

## FORTIETH DAY

St. Paul, Minnesota, Thursday, April 30, 1987

The Senate met at 12:00 noon and was called to order by the President.

### CALL OF THE SENATE

Mr. Willet 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. Joseph Paris.

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

Adkins	Davis	Knaak	Moe, D.M.	Samuelson
Anderson	DeCramer	Knutson	Moe, R.D.	Schmitz
Beckman	Dicklich	Kroening	Morse	Solon
Belanger	Diessner	Laidig	Novak	Spear
Benson	Frank	Langseth	Olson	Storm
Berg	Frederick	Lantry	Pehler	Stumpf
Berglin	Frederickson, D.J.	Larson	Peterson, D.C.	Taylor
Bernhagen	Frederickson, D.R.	Lessard	Peterson, R.W.	Vickerman
Bertram	Freeman	Luther	Piper	Waldorf
Brandl	Gustafson	Marty	Pogemiller	Wegscheid
Brataas	Hughes	McQuaid	Purfeerst	Willet
Chmielewski	Johnson, D.E.	Mehrkins	Ramstad	
Cohen	Johnson, D.J.	Merriam	Reichgott	
Dahl	Jude	Metzen	Renneke	

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 Senate Files, herewith returned: S.F. Nos. 161, 721 and 1349.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 1987

Mr. President:

I have the honor to announce the passage by the House of the following Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 157: A bill for an act relating to property interests; enacting the uniform statutory rule against perpetuities; amending Minnesota Statutes 1986, section 500.17, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 501A; repealing Minnesota Statutes 1986, section 500.13.

Senate File No. 157 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 29, 1987

### CONCURRENCE AND REPASSAGE

Mr. Luther moved that the Senate concur in the amendments by the House to S.F. No. 157 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 157 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 56 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Dahl	Johnson, D.E.	Mehrkens	Renneke
Anderson	Davis	Jude	Merriam	Schmitz
Beckman	DeCramer	Knaak	Metzen	Storm
Belanger	Dicklich	Knutson	Moe, D.M.	Stumpf
Berg	Diessner	Kroening	Moe, R.D.	Taylor
Berglin	Frank	Laidig	Morse	Vickerman
Bernhagen	Frederick	Langseth	Olson	Waldorf
Bertram	Frederickson, D.J.	Lantry	Peterson, D.C.	Willet
Brandl	Frederickson, D.R.	Larson	Peterson, R.W.	
Brataas	Freeman	Luther	Piper	
Chmielewski	Gustafson	Marty	Ramstad	
Cohen	Hughes	McQuaid	Reichgott	

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

### MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 668, 872, 674, 1327, 1507, 463, 856 and 529.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 29, 1987

### FIRST READING OF HOUSE BILLS

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

H.F. No. 668: A bill for an act relating to health; extending the moratorium on hospital capacity expansion; amending Laws 1984, chapter 654, article 5, section 57, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 598, now on General Orders.

H.F. No. 872: A bill for an act relating to hazardous waste facilities; providing for financial responsibility when an owner or operator is bankrupt; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1346.

H.F. No. 674: A bill for an act relating to crimes; dictating circumstances in which the court may stay execution of sentence following conviction for a second or subsequent offense relating to criminal sexual conduct; providing that information regarding a sexual assault victim is private; amending Minnesota Statutes 1986, sections 609.346, subdivisions 2 and 3; and 611A.06.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 947, now on General Orders.

H.F. No. 1327: A bill for an act relating to elections; specifying the time for precinct caucuses; amending Minnesota Statutes 1986, section 202A.14, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1243, now on General Orders.

H.F. No. 1507: A bill for an act relating to water; prohibiting the commissioner of natural resources from issuing certain permits or approving certain plans for diversion of water from certain water basins before consultation with state and Canadian officials; amending Minnesota Statutes 1986, sections 105.37, by adding subdivisions; 105.405, subdivision 2, and by adding subdivisions; and 105.44, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1092, now on General Orders.

H.F. No. 463: A bill for an act relating to retirement; various public retirement plans and funds; lowering vesting standards; changing certain teachers benefits; regulating Minneapolis police pensions; amending Minnesota Statutes 1986, sections 352.113, subdivision 1; 352.115, subdivision 1; 352.12, subdivision 2; 352.22, subdivision 3; 352.72, subdivision 1; 352.93, subdivision 1; 352B.08, subdivision 1; 352B.11, subdivision 2; 352B.30, subdivision 1; 353.29, subdivision 1; 353.30, subdivision 1c; 353.32, subdivision 1a; 353.33, subdivision 1; 353.34, subdivision 3; 353.651, subdivision 1; 353.657, subdivision 2a; 353.71, subdivision 1; 354.44, subdivision 1; 354.46, subdivision 2; 354.48, subdivision 1; 354.49, subdivision 3; 354.60; 354A.31, subdivisions 1, 5, and 6; 354A.35, subdivision 2; 354A.36, subdivision 1; 354A.39; 356.30, subdivision 1; Laws 1949, chapter 406, section 4, subdivisions 2 and 3, as amended; section 5, subdivisions 1, as amended, and 3, as amended; section 6, subdivision 1, as amended; and Laws 1980, chapter 607, article 15, section 9; proposing coding for new law in Minnesota Statutes, chapter 423A.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1063, now on General Orders.

H.F. No. 856: A bill for an act relating to local government; designating certain counties eligible entities for community action funds; amending Minnesota Statutes 1986, section 268.53, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 921, now on General Orders.

H.F. No. 529: A bill for an act relating to the financing of government in Minnesota; changing tax rates and bases; modifying the methods of administering, collecting, and enforcing taxes; changing the computation, administration, and payment of aids, credits, and refunds; imposing taxes; limiting taxing powers; transferring governmental powers and duties; allocating bonding authority; making entitlement allocations to the cities of Minneapolis and St. Paul; making technical corrections and clarifications; imposing and increasing fees, interest, and penalties; appropriating money; amending Minnesota Statutes 1986, sections 16A.15, subdivisions 1 and 6; 16A.1541; 16A.26; 16A.275; 60A.13, subdivision 1a; 60A.15, subdivision 1; 60A.199, subdivisions 1, 2, 3, 5, 7, 8, 9, 10, and 11; 60A.209, subdivisions 1 and 3; 60A.24; 60C.06, by adding a subdivision; 64B.39, subdivision 4; 67A.11, subdivision 3; 69.011, subdivisions 1 and 2; 69.021, subdivisions 1, 2, and 3; 69.54; 69.55; 79.34, subdivision 1, and by adding a subdivision; 88.49, by adding a subdivision; 121.904, subdivisions 11a and 11b; 124.195, subdivision 2; 124.2131, subdivisions 1, 2, 3, 5, 6, 7, 8, and 11; 124.38, subdivision 8; 124A.02, subdivisions 3a and 8; 124A.035, subdivision 5; 124A.08, subdivision 5; 134.33, subdivision 1; 134.34, subdivisions 1 and 2; 176.129, by adding a subdivision; 176A.08; 239.10; 270.066; 270.074, subdivision 3; 270.075, subdivision 1; 270.10, subdivisions 1 and 4; 270.11, subdivisions 1 and 2; 270.12, subdivisions 2 and 3; 270.13; 270.72, subdivisions 1 and 2; 270.77; 270.80, subdivision 2; 270.87; 270A.07, subdivision 1; 271.21, subdivision 2; 272.01, subdivisions 2 and 3; 272.02, subdivision 1, and by adding a subdivision; 272.115, subdivision 2; 273.061, subdivisions 1 and 8; 273.065; 273.11, by adding a subdivision; 273.1102; 273.1103; 273.12; 273.13, subdivision 22; 273.1312, subdivision 4; 273.1313, subdivisions 1, 2, and by adding a subdivision; 273.1314, subdivisions 8, 9, 10, and by adding a subdivision; 273.1392; 273.1393; 273.19, subdivisions 1, 3, 4, and by adding a subdivision; 273.33, subdivision 2; 273.37, subdivision 2; 274.01, subdivision 1; 274.14; 274.16; 275.07, subdivision 1; 275.125, subdivisions 9, 9b, and 15; 275.51, subdivision 3h; 276.04; 276.11; 277.01; 278.05, subdivision 4; 279.01, subdivision 1; 282.014; 282.02; 282.33, subdivision 1; 287.05, subdivision 1; 287.09; 287.12; 287.21, subdivision 1; 287.22; 287.25; 287.29, subdivision 1; 290.01, subdivisions 4, 5, 7, 19, 20, 22, and by adding subdivisions; 290.02; 290.03; 290.032, subdivisions 1 and 2; 290.05, subdivisions 1, 2, and 3; 290.06, subdivisions 1, 2c, 2d, and by adding a subdivision; 290.068, subdivisions 1, 2, 3, 4, and 5; 290.069, subdivisions 2a and 4b; 290.077, subdivision 1; 290.081; 290.091, subdivisions 1, 2, and 3; 290.095, subdivisions 1, 2, 3, 4, 7, 9, and 11; 290.12, subdivision 2; 290.131, subdivision 1; 290.132, subdivision 1; 290.133, subdivision 1; 290.134, subdivision 1; 290.135, subdivision 1; 290.136, subdivision 1; 290.138, subdivision 3; 290.14; 290.17; 290.171; 290.20, subdivision 1, and by adding a subdivision; 290.21, subdivisions 3 and 4; 290.23, subdivisions 3 and 5; 290.31, subdivisions 2, 3, 5, and by adding a subdivision; 290.34, subdivision 2; 290.35; 290.36; 290.37, subdivisions 1 and 3; 290.38; 290.39, subdivision 3; 290.41, subdivisions 2 and 3; 290.42; 290.45, subdivisions 1 and 2; 290.46; 290.48, subdivision 10; 290.491; 290.50, subdivision 1; 290.53, subdivisions 1, 2, 3a, 4, and by adding subdivisions; 290.56, subdivisions 2, 3, and 4; 290.92, subdivisions 2a, 4a, 5, 5a, 6, 7, 9, 11, 12, 13, 14, 15, 18, 24, and 25; 290.93, subdivision 10; 290.934, subdivision 2; 290.9725; 290.9726, subdivisions 1, 2, and

4; 290.974; 290A.03, subdivisions 3, 8, and by adding a subdivision; 290A.04, subdivision 2; 290A.06; 290A.011, subdivision 2; 290A.18; 290A.19; 291.131, subdivisions 1, 2, 4, and by adding a subdivision; 295.01, subdivision 10; 295.32; 295.34, subdivision 1; 295.39; 295.40; 295.41; 295.43; 296.02, subdivision 2, and by adding a subdivision; 296.025, subdivision 2, and by adding a subdivision; 296.17, subdivisions 3, 7, and 11; 296.18, subdivision 7; 297.01, subdivisions 2, 4, 7, and 10; 297.02, subdivisions 1 and 6; 297.03, subdivisions 1, 5, and 6; 297.04, subdivisions 4, 6, and 9; 297.07, subdivisions 1, 3, 4, and 5; 297.11, subdivisions 3 and 5; 297.23, subdivision 1; 297.31, subdivisions 2, 3, and 7; 297.32, subdivisions 1, 2, and 8; 297.33, subdivisions 4 and 5; 297.35, subdivisions 1, 3, 5, and 8; 297.36; 297A.01, subdivisions 3, 4, 8, and 15; 297A.14; 297A.151; 297A.18; 297A.211, subdivision 2; 297A.25, subdivisions 7, 11, 12, and by adding subdivisions; 297A.256; 297A.26, subdivision 1; 297A.27, subdivision 1; 297A.275; 297A.39, subdivisions 1, 2, 4, and by adding a subdivision; 297A.43; 297B.01, subdivision 8; 297B.10; 297C.03, subdivision 1, and by adding a subdivision; 297C.04; 297C.05, subdivision 2; 297C.06; 297C.09; 297D.02; 297D.07; 297D.09; 297D.10; 297D.12, subdivision 1; 297D.13; 298.01, subdivision 1, and by adding subdivisions; 298.026; 298.027; 298.028, subdivision 1; 298.03, subdivision 1; 298.031, subdivision 2; 298.08; 298.09, subdivision 1; 298.25; 298.28, subdivision 4; 299F21, subdivisions 1, 2, and by adding subdivisions; 325D.30; 325D.32, subdivisions 4, 10, 11, and 12; 325D.33, subdivisions 1, 2, and by adding subdivisions; 325D.38, subdivision 1; 325D.40, subdivision 1; 349.12, subdivisions 11 and 13; 349.212, subdivisions 1 and 4; 349.2121, subdivisions 4, 6, 7, and by adding subdivisions; 360.531, subdivision 2; 462C.11, subdivisions 2 and 3; 473.556, subdivision 4; 473F02, subdivision 12; 474A.02, subdivisions 1, 2, 3, 6, 7, 8, 12, 14, 16, 18, 19, 21, 26, and by adding subdivisions; 474A.03, subdivision 1, and by adding a subdivision; 474A.04, subdivisions 5, 6, and by adding a subdivision; 474A.13, subdivisions 1, 4, and 5; 474A.14; 474A.15; 474A.16; 474A.17; 474A.18; 474A.20; 474A.21; 475.53, subdivision 4; 477A.012, subdivision 1; 477A.013; 477A.018, subdivisions 1, 2, 3, 6, and by adding a subdivision; Laws 1985, First Special Session chapter 14, article 3, section 18; proposing coding for new law in Minnesota Statutes, chapters 3; 239; 270; 272; 273; 276; 290; 290A; 294; 297; 297A; 297C; 298; 349; 429; and 474A; repealing Minnesota Statutes 1986, sections 60A.15, subdivision 2; 61A.49; 62E.13, subdivision 9; 64B.24; 69.021, subdivision 3a; 124.38, subdivision 10; 270.75, subdivision 8; 270.89; 282.021; 290.01, subdivisions 20a, 20b, 20d, 20f, 21, and 24; 290.013; 290.06, subdivisions 3f, 3g, and 11; 290.068, subdivision 6; 290.069, subdivisions 1, 2, 3, 5, 6, and 7; 290.07, subdivision 5; 290.071; 290.073; 290.075; 290.077, subdivision 3; 290.079; 290.08; 290.082; 290.085; 290.088; 290.089; 290.09; 290.095, subdivisions 8 and 10; 290.12, subdivision 4; 290.13; 290.139; 290.15; 290.16; 290.165; 290.175; 290.18; 290.19; 290.21, subdivisions 5, 6, and 8; 290.26, subdivision 2; 290.361; 290.9726, subdivisions 3, 5, and 6; 290A.04, subdivisions 2e and 2g; 294.21; 294.22; 294.23; 294.24; 294.25; 294.26; 295.32; 295.33; 295.34; 295.36; 295.365; 295.366; 296.04, subdivisions 1, 2, 3, and 4; 296.05; 296.07; 296.13; 296.17, subdivision 12; 296.18, subdivision 4, 5, 6, and 7; 296.22; 296.28; 297.07, subdivision 6; 297.23, subdivision 5; 297.35, subdivisions 4, 6, and 7; 297A.25, subdivisions 13, and 19; 297A.26, subdivision 3; 297C.03, subdivisions 2 and 3; 297C.05, subdivision 4; 298.01, subdivision 1; 298.02; 298.026; 298.027; 298.028; 298.03; 298.031; 298.04; 298.28, subdivision 14; 298.40; 298.51; 298.52; 298.53; 298.54; 298.55; 298.61; 298.62; 298.63; 298.64;

298.65; 298.66; 298.67; 299.01; 299.012; 299.013; 299.02; 299.03; 299.04; 299.05; 299.06; 299.07; 299.08; 299.09; 299.10; 299.11; 299.12; 299.13; 299.14; 325D.41; 360.654; 474A.02, subdivisions 5, 9, 10, 11, 13, 15, 17, 20, 22, 23, 24, 25, 27, 28, and 29; 474A.03, subdivisions 2 and 3; 474A.04, subdivisions 1, 2, 3, and 4; 474A.05; 474A.06; 474A.07; 474A.08; 474A.09; 474A.10; 474A.11; 474A.12; 474A.13, subdivisions 2 and 3; and 474A.19; Laws 1981, chapters 222, section 6; 223, section 6, subdivision 3; Laws 1985, First Special Session chapter 14, article 14, section 3; Laws 1986, First Special Session chapter 1, article 5, section 8.

Referred to the Committee on Taxes and Tax Laws.

## REPORTS OF COMMITTEES

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

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

H.F. No. 1355: A bill for an act relating to the city of Minneapolis; giving the city certain powers pertaining to conventions and tourism activities; providing for the use of certain tax revenues; amending Laws 1986, chapter 396, section 4, subdivision 3.

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

Page 1, line 12, delete "*levy taxes and*"

Page 2, after line 33, insert:

"Sec. 4. Laws 1986, chapter 396, section 2, subdivision 1, is amended to read:

Subdivision 1. [ACTIVITIES; CONTRACTS.] The city may acquire, design, construct, equip, improve, control, operate, and maintain the convention center and related facilities. The city shall have all powers necessary or convenient for those purposes and may enter into any contract for those purposes, including the financing of the convention center and any related facilities.

The city may contract for construction materials, supplies, and equipment in accordance with Minnesota Statutes, section 471.345, except that it may enter into contracts with persons, firms, or corporations to perform one or more or all of the functions of architect, engineer, and construction manager with respect to all or part of a project to build or remodel the convention center and related facilities. Contractors shall be selected through the process of public bidding, provided that it shall be permissible for the city to narrow the listing of eligible bidders to those which the city determines to possess sufficient expertise to perform the intended functions and the city may negotiate with the three lowest responsible bidders to achieve the lowest possible bid. *Notwithstanding any other law or charter provision to the contrary, the city may, at the discretion of the city council, enter into agreements with appropriate labor organizations and contractors which provide that no strike or lockout may be ordered during the term of the agreements. These provisions and necessary procedures may be utilized for the purpose of maintaining employment stability and avoiding delay or interference with the performance of the fast-track construction schedule*

*in connection with the project. The city may require any construction manager to certify a construction price and completion date to the city. The city may require the posting of a bond in an amount determined by the city to cover any costs which may be incurred over and above the certified price, including but not limited to costs incurred by the city or loss of revenues resulting from incomplete construction on the completion date and any other obligations the city may require the construction manager to bear. The city shall secure surety bonds as required in Minnesota Statutes, section 574.26, securing payment of just claims in connection with all public work undertaken by it. Persons entitled to the protection of the bonds may enforce them as provided in Minnesota Statutes, sections 574.28 to 574.32, and shall not be entitled to a lien on any property of the city under the provisions of Minnesota Statutes, sections 514.01 to 514.16.*

Sec. 5. Laws 1986, chapter 396, section 4, subdivision 2, is amended to read:

Subd. 2. [ENFORCEMENT; COLLECTION.] *(a) Except as provided in paragraph (b), these taxes shall be subject to the same interest penalties and other rules imposed under Minnesota Statutes, chapter 297A. The commissioner of revenue may enter into appropriate agreements with the city to provide for collection of these taxes by the state on behalf of the city. The commissioner may charge the city a reasonable fee for its collection from the proceeds of any taxes.*

*(b) A taxpayer located outside of the city of Minneapolis who collects use tax under this section in an amount that does not exceed \$10 in a reporting period is not required to remit that tax until the amount of use tax collected is \$10."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "section" and insert "sections 2, subdivision 1; and"

Page 1, line 6, delete "subdivision" and insert "subdivisions 2 and"

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

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

H.F. No. 1034: A bill for an act relating to crimes; repealing the requirement that the department of public safety must keep a record of all first convictions for the crime of possessing a small amount of marijuana; amending Minnesota Statutes 1986, section 152.15, subdivision 2.

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

H.F. No. 806: A bill for an act relating to human services; requiring certain written reports of abuse within 72 hours; requiring county attorneys to be on child protection teams; requiring specific investigations of certain abuse cases; amending Minnesota Statutes 1986, sections 626.556, subdivisions 7, 10, and 10a; and 626.558, subdivisions 1, 2, and 3.

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

Page 5, lines 34 and 35, delete the new language

Page 6, delete sections 5 and 6 and insert:

"Sec. 5. Minnesota Statutes 1986, section 626.558, subdivision 2, is amended to read:

Subd. 2. [DUTIES OF TEAM.] A multidisciplinary child protection team ~~shall be a consultant~~ *may provide public and professional education, develop resources for prevention, intervention, and treatment, and provide case consultation to the local welfare agency to better enable the agency to carry out its child protection functions pursuant to under section 626.556 and the community social services act. Case consultation must be performed by a committee of the team composed of the team members representing social services, law enforcement, the county attorney, health care, education, and persons directly involved in an individual case as determined by the case consultation committee. Case consultation is a case review process that results in recommendations about services to be provided to the identified children and family.*

Sec. 6. Minnesota Statutes 1986, section 626.558, subdivision 3, is amended to read:

Subd. 3. [INFORMATION SHARING.] *The local welfare agency may make available to the case consultation committee of the team all records collected and maintained by the local welfare agency pursuant to under section 626.556 may be made available to the child protection team and in connection with case consultation. Any member of the child protection team case consultation committee may share information acquired in the member's professional capacity with the team for the purpose of aiding committee to assist the team committee in its function.*"

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "providing for case consultation by child protection teams;"

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

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

H.F. No. 580: A bill for an act relating to human rights; changing certain requirements relating to disabled persons; amending Minnesota Statutes 1986, sections 363.02, subdivisions 1 and 5; 363.03, subdivision 1; and 363.116.

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. 1478: A bill for an act relating to adoption; requiring certain notifications to parents placing a child for adoption and to proposed adoptive parents; requiring a waiting period for adoption by persons whose parental rights to another child have been terminated; specifying circumstances that



do not constitute good cause for terminating parental rights; amending Minnesota Statutes 1986, sections 259.23, subdivision 2; 259.24, subdivision 5; 259.25, subdivision 1; 259.27, by adding a subdivision; and 260.221; proposing coding for new law in Minnesota Statutes, chapter 259.

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 1986, section 259.24, subdivision 5, is amended to read:

Subd. 5. [EXECUTION.] All consents to an adoption, except those by the commissioner, the commissioner's agent, a licensed child-placing agency, or the child's parent when that parent is either a copetitioner in the adoption proceeding or does not have custody of the child, shall be executed before a representative of the commissioner, the commissioner's agent or a licensed child-placing agency. In addition all consents to an adoption shall be in writing and shall contain notice to the parent of the substance of subdivision 6a, providing for the right to withdraw consent. *The consent must contain the following written notice in all capital letters at least one-eighth inch high:*

*"This agency will submit your consent to adoption to the court. The consent itself does not terminate your parental rights. Parental rights to a child may be terminated only by an adoption decree or by a court order terminating parental rights. Unless the child is adopted or your parental rights are terminated, you may be asked to support the child."*

Consents shall be executed before two competent witnesses and acknowledged by the consenting party. Consents shall be filed in the adoption proceedings at any time before the matter is heard provided, however, that a consent executed and acknowledged outside of this state, either in accordance with the law of this state or in accordance with the law of the place where executed, is valid.

Sec. 2. Minnesota Statutes 1986, section 259.25, subdivision 1, is amended to read:

Subdivision 1. [CONSENTS REQUIRED.] The parents and guardian, if there be one, of a child may enter into a written agreement with the commissioner of human services or an agency, giving the commissioner or such agency authority to place the child for adoption. If an unmarried parent is under the age of 18 years the written consent of the parents and guardian, if any, of the minor parent also shall be required; if either or both of the parents are disqualified from giving such consent for any of the reasons enumerated in section 259.24, subdivision 1, then the written consent of the guardian shall be required. The agreement and consent shall be in the form prescribed by the commissioner and shall contain notice to the parent of the substance of subdivision 2a providing for the right to revoke the agreement. *The agreement and consent must contain the following written notice in all capital letters at least one-eighth inch high:*

*"This agency will submit your consent to adoption to the court. The consent itself does not terminate your parental rights. Parental rights to a child may be terminated only by an adoption decree or by a court order terminating parental rights. Unless the child is adopted or your parental rights are terminated, you may be asked to support the child."*

The agreement shall be executed by the commissioner or agency, or one of their authorized agents, and all other necessary parties, and shall be filed, together with the consent, in the proceedings for the adoption of the child.

*If, after the execution of an agreement and consent under this section, the child is diagnosed with a medical or psychological condition that may present a substantial barrier to adoption, the child-placing agency shall make reasonable efforts to give notice of this fact to a party to the agreement and consent. If a child is not adopted within two years after an agreement and consent are executed under this subdivision, the agency that executed the agreement shall so notify a parent who was a party to the agreement and request the parent to take custody of the child or to file a petition for termination of parental rights. This notice must be provided to the parent in a personal and confidential manner. A parent who has executed an agreement under this subdivision shall, upon request to the agency, be informed of whether the child has been adopted.*

### Sec. 3. [259.257] [NOTICE TO ADOPTIVE PARENTS.]

*Subdivision 1. [PARENTAL RESPONSIBILITIES.] Prior to commencing an investigation of the suitability of proposed adoptive parents, a child-placing agency shall give the individuals the following written notice in all capital letters at least one-eighth inch high:*

*"Minnesota Statutes, section 259.29, provides that upon adopting a child, adoptive parents assume all the rights and responsibilities of birth parents. The responsibilities include providing for the child's financial support and caring for health, emotional, and behavioral problems. Except for subsidized adoptions under Minnesota Statutes, section 259.40, or any other provisions of law that expressly apply to adoptive parents and children, adoptive parents are not eligible for state or federal financial subsidies besides those that a birth parent would be eligible to receive for a child. Adoptive parents may not terminate their parental rights to an adopted child for a reason that would not apply to a birth parent seeking to terminate rights to a child. An individual who takes guardianship of a child for the purpose of adopting the child shall, upon taking guardianship, assume all the rights and responsibilities of birth and adoptive parents as stated in this paragraph."*

*Subd. 2. [REFERRAL TO FOREIGN AGENCIES.] An agency in this state that refers individuals to an agency or individual in another country for the purpose of adopting a child located in that country shall provide the following information in writing at the time of making the referral:*

*(1) the name of any government authority in the country where the adoption agency or individual is located that licenses or regulates the adoption agency or individual;*

*(2) the name of the current director of the adoption agency;*

*(3) whether the country in which the agency or individual is located requires an adoption to take place in that country before a child can be removed from the country; and*

*(4) the notification required by subdivision 1.*

### Sec. 4. [259.465] [REFERRAL FOR SERVICES.]

*When a parent contacts a licensed child-placing agency and requests*

*out-of-home placement for a child, the agency shall refer the parent to the local welfare agency if the child-placing agency is not able to arrange a shelter or foster placement for the child as requested by the parent.*

Sec. 5. Minnesota Statutes 1986, section 260.221, is amended to read:

**260.221 [GROUNDS FOR TERMINATION OF PARENTAL RIGHTS.]**

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 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 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, 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 intent 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 care.

*For purposes of clause (a), an adoptive parent may not terminate parental rights to an adopted child for a reason that would not apply to a birth parent seeking termination of parental rights to a child under clause (a)."*

Delete the title and insert:

"A bill for an act relating to adoption; requiring certain notifications to parents placing a child for adoption and to proposed adoptive parents; specifying that adoptive parents may not voluntarily terminate parental rights for any reason not available to birth parents; amending Minnesota

Statutes 1986, sections 259.24, subdivision 5; 259.25, subdivision 1; and 260.221; proposing coding for new law in Minnesota Statutes, chapter 259."

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. 842: A bill for an act relating to Indian child welfare; establishing direct grants to tribal governments, Indian social service organizations, and local social service agencies to fund Indian child welfare programs; establishing an Indian child welfare advisory council; amending Minnesota Statutes 1986, sections 257.35; and 257.351, subdivision 15, and by adding subdivisions; 257.354, subdivision 4, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 257; repealing Minnesota Statutes 1986, section 245.76.

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

Page 1, line 17, delete "18" and insert "19"

Page 5, line 11, delete the first comma and insert "and" and delete "and chemical abuse"

Page 6, delete lines 13 to 16

Page 7, line 16, delete "two-thirds" and insert "four-fifths"

Page 7, line 35, delete "and" and insert "or"

Page 8, line 2, delete "A grant must not be greater than \$100,000."

Page 8, line 10, delete "one-third" and insert "one-fifth"

Page 8, line 21, delete "create" and insert "appoint"

Page 8, line 27, before the period, insert "*who are authorized by tribal resolution, one representative from the Duluth urban Indian community, three representatives from the Minneapolis urban Indian community and two representatives from the St. Paul urban Indian community. Representatives from the urban Indian communities must be selected through an open appointments process under section 15.0597*"

Page 8, after line 30, insert:

"Sec. 19. [APPROPRIATION.]

*\$300,000 is appropriated to the commissioner of human services from federal reimbursement received as a result of the Title IV-E foster care program to increase federal financial participation, to be distributed in fiscal year 1988 to counties that received Indian relief payments in fiscal year 1986. The reimbursement must be allocated to the counties in the same proportion as the distribution of Indian relief payments in fiscal year 1986.*"

Page 8, line 31, delete "19" and insert "20"

Page 8, line 33, delete "20" and insert "21"

Page 8, line 34, delete "19" and insert "20"

Amend the title as follows:

Page 1, line 6, after the semicolon, insert "appropriating money;"

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

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

H.F. No. 602: A bill for an act relating to health; creating an exception to the nursing home moratorium for a facility operated on the Red Lake Indian Reservation; amending Minnesota Statutes 1986, section 144A.071, subdivision 3.

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 1986, section 144A.071, subdivision 3, is amended to read:

Subd. 3. [EXCEPTIONS.] The commissioner of health, in coordination with the commissioner of human services, may approve the addition of a new certified bed or the addition of a new licensed nursing home bed, under the following conditions:

(a) to replace a bed decertified after May 23, 1983 or to address an extreme hardship situation, in a particular county that, together with all contiguous Minnesota counties, has fewer nursing home beds per 1,000 elderly than the number that is ten percent higher than the national average of nursing home beds per 1,000 elderly individuals. For the purposes of this section, the national average of nursing home beds shall be the most recent figure that can be supplied by the federal health care financing administration and the number of elderly in the county or the nation shall be determined by the most recent federal census or the most recent estimate of the state demographer as of July 1, of each year of persons age 65 and older, whichever is the most recent at the time of the request for replacement. In allowing replacement of a decertified bed, the commissioners shall ensure that the number of added or recertified beds does not exceed the total number of decertified beds in the state in that level of care. An extreme hardship situation can only be found after the county documents the existence of unmet medical needs that cannot be addressed by any other alternatives;

(b) to certify a new bed in a facility that commenced construction before May 23, 1983. For the purposes of this section, "commenced construction" means that all of the following conditions were met: the final working drawings and specifications were approved by the commissioner of health; the construction contracts were let; a timely construction schedule was developed, stipulating dates for beginning, achieving various stages, and completing construction; and all zoning and building permits were secured;

(c) to certify beds in a new nursing home that is needed in order to meet the special dietary needs of its residents, if: the nursing home proves to the commissioner's satisfaction that the needs of its residents cannot otherwise be met; elements of the special diet are not available through most food distributors; and proper preparation of the special diet requires incurring various operating expenses, including extra food preparation or serving items, not incurred to a similar extent by most nursing homes;

(d) to license a new nursing home bed in a facility that meets one of the exceptions contained in clauses (a) to (c);

(e) to license nursing home beds in a facility that has submitted either a completed licensure application or a written request for licensure to the commissioner before March 1, 1985, and has either commenced any required construction as defined in clause (b) before May 1, 1985, or has, before May 1, 1985, received from the commissioner approval of plans for phased-in construction and written authorization to begin construction on a phased-in basis. For the purpose of this clause, "construction" means any erection, building, alteration, reconstruction, modernization, or improvement necessary to comply with the nursing home licensure rules; or

(f) to certify or license new beds in a new facility that is to be operated by the commissioner of veterans' affairs or when the costs of constructing and operating the new beds are to be reimbursed by the commissioner of veterans' affairs or the United States Veterans Administration; or

*(g) to certify or license new beds in an Indian health service facility located on the Red Lake Indian Reservation, provided the new beds are used only for persons whose care will be paid for entirely by the federal government pursuant to the Indian Health Care Improvement Act, Public Law Number 94-437, and United States Code, title 42, section 1396d, as amended through December 31, 1986. If state money is used to finance construction of the facility, the money and financing costs, if any, must be repaid by the tribe."*

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

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

S.F. No. 210: A bill for an act relating to health; providing for special grants to conduct community-wide pilot programs to reduce the prevalence of risk conditions or behaviors related to osteoporosis; appropriating money; amending Minnesota Statutes 1986, section 145.922, by adding a subdivision.

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

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

S.F. No. 555: A bill for an act relating to human services; prohibiting the use of faradic shock in certain facilities; including certain aversive and deprivation procedures as abuse; amending Minnesota Statutes 1986, sections 245.825, subdivision 1; 626.556, subdivision 2; and 626.557, subdivision 2.

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

Page 1, line 14, after "facilities" insert "*and licensed services*"

Page 1, line 26, after "*shock*" insert "*without a court order*"

Page 2, line 4, after the period, insert "*For any persons receiving faradic shock on April 1, 1987, the prohibition against the use of faradic shock does not apply, except that for these persons a plan must be in effect by*

*July 1, 1987, to reduce and eliminate the use of faradic shock unless a court order is obtained."*

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

Mr. Bertram from the Committee on Veterans, to which was referred

H.F. No. 462: A resolution memorializing the United States Congress to maintain the Veteran's Administration system of health care facilities.

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

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

H.F. No. 318: A bill for an act relating to crimes; creating the crime of criminal sexual conduct by impersonating a health care professional; amending Minnesota Statutes 1986, sections 609.344, subdivision 1; and 609.345, subdivision 1.

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. 1346: A bill for an act relating to hazardous waste facilities; providing for financial responsibility when an owner or operator is bankrupt; proposing coding for new law in Minnesota Statutes, chapter 116.

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. 1438: A bill for an act relating to courts; providing the court of appeals with jurisdiction to issue writs of certiorari to the tax court and workers' compensation court of appeals; providing for office equipment for trial judges; appropriating money; amending Minnesota Statutes 1986, sections 175A.01, subdivision 2; 175A.10; 176.471; 176.481; 176.491; 176.501; 176.511, subdivisions 4 and 5; 271.01, subdivision 5; 271.07; 271.09, subdivision 1; 271.10; 271.12; 271.19; 480A.06, subdivision 3; 480.15, by adding a subdivision; 484.68, subdivisions 3 and 5.

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

Pages 1 to 5, delete sections 1 to 8

Page 10, line 23, reinstate the stricken language and delete the new language

Page 10, line 24, delete the new language and strike "the tax court and"

Page 11, line 17, delete "16" and insert "8"

Page 11, line 33, delete "15" and insert "7"

Page 12, line 2, delete "15" and insert "7"

Page 12, line 3, delete "16" and insert "8" and delete "18" and insert "10"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "tax court and"

Page 1, line 7, delete everything after "sections"

Page 1, delete line 8

Page 1, line 9, delete the first "5;"

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

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

H.F. No. 687: A bill for an act relating to collection and dissemination of data; allowing law enforcement agencies to release the date of birth of persons involved in traffic accidents; amending Minnesota Statutes 1986, section 169.09, subdivision 13.

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

Page 2, line 26, after "involved," insert "*whether a citation was issued, and if so, what it was for, and whether the parties involved were wearing seat belts,*"

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

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

H.F. No. 692: A bill for an act relating to public safety; providing for access to criminal justice datacommunications network and defining purposes for its use; providing access to motor vehicle excise tax data; amending Minnesota Statutes 1986, sections 297B.12; 299C.46, subdivision 3; and 299C.48.

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 1986, section 299C.46, subdivision 3, is amended to read:

Subd. 3. The datacommunications network shall be used exclusively for by:

(1) criminal justice agencies of the state in connection with enforcement of the criminal or traffic laws of the state the performance of duties required by law;

(2) agencies investigating federal security clearances of individuals for assignment or retention in federal employment with duties related to national security, as required by Public Law 99-169; and

(3) other agencies to the extent necessary to provide for protection of the public or property in an emergency or disaster situation.

The commissioner of public safety shall establish a monthly network access charge to be paid by each participating criminal justice agency. The



network access charge shall be a standard fee established for each terminal, computer, or other equipment directly addressable by the criminal justice datacommunications network, as follows: January 1, 1984 to December 31, 1984, \$40 connect fee per month; January 1, 1985 and thereafter, \$50 connect fee per month.

The commissioner of public safety is authorized to arrange for the connection of the datacommunications network with the criminal justice information system of the federal government, any adjacent state, or Canada.

Sec. 2. Minnesota Statutes 1986, section 299C.48, is amended to read:

**299C.48 [CONNECTIONS BY MUNICIPALITIES AUTHORIZED AGENCY.]**

~~Any criminal justice~~ *An agency authorized under section 299C.46, subdivision 3, may connect with and participate in the criminal justice datacommunications network upon approval of the commissioner of public safety; provided, that the agency shall first agree to pay installation charges as may be necessary for connection and monthly operational charges as may be established by the commissioner of public safety. Before participation by a criminal justice agency may be approved, the agency must have executed an agreement with the commissioner providing for security of network facilities and restrictions on access to data supplied to and received through the network."*

Amend the title as follows:

Page 1, line 4, delete "providing access to"

Page 1, line 5, delete everything before "amending"

Page 1, line 6, delete "297B.12;"

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. 1495 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.
1495	990				

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. 1230 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.
1230	1426				

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. 142 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.
142	29				

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. 853 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.
853	759				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 853 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 853 and insert the language after the enacting clause of S.F. No. 759, the first engrossment; further, delete the title of H.F. No. 853 and insert the title of S.F. No. 759, the first engrossment.

And when so amended H.F. No. 853 will be identical to S.F. No. 759, and further recommends that H.F. No. 853 be given its second reading and substituted for S.F. No. 759, 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. 1412 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.
1412	1276				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1412 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1412 and insert the language after the enacting clause of S.F. No. 1276, the first engrossment; further, delete the title of H.F. No. 1412 and insert the title of S.F. No. 1276, the first engrossment.

And when so amended H.F. No. 1412 will be identical to S.F. No. 1276, and further recommends that H.F. No. 1412 be given its second reading and substituted for S.F. No. 1276, 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. 291 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.
291	691				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 291 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 291 and insert the language after the enacting clause of S.F. No. 691, the first engrossment; further, delete the title of H.F. No. 291 and insert the title of S.F. No. 691, the first engrossment.

And when so amended H.F. No. 291 will be identical to S.F. No. 691, and further recommends that H.F. No. 291 be given its second reading and substituted for S.F. No. 691, 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. 654 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.
654	923				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 654 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 654 and insert the language after the enacting clause of S.F. No. 923, the first engrossment; further, delete the title of H.F. No. 654 and insert the title of S.F. No. 923, the first engrossment.

And when so amended H.F. No. 654 will be identical to S.F. No. 923, and further recommends that H.F. No. 654 be given its second reading and substituted for S.F. No. 923, 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. 1263 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.
1263	1143				

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. 1281 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.
1281	873				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1281 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1281 and insert the language after the enacting clause of S.F. No. 873; further, delete the title of H.F. No. 1281 and insert the title of S.F. No. 873.

And when so amended H.F. No. 1281 will be identical to S.F. No. 873, and further recommends that H.F. No. 1281 be given its second reading and substituted for S.F. No. 873, 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. 1185 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.
1185	371				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1185 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1185 and insert the language after the enacting clause of S.F. No. 371, the first engrossment; further, delete the title of H.F. No. 1185 and insert the title of S.F. No. 371, the first engrossment.

And when so amended H.F. No. 1185 will be identical to S.F. No. 371, and further recommends that H.F. No. 1185 be given its second reading and substituted for S.F. No. 371, and that the Senate File be indefinitely postponed.

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

## SECOND READING OF SENATE BILLS

S.F. Nos. 1478, 555 and 1346 were read the second time.

## SECOND READING OF HOUSE BILLS

H.F. Nos. 1355, 1034, 806, 580, 462, 318, 687, 692, 1495, 1230, 142, 853, 1412, 291, 654, 1263, 1281 and 1185 were read the second time.

## MOTIONS AND RESOLUTIONS

Mr. Storm moved that his name be stricken as a co-author to S.F. No. 187. The motion prevailed.

Ms. Peterson, D.C. moved that the name of Mr. Dahl be added as a co-author to S.F. No. 247. The motion prevailed.

Mr. Bertram moved that the name of Mr. Pogemiller be added as a co-

author to S.F. No. 605. The motion prevailed.

Mr. Knutson moved that his name be stricken as a co-author to S.F. No. 636. The motion prevailed.

Mr. Wegscheid moved that the name of Mr. Marty be added as a co-author to S.F. No. 701. The motion prevailed.

Ms. Reichgott moved that the names of Ms. Olson and Mr. Storm be added as co-authors to S.F. No. 1275. The motion prevailed.

Ms. Piper moved that the name of Mr. Marty be added as a co-author to S.F. No. 1391. The motion prevailed.

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 committee indicated.

Messrs. Cohen; Brandl; Moe, R.D. and Benson introduced—

S.F. No. 1514: A bill for an act relating to state government; creating a legislative budget office; providing for its duties; providing for a director of the legislative budget office and the manner of the director's appointment and service; eliminating the department of finance and transferring its powers and duties to the department of revenue; amending Minnesota Statutes 1986, sections 3.30, subdivision 1; 3.303, subdivision 2; 3.98, subdivisions 1 and 4; 3.982; 15.06, subdivision 1; 270.66, subdivision 1; 282.09, subdivision 1; and 293.06; proposing coding for new law in Minnesota Statutes, chapter 270A; proposing coding for new law as Minnesota Statutes, chapters 3D and 272A; repealing Minnesota Statutes 1986, sections 3.30, subdivision 2; 16A.01; 16A.1281; and 16A.45.

Referred to the Committee on Governmental Operations.

Mr. Merriam, for the Committee on Finance, introduced—

S.F. No. 1515: A bill for an act relating to higher education; appropriating money for education and related purposes to the higher education coordinating board, state board of vocational technical education, state board for community colleges, state university board, University of Minnesota, the Mayo medical foundation, and the Minnesota job skills partnership board, with certain conditions; amending Minnesota Statutes 1986, sections 135A.03, subdivision 1; 136A.101, by adding a subdivision; 136A.111, by adding a subdivision; 136A.121, subdivisions 4 and 5; 136A.132, subdivisions 3, 6, and 7; 136A.233, subdivisions 1 and 2; 136A.85; 136A.86, subdivisions 1 and 2; 136A.87; 137.31, subdivision 3; and 645.445, subdivision 5; Laws 1983, chapter 334, section 7; repealing Minnesota Statutes 1986, section 136.09, subdivision 3.

Under the rules of the Senate, laid over one day.

**MOTIONS AND RESOLUTIONS - CONTINUED**

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

**GENERAL ORDERS**

The Senate resolved itself into a Committee of the Whole, with Mr. Hughes in the chair.

After some time spent therein, the committee arose, and Mr. Chmielewski reported that the committee had considered the following:

S.F. Nos. 1084, 1051, 292, 465, 1184, 1160, 911, 1081, 1268, 343, 1204, 1097, 1261, 69, 785, 915, 800, 446, 537, 1308, 1050, 321 and H.F. No. 854, which the committee recommends to pass.

H.F. No. 436, which the committee recommends to pass with the following amendment offered by Ms. Piper:

Page 2, line 25, delete "1988" and insert "1989"

The motion prevailed. So the amendment was adopted.

S.F. No. 631, which the committee recommends to pass with the following amendment offered by Mr. Merriam:

Page 7, delete section 11

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, delete "creating a"

Page 1, line 8, delete "right of first refusal;"

The motion prevailed. So the amendment was adopted.

S.F. No. 1012, which the committee recommends to pass with the following amendments offered by Messrs. Merriam and Wegscheid:

Mr. Merriam moved to amend S.F. No. 1012 as follows:

Page 1, line 12, delete "*terminate or not*" and insert "*immediately discharge or terminate after the season*"

Page 1, line 13, delete "*renew*"

Amend the title as follows

Page 1, delete lines 2 to 4 and insert "relating to education; providing grievance procedures for immediate discharge and termination of licensed athletic coaches; amending"

The motion prevailed. So the amendment was adopted.

Mr. Wegscheid moved to amend S.F. No. 1012 as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1986, section 125.121, is amended to read:

125.121 [COACHES, ~~TERMINATION~~ NONRENEWAL AND IMMEDIATE DISCHARGE OF DUTIES.]

Subdivision 1. ~~Before a district terminates the A school board's decision not to renew a coaching duties of contract for a subsequent year for an employee who is required to hold a license as an athletic coach from the state board of education; the district is subject to this subdivision and~~ subdivision 2. ~~Before the board decides to terminate the contract, it shall notify the employee in writing and state its reason for the proposed termination. Within 14 days of receiving this notification, the employee may request in writing a hearing on the termination before the board. If a hearing is requested, the board shall hold a hearing within 25 days according to the hearing procedures specified in section 125.12, subdivision 9, and the termination shall not be final except upon the order of the board after the hearing.~~

Subd. 2. Within ten days after the hearing, the board shall issue a written decision regarding the termination. If the board decides to terminate the employee's coaching ~~duties contract~~, the decision shall state the reason on which it is based and include findings of fact based upon competent evidence in the record. The board may terminate the employee's ~~duties or not contract~~, as it sees fit, for ~~any~~ a reason ~~which~~ that is found to be true based on substantial and competent evidence in the record.

Subd. 2a. [IMMEDIATE DISCHARGE.] *A school board's decision to immediately discharge from coaching duties an employee who is required to hold a license as an athletic coach during the period of the coaching contract is subject to the grievance procedure required by section 179A.20, subdivision 4.*

Subd. 3. This section shall not apply to the termination of a coaching ~~duties contract~~ pursuant to a district transfer policy or as a result of the nonrenewal or termination of the employee's *continuing contract pursuant to section 125.12 or 125.17* or the employee's discharge, demotion or suspension pursuant to section 125.12 or 125.17. This section shall not apply to the termination of an employee's coaching ~~duties~~ prior to completion of the probationary period of employment."

Delete the title and insert:

"A bill for an act relating to education; requiring notice and a hearing for nonrenewal of an athletic coach's contract; requiring grievance procedures for discharge of an athletic coach during the contract period; amending Minnesota Statutes 1986, section 125.121."

The motion prevailed. So the amendment was adopted.

S.F. No. 928, which the committee recommends to pass, subject to the following motions:

Mrs. Brataas moved to amend S.F. No. 928 as follows:

Page 1, line 19, reinstate the stricken "pertinent"

Page 1, line 20, delete "With"

Page 1, line 21, delete "the consent of the patient,"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 26 and nays 32, as follows:

Those who voted in the affirmative were:



Anderson	Diessner	Knaak	Mehrkens	Storm
Belanger	Frederick	Knutson	Olson	Stumpf
Benson	Frederickson, D.R.	Laidig	Purfeerst	
Bernhagen	Gustafson	Larson	Ramstad	
Brataas	Hughes	Lessard	Renneke	
Chmielewski	Johnson, D.E.	McQuaid	Samuelson	

Those who voted in the negative were:

Adkins	Dicklich	Lantry	Peterson, D.C.	Spear
Berg	Frank	Luther	Peterson, R.W.	Vickerman
Bertram	Frederickson, D.J.	Marty	Piper	Waldorf
Brandl	Freeman	Merriam	Pogemiller	Willet
Dahl	Jude	Metzen	Reichgott	
Davis	Kroening	Morse	Schmitz	
DeCramer	Langseth	Novak	Solon	

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

Mr. Diessner moved to amend S.F. No. 928 as follows:

Page 1, line 19, reinstate the stricken "pertinent"

The motion prevailed. So the amendment was adopted.

S.F. No. 1145, which the committee recommends be returned to its author.

S.F. No. 1226, which the committee recommends be returned to its author.

S.F. No. 1230, which the committee recommends to pass with the following amendment offered by Ms. Piper:

Page 2, line 13, delete "*preservation and*"

Page 2, line 17, after "*services,*" insert "*acting as advisor on preservation,*"

Page 2, line 19, delete "*furnishings and*"

The motion prevailed. So the amendment was adopted.

S.F. No. 100, which the committee recommends to pass with the following amendments offered by Mr. Frank and Ms. Peterson, D.C.:

Mr. Frank moved to amend S.F. No. 100 as follows:

Page 4, line 10, reinstate the stricken "(a)"

Page 4, lines 12 to 21, reinstate the stricken language

Page 4, line 27, reinstate the stricken language and after the reinstated "Money" insert "*in excess of \$10,000*"

Page 4, lines 28 to 36, reinstate the stricken language

Page 5, lines 1 to 6, reinstate the stricken language

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 31 and nays 23, as follows:

Those who voted in the affirmative were:

Adkins	Frederickson, D.J.	Lantry	Peterson, D.C.	Stumpf
Bertram	Freeman	Luther	Piper	Vickerman
Cohen	Hughes	Marty	Pogemiller	Willet
Dahl	Johnson, D.J.	Moe, R.D.	Reichgott	
Dicklich	Jude	Morse	Samuelson	
Diessner	Kroening	Novak	Solon	
Frank	Langseth	Pehler	Spear	

Those who voted in the negative were:

Anderson	Berglin	Frederickson, D.R.	McQuaid	Renneke
Beckman	Bernhagen	Gustafson	Mehrkens	Storm
Belanger	Brandl	Knaak	Merriam	Taylor
Benson	Brataas	Lakdig	Olson	
Berg	Davis	Larson	Ramstad	

The motion prevailed. So the amendment was adopted.

Ms. Peterson, D.C. moved to amend S.F. No. 100 as follows:

Page 5, after line 26, insert:

"Sec. 5. Minnesota Statutes 1986, section 383B.048, subdivision 2, is amended to read:

Subd. 2. [CONTENT OF REPORTS.] Each campaign report required under this section shall disclose:

(a) The amount of liquid assets on hand at the beginning of the reporting period;

(b) The name, address and employer, or occupation if self-employed, of each individual, committee or political fund that made transfers or donations in kind to the political committee in an aggregate amount or value in excess of \$50 \$100, together with the amount and date;

(c) The sum of all contributions made to the political committee or political fund;

(d) Each loan made or received by the political committee or political fund within the year in aggregate in excess of \$100, together with the name, address, occupation and the principal place of business, if any, of the lender and any endorser and the date and amount of the loan. A loan made to a political committee or political fund which is forgiven or is repaid by an entity other than that political committee or fund shall be reported as a contribution;

(e) The sum of all receipts, including all contributions and loans, during the reporting period;

(f) The name and address of each person to whom aggregate expenditures have been made by or on behalf of the political committee or fund within the year in excess of \$100, the amount, date and purpose of each expenditure and the ballot question or the name and address of the candidate supported or opposed by the expenditure;

(g) The sum of all expenditures made by the political committee or fund;

(h) The amount and nature of any advance of credit incurred by the political committee or fund continuously reported until paid or forgiven. An advance of credit incurred by a political committee or fund which is forgiven or is paid by an entity other than that political committee or fund shall be reported as a donation in kind;

(i) The name and address of each political committee or fund to which aggregate transfers in excess of \$100 have been made within the year, together with the amount and date of each transfer;

(j) The sum of all transfers made to political committees or funds; and

(k) The sum of all disbursements not made to influence the outcome of an election."

Amend the title as follows:

Page 1, line 5, delete the second "and" and before the period, insert " ; and 383B.048, subdivision 2 "

The motion prevailed. So the amendment was adopted.

Mr. Laidig moved to amend S.F. No. 100 as follows:

Pages 3 and 4, delete section 3

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "subdivisions 3 and 5" and insert "subdivision 3"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 22 and nays 35, as follows:

Those who voted in the affirmative were:

Anderson	Brandl	Hughes	McQuaid	Storm
Belanger	Brataas	Johnson, D.E.	Mehrkens	Taylor
Benson	Frederick	Knaak	Olson	
Berg	Frederickson, D.R.	Laidig	Ramstad	
Bernhagen	Gustafson	Larson	Renneke	

Those who voted in the negative were:

Adkins	Davis	Kroening	Morse	Schmitz
Beckman	DeCramer	Langseth	Peterson, D.C.	Solon
Berglin	Dicklich	Lantry	Peterson, R.W.	Spear
Bertram	Frank	Luther	Piper	Stumpf
Chmielewski	Frederickson, D.J.	Marty	Pogemiller	Vickerman
Cohen	Freeman	Merriam	Reichgott	Wegscheid
Dahl	Jude	Moe, R.D.	Samuelson	Willet

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

S.F. No. 802, which the committee recommends to pass with the following amendment offered by Mr. Willet:

Pages 1 and 2, delete section 2

Page 3, delete lines 11 to 36 and insert:

*"(c) The board shall proceed with acquisition consistent with the policies and rules established by the commissioner of administration."*

Page 4, delete lines 1 to 12

Page 4, line 18, delete the second "for the" and insert "by the commissioner of administration."

Page 4, delete line 19

Page 4, line 21, delete "this section" and insert "subdivision 2, 3, or 4"

Page 4, line 23, after the period, insert "If either chairperson objects to the proposed project, the plan must be deferred and presented to the legislature at the next regular or special legislative session."

Renumber the subdivisions in sequence

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, delete “; authorizing”

Page 1, line 4, delete everything before the semicolon

Page 1, line 10, delete everything after the semicolon

Page 1, delete line 11

Page 1, line 12, delete everything before “authorizing”

Page 1, line 16, delete “sections” and insert “section”

Page 1, line 17, delete everything after the first semicolon

The motion prevailed. So the amendment was adopted.

S.F. No. 1313, which the committee recommends to pass with the following amendment offered by Mrs. Adkins:

Page 3, line 19, after the period, insert “*The rating plan approved by the commissioner shall provide for surcharge factors based upon claims reported and losses paid.*”

The motion prevailed. So the amendment was adopted.

S.F. No. 743, which the committee recommends to pass with the following amendments offered by Mr. Spear:

Amend S.F. No. 743 as follows:

Page 2, after line 14, insert:

“Sec. 2. [47.76] [REQUIRED SAVINGS ACCOUNT.]

*A federal or state chartered financial institution, including, but not limited to, a bank, savings and loan association, savings bank, or credit union, shall offer to a Minnesota resident a savings account to promote thrift that has no service charge or fee, if such an account has an average monthly balance of more than \$50.”*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, before the period, insert “; proposing coding for new law in Minnesota Statutes, chapter 47”

The motion prevailed. So the amendment was adopted.

Mr. Spear then moved to amend S.F. No. 743 as follows:

Page 1, line 23, strike “according to the last previous United States census” and insert “*as determined by the commissioner from the latest available data from the state demographer*”

Page 1, line 25, after “less” insert “*, as determined by the commissioner from the latest available data from the state demographer,*”

The motion prevailed. So the amendment was adopted.

S.F. No. 830, which the committee recommends to pass, subject to the following motions:

Mr. Ramstad moved to amend S.F. No. 830 as follows:

Page 3, delete section 2

Renumber the sections in sequence

Amend the title accordingly

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 17 and nays 31, as follows:

Those who voted in the affirmative were:

Benson	Frederickson, D.R.	Laidig	Olson	Wegscheid
Bernhagen	Gustafson	Larson	Ramstad	
Brataas	Johnson, D.E.	McQuaid	Renneke	
Frederick	Knaak	Mehrkens	Storm	

Those who voted in the negative were:

Adkins	Dicklich	Lantry	Peterson, D.C.	Vickerman
Beckman	Frank	Luther	Peterson, R.W.	Waldorf
Bertram	Frederickson, D.J.	Marty	Piper	Willet
Chmielewski	Freeman	Moe, D.M.	Reichgott	
Cohen	Hughes	Moe, R.D.	Schmitz	
Dahl	Jude	Morse	Spear	
Davis	Kroening	Pehler	Stumpf	

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

Mr. Pehler moved to amend S.F. No. 830 as follows:

Page 2, line 10, delete "4" and insert "5"

The motion prevailed. So the amendment was adopted.

S.F. No. 1323, which the committee recommends to pass with the following amendment offered by Mr. Marty:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1986, section 169.123, subdivision 7, is amended to read:

Subd. 7. [APPEAL.] Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in ~~section 487.39~~ *the rules of procedure.*"

Page 1, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1986, section 487.01, subdivision 2, is amended to read:

Subd. 2. The county board of a county to which sections 487.01 to ~~487.39~~ 487.38 apply shall provide and furnish to the county court the courtrooms, quarters, supplies, equipment and personnel the court finds necessary for its purposes.

Sec. 4. Minnesota Statutes 1986, section 487.01, subdivision 3, is amended to read:

Subd. 3. The following combined probate and county court districts are established: Kittson, Roseau and Lake of the Woods; Marshall, Red Lake and Pennington; Norman and Mahnomen; Cass and Hubbard; Wadena and Todd; Mille Lacs and Kanabec; Big Stone and Traverse; Grant and Douglas; Lincoln and Lyon; Rock and Nobles; Dodge and Olmsted; Lake and Cook; Pine, Isanti and Chisago; Sherburne, Benton and Stearns. Notwithstanding the provisions of this paragraph the separation of combined county court districts by concurrent action of county boards before April 23, 1977, shall continue to be in effect unless the districts are combined pursuant to subdivision 6.

A combined county court district may be separated into single county courts by the supreme court. Vacancies in the office of judge created by such a separation shall be filled in the manner herein provided for the selection of other county court judges.

The single county court districts so created by such separation shall each be entitled to one judge, subject to the provisions of subdivision 5, clause (5), provided, however, that if the number of judges of the combined county court district exceeds the number of counties, then, upon separation into single county court districts, the county having the largest population determined by the last United States census shall be entitled to two judges and in the event there are more judges than counties remaining, the county having the next largest population determined by the last United States census shall also be entitled to two judges.

In each other county except Hennepin and Ramsey, the probate court of the single county is also the county court of the county and shall be governed by the provisions of sections 487.01 to ~~487.39~~ 487.38.

Sec. 5. Minnesota Statutes 1986, section 487.01, subdivision 4, is amended to read:

Subd. 4. The provisions of sections 487.01 to ~~487.39~~ 487.38 do not apply to the counties of Hennepin and Ramsey.

Sec. 6. Minnesota Statutes 1986, section 487.21, subdivision 4, is amended to read:

Subd. 4. If a municipality is located in more than one county court district, or in more than one county within a county court district, the county in which the city hall of the municipality is located determines the county or county court district in which the municipality shall be deemed located for the purposes of sections 487.01 to ~~487.39~~ 487.38 provided, however, that the municipality by ordinance enacted may designate, for those purposes, some other county or district in which a part of the municipality is located.

Sec. 7. Minnesota Statutes 1986, section 487.23, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Pleading, practice, procedure and forms in civil actions shall be governed by rules of civil procedure for county courts which shall be adopted by the supreme court. Until the rules become effective, such matters are governed by the rules for municipal courts and rules promulgated from time to time by the supreme court or by the statutes governing the district court insofar as the rules promulgated by the supreme court do not contain any applicable provision. The provisions of sections 487.01 to ~~487.39~~ 487.38 relating to pleading, practice and procedure in civil actions shall be effective as rules of court until modified or superseded by the rules hereafter adopted by the supreme court. Rules or statutory provisions modified or superseded by the rules of civil procedure for county courts adopted by the supreme court shall be of no effect in any county court from and after the effective date of said adopted rules.

Sec. 8. Minnesota Statutes 1986, section 487.23, subdivision 2, is amended to read:

Subd. 2. [COURT RULES.] The court may adopt rules governing pleading, practice, procedure and forms for civil actions which are not inconsistent with the provisions of sections 487.01 to ~~487.39~~ 487.38, the rules

for county courts promulgated by the supreme court, or governing statutes.

Sec. 9. Minnesota Statutes 1986, section 487.23, subdivision 3, is amended to read:

Subd. 3. [NOTES OF ISSUE; DEMAND FOR JURY TRIAL; WAIVER OF JURY TRIAL.] (a) A party desiring to place a civil cause upon the calendar for trial after issue is joined shall serve a note of issue on all other parties and file it with the court administrator, with proof of service within ten days after service. The note of issue shall state whether the issues are of law or fact, whether trial by jury is demanded or waived, and the name and address of the respective counsel.

(b) If any other party to the action desires a trial by jury when none is demanded in the note of issue served upon the party, the party shall serve a demand for trial by a jury on all other parties to the action and file it with the court administrator, with proof of service, within ten days after the note of issue was served upon the party.

(c) If a jury is not demanded at the time and in the manner provided in sections 487.01 to ~~487.39~~ 487.38, all parties waive trial by jury. Jury trial may be waived also in the manner provided by rule 38.02 of the rules for municipal courts promulgated by the supreme court and rules promulgated by the supreme court from time to time for county courts.

Sec. 10. Minnesota Statutes 1986, section 487.25, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Except as otherwise provided in sections 487.01 to ~~487.39~~ 487.38 but subject to the provisions of section 480.059, pleading, practice, procedure and forms in actions or proceedings charging violation of a criminal law or a municipal ordinance, charter provision or rule are governed by the rules of criminal procedure.

Sec. 11. Minnesota Statutes 1986, section 487.25, subdivision 2, is amended to read:

Subd. 2. [COURT RULES.] The court may adopt rules governing pleading, practice, procedure and forms in actions or proceedings charging a violation of a criminal law or a municipal ordinance, charter provision or rule. The rules shall be consistent with the rules of criminal procedure, the provisions of sections 487.01 to ~~487.39~~ 487.38 and any other statute of this state.

Sec. 12. Minnesota Statutes 1986, section 487.33, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITION.] Except as otherwise provided by sections 487.01 to ~~487.39~~ 487.38 or 574.34, the court administrator shall pay to the county treasurer all fines, penalties and fees collected by the court administrator, all sums forfeited to the court and all other money received by the court administrator no later than the tenth day of the month following the month of collection.

Sec. 13. Minnesota Statutes 1986, section 488A.01, subdivision 14, is amended to read:

Subd. 14. [APPEALS.] Appeals from the county municipal court to the court of appeals shall be subject to the provisions of section ~~487.39~~ and the rules of appellate procedure.

Sec. 14. Minnesota Statutes 1986, section 488A.18, subdivision 14, is amended to read:

Subd. 14. [APPEALS.] Appeals from the county municipal court to the court of appeals shall be subject to ~~the provisions of section 487.39 and~~ the rules of appellate procedure.

Sec. 15. Minnesota Statutes 1986, section 501.35, is amended to read:

501.35 [MAY APPLY TO COURT FOR INSTRUCTIONS.]

Any trustee of an express trust by will or other written instrument whose appointment has been confirmed, or any beneficiary of that trust, may petition the court then having jurisdiction of the trust as a proceeding in rem, and any trustee of an express trust by will or other written instrument whose appointment has not been confirmed, or any beneficiary of that trust, may petition the district or county court of the county in which the unconfirmed trustee resides or has a place of business, for instructions in the administration of the trust, for the confirmation of any action taken by the trustee, for a construction of the trust instrument, or upon or after the filing of any account, for the settlement and allowance thereof. Upon the filing of the petition, the court shall make an order fixing a time and place for hearing it, unless hearing has been waived in writing by the beneficiaries of the trust then in being. Notice of hearing shall be given by publishing a copy of the order one time in a legal newspaper of the county at least 20 days before the date of the hearing, and by mailing a copy of it to each beneficiary of the trust then in being, at each beneficiary's last known address, at least ten days before the date of the hearing or in any other manner as the court orders. If the court deems further notice necessary, it shall be given in the manner specified in the order. At the hearing the court shall make such order as it deems appropriate. The order shall be final and conclusive as to all matters determined by it and binding in rem upon the trust estate and upon the interests of all beneficiaries, vested or contingent, even though unascertained or not in being, except that appeal may be taken in the manner provided in ~~section 487.39~~ *the rules of appellate procedure.*

Sec. 16. Minnesota Statutes 1986, section 525.712, is amended to read:

525.712 [REQUISITES.]

The appeal may be taken by any person aggrieved within 30 days after service of notice of the filing of the order, judgment, or decree appealed from, or if no notice be served, within six months after the filing of the order, judgment, or decree. Except as provided in this section, the appeal shall be perfected and determined upon the record as provided in sections 484.63 and ~~487.39~~ *the rules of appellate procedure."*

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "340A.501" and insert "169.123, subdivision 7" and delete "and" and after the second semicolon, insert "487.01, subdivisions 2, 3, and 4; 487.21, subdivision 4; 487.23, subdivisions 1, 2, and 3; 487.25, subdivisions 1 and 2; 487.33, subdivision 1; 488A.01, subdivision 14; 488A.18, subdivision 14; 501.35; and 525.712;"

The motion prevailed. So the amendment was adopted.

On motion of Mr. Moe, R.D., the report of the Committee of the Whole, as kept by the Secretary, was adopted.



## MOTIONS AND RESOLUTIONS - CONTINUED

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 bill was read the first time.

Mr. Merriam, for the Committee on Finance, introduced—

S.F. No. 1516: A bill for an act relating to the organization and operation of state government; appropriating money for the department of transportation and other agencies with certain conditions; fixing and limiting fees; amending Minnesota Statutes 1986, sections 12.14; 17A.04, subdivision 5; 18.51, subdivision 2; 18.52, subdivision 5; 18.53; 27.041, subdivision 2; 28A.08; 32.075; 32.59; 60A.14, subdivision 1; 60A.206, subdivision 2; 60A.23, subdivision 7; 70A.14, subdivision 4; 83.23, subdivisions 2 and 3; 83.30, subdivision 2; 138.65; 138.91, by adding a subdivision; 309.531, subdivision 1; 326.241, subdivision 3; 326.244, subdivision 2; 332.33, subdivisions 3 and 4; amending Laws 1975, chapter 235, section 2, as amended.

Under the rules of the Senate, laid over one day.

## MOTIONS AND RESOLUTIONS - CONTINUED

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

## REPORTS OF COMMITTEES

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

S.F. No. 583: A bill for an act relating to education; providing for aids for education and the distributions of tax revenues; providing for certain powers and duties of school boards, the state board of education, the commissioner of education, and others; establishing general education revenue that is composed of basic, compensatory education, training and experience, and sparsity revenue; combining certain categorical aids; providing special instruction and services for handicapped children from birth; making certain modifications to the school of the arts and resource center; establishing education districts and area learning centers; modifying requirements for school district planning, evaluating, and reporting; requiring counties to participate in regional public library systems; appropriating money; amending Minnesota Statutes 1986, sections 43A.08, subdivisions 1, and 1a; 120.03, subdivision 1; 120.17, subdivisions 1, 2, 3, 3a, 3b, 5, 7a, 12, and by adding subdivisions; 121.11, by adding a subdivision; 121.609, subdivision 4; 121.88, subdivision 7; 121.912, subdivision 1, and by adding a subdivision; 121.932, subdivision 3, and by adding a subdivision; 121.934, subdivisions 1, 2, and 6; 122.541, subdivision 2; 123.34, subdivision 9; 123.35, by adding a subdivision; 123.39, subdivision 1; 123.703, subdivision 3; 123.705; 124.14, subdivision 7; 124.17, subdivision 1, and by adding a subdivision; 124.175; 124.195, subdivision 8; 124.2162, by add-

ing a subdivision; 124.223; 124.225, subdivisions 1, 4b, 7b, 8a, 8i, and 10; 124.26, by adding subdivisions; 124.271, subdivisions 2b, and 7; 124.2711, subdivision 1; 124.273, subdivision 5; 124A.02, subdivisions 9, and 16; 124A.031, subdivision 4; 124A.21; 125.03, subdivision 5; 125.05, subdivision 1; 125.611, subdivisions 11, 12, and 13; 126.54, subdivision 1; 126.56, subdivisions 3, and 6; 126.67, subdivisions 3a, and 6, and by adding a subdivision; 128A.01; 128A.02, subdivisions 2, and 4; 129B.39; 129B.43, subdivisions 1, and 4; 129C.10, subdivisions 1, 3, 4, 5, 6, and by adding subdivisions; 134.10; 136D.27; 136D.74, subdivision 2; 136D.87; 171.29, subdivision 2; 275.125, subdivisions 4, 5, and 8; and Laws 1986, First Special Session chapter 1, article 5, section 9; proposing coding for new law in Minnesota Statutes, chapters 122, 124, 124A, 126, 128A, 129B, and 134; repealing Minnesota Statutes 1986, sections 120.17, subdivision 13; 121.20; 121.935, subdivision 5; 123.3514, subdivision 9; 124.17, subdivisions 1a, and 2d; 124.185; 124.2161; 124.2162; 124.2163; 124.225, subdivision 1a; 124.245; 124.246; 124.247; 124.252; 124.26, subdivisions 1, and 6; 124.272; 124.273, subdivision 2b; 124.274; 124.275; 124.573; 124.65; 124.66; 124A.01; 124A.02, subdivisions 2, 5, 6, 7, 9, 10, 11, 12, 13, and 14; 124A.03, subdivisions 1, 1a, 3, 4, and 6; 124A.031, subdivision 1; 124A.033; 124A.035, subdivision 1; 124A.04; 124A.06, subdivisions 1, 1a, 1b, 2, 3a, and 4; 124A.08, subdivisions 1, 2, 3a, 4, and 5; 124A.10, subdivisions 1, 2, 3a, and 4; 124A.12, subdivisions 1, 2, 3a, and 4; 124A.14, subdivisions 1, 2, 3, 4, 5, 5a, and 6; 124A.16; 124A.20, subdivisions 1, 2, and 3; 124A.21; 125.611, subdivisions 8, 9, and 10; 126.031, subdivision 2; 126.264, subdivision 3; 126.267; 126.268, subdivision 2; 126.60; 126.62; 126.64; 126.65; 126.66; 126.67, subdivisions 1, 1a, 2a, 5b, and 9; 126.70; 126.71; 126.72; 126.80; 126.81; 129B.01; 129B.02; 129B.04; 129B.05; 129B.17; 129B.20; 129B.21; 129B.35; 129B.43, subdivisions 2, 3, and 6; 129B.61; 129B.62; 129B.63; 129B.64; 129B.65; 129B.66; 129B.67; 275.125, subdivisions 3, 6a, 8a, 11a, 11c, and 12; 354.66, subdivisions 4a and 9; 354A.094, subdivisions 4a and 9; and Laws 1985, First Special Session chapter 12, article 8, section 46.

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

Page 3, line 35, strike "years" and insert "year"

Page 6, line 28, after the period, insert "*Except for the requirements of section 10,*" and delete "*basic*" and insert "*general education*"

Page 6, line 29, delete "*, subdivision 2,*" and insert "*and supplemental revenue under section 11*"

Page 9, line 13, delete "*these pupils*"

Page 9, line 15, delete the second "*the*" and insert "*these*"

Page 9, line 22, after "*to*" insert "*improve their ability to*"

Page 9, line 23, delete "*their*" and insert "*the pupils*"

Page 10, line 5, delete "*receiving*" and insert "*that receives*"

Page 16, after line 15, insert:

"Sec. 18. [COSTS OF ADMINISTRATION.]

*Subdivision 1. [TOTAL COST FREEZE.] A school board may not increase its total costs of administration and supervision for the 1987-1988 and 1988-1989 school years above the level for the 1986-1987 school year.*

*Administration and supervision costs include all costs related to the school board, office of the superintendent, central office, district support services, and administrative and supervisory staff. It includes all costs related to the administration and supervision of elementary education, secondary education, special education, vocational education, community education, food service, transportation services, building operations and maintenance, and other programs.*

*It does not include principals, assistant principals, direct costs of classroom teaching, and professional support services for pupils such as library, social work, health, and counseling.*

*The costs shall be determined according to the uniform financial accounting and reporting categories of district and school administration, district support services, and all executive and managerial salaries and their related expenditures. Expenditures related to principals and assistant principals must not be included in any category.*

*Subd. 2. [RULE VARIANCES.] If compliance with this section is impaired because of rules of the state board of education, the district shall report to the state board the particular rule that impairs compliance. The state board shall, upon a showing of need by the district, grant a variance from the rule to each district submitting a report. A variance may be granted from at least the following rules: Minnesota Rules, parts 3500.0600, subpart 2; 3505.4800; 3505.5000; 3505.6500; 3505.9300, subparts 4 and 5; 3515.8700, subparts 1 and 4; 3515.8900, subpart 1; 3525.2405; 3525.2410; 3525.2415; 3530.6000; and other similar and successor parts.*

*Subd. 3. [AID REDUCTION FOR ADMINISTRATION COSTS.] The general education aid for the 1988-1989 school year for each district shall be reduced by an amount equal to 5.6 percent of the district's administration costs for the 1986-1987 school year. If the reduction exceeds the district's general education aid, the reduction shall be made from other aids paid to the district."*

Page 16, line 33, delete "\$989,747,000" and insert "\$982,811,800"

Page 16, line 36, delete "\$989,087,500" and insert "\$982,152,300"

Page 17, delete lines 19 to 22

Page 17, line 29, after "129B.05;" insert "129B.32, subdivisions 2 and 5; 129B.33; 129B.36; 129B.375;"

Page 18, line 8, delete "129B.17;"

Page 18, line 9, delete "129B.20; 129B.21;"

Renumber the sections of article 1 in sequence

Page 22, line 31, delete "which" and insert "that"

Page 27, delete lines 34 to 36

Page 28, delete lines 1 to 7

Page 30, line 26, after "caregiver" insert a comma

Page 30, line 27, after "both" insert a comma

Page 39, line 23, delete "all"

Page 40, line 12, strike "as appropriate"

Page 40, line 29, strike "learning" and insert "intervention"

Page 42, line 13, delete "are encouraged to" and insert "may"

Page 42, lines 20 and 21, after "pay" insert a comma

Page 43, line 25, delete "requiring" and insert "that requires"

Page 47, line 18, delete "meets all of the"

Page 47, line 19, delete "following"

Page 48, line 17, strike "school year"

Page 50, line 8, delete "appropriate"

Page 50, line 28, delete "instruction" and insert ", financing," and delete "service" and insert "services"

Page 56, delete lines 26 to 35

Page 57, line 21, delete ", 2, and 4" and insert "and 2"

Page 59, after line 2, insert:

"Sec. 5. Minnesota Statutes 1986, section 124.26, is amended by adding a subdivision to read:

*Subd. 1c. [PROGRAM APPROVAL.] A district receiving aid under this section must have its program approved by the commissioner according to the following criteria:*

- (1) how the needs of all levels of learners will be met;*
- (2) for continuing programs, an evaluation of results;*
- (3) anticipated number and education level of participants;*
- (4) coordination with other resources and services;*
- (5) participation in a consortium, if any, and funds available from other participants;*
- (6) management and program design;*
- (7) volunteer training and use of volunteers;*
- (8) staff development services; and*
- (9) program sites and schedules.*

*The commissioner may contract with a private, nonprofit organization to provide services that are not offered by a district or that are supplemental to a district's program. The program provided under a contract must be approved according to the same criteria used for district programs."*

Page 59, line 5, delete "1c" and insert "7" and delete "The" and insert "Each"

Page 59, line 6, delete "state" and insert "district" and delete "pay" and insert "receive" and before "adult" insert "approved"

Page 60, line 34, strike "amount of the approved budget" and insert "actual expenditures for approved programs"

Page 62, line 20, strike "one-half of the amount of" and insert ": (1)"

Page 62, line 23, after "certified" insert "minus the amount of state aid paid for the same year," and before "\$30,000" insert "(2)"

Page 63, after line 32, insert:

*"Up to \$200,000 each year may be used for contracts with private, nonprofit organizations for approved programs."*

Page 65, delete lines 27 to 36

Renumber the sections of article 4 in sequence

Page 67, line 1, delete "State" and insert "General" and delete "412.0" and insert "411.0" in both places

Page 67, line 3, delete everything after "Federal" and insert " - 1988 = 154.4, and 1989 = 153.4"

Page 68, after line 6, insert:

"Each year of the biennium, the commissioner of education shall monitor the compliance of each school district with article 1, section 18, through the uniform financial accounting and reporting standards. In addition, the commissioner shall conduct a field audit of school district practices, records, and files of at least 60 school districts to determine whether administrative costs are properly assigned to accounts, properly reported, have exceeded the 1986-1987 costs, and other evidence of meeting the requirements of article 1, section 18. When appropriate, these audits may be conducted at the same time as audits conducted under Minnesota Statutes, section 124.14, subdivision 3. The commissioner shall report the compliance or noncompliance of each district and the results of the audit of each district to the education committees of the legislature by January 1 of 1988, 1989, and 1990."

Page 69, after line 61, insert:

"\$157,500 in fiscal year 1988 and \$67,800 in fiscal year 1989 is for services to school districts related to acquired immune deficiency syndrome."

Page 70, delete line 11

Page 70, line 12, delete everything before the period

Page 71, line 23, delete "assistance" and insert "effectiveness"

Page 71, after line 41, insert:

"\$1,098,700 for fiscal year 1988 and \$1,100,800 for fiscal year 1989 is for education data systems. Any unexpended balance remaining in the first year does not cancel and is available for the second year."

Page 75, line 19, delete the new language and strike the old language

Page 75, strike lines 20 to 22

Page 75, line 23, strike the old language and delete the period and insert:

*"(e) The board may identify pupils in grades 9 to 12 who have artistic talent, either demonstrated or potential, in dance, literary arts, media arts, music, theater, and visual arts, or in more than one art form.*

*(f) The board shall educate pupils with artistic talent by providing:*

*(1) a pilot interdisciplinary academic and arts program for pupils in the 11th and 12th grades, beginning with 135 pupils in the 11th grade in September 1989, and 135 pupils in the 11th grade and 135 pupils in the 12th grade in September 1990;*

*(2) intensive arts seminars for one or two weeks for 9th and 10th grade pupils;*

*(3) summer arts institutes for pupils in grades 9 to 12;*

*(4) artist mentor and extension programs in regional sites; and*

*(5) teacher education programs for indirect curriculum delivery."*

Page 75, line 24, delete "(f)" and insert "(g)"

Page 75, line 28, delete "(g)" and insert "(h)" and delete "may" and insert "must"

Page 75, line 29, strike the old language and before the period, insert *"on an equal basis from each congressional district"*

Reletter the paragraphs in sequence

Page 78, line 32, after the period, insert *"The board may financially support arts education programs of other government agencies, such as the comprehensive arts planning program of the department of education."*

Page 86, line 6, delete *"its unreserved"* and insert *"a designated for certain"*

Page 86, line 16, delete *"unreserved"* and insert *"designated for certain"*

Page 86, line 32, delete *"for"* and insert *"about"*

Page 87, line 4, strike *"consisting of"* and delete *"12"* and strike *"members"*

Page 89, line 15, after *"aid"* insert *"or grant"*

Page 89, line 20, strike *" , except that"* and insert *" . However, section 124A.032 applies to"*

Page 89, line 21, strike everything after *"aid"*

Page 89, line 22, strike everything before the period

Page 89, line 30, after the period, insert *"If the amount of the direct appropriation for the aid or grant plus the amount transferred according to this subdivision is insufficient, the commissioner shall prorate the available amount among eligible districts. The state is not obligated for any additional amounts."*

Page 90, after line 6, insert:

*"Sec. 13. [124.217] [EXCEPTIONAL NEED AID.]*

*Subdivision 1. [ELIGIBILITY.] A district is eligible for exceptional need revenue if all of the following apply to the district:*

(a) *The ratio of the average daily membership of pupils enrolled in the district to the number of licensed staff, measured in full-time equivalents, is greater than 17.*

(b) *The ratio of the referendum levy certified according to section 124A.02, subdivision 2, to the adjusted assessed valuation is greater than .006.*

(c) *The ratio of the total levy certified by the district to the adjusted assessed valuation is greater than .05.*

(d) *The ratio of the adjusted assessed valuation to the actual pupil units is less than \$38,500.*

(e) *The unappropriated operating fund balance is less than \$100 times the number of actual pupil units.*

*Before a school board certifies levies to the county auditor, the commissioner shall determine the district's eligibility for exceptional need revenue for the following school year. Eligibility must be based on pupil and staff data from the prior year, levies certified in the prior year, adjusted assessed valuation in the prior year, and fund balances on June 30 of the same year.*

*Subd. 2. [EXCEPTIONAL NEED REVENUE.] The exceptional need revenue for each district equals \$75 times the number of actual pupil units.*

*Subd. 3. [EXCEPTIONAL NEED AID.] A district's exceptional need aid is the difference between its exceptional need revenue and the exceptional need levy, multiplied times the ratio of the actual amount levied to the amount permitted to be levied."*

Page 95, after line 13, insert:

"Sec. 10. Minnesota Statutes 1986, section 275.125, is amended by adding a subdivision to read:

*Subd. 6f. [EXCEPTIONAL NEED LEVY.] To obtain exceptional need revenue, a district may levy an amount not to exceed the lesser of its exceptional need revenue or the result of the following computation:*

*(a) Divide the adjusted assessed valuation for the year preceding the year the levy is certified, by the actual pupil units for the year to which the levy is attributable.*

*(b) Divide the result in paragraph (a) by the ratio of the formula allowance, established in article 1, section 6, subdivision 2, to the general education mill rate, established in article 1, section 7, subdivision 1, for the year to which the levy is attributable.*

*(c) Multiply the result in paragraph (b) by the district's exceptional need revenue for the year to which the levy is attributable."*

Page 97, after line 32, insert:

"Subd. 8. [EXCEPTIONAL NEED AID.] *For exceptional need aid there is appropriated:*

*\$125,600 \_\_\_\_\_ 1989.*

*The appropriation is for aid for fiscal year 1989 payable in fiscal year 1989.*

*The appropriation is based on an aid entitlement of \$147,800 for fiscal year 1989."*

Renumber the sections of article 7 in sequence

Page 118, after line 19, insert:

"Sec. 3. [COUNTY OPTION.]

*Renville, Brown, Lincoln, and Pipestone counties may choose to be exempt from the requirements of section 2. A county's choice to become exempt must be made by the filing of a certificate of local approval of this section under Minnesota Statutes, section 645.021."*

Renumber the sections of article 9 in sequence

Amend the title as follows:

Page 1, line 44, before the second semicolon, insert "and by adding a subdivision"

Page 2, line 23, delete "129B.17; 129B.20;"

Page 2, line 24, delete "129B.21;" and insert "129B.32, subdivisions 2 and 5; 129B.33;" and after "129B.35;" insert "129B.36; 129B.375;"

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

Mr. Moe, R.D. moved the adoption of the foregoing committee report. The motion prevailed. Report adopted.

## SECOND READING OF SENATE BILLS

S.F. No. 583 was read the second time.

## MEMBERS EXCUSED

Mr. Lessard was excused from the Session of today from 12:00 noon to 1:55 p.m. Mr. Pehler was excused from the Session of today from 12:00 noon to 1:45 p.m. Mr. Pogemiller was excused from the Session of today from 12:00 noon to 12:50 p.m. Mr. Metzen was excused from the Session of today from 4:15 to 5:00 p.m. Mr. Waldorf was excused from the Session of today from 2:45 to 4:20 p.m. Mr. Wegscheid was excused from the Session of today from 12:00 noon to 2:00 p.m. Ms. Berglin was excused from the Session of today at 4:40 p.m. Mr. Samuelson was excused from the Session of today at 5:30 p.m.

## ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 12:00 noon, Friday, May 1, 1987. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate