the court shall issue a disposition order pursuant to section 73.*

Sec. 67. [260A.31] [DISPOSITIONS OF DELINQUENT CHILDREN.]

If the court finds *that a child is delinquent, it shall enter an order making one or more of the following dispositions:*

(a) The court may counsel the child or the child's parents or guardian.

(b) The court may place the child under the supervision of a probation officer or other suitable person or agency prepared to accept the responsibility of supervision in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the child's parent, guardian, or legal custodian.

(c) The court may allow the child to remain in the child's own home under the supervision of any person or agency, and order the person or agency to provide specified services to the child and the child's family, including individual or group counseling, homemaker or parent aide services, respite care, housing assistance, day care, parent skills training, or to insure that the child is enrolled in an available academic or vocational program, if appropriate.

(d) The court may designate one of the following, giving preference in the order they appear below, as the placement for the child:

(1) the home of a relative of the child;

(2) a foster family home;

(3) a foster family group home;

(4) a group home;

(5) a residential chemical dependency or mental illness program, or a residential program for emotionally disturbed minors, if it finds that:

(i) the child is chemically dependent, mentally ill, or emotionally disturbed for treatment purposes;

(ii) the program offers treatment that is appropriate to the child's needs; and

(iii) inpatient treatment is the least restrictive and most appropriate option for achieving the treatment objectives ordered by the court; or

(6) a county home school, but only if the child is found delinquent for an offense that would be a felony if committed by an adult.

A facility that is designated as placement for a child under clauses (2) to

(4) or clause (6) must be licensed to accept delinquent children.

(e) If the child is found delinquent for an offense that would be a felony if committed by an adult, and the court finds that the child cannot be rehabilitated by means of any of the placement options listed in paragraph (d), the court may transfer legal custody of the child by commitment to the commissioner of corrections. Except as otherwise provided in section 82, subdivision 2, paragraph (b), when legal custody is transferred to the commissioner of corrections under this paragraph, juvenile court jurisdiction over the case ends and the child is subject only to the commissioner's authority under chapter 242.

(f) If the court finds that the rehabilitation of the child cannot be accomplished with the voluntary consent or cooperation of the parents or guardian, the court may transfer legal custody to (1) a relative of the child, (2) a county welfare board, or (3) a licensed child welfare agency.

(g) If the child is in need of special care and treatment, the court may order the child's parents or guardian to provide it. If the parents or guardian do not or cannot afford to provide the special care and treatment, the court may order it to be provided by an appropriate agency whether or not legal custody has been taken from the parents or guardian.

(h) If the offense for which the child was adjudicated delinquent resulted in damage to or loss of the property of another, or actual physical injury to another excluding pain and suffering, the court may order the child to repair the damage or return the property, or make reasonable restitution for the damage or injury. The court shall follow the requirements of section 609.115, subdivisions 1b and 1c, in making this order. If the child objects to the amount of damages or medical care claimed by the victim, the child is entitled to a hearing on the matter before the amount of restitution is ordered. The court shall order payment of restitution in accordance with a time payment schedule that does not impose an undue financial hardship on the child.

(i) The court may order the child to perform uncompensated, supervised community service work. The community service must be productive work and must be appropriate to the child's age and physical ability. The amount of community service must be reasonably related to the seriousness of the child's offense and must not conflict with the child's regular attendance at school.

(j) If the court determines that no treatment or services are needed or appropriate, it may impose a fine equal to that imposed on an adult for the same offense, but not more than $500. The court shall order the fine paid on a time payment schedule that does not impose an undue financial hardship on the child.

If the court orders more than one of the dispositions allowed under this section, the combined effect of the dispositions ordered must be reasonable and proportional to the severity of the offense for which the child has been adjudicated.

Sec. 68. [260A.315] [DISPOSITIONS OF JUVENILE TRAFFIC OFFENDERS.]

Subdivision 1. [JUVENILE MAJOR TRAFFIC OFFENSES.] *If the court*

finds that a child has committed a juvenile major traffic offense, it shall enter an order making one or more of the following dispositions:

(a) The court may counsel the child or the child's parents or guardian.

(b) The court may place reasonable conditions and restrictions on the child's use or operation of any motor vehicle or boat.

(c) The court may require the child to attend a driver improvement school if one is available.

(d) The court may recommend to the commissioner of public safety or to the licensing authority of another state the suspension of the child's license as provided in section 171.16.

(e) The court may impose a fine equal to that imposed on an adult for the same offense, but not more than $500. The court shall order the fine paid on a time payment schedule that does not impose an undue financial hardship on the child. If the court finds that the child can pay the fine, but has not paid it within the time payment schedule established, the court shall notify the commissioner of public safety of the failure to pay the fine and shall recommend that the child's driving privilege be suspended for 30 to 90 days. Inability or failure to pay the fine is not grounds for incarceration at a correctional facility or juvenile detention center.

(f) The court may order the child to perform uncompensated, supervised community service work instead of a fine under paragraph (e). The community service must be productive work and appropriate to the child's age and physical ability. The amount of community service must be reasonably related to the seriousness of the child's offense and must not conflict with the child's regular attendance at school.

(g) If the child is adjudicated a juvenile traffic offender for a violation of section 169.121, the court shall recommend to the commissioner of public safety or to the licensing authority of another state the revocation of the child's license until the child reaches the age of 18 years, for a period of six months, or for the appropriate period of time under section 169.121, subdivision 4, clauses (a) to (d), for the offense committed, whichever is longer.

The court shall report the dispositions of juvenile traffic offenders under this subdivision to the commissioner of public safety, as provided in section 171.16, on the standard form provided by the department of public safety under section 169.95.

Subd. 2. [JUVENILE MINOR TRAFFIC OFFENSES.] *If the court finds that a child has committed a juvenile minor traffic offense, it shall enter an order making one or more of the following dispositions:*

(a) The court may counsel the child or the child's parents or guardian.

(b) The court may place reasonable conditions and restrictions on the child's use or operation of any motor vehicle or boat.

(c) The court may require the child to attend a driver improvement school if one is available.

(d) The court may recommend to the commissioner of public safety or to the licensing authority of another state the suspension of the child's license

as provided in section 171.16.

(e) The court may impose a fine equal to that imposed on an adult for the same offense, but not more than $100. The court shall order the fine paid on a time payment schedule that does not impose an undue financial hardship on the child. If the court finds that the child can pay the fine, but has not paid it within the time payment schedule established, the court shall notify the commissioner of public safety of the failure to pay the fine and shall recommend that the child's driving privilege be suspended for 30 to 90 days. Inability or failure to pay the fine is not grounds for incarceration at a correctional facility or juvenile detention center.

(f) The court may order the child to perform up to 25 hours of uncompensated, supervised community service work instead of a fine under paragraph (e). The community service must be productive work and appropriate to the child's age and physical ability. The amount of community service must be reasonably related to the seriousness of the child's offense and must not conflict with the child's regular attendance at school.

The court shall report the dispositions of all juvenile traffic offenders under this subdivision to the commissioner of public safety, as provided in section 171.16, on the standard form provided by the department of public safety under section 169.95.

Subd. 3. [MULTIPLE DISPOSITIONS.] *If the court orders more than one of the dispositions allowed under this section, the combined effect of the dispositions ordered must be reasonable and proportional to the severity of the offense for which the child has been adjudicated.*

Sec. 69. [260A.32] [DISPOSITIONS OF JUVENILE PETTY OFFENDERS.]

Subdivision 1. [DISPOSITIONS.] *If the court finds that a child is a juvenile petty offender, it shall enter an order making one or more of the following dispositions:*

(a) The court may counsel the child or the child's parents or guardian.

(b) The court may impose a fine of up to $100. The court shall order payment of the fine in accordance with a time payment schedule that does not impose an undue financial hardship on the child. The inability or failure to pay the fine is not grounds for incarceration at a correctional facility or juvenile detention center.

(c) The court may order the child to perform up to 25 hours of uncompensated, supervised community service work instead of a fine. The community service must be productive work and appropriate to the child's age and physical ability. The amount of community service must be reasonably related to the seriousness of the child's offense and must not conflict with the child's regular attendance at school.

Subd. 2. [MULTIPLE DISPOSITIONS.] *If the court orders more than one of the dispositions allowed under this section, the combined effect of the dispositions ordered must be reasonable and proportional to the severity of the offense for which the child has been adjudicated.*

Sec. 70. [260A.325] [DISPOSITIONS OF JUVENILE ALCOHOL AND

CONTROLLED SUBSTANCE OFFENDERS.]

If the court finds that a child is a juvenile alcohol or controlled substance offender, it shall enter an order making one or more of the following dispositions:

(a) The court may counsel the child or the child's parents or guardian.

(b) The court may impose a fine of up to $100. The court shall order the fine paid on a time payment schedule that does not impose an undue financial hardship on the child. Inability or failure to pay the fine is not grounds for incarceration at a correctional facility or juvenile detention center.

(c) The court may order the child to perform up to 25 hours of supervised, uncompensated community service work instead of a fine. The community service must be productive work and appropriate to the child's age and physical ability. The amount of community service must be reasonably related to the seriousness of the child's offense and must not conflict with the child's regular attendance at school.

(d) The court may order the child to attend a local outpatient alcohol and drug awareness or education program, if one is available.

(e) The court may order the child to undergo chemical dependency evaluation on an outpatient basis. A child may not be ordered to submit to inpatient alcohol or drug assessment or evaluation, or committed to a treatment facility under this section.

(f) If the court finds that a child who has a driver's license or permit to drive has used a license or permit to purchase or attempt to purchase an alcoholic beverage in violation of section 340A.503, the court shall forward the finding and the child's driver's license or permit to the commissioner of public safety. The commissioner shall revoke the child's license or permit for 30 days.

If the court orders more than one of the dispositions allowed under this section, the combined effect of the dispositions ordered must be reasonable and proportional to the severity of the offense for which the child has been adjudicated.

Sec. 71. [260A.33] [DISPOSITIONS OF CHILDREN IN NEED OF PROTECTION OR SERVICES.]

Subdivision 1. [CHILDREN IN NEED OF PROTECTION OR SERVICES OTHER THAN TRUANTS.] *Except as provided in subdivisions 2 and 3, if the court finds that a child is in need of protection or services, it shall enter an order making one or more of the following dispositions:*

(a) The court may place the child under the protective supervision of a county welfare board or a child welfare agency in the child's home under conditions prescribed by the court to ensure the proper care and protection of the child. The conditions may include supervision of the parents or guardian.

(b) The court may order that specified services be provided to the child and the child's family, including but not limited to individual or group counseling, homemaking or parent aide services, respite care, housing assistance, day care, parent skills training, or an available academic or voca-

tional training program, if appropriate. No out-of-home placement is permitted under this paragraph.

(c) If the child is in need of special care and treatment, the court may order the child's parent or guardian to provide it. If the parents or guardian fail to or are financially unable to provide the special care and treatment, the court may order it to be provided by an appropriate agency whether or not legal custody has been taken from the parents or guardian. If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interest. No out-of-home placement is permitted under this paragraph.

(d) The court may place the child in a residential chemical dependency program if it finds that:

(1) the child is chemically dependent for treatment purposes;

(2) the program offers treatment that is appropriate to the child's needs; and

(3) residential treatment is the least restrictive and most appropriate option for achieving the treatment objectives ordered by the court.

(e) The court may place the child in a residential mental illness program if it finds that:

(1) the child is mentally ill for treatment purposes;

(2) the program offers treatment that is appropriate to the child's needs; and

(3) residential treatment is the least restrictive and most appropriate option for achieving the treatment objectives ordered by the court.

(f) The court may place the child in a residential program for emotionally disturbed minors if it finds that:

(1) the child is emotionally disturbed for treatment purposes;

(2) the program offers treatment that is appropriate to the child's needs; and

(3) residential treatment is the least restrictive and most appropriate option for achieving the treatment objectives ordered by the court.

(g) If the court finds that the appropriate person or agency has made every effort to permit the child to remain at home and that it is necessary to remove the child from home, the court shall designate one of the following, giving preference in the order they appear below, as the placement for the child:

(1) the home of a relative of the child;

(2) a foster family home;

(3) a foster family group home; or

(4) a group home.

(h) If the court finds that the child cannot be treated, cared for, or protected from physical or emotional harm because the parents or guardian

refuse to consent to the court's order or otherwise refuse to cooperate with the case plan ordered or approved by the court, the court may transfer legal custody to:

(1) a relative of the child;

(2) a county welfare board; or

(3) a licensed child welfare agency.

If the court believes that the child has sufficient maturity and judgment, the court may order a child 16 years old or older to be allowed to live independently, either alone or with others approved by the court, under supervision and with services under paragraph (b) as the court considers appropriate. If a plan of independent living under this paragraph cannot be carried out with the consent of the child's parents or guardian, the court may transfer legal custody of the child as provided in paragraph (g).

Subd. 2. [TRUANTS FROM SCHOOL.] *If the court finds that a child is a chronic truant from school, the court shall enter an order making one or more of the following dispositions:*

(a) The court may order the child to participate in appropriate, available educational and community programs.

(b) If the child was adjudicated a chronic truant from school by means of the filing of a petition rather than a citation, and the court finds that an end to the child's truancy cannot be achieved if the child remains in the child's present residence, the court may designate one of the following, giving preference in the order they appear below, as the placement for the child:

(1) the home of a relative of the child;

(2) a foster family home;

(3) a foster family group home; or

(4) a group home.

(c) The court may order a fine up to $100.

(d) The court may order community service up to 40 hours.

Subd. 3. [VICTIMS OF DOMESTIC CHILD ABUSE.] *If the court finds that the child is a victim of domestic child abuse, the court shall enter an order making one or more of the following dispositions, in addition to or instead of the dispositions authorized under subdivision 1:*

(a) The court may restrain any party from committing acts of domestic child abuse.

(b) The court may exclude the abusing party from the dwelling that the family or household members share or from the residence of the child.

(c) On the same basis as is provided in chapter 518, the court may establish temporary visitation with regard to minor children of the adult family or household members.

(d) On the same basis as is provided in chapter 518, the court may establish temporary support or maintenance for a period of 30 days for minor children or a spouse.

(e) The court may provide counseling or other social services for the family

or household members.

(f) The court may order the abusing party to participate in treatment or counseling services.

Relief granted by the order for protection must be for a fixed period not to exceed one year.

However, no order excluding the 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;

(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.

Sec. 72. [260A.335] [DISPOSITIONS OF DEVELOPMENTALLY DISABLED MINORS.]

When a developmentally disabled minor is in substitute care pursuant to a voluntary placement, and the court acts on a petition to review the minor's status, it may make one of the following findings:

(a) The court may find that the child's needs are being met and that the child's placement in substitute care is in the best interests of the child, in which case the court shall approve the voluntary arrangement. The court shall order the social service agency responsible for the placement to bring a petition under section 43 within two years if court review was pursuant to section 43, or within one year if court review was pursuant to section 94, subdivision 2.

(b) The court may find that the child's needs are not being met, in which case the court shall order the social service agency or the parents to take whatever action is necessary and feasible to meet the child's needs, including, when appropriate, the provision by the social service agency of services to the parents that would enable the child to live at home, and shall order the case to be reviewed again within one year.

(c) The court may find that the child has been abandoned by the parents financially or emotionally, or that the child does not require out-of-home care because of the handicapping condition, in which case the court shall order the social service agency to file an appropriate petition pursuant to section 39, subdivision 1, or section 260.231.

Sec. 73. [260A.34] [DISPOSITION ORDER.]

Subdivision 1. [INTENT.] *The court shall decide on a disposition plan based on evidence presented at the disposition hearing. In making its decision, the court shall:*

(1) employ, among the dispositions available, the least restrictive means and duration of disposition appropriate to the achievement of the objectives of the disposition plan chosen;

(2) preserve the family unit whenever possible;

(3) transfer custody of the child from the parent only when there is no less

drastic appropriate alternative;

(4) consider, in delinquency cases, the need to protect the public in addition to the child's need for treatment and rehabilitation; and

(5) not adversely consider the exercise by any party of that party's constitutional rights.

Subd. 2. [ORDER.] *The disposition order must meet the following requirements:*

(a) The order must contain findings of fact and conclusions of law. The findings of fact shall be supported by clear and convincing evidence.

(b) The findings must document the facts prompting the court to reject as inappropriate less restrictive dispositional choices and shall state reasons for the chosen disposition.

(c) Except as provided in paragraph (d), if a child is placed outside the child's home or present residence, the order must contain a finding that:

(1) reasonable efforts have been made to prevent the need to place the child and, if required by the adoption assistance and child welfare act, United States Code, title 42, section 670, that reasonable efforts have been made to make it possible for the child to return home;

(2) the placement facility chosen by the court provides services suitable to addressing the child's needs or problems; and

(3) in the case of substitute care placement, the requirements of section 64, subdivision 3, and the Indian Child Welfare Act, United States Code, title 25, sections 1911 to 1963, have been met.

(d) If the court has ordered that a child adjudicated delinquent be placed outside the child's home or present residence solely to protect the public, the court shall find that the child is a danger to the public and needs restrictive custodial care.

(e) The order must contain a plan of appropriate rehabilitation, care, treatment, services, and punishment, including specific objectives to be achieved. If appropriate, the order must identify academic, social, and vocational skills to be gained by the child.

(f) The order must identify the agency that is primarily responsible for carrying out the plan ordered by the court. If legal custody is transferred, the order must identify the custodian.

(g) If the child is placed outside the child's home or present residence, the order must identify the placement facility. This paragraph does not apply to foster family homes.

(h) If the court makes the determination provided for in section 260.251, subdivision 1, the order must require the child's parent, guardian, custodian, or trustee to pay the cost of services provided to the child and must designate the amount of the support.

Subd. 3. [TRANSFER OF DOMESTIC ABUSE CASES.] *If the court issues an order for protection pursuant to section 71, subdivision 3, excluding from a dwelling an abusing party who is the parent of a minor family or household member, it shall transfer the case file to the court that has jurisdiction over proceedings under chapter 518 for the purpose of establishing*

support or maintenance for minor children or a spouse, as provided in chapter 518, during the effective period of the order for protection. The court to which the case file is transferred shall schedule and hold a hearing on the establishment of support or maintenance within 30 days of the issuance of the order for protection. After an order for support or maintenance has been granted or denied, the case file must be returned to the juvenile court, and the order for support or maintenance, if any, must be incorporated into the order for protection.

Subd. 4. [CASE PLAN.] *If the court orders a disposition plan that is not consistent with the case plan submitted under section 65, the person or agency responsible for preparing the case plan shall revise the case plan to conform to the court's order and shall file the revised plan with the court within 30 days of the effective date of the disposition order. The original or revised case plan must be made a part of the disposition order.*

Subd. 5. [INTERIM PLACEMENTS.] *If the court orders that the child be placed outside the child's home or present residence, but the place or facility identified under subdivision 2, paragraph (d), is not immediately available, the court may order an interim placement for the child which is appropriate under the circumstances. The interim placement is effective for up to 30 days. If the court finds good cause for an extension of the interim placement, it may order up to 15 additional days of interim placement. Except in the case of a child adjudicated delinquent, a secure detention facility may not serve as an interim placement for a child awaiting placement in a nonsecure setting.*

Subd. 6. [PARENTAL VISITATION.] *If the court orders that the child be placed outside the child's home or present residence, it shall set reasonable rules for supervised or unsupervised parental visitation that contribute to the achievement of the objectives of the court order and the case plan. No parent may be denied visitation unless the court finds at the disposition hearing that the visitation would act to prevent the achievement of the case plan's objectives or that it would seriously endanger the child's physical or emotional well-being.*

Subd. 7. [DUTY TO WARN.] *When the court places a child adjudicated in need of protection or services outside the child's home, it shall verbally warn the parent or parents who appear in court of the following:*

(1) the conditions necessary for the child to be returned home, including required changes in the parent's conduct, the nature of the home, and the child's conduct; and

(2) if applicable, the grounds for termination of parental rights under section 75.

A written copy of this warning must be attached to the disposition order and given to the parent or parents who do not appear in court.

Subd. 8. [DURATION OF ORDER.] *(a) A disposition order based on an adjudication for any one of the following offenses is effective for a length of time specified by the court, but not more than six months:*

(1) a juvenile petty offense;

(2) a juvenile alcohol offense;

(3) a juvenile controlled substance offense; and

(4) a juvenile traffic offense other than a violation of section 169.121 or 169.129.

(b) A disposition order based on an adjudication of an act of delinquency that would be a misdemeanor if committed by an adult is effective for a length of time specified by the court, but not more than one year.

(c) If legal custody of the child has been transferred by commitment to the commissioner of corrections under section 67, paragraph (e), and the child was adjudicated delinquent for an offense that would have been the basis for prima facie reference under section 260.125, subdivision 3, the disposition order must provide that the transfer of legal custody is effective until terminated by the commissioner, or until the child becomes 19 years old, whichever occurs first. In all other cases where legal custody has been transferred by commitment to the commissioner of corrections, the transfer is effective for up to one year and may be extended only as provided in section 82, subdivision 2, paragraph (b).

(d) All other disposition orders are effective until the child reaches the age of 19 or is discharged by the court, whichever comes first.

(e) A disposition order may be extended only in accordance with section 82.

(f) If a child becomes 18 years old before the disposition order expires, the duration of the order is not affected unless the court orders otherwise. However, the court shall terminate jurisdiction when the child reaches age 19 if jurisdiction is not terminated earlier pursuant to another provision of this chapter.

Subd. 9. [EFFECT AND SERVICE OF ORDER.] *A party, person, or agency who provides services to a child pursuant to a disposition order or who is subject to the conditions of a disposition order is bound by the order and must be served with a copy of the order in the manner provided in the rules for juvenile court.*

Sec. 74. Minnesota Statutes 1984, section 260.211, is amended to read:

260.211 [EFFECT OF JUVENILE COURT PROCEEDINGS.]

Subdivision 1. No adjudication upon the status of any child in the jurisdiction of the juvenile court shall operate to impose any of the civil disabilities imposed by conviction, nor shall any child be deemed a criminal by reason of this adjudication, nor shall this adjudication be deemed a conviction of crime. The disposition of the child or any evidence given by the child in the juvenile court shall not be admissible as evidence against him in any case or proceeding in any other court, except that an adjudication may later be used to determine a proper sentence, nor shall the disposition or evidence disqualify him in any future civil service examination, appointment, or application.

Subd. 2. *A child who commits a juvenile major traffic offense must be adjudicated a "juvenile traffic offender" and must not be adjudicated delinquent.*

Subd. 3. No thing contained in this section shall be construed to relate to subsequent proceedings in juvenile court, nor shall preclude the juvenile court, under circumstances other than those specifically prohibited in subdivision 1, from disclosing information to qualified persons if the court considers such disclosure to be in the best interests of the child or of the admin-

istration of justice.

TERMINATION OF PARENTAL RIGHTS

Sec. 75. Minnesota Statutes 1984, section 260.221, is amended to read:

260.221 [GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.]

Subdivision 1. [GROUNDS.] The juvenile court may, upon petition, terminate all rights of a parent to a child in the following cases:

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

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

(1) That the parent has abandoned the child; or

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other *necessary* care and control necessary for the child's physical, mental or emotional health and development, if the parent is physically and financially able; or

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; or

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be permanently detrimental to the physical or mental health of the child; or

(5) That following upon a determination of ~~neglect or dependency~~ *a need for protection or services*, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination; or

(6) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of his intention to retain parental rights under section 259.261 or that the notice has been successfully challenged; or

(7) That the child is neglected and in ~~foster~~ *substitute* care.

For purposes of this section, "neglected and in substitute care" means a child:

(1) who has been placed in substitute care by court order;

(2) whose parents' circumstances, condition, or conduct are such that the child cannot be returned to them; and

(3) whose parents, despite the availability of needed rehabilitative services, have failed to make reasonable efforts to adjust their circumstances, condition or conduct, or have willfully failed to meet reasonable expectations

with regard to visiting the child or providing financial support for the child.

Subd. 2. [FACTORS IN DETERMINING NEGLECT AND IN SUBSTITUTE CARE.] *In determining whether a child is neglected and in substitute care, the court shall consider, among other factors, the following factors:*

(a) The length of time the child has been in substitute care.

(b) The effort the parent has made to adjust circumstances, conduct, or condition to make it in the child's best interest to return home in the foreseeable future, including the use of rehabilitative services offered to the parent.

(c) Whether the parent has visited the child within the nine months preceding the filing of the petition, unless it was physically or financially impossible for the parent to visit or not in the best interest of the child to be visited by the parent.

(d) The maintenance of regular contact or communication with the agency or person temporarily responsible for the child.

(e) The appropriateness and adequacy of services provided or offered to the parent to facilitate a reunion.

(f) Whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent within an ascertainable period of time.

(g) The nature of the effort made by the responsible social service agency to rehabilitate and reunite the family.

Sec. 76. Minnesota Statutes 1984, section 260.231, subdivision 3, is amended to read:

Subd. 3. The court shall have notice of the time, place, and purpose of the hearing served on the parents, as defined in sections 257.51 to 257.74 or in section 259.26, subdivision 1, clause (2), in the manner provided in sections 260.135 and 260.141, except that personal service shall be made at least ten days before the day of the hearing. ~~Published notice shall be made for three weeks, the last publication to be at least ten days before the day of the hearing;~~ and notice sent by certified mail shall be mailed at least 20 days before the day of the hearing. A parent who consents to the termination of parental rights under the provisions of section ~~260.221~~ *75, subdivision 1,* clause (a), may waive in writing the notice required by this subdivision; however, if the parent is a minor or incompetent the waiver shall be effective only if the parent's guardian ad litem concurs in writing.

Sec. 77. Minnesota Statutes 1984, section 260.235, is amended to read:

260.235 [DISPOSITION; PARENTAL RIGHTS NOT TERMINATED.]

If, after a hearing, the court does not terminate parental rights but determines that ~~conditions of neglect or dependency exist, or that~~ the child is ~~neglected and in foster care~~ *in need of protection or services as provided in section 14,* the court may ~~find the child neglected, dependent, or neglected and in foster care and may~~ enter an order in accordance with the provisions of section ~~260.191~~ *71.*

CONTRIBUTING TO OFFENDER STATUS

OR NEED FOR PROTECTIVE SERVICES

Sec. 78. Minnesota Statutes 1984, section 260.255, is amended to read:

260.255 [JURISDICTION OVER PERSONS CONTRIBUTING TO ~~DELINQUENCY OR NEGLECT~~ *OFFENDER STATUS OR NEED FOR PROTECTIVE SERVICES*; COURT ORDERS.]

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

Subd. 2. If, in the hearing of a case of a child alleged to be delinquent, *a juvenile petty offender, a juvenile alcohol offender, a juvenile controlled substance offender,* or ~~neglected~~ *in need of protection or services,* it appears by a fair preponderance of the evidence that any person has violated the provisions of section ~~260.315~~ *79*, the court may make any of the following orders:

(a) Restrain the person from any further act or omission in violation of section ~~260.315~~ *79*; or

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

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

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

Sec. 79. Minnesota Statutes 1984, section 260.315, is amended to read:

260.315 [CONTRIBUTING TO ~~NEGLECT OR DELINQUENCY~~ *OFFENDER STATUS OR NEED FOR PROTECTIVE SERVICES.*]

Any person who by act, word or omission encourages, causes or contributes to the ~~neglect or delinquency of a child~~ *child's need for protection or services under section 14, clauses (1) to (4), (6) to (8), (12), (13), or (15),* or to a child's *offender* status as a ~~habitual truant, runaway~~ *delinquent*, juvenile petty offender, juvenile alcohol offender, or juvenile controlled substance offender, is guilty of a misdemeanor.

REHEARING, MODIFICATION, AND EXTENSION

Sec. 80. [260A.50] [REHEARING; NEW EVIDENCE.]

A child whose status has been adjudicated by a juvenile court, or the petitioner, the county attorney, or the child's parent, guardian, legal custodian or spouse may, at any time within 90 days of the filing of the court's disposition order, petition the court for a rehearing on the grounds that material evidence has been newly discovered that with reasonable diligence could not have been found and produced at trial. Upon a showing that the evidence does exist, the court shall order a new disposition hearing under section 66 and, if appropriate, shall enter a new disposition order under section 73.

Sec. 81. [260A.51] [MODIFICATION OF DISPOSITION ORDER.]

Subdivision 1. [REQUEST FOR MODIFICATION.] *The court may modify a disposition or extension order at any time before the order expires if any of the following occurs:*

(1) new evidence has been discovered that with reasonable diligence could not have been found and produced at the previous disposition or extension hearing and that affects the advisability of the present order;

(2) a change of circumstances has occurred that is sufficient to show that a modification of the disposition order is necessary; or

(3) all or part of the disposition order is no longer applicable or appropriate.

The court may modify the order on its own motion, or the change may be requested by the child, parent, guardian, legal custodian, county attorney, or a person or agency primarily responsible for carrying out the order. Requests for modification must be in writing and must be submitted to the court that entered the disposition order. The request must contain the information required under subdivision 3, 4, or 5.

Subd. 2. [MODIFICATION HEARING.] *Within five days of the receipt of the request for modification, the court shall determine whether there is good cause to believe that one or more of the conditions under subdivision 1 exist. If good cause is found and written waivers of objection to the proposed modification are filed with the court, the court may, upon acceptance of the waivers, order the modification without a hearing. Waivers must be signed by the following persons:*

(1) the child, if adjudicated delinquent or if 12 years old or older;

(2) the child's counsel;

(3) the guardian ad litem;

(4) the parent, guardian, or legal custodian; and

(5) the county attorney.

If good cause is found and written waivers are not filed or are not accepted by the court, the court shall cause notice to be sent to all parties who were present at the previous disposition or extension hearing, to an Indian child's tribal social service agency or its local representative if the child was adjudicated in need of protection or services, and to others determined by the court to have an interest in the matter before the court. The hearing must be conducted in accordance with section 66.

Subd. 3. [REQUEST FOR CHANGE OF PLACEMENT.] *(a) If the modification requested is a change of the child's placement, the request must state:*

(1) the reasons for requesting the new placement; and

(2) why the present placement is not appropriate for the child's needs or is harmful to the child's safety.

(b) At the modification hearing, the party requesting the change of placement shall:

(1) identify the name and address of the new placement, except that a child or a child's parent, guardian, or custodian is not required to identify the new

placement, if he or she is the requesting party;

(2) provide a written or oral statement describing why a new placement is preferable to the present placement and how a new placement would better satisfy the objectives of the treatment or rehabilitation plan and the case plan ordered by the court; and

(3) provide a written or oral statement describing why the goals of the case plan cannot be met in the present placement.

Subd. 4. [REQUEST FOR REMOVAL OF CHILD FROM HOME.] *If the modification requested is a removal of the child from the child's home, the court shall order that a report be prepared pursuant to section 65. The procedures of section 66 shall apply and the court shall make the required findings of fact and conclusions of law relating to out-of-home placements pursuant to section 73.*

Subd. 5. [REQUEST FOR OTHER MODIFICATIONS.] *If the modification requested does not involve a change of placement, the request must state:*

(1) the specific modification sought;

(2) why the proposed modification is preferable to the present condition; and

(3) how the proposed modification would better satisfy the objectives of the treatment plan and the case plan previously ordered by the court.

Subd. 6. [EMERGENCY CHANGE OF PLACEMENT WITHOUT COURT ORDER.] *A placement may not be changed before court approval of the modification request except when, in the opinion of the person or agency primarily responsible for the implementation of the disposition or extension order, an emergency makes the change in placement necessary to protect the child or others or ease a crisis that has developed because of the child's disruptive behavior.*

The person or agency shall document in writing the nature of the emergency and, if the child was adjudicated in need of protection services, shall have notice of the emergency change and modification request filed with the court and mailed to the parties present at the previous disposition or extension hearing and to an Indian child's tribal social service agency or its local representative. The filing and mailing of the notice and request must occur within 48 hours of the removal of the child from present placement. The court shall conduct a hearing on the request within five days of the filing of notice, unless written waivers of objection under subdivision 2 are filed with the court.

This subdivision does not:

(1) limit the power of the commissioner of corrections to revoke probation or parole or discharge under section 242.19, when a child under the continuing jurisdiction of the court is taken into custody under section 19 and then held pursuant to a detention order while awaiting a hearing on the new grounds for jurisdiction; or

(2) apply to interim placements authorized by the court pursuant to section 73, subdivision 5.

Subd. 7. [MODIFICATION ORDER.] *If the court approves the modification request, it shall make written findings of fact and conclusions of law as required under section 73 and shall order that the case plan be amended to bring it into compliance with the court's new order. The written statements required by subdivision 3, 4, or 5 must be attached to all copies of the court's modification order. The court shall not order a modification that has not been requested, nor shall it order a modification that has not been proved necessary by clear and convincing evidence. No modification may extend the effective period of the disposition order. Disposition orders may be extended only pursuant to section 82.*

Sec. 82. [260A.52] [EXTENSION OF DISPOSITION ORDER.]

Subdivision 1. [LIMITATIONS.] *A disposition order under section 73 may be extended only as provided in this section, subject to the following limitations:*

(a) A disposition order arising from an adjudication of truancy from school may not be extended past the date that the child reaches age 16.

(b) A disposition order that transferred legal custody of a child by commitment to the commissioner of corrections for up to one year may be extended only as provided in subdivision 2, paragraph (b).

(c) A disposition order may not be extended, in any case, beyond the date on which the child reaches age 19.

Subd. 2. [REQUEST FOR EXTENSION.] *(a) Except as otherwise provided in this subdivision, at any time before the expiration of a disposition order, a party bound by the order or the county attorney may request that the court extend, or the court upon its own motion may extend, the disposition order. The request for extension must be in writing and must be submitted to the court that entered the disposition order. The request must state:*

(1) whether the objectives of the court's disposition order or of the case plan are being or have been met; and

(2) why the continuing jurisdiction of the court is necessary.

(b) When legal custody of a child has been transferred by commitment to the commissioner of corrections for up to one year, the commissioner may extend the disposition order pursuant to rules adopted under chapter 14, if the commissioner finds that an extension is necessary. The duration of the extension is governed by subdivision 6, paragraph (a). The commissioner's decision to extend a disposition order and the reasons for it must be in writing, and may be appealed in the manner provided in section 83.

(c) When a child is subject to a disposition order based on an offense listed in section 73, subdivision 8, paragraph (a), the county attorney may request an extension of the order for an additional period not to exceed six months. The request for an extension must be in writing and must be submitted to the court that entered the disposition order. The request must state the reasons why an extension is needed to accomplish the objectives of the child's case plan as set forth in the disposition order.

Subd. 3. [EXTENSION HEARING.] *Within five days of receiving the request for extension, the court shall determine whether there is good cause*

to believe that the court's extended jurisdiction is necessary to meet the objectives of the disposition order and case plan. If good cause is found, the court shall have notice sent to all parties who were present at the previous disposition or extension hearing, to an Indian child's tribal social service agency or its local representative if the child was adjudicated in need of protection or services, and to others determined by the court to have an interest in the matter before the court. The hearing must be conducted in accordance with section 66. The appearance of the child at the hearing may be waived only by counsel for the child.

Subd. 4. [PROGRESS REPORT.] *No later than five days before the hearing, the person or agency primarily responsible for carrying out the disposition order shall file a written report with the court, containing the following:*

(1) a description of the extent to which the goals of rehabilitation or care and treatment stated in the order and case plan have been reached, including a description of the efforts made or not made by all parties toward meeting those goals;

(2) if the goals have not been reached, an explanation why they have not, and a description of the efforts that are planned for the requested period of extension which will cause the goals to be reached in whole or in part;

(3) a statement of any modifications of the order that are necessary to reach the goals;

(4) in cases where the child has been placed outside of the child's home, an evaluation of the child's adjustment to the placement and of any progress the child has made, recommendations for changes in the case plan, a description of efforts made to return the child to the home, including efforts of the parents or guardian to remedy problems that contributed to the child's placement, and, if continued placement outside the child's home is recommended, an explanation of why the child should not be returned to the home.

Subd. 5. [EXTENSION ORDER.] *If the court finds that extension of the court's jurisdiction is necessary, it shall make findings of fact and conclusions of law. The findings of fact must be based on clear and convincing evidence presented at the hearing. The court shall enter a new or modified order under section 81. If an order providing for placement of a child outside the child's home is extended, the court shall state in the order the reasons for continuing the placement and whether the continued placement is consistent with the case plan.*

Subd. 6. [DURATION OF EXTENSION.] *(a) Except as otherwise provided in paragraph (b), an extension must be for a specified length of time not to exceed one year. An order may be extended again later only under this section.*

(b) If the court grants an extension of a disposition order based on an offense listed in section 73, subdivision 8, paragraph (a), the extension must be for a specified length of time not to exceed six months. A disposition order covered by this paragraph may be extended later only if the sum of the original effective period and the extension period or periods does not exceed one year.

Subd. 7. [TIME OF REQUEST.] *A request to extend a disposition order*

must be made before the termination of that order. If a request is made before the termination date, but the court cannot conduct a hearing on the request before the termination date, the court may extend the order once for not more than 30 days if the court is satisfied that any delay in requesting the extension was not intentional. The hearing on the request must be held within that period of extension and may not be held if the order, including any extension period, terminates before the hearing date. A request made after the termination date must be dismissed for lack of jurisdiction.

Subd. 8. [APPEAL.] *An extension order may be appealed by any party to the action.*

APPEALS

Sec. 83. [260A.53] [APPEAL.]

Subdivision 1. [IN GENERAL.] *An appeal from a juvenile court order must be taken to the court of appeals as in other civil cases. The appeal must be taken within 30 days of the filing of an appealable order as provided under subdivision 2. Pending determination of the appeal, the order of the court shall stand unless, upon application, the reviewing court, in its discretion, stays the order.*

Subd. 2. [WHO MAY APPEAL; APPEALABLE ORDERS.] *Any person with the right to participate may appeal from a final order of the court; except that, no appeal by the county attorney may be taken after jeopardy has attached.*

Subd. 3. [NOTICE OF RIGHTS.] *At any hearing from which a final order may issue, the court shall inform each of the parties orally on the record or in writing of a right to appeal, of the time allowed for appeal, and of the right to counsel on appeal. The court shall make particular effort to guarantee that the child understands these rights. Counsel for the child shall also inform the child of these rights.*

Subd. 4. [PROCEDURE.] *The procedure on appeal is governed by the rules of procedure for juvenile court except as may otherwise be provided in this section.*

Subd. 5. [CONDUCT OF HEARING.] *The appellate court shall exclude the general public from the hearing on appeal and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court.*

CONTEMPT

Sec. 84. [260A.58] [CONTEMPT; SCOPE.]

Sections 84 to 89 control contempt proceedings against children within the jurisdiction of the juvenile court whose alleged contempts arose in connection with a juvenile court proceeding, order, or disposition. Other persons who interfere with or fail to comply with a juvenile court order or process may be punished for contempt by the juvenile court pursuant to section 90.

Sec. 85. [260A.581] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] *The definitions in this section apply to sections 84 to 89.*

Subd. 2. [DIRECT CONTEMPT.] *"Direct contempt" means misconduct occurring in the immediate view and presence of the court and arising from one or more of the following acts:*

(1) disorderly, contemptuous, or insolent behavior toward the judge while holding court that tends to interrupt the due course of a trial or other judicial proceedings; or

(2) a breach of the peace, boisterous conduct, or violent disturbance that tends to interrupt the business of the court.

Subd. 3. [CONSTRUCTIVE CONTEMPT.] *"Constructive contempt" means intentional misconduct not committed in the immediate presence of the court of which the court has no personal knowledge and which arises from disobedience or obstruction of an order of the court.*

Sec. 86. [260A.582] [LIMITATIONS UPON FINDING CONTEMPT.]

A child may not be held in contempt or subjected to any sanction under sections 84 to 89 unless the court finds on the record, after notice and hearing, that:

(1) the child has violated a specific provision of a written order;

(2) the child understood that misconduct could result in the ordering or imposition of sanctions; and

(3) the child is capable of complying with the court authority, order, or process.

Sec. 87. [260A.583] [SUMMARY PROCEDURES; DIRECT CONTEMPTS.]

A direct contempt by a child may be punished summarily. The court shall issue an order reciting the facts occurring in the presence of the court and shall impose a sanction pursuant to section 89, subdivision 1 or 2, whichever is appropriate, immediately after the contempt occurs.

Sec. 88. [260A.584] [NONSUMMARY PROCEDURES; CONSTRUCTIVE CONTEMPTS.]

Subdivision 1. [CONSTRUCTIVE CONTEMPT.] *A constructive contempt by a child must be punished under this section.*

Subd. 2. [MOTION FOR SANCTIONS.] *A person or agency bound by a disposition order of the court under section 73, subdivision 9, who reasonably believes that a child has intentionally and willfully violated a provision of the disposition order may file a motion with the court seeking an order that stays imposition of a sanction on the child and allows the child time to purge the contempt. If the person or agency believes that the violation should be punished by the immediate imposition of a sanction, the person or agency may request the county attorney to file, or the county attorney may file on his or her own initiative, a motion seeking the immediate imposition of a sanction on the child. The motion must specifically state the facts that form the moving party's belief that the child's acts or omissions are contemptuous.*

Subd. 3. [PROBABLE CAUSE.] *On receiving the motion, the court shall determine whether the facts presented establish probable cause that the child is in contempt. If the court does not find probable cause, it shall dismiss the*

motion.

Subd. 4. [NOTICE TO CHILD.] *On finding probable cause, the court shall cause notice of the allegations and possible consequences to be given to the child. The court shall issue a summons for the child to appear and answer the motion. The arrest and detention of the child pending the hearing shall be controlled by sections 19 to 31.*

Subd. 5. [HEARING.] *The procedures and due process protections governing hearings in juvenile delinquency cases must be used in all contempt proceedings.*

Subd. 6. [ORDERING A STAYED SANCTION.] *If the court finds that the child is in contempt and that the contempt is of a continuing nature that the child is able and willing to correct, the court may order a sanction under section 89, subdivision 1 or 2, whichever is appropriate, but, if it does so, the court shall stay imposition of the sanction and give the child reasonable time to purge the contempt.*

Subd. 7. [FAILURE TO PURGE THE CONTEMPT.] *If the child fails to purge the contempt within a reasonable time, the court, after a hearing establishing the child's failure to purge the contempt, may impose the sanction that was previously ordered and stayed. The child's failure to purge the contempt must be proved by clear and convincing evidence.*

Subd. 8. [ORDERING IMMEDIATE IMPOSITION OF SANCTION.] *If the court finds that the child is in contempt and that the contempt is for past conduct or that the contempt is of a continuing nature that the child is able but unwilling to correct, the court may order immediate imposition of a sanction pursuant to section 89, subdivision 1 or 2, whichever is appropriate. Before imposing an immediate sanction for a continuing contempt that a child is unwilling to correct, the court must make findings on the record that explain the basis for its decision.*

Sec. 89. [260A.585] [SANCTIONS.]

Subdivision 1. [AGAINST CHILD UNDER THE DELINQUENCY OR JUVENILE MAJOR TRAFFIC OFFENSE JURISDICTION OF THE COURT.] *The court may order any of the following sanctions against a child who is under the court's continuing delinquency jurisdiction or juvenile traffic offender jurisdiction in cases involving a juvenile major traffic offense and who is found in contempt:*

(1) detention in an approved secure detention facility for up to five days;

(2) detention for not longer than ten days in the child's home or present place of residence under rules of supervision established by the court; or

(3) supervised, uncompensated community service work not to exceed 20 hours.

Before a detention sanction is ordered, the court must find that there are no less restrictive sanctions that would be effective, considering each potential sanction's relevance and predicted level of effectiveness.

During any period of detention, the child should be released to continue employment, if during daytime hours, or to attend school, if school is in session and the child is enrolled. If the child willfully fails to return to the

place of detention immediately at the end of school or work hours, the child may be denied this release privilege. If the child is held in a secure detention facility without release privileges, the person in charge of the facility shall provide the child with educational services within the facility. The educational service must be consistent with the child's present course of study.

Subd. 2. [AGAINST CHILD UNDER OTHER JURISDICTIONS OF THE COURT.] *The court may order any of the sanctions in subdivision 1, clause 2 or 3, against a child who falls within the court's jurisdiction under section 13, subdivision 1, and subdivision 2, in cases involving a juvenile minor traffic offense, or section 14 or 15, and who is found in contempt. A child who falls within the court's jurisdiction under section 14 may not be securely incarcerated or detained at any time in any facility unless the child is concurrently under the court's continuing delinquency jurisdiction or juvenile major traffic offender jurisdiction in cases involving a juvenile major traffic offense and the contempt is related to an order of the court made as a result of a delinquency or juvenile major traffic offense adjudication.*

Subd. 3. [DELINQUENCY PETITION NOT A SANCTION FOR CONSTRUCTIVE CONTEMPT.] *An allegation of constructive contempt may not be the basis for a delinquency petition under any circumstances.*

Sec. 90. [260A.586] [CONTEMPT; OTHER PERSONS.]

Any person not under the continuing jurisdiction of the court who knowingly interferes with or refuses to comply with an order of the court is in contempt of court.

COSTS AND EXPENSES

Sec. 91. Minnesota Statutes 1984, section 260.251, subdivision 1a, is amended to read:

Subd. 1a. [COST OF *FAMILY FOSTER* GROUP ~~FOSTER~~ *HOME* CARE.] Whenever a child is placed in a *family foster* group ~~foster care facility~~ *home* as provided in section ~~260.185, subdivision 1, clause (b) or clause (c), item (5) or in section 260.194, subdivision 1, clause (b) or clause (c)~~ *67, paragraph (d), clause (3)*, the cost of providing the care shall, upon certification by the juvenile court, be paid from the welfare fund of the county in which the proceedings were held. To reimburse the counties for the costs of providing *family foster* group ~~foster~~ *home* care for delinquent children and to promote the establishment of suitable *family foster* group ~~foster~~ homes, the state shall quarterly, from funds appropriated for that purpose, reimburse counties 50 percent of the costs not paid by federal and other available state aids and grants. Reimbursement shall be prorated if the appropriation is insufficient.

The commissioner of corrections shall establish procedures for reimbursement and certify to the commissioner of finance each county entitled to receive state aid under the provisions of this subdivision. Upon receipt of a certificate the commissioner of finance shall issue a state warrant to the county treasurer for the amount due, together with a copy of the certificate prepared by the commissioner of corrections.

Sec. 92. Minnesota Statutes 1984, section 260.251, subdivision 4, is amended to read:

Subd. 4. [ATTORNEYS FEES.] In proceedings in which the court has appointed counsel pursuant to ~~section 260.155, subdivision 2, for a minor unable to employ counsel~~ *section 51, 52, or 53*, the court may inquire into the ability of the *child and the child's* parents, *guardian, or custodian* to pay for ~~such~~ counsel's services and, after giving ~~the parents~~ a reasonable opportunity to be heard, may order the *child or the child's* parents, *guardian, or custodian* to pay attorneys fees *in whole or in part*.

VOLUNTARY PLACEMENTS AND SUBSTITUTE CARE REVIEW

Sec. 93. [260A.60] [VOLUNTARY PLACEMENTS; PROHIBITION; EXCEPTIONS.]

Subdivision 1. [PROHIBITION.] *Except as otherwise permitted in subdivision 2, no parent, guardian, or custodian may place a child in any substitute care facility that is required to be licensed, unless the court has issued an order authorizing the placement.*

Subd. 2. [EXCEPTIONS.] *A parent, guardian, or legal custodian may place a child in a licensed substitute care facility without a prior court order:*

(1) if the child is developmentally disabled, subject to the requirements of sections 43 and 94;

(2) for no more than 60 days, if the child is a newborn and the child's genetic mother intends that the child be adopted before the end of the 60-day period;

(3) for no more than 30 days, if the child's custodial parent, guardian, or legal custodian is ill and unable to care adequately for the child, hospitalized, or incarcerated;

(4) for no more than six months in any 12-month period, if the child is under ten years old;

(5) for no more than 90 days in any 12-month period, if the child is ten years old or older; or

(6) if the child is chemically dependent, mentally ill, or emotionally disturbed, subject to the applicable criteria contained in article 2.

Subd. 3. [LIMITATIONS.] *A parent, guardian, or lawful custodian who seeks to place a child in substitute care as permitted by subdivision 2, clauses (2) to (5), must make the placement with the assistance of a county social services agency or licensed child placing agency. With respect to placements made under clause (4) or (5), if the child remains in substitute care after the applicable six-month or 90-day time limit expires, the social services agency or child placing agency shall file a petition in court alleging jurisdiction under section 14 and seeking either a court-ordered substitute care placement or an order returning the child to the child's home.*

Sec. 94. Minnesota Statutes 1984, section 257.071, is amended to read:

257.071 [CHILDREN IN ~~FOSTER HOMES~~ *SUBSTITUTE CARE*; PLACEMENT; REVIEW.]

Subdivision 1. [PLACEMENT; PLAN.] A case plan shall be prepared within 30 days after any child is placed in a ~~residential~~ *substitute care* facility by court order or by the voluntary release of the child by his parent or parents.

For purposes of this section, a ~~residential~~ *substitute care* facility means any group home, ~~family~~ *foster family group home,* foster *family* home, or other publicly supported out-of-home ~~residential~~ facility, including any out-of-home ~~residential~~ facility under contract with the state, county, or other political subdivision, or any agency thereof, to provide ~~those~~ *substitute care* services.

For the purposes of this section, a case plan means a written document which is ordered by the court or which is prepared by the social service agency responsible for the ~~residential~~ *substitute care* facility placement and is signed by the parent or parents~~,~~ or other custodian~~,~~ of the child, the child's legal guardian, the social service agency responsible for the ~~residential~~ *substitute care* facility placement, and, if possible, the child. The document shall be explained to all persons involved in its implementation, including the child who has signed the document, and shall set forth:

(1) The specific reasons for the placement of the child in a ~~residential~~ *substitute care* facility, including a description of the problems or conditions in the home of the parent or parents which necessitated removal of the child from his home;

(2) The specific actions to be taken by the parent or parents of the child to eliminate or correct the problems or conditions identified in clause (1), and the time period during which the actions are to be taken;

(3) The financial responsibilities and obligations, if any, of the parents for the support of the child during the period the child is in the ~~residential~~ *substitute care* facility;

(4) The visitation rights and obligations of the parent or parents during the period the child is in the ~~residential~~ *substitute care* facility;

(5) The social and other supportive services to be provided to the parent or parents of the child, the child, and the ~~residential~~ *substitute care* facility during the period the child is in the ~~residential~~ *substitute care* facility;

(6) The date on which the child is expected to be returned to the home of his parent or parents;

(7) The nature of the effort to be made by the social service agency responsible for the placement to reunite the family; and

(8) Notice to the parent or parents that placement of the child in ~~foster~~ *substitute* care may result in termination of parental rights but only after notice and a hearing as provided in ~~chapter 260~~ *sections 260.221 to 260.245*.

The parent or parents and the child each shall have the right to legal counsel in the preparation of the case plan and shall be informed of the right at the time of placement of the child. The child shall also have the right to a guardian ad litem. If unable to employ counsel from their own resources, the court shall appoint counsel upon the request of the parent or parents or the child or his legal guardian. The parent or parents may also receive assistance from any person or social service agency in preparation of the case plan.

After the plan has been agreed upon by the parties involved, the foster *family* parents shall be fully informed of the provisions of the case plan.

Subd. 1a. [PROTECTION OF HERITAGE OR BACKGROUND.] The

authorized child placing agency shall ensure that the child's best interests are met by giving due consideration of the child's race or ethnic heritage in making a ~~family~~ foster *family* care *home* placement. The authorized child placing agency shall place a child, released by court order or by voluntary release by the parent or parents, in a ~~family~~ foster *family* home selected by following the preferences described in section ~~260.181, subdivision 3~~ *64*.

Subd. 2. [SIX MONTH REVIEW OF PLACEMENTS.] There shall be an administrative review of the case plan of each child placed in a ~~residential~~ *substitute care* facility. *The review shall take place* no later than 180 days after the initial placement of the child in a ~~residential~~ *substitute care* facility and at least every six months thereafter if the child is not returned to the home of his parent or parents within that time. As an alternative to ~~the administrative~~ *this* review, the social service agency responsible for the placement may ~~bring a~~ petition *the court* as provided in section ~~260.131, subdivision 1a, to the court~~ *43* for review of the ~~foster~~ *substitute* care to determine if placement is in the best interests of the child. This petition must be brought to the court within the applicable six months and is not in lieu of the requirements contained in ~~subdivision 3 or 4~~ *section 43*.

~~Subd. 3. [REVIEW OF VOLUNTARY PLACEMENTS.] Subject to the provisions of subdivision 4, if the child has been placed in a residential facility pursuant to a voluntary release by his parent or parents, and is not returned to his home within 18 months after his initial placement in the residential facility, the social service agency responsible for the placement shall:~~

~~(a) Return the child to the home of his parent or parents; or~~

~~(b) File an appropriate petition pursuant to section 260.131, subdivision 1, or 260.231, and if the petition is dismissed, petition the court within two years, pursuant to section 260.131, subdivision 1a, to determine if the placement is in the best interests of the child.~~

~~Subd. 4. [REVIEW OF DEVELOPMENTALLY DISABLED CHILD PLACEMENTS.] If a developmentally disabled child, as that term is defined in Title 42, United States Code, Section 6001 (7), as amended through December 31, 1979, has been placed in a residential facility pursuant to a voluntary release by the child's parent or parents because of the child's handicapping conditions, the social service agency responsible for the placement shall bring a petition for review of the child's foster care status, pursuant to section 260.131, subdivision 1a, rather than a petition as required by section 257.071, subdivision 3, clause (b), after the child has been in foster care for 18 months. Whenever a petition for review is brought pursuant to this subdivision, a guardian ad litem shall be appointed for the child.~~

Subd. ~~5~~ *3*. [RULES; CHILDREN IN ~~RESIDENTIAL~~ *SUBSTITUTE CARE* FACILITIES.] The commissioner of human services shall promulgate all rules necessary to carry out the provisions of Public Law *Number* 96-272 as regards the establishment of a state goal for the reduction of the number of children in ~~residential~~ *substitute care* facilities beyond 24 months.

Subd. ~~6~~ *4*. [ANNUAL ~~FOSTER~~ *SUBSTITUTE* CARE REPORT.] The commissioner of human services shall publish annually a report on children in ~~residential~~ *substitute care* facilities ~~as defined in subdivision 1~~. The report shall include, by county and statewide, information on legal status, living

arrangement, age, sex, race, accumulated length of time in ~~foster~~ *substitute* care, and other demographic information deemed appropriate on all children placed in ~~residential~~ *substitute care* facilities. The report shall also state the extent to which authorized child placing agencies comply with sections 257.072 and 259.455 and include descriptions of the methods used to comply with those sections.

MISCELLANEOUS PROVISIONS

Sec. 95. Minnesota Statutes 1984, section 260.35, is amended to read:

260.35 [TESTS; EXAMINATIONS.]

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

Sec. 96. Minnesota Statutes 1985 Supplement, section 260.36, is amended to read:

260.36 [SPECIAL PROVISIONS IN CERTAIN CASES.]

When the commissioner of human services shall find that a child transferred to his guardianship after parental rights to the child are terminated or that a child committed to his guardianship as a ~~dependent or neglected~~ child *in need of protection or services* is handicapped physically ~~or whose mentality has not been satisfactorily determined or who is affected by habits, ailments, or handicaps that produce erratic and unstable conduct,~~ and is not suitable or desirable for placement in a home for permanent care or adoption, the commissioner of human services shall make special provision for his care and treatment designed to fit him, if possible, for such placement or to become self-supporting. The facilities of the commissioner of human services and all state treatment facilities the Minnesota general hospital, ~~and the child guidance clinic of its psychopathic department,~~ as well as the facilities available through reputable clinics, private child-caring agencies, and foster boarding homes, accredited as provided by law, may be used as the particular needs of the child may demand. When it appears that the child is suitable for permanent placement or adoption, the commissioner of human services shall cause him to be placed as provided in section ~~260.35~~ *95*. If the commissioner of human services ~~is satisfied~~ *believes* that ~~the~~ *a* child ~~is mentally retarded he may bring him before the probate court of the county where he is found or the county of his legal settlement for examination and commitment as provided by law~~ *transferred or committed to the commissioner's guardianship is mentally ill, the commissioner may bring the child before the appropriate court for examination and commitment as provided by law.*

Sec. 97. [260A.70] [SPIRITUAL TREATMENT.]

A child shall not be deemed to lack necessary care, to be a victim of

domestic child abuse, or in need of protection or services for the sole reason the child is being furnished with spiritual treatment through prayer in accordance with the tenets and practices of a recognized church or religious denomination.

Sec. 98. [REVISOR'S INSTRUCTIONS.]

Subdivision 1. [RENUMBERING.] *The revisor of statutes shall renumber each section of Minnesota Statutes specified in column A with the number set forth in column B. The revisor shall also make necessary cross-reference changes consistent with the renumbering.*

Column A	*Column B*
260.019	*260A.03*
260.0191	*260A.031*
260.021	*260A.0315*
260.022	*260A.032*
260.023	*260A.033*
260.024	*260A.034*
260.025	*260A.035*
260.031	*260A.0355*
260.041	*260A.036*
260.092	*260A.037*
260.094	*260A.038*
260.096	*260A.039*
260.101	*260A.04*
260.103	*260A.041*
260.105	*260A.042*
260.121	*260A.06*
260.125	*260A.25*
260.131	*260A.26*
260.132	*260A.261*
260.133	*260A.263*
260.135	*260A.27*
260.141	*260A.271*
260.145	*260A.272*
260.151	*260A.273*
260.155	*260A.284*
260.156	*260A.285*
260.161	*260A.286*
260.211	*260A.345*
260.215	*260A.35*
260.221	*260A.40*
260.225	*260A.405*
260.231	*260A.41*
260.235	*260A.415*
260.241	*260A.42*
260.242	*260A.425*
260.245	*260A.43*
260.255	*260A.45*
260.271	*260A.587*
260.251	*260A.59*
257.071	*260A.605*
260.311	*260A.63*
260.315	*609.381*
260.35	*260A.64*

260.36	*260A.65*
260.38	*260A.66*
260.39	*260A.67*
260.40	*260A.68*
260.51	*260A.80*
260.52	*260A.801*
260.53	*260A.802*
260.54	*260A.803*
260.55	*260A.804*
260.56	*260A.805*
260.57	*260A.806*
257.40	*260A.81*
257.41	*260A.811*
257.42	*260A.812*
257.43	*260A.813*
257.44	*260A.814*
257.45	*260A.815*
257.46	*260A.816*
257.47	*260A.817*
257.48	*260A.818*

The revisor of statutes shall make the appropriate cross-reference changes in Minnesota Statutes and in the provisions of this act that are needed to implement the recodification of chapter 260 and the numbering of chapter 260A.

Subd. 2. [REFERENCES TO CHAPTER 260.] *In the next and subsequent editions of Minnesota Statutes, the revisor of statutes is directed to change the words "chapter 260" to "chapter 260A" wherever they appear in the statutes.*

Sec. 99. [REPEALER.]

Minnesota Statutes 1984, sections 260.011, subdivision 1; 260.015, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 24, and 25; 260.024, subdivision 1; 260.111; 260.115; 260.135, subdivision 5; 260.151, subdivision 2; 260.155, subdivisions 2 and 7; 260.165; 260.171, subdivisions 1, 2, 5, 5a, and 6; 260.172, subdivisions 1, 2, and 3; 260.173; 260.181; 260.185; 260.191, subdivisions 1a, 1b, 1c, 2, 3, and 4; 260.192; 260.193; 260.194; 260.195; 260.261; 260.281; 260.291; 260.301; Minnesota Statutes 1985 Supplement, sections 260.011, subdivision 2; 260.015, subdivisions 10 and 22; 260.171, subdivision 4; 260.172, subdivisions 2a, 2b, and 4; and 260.191, subdivisions 1, 1d, and 2a are repealed.

Sec. 100. [EFFECTIVE DATE.]

Article 1 is effective January 1, 1987.

ARTICLE 2

Section 1. [260B.01] [DEFINITIONS.]

Subdivision 1. [GENERAL.] *The definitions in this section apply to this chapter.*

Subd. 2. [CHEMICALLY DEPENDENT MINOR.] *"Chemically dependent minor" means a minor who exhibits a pattern of pathological use of chemicals.*

Subd. 3. [DESIGNATED AGENCY.] *"Designated agency" means the agency selected by the county board to provide the social services required*

under chapter 253B.

Subd. 4. [DETOXIFICATION PROGRAM.] *"Detoxification program" has the meaning given in section 254A.08, subdivision 2.*

Subd. 5. [EMOTIONALLY DISTURBED MINOR.] *"Emotionally disturbed minor" means a minor who demonstrates severe generalized behavioral disturbance, lack of socialization, and severe deficits in personal emotional functioning, so that the minor is not able to master developmental tasks in accordance with age or stage of maturity or meet educational or vocational expectations reasonable for the minor. The disturbance must be manifested by recent repeated instances of severely disordered behavior, and:*

(1) be evidenced by specific symptoms or behavior that will, with reasonable certainty, lead to a more severe psychological condition if untreated, or to failure of the minor to master future developmental demands;

(2) show serious problems in areas of compliance, participation, or involvement in the minor's family so that there may be unresolvable conflicts or an atmosphere of mutual rejection;

(3) demonstrate a substantial psychological disorder of mood, perception, orientation, or memory that grossly impairs judgment, behavior, or capacity to recognize reality or to reason or understand; or

(4) demonstrate poor control of anxiety, impulses, or depression at a life threatening level.

"Emotionally disturbed minor" does not include a minor whose impairment of judgment, behavior, or capacity to recognize reality or reason or understand results from epilepsy, mental retardation, or brief periods of intoxication caused by alcohol or drugs.

Subd. 6. [EXTENDED CARE PROGRAM.] *"Extended care program" means a program that offers an extended long-term combination of in-house chemical dependency or mental illness treatment services and community ancillary resources on a 24-hour basis.*

Subd. 7. [FREESTANDING PRIMARY TREATMENT PROGRAM.] *"Freestanding primary treatment program" means a program that provides intensive, primary therapeutic services on a 24-hour basis for the treatment of chemically dependent or mentally ill minors.*

Subd. 8. [HALFWAY HOUSE.] *"Halfway house" means a program that offers transitional semi-independent living services on a 24-hour basis with an emphasis on aftercare and community ancillary services.*

Subd. 9. [HEALTH OFFICER.] *"Health officer" means a licensed physician, licensed consulting psychologist, psychiatric social worker, or psychiatric or public health nurse.*

Subd. 10. [HOSPITAL-BASED PRIMARY TREATMENT PROGRAM.] *"Hospital-based primary treatment program" means a program with 24-hour nursing surveillance and physician availability that provides intensive primary therapeutic services for the treatment of chemically dependent or mentally ill minors in a hospital.*

Subd. 11. [INTOXICATED MINOR.] *"Intoxicated minor" means a*

minor whose mental or physical functioning is substantially impaired as a result of the physiological presence of a psychoactive or mood-altering chemical substance.

Subd. 12. [MENTALLY ILL MINOR.] *"Mentally ill minor" means a minor who has a substantial psychiatric disorder of thought, mood, perception, orientation, or memory that impairs judgment, behavior, or capacity to recognize reality or to reason or understand. The disorder must be a diagnosed psychiatric disorder, and:*

(1) be manifested by a recent repeated instance of substantially disturbed or psychotic behavior;

(2) be evidenced by specific symptoms or behavior that will likely lead to a more severe psychiatric condition if untreated; or

(3) pose a likelihood of physical harm to the minor or others as demonstrated by evidence of recent specific acts or omissions.

"Mentally ill minor" does not include a minor whose impairment of judgment, behavior, or capacity to recognize reality or reason or understand results from:

(1) epilepsy or mental retardation;

(2) brief periods of intoxication caused by alcohol or drugs; or

(3) demonstrated generalized behavioral disturbance or lack of socialization.

Subd. 13. [RESIDENTIAL CHEMICAL DEPENDENCY PROGRAM.] *"Residential chemical dependency program" means a residential program for the treatment of chemically dependent minors.*

Subd. 14. [RESIDENTIAL EVALUATION PROGRAM.] *"Residential evaluation program" means a program that provides comprehensive diagnostic, assessment, and referral services for chemically dependent or mentally ill minors on a 24-hour basis, and facilitates access into outpatient and residential treatment services at the most clinically appropriate and least restrictive level of care.*

Subd. 15. [RESIDENTIAL MENTAL ILLNESS PROGRAM.] *"Residential mental illness program" means a residential program for the treatment of mentally ill minors.*

Subd. 16. [RESIDENTIAL PROGRAM.] *"Residential program" means a freestanding primary treatment program or hospital-based primary treatment program, a residential program for emotionally disturbed minors, or a residential evaluation program. "Residential program" does not include an extended care program or halfway house.*

Subd. 17. [RESIDENTIAL PROGRAM FOR EMOTIONALLY DISTURBED MINORS.] *"Residential program for emotionally disturbed minors" means a facility licensed by the state to provide services for emotionally disturbed minors on a 24-hour basis.*

Sec. 2. [260B.02] [JURISDICTION AND VENUE.]

Subdivision 1. [JURISDICTION.] *(a) The probate court has original and*

exclusive jurisdiction in all court proceedings brought under this chapter.

(b) A minor who is alleged to be mentally ill and dangerous to the public under section 253B.02, subdivision 17, is subject to the provisions of chapter 253B.

Subd. 2. [VENUE.] *Venue in proceedings under this chapter is in the county where the minor is admitted to a residential program.*

Sec. 3. [260B.03] [REPORTS BY RESIDENTIAL PROGRAMS.]

Subdivision 1. [REPORT REQUIRED.] *Each residential program shall prepare an annual report for the year ending June 30 of each year and file the report no later than December 31 of each year. Hospital-based primary treatment programs shall file the report with the commissioner of health. All other residential programs shall file the report with the commissioner of human services. The reports are public data and must contain at least the following information for the year covered by the report:*

(1) number of minors admitted to the program;

(2) number of minors released from the program;

(3) diagnoses of each admitted minor and identification of the primary diagnosis of each minor;

(4) length of stay of each minor who has been released;

(5) average length of stay of minors in the program;

(6) number of minors who have received psychotropic medications or phenothiazenes;

(7) age, race, and sex of each minor;

(8) copy of written notices, forms, and other procedures being used to advise minors and their parents of their rights under this chapter;

(9) number of minors admitted or presently in residence who have previously had residential treatment for the same or similar condition;

(10) number of minors who have been in residence for more than 60 days;

(11) state of residence at time of admission of each minor;

(12) number of minors who are on private pay or third-party reimbursement payment and number who are receiving government funds for treatment;

(13) detailed statement of criteria for admission, continued stay, and release for each class of treatment; and

(14) number of minors whose admission is court-ordered.

The information required by this subdivision must be separately stated for chemically dependent, mentally ill, and emotionally disturbed minors.

Subd. 2. [RELEASE AND SUMMARY OF DATA.] *The reporting requirement of this section must not require a program to release individual names of minors or other identifying information. The commissioner of health and the commissioner of human services shall make the reports available to interested persons upon request. This section does not limit the authority of the the screening team to obtain full access to all facilities and*

the names, records, and other relevant information regarding minors as provided in section 10.

Sec. 4. [260B.04] [ADMISSION CRITERIA FOR ASSESSMENT.]

Subdivision 1. [CHEMICAL DEPENDENCY ADMISSION.] *(a) A minor may not be admitted to an unlocked residential chemical dependency program for assessment unless the following admission criteria are met:*

(1) the minor has a verifiable history of continuing incidents of chemical abuse; and

(2) the minor has a verifiable history of impairment in social or occupational functioning due to chemical abuse.

(b) A minor may not be admitted to a locked residential chemical dependency program for assessment unless the criteria in paragraph (a) are met and one of the following factors is present:

(1) the minor is suicidal;

(2) the minor has a history of compulsive running; or

(3) the minor is harmful to self or others, as demonstrated by a recent attempt or threat to physically harm self or others.

Subd. 2. [MENTAL ILLNESS ADMISSION.] *(a) A minor may not be admitted to an unlocked residential mental illness program for assessment unless the following admission criteria are met:*

(1) the minor has a verifiable history of being a mentally ill minor;

(2) the minor has a verifiable need for residential psychiatric services for mentally ill minors;

(3) the program offers residential therapy or treatment that is appropriate for the minor's needs; and

(4) residential care in the program is the least restrictive treatment or therapy appropriate for and consistent with the minor's needs.

(b) A minor may not be admitted to a locked residential mental illness program for assessment unless the criteria in paragraph (a) are met and one of the following factors is present:

(1) the minor is suicidal;

(2) the minor has a history of compulsive running; or

(3) the minor is harmful to self or others, as demonstrated by a recent attempt or threat to physically harm self or others.

Subd. 3. [ADMISSION OF EMOTIONALLY DISTURBED MINOR.] *(a) A minor may not be admitted to an unlocked residential program for emotionally disturbed minors for assessment unless the following admission criteria are met:*

(1) the minor has a verifiable history of being an emotionally disturbed minor, documented by independent sources;

(2) the program offers residential therapy or treatment that is appropriate for the minor's needs; and

(3) residential care in the program is the least restrictive treatment or therapy appropriate for and consistent with the minor's needs.

(b) A minor may not be admitted to a locked residential program for emotionally disturbed minors under this section.

Subd. 4. [EMERGENCY ADMISSION OF MENTALLY ILL MINOR.] *A minor may be admitted to a residential mental illness program for an emergency assessment if, based on an examination by a psychiatrist or licensed consulting psychologist, there is probable cause to believe that the minor is mentally ill and endangering self or others. A minor may be admitted under this subdivision for up to 72 hours, excluding Saturdays, Sundays, and holidays, at which time the residential program must determine whether the criteria under subdivision 2 are met.*

Subd. 5. [EXCEPTION.] *This section does not prohibit the admission of a minor who is intoxicated by alcohol or other drugs to a program for medical evaluation or detoxification as provided in this chapter.*

Sec. 5. [260B.05] [ADMISSION CRITERIA FOR TREATMENT.]

Subdivision 1. [CHEMICAL DEPENDENCY TREATMENT.] *(a) A minor may not be admitted to an unlocked residential chemical dependency program for treatment unless the following criteria are met:*

(1) the program has developed a written individualized treatment plan for the minor;

(2) the minor has a verified and documented case history of pathological chemical use;

(3) the minor has a verified and documented case history of impairment in social or occupational functioning due to pathological chemical use; and

(4) one of the following factors indicating the need for residential treatment is present:

(i) medical complications presenting a serious health risk;

(ii) documented psychiatric condition or disorder that in combination with substance use presents a serious mental health risk;

(iii) failure of outpatient treatment within the last 12 months warranting a more structured setting; or

(iv) severe social or occupational dysfunction.

(b) A minor may not be admitted to a locked residential chemical dependency program for treatment unless the criteria in paragraph (a) are met and one of the following factors is present:

(1) the minor is suicidal;

(2) the minor has a history of compulsive running; or

(3) the minor is harmful to self or others, as demonstrated by a recent attempt or threat to physically harm self or others.

Subd. 2. [MENTAL ILLNESS TREATMENT.] *(a) A minor may not be admitted to an unlocked residential mental illness program for treatment unless the following criteria are met:*

(1) the program has developed an individualized written treatment plan for the minor;

(2) the minor has a verified history of being a mentally ill minor;

(3) the minor has a verified need for residential psychiatric services for mentally ill minors;

(4) the program offers residential therapy or treatment that is appropriate for the minor's needs, as evidenced by the treatment plan; and

(5) residential care in the program is the least restrictive treatment or therapy appropriate for and consistent with the minor's needs.

(b) A minor may not be admitted to a locked residential mental illness program for treatment unless the criteria in paragraph (a) are met and one of the following factors is present:

(1) the minor is suicidal;

(2) the minor has a history of compulsive running; or

(3) the minor is harmful to self or others, as demonstrated by a recent attempt or threat to physically harm self or others.

Subd. 3. [TREATMENT OF EMOTIONALLY DISTURBED MINOR.] *(a) A minor may not be admitted to an unlocked residential program for emotionally disturbed minors for treatment unless the following criteria are met:*

(1) the minor has a verified history of being an emotionally disturbed minor, documented by independent sources;

(2) the minor has a verified need for inpatient services for emotionally disturbed minors;

(3) the program offers residential therapy or treatment that is appropriate for the minor's needs, as evidenced by the treatment plan; and

(4) residential care in the program is the least restrictive treatment or therapy appropriate for and consistent with the minor's needs.

(b) Within seven days of admission of an emotionally disturbed minor, the program shall develop an individualized written treatment plan for the minor.

(c) A minor may not be admitted to a locked residential program for emotionally disturbed minors under this section.

Sec. 6. [260B.06] [CONTINUED STAY CRITERIA.]

Subdivision 1. [CONTINUED STAY.] *(a) A minor may not continue in treatment in a residential program unless the applicable criteria for treatment under section 5 continue to be met.*

(b) A minor must be released from a residential program if the continued stay criteria are no longer met.

Sec. 7. [260B.07] [ADMISSION AND SCREENING BY PROGRAM.]

Subdivision 1. [NOTICE OF RIGHTS AND CRITERIA.] *Before the admission of a minor into a residential program, the minor and the minor's parents or guardian must be provided with a copy of the admission criteria for*

assessment and treatment and the continued stay criteria that apply to the treatment being sought.

Subd. 2. [SCREENING; MULTI-DISCIPLINARY TEAM.] *(a) A minor may not be admitted to a residential program for assessment until a determination is made that the applicable admission criteria for assessment are met.*

(b) A minor may not be kept in a residential program for more than seven days after admission unless a determination is made that the applicable admission criteria for treatment are met.

(c) 30 days after admission of a minor to a residential program, a determination must be made as to whether the applicable continued stay criteria are met.

(d) The determination required by paragraph (a) must be made by the residential program's director or the director's designee. The determinations required by paragraphs (b) and (c) must be made by a team within the residential program composed of representatives of various disciplines involved in the assessment and treatment of chemically dependent, mentally ill, or emotionally disturbed minors. The director or director's designee or a member of the multi-disciplinary team shall document in the medical record findings that set forth the basis for a determination regarding whether the admission criteria for assessment, admission criteria for treatment, or continued stay criteria are met.

Sec. 8. [260B.08] [LONG-TERM TREATMENT.]

Subdivision 1. [CRITERIA.] *A minor may not be kept in a residential program for more than 60 days from the time of admission unless the following criteria are met:*

(1) the minor is chemically dependent, mentally ill, or emotionally disturbed, and requires long-term treatment;

(2) the minor has not been, and is not likely to be, harmed by continued treatment in a residential program;

(3) treatment is available and being provided in the residential program and a plan for continued treatment has been developed; and

(4) continued residential treatment is the most effective and beneficial and least restrictive treatment available.

Subd. 2. [REVIEW AND REPORT BY MULTI-DISCIPLINARY TEAM.] *(a) Within 60 days of the minor's initial admission to a residential program, the program must comply with this subdivision.*

(b) The program's multi-disciplinary team shall determine whether the criteria for long-term treatment are met. If the team finds the criteria are not met, the residential program shall release the minor. If the team finds the criteria are met, the residential program shall report its intent to provide long-term treatment to the designated agency of the county where the program is located. The report must include the name of the minor, date of admission, diagnosis, and the basis for the determination that the criteria are met.

Subd. 3. [INVESTIGATION BY DESIGNATED AGENCY.] *Upon*

receipt of a report under subdivision 2, the designated agency may initiate an investigation as provided in section 10, subdivisions 2 to 5. If long-term treatment of the minor is found appropriate under section 10, the minor may continue in residential treatment for an additional six months, as long as the criteria for long-term treatment continue to be met. Every six months the residential program shall make the review and report as required under subdivision 2.

Sec. 9. [260B.09] [REPORTING OF INAPPROPRIATE ADMISSIONS.]

Subdivision 1. [PERSONS MANDATED TO REPORT.] *(a) A person who is employed to provide treatment services to chemically dependent, mentally ill, or emotionally disturbed minors by a residential program who knows or has reason to believe that a minor is inappropriately admitted to the residential program shall report this determination to the designated agency of the county where the residential program is located within 24 hours, excluding Saturdays, Sundays, and holidays.*

(b) For purposes of this section and section 10, a minor is inappropriately admitted to a residential program if:

(1) the applicable criteria for assessment, treatment, or continued stay in sections 4 to 6 or section 8 are not met;

(2) the minor is 16 years of age or older and has not been released upon request as required by section 253B.04, subdivision 2; or

(3) the minor's patient rights under section 14 have been violated.

(c) This subdivision does not apply if the person knows that a report has already been made to the designated agency concerning the inappropriate admission. Paragraph (a) does not apply if the person is a member of the multi-disciplinary team.

Subd. 2. [PERMISSIVE REPORTING.] *(a) Any person may voluntarily report to the designated agency if the person knows or has reason to believe that a minor is inappropriately admitted to a residential program.*

(b) For purposes of this subdivision, "person" includes the minor.

Subd. 3. [IMMUNITY FROM LIABILITY.] *A person who in good faith makes a voluntary or mandated report under subdivision 1 or 2 is immune from any civil or criminal liability that might otherwise result from the reporter's actions.*

Subd. 4. [RETALIATION PROHIBITED.] *(a) A residential program may not retaliate against an employee who in good faith makes a voluntary or mandated report under subdivision 1 or 2, because of the report.*

(b) A residential program that retaliates against an employee in violation of paragraph (a) is liable to the employee for actual damages and, in addition, a penalty of up to $1,000.

(c) There is a rebuttable presumption that any adverse action within 90 days of a report is retaliatory. For purposes of this paragraph, "adverse action" means action taken by a residential program against an employee who makes a report, because of the report, and includes, but is not limited to:

(1) discharge, suspension, termination, or transfer from the residential

program;

(2) discharge from or termination of employment;

(3) demotion or reduction in remuneration for services; or

(4) restriction or prohibition of access to the residential program.

Subd. 5. [FALSIFIED REPORT.] *A person who knowingly or recklessly makes a false report under subdivision 1 or 2 is civily liable for actual damages suffered by the residential program reported and for punitive damages.*

Subd. 6. [FAILURE TO REPORT.] *A person mandated to report by subdivision 1 who knows or has reason to believe that a minor is inappropriately admitted to a residential program, and who fails to report, is subject to a civil penalty of up to $500.*

Sec. 10. [260B.10] [INVESTIGATION OF REPORTED ADMISSIONS.]

Subdivision 1. [NOTICE TO RESIDENTIAL PROGRAM.] *Immediately upon receipt of a report under section 9, the designated agency shall notify the residential program that a report has been received. The notice shall include the name of the minor and describe the nature of the alleged inappropriate admission, but may not identify the name of the individual who made the report. If the residential program takes action so that the minor is no longer inappropriately admitted and notifies the designated agency or the screening team of this fact prior to the issuance of findings by the screening team under subdivision 3, the screening team may not issue findings.*

Subd. 2. [INVESTIGATION.] *Except as provided in section 8 and subdivision 6, the designated agency shall appoint a screening team to conduct an investigation to determine whether the minor's admission is appropriate. The screening team may review the minor's admission by meeting with the minor, the minor's parents or guardian, and appropriate staff; reviewing relevant records and the findings of the director, the director's designee, or the residential program's multi-disciplinary team; and any other factors necessary to determine whether the admission is appropriate. The screening team shall have access to all relevant medical records of the minor. Data collected by the screening team under this subdivision are private data on individuals.*

Subd. 3. [FINDINGS BY SCREENING TEAM.] *Except as provided in subdivision 1, the screening team shall issue written findings within 72 hours of the time that the designated agency received a report under section 8 or 9, setting forth the basis for its determination as to whether the admission is appropriate. If the screening team finds that the admission is appropriate, the screening team shall notify the minor, the minor's parents or guardian, and the residential program. If the screening team finds that the admission is inappropriate, it shall immediately notify the county attorney of its findings.*

Subd. 4. [FINDINGS BY COUNTY ATTORNEY.] *(a) Within 48 hours of receipt of findings from the screening team under subdivision 3, the county attorney shall review the findings and determine whether there is probable cause to believe that the minor is inappropriately admitted to the residential program.*

(b) If the county attorney has probable cause to believe that the minor is inappropriately admitted to a residential program because the applicable cri-

teria under sections 4 to 6 or section 8 are not met or because the minor has not been released as required by section 253B.04, subdivision 2, the county attorney shall notify the residential program of this finding. A copy of the finding must be given to the minor and the minor's parents or guardian. Except as provided in paragraph (c), the residential program shall release the minor within 48 hours of receipt of the finding from the county attorney unless a petition is filed by the residential program or the minor's parents or guardian under section 11 or chapter 253B.

(c) If the admission is inappropriate because the criteria for a locked residential program are not met but the criteria for an unlocked residential program are met, the residential program may transfer the minor to an unlocked unit instead of releasing the minor.

(d) If the county attorney has probable cause to believe that the minor is inappropriately admitted because the minor patient's rights under section 14 have been violated, the county attorney shall notify the residential program of this finding. The residential program shall take appropriate action to ensure that the minor patient's rights are not violated. A copy of the finding must be given to the minor and the minor's parents or guardian.

(e) If the county attorney has probable cause to believe that a minor has been inappropriately admitted, the county attorney shall also notify the appropriate licensing authority for the residential program.

(f) If the county attorney finds there is not probable cause to believe that the minor is inappropriately admitted, the county attorney shall notify the minor, the minor's parent or guardian, and the residential program.

Subd. 5. [PENALTY, ENFORCEMENT.] *(a) A residential program that fails to comply with the finding of the county attorney as required by subdivision 4 is liable for a civil penalty of up to $100 per day for each day of noncompliance after 48 hours of receipt of the findings.*

(b) In addition to the penalty provided for in paragraph (a), the county attorney may petition the court to order the residential program to comply under subdivision 4. The court shall order the residential program to comply unless it finds that the screening team or the county attorney failed to comply with the procedural requirements of this section.

Subd. 6. [COURT-ORDERED TREATMENT.] *If the designated agency receives a report of an inappropriate admission of a minor whose assessment or treatment has been ordered by a court under article 1, the designated agency shall appoint a screening team to conduct an investigation and make findings under this section only if the basis for the report is a violation of the minor patient's rights. If the basis of the report is that the applicable criteria are not met, the designated agency shall notify the court ordering assessment or treatment, the minor, the minor's parents or guardian, the minor's counsel under article 1, if any, and the residential program's licensing authority. The residential program may not be required to release the minor under this section, although a party may seek modification of the court's disposition order or appeal the order as provided in article 1.*

Subd. 7. [REMEDY NOT EXCLUSIVE.] *The review process established in this section is not exclusive and does not preclude the minor from pursuing other remedies under the law for inappropriate admissions.*

Sec. 11. [260B.11] [PETITION AND HEARING PROCESS.]

Subdivision 1. [PETITION.] *The residential program or the minor's parents or guardian may file a petition requesting certification of the minor for assessment or treatment in a residential program as provided in this section. If the minor is 16 years of age or older and has requested release from the residential program, a petition must be filed under chapter 253B and all provisions of that chapter apply. For all other minors, a petition may be filed under this chapter and must contain the following information:*

(1) name and address of the minor patient;

(2) names of the parent or parents with legal custody or the guardian, and name of any adult, if known, who is particularly significant in the minor's life, including foster parents;

(3) name and address of the residential program where the minor is admitted;

(4) copies of the written findings of the residential program determining that the applicable criteria for assessment, treatment, continued stay or long-term treatment have been met;

(5) a request that the minor be certified for assessment or treatment in the residential program; and

(6) a verification or sworn statement of the truth of the petition.

Subd. 2. [MINOR'S RIGHT TO COUNSEL.] *Every minor who is the subject of a petition under this section has the right to be represented by counsel and counsel must be appointed at public expense if the minor cannot afford private counsel. The right to counsel may not be waived. The minor's counsel must be given access to the minor and the minor's records at the residential program where the minor is admitted. The program shall also allow the minor access to counsel by telephone or by mail during reasonable hours.*

Subd. 3. [GUARDIAN AD LITEM.] *The court, in its discretion, may appoint a guardian ad litem for a minor during any proceeding under this section.*

Subd. 4. [EXAMINERS.] *After a petition has been filed with the court, the court shall appoint an independent examiner who must be a psychiatrist or licensed consulting psychologist or, if appropriate, a licensed expert in chemical abuse. At the request of the minor or the minor's counsel, the court shall also appoint a second examiner of the minor's choosing. The second examiner must be paid for by the county at a rate of compensation fixed by the court. The court shall order an immediate examination by the independent examiner.*

Subd. 5. [NOTICE OF AND SUMMONS TO EXAMINATION.] *After a petition has been filed with the court and an independent examiner has been appointed, the court shall have a copy of the petition and a summons to appear for a prehearing examination served on the minor, the minor's counsel, and the parent with legal custody or the minor's legal guardian.*

Subd. 6. [SERVICE ON MINOR.] *Service of documents on a minor under this section is subject to the following conditions:*

(1) documents must be served personally;

(2) a minor may not waive notice or service of the documents, as may any other party; and

(3) unless otherwise provided by the court, documents must be served on the minor by a nonuniformed person.

Subd. 7. [PREHEARING EXAMINATION; REPORT.] *The examination must be conducted at the residential program where the minor is admitted or at another location ordered by the court. The minor's counsel may be present at the examination. Unless otherwise agreed to by the minor's counsel, the court-appointed examiner shall file three copies of the report with the court before the hearing on the petition. Copies of the report must be mailed to the minor, the minor's counsel, the parents or guardian, and the program where the minor is admitted.*

Subd. 8. [NOTICE OF AND SUMMONS TO HEARING.] *(a) A notice of the time and date of the hearing on the petition must be served on the minor, the minor's counsel, the minor's parents or guardian, the program where the minor is admitted, and any other person the court directs prior to the hearing.*

(b) The court, in its discretion, may proceed with the hearing on the petition without service on persons other than the minor and the minor's counsel if service attempts are unsuccessful.

Subd. 9. [TIME FOR HEARING; CUSTODY PENDING HEARING.] *The court shall hold a hearing within 72 hours, excluding Saturday, Sunday, and legal holidays, of the filing of the petition under this section. If a hearing is not held within this period of time, the minor must be released from the residential program. The minor may remain in the residential program pending the court's decision on the petition.*

Subd. 10. [RIGHT TO ATTEND AND TESTIFY.] *All persons to whom notice has been given may attend and testify at the hearing. The court shall notify the interested persons of this right. The court may exclude any person who is not necessary for the conduct of the hearing, except a person requested by the minor to be present.*

Subd. 11. [WITNESSES.] *The minor or the minor's counsel and the petitioner may present and cross-examine witnesses, including examiners, at the hearing.*

Subd. 12. [PLACE AND MANNER OF HEARING.] *The hearing must be conducted in a manner consistent with orderly procedure. The hearing must be held in a courtroom that meets the standards prescribed by applicable local court rules. The courtroom may be located within the residential program.*

Subd. 13. [EVIDENCE; RECORD.] *The court shall make its determination upon the entire record, pursuant to the rules of evidence. The court shall keep accurate records of the hearing.*

Sec. 12. [260B.12] [FINDINGS; STANDARD OF PROOF; REVIEW.]

Subdivision 1. [BURDEN OF PROOF.] *The minor's parents or legal guardian or the residential program where the minor is admitted have the burden of proof under this section and shall show cause as to why the minor's admission in the residential program is appropriate under this chapter.*

Subd. 2. [STANDARD OF PROOF.] *(a) The court shall order that the admission of the minor may continue at the residential program only if:*

(1) the court finds by clear and convincing evidence that the applicable criteria for assessment, treatment, continued stay, or long-term treatment are met; and

(2) the court has carefully considered, but justifiably rejected, all reasonable alternative dispositions including voluntary outpatient care.

An order committing the minor to outpatient services and treatment is a possible alternative disposition if it is a reasonable response to the minor's mental illness or chemical dependency.

(b) The refusal of a minor to obtain court-ordered outpatient treatment or services or to comply with another less restrictive treatment plan is evidence in further proceedings under this chapter of the appropriateness of residential treatment for a minor who is found to be mentally ill, chemically dependent, or emotionally disturbed.

Subd. 3. [FINDINGS.] *(a) The court shall make findings of fact and conclusions of law and shall direct entry of an appropriate judgment. If the minor is certified for assessment or treatment in a residential program, the findings must include:*

(1) a statement of the conduct by the minor that is the basis for meeting each of the applicable criteria for assessment, treatment, or continued stay;

(2) an identification of the primary diagnosis that provided the basis for the admission to a particular program and a statement that the program can appropriately respond to the needs of the primary diagnosis; and

(3) a listing of less restrictive alternatives considered and rejected by the court and the reasons for rejecting each alternative.

(b) If the court finds that the burden of proof has not been met, the court shall order the minor released from the residential program.

Subd. 4. [30-DAY REVIEW.] *If the court certifies the minor for assessment or treatment under this section, 30 days after the admission of the minor the residential program shall file a written report with the court stating:*

(1) whether the applicable criteria for continued stay are met, and if so, the basis for the multi-disciplinary screening panel's determination that the criteria are met; and

(2) what efforts have been made to return the minor to a less restrictive treatment setting.

Sec. 13. [260B.13] [ACCESS OF MINORS 14 YEARS OF AGE OR OLDER TO COUNSELING AND SERVICES.]

A minor 14 years of age or older has the right to obtain outpatient counseling or therapy and to have the minor's privacy protected regarding these services. Only licensed mental illness, chemical dependency, emotional disturbance, or hospital-based primary treatment programs may provide these services. When appropriate, the provider of treatment services shall seek involvement of the minor's parents or guardian as soon as possible. If parental or guardian involvement is not obtained, the facility shall document

why it is not obtained. Treatment or therapy under this section may not include intrusive treatment, such as the administration of medications, without the written consent of the parent with legal custody or the legal guardian.

Sec. 14. [260B.14] [MINOR PATIENTS' RIGHTS.]

Subdivision 1. [PUBLIC POLICY DECLARATION.] *It is the public policy of this state that the interests of each minor patient in a residential program be protected by a declaration of a patient's bill of rights that includes but is not limited to the rights specified in this section.*

Subd. 2. [NOTIFICATION.] *A minor admitted to a residential program must be provided a handbook of minor patients' rights at the time of admission or within 48 hours of admission. The residential program shall serve the notification of rights on the minor and shall orally explain the rights to assist the minor in understanding them. If the minor's age, psychiatric condition, or physical condition upon admission precludes understanding, the program shall notify the minor's parents or guardian of this fact and shall make all reasonable efforts to ensure the minor's notification as soon as possible.*

Subd. 3. [DISCLOSURE OF SERVICES AVAILABLE.] *Minor patients and their parent or guardian must be informed, before or at the time of admission and during their stay, of services that are included in the program's basic per diem or daily room rate and other services that are available at additional charges.*

Subd. 4. [ISOLATION AND RESTRAINTS.] *(a) A minor patient has the right to be free from physical restraint and isolation except in emergency situations involving a likelihood that the patient will physically harm the patient's self or others. These procedures may not be used to enforce program rules or for the convenience of staff. Isolation or restraint may be used only when less restrictive measures are ineffective or not feasible and only for the shortest time necessary. When a patient is placed in restraint, the patient's status must be viewed once every 15 minutes by a trained staff person. Restraint may not be used for more than four hours in any 24-hour period. The director of the residential program must authorize any use of isolation in excess of eight hours in any 24-hour period. Each program shall issue a written policy covering the use of restraint or isolation that ensures that the patient's safety and dignity is protected and that there is regular frequent monitoring by trained staff to care for the patient's bodily needs as may be required.*

(b) Prior authorization of isolation or restraint must be in writing and must be obtained from a physician, psychiatrist, or licensed consulting psychologist, except that isolation or restraint in emergencies may be used temporarily without a written order. However, a written order must be obtained within 24 hours of the use of the isolation or restraint. Each use of a restraint or isolation and the reason for it must be made part of the clinical record of the patient under the signature of the head of the program. Each program shall maintain a central log of all uses of restraint that is available for review by its licensing authority and contains the dates and beginning and ending times of each restraint episode, the name of the patient, and the signature of the authorizing staff.

Subd. 5. [VISITORS AND PHONE CALLS.] *A minor patient has the right*

to receive and make phone calls and receive visitors in accordance with reasonable rules developed by the program. No parent may be denied visitation with a child unless the program finds that the visit would prevent the achievement of the treatment plan's objectives or that it would seriously endanger the minor's physical or emotional well-being.

Subd. 6. [MAIL.] *A minor patient has an unrestricted right to send sealed mail and receive sealed mail to or from legal counsel, the courts, government officials, private physicans, and licensed consulting psychologists. The patient must be given reasonable access to letter-writing materials, including postage stamps. A patient also has the right to send sealed mail and receive sealed mail to or from other persons, subject to physical examination of the mail in the patient's presence if there is reason to believe that the communication contains contraband materials or objects that threaten the security of patients or staff.*

Subd. 7. [SPECIAL VISITATION; RELIGION.] *A minor patient has the right to meet with or call the minor's personal physician, spiritual advisor, counselor, attorney, or other advocate at all reasonable times. The patient has the right to continue the practice of the patient's religion.*

Subd. 8. [FILM, PHOTOGRAPHS, OR TAPES.] *A minor patient has the right not to be filmed, photographed, or taped unless the patient signs an informed and voluntary consent that specifically authorizes a named individual or group to film or tape or photograph the patient for a particular purpose or project during a specified time period.*

Subd. 9. [PERSONAL POSSESSIONS.] *The program shall permit a minor patient to use and wear the minor's own clothing and personal articles if the clothing and articles are not dangerous to the minor or others. The program shall furnish the patient an adequate allowance of clothes if the minor has none available. Provision shall be made to launder the patient's clothing. The patient shall be given access to a reasonable amount of individual storage space for the patient's own private use.*

Subd. 10. [PERSONAL PRIVACY.] *A minor patient must be given reasonable protection of privacy in matters such as toileting and bathing.*

Subd. 11. [TREATMENT PLAN.] *(a) A minor patient has the right to a written treatment plan that describes in behavorial terms the case problems, the precise goals of the plan, and the procedures that will be utilized to minimize the length of time that the minor requires inpatient treatment. The plan shall also state goals for release to a less restrictive facility and follow-up treatment measures and services, if appropriate.*

(b) The plan must be reviewed in accordance with the requirements of this chapter. To the degree possible, the minor patient shall be involved in the development of the treatment and discharge plan.

Subd. 12. [PROTECTION FROM EXPLOITATION.] *A minor patient has a right to be protected from exploitation by adults receiving treatment in the same facility. Each residential program must have a written policy regarding protection of minors from exploitation by adults.*

Subd. 13. [PROTECTION AND ADVOCACY SERVICES.] *A minor patient has the right of reasonable access, at reasonable times, to any avail-*

able rights protection services and advocacy services, for the purpose of receiving assistance to understand, exercise and protect the rights described in this section and as otherwise provided by law. The right of access includes but is not limited to opportunities and facilities for private communication with these services.

Subd. 14. [OTHER RIGHTS PRESERVED.] *The minor patients' rights in this section are not exclusive and do not preclude rights for minors under other law.*

Subd. 15. [DENIAL OF PATIENTS' RIGHTS.] *(a) A minor patient whose rights are protected under this section and who suffers damage as a result of the unintentional or negligent denial or violation of any of these rights may bring an action against the person, including the state or any political subdivision of the state, that denies or violates the right or rights in question. The minor patient may recover exemplary damages of not less than $100 for each violation and any compensatory damages as may be proved, together with costs and reasonable attorney fees.*

(b) A minor patient whose rights are protected under this section may bring an action against any person, including the state or any political subdivision of the state, that willfully or knowingly denies or violates any of the patient's rights protected under this section. The minor patient may recover exemplary damages of not less than $500 nor more than $2,000 for each violation and any compensatory damages as may be proved, together with costs and reasonable attorney fees. It is not a prerequisite to an action under this paragraph that the minor patient suffer or be threatened with actual damages.

(c) A person who willfully or knowingly denies or violates any of the patient's rights protected under this section is guilty of a misdemeanor.

(d) For the purposes of this subdivision, "person" includes any corporation, partnership, or other business entity that is organized to own or operate a treatment facility.

Sec. 15. [260B.15] [HANDBOOK OF MINOR PATIENTS' RIGHTS.]

Each residential program shall develop and make available a written handbook of minor patients' rights for use under section 14, subdivision 2. The handbook must contain at least the following information:

(1) a description of each of the minor patients' rights in section 14;

(2) the right of a minor 16 years of age or older to request release as provided in section 253B.04, subdivision 2;

(3) names and telephone numbers of individuals and organizations that provide advocacy and legal services for minors in residential programs; and

(4) a description of the mandatory and voluntary reporting provisions of sections 9 and 10.

Sec. 16. [260B.16] [DETOXIFICATION.]

Subdivision 1. [TAKING INTO CUSTODY BY PEACE OFFICER.] *(a) When it appears to a peace officer that a minor is intoxicated, the peace officer may take the minor into protective custody. The minor may be searched for the protection of the officer, but the taking into custody is not an*

arrest except for the purpose of determining whether the taking into custody or the obtaining of evidence was lawful. No record of the custody shall be made except for the purposes of proceeding under this section.

(b) Except as provided in paragraph (c), if the officer taking custody has probable cause to believe that the minor is intoxicated, but does not require emergency medical service and is not endangering self or any person or property, the officer may take the minor to the minor's place of residence.

(c) The officer may bring the minor to a detoxification program if the officer has probable cause to believe that the minor is intoxicated and:

(1) the minor's parents are not available or in the place of residence, or the place of residence is not within 25 miles of where the minor is taken into custody; or

(2) the minor is endangering self or any person or property.

If immediate medical care is needed, the officer may take the minor to the nearest medical facility for appropriate evaluation and care. The detoxification program or medical facility must be licensed and equipped to provide services to minors, as provided in this section.

Subd. 2. [TAKING INTO CUSTODY BY HEALTH OFFICER.] *When it appears to a health officer that a minor is intoxicated, the health officer may take the minor into protective custody. The health officer shall proceed in the manner provided for peace officers under subdivision 1, except that the health officer may surrender the minor to a peace officer for the purpose of taking the minor to the minor's place of residence or to a detoxification program.*

Subd. 3. [NOTIFICATION OF PARENTS.] *The detoxification program or medical facility shall make all reasonable efforts to notify the minor's parents, guardian, or custodian of the minor's presence in the program or facility as soon as possible. The detoxification program or facility shall continue to make all reasonable efforts to notify the minor's parents, guardian, or custodian so long as the minor remains in custody and until the person has been notified.*

Subd. 4. [JUVENILE DETOXIFICATION SERVICES.] *A minor who is intoxicated may not be detained for purposes of detoxification in a jail or municipal lockup. A detoxification program that provides services for minors and adults must have separate sleeping quarters for minors and adults. The program shall have a plan to protect minors from exploitation by adults in the same facility, including provisions for supervision appropriate to the needs of minors in the program. The commissioner of human services shall not license a detoxification program that does not have the plan required by this subdivision.*

Subd. 5. [TIME AND TREATMENT IN DETOXIFICATION.] *(a) A minor may be held for no more than 72 hours under this section. The sole purpose of detention in a program under this section is detoxification. A minor may not be held for more than 48 hours unless the program's director or the director's designee finds that the assessment criteria under section 4, subdivision 1, are met.*

(b) If the minor is 14 years of age or older, preventive diagnostic assess-

ment, evaluation, or treatment services may be rendered at the request of the minor and without the consent of the minor's parents or guardian subject to the following:

(1) surgical procedures require the consent of the minor's parents or guardian, unless the procedures are essential to preserve the life or health of the minor and the consent of the minor's parents or guardian is not readily obtainable;

(2) lawfully available controlled substances may be administered only with the consent of the minor's parents or guardian, unless they are necessary to detoxify the minor;

(3) a minor may not be admitted to a detoxification program unless the admission is to detoxify the minor for the ingestion of alcohol or other drugs; and

(4) a minor may not be held for a period of treatment beyond the 72 hours allowed for detoxification of the minor, unless the minor may be held for assessment or treatment under section 4 or 5.

(c) If a minor is admitted to a detoxification program under this section, the minor must be examined by trained staff as soon as possible. If it is determined that the minor is intoxicated, the minor must be detained for the duration of the intoxication, but no longer, except in the case of a minor 14 years of age or older who agrees to be held under this subdivision for the full 72 hours.

Subd. 6. [PARENTS' RIGHT TO REMOVE MINOR FROM FACILITY.] *If a minor has been transported to a detoxification program or medical facility and it is determined that the minor needs the emergency medical care available in that facility, a parent or guardian may remove the minor from the facility upon informed consent and subject to any applicable provisions of article 1.*

Sec. 17. [260B.17] [DEVELOPMENTALLY DISABLED MINORS; PLACEMENT IN STATE REGIONAL TREATMENT CENTERS.]

Subdivision 1. [POLICY.] *It is the policy of this state to provide care, treatment, and support for developmentally disabled minors in their own homes. When it is not possible for the child to remain at home, necessary care, treatment, and support shall be provided to the child in a substitute home or small group environment designed to meet the child's needs.*

Subd. 2. [PLACEMENT IN STATE REGIONAL TREATMENT CENTERS.] *A developmentally disabled minor, as defined in article 1, section 4, may be admitted to a state regional treatment center only under the following circumstances:*

(1) the minor is committed under chapter 253B; and

(2) a specific plan for the development of appropriate services, allowing for the minor to be discharged as soon as possible but within 180 days, has been agreed to by the county of financial responsibility and approved by the committing court. Placement of the child on the waiting lists of existing facilities is not sufficient to comply with this clause.

Subd. 3. [DISCHARGE.] *(a) No minor may be discharged from a state*

regional treatment center unless appropriate services are available and provided to the minor.

(b) If a minor cannot be discharged from a state regional treatment center due to lack of appropriate services, the county shall request an extension of time from the committing court. The request shall be made at least 45 days before the 180-day period expires. If the court determines that appropriate services are currently unavailable, it shall grant a limited time extension and order the county to take whatever immediate action is necessary to meet the child's needs in an appropriate community setting as soon as possible.

(c) The county is responsible for paying the entire daily charge from county funds for each day a developmentally disabled minor remains in a state hospital in excess of 180 days.

Subd. 4. [EXCEPTION.] *This section does not prohibit the admission under other provisions of this chapter of a developmentally disabled minor who is mentally ill or chemically dependent. The limitations in this section do not apply to the programs licensed pursuant to Minn. Rules, parts 9545.0900 - 9545.1090 at the state regional treatment centers, including the Minnesota learning center at Brainerd regional treatment center and the adolescent treatment center at Willmar regional treatment center.*

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 16 are effective January 1, 1987. Section 17 is effective August 1, 1986.

ARTICLE 3

MISCELLANEOUS AMENDMENTS

Section 1. Minnesota Statutes 1984, section 242.19, subdivision 2, is amended to read:

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

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

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

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

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

(e) discharge the child from his or her control when he or she is satisfied that the child has been rehabilitated and that such discharge is consistent with the protection of the public;

(f) if the commissioner finds that the child is eligible for probation or parole and it appears from the commissioner's investigation that conditions in the child's or the guardian's home are not conducive to the child's treatment, rehabilitation, or law-abiding conduct, refer the child, together with his or her findings, to a county welfare board or a licensed child placing agency for placement in a foster care or, when appropriate, for initiation of ~~dependency or neglect~~ proceedings ~~as provided in sections 260.011 to 260.301~~ *under article 1, section 14*. The commissioner of corrections shall reimburse county welfare boards for foster care costs they incur for the child while on probation or parole to the extent that funds for this purpose are made available to the commissioner by the legislature. The juvenile court shall order the parents of a child on probation or parole to pay the costs of foster care under section 260.251, subdivision 1, according to their ability to pay, and to the extent that the commissioner of corrections has not reimbursed the county welfare board.

Sec. 2. Minnesota Statutes 1984, section 253B.04, is amended to read:

253B.04 [INFORMAL ADMISSION PROCEDURES.]

Subdivision 1. [ADMISSION.] Informal admission by consent is preferred over involuntary commitment. Any person 16 years of age or older may request to be admitted to a treatment facility as an informal patient for observation, evaluation, diagnosis, care and treatment without making formal written application. Any person under the age of 16 years may be admitted as an informal patient with the consent of a parent or legal guardian if it is determined by independent examination that there is reasonable evidence that (a) the proposed patient is mentally ill, mentally retarded, or chemically dependent; and (b) the proposed patient is suitable for treatment. *The informal admission of a minor under this subdivision is subject to the applicable review procedures and criteria of article 2.* The head of the treatment facility shall not arbitrarily refuse any person seeking admission as an informal patient.

Subd. 2. [RELEASE.] Every *adult* patient admitted for mental illness or mental retardation under this section shall be informed in writing at the time of his admission that he has a right to leave the facility within 12 hours of his request, unless held under another provision of this chapter. Every *adult* patient admitted for chemical dependency under this section shall be informed in writing at the time of his admission that he has a right to leave the facility within 72 hours, exclusive of Saturdays, Sundays and holidays, of his request, unless held under another provision of this chapter. The request shall be submitted in writing to the head of the treatment facility. If the head of the treatment facility deems it to be in the best interest of the person, his family, or the public, he shall petition for the commitment of the person pursuant to section 253B.07.

Sec. 3. Minnesota Statutes 1984, section 259.23, subdivision 1, is amended to read:

Subdivision 1. [VENUE.] ~~Except as provided in section 260.111, subdivision 2,~~ The juvenile court shall have original jurisdiction in all adoption proceedings. The proper venue for an adoption proceeding shall be the county of the petitioner's residence. However, if the petitioner has acquired a new residence in another county and requests a transfer of the adoption proceed-

ing, the court in which an adoption is initiated may transfer the proceeding to the appropriate court in the new county of residence if the transfer is in the best interests of the person to be adopted. The court transfers the proceeding by ordering a continuance and by forwarding to the clerk of the appropriate court a certified copy of all papers filed, together with an order of transfer. The transferring court also shall forward copies of the order of transfer to the commissioner of human services and any agency participating in the proceedings. The judge of the receiving court shall accept the order of the transfer and any other documents transmitted and hear the case; provided, however, the receiving court may in its discretion require the filing of a new petition prior to the hearing.

Sec. 4. Minnesota Statutes 1984, section 484.70, subdivision 1, is amended to read:

Subdivision 1. [APPOINTMENT.] The chief judge of the judicial district may appoint one or more suitable persons to act as referees. Referees shall hold office at the pleasure of the judges of the district court and shall be learned in the law, except that persons holding the office of referee on January 1, 1983, may continue to serve under the terms and conditions of their appointment. All referees are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3, and are not limited to assignment to family, probate, ~~juvenile~~ or special term court. Part time referees holding office in the second judicial district pursuant to this subdivision shall cease to hold office on July 31, 1984.

Sec. 5. Minnesota Statutes 1984, section 484.73, subdivision 2, is amended to read:

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

Sec. 6. Minnesota Statutes 1984, section 524.5-505, is amended to read:

524.5-505 [DELEGATION OF POWERS BY PARENT OR GUARDIAN.]

Subject to the limitations contained in article 1, section 93, a parent or a guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding six months, any of his powers regarding care, custody, or property of the minor or ward, except his power to consent to marriage or adoption of a minor ward.

Sec. 7. Minnesota Statutes 1984, section 636.07, is amended to read:

636.07 [CARE AND CUSTODY OF MINORS.]

Subdivision 1. [GENERALLY.] Every sheriff or other person having charge of a minor under the age of 18 years, chargeable with any crime, shall provide a separate place of confinement for him, and under no circumstances place him with grown-up prisoners. Every minor while in confinement shall

be provided with good reading matter, and his relatives and friends likely to exert a good influence over him shall at all reasonable times be permitted to visit him.

Subd. 2. [JUVENILE TRAFFIC OFFENDERS.] *(a) A minor who is alleged to have committed a juvenile traffic offense, as defined in article 1, section 4, subdivision 31, and who is subject to the laws and court procedures controlling adult traffic law offenders pursuant to article 1, section 13, subdivision 2, may be detained prior to trial in a detention facility only if pretrial detention is otherwise authorized by statute or rule. If so authorized, the minor may be detained in:*

(1) a place of nonsecure detention, as set forth in article 1, section 24, subdivision 2, if the criteria for nonsecure detention in section 24 have been met; or

(2) a secure detention facility, as defined in article 1, section 4, subdivision 41, if the criteria for secure detention in section 24 have been met.

(b) A minor who is convicted of a juvenile traffic offense under the laws and court procedures controlling adult traffic offenders and who is sentenced to incarceration may be confined only in a county home school or a facility maintained or licensed by the commissioner of corrections for the detention or disposition of juveniles.

(c) The county in which the juvenile traffic offense occurred is responsible for paying the costs of detention under paragraph (a) and the costs of incarceration under paragraph (b).

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective January 1, 1987."

Delete the title and insert:

"A bill for an act relating to the juvenile court; revising and recodifying current laws governing the apprehension, detention, adjudication, and disposition of minors who commit unlawful acts or who are in need of protection or services; providing additional due process protections for minors and other parties who are subject to juvenile court jurisdiction; placing limitations on voluntary out-of-home placements of minors; providing for substitute care review; establishing criteria for the assessment and treatment of chemically dependent, mentally ill, and emotionally disturbed minors; providing for reporting of inappropriate admissions; providing for minor patients' rights; requiring court certification for treatment in certain cases; making certain technical amendments; imposing penalties; amending Minnesota Statutes 1984, sections 242.19, subdivision 2; 253B.04; 257.071; 259.23, subdivision 1; 260.022, subdivision 4; 260.024, subdivision 2; 260.031, subdivision 1; 260.094; 260.101; 260.103, subdivision 1; 260.121, subdivisions 1 and 2; 260.131; 260.132; 260.133, subdivision 1; 260.135, subdivisions 2 and 3; 260.141, subdivision 1; 260.145; 260.151, subdivision 1; 260.155, subdivisions 1, 3, 4, 5, and 8; 260.161, by adding a subdivision; 260.211; 260.221; 260.231, subdivision 3; 260.235; 260.251, subdivisions 1a and 4; 260.255; 260.315; 260.35; 484.70, subdivision 1; 484.73, subdivision 2; 524.5-505; and 636.07; Minnesota Statutes 1985 Supplement, sections 260.121, subdivision 3; 260.133, subdivision 2; 260.135, subdivision 1; 260.155, sub-

division 4a; 260.156; 260.161, subdivision 2; and 260.36; proposing coding for new law as Minnesota Statutes, chapters 260A and 260B; repealing Minnesota Statutes 1984, sections 260.011, subdivision 1; 260.015, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 23, 24, and 25; 260.024, subdivision 1; 260.111; 260.115; 260.135, subdivision 5; 260.151, subdivision 2; 260.155, subdivisions 2 and 7; 260.165; 260.171, subdivisions 1, 2, 5, 5a, and 6; 260.172, subdivisions 1, 2, and 3; 260.173; 260.181; 260.185; 260.191, subdivisions 1a, 1b, 1c, 2, 3, and 4; 260.192; 260.193; 260.194; 260.195; 260.261; 260.281; 260.291; and 260.301; Minnesota Statutes 1985 Supplement, sections 260.011, subdivision 2; 260.015, subdivisions 10 and 22; 260.171, subdivision 4; 260.172, subdivisions 2a, 2b, and 4; and 260.191, subdivisions 1, 1d, and 2a."

And when so amended the bill do pass. Mr. Stumpf questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

REPORT OF VOTE IN COMMITTEE

Pursuant to Rule 60, upon the request of three members, a roll call was taken on Senator Freeman's motion that S.F. No. 1646, as amended, be recommended to pass.

There were yeas 8 and nays 6, as follows:

Those who voted in the affirmative were:

Messrs. Freeman; Luther; Merriam; Peterson, R.W.; Petty; Pogemiller; Sieloff and Spear.

Those who voted in the negative were:

Messrs. Johnson, D.E.; Jude; Kamrath; Knaak; Ramstad and Ms. Reichgott.

The bill, as amended, was recommended to pass.

Mr. Schmitz from the Committee on Local and Urban Government, to which was re-referred

S.F. No. 1936: A bill for an act relating to commerce; providing immunity to municipalities for certain claims; regulating certain self-insurance pools; abolishing the collateral source rule; requiring judgments to be paid in periodic installments rather than a lump sum upon request of either party; abolishing punitive damages in civil actions; placing a monetary maximum on the amount recoverable as intangible damages; eliminating joint liability in tort; amending Minnesota Statutes 1984, sections 466.01, subdivision 1; 466.03, subdivisions 4 and 6b, and by adding subdivisions; 471.982, subdivision 3; 549.09, subdivision 1; 549.20, subdivision 1; and 604.02, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 466, 481, 548, and 549; repealing Minnesota Statutes 1984, section 549.20, subdivisions 2 and 3.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Judiciary. Report adopted.

Mr. Purfeerst from the Committee on Transportation, to which was referred

S.F. No. 1387: A bill for an act relating to automobile insurance; requiring specific proof of insurance in motor vehicle registration; amending Minnesota Statutes 1984, section 65B.68, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. [65B.481] [DRIVER TO HAVE PROOF OF INSURANCE IN POSSESSION.]

Every driver shall have in his immediate possession at all times when operating a motor vehicle proof that a valid insurance policy covering the vehicle is in effect. On demand of a peace officer, an authorized representative of the department of public safety, or an officer authorized by law to enforce the laws relating to the operation of motor vheicles on public streets and highways, the driver must produce proof of insurance in the form of a valid insurance policy or an identification card issued by an insurer. No person charged with violating this section shall be convicted if the person provides the required proof of insurance to the officer within 48 hours. The commissioner of public safety may suspend the license of any operator who violates this section.

Sec. 2. Minnesota Statutes 1984, section 65B.67, subdivision 3, is amended to read:

Subd. 3. [VIOLATION BY DRIVER.] Any other person who operates a motor vehicle or motorcycle upon a public highway, street or road in this state ~~with knowledge~~ *who knows or has reason to know* that the owner does not have security complying with the terms of section 65B.48 in full force and effect is guilty of a misdemeanor and shall be sentenced as provided in subdivision 4.

Sec. 3. Minnesota Statutes 1984, section 65B.67, subdivision 4a, is amended to read:

Subd. 4a. The commissioner of public safety ~~may~~ *shall* revoke the registration of any motor vehicle or motorcycle, and may suspend the driver's license of any operator, without preliminary hearing upon a showing by department records, including accident reports required to be submitted by section 169.09, or other sufficient evidence that security required by section 65B.48 has not been provided and maintained. Before reinstatement of the registration, there shall be filed with the commissioner of public safety the written certificate of an insurance carrier authorized to do business in the state stating that security has been provided as required by section 65B.48. The commissioner of public safety may require the certificate of insurance provided to satisfy this subdivision to be certified by the insurance carrier to be noncancelable for a period not to exceed one year. The commissioner of public safety may also require a certificate of insurance to be filed with respect to all vehicles required to be insured under section 65B.48 and owned by any person whose driving privileges have been suspended or revoked as provided in this section before reinstating the person's driver's license."

Delete the title and insert:

"A bill for an act relating to automobile insurance; requiring revocation of

motor vehicle registration for failure to maintain insurance; requiring drivers to carry proof of insurance; amending Minnesota Statutes 1984, section 65B.67, subdivisions 3 and 4a; proposing coding for new law in Minnesota Statutes, chapter 65B."

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

Mr. Merriam from the Committee on Agriculture and Natural Resources, to which was referred

S.F. No. 2023: A bill for an act relating to state lands; providing for a procedure to sell state leased lands; providing for maximum lease rates; proposing coding for new law in Minnesota Statutes, chapter 92.

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

Delete everything after the enacting clause and insert:

"Section 1. [92.67] [SALE PROCEDURE.]

Subdivision 1. [SALE REQUIREMENT.] *Notwithstanding section 92.45, at the request of a lessee the commissioner of natural resources shall sell state property bordering public waters that is leased for the purpose of a private cabin under section 92.46 and recommended to be sold under the inventory prepared pursuant to Laws 1985, First Special Session chapter 14, article 17, section 4. Requests for sale must be made prior to July 1, 1991, and the commissioner shall complete all requested sales by July 1, 1992. The sale shall be made in accordance with laws providing for the sale of trust fund land except as modified by the provisions of this section.*

Subd. 2. [APPRAISAL.] *An appraisal shall be made in accordance with section 92.12, except as modified by this section. All improvements that are owned by the lessee shall be appraised separately.*

Subd. 3. [APPOINTMENT OF APPRAISERS; ALLOCATION OF APPRAISAL AND SURVEY COSTS.] *(a) The commissioner of natural resources shall provide the lessee requesting the sale with a list of all appraisers approved by the commissioner of administration for the appraisal of property for the state. The lessee requesting the sale may select a person from the list, to appraise the property to be sold. If more than one lessee of a cabin site lot leased by the commissioner under section 92.46 within a platted area requests the sale of a leased lot, all requesting lessees may jointly agree upon an appraiser from the list. If the lessee or lessees do not select an appraiser, the commissioner of natural resources shall select the appraiser.*

(b) The costs of appraisal shall be allocated by the commissioner to the lots offered for sale and the successful bidder on each lot shall reimburse the commissioner for the appraisal costs allocated to the lot bid upon. If there are no successful bidders on a lot, the commissioner is responsible for the appraisal cost allocated to that lot.

(c) If a new property survey is required before a sale, the costs of the survey shall be allocated by the commissioner to the lots offered for sale and the

successful bidder on each lot shall reimburse the commissioner for the survey costs allocated to the lot bid upon. If there are no successful bidders on a lot, the commissioner is responsible for the survey cost allocated to that lot.

(d) If a lot is sold without a new property survey, each bid is received upon the conditions that a warranty of legal description is not made by the commissioner and that each bidder waives all legal rights against the state relating to title or other defects arising from errors in legal description. These conditions shall be included in the notice of sale relating to lots if a new property survey has not been made and shall be announced orally at the commencement of bidding on lots if a new property survey has not been made.

Subd. 4. [TIMING OF SALES.] *(a) The commissioner shall offer lakeshore cabin site lots for sale pursuant to written request and in accordance with the following schedule:*

(1) as to requests received before January 1, 1987, the sale shall be held in June, July, or August 1987;

(2) as to requests received each calendar year after December 31, 1986, the sale shall be held in June, July, or August of the year after the request is received.

(b) The last sales shall be held in 1992. Lots not sold the first year offered may be reoffered in a succeeding year, following reappraisal if it is determined necessary by the commissioner.

If a person other than the lessee purchases the leased lakeshore cabin site, the purchaser must make payment in full to the lessee at the time of the sale for the appraised value of any improvements. Failure of a successful bidder to comply with this provision voids the sale and the property must be rebid, if possible, at the same sale.

Subd. 5. [SALE PROCEEDS.] *After deducting the costs of the sale from the purchase price, the balance shall be invested as provided by the Minnesota Constitution, article XI, section 8.*

Sec. 2. [92.68] [MISCELLANEOUS.]

Subdivision 1. [SHORELINE INCLUDED.] *Notwithstanding section 92.45, the shoreline of leased sites sold under section 1 is not reserved for public travel.*

Subd. 2. [LOCAL ZONING.] *For the purpose of local zoning ordinances, land sold under section 1 shall be treated as if purchased at the time the state first leased the sites.*

Subd. 3. [ROAD ACCESS.] *Rights of access across state property to the lots offered for sale that are in existence at the time of sale, and not included in the sale, may not be terminated by the commissioner without the consent of the purchasers of the lots or their successors in interest. The commissioner may impose a fee for the access rights in the same manner as for other similar accesses.*

Sec. 3. [REPEALER.]

Sections 1 and 2 of this act are repealed on July 1, 1992.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 to 3 are effective the day following final enactment."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1823, 2062, 1782, 1808, 1730, 1975, 1914, 2087, 2039, 2094, 2017, 1755, 1860, 1922, 1797, 1767, 2090, 1949, 1965, 1884, 1924, 2018, 2019 and 1790 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 1824, 1980, 1860, 1930, 671 and 810 were read the second time.

MOTIONS AND RESOLUTIONS

Remaining on the Order of Business of Motions and Resolutions, Mr. Moe, R.D. moved that the Senate proceed to the Order of Business of Introduction and First Reading of Senate Bills. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Messrs. Stumpf, Davis, Pehler and Ms. Olson introduced—

S.F. No. 2233: A bill for an act relating to education; adding post-secondary vocational technical education representation on the ESV computer and UFARS advisory councils; amending Minnesota Statutes 1984, sections 121.901, subdivision 1; and 121.934, subdivisions 1 and 2.

Referred to the Committee on Education.

Mr. Dieterich introduced—

S.F. No. 2234: A bill for an act relating to utilities; increasing salary and duties of chair of public utilities commission; prohibiting certain activities by utilities and public utility commissioners; directing commission to adopt rules of conduct; allowing rate increase settlements without a contested case hearing under certain circumstances; authorizing commission to assign mandatory filing dates for rate increases; allowing commission to suspend rate schedules for 12 or 14 months; imposing a penalty; amending Minnesota Statutes 1984, sections 216A.03, subdivisions 3, 3a, and by adding subdivisions; 216B.16, subdivisions 1a, 2, and by adding a subdivision; and 237.075, subdivisions 1a, 2, and by adding a subdivision.

Referred to the Committee on Public Utilities and State Regulated Industries.

Messrs. Chmielewski, Bertram and Lessard introduced—

S.F. No. 2235: A bill for an act relating to veterans; requiring the MIA-

POW flag to be flown on the capitol.

Referred to the Committee on Veterans and General Legislation.

Messrs. Peterson, C.C.; Lessard; Luther; Renneke and Anderson introduced—

S.F. No. 2236: A bill for an act relating to game and fish; legislative oversight over federal fund receipts and expenditures.

Referred to the Committee on Agriculture and Natural Resources.

Mr. Diessner introduced—

S.F. No. 2237: A bill for an act relating to economic development; creating the district 56 development association and providing for the powers and administration of the association; proposing coding for new law as Minnesota Statutes, chapter 116N.

Referred to the Committee on Economic Development and Commerce.

Mr. Kroening and Ms. Reichgott introduced—

S.F. No. 2238: A bill for an act relating to Hennepin county; creating a county housing and redevelopment authority; applying the provisions of the municipal housing and redevelopment act to Hennepin county; providing for local approval of projects.

Referred to the Committee on Energy and Housing.

Mr. Bertram introduced—

S.F. No. 2239: A bill for an act relating to charitable gambling; exempting certain organizations from regulation and tax; amending Minnesota Statutes 1984, sections 297A.25, by adding a subdivision; and 349.214, subdivision 2.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Mehrkens introduced—

S.F. No. 2240: A bill for an act relating to crimes; providing a penalty for assaulting correctional officers; amending Minnesota Statutes 1985 Supplement, section 609.2231, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Novak, by request, introduced—

S.F. No. 2241: A bill for an act relating to commerce; requiring gasoline service stations to provide certain goods and services; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Economic Development and Commerce.

Mr. Nelson introduced—

S.F. No. 2242: A bill for an act relating to education; prohibiting the state

board from authorizing a school board to transfer money from the debt redemption fund, except as provided in Minnesota Statutes, section 475.61, subdivision 4; amending Minnesota Statutes 1985 Supplement, section 121.9121, by adding a subdivision.

Referred to the Committee on Education.

Mr. Bertram introduced—

S.F. No. 2243: A bill for an act relating to public safety; restricting local requirements for stairways to be enclosed in certain buildings; requiring local governing bodies to consider certain facts before enacting ordinances affecting housing; defining the term "stories"; amending Minnesota Statutes 1984, section 299F.011, subdivision 4, and by adding a subdivision; and Minnesota Statutes 1985 Supplement, section 16B.61, subdivision 3.

Referred to the Committee on Veterans and General Legislation.

Messrs. Pehler, Wegscheid and Peterson, R.W. introduced—

S.F. No. 2244: A bill for an act relating to environment; creating the waste management agency; transferring the duties of the waste management board and certain duties of the pollution control agency to the waste management agency; amending Minnesota Statutes 1984, sections 115A.03, by adding subdivisions; 115A.42; 115A.44; 115A.45; 115A.46, subdivision 1; 115A.51; 115A.53; 115A.917; amending Minnesota Statutes 1985 Supplement, sections 115A.49 and 115A.52; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 1984, sections 115A.03, subdivision 3; 115A.04; 115A.05; 115A.13; 115A.14, subdivision 6; 115A.201; 115A.22, subdivision 4; and 115A.34.

Referred to the Committee on Governmental Operations.

Ms. Peterson, D.C. introduced—

S.F. No. 2245: A bill for an act relating to elections; providing for the use of certain optical scan electronic voting systems; amending Minnesota Statutes 1984, sections 203B.08, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 206.

Referred to the Committee on Elections and Ethics.

Mr. Dahl introduced—

S.F. No. 2246: A bill for an act relating to energy; providing for compensation by utilities of solid waste resource recovery facilities in metropolitan counties for electricity generated; setting term; amending Minnesota Statutes 1984, section 216B.164, subdivision 4.

Referred to the Committee on Energy and Housing.

Mr. Wegscheid, by request, introduced—

S.F. No. 2247: A bill for an act relating to environment; prohibiting the storage of hazardous waste at the University of Minnesota's Rosemount research center; proposing coding for new law in Minnesota Statutes, chapter

116.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Ramstad and Luther introduced—

S.F. No. 2248: A bill for an act relating to commerce; prohibiting the use of electronically prerecorded messages in telephone solicitations; proposing coding for new law in Minnesota Statutes, chapter 325G.

Referred to the Committee on Economic Development and Commerce.

Messrs. Pehler, Stumpf and Davis introduced—

S.F. No. 2249: A bill for an act relating to unemployment compensation; regulating benefits and contribution rates; appropriating money; amending Minnesota Statutes 1984, sections 268.04, subdivisions 2, 4, 24, 25, and by adding subdivisions; 268.06, subdivisions 2, 3a, 8, and by adding a subdivision; 268.07, subdivisions 2, 2a, and 3; 268.071, subdivision 1; 268.09, subdivisions 1 and 2; 268.10, subdivisions 1 and 2; 268.12, subdivision 8; 268.121; 268.16, subdivision 2, and by adding a subdivision; Minnesota Statutes 1985 Supplement, sections 268.0111, by adding a subdivision; 268.08, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 268; repealing Minnesota Statutes 1984, section 268.04, subdivisions 8, 29, and 30.

Referred to the Committee on Employment. Mr. Moe, R.D. questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Frank introduced—

S.F. No. 2250: A bill for an act relating to utilities; providing for access by disabled persons to telephone service; amending Minnesota Statutes 1984, section 237.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 237.

Referred to the Committee on Public Utilities and State Regulated Industries.

Mr. Mehrkens introduced—

S.F. No. 2251: A bill for an act relating to public assistance; requiring the provision of general assistance medical assistance to certain persons in hospitals; amending Minnesota Statutes 1985 Supplement, section 256D.03, subdivision 4.

Referred to the Committee on Health and Human Services.

Mr. Schmitz introduced—

S.F. No. 2252: A bill for an act relating to land surveying; providing for the surveying of lands by a county board; providing for the establishment of an office of county auditor or the assignment of its duties; providing a penalty; amending Minnesota Statutes 1984, sections 381.01; 381.02; 381.03; 381.04; 381.05; 381.06; 381.07; 381.08; 381.09; 381.10; 381.12; 381.13;

389.011; 389.02; 389.03; 389.04; 389.08; Minnesota Statutes 1985 Supplement, section 389.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 381; repealing Minnesota Statutes 1984, section 389.06.

Referred to the Committee on Local and Urban Government.

Mrs. Kronebusch introduced—

S.F. No. 2253: A bill for an act relating to solid waste disposal; providing assistance to Winona county; appropriating money.

Referred to the Committee on Agriculture and Natural Resources.

Messrs. Purfeerst; Bertram; Solon; Johnson, D.J. and Knaak introduced—

S.F. No. 2254: A bill for an act relating to economic development; establishing a state lottery; creating a state lottery board; prescribing its powers and duties; providing for the disposition of revenues from the state lottery; creating certain funds in the state treasury; appropriating money; providing penalties; proposing an amendment to the Minnesota Constitution; repealing article XIII, section 5 which prohibits lotteries; amending Minnesota Statutes 1984, sections 290.61; 290.92, by adding a subdivision; 297A.43; Minnesota Statutes 1985 Supplement, section 290.17, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 349A.

Referred to the Committee on Economic Development and Commerce.

Mr. Chmielewski introduced—

S.F. No. 2255: A bill for an act relating to the city of Cloquet; permitting the establishment of a port authority; authorizing the port authority to exercise the powers of a municipal housing and redevelopment authority.

Referred to the Committee on Local and Urban Government.

Mr. Pogemiller introduced—

S.F. No. 2256: A bill for an act relating to taxation; property; requiring the state and local units of government to provide notification of tax liability being assumed by certain lessees or users of public property; amending Minnesota Statutes 1984, section 272.01, subdivision 2.

Referred to the Committee on Taxes and Tax Laws.

Mr. Luther introduced—

S.F. No. 2257: A bill for an act relating to the Minnesota zoological garden; authorizing a lease and management contract; abolishing the state zoological board; amending Minnesota Statutes 1984, sections 43A.27, by adding a subdivision; 179A.03, subdivision 15; 466.01, subdivision 1; Minnesota Statutes 1985 Supplement, sections 43A.27, subdivision 2; 352.01, subdivision 2A; proposing coding for new law in Minnesota Statutes, chapter 85A; repealing Minnesota Statutes 1984, section 85A.01, subdivisions 3 and 4; Minnesota Statutes 1985 Supplement, sections 85A.01, subdivisions 1 and 2; 85A.02, subdivision 5a; and 85A.04, subdivision 1.

Referred to the Committee on Governmental Operations.

Messrs. Pogemiller and Spear introduced—

S.F. No. 2258: A bill for an act relating to retirement; authorizing amendments to the articles of the Minneapolis teachers retirement fund association to authorize postretirement adjustments based on earnings of the fund and calculated on the basis of years of retirement and years of service.

Referred to the Committee on Governmental Operations.

Mr. Purfeerst introduced—

S.F. No. 2259: A bill for an act relating to state lands; authorizing conveyance of certain state easement.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Kronebusch introduced—

S.F. No. 2260: A bill for an act relating to solid waste disposal; deferring the application of certain Minnesota pollution control agency rules for certain counties until September 1, 1988.

Referred to the Committee on Agriculture and Natural Resources.

Mrs. Kronebusch introduced—

S.F. No. 2261: A bill for an act relating to taxes; exempting certain real property from taxation; amending Minnesota Statutes 1985 Supplement, section 272.02, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Mrs. Kronebusch introduced—

S.F. No. 2262: A bill for an act relating to Winona county; permitting the county to convey certain real estate to a county agricultural society.

Referred to the Committee on Local and Urban Government.

Mr. Peterson, C.C. introduced—

S.F. No. 2263: A bill for an act relating to state government; modifying requirements of the set-aside program; amending Minnesota Statutes 1985 Supplement, section 16B.19, subdivision 6.

Referred to the Committee on Governmental Operations.

MOTIONS AND RESOLUTIONS - CONTINUED

Mr. Wegscheid moved that his name be stricken as chief author and the name of Mr. DeCramer be added as chief author to S.F. No. 1683. The motion prevailed.

Mr. Bernhagen moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 1829. The motion prevailed.

Ms. Berglin moved that the name of Mr. Luther be added as a co-author to S.F. No. 2039. The motion prevailed.

Mr. Storm moved that the name of Mr. Berg be added as a co-author to S.F. No. 2099. The motion prevailed.

Mr. Renneke moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 2134. The motion prevailed.

Ms. Berglin moved that the name of Mr. Wegscheid be added as a co-author to S.F. No. 2136. The motion prevailed.

Mr. Merriam moved that the names of Messrs. Frederick and Knutson be added as co-authors to S.F. No. 2166. The motion prevailed.

Mr. Pehler moved that the name of Mr. Bertram be added as a co-author to S.F. No. 2196. The motion prevailed.

Mr. Chmielewski moved that S.F. No. 2114 be withdrawn from the Committee on Employment and re-referred to the Committee on Rules and Administration. The motion prevailed.

SUSPENSION OF RULES

Mr. Nelson moved that an urgency be declared within the meaning of Article IV, Section 19, of the Constitution of Minnesota, with respect to H.F. No. 810 and that the rules of the Senate be so far suspended as to give H.F. No. 810, now on General Orders, its third reading and place it on its final passage. The motion prevailed.

H.F. No. 810: A bill for an act relating to health; requiring the commissioner of health to develop programs for the promotion of nonsmoking; providing for tax increase on cigarettes; raising the cigarette tax; appropriating money; imposing penalties; prohibiting the use of tobacco products on school premises by minors; amending Minnesota Statutes 1984, sections 297.02, by adding a subdivision; 297.03, subdivisions 6 and 10; 297.13, subdivision 1; 297.22, subdivision 1; 297.32, subdivisions 1, 2, and by adding subdivisions; 297.35, subdivision 1; and 325D.41; proposing coding for new law in Minnesota Statutes, chapters 124, 127, 144, and 145.

Mrs. McQuaid moved to amend H. F. No. 810, the unofficial engrossment, as follows:

Page 10, delete section 16

Amend the title as follows:

Page 1, line 6, delete "establishing revenue equity;"

Page 1, line 24, delete everything after the semicolon

Page 1, line 25, delete everything before "repealing"

CALL OF THE SENATE

Mr. Nelson imposed a call of the Senate for the balance of the proceedings on H.F. No. 810. The Sergeant at Arms was instructed to bring in the absent members.

The question recurred on the adoption of the McQuaid amendment.

The roll was called, and there were yeas 10 and nays 47, as follows:

Those who voted in the affirmative were:

Belanger	Kamrath	Olson	Ramstad	Sieloff
Frederickson	McQuaid	Peterson, D.L.	Renneke	Storm

Those who voted in the negative were:

Adkins	DeCramer	Jude	Nelson	Schmitz
Anderson	Dicklich	Kroening	Pehler	Spear
Berg	Diessner	Kronebusch	Peterson, C.C.	Stumpf
Berglin	Frank	Laidig	Peterson, D.C.	Taylor
Bernhagen	Frederick	Langseth	Peterson, R.W.	Waldorf
Bertram	Freeman	Lantry	Petty	Wegscheid
Brataas	Hughes	Lessard	Pogemiller	Willet
Chmielewski	Isackson	Luther	Purfeerst	
Dahl	Johnson, D.E.	Moe, D.M.	Reichgott	
Davis	Johnson, D.J.	Moe, R.D.	Samuelson	

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

Mr. Taylor moved to amend H.F. No. 810, the unofficial engrossment, as follows:

Page 11, after line 8, insert:

"Sec. 18. Minnesota Statutes 1985 Supplement, section 129C.10, is amended to read:

129C.10 [MINNESOTA ~~SCHOOL OF THE~~ ARTS ~~AND~~ RESOURCE CENTER.]

Subdivision 1. [GOVERNANCE.] The board of the Minnesota ~~school of the~~ arts ~~and~~ resource center shall consist of 15 persons. The members of the board shall be appointed by the governor with the advice and consent of the senate. At least one member must be appointed from each congressional district.

Subd. 2. [TERMS, COMPENSATION, AND OTHER.] The membership terms, compensation, removal of members, and filling of vacancies shall be as provided for in section 15.0575. A member may serve not more than two consecutive terms.

Subd. 3. [POWERS AND DUTIES OF BOARD.] The board has the powers necessary for the care, management, and control of the Minnesota ~~school of the~~ arts ~~and~~ resource center. The powers shall include, but are not limited to, the following:

(1) to employ and discharge necessary employees, and contract for other services to ensure the efficient operation of the ~~school and~~ resource center;

(2) to establish a charitable foundation and accept, in trust or otherwise, any gift, grant, bequest, or devise for educational purposes and hold, manage, invest, and dispose of them and the proceeds and income of them according to the terms and conditions of the gift, grant, bequest, or devise and its acceptance;

(3) to establish or coordinate evening, continuing education, extension, and summer programs through the resource center for teachers and pupils;

(4) ~~to develop and pilot test an interdisciplinary education program. An~~

~~academic curriculum must be offered with special programs in dance, literary arts, media arts, music, theater, and visual arts in both the popular and fine arts traditions;~~

~~(5)~~ to determine the location for the Minnesota ~~school of the~~ arts ~~and~~ resource center ~~and any additional facilities related to the school~~, including the authority to lease a temporary facility;

~~(6) to plan for the enrollment of pupils to ensure statewide access and participation;~~

~~(7)~~ *(5)* to establish advisory committees as needed to advise the board on policies and issues; and

~~(8)~~ *(6)* to request the commissioner of education for assistance and services.

Subd. 4. [EMPLOYEES.] (1) ~~The board shall appoint a director of the school of the arts and resource center who shall serve in the unclassified service.~~

~~(2)~~ The board shall employ~~, upon recommendation of the director,~~ a coordinator of the resource center who shall serve in the unclassified service.

~~(3) The board shall employ, upon recommendation of the director, up to six department chairpersons who shall serve in the unclassified service. The chairpersons shall be licensed teachers unless no licensure exists for the subject area or discipline for which the chairperson is hired.~~

~~(4)~~ *(2)* The board may employ other necessary employees, upon recommendation of the ~~director~~ *coordinator*.

The employees hired under this subdivision and other necessary employees hired by the board shall be state employees in the executive branch.

Subd. 5. [RESOURCE CENTER.] ~~Beginning in the 1985-1986 school year,~~ The resource center shall offer programs that are directed at improving arts education in elementary and secondary schools throughout the state. The programs offered shall include at least summer institutes offered to pupils in various regions of the state, in-service workshops for teachers, and leadership development programs for teachers. The board shall establish a resource center advisory council composed of elementary and secondary arts educators, representatives from post-secondary educational institutions, department of education, state arts board, regional arts councils, educational cooperative service units, school district administrators, parents, and other organizations involved in arts education. The advisory council shall include representatives from a variety of arts disciplines and from various areas of the state. The advisory council shall advise the board about the activities of the center. Programs offered through the resource center shall promote and develop arts education programs offered by school districts and arts organizations and shall assist school districts and arts organizations in developing innovative programs. The board may contract with nonprofit arts organizations to provide programs through the resource center. The advisory council shall advise the board on contracts and programs related to the operation of the resource center.

Subd. 6. [PUBLIC POST-SECONDARY INSTITUTIONS; PROVID-

ING SPACE.] Public post-secondary institutions shall provide space for programs offered by the Minnesota ~~school of the~~ arts ~~and~~ resource center at no cost to the Minnesota ~~school of the~~ arts ~~and~~ resource center to the extent that space is available at the public post-secondary institutions."

Page 27, after line 20, insert:

"Sec. 30. Laws 1985, First Special Session chapter 12, article 5, section 8, is amended to read:

Sec. 8. [REPORT.]

By February 1 of 1986 and 1987, the board of the ~~school of the~~ arts ~~and~~ resource center shall report to the education committees of the legislature on the activites of the board~~,~~ *and the* activities of the resource center~~, and the planning for the school of the arts. The 1987 report shall include recommendations about continuation of the school of the arts and resource center~~.

Sec. 31. Laws 1985, First Special Session chapter 12, article 5, section 10, subdivision 4, is amended to read:

Subd. 4. [~~SCHOOL OF THE~~ ARTS ~~AND~~ RESOURCE CENTER.] For the purpose of making a grant to the Minnesota ~~school of the~~ arts ~~and~~ resource center there is appropriated:

$491,000 _____ 1986,

~~$2,170,000~~ *$800,000* _____ 1987.

The unencumbered balance remaining from fiscal year 1986 shall not cancel but shall be available for fiscal year 1987.

For fiscal years 1986 and 1987 a complement of ~~13~~ *5* is authorized for the ~~school of the~~ arts ~~and~~ resource center. ~~Of this complement, eight are in the categories of director, coordinator, and department chairs.~~"

Page 28, delete section 31

Page 28, delete lines 28 to 30

Renumber the subdivisions in sequence

Page 29, line 5, after "*31*" delete the comma and insert "*and*" and delete ", *and 33, subdivision 1,*"

Amend the title as follows:

Page 1, line 6, delete everything after the second semicolon and insert "retaining the Minnesota arts resource center; eliminating the school of the arts"

Page 1, line 7, delete everything before the semicolon

Page 1, line 17, after the second semicolon insert "129C.10;"

Page 1, line 23, after "9;" insert "article 5, sections 8 and 10, subdivision 4;" and after the second "9" delete the comma and insert "and"

Page 1, line 24, delete ", and 13"

Page 1, line 28, delete "129B.61;"

Page 1, line 29, delete everything before "and"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 24 and nays 38, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

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

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

H.F. No. 810 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 59 and nays 6, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Dieterich	Knaak	McQuaid	Olson	Storm
Frank				

So the bill 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.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, the Senate proceeded to the Order of Business of Introduction and First Reading of Senate Bills.

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following bill was read the first time and referred to the committee indicated.

Mr. Pehler introduced—

S.F. No. 2264: A bill for an act relating to retirement; public employees retirement association; permitting the purchase of prior service credits by certain employees; amending Minnesota Statutes 1984, section 353.36, subdivision 2b, and by adding a subdivision.

Referred to the Committee on Governmental Operations.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, the Senate reverted to the Order of Business of Reports of Committees.

REPORTS OF COMMITTEES

Mr. Moe, R.D. from the Committee on Rules and Administration, upon the request of Mr. Purfeerst, the first author of S.F. No. 1:

S.F. No. 1: A bill for an act proposing an amendment to the Minnesota Constitution; repealing article XIII, section 5 which prohibits lotteries.

Recommends that the bill be withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules and Administration.

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

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

Senate Concurrent Resolution No. 19: 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.

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

Page 1, line 20, delete "Chief Clerk" and insert "Secretary of the Senate"

Page 1, line 22, delete "the Speaker,"

Page 1, line 23, delete "and the Secretary of the Senate" and insert "the Speaker of the House, and the Chief Clerk of the House"

And when so amended the resolution do pass.

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Amendments adopted. Report adopted.

Mr. Moe, R.D. moved that Senate Concurrent Resolution No. 19 be laid on the table. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Freeman be added as a

co-author to S.F. No. 2255. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Lessard be added as a co-author to S.F. No. 2217. The motion prevailed.

MEMBERS EXCUSED

Mr. Dieterich was excused from the Session of today from 2:00 to 3:00 p.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Monday, March 3, 1986. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate