

SIXTY-SEVENTH DAY

St. Paul, Minnesota, Wednesday, March 7, 1990

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

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. James Bzoscike.

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

Adkins	Decker	Knutson	Metzen	Ramstad
Anderson	DeCramer	Kroening	Moe, D.M.	Reichgott
Beckman	Dicklich	Langseth	Moe, R.D.	Renneke
Belanger	Diessner	Lantry	Morse	Samuelson
Benson	Flynn	Larson	Novak	Schmitz
Berglin	Frank	Lessard	Olson	Solon
Bertram	Frederick	Luther	Pariseau	Spear
Brandl	Frederickson, D.J.	Marty	Pehler	Storm
Chmielewski	Frederickson, D.R.	McGowan	Peterson, R. W.	Stumpf
Cohen	Freeman	McQuaid	Piepho	Vickerman
Dahl	Johnson, D.E.	Mehrkens	Piper	Waldorf
Davis	Johnson, D.J.	Merriam	Pogemiller	

The President declared a quorum present.

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

MEMBERS EXCUSED

Messrs. Berg, Gustafson and Hughes were excused from the Session of today.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 1919 and 2143.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 5, 1990

FIRST READING OF HOUSE BILLS

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

H.F. No. 1919: A bill for an act relating to ethnic Minnesotans; designating Ethnic American Day; proposing coding for new law in Minnesota Statutes, chapter 10.

Referred to the Committee on General Legislation and Public Gaming.

H.F. No. 2143: A bill for an act relating to crimes; defining "crime" for purposes of crime victims reparations; amending Minnesota Statutes 1988, section 611A.52, subdivision 6.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2043, now on General Orders.

REPORTS OF COMMITTEES

Mr. Moe, R.D. moved that the Committee Reports at the Desk be now adopted, with the exception of the report on S.F. No. 1915 and the report pertaining to appointments. The motion prevailed.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1879: A bill for an act relating to natural resources; amending a certain requirement relating to the sale of state timber; amending Minnesota Statutes 1988, section 90.101, subdivision 1.

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

Mrs. Lantry from the Committee on General Legislation and Public Gaming, to which was referred

S.F. No. 1508: A bill for an act relating to historical preservation; directing an archaeological site assessment and tourism study of the Fond du Lac area; appropriating funds.

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

Page 1, line 17, delete "1991" and insert "1992"

Page 2, line 4, delete "1989" and insert "1990"

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. 2019: A bill for an act relating to human services; amending licensing data requirements under the data practices act; clarifying appropriate mental health outpatient services; amending the human services licensing act; defining drop-in child care; creating an exclusion from licensure; requiring a need determination for licensing; clarifying sanctions allowed against license holders; establishing requirements for receivership; amending Minnesota Statutes 1988, sections 13.46, subdivision 4; 245A.07,

subdivision 3; 245A.08, subdivision 3; and 245A.16, subdivision 4; Minnesota Statutes 1989 Supplement, sections 245.470, subdivision 1; 245.488, subdivision 1; 245A.02, subdivision 6a; 245A.03, subdivision 2, and by adding a subdivision; 245A.04, subdivisions 3a and 3b; 245A.12; 245A.13; and 245A.16, subdivision 1.

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

Pages 1 to 3, delete section 1

Page 7, delete lines 20 to 25 and insert:

"Subd. 4. [NEED DETERMINATION.] Before issuing an initial license to a residential program and every two years after initial licensure, the commissioner of human services shall, in conjunction with the appropriate county boards, determine the need for the residential program. The commissioner shall establish standards for determining need for residential programs including factors such as the location, size, type of program, persons served, availability of community services, and the number and size of existing residential programs in the town, municipality, or county. The commissioner shall promulgate amended rules under chapter 256E to implement this subdivision."

Page 11, after line 31, insert:

"(5) "Provider or provider group" means the license holder or controlling individual prior to the effective date of the receivership."

Page 14, after line 23, insert:

"Subd. 10. [RECEIVERSHIP COSTS.] The commissioner may use the accounts and funds that would have been available for the room and board, services, and program costs of persons in the residential program for costs, cash flow, and accounting purposes related to the receivership."

Page 20, after line 5, insert:

"Subd. 10. [RECEIVERSHIP COSTS.] The commissioner may use the accounts and funds that would have been available for the room and board, services, and program costs of persons in the residential program for costs, cash flow, and accounting purposes related to the receivership."

Page 20, after line 31, insert:

"Sec. 14. [245A.17] [SEAT BELT USE REQUIRED.]

When a nonresidential license holder provides or arranges for transportation for children served by the license holder, children four years old and older must be restrained by a properly adjusted and fastened seat belt and children under age four must be properly fastened in a child passenger restraint system meeting federal motor vehicle safety standards. A child passenger restraint system is not required for a child who, in the judgment of a licensed physician, cannot be safely transported in a child passenger restraint system because of a medical condition, body size, or physical disability, if the license holder possesses a written statement from the physician that satisfies the requirements in section 169.685, subdivision 5, paragraph (b)."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, line 3, delete everything before "clarifying"

Page 1, line 10, after the semicolon, insert "requiring use of seat belts and child passenger restraints when license holders transport children;"

Page 1, line 11, delete "13.46, subdivision 4;"

Page 1, line 17, after "1" insert "; proposing coding for new law in Minnesota Statutes, chapter 245A"

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

Mr. Davis from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1750: A bill for an act relating to agriculture; extending the farmer-lender mediation act; appropriating money; amending Laws 1986, chapter 398, article 1, section 18, as amended.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1988, section 583.21, is amended to read:

583.21 [LEGISLATIVE FINDINGS.]

The legislature finds that the agricultural sector of the state's economy ~~is has been~~ under severe financial stress due to low farm commodity prices, ~~continuing~~ high interest rates, and reduced net farm income, *which continues because of drought and the devastating effect of grasshopper plagues.* The suffering agricultural economy adversely affects economic conditions for all other businesses in rural communities as well. Thousands of this state's farmers are unable to meet current payments of interest and principal payable on mortgages and other loan and land contracts and are threatened with the loss of their farmland, equipment, crops, and livestock through mortgage and lien foreclosures, cancellation of contracts for deed, and other collection actions. The agricultural economic emergency requires an orderly process with state assistance to adjust agricultural indebtedness to prevent civil unrest and to preserve the general welfare and fiscal integrity of the state."

Page 1, line 12, delete "1992" and insert "1991"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "making legislative findings;"

Page 1, line 3, after "amending" insert "Minnesota Statutes 1988, section 583.21;"

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

S.F. No. 1860: A bill for an act relating to domestic abuse; improving prosecutorial procedures in domestic abuse cases; requiring the commissioner of public safety to study the feasibility and costs of a statewide computerized data base on domestic abuse; appropriating money; amending Minnesota Statutes 1988, section 611A.0315, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 611A and 629.

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 1988, section 518B.01, subdivision 6, is amended to read:

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

- (1) restrain the abusing party from committing acts of domestic abuse;
- (2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;

(3) award temporary custody or establish temporary visitation with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. The court's deliberation under this subdivision shall in no way delay the issuance of an order for protection granting other reliefs provided for in Laws 1985, chapter 195;

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

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

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

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

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

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

(b) Any relief granted by the order for protection shall be for a fixed

period not to exceed one year, except when the court determines a longer fixed period is appropriate.

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

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

Sec. 2. Minnesota Statutes 1988, section 518B.01, subdivision 7, is amended to read:

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

(1) restraining the abusing party from committing acts of domestic abuse;
(2) excluding any party from the dwelling they share or from the residence of the other except by further order of the court; and

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

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

(c) When service is made by published notice, as provided under subdivision 5, the petitioner may apply for an extension of the period of the ex parte order at the same time the petitioner files the affidavit required under that subdivision. The court may extend the ex parte temporary order for an additional period not to exceed 14 days. The respondent shall be served forthwith a copy of the modified ex parte order along with a copy of the notice of the new date set for the hearing.

Sec. 3. Minnesota Statutes 1988, section 518B.01, subdivision 14, is amended to read:

Subd. 14. [VIOLATION OF AN ORDER FOR PROTECTION.] (a) Whenever an order for protection is granted pursuant to this section, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor.

(b) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section restraining the person or excluding the person from the residence, *even if the violation of the order did not take place in the presence of the peace officer*, if the existence of the order

can be verified by the officer.

(c) A violation of an order for protection shall also constitute contempt of court and be subject to the penalties therefor.

(d) *If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.*

(e) Upon the filing of an affidavit by the petitioner or any peace officer, alleging that the respondent has violated any order for protection granted pursuant to this section, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation. *The court also may refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (a).*

(e) (f) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by clause (b).

Sec. 4. [611A.0311] [DOMESTIC ABUSE PROSECUTIONS; PILOT PLAN AND PROCEDURES.]

Subdivision 1. [DEFINITIONS.] (a) "Domestic abuse" has the meaning given in section 518B.01, subdivision 2.

(b) "Domestic abuse case" means a prosecution for: (1) a crime that involves domestic abuse; (2) violation of a condition of release following an arrest for a crime that involves domestic abuse; or (3) violation of a domestic abuse order for protection.

Subd. 2. [CONTENTS OF PLAN.] Five county and five city attorneys selected by the commissioner of public safety shall develop and implement a written plan to expedite and improve the efficiency and just disposition of domestic abuse cases brought to the prosecuting authority. In developing the plans, the county and city attorneys selected shall provide an opportunity for participation by local domestic abuse advocates and victim advocates, where available, and by other interested members of the public.

This plan shall state goals and contain policies and procedures to address the following matters:

(1) the plan must provide for (a) early assignment of a trial prosecutor who has the responsibility of handling the domestic abuse case through disposition, whenever feasible; and (b) early contact between the trial prosecutor and the victim;

(2) the plan shall contain procedures to facilitate the earliest possible contact between the prosecutor's office and the victim for the purpose of acquainting the victim with the criminal justice process, the use of subpoenas, the victim's role as a witness in the prosecution, and the domestic abuse or victim services that are available;

(3) the plan must contain procedures to coordinate the trial prosecutor's efforts with those of the domestic abuse advocate or victim advocate, where available, and to facilitate the early provision of advocacy services to the victim;

(4) the plan shall describe the methods which will be used to identify, gather, and preserve evidence in addition to the victim's in-court testimony that will enhance the ability to prosecute a case when a victim is reluctant to assist, including but not limited to physical evidence of the victim's injury, evidence relating to the scene of the crime, eyewitness testimony, and statements of the victim made at or near the time of the injury;

(5) the plan must contain procedures for educating local law enforcement agencies about the contents of the plan and their role in assisting with its implementation;

(6) the plan shall encourage the issuance of subpoenas to victims and witnesses, where appropriate;

(7) the plan must include procedures for annual review of the plan to evaluate whether it is meeting its goals effectively and whether improvements are needed; and

(8) the plan must include a timetable for implementation.

Subd. 3. [COPY FILED WITH DEPARTMENT OF PUBLIC SAFETY.] A copy of the written plan must be filed with the Minnesota department of public safety on or before November 15, 1990. The city and county attorneys selected for the pilot plan shall file a status report on the pilot project by January 1, 1992. The written plan and the annual reports are classified as public data.

Sec. 5. Minnesota Statutes 1988, section 611A.0315, subdivision 1, is amended to read:

Subdivision 1. [NOTICE OF DECISION NOT TO PROSECUTE.] (a) A prosecutor shall make every reasonable effort to notify a domestic assault victim that the prosecutor has decided to decline prosecution of the case or to dismiss the criminal charges filed against the defendant. Efforts to notify the victim should include, in order of priority: (1) contacting the victim or a person designated by the victim by telephone; and (2) contacting the victim by mail. If a suspect is still in custody, the notification attempt shall be made before the suspect is released from custody.

(b) Whenever a prosecutor dismisses criminal charges against a person accused of domestic assault, a record shall be made of the specific reasons for the dismissal. If the dismissal is due to the unavailability of the witness,

the prosecutor shall indicate the specific reason that the witness is unavailable.

Sec. 6. [DOMESTIC ABUSE; PLAN FOR STATEWIDE COMPUTER DATA SYSTEM.]

The commissioner of public safety, in consultation with the department of corrections advisory council on battered women and the state court administrator, shall evaluate the feasibility and costs of establishing a statewide, computerized data system containing the following information on domestic assault crimes and domestic abuse orders for protection:

(1) identifying information on individuals arrested for, charged with, or convicted of domestic assault, as defined in Minnesota Statutes, section 611A.0315, and the names and birth dates of their victims or alleged victims;

(2) prior arrests and convictions of individuals described in clause (1) for: homicide, assault, criminal sexual conduct, criminal damage to property, kidnapping, terroristic threats, trespass, obscene or harassing telephone calls, interference with privacy, harassment by means of the mail, or violations of an order for protection;

(3) pretrial release conditions applicable to individuals charged with domestic assault;

(4) probation and supervised release conditions applicable to individuals convicted of domestic assault;

(5) identifying information on respondents who are or were subject to an order for protection issued under chapter 518B, and the name and birth date of the petitioner and other individuals protected under the order; and

(6) the terms and conditions of these orders for protection.

The commissioner shall report to the legislature on or before February 1, 1991, on the results of the evaluation.

Sec. 7. [APPROPRIATION.]

\$ is appropriated from the general fund to the commissioner of corrections to expand the availability of domestic abuse advocates for battered women under Minnesota Statutes, sections 611A.31 to 611A.36."

Delete the title and insert:

"A bill for an act relating to domestic abuse; authorizing courts to exclude a respondent from the place of employment of a petitioner in an order for protection; clarifying the probable cause arrest provision for violations of orders for protection; authorizing bonds to ensure compliance with orders for protection; authorizing referrals to prosecuting authorities for violations of orders for protection; improving prosecutorial procedures in domestic abuse cases; requiring the commissioner of public safety to study the feasibility and costs of a statewide computerized data base on domestic abuse; requiring a report; appropriating money; amending Minnesota Statutes 1988, sections 518B.01, subdivisions 6, 7, and 14; and 611A.0315, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A."

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

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 1927: A bill for an act relating to education; changing state board of vocational technical education powers; amending Minnesota Statutes 1988, section 136C.04, subdivision 12.

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

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

S.F. No. 2092: A bill for an act relating to cities; regulating financial operations of municipal hospitals; amending Minnesota Statutes 1988, section 412.221, subdivision 16.

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

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

S.F. No. 2156: A bill for an act relating to local government; allowing municipalities to enter into certain contracts to reduce energy and operating costs; amending Minnesota Statutes 1988, section 471.345, by adding a subdivision; repealing Minnesota Statutes 1988, section 471.345, subdivision 9.

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

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

S.F. No. 1980: A bill for an act relating to local government; requiring additional notice of various vacation proceedings; amending Minnesota Statutes 1988, section 368.01, subdivision 25; and Minnesota Statutes 1989 Supplement, section 412.851.

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

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

S.F. No. 1979: A bill for an act relating to local government; permitting towns to publish collections of town ordinances, resolutions, rules, and laws; amending Minnesota Statutes 1988, sections 415.021 and 599.13.

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

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

S.F. No. 1895: A bill for an act relating to education; permitting special school district No. 1 to remodel the Aviation Training Center with federal funds.

Reports the same back with the recommendation that the report from the Committee on Education, shown in the Journal for March 1, 1990, be amended to read:

"the bill do pass and be re-referred to the Committee on Finance". Report adopted.

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

S.F. No. 354: A bill for an act relating to trusts; permitting the creation of custodial trusts; adopting the uniform custodial trust act; proposing coding for new law as Minnesota Statutes, chapter 529.

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

Page 2, after line 3, insert:

"(8) 'Holder of the beneficiary's power of attorney' means a person who is a holder of the beneficiary's unrevoked power of attorney if the document creating the power of attorney grants powers similar or identical to those defined as 'beneficiary transactions' in section 523.24, subdivision 7."

Page 2, line 4, delete "(8)" and insert "(9)"

Page 2, line 6, delete "deficiency" and insert "retardation"

Page 2, line 10, delete "(9)" and insert "(10)"

Page 2, line 12, delete "(10)" and insert "(11)"

Page 2, line 16, delete "(11)" and insert "(12)"

Page 2, line 19, delete "(12)" and insert "(13)"

Page 2, line 23, delete "(13)" and insert "(14)"

Page 2, line 26, delete "(14)" and insert "(15)"

Page 2, line 28, delete "(15)" and insert "(16)"

Page 3, line 16, after "or the" insert "holder of the beneficiary's power of attorney"

Page 3, line 17, delete "conservator of an incapacitated beneficiary"

Page 3, line 19, delete "conservator" and insert "holder of the beneficiary's power of attorney"

Page 5, delete section 5

Page 5, line 19, delete "529.06" and insert "529.05"

Page 5, line 34, delete "7" and insert "6" and delete "15" and insert "14"

Page 5, line 36, delete "529.07" and insert "529.06"

Page 6, line 8, delete "that would be" and insert "set forth in section 501B.10."

Page 6, delete lines 9 and 10

Page 6, line 11, delete "fiduciaries."

Page 6, line 13, delete everything after the period

Page 6, delete lines 14 to 16

Page 7, delete lines 2 to 4

Page 7, line 5, delete "529.08" and insert "529.07"

Page 7, line 12, delete "7" and insert "6"

Page 7, line 13, delete "529.09" and insert "529.08"

Page 7, line 35, delete "529.10" and insert "529.09"

Page 8, line 1, delete "*the custodial*"

Page 8, line 2, delete "*trust was created under section 5, (ii)*"

Page 8, line 4, delete "*(iii)*" and insert "*(ii)*"

Page 8, line 17, delete "*may*" and insert "*must*"

Page 8, line 34, delete "529.11" and insert "529.10"

Page 9, line 16, delete "529.12" and insert "529.11"

Page 10, line 8, delete "529.13" and insert "529.12"

Page 10, line 34, after "*incapacitated,*" insert "*or the holder of the beneficiary's power of attorney,*"

Page 10, line 35, delete everything after the period

Page 10, delete line 36

Page 11, delete lines 1 to 5

Page 11, line 9, delete "*guardian*" and insert "*conservator*"

Page 11, line 13, after "*trustee*" insert "*in accordance with the procedures set forth in sections 501B.16 to 501B.25*"

Page 11, line 31, delete "529.14" and insert "529.13"

Page 12, line 9, delete "529.15" and insert "529.14"

Page 13, after line 13, insert:

"(g) *All proceedings described in this section shall be conducted in accordance with the procedures set forth in sections 501B.16 to 501B.25.*"

Page 13, line 14, delete "529.16" and insert "529.15"

Page 14, line 12, delete "529.17" and insert "529.16"

Page 14, line 16, after "(2)" insert "*to the holder of the beneficiary's power of attorney;*

(3)"

Page 14, line 18, delete "(3)" and insert "(4)"

Page 14, delete lines 19 to 21

Page 14, line 22, delete "*(ii)*" and insert "*(i)*"

Page 14, line 24, delete "*(iii)*" and insert "*(ii)*"

Page 14, line 26, delete "*(iv)*" and insert "*(iii)*"

Page 14, line 36, delete "529.18" and insert "529.17"

Page 16, line 32, delete "*works*" and insert "*words*"

Page 18, line 1, before the headnote, insert “[529.18]”

Page 18, line 14, before the headnote, insert “[529.19]”

Page 18, lines 18 and 19, delete “20” and insert “19”

Renumber the sections in sequence

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

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

S.F. No. 1032: A bill for an act relating to environment; providing reciprocal access to courts and administrative agencies for injuries caused by transboundary pollution; proposing coding for new law in Minnesota Statutes, chapter 543.

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

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 1915: A bill for an act relating to children; establishing a board to plan, coordinate, and oversee early childhood development programs and services; requiring local area planning councils to be established; establishing a technical advisory committee; proposing coding for new law as Minnesota Statutes, chapter 129D; repealing Minnesota Statutes 1989 Supplement, section 256H.25.

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

Page 1, delete line 10

Page 1, line 11, delete “MICOORDINATING” and insert “MINNESOTA COORDINATING”

Page 1, lines 13, 18, and 21, after “*childhood*” insert “*family*”

Page 2, line 2, delete “*childhood/special*” and insert “*childhood family*” and after “*education*” insert “*programs for handicapped children*”

Page 2, lines 4, 7, 20, 25, 29, 32, and 35, after “*childhood*” insert “*family*”

Page 2, line 12, delete “*initially*”

Page 2, delete line 15

Page 2, line 16, delete “*that*”

Page 2, line 17, delete everything after the period

Page 2, delete line 18

Page 2, line 33, delete “*establish and maintain*” and insert “*develop and recommend*”

Page 2, line 34, delete “*promotes*” and insert “*would promote*”

Page 2, line 35, delete “*ensures*” and insert “*could ensure*”

Page 3, line 3, delete “129D.05” and insert “5”

Page 3, lines 10, 13, 19, 21, 25, 26, 29, 31, 33, and 36, after "childhood" insert "family"

Page 3, line 27, delete "129D.06" and insert "6"

Page 4, lines 5, 9, 25, 26, and 28, after "childhood" insert "family"

Page 4, line 23, after "CHILDHOOD" insert "FAMILY"

Page 5, lines 2, 4, 8, 20, and 23, after "childhood" insert "family"

Page 5, line 16, after "CHILDHOOD" insert "FAMILY"

Page 6, line 1, delete "To these ends,"

Page 6, delete lines 2 to 4 and insert:

"Sec. 9. [APPROPRIATION TRANSFER.]

Any unencumbered or unexpended balance remaining in the appropriation to the department of human services and allocated for the use of the governor's council on children and youth shall cancel and is appropriated from the general fund to the department of education for the Minnesota early childhood family coordinating board for fiscal year 1990 for the purposes of sections 1 to 8. The 1990 appropriation does not cancel and is available until June 30, 1991.

The state complement for the Minnesota early childhood family coordinating board is four."

Page 6, line 5, delete "2" and insert "10"

Page 6, line 7, before the period, insert "August 1, 1990" and after the period, insert "Sections 1 to 8 are repealed August 1, 1995."

Sec. 11. [EFFECTIVE DATE.]

Sections 1 to 9 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after "childhood" insert "family"

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 Governmental Operations. Mr. Benson questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1894: A bill for an act relating to environment and natural resources; amending provisions relating to water management organizations; providing legislative commission oversight of the metropolitan water management act; providing for appointment of metropolitan watershed district managers from residents within the district; authorizing management and financing of drainage systems under certain laws; exempting certain water planning and implementation costs in the metropolitan area from levy limits; clarifying water management purposes; authorizing counties to remove watershed district managers for just cause; authorizing a technical advisory committee; requiring watershed management organizations to prepare newsletters, annual reports, and audits; providing for preparation of

watershed plans and implementation of plans; providing penalties for not implementing plans; authorizing and directing the board of water and soil resources to adopt rules; providing for appeal of plan failures; providing for requests for proposals for certain services; authorizing accumulation of levy proceeds; authorizing establishment of a special tax district in certain areas; requiring a draining system report; amending Minnesota Statutes 1988, sections 110B.28; 110B.30; 112.42, subdivision 3, and by adding a subdivision; 473.875; 473.876, by adding a subdivision; 473.877, subdivision 1; 473.878, subdivisions 1, 1a, 2, 3, 4, 8, and by adding subdivisions; 473.879, subdivision 2; 473.881; 473.882, subdivision 1; and 473.883, subdivisions 3 and 7; Minnesota Statutes 1989 Supplement, section 473.883, subdivision 6; Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapters 112 and 473.

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

Page 2, line 1, after "legislative" insert "water" and strike "on Minnesota resources" and delete "and"

Page 2, line 2, delete the new language

Page 2, lines 9 to 11, reinstate the stricken language and delete the new language

Pages 2 to 4, delete section 3

Page 4, line 27, delete "*is encouraged to*" and insert "*shall*"

Page 12, line 11, delete the colon

Page 12, line 12, delete the paragraph coding and delete "(1)"

Page 12, line 13, delete " ; and" and insert a period

Page 12, line 14, delete "(2) that" and insert "(c)"

Page 12, delete line 36 and insert "*shall publish and distribute at least one newsletter or other appropriate written communication each year*"

Page 13, line 1, delete "*the newsletter*"

Page 13, line 5, delete "*annually solicit*"

Page 13, line 6, delete "*requests for proposals*" and insert "*at least every two years solicit interest proposals*"

Page 14, lines 15 and 16, reinstate the stricken language

Page 14, line 23, after the period, insert "*Appeals of the board of water and soil resources determination must be filed in the same manner as appeals under section 112.801.*"

Page 14, lines 23 to 36, reinstate the stricken language

Page 15, line 1, reinstate the stricken language

Page 15, line 14, before the semicolon, insert "*except for activities that improve water quality and quantity management or protect public health, safety, or welfare*"

Page 15, line 17, delete "*shall*" and insert "*may*"

Page 20, line 5, after "*standards*" insert "*for second generation plans*"

Page 23, after line 16, insert:

“Sec. 27. [APPROPRIATION.]

\$ is appropriated to the board of water and soil resources for the purposes of carrying out this act.”

Renumber the sections in sequence

Amend the title as follows:

Page 1, delete lines 6 and 7

Page 1, line 25, after the semicolon, insert “appropriating money;”

Page 1, line 26, delete “subdivision 3, and”

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

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

S.F. No. 2090: A bill for an act relating to towns; regulating maintenance of tunnels; regulating town meetings; providing for town deputy treasurer; amending Minnesota Statutes 1988, sections 160.25, subdivision 3; 365.51, subdivision 1; and 365.58; proposing coding for new law in Minnesota Statutes, chapter 367.

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

Page 1, delete section 1

Page 2, line 16, after “*deputy*” insert “*not currently serving as an elected official of the town*”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “regulating maintenance of tunnels;”

Page 1, line 5, delete “160.25, subdivision 3;”

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2172: A bill for an act relating to waters; requiring the commissioner of natural resources to establish a plan for drought emergencies; creating a drought task force; amending Minnesota Statutes 1989 Supplement, section 473.156, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 105.

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

Delete everything after the enacting clause and insert:

“Section 1. [105.419] [STATEWIDE DROUGHT PLAN.]

The commissioner shall establish a plan to respond to drought-related

emergencies and to prepare a statewide framework for drought response. The plan must consider metropolitan water supply plans of the metropolitan council prepared under section 473.156. The plan must provide a framework for implementing drought response actions in a staged approach related to decreasing levels of flows. Permits issued under section 105.41 must provide conditions on water appropriation consistent with the drought response plan established by this section.

Sec. 2. Minnesota Statutes 1989 Supplement, section 473.156, subdivision 1, is amended to read:

Subdivision 1. [PLAN COMPONENTS.] The metropolitan council shall develop a short-term and long-term plan for existing and expected water use and supply in the metropolitan area. The plan shall be submitted to and reviewed by the state planning agency *and the commissioner of natural resources for consistency with the statewide drought plan under section 1.* At a minimum, the plans must:

(1) update the data and information on water supply and use within the metropolitan area;

(2) identify alternative courses of action, including water conservation initiatives and economic alternatives, in case of drought conditions; ~~and~~

(3) recommend approaches to resolving problems that may develop because of water use and supply; *with consideration must be given to problems that occur outside of the metropolitan area, but which have an effect within the area; and*

(4) be consistent with the statewide drought plan under section 1.

Sec. 3. Minnesota Statutes 1989 Supplement, section 473.156, subdivision 2, is amended to read:

Subd. 2. [COMPLETION AND REPORT.] The short-term plan must be completed by February 1, 1990. The long-term plan must be completed by ~~July 1, 1990~~ *February 1, 1992*, and continually updated as the need arises. The plans must be prepared in consultation with the Army Corps of Engineers, the Leech Lake Reservation business committee, the Mississippi headwaters board, department of natural resources, and the environmental quality board. Both plans must be given to the metropolitan affairs and natural resources committees of the house of representatives and senate, and be available to the public.

Sec. 4. [APPLICATION.]

Sections 2 and 3 apply to the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington."

Delete the title and insert:

"A bill for an act relating to waters; requiring the commissioner of natural resources to establish a plan for drought emergencies; changing the completion date for the metropolitan council's long-term water supply plan; amending Minnesota Statutes 1989 Supplement, section 473.156, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 105."

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2160: A bill for an act relating to education; providing for the environmental education act; creating the office of environmental education; proposing coding for new law as Minnesota Statutes, chapter 126A; repealing Minnesota Statutes 1988, sections 116E.01; 116E.02; 116E.03, subdivisions 2, 3, 4, 5, 6, 7, 7a, 8, and 9; and 116E.04; Minnesota Statutes 1989 Supplement, sections 116E.03, subdivision 1; and 116E.035.

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

Page 1, delete section 1

Page 1, line 21, delete "126A.02" and insert "126A.01"

Page 2, after line 6, insert:

"(5) to understand the potential complimentary nature of multiple uses of the environment;"

Page 2, line 7, delete "(5)" and insert "(6)"

Page 2, line 9, delete "(6)" and insert "(7)"

Page 2, line 11, delete "126A.03" and insert "126A.02"

Page 2, line 17, delete "9" and insert "8"

Page 2, line 25, delete *"environmental quality board"* and insert *"board of water and soil resources"*

Page 2, line 28, after *"members"* insert *"representing diverse interests"*

Page 2, line 30, delete everything after the period

Page 2, line 31, delete *"section,"*

Page 2, line 36, delete "126A.04" and insert "126A.03"

Page 3, line 1, delete *"Subdivision 1. [STAFF; CONSULTANT SUPPORT.]"*

Page 3, line 10, delete "126A.05" and insert "126A.04"

Page 4, line 13, delete "126A.06" and insert "126A.05"

Page 4, line 28, delete "126A.07" and insert "126A.06"

Page 5, line 25, delete "126A.08" and insert "126A.07"

Page 6, line 10, delete "126A.09" and insert "126A.08"

Page 6, line 26, delete "126A.10" and insert "126A.09"

Page 7, line 8, delete "126A.11" and insert "126A.10"

Page 7, line 17, delete "126A.12" and insert "126A.11"

Page 7, line 20, delete "126A.13" and insert "126A.12"

Renumber the sections in sequence

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 2175: A bill for an act relating to crimes; prohibiting wild land arson fires; providing penalties; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Delete everything after the enacting clause and insert:

"Section 1. [609.577] [WILDFIRE ARSON.]

Subdivision 1. [DEFINITIONS.] (a) The definitions in this subdivision apply to this section.

(b) "Wildfire" means a fire that is intentionally set to burn out of control on land of another containing timber, underbrush, grass, or other vegetative combustible material.

Subd. 2. [SETTING WILDFIRES.] A person is guilty of a felony who sets a wildfire.

Subd. 3. [POSSESSION OF FLAMMABLES TO SET WILDFIRES.] (a) Except as provided in paragraph (b), a person is guilty of a felony who possesses a flammable, explosive, or incendiary device, substance, or material with intent to use the device, substance, or material to set a wildfire.

(b) Paragraph (a) does not apply to the authorized use of or possession of an incendiary device, substance, or material by peace officers, fire-fighters, members of the United States armed forces, or wildlife, parks, and forest officers of the state and federal government acting in the performance of their duties.

Subd. 4. [LIABILITY FOR COSTS.] A person who is guilty of violating this section is liable for reimbursement of fire suppression costs and damages in addition to other penalties.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment and applies to crimes committed on or after that date."

Amend the title as follows:

Page 1, line 2, delete "wild land" and insert "wildfire" and delete "fires"

Page 1, line 3, after "providing" insert "criminal" and after "penalties" insert "and liability for fire suppression costs"

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1962: A bill for an act relating to appropriations; canceling an appropriation for a cooperative agreement with the Cuyuna Development Corporation.

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

as follows:

Page 1, after line 5, insert:

"Section 1. Laws 1989, chapter 335, article 4, section 109, subdivision 1, is amended to read:

Subdivision 1. [STATUTORY SECTIONS.] Minnesota Statutes 1988, sections 11A.22; ~~84.0911, subdivisions 1 and 3;~~ 85.051; 89.04; 93.221; 116J.968; 190.26; 344.03; and 469.121, subdivision 1, are repealed. *Minnesota Statutes 1988, section 84.0911, subdivisions 1 and 3, are reenacted.*"

Page 1, delete line 14 and insert:

"This act is effective retroactively to June 3, 1989."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, before the period, insert "; restoring the wild rice management account; amending Laws 1989, chapter 335, article 4, section 109, subdivision 1"

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

Mr. Lessard from the Committee on Environment and Natural Resources, to which was referred

S.F. No. 1925: A bill for an act relating to the environment; changing certain requirements for municipal wastewater treatment grants; amending Minnesota Statutes 1988, sections 116.18, subdivision 3c; 446A.07, subdivision 2; and Minnesota Statutes 1989 Supplement, section 116.16, subdivisions 2 and 5.

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

Page 4, line 11, reinstate the stricken "serving" and after the stricken "two" insert "*less than six*" and reinstate the stricken "dwellings"

Page 4, line 12, reinstate the stricken language

Page 4, line 25, strike "that"

Page 5, lines 5 and 6, delete the new language

Page 5, after line 23, insert:

"Sec. 5. Minnesota Statutes 1988, section 446A.12, subdivision 1, is amended to read:

Subdivision 1. [BONDING AUTHORITY.] The authority may issue negotiable bonds in a principal amount that the authority determines necessary to provide sufficient funds for achieving its purposes, including the making of loans and purchase of securities, the payment of interest on bonds of the authority, the establishment of reserves to secure its bonds, the payment of fees to a third party providing credit enhancement, and the payment of all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers. Bonds of the authority may be issued as bonds or notes or in any other form authorized by law. The principal amount of bonds issued and outstanding under this

section at any time may not exceed ~~\$100,000,000~~ \$150,000,000.

Sec. 6. [EFFECTIVE DATE.]

Section 5 is effective the day following final enactment."

Amend the title as follows:

Page 1, line 4, after the semicolon, insert "increasing bonding authority;"

Page 1, line 5, before "and" insert "446A.12, subdivision 1;"

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

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

S.F. No. 1485: A bill for an act relating to licensed occupations; providing for the licensure of private detectives and protective agents by the commissioner of public safety; requiring the registration of their employees; setting standards and training requirements for the employees of private detectives and protective agents; abolishing the board of private detective and protective agent services; directing the commissioner of public safety to appoint a private detective and protective agent advisory board; providing penalties; amending Minnesota Statutes 1988, sections 214.01, subdivision 3; and 626.88, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 299K; repealing Minnesota Statutes 1988, sections 326.32 to 326.339.

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

Page 2, lines 7 and 20, after "means" insert "*a proprietary guard or*"

Page 2, line 26, after "mean" insert ":

(1)"

Page 2, line 29, delete the period and insert ";

(2) *an auditor, accountant, or accounting clerk performing audits or accounting functions or engaging in internal financial investigations at a financial institution;*

(3) *a person employed to conduct plain-clothes surveillance or investigation to prevent theft in a retail setting;*

(4) *a person temporarily employed under statute or ordinance by a political subdivision to provide protective services at a social function;*

(5) *an employee of an air or rail carrier;*

(6) *a customer service representative or sales clerk employed in a retail establishment;*

(7) *a person employed to perform primarily maintenance or custodial functions; or*

(8) *a person employed as an usher or ticket taker."*

Page 3, line 36, delete "OPERATOR" and insert "GUARD" and delete "operator" and insert "guard"

Page 6, line 26, after "felony" insert ", or a gross misdemeanor listed in clause (2)."

Page 6, line 29, after "be" insert "*any of the following offenses at the felony or gross misdemeanor level: criminal sexual conduct;*"

Page 12, after line 28, insert:

"Subd. 4. [LABOR DISPUTES.] No license holder, in the course of providing protective agent services, may provide armed protective personnel to labor disputes or strike locations. This subdivision does not apply to the use of armed security personnel services utilized in the usual course of business for the protection of persons, property, and payroll."

Page 12, line 29, delete "4" and insert "5"

Page 12, line 30, delete "or 3" and insert "3, or 4"

Page 15, line 25, before the period, insert "*or on any person who fails to comply with a provision of this chapter*"

Page 15, delete lines 33 to 36 and insert:

"Subdivision 1. [APPLICABILITY.] A license holder or an employer of a proprietary guard shall apply for registration of a new employee or guard subject to this section on the day on which the new employee or guard begins work. The application complies with this subdivision if it is mailed on the first day of the employee's or guard's duties."

Page 16, line 2, delete "license" and insert "registration" and delete "an employee" and insert "a person"

Page 16, line 6, after the semicolon, insert "and"

Page 16, line 12, after "misdemeanor" insert "*listed in section 4, subdivision 4,*" and delete everything after "state" and insert a period

Page 16, delete lines 13 and 14

Page 16, line 23, delete everything after "or" and insert "*work authorization*"

Page 16, line 24, delete "status"

Page 17, line 6, delete "one"

Page 17, line 7, delete everything after "commissioner"

Page 17, line 8, delete everything before the semicolon

Page 17, line 9, delete everything after "photographs"

Page 17, line 10, delete "in size"

Page 17, line 19, after the semicolon, insert "and"

Page 17, line 23, delete "; and" and insert a period

Page 17, delete lines 24 to 27

Page 17, line 32, delete "An"

Page 17, delete lines 33 to 36

Page 18, line 18, delete "\$25" and insert "\$3"

Page 18, delete lines 21 to 30 and insert:

"Subdivision 1. [INVESTIGATION.] Within ten days after receiving an application from an applicant's employer, the commissioner shall undertake

a criminal history name check and any other investigation the commissioner determines appropriate. If the investigation discloses information that would disqualify an applicant for registration, the commissioner shall inform the employer, who shall immediately terminate the employee."

Page 19, line 2, delete "four years" and insert "one year"

Page 19, line 3, delete "four-year" and insert "one-year"

Page 19, line 5, delete "\$25" and insert "\$3"

Page 19, line 8, delete everything after "termination"

Page 19, line 9, delete "seven" and insert "30"

Page 20, delete section 18

Page 21, line 1, delete "299K.18" and insert "299K.17" and before "No" insert paragraph coding

Page 21, line 4, after "employees" insert "of license holders"

Page 21, delete section 20 and insert:

"Sec. 19. [EXISTING EMPLOYEES.]

Notwithstanding sections 13 to 15, a person employed as an employee on the effective date of this chapter shall register with the commissioner within 60 days after the effective date. A person employed as an armed employee shall complete the training required for registration as an armed employee within six months of the effective date. A person covered by this section shall, in addition, comply with the continuing training requirements prescribed by the commissioner."

Page 22, line 21, after "326.339" insert "; and Minnesota Statutes 1989 Supplement, sections 326.32, subdivisions 10c and 13; 326.3381, subdivision 1a; and 326.3384, subdivision 1a."

Page 22, line 23, delete "1990" and insert "1991"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, after "employees" insert "and of proprietary guards"

Page 1, line 15, before the period, insert "; Minnesota Statutes 1989 Supplement, sections 326.32, subdivisions 10c and 13; 326.3381, subdivision 1a; and 326.3384, subdivision 1a"

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

Mr. Davis from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 1674: A bill for an act relating to agriculture; providing grasshopper control; authorizing levies; appropriating money; amending Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 18; repealing Minnesota Statutes 1989 Supplement, section 18.0266.

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

Delete everything after the enacting clause and insert:

“Section 1. [18.0228] [CONTROL PROVISIONS.]

Subdivision 1. [PESTICIDE RECOMMENDATIONS.] The commissioner of agriculture, in consultation with the Minnesota extension entomologist, shall prepare a list of registered pesticides and label requirements for use in the grasshopper control program as soon as possible but not later than May 1. The commissioner must recommend pesticides and application methods that will minimize the adverse impact on foraging bees. The pesticides must economically and efficiently control grasshoppers and minimize adverse environmental impacts. Grasshopper control may only be conducted under this chapter with pesticides according to their label requirements. The commissioner shall prescribe the list of pesticides and label requirements and methods to determine grasshopper densities and densities causing economic or potential economic damage by May 1, notwithstanding chapter 14, except section 14.38, subdivisions 7 and 8, must be complied with.

Subd. 2. [INDIVIDUAL NOTICES.] (a) The individual notices required under this chapter for the grasshopper control program must be in the form provided in this subdivision.

(b) The individual notice must be in a form prescribed by the commissioner and state at least the following:

- (1) the legal description of the property covered by the notice to control;*
- (2) the date the notice is issued;*
- (3) the name and work telephone number of the inspector issuing the notice;*
- (4) the grasshopper counts found on the property;*
- (5) the approximate date the grasshoppers on the property will be controlled by the county or municipality if the owner or occupant does not comply with the notice, which must be at least three days after the date the notice was served;*
- (6) that the costs of the control will be a lien and applied against the property's tax roll; and*
- (7) that the owner or occupant may contact the inspector about the notice before the time that the county or the municipality will control grasshoppers, which must be at least three days after the date the notice was served.*

Subd. 3. [EFFECTS ON FORAGING BEES.] (a) Minnesota extension shall hold meetings in each county that has a grasshopper control zone explaining grasshopper control methods and procedures to minimize adverse effects on foraging bees.

(b) The commissioner shall notify all the licensed commercial pesticide applicators, the county extension agents, and licensed pesticide dealers in each county where grasshopper control zones are designated of the location where honeybee colonies are located as registered under section 19.64, subdivision 1, including the names, addresses, and telephone numbers of the owners of the honeybee colonies. Updates on known honeybee location changes will be supplied on a monthly basis. The commissioner shall provide a list of licensed commercial pesticide applicators to the registered

beekeepers in the designated control zones.

(c) Beekeepers shall give oral and written notification to owners and occupants, if other than the owner, and persons applying pesticides of the location of areas where bees are foraging. The written notice must contain the name, address, and telephone number of the beekeeper and the location and owners of fields where the bees forage and where the hives are located. The notice shall include a map of where bee colonies are located and the field where the bees are foraging with the names of the owners.

(d) Beekeepers, owners, and persons applying pesticides must cooperate and consider effects of pesticides on foraging bees and when application can be made causing the least adverse effects on bees.

Subd. 4. [EXEMPTION OF CERTAIN LANDS.] *(a) The commissioner, upon written request from any person or organization, may exempt from grasshopper control measures a parcel of land that the commissioner determines to be of particular scientific or natural significance or is particularly sensitive to the use of insecticides or other control methods being used. The request for exemption must include at least the following:*

(1) the name and address of the person or organization making the request;

(2) the acreage and legal description of the parcel; and

(3) a statement of the specific reasons why an exemption is reasonable.

(b) A decision of the commissioner under paragraph (a) must occur within 48 hours and be in writing and delivered to the person or organization making the request and the clerk of the town in which the property is located. The commissioner, counties, towns, and their agents are not liable for damages from exemptions granted under this subdivision.

(c) The commissioner must offer compensation to adjoining landowners of exempted land.

Subd. 5. [APPEAL OF CONTROL COSTS.] *A person who is required to control grasshoppers and is charged for grasshopper control may appeal the cost of grasshopper control to the county board within 30 days after being charged. The county board shall approve the charge and filing of the lien against the property if it determines that:*

(1) the owner, or occupant if other than the owner, responsible for controlling grasshoppers did not comply with the order of the inspector; and

(2) the grasshopper densities on the property exceeded the densities determined by the commissioner to cause economic or potential economic damage.

Sec. 2. [18.0229] [LIABILITY.]

Subdivision 1. [COUNTIES AND TOWNSHIPS.] *Counties and townships and their agents are not liable for damages from the grasshopper control program for actions conducted in accordance with sections 18.0223 to 18.0228.*

Subd. 2. [LANDOWNERS.] *(a) Notwithstanding other law, a person who has grasshoppers on the person's property in densities greater than the density determined by the commissioner to cause economic or potential economic damage is liable for control costs on and damages caused by the grasshoppers to adjoining property if the person:*

- (1) has not used available methods to control the grasshoppers; or*
- (2) has not made agreements with landowners to compensate them for grasshopper damage.*

(b) An inspector may enter any land to inspect grasshopper densities. If an inspector determines the density of grasshoppers is greater than the density determined by the commissioner to cause economic or potential economic damage, it is presumed that the grasshoppers are the grasshoppers causing damage on adjoining property unless the owner proves otherwise.

Subd. 3. [FORAGING BEES.] Sections 18.0223 to 18.0228 do not provide any liability for damages to foraging bees and it is a complete defense to liability under other law if:

- (1) damage relating to foraging bees is incurred while the bees are foraging on a person's property without permission;*
- (2) the beekeeper has not notified the property owner where the bees are foraging as provided in section 1; or*
- (3) the bees are not registered as provided in section 19.64 or the beekeeper does not have a written agreement to keep bees on property not owned by the beekeeper.*

Sec. 3. [18.205] [PUBLIC UTILITY EASEMENTS.]

(a) For property that is subject to a public utility easement, the person controlling the surface of the land other than the holder of the public utility easement is the person responsible for control of noxious weeds and plant pests under this chapter.

(b) For purposes of this section, a "public utility easement" means an easement used for the purposes of transmission, distribution, furnishing at wholesale or retail natural or manufactured gas, or electric or telephone service, by a public utility as defined in section 216B.02, subdivision 4, a cooperative electric association organized under chapter 308A, a telephone company as defined in section 237.01, subdivisions 2 and 3, or a municipality producing or furnishing gas, electric, or telephone service.

Sec. 4. Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5, is amended to read:

Subd. 5. Notwithstanding any other law to the contrary for taxes levied in 1989 payable in 1990 and subsequent years, "special levies" means those portions of ad valorem taxes levied by governmental subdivisions to:

(a) for taxes levied in 1990, payable in 1991 and subsequent years, pay the costs not reimbursed by the state or federal government, of payments made to or on behalf of recipients of aid under any public assistance program authorized by law, and the costs of purchase or delivery of social services. The aggregate amounts levied under this clause for the costs of purchase or delivery of social services and income maintenance programs, other than those identified in section 273.1398, subdivision 1, paragraph (i), are subject to a maximum increase over the amount levied for the previous year of 12 percent for counties within the metropolitan area as defined in section 473.121, subdivision 2, or counties outside the metropolitan area but containing a city of the first class, and 15 percent for other counties. For purposes of this clause, "income maintenance programs" include income maintenance programs in section 273.1398, subdivision 1, paragraph (i),

to the extent the county provides benefits under those programs over the statutory mandated standards. Effective with taxes levied in 1990, the portion of this special levy for human service programs identified in section 273.1398, subdivision 1, paragraph (i), is eliminated;

(b) pay the costs of principal and interest on bonded indebtedness except on bonded indebtedness issued under section 471.981, subdivisions 4 to 4c, or to reimburse for the amount of liquor store revenues used to pay the principal and interest due in the year preceding the year for which the levy limit is calculated on municipal liquor store bonds;

(c) pay the costs of principal and interest on certificates of indebtedness, except tax anticipation or aid anticipation certificates of indebtedness, issued for any corporate purpose except current expenses or funding an insufficiency in receipts from taxes or other sources or funding extraordinary expenditures resulting from a public emergency; and to pay the cost for certificates of indebtedness issued pursuant to sections 298.28 and 298.282;

(d) fund the payments made to the Minnesota state armory building commission pursuant to section 193.145, subdivision 2, to retire the principal and interest on armory construction bonds;

(e) provide for the bonded indebtedness portion of payments made to another political subdivision of the state of Minnesota;

(f) pay the amounts required, in accordance with section 275.075, to correct for a county auditor's error of omission but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(g) pay amounts required to correct for an error of omission in the levy certified to the appropriate county auditor or auditors by the governing body of a city or town with statutory city powers in a levy year, but only to the extent that when added to the preceding year's levy it is not in excess of an applicable statutory, special law or charter limitation, or the limitation imposed on the governmental subdivision by sections 275.50 to 275.56 in the preceding levy year;

(h) pay amounts required by law to be paid to pay the interest on and to reduce the unfunded accrued liability of public pension funds in accordance with the actuarial standards and guidelines specified in sections 356.215 and 356.216 reduced by 106 percent of the amount levied for that purpose in 1976, payable in 1977. For the purpose of this special levy, the estimated receipts expected from the state of Minnesota pursuant to sections 69.011 to 69.031 or any other state aid expressly intended for the support of public pension funds shall be considered as a deduction in determining the required levy for the normal costs of the public pension funds. No amount of these aids shall be considered as a deduction in determining the governmental subdivision's required levy for the reduction of the unfunded accrued liability of public pension funds;

(i) to compensate the state for the cost of a reassessment ordered by the commissioner of revenue pursuant to section 270.16;

(j) pay the debt service on tax increment financing revenue bonds to the extent that revenue to pay the bonds or to maintain reserves for the bonds is insufficient as a result of the provisions of Laws 1988, chapter 719,

article 5;

(k) pay the cost of hospital care under section 261.21;

(l) pay the unreimbursed costs incurred in the previous year to satisfy judgments rendered against the governmental subdivision by a court of competent jurisdiction in any tort action, or to pay the costs of settlements out of court against the governmental subdivision in a tort action when substantiated by a stipulation for the dismissal of the action filed with the court of competent jurisdiction and signed by both the plaintiff and the legal representative of the governmental subdivision, provided that an appeal for the unreimbursed costs under this clause was approved by the commissioner of revenue under section 275.51, subdivision 3;

(m) pay the expenses reasonably and necessarily incurred in preparing for or repairing the effects of natural disaster including the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from natural causes such as earthquake, fire, flood, wind storm, wave action, oil spill, water contamination, air contamination, or drought in accordance with standards formulated by the emergency services division of the state department of public safety, provided that an appeal for the expenses incurred under this clause were approved by the commissioner of revenue under section 275.51, subdivision 3;

(n) pay a portion of the losses in tax receipts to a city due to tax abatements or court actions in the year preceding the current levy year, provided that an appeal for the tax losses was approved by the commissioner of revenue under section 275.51, subdivision 3. This special levy is limited to the amount of the losses times the ratio of the nonspecial levies to total levies for taxes payable in the year the abatements were granted. County governments are not authorized to claim this special levy;

(o) pay the operating cost of regional library services authorized under section 134.34, subject to a maximum increase over the previous year of the greater of (1) 103 percent multiplied by one plus the percentage increase determined for the governmental subdivision under section 275.51, subdivision 3h, clause (b), or (2) six percent. If a governmental subdivision elected to include some or all of its levy for libraries within its adjusted levy limit base in the prior year, but elects to claim the levy as a special levy in the current levy year, the allowable increase is determined by applying the greater percentage determined under clause (1) or (2) to the total amount levied for libraries in the prior levy year. After levy year 1989, the increase must not be determined using a base amount other than the amount that could have been levied as a special levy in the prior year. In no event shall the special levy be less than the minimum levy required under sections 134.33 and 134.34, subdivisions 1 and 2;

(p) pay the amount of the county building fund levy permitted under section 373.40, subdivision 6;

(q) pay the county's share of the costs levied in 1989, 1990, and 1991 for the Minnesota cooperative soil survey under Minnesota Statutes 1988, section 40.07, subdivision 15;

(r) for taxes levied in 1989, payable in 1990 only, pay the cost incurred for the minimum share required by counties levying for the first time under section 134.34 as required under section 134.341. For taxes levied in 1990, and thereafter, counties levying under this provision must levy under clause (o), and their allowable increase must be determined with reference to the

amount levied in 1989 under this paragraph;

(s) for taxes levied in 1989, payable in 1990 only, provide an amount equal to 50 percent of the estimated amount of the reduction in aids to a county under sections 273.1398, subdivision 2, paragraph (d), and 477A.012, subdivision 3, for aids payable in 1990;

(t) for taxes levied in 1990 only by a county in the eighth judicial district, provide an amount equal to the amount of the levy, if any, that is required under Laws 1989, chapter 335, article 3, section 54, subdivision 8;

(u) for taxes levied in 1989, payable in 1990 only, pay the costs not reimbursed by the state or federal government:

(i) for the costs of purchase or delivery of social services. The aggregate amounts levied under this item are subject to a maximum increase over the amount levied in the previous year of 12 percent for counties within the metropolitan area as defined in section 473.121, subdivision 2, or counties outside the metropolitan area but containing a city of the first class, and 15 percent for other counties.

(ii) for payments made to or on behalf of recipients of aid under any public assistance program authorized by law. The aggregate amounts levied under this item are subject to a maximum increase over the amount levied in the previous year of 12 percent and must be used only for the public assistance programs; and.

If the amount levied in 1989 under this paragraph is less than the actual expenditures needed for these programs for 1990, the difference between the actual expenditures and the amount levied may be levied in 1990 as a special levy. If the amount levied in 1989 under this paragraph is greater than the actual expenditures needed for these programs for 1990, the difference between the amount levied and the actual expenditures shall be deducted from the 1990 levy limit, payable in 1991;

(v) pay an amount of up to 25 percent of the money sought for distribution and approved under section 115A.557, subdivision 3, paragraph (b), clause (3); and

(w) for taxes levied in 1990, payable in 1991 only, provide an amount equal to the expenditure by a county in 1989, 1990, and 1991 for the purpose of grasshopper control; and, for taxes levied in 1991 only, provide an amount equal to the expenditure by a county in 1992 for the purpose of grasshopper control.

If the amount levied in 1989 is less than the actual expenditures needed for these programs for 1990, the difference between the actual expenditures and the amount levied may be levied in 1990 as a special levy. If the amount levied in 1989 is greater than the actual expenditures needed for these programs for 1990, the difference between the amount levied and the actual expenditures shall be deducted from the 1990 levy limit, payable in 1991.

Sec. 5. [COUNTIES; TAX ANTICIPATION NOTES.]

A county board may, by resolution, issue and sell certificates of indebtedness in anticipation of the collection of the taxes authorized to be levied as special levies under Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5, clause (w). The face amount of the certificates may not exceed the amount authorized under that paragraph. Issuance of

the certificates is subject to Minnesota Statutes 1989 Supplement, section 383.06, except that any county that levies under Minnesota Statutes Second 1989 Supplement, section 275.50, subdivision 5, clause (w), may issue the certificates, and the limitations on the amount of certificates that may be issued do not apply.

Sec. 6. [GRASSHOPPER CONTROL APPROPRIATION.]

Subdivision 1. [APPROPRIATION.] \$2,500,000 is appropriated from the general fund to the commissioner of finance to pay grasshopper control costs in 1989 and 1990.

Subd. 2. [REIMBURSEMENT.] The commissioner of finance shall reimburse counties for up to 50 percent of the county and town costs of grasshopper control in 1989 in the grasshopper control zone. Towns shall certify and submit actual costs to the county treasurer by July 1, 1990. The counties shall certify their costs and submit county and town costs to the commissioner of finance by August 1, 1990. The commissioner shall reimburse counties and towns up to 50 percent of their costs from the appropriation.

Sec. 7. [REPEALER.]

Minnesota Statutes 1989 Supplement, section 18.0226, is repealed.

Sec. 8. [EFFECTIVE DATE.]

Section 4 is effective for taxes levied in 1990 and 1991. Sections 1 to 3 and 5 are effective the day following final enactment."

Amend the title as follows:

Page 1, line 3, after "control;" insert "authorizing the commissioner to exempt certain lands from grasshopper control; exempting certain persons from losses relating to grasshopper control; clarifying when public utilities are subject to grasshopper control; providing for notices for control and approval of grasshopper control costs;"

Page 1, line 7, delete "18.0266" and insert "18.0226"

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

Mr. Frank from the Committee on Economic Development and Housing, to which was referred

S.F. No. 2281: A bill for an act relating to port authorities; allowing a port authority to use foreign trade zone powers, if granted, outside its port district; amending Minnesota Statutes 1988, section 469.059, subdivision 14.

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

Mr. Frank from the Committee on Economic Development and Housing, to which was referred

S.F. No. 2303: A bill for an act relating to economic development; establishing a board of invention; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

and be re-referred to the Committee on Governmental Operations. Report adopted.

Mr. Frank from the Committee on Economic Development and Housing, to which was referred

S.F. No. 2219: A bill for an act relating to towns; providing for state participation in sewer and water development; providing for the issuance of state bonds; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 116J.

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

Delete everything after the enacting clause and insert:

"Section 1. [SMALL CITY AND TOWN SEWER AND WATER FINANCING STUDY.]

The legislative task force on small city and town sewer and water financing is composed of three members of the senate appointed by the subcommittee on committees of the senate rules and administration committee and three members of the house of representatives appointed by the speaker of the house. The Minnesota public facilities authority, the pollution control agency, and the department of health shall advise and assist the task force. The task force shall study and report to the legislature by January 15, 1991, recommendations for financing small city and town sewer and water improvements. The recommendations must not include state appropriations or the sale of state general obligation bonds to pay for these improvements, but may consider the use of state revenue bonds payable from the proceeds of city or town taxes, special assessments, user charges, or a combination of these revenue sources. The recommendations must consider the areas of the state where financial assistance is needed because of the following factors:

- (1) city or town tax resources;*
- (2) city or town special assessment resources;*
- (3) concentration of population and other demographic characteristics of the cities or towns;*
- (4) contributions of a city or town to the provision of the improvements;*
- (5) environmental considerations;*
- (6) relative public health hazards;*
- (7) relative needs of various eligible cities or towns;*
- (8) limited or contaminated potable water supplies; and*
- (9) other criteria that the task force determines are appropriate.*

The task force expires January 15, 1991.

Sec. 2. [APPROPRIATION.]

\$10,000 is appropriated from the general fund to the task force on small city and town sewer and water financing."

Amend the title as follows:

Page 1, delete lines 2 to 6 and insert "relating to cities and towns;

establishing a task force on small city and town sewer and water financing; appropriating money.”

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

S.F. No. 2208: A bill for an act relating to crimes; making it a crime for an alleged or adjudicated juvenile delinquent who is 18 years old to escape from a local juvenile correctional facility; amending Minnesota Statutes 1988, section 609.485, subdivisions 2 and 4.

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

Page 1, after line 7, insert:

“Section 1. Minnesota Statutes 1988, section 260.015, subdivision 5, is amended to read:

Subd. 5. [DELINQUENT CHILD.] “Delinquent child” means a child:

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

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

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

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

Sec. 2. Minnesota Statutes 1989 Supplement, section 260.125, subdivision 3, is amended to read:

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

(1) is alleged by delinquency petition to have committed an aggravated felony against the person and (a) in committing the offense, the child acted with particular cruelty or disregard for the life or safety of another; or (b) the offense involved a high degree of sophistication or planning by the juvenile; or

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

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

(4) has been found by the court, pursuant to an admission in court or

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

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

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

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

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

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

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

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

Page 1, line 13, strike "of the"

Page 1, line 14, strike "commissioner of corrections"

Page 1, delete lines 16 to 18

Page 1, line 19, reinstate the stricken "(2)" and delete "(3)"

Page 1, line 23, reinstate the stricken "(3)" and delete "(4)"

Page 1, line 26, reinstate the stricken "(4)" and delete "(5)"

Page 2, line 24, strike "of the commissioner of corrections"

Page 2, delete lines 28 to 32

Page 2, line 33, reinstate the stricken "(4)" and delete "(5)"

Page 2, line 36, reinstate the stricken "(5)" and delete "(6)"

Page 3, line 4, reinstate the stricken "and" and delete ", and (5)"

Page 3, line 5, reinstate the stricken "(6)" and delete "(7)"

Page 3, line 10, reinstate the stricken language and delete the new language

Page 3, line 20, delete "(9)" and insert "(8)" and delete "(7)" and insert "(6)"

Page 3, line 31, delete "1 and 2" and insert "3 and 4"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "providing that it is a prima facie case for reference for prosecution as an adult if a child is alleged to have committed a felony offense as part of, or subsequent to, the delinquent act of escape from confinement to a local juvenile correctional facility;"

Page 1, line 5, delete "section" and insert "sections 260.015, subdivision 5; and"

Page 1, line 6, before the period, insert "; and Minnesota Statutes 1989 Supplement, section 260.125, subdivision 3"

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

Mr. Davis from the Committee on Agriculture and Rural Development, to which was referred

S.F. No. 2127: A bill for an act relating to forestry; implementing a statewide program to encourage maintenance and expansion of community and urban forests; assigning responsibilities to various state agencies and municipalities.

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

Pages 1 and 2, delete section 1

Page 2, line 2, before the headnote, insert "[17.86]"

Page 2, line 11, delete "*Minnesota department*" and insert "*commissioner*"

Page 2, line 13, after "*state*" insert a semicolon

Page 2, line 14, delete "*thereof*" and insert "*of trees*"

Page 2, line 15, after "*settings*" delete the comma

Page 2, line 16, after "*University*" insert "*of Minnesota*"

Page 2, line 17, delete "*department of agriculture*" and insert "*commissioner*" and delete "*also*"

Page 2, line 21, delete "*department*" and insert "*commissioners*" and after "*of*" insert "*agriculture, education, natural resources, and*"

Page 2, line 28, delete "*In addition,*" and delete "*department of agriculture*" and insert "*commissioner*"

Page 2, line 29, delete "*serve as a clearing house*" and insert "*establish an information source*"

Page 2, line 30, delete "*matching up*" and insert "*to match*"

Page 2, line 32, delete "*department*" and insert "*commissioner*"

Page 2, line 35, delete the second "*department*" and insert "*commissioner of transportation*"

Page 2, line 36, delete "*also*"

Page 3, line 2, delete "*place of unsightly*" and insert "*conjunction with*"

Page 3, line 3, after "*SCHOOL*" insert "*ARBOR DAY*" and delete "*departments*" and insert "*commissioners*"

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 17"

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. 1895 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.
1895	1917				

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. Merriam from the Committee on Finance, to which was referred the following appointment as reported in the Journal for February 12, 1990:

DEPARTMENT OF FINANCE
COMMISSIONER

Peter Hutchinson

Reports the same back with the recommendation that the appointment be confirmed.

Mr. Moe, R.D. moved that the foregoing committee report be laid on the table. The motion prevailed.

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

S.F. No. 1835: A bill for an act relating to health; requiring insurers to provide medical malpractice insurance premium discounts to qualifying physicians; requiring the commissioner of health to purchase vaccine for resale to medical providers at discounted prices; declaring the goal of the legislature to achieve full funding for the WIC program by 1993; establishing additional responsibilities of the commissioner of health relating to the WIC program; requiring the commissioner of human services to seek federal approval to eliminate eligibility redeterminations for certain pregnant women and infants; expanding eligibility for the children's health plan to include certain pregnant women and children up to age six; increasing medical assistance income limits for pregnant women and children up to age seven; increasing payment rates for prenatal care and delivery services; requiring a plan to improve utilization rates for prenatal care and preventive care for children; expanding the prenatal care media outreach campaign; requiring the boards of medical examiners and nursing to report on complaints relating to obstetrics, gynecology, prenatal care, and delivery; appropriating money; amending Minnesota Statutes 1988, sections 214.07, subdivision 1, and by adding a subdivision; and 256.936, by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 145.894; 256.936, subdivision 1; 256B.04, subdivision 17; and 256B.057, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 60A and 144.

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

Page 1, line 35, delete "20" and insert "21"

Page 2, line 12, before "services" insert "obstetrical"

Pages 2 to 4, delete sections 4 to 8 and insert:

"Sec. 4. [60A.43] [MEDICAL MALPRACTICE INSURANCE PREMIUM DISCOUNT.]

Subdivision 1. [APPLICATION.] A professional nurse-midwife or physician whose medical practice includes obstetrics may apply to an insurer for a medical malpractice insurance premium discount. The insurer shall give the premium discount to physicians and nurse-midwives qualifying for the discount as provided in subdivision 2.

Subd. 2. [QUALIFICATION.] A physician or nurse-midwife qualifies for a premium discount for medical malpractice insurance coverage if:

(1) at least 20 percent of the projected patient encounters of the physician

or nurse-midwife during the policy year consist of qualifying obstetrical services;

(2) the physician or nurse-midwife completes 15 hours of continuing education during the term of the policy on patient safety and risk reduction subjects related to the physician's or nurse-midwife's obstetrical practice that are approved by the board of medical examiners, for physicians, and the board of nursing, for professional nurse-midwives, in consultation with the commissioner of health; and

(3) the physician or nurse-midwife submits an application to the insurer no later than 30 days before the beginning of the term of the policy, stating that the physician or nurse-midwife qualifies for a premium discount under this section.

Subd. 3. [PREMIUM DISCOUNT APPROVAL.] The commissioner shall approve premium discounts to be used by each insurer. The commissioner shall base the approved discounts upon loss and statistical data provided by each insurer.

Sec. 5. [60A.44] [VERIFICATION.]

Subdivision 1. [PROCEDURE.] The commissioner of commerce, with the assistance of the commissioner of human services and the commissioner of health, shall establish a verification procedure for determining if the physician or nurse-midwife provided the qualifying services necessary to qualify for the premium discount during the preceding policy year.

Subd. 2. [PENALTY CHARGE.] If a physician or nurse-midwife did not provide qualifying services in 20 percent or more of patient encounters during the preceding policy year, the insurer may charge the physician or nurse-midwife an amount equal to the difference between the premium paid and the premium that would have been due if the physician or nurse-midwife had not received the premium discount plus 20 percent of the amount of the total premium that would have been due without the premium discount.

Subd. 3. [EXEMPTION.] If a physician or nurse-midwife who has received the premium discount for the policy year submits the difference between the premium paid and the premium that would have been due if the physician or nurse-midwife had not received the premium discount plus six percent interest on the unpaid premium prior to 30 days before the expiration of the policy year, the physician or nurse-midwife will not be subject to the penalty authorized under subdivision 2.

Sec. 6. [60A.45] [INSURER PROHIBITIONS.]

An insurer shall not cancel or refuse to renew a physician's or nurse-midwife's medical malpractice insurance coverage solely on the basis that the physician or nurse-midwife is eligible for a premium discount.

Sec. 7. [60A.46] [RULES.]

The commissioner shall adopt rules to implement the duties specified in sections 4 and 5.

Sec. 8. [144.062] [VOLUME PURCHASE OF VACCINE FOR SALE TO MEDICAL CARE PROVIDERS.]

The commissioner of administration, after consulting the commissioner of health, shall purchase vaccine, under section 16B.07, directly from

manufacturers at reduced prices and offer it for sale to medical care providers at the department's cost plus a fee for administrative costs. As a condition of purchasing the vaccine at a reduced cost, a medical care provider must agree to pass on the savings to patients. The commissioner of health may reallocate money appropriated for other department of health programs and transfer the reallocated money to the commissioner of administration for the initial cost of purchasing vaccine, provided the money is repaid by the end of each state fiscal year and the commissioner of finance approves the reallocation and transfer. Proceeds from the sale of vaccines to medical care providers are appropriated to the commissioner of health, except that fees collected for the administrative costs of the department of administration are appropriated to the commissioner of administration. If the commissioner of administration, in consultation with the commissioner of health, determines that a volume purchasing program is not economically feasible or cost effective, the commissioner may elect not to implement the program, but shall provide a report to the legislature that explains the reasons for the decision."

Page 5, line 9, delete "must" and insert "shall"

Page 11, line 35, delete "must" and insert "shall"

Page 12, after line 22, insert:

"Sec. 20. [LEGISLATIVE RECOMMENDATIONS.]

The commissioner of commerce shall review and report on the medical malpractice insurance premium discounts authorized under sections 3 to 7 to the legislature by January 1, 1991."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, after "physicians" insert "and professional nurse-midwives"

Page 1, line 5, delete "health" and insert "administration"

Page 1, line 25, after "delivery;" insert "requiring a report;"

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

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

S.F. No. 2204: A bill for an act relating to human services; establishing requirements, procedures, and incentives for child support and medical support enforcement; appropriating money; amending Minnesota Statutes 1988, sections 171.07, subdivision 1a; 518.551, subdivisions 1 and 5; 518.611, subdivisions 1, 2, 8, 8a, and by adding a subdivision; 518C.02, by adding subdivisions; 518C.03; 518C.05; 518C.09; 518C.12; 518C.27, subdivision 1; and Minnesota Statutes 1989 Supplement, sections 256.74, subdivision 1; 518.551, subdivision 10; 518.611, subdivision 4; 518.613, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 256.

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

Page 6, lines 19, 22, and 26, after "each" insert "additional"

Page 6, after line 26, insert:

"(d) Bonus payments according to paragraphs (a) to (c) are limited to one bonus for each covered person each time the county agency identifies previously unidentified health insurance coverage."

Page 6, after line 35, insert:

"Sec. 4. Minnesota Statutes 1989 Supplement, section 257.57, subdivision 1, is amended to read:

Subdivision 1. A child, the child's biological mother, or a man presumed to be the child's father under section 257.55, subdivision 1, clause (a), (b), or (c) may bring an action:

(a) At any time for the purpose of declaring the existence of the father and child relationship presumed under section 257.55, subdivision 1, clause (a), (b), or (c); or

(b) Within three years after the child's birth for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, clause (a), (b), or (c). However, if the presumed father was divorced from the child's mother ~~after service by publication~~, and, if, on or before the 280th day after the judgment and decree of divorce or dissolution became final, he did not know that the child was born during the marriage or within 280 days after the marriage was terminated, the action is not barred until one year after the child reaches the age of majority. After the presumption has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party."

Page 7, lines 7 to 11, delete the new language and insert *"Public authorities responsible for child support enforcement may act on behalf of other public authorities responsible for child support enforcement. This includes the authority to represent the legal interests of or execute documents on behalf of the other public authority in connection with the establishment, enforcement, and collection of child support, maintenance, or medical support, and collection on judgments."*

Page 9, line 10, delete *"expense reimbursement or"*

Page 9, line 18, after *"including"* insert *"in-kind income and"*

Page 12, line 32, delete everything after *"birth"*

Page 12, delete line 33

Page 12, line 34, delete *"a holder;"*

Page 14, delete lines 2 to 6 and insert:

"(f) Absent a court order to the contrary, if an arrearage exists at the time an order for ongoing support or maintenance would otherwise terminate, income withholding shall continue in effect in an amount equal to the former support or maintenance obligation plus an additional amount equal to 20 percent of the monthly child support obligation, until all arrears have been paid in full."

Page 14, line 17, before the first *"The"* insert *"When issuing an order under this subdivision,"*

Page 14, lines 17 and 18, delete *"and the financial institution or other entity holding funds"*

Page 14, line 19, after "*the*" insert "*account numbers and the financial institutions for all accounts of which the obligor is a holder, and shall order the obligor and the financial institution or other entity holding funds to advise the public authority responsible for child support enforcement of the*"

Page 14, line 20, after "*account*" insert a comma

Page 16, line 34, delete everything after "*birth*"

Page 16, delete line 35

Page 20, line 31, delete "6" and insert "7"

Page 20, line 32, after the period, insert "*Section 4 is effective the day following final enactment and applies to actions brought after January 1, 1986.*"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, after "1;" insert "257.57, subdivision 1;"

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

Mr. Pehler from the Committee on Education, to which was referred

S.F. No. 365: A bill for an act relating to education; establishing a state system of post-secondary vocational technical education; amending Minnesota Statutes 1988, sections 43A.08, subdivision 1; 136C.02, subdivision 5; 136C.04, subdivisions 2, 3, 5, 12, 13, 14, and by adding a subdivision; 136C.08, subdivision 1; 136C.15; 136C.26, subdivision 5; 136C.31, subdivision 1; 136C.41, by adding a subdivision; 136C.42, subdivisions 3 and 4; 136C.44; 179A.10, subdivisions 1 and 2; and 275.125, subdivision 14a; proposing coding for new law in Minnesota Statutes, chapter 136C; repealing Minnesota Statutes 1988, sections 136C.02, subdivisions 6, 7, 8, and 9; 136C.04, subdivision 16; 136C.041; 136C.05; 136C.07, subdivisions 1, 2, 3, 4, 5, 5a, and 6; 136C.25; 136C.29; 136C.36; 136C.60; 136C.61; 136C.62; 136C.63; 136C.64; 136C.65; 136C.66; 136C.67; 136C.68; and 136C.69.

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 1989 Supplement, section 43A.08, subdivision 1, is amended to read:

Subdivision 1. [UNCLASSIFIED POSITIONS.] Unclassified positions are held by employees who are:

(a) chosen by election or appointed to fill an elective office;

(b) heads of agencies required by law to be appointed by the governor or other elective officers, and the executive or administrative heads of departments, bureaus, divisions, and institutions specifically established by law in the unclassified service;

(c) deputy and assistant agency heads and one confidential secretary in the agencies listed in subdivision 1a;

(d) the confidential secretary to each of the elective officers of this state and, for the secretary of state, state auditor, and state treasurer, an additional deputy, clerk, or employee;

(e) intermittent help employed by the commissioner of public safety to assist in the issuance of vehicle licenses;

(f) employees in the offices of the governor and of the lieutenant governor and one confidential employee for the governor in the office of the adjutant general;

(g) employees of the Washington, D.C., office of the state of Minnesota;

(h) employees of the legislature and of legislative committees or commissions; provided that employees of the legislative audit commission, except for the legislative auditor, the deputy legislative auditors, and their confidential secretaries, shall be employees in the classified service;

(i) presidents, vice-presidents, deans, other managers and professionals in academic and academic support programs, administrative or service faculty, teachers, research assistants, and student employees eligible under terms of the federal economic opportunity act work study program in the school and resource center for the arts, state universities and, community colleges, and technical colleges, but not the custodial, clerical, or maintenance employees, or any professional or managerial employee performing duties in connection with the business administration of these institutions;

(j) officers and enlisted persons in the national guard;

(k) attorneys, legal assistants, examiners, and three confidential employees appointed by the attorney general or employed with the attorney general's authorization;

(l) judges and all employees of the judicial branch, referees, receivers, jurors, and notaries public, except referees and adjusters employed by the department of labor and industry;

(m) members of the state patrol; provided that selection and appointment of state patrol troopers shall be made in accordance with applicable laws governing the classified service;

(n) chaplains employed by the state;

(o) examination monitors and intermittent training instructors employed by the departments of employee relations and commerce and by professional examining boards;

(p) student workers;

(q) one position in the hazardous substance notification and response activity in the department of public safety;

(r) employees unclassified pursuant to other statutory authority; and

(s) intermittent help employed by the commissioner of agriculture to perform duties relating to pesticides, fertilizer, and seed regulation.

Sec. 2. [136C.011] [VOLUNTARY STATE TECHNICAL SYSTEM.]

Subdivision 1. [ESTABLISHMENT.] By July 1, 1991, the state board of vocational technical education shall establish a state system of technical colleges. The colleges transferred to the system shall be under the management, jurisdiction, and control of the state board.

Subd. 2. [RESOLUTION FOR SCHOOL BOARD TRANSFER.] A school board that operates a technical college or that is a member of an intermediate school district or a joint district shall conduct a public hearing on the issue of transferring the technical college to the state system. Any person shall have an opportunity to present testimony at the hearing. At a regular school board meeting after the hearing, each school board shall vote on a resolution to transfer the technical college to the state system. In the case of an intermediate school district or a joint district, resolutions adopted by a majority of the member school districts of the intermediate school district or joint district shall be effective to transfer the technical college. Each school board shall notify the chancellor by December 1, 1990, whether or not it has adopted a resolution to transfer. A school board may reconsider a resolution not to transfer a college at any time. Upon reconsideration by a member of an intermediate school district or joint district, all members shall vote on a resolution.

Subd. 3. [APPLICABLE LAWS.] Sections 1, 9, 12, 15, 17, 18, 19, 20, 21, 22, and 23 apply to a technical college in the state system.

Sec. 3. Minnesota Statutes 1988, section 136C.02, subdivision 5, is amended to read:

Subd. 5. [STATE DIRECTOR CHANCELLOR.] "State director" "Chancellor" means the ~~state director~~ head of vocational technical education.

Sec. 4. Minnesota Statutes 1989 Supplement, section 136C.04, subdivision 2, is amended to read:

Subd. 2. [APPOINTMENT OF STATE DIRECTOR CHANCELLOR.] The state board shall appoint a ~~state director of chancellor~~ for vocational technical education who shall serve in the unclassified service. The ~~state director chancellor~~ shall be qualified by training and experience in the field of education, vocational education, or administration. The ~~state director chancellor~~ shall possess powers and perform duties as delegated by the state board. The state board shall set the salary of the ~~state director chancellor~~.

Sec. 5. Minnesota Statutes 1988, section 136C.04, subdivision 3, is amended to read:

Subd. 3. [STAFF EMPLOYEES.] The state board shall employ all ~~subordinate~~ staff for the board and prescribe their duties consistent with chapter 43A. It shall appoint and establish salaries for state campus presidents and instructional and noninstructional staff employed by the state.

Sec. 6. Minnesota Statutes 1988, section 136C.04, subdivision 13, is amended to read:

Subd. 13. [CLOSING AUTHORITY.] The state board, after consultation with the affected school board, may require that school board to discontinue operation of its technical institute or close technical colleges under its jurisdiction. Before closing a technical college the state board shall first hold a public hearing on the issue in ~~that~~ the geographic area affected by the closing. Affected parties shall have an opportunity to present testimony. At the request of the school board, The hearing shall be conducted by an administrative law judge of the office of administrative hearings. The administrative law judge shall prepare a summary of testimony for the state board. The state board shall publish notice in the State Register and in a newspaper of general circulation in the geographic area at least 30 days before the scheduled hearing. Closing of a college must be approved by

specific legislative act.

Sec. 7. Minnesota Statutes 1988, section 136C.04, subdivision 14, is amended to read:

Subd. 14. [REORGANIZATION.] The state board, after consulting with the affected school boards, may merge or reorganize institutes or establish regional service areas for the purpose of increased efficiency, use of personnel, placement of programs, student access, and other needs as determined by the state board. *A merger or reorganization of colleges must be approved by specific legislative act.*

Sec. 8. Minnesota Statutes 1988, section 136C.04, is amended by adding a subdivision to read:

Subd. 20. [ADVISORY COMMITTEES.] *The state board shall appoint an advisory committee for each technical college. Committee members must be residents of the geographic area served by the technical college. The advisory committee shall be composed of qualified people who have knowledge of and interest in technical education in the geographic area served by the technical college.*

Sec. 9. [136C.044] [PURCHASE OF TECHNICAL EQUIPMENT.]

Technical educational equipment may be procured for technical colleges on request of the state board of vocational technical education either by brand designation or in accordance with standards and specifications the board may adopt, notwithstanding chapter 16B to the contrary.

Sec. 10. [136C.046] [APPLICATION OF PELRA.]

Chapter 179A applies to the state board of vocational technical education and the technical college instructional unit.

Sec. 11. Minnesota Statutes 1989 Supplement, section 136C.08, subdivision 1, is amended to read:

Subdivision 1. A school board operating a technical institute *or, for a technical college in the state system, the state board* may adopt and enforce rules, regulations, or ordinances for the regulation of traffic and parking in parking facilities and on private roads and roadways situated on property owned, leased, occupied, or operated by the board.

Sec. 12. [136C.09] [EMPLOYEES TRANSFERRED TO STATE.]

Subdivision 1. [STATE EMPLOYEES.] *All school district employees who are primarily assigned to positions at a technical college or in post-secondary vocational education during the 1990-1991 academic year become state employees on July 1, 1991. Transferred employees have no further rights to employment in the district, except as provided in subdivisions 2 and 3.*

Subd. 2. [LICENSED EMPLOYEES MAY RETURN TO DISTRICT.] *Until June 30, 1993, a school board must offer a vacancy in the school district to a transferred licensed employee who was employed by the board during the 1990-1991 academic year if:*

- (1) the employee was laid off by the state;*
- (2) the employee is licensed for the vacant position; and*
- (3) a transfer or assignment to the vacant position is authorized by the contract or policy in effect in the district on June 30, 1991.*

Subd. 3. [NONLICENSED EMPLOYEES MAY RETURN TO DISTRICT.] Until June 30, 1993, a transferred nonlicensed employee may exercise job seniority, promotion, layoff, and lateral transfer rights to a vacancy in the district if the right to be exercised is authorized by the contract in effect on June 30, 1991.

Subd. 4. [SUBSEQUENT TRANSFER TO STATE.] Until June 30, 1993, a nonlicensed employee who is not transferred may exercise job seniority, promotion, layoff, and lateral transfer rights to a vacancy in the technical institute that was previously operated by the employing district if the right to be exercised is authorized by the contract in effect on June 30, 1991. If an employee exercises a right, the employee becomes a classified employee without competitive examination.

Subd. 5. [LICENSED EMPLOYEES ON UNREQUESTED LEAVE.] Until June 30, 1993, the state must offer a vacancy in post-secondary vocational education to a licensed teacher on unrequested leave of absence if:

(1) the teacher is licensed for the vacant position; and

(2) the transfer or assignment to the vacant position is authorized by the contract or policy in effect in the school district on June 30, 1991.

Subd. 6. [EMPLOYEES ON REQUESTED LEAVE.] An employee on a requested leave of absence from a post-secondary vocational education position on June 30, 1991, shall retain the rights granted according to the terms of the leave.

Subd. 7. [CLASSIFICATION ASSIGNMENT.] The commissioner of employee relations shall assign transferred employees and positions to appropriate positions and classes of positions in the classified and unclassified services. An employee who is assigned to the classified service and who is transferred to a position for which the person is not required to be licensed by the state board shall have permanent status under chapter 43A in the classified service without competitive examination.

Subd. 8. [REASSIGNMENT; UNEMPLOYMENT COMPENSATION; SEVERANCE PAY.] Reassignment or transfer under this section is not a leaving of employment for eligibility for unemployment compensation payments under chapter 268, or severance payments under section 465.72, or under a policy or contract based on section 465.72.

Sec. 13. Minnesota Statutes 1988, section 136C.15, is amended to read:

136C.15 [STUDENT ASSOCIATIONS.]

~~Every school~~ The state board ~~governing a technical institute~~ shall give recognition as an authorized extracurricular activity to a technical institute student association affiliated with the Minnesota vocational technical student association. The student association is authorized to collect a reasonable fee from students to finance the activities of the association in an amount determined by the ~~governing state board of the technical institute which has recognized it.~~

~~Every governing body which recognizes a student association~~ The technical institute shall deposit the fees in a student association fund. The money in this fund shall be available for expenditure for student recreational, social, welfare, and educational pursuits supplemental to the regular curricular offerings.

Sec. 14. Minnesota Statutes 1988, section 136C.31, subdivision 1, is

amended to read:

Subdivision 1. [ALLOCATE BY LAW.] All money, whether state, federal, or from other sources, which may be made available to the state board for carrying out the purposes of post-secondary vocational technical education shall be allocated by the state board to ~~districts~~ *technical colleges* in accordance with law.

Sec. 15. Minnesota Statutes 1988, section 136C.41, is amended by adding a subdivision to read:

Subd. 8. [PAYMENT OF DEBT; TRANSFER; DEBT SERVICE AID.] (a) A district that has debt outstanding on real or personal property that is transferred to the state board shall identify the smallest of the following amounts:

(1) the amount required by the bond agreement to pay the outstanding debt;

(2) the minimum amount required by the bond agreement; or

(3) the balance in the technical college debt redemption fund.

(b) The district shall transfer the amount to a separate account in its debt redemption fund for payment of the debt. A balance in the debt redemption fund shall be used according to section 475.61, subdivision 4.

(c) The state board shall pay all of the remaining debt service on the technical college facilities that have been transferred to the state board.

Sec. 16. Minnesota Statutes 1989 Supplement, section 136C.44, is amended to read:

136C.44 [VOCATIONAL TECHNICAL BUILDING APPROPRIATIONS.]

Money appropriated to the state board of vocational technical education for post-secondary vocational technical construction ~~in school districts~~ shall be used for grants to school districts *or for the technical colleges in the state system* for the acquisition and betterment of land, buildings, and capital improvements for technical institutes. These grants shall only be made upon the conditions and in accordance with all standards and criteria established in state board rules and in the legislative act authorizing the specific post-secondary vocational facilities project. A grant *to a school district* shall cover 85 percent of the cost of the post-secondary vocational facilities authorized by the specific legislative act, and 15 percent of the cost of these facilities shall be financed by the school district operating the technical institute, unless otherwise provided by the specific legislative act. A grant to a joint vocational technical district formed under sections 136C.60 to 136C.69 must cover 100 percent of the cost, unless otherwise provided by the specific legislative act. *Money for a technical college in the state system shall cover 100 percent of the cost of the project.* No local bonds shall be authorized, issued, or sold, nor shall any election be held to authorize the issuance of bonds, if the proceeds will be used to finance a project for which specific legislative approval is required, until after that specific legislative approval has been given.

Sec. 17. [136C.441] [LEVY FOR PHASE-OUT OF SERVICE FEE.]

A district that has transferred a technical college to the state board may levy up to the following amounts:

(1) in the first levy certified after the transfer, 100 percent of the most

recent service fee allocation;

(2) in the second levy certified after the transfer, 75 percent of the service fee allocation under clause (1);

(3) in the third levy certified after the transfer, 50 percent of the service fee allocation under clause (1); and

(4) in the fourth levy certified after the transfer, 25 percent of the service fee allocation under clause (1).

The proceeds of the levy may be placed in the general fund of the district.

Sec. 18. [136C.45] [REPAYMENT OF DISTRICT SHARE OF FACILITIES.]

The state shall reimburse a school district for the district's share of real property transferred to the state board. The reimbursements must be completed within 20 years of the date of transfer. The state board and the school board shall negotiate a fair and equitable amount to be reimbursed. The chancellor shall report the amount to be reimbursed and the procedures for repayment to the education and finance or appropriations committees of the legislature. Reimbursement proceeds must be used according to section 123.36, subdivision 13.

Sec. 19. Minnesota Statutes 1988, section 179A.10, subdivision 1, is amended to read:

Subdivision 1. [EXCLUSIONS.] The commissioner of employee relations shall meet and negotiate with the exclusive representative of each of the units specified in this section. The units provided in this section are the only appropriate units for executive branch state employees. The following employees shall be excluded from any appropriate unit:

(1) the positions and classes of positions in the classified and unclassified services defined as managerial by the commissioner of employee relations in accordance with section 43A.18, subdivision 3, and so designated in the official state compensation schedules;

(2) unclassified positions in the state university system ~~and~~, the community college system, ~~and the technical college system that are~~ defined as managerial by their respective boards;

(3) positions of physician employees compensated under section 43A.17, subdivision 4;

(4) positions of all unclassified employees appointed by a constitutional officer;

(5) positions in the bureau of mediation services and the public employment relations board;

(6) positions of employees whose classification is pilot or chief pilot;

(7) administrative law judge and compensation judge positions in the office of administrative hearings; and

(8) positions of all confidential employees.

The governor may upon the unanimous written request of exclusive representatives of units and the commissioner direct that negotiations be conducted for one or more units in a common proceeding or that supplemental negotiations be conducted for portions of a unit or units defined on the

basis of appointing authority or geography.

Sec. 20. Minnesota Statutes 1988, section 179A.10, subdivision 2, is amended to read:

Subd. 2. [STATE EMPLOYEES.] Unclassified employees, unless otherwise excluded, are included within the units which include the classifications to which they are assigned for purposes of compensation. Supervisory employees shall only be assigned to units 12 and 16. The following are the appropriate units of executive branch state employees:

- (1) law enforcement unit;
- (2) craft, maintenance, and labor unit;
- (3) service unit;
- (4) health care nonprofessional unit;
- (5) health care professional unit;
- (6) clerical and office unit;
- (7) technical unit;
- (8) correctional guards unit;
- (9) state university instructional unit;
- (10) community college instructional unit;
- (11) state university administrative unit;
- (12) professional engineering unit;
- (13) health treatment unit;
- (14) general professional unit;
- (15) professional state residential instructional unit; ~~and~~
- (16) supervisory employees unit; *and*
- (17) *technical college instructional unit.*

Each unit consists of the classifications or positions assigned to it in the schedule of state employee job classification and positions maintained by the commissioner. The commissioner may only make changes in the schedule in existence on the day prior to the effective date of this section as required by law or as provided in subdivision 4.

Sec. 21. [TRANSFER PROVISIONS.]

Subdivision 1. [TITLE TO PROPERTY.] A district shall transfer to the state board of vocational technical education title to the real property used for post-secondary vocational education in that district and other post-secondary vocational education equipment, personal property, and related records.

Subd. 2. [DEBT.] If not paid by the state, the bonded debt on all transferred property must be paid according to levies for that debt previously made under Minnesota Statutes, chapter 475. The primary obligation of the district with reference to payment of bonded debt is not affected by the transfer.

Subd. 3. [CONTRACT OBLIGATIONS.] Contractual obligations of the district relating to post-secondary vocational education, including claims

for unemployment compensation, transfer to the state board.

Subd. 4. [LIABILITY.] A district that operated a technical college has no liability for the debts or obligations of the state board.

Subd. 5. [FUNDS.] A district shall transfer the money in all post-secondary vocational funds, except the debt redemption fund, to the state board. The state board shall credit trust and agency funds generated for scholarship and foundation purposes to the technical college where they were generated.

Subd. 6. [LEGAL ACTIONS.] Notwithstanding subdivision 3, administrative, civil, criminal, or other actions or proceedings that have arisen or are pending before July 1, 1991, are not affected by the transfer.

Sec. 22. [TRANSITION EMPLOYMENT PROVISIONS.]

Subdivision 1. [CONTRACT TERMS CONTINUED.] The terms of a contract between an exclusive representative and a school board for transferred employees shall continue and be binding on the state until a new contract is in effect.

Subd. 2. [CHANCELLOR'S PLAN.] Transferred employees who do not have an exclusive representative are governed by a plan approved by the commissioner of employee relations under chapter 43A.

Subd. 3. [SENIORITY; OTHER BENEFITS.] Transferred employees shall retain the seniority date established by contract or school board policy of the district in which they were previously employed, unless otherwise provided in a successor contract. Accumulations of sick leave and accumulated years of service to determine eligibility for severance pay or early retirement benefits and other approved contract rights must be credited to each employee, subject to any limitations negotiated in the successor contract.

Subd. 4. [INSURANCE.] The commissioner of employee relations shall offer to transferred employees the basic employee health, dental, and life insurance plan and optional plans to the extent permitted by the scope of insurance offerings and eligibility requirements, except that:

(1) covered preexisting conditions must remain covered upon transfer; and

(2) evidence of insurability may not be required for in-force coverage amounts up to the limits of the commissioner's plan.

Subd. 5. [RETIREMENT.] Employees at a technical college remain in the retirement fund of which they are a member on June 30, 1991. Licensed employees hired after June 30, 1991, are members of the teachers retirement association under chapter 354. Nonlicensed employees hired after June 30, 1991, are members of the Minnesota state retirement system under chapter 352.

Obligations incurred before July 1, 1989, for retired employees who were primarily employed at a technical college at the time of their retirement transfer to the state board. Obligations incurred from July 1, 1989, until June 30, 1991, for retired employees who were primarily employed at a technical college at the time of their retirement transfer to the state board only if approved by the state board.

Sec. 23. [ACCOUNTING TRANSITION.]

The commissioner of finance and the state director shall develop a time schedule and procedures to convert the accounting and reporting systems for technical institutes and post-secondary vocational technical education to the statewide accounting system. The schedule and procedures shall take into account the data needed by the state board.

Sec. 24. [EFFECTIVE DATE.]

Sections 1 to 23 are effective July 1, 1991, except that section 2, subdivision 2, is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to education; establishing a voluntary state system of technical colleges; allowing school boards to transfer technical colleges to the state board of vocational technical education; amending Minnesota Statutes 1988, sections 136C.02, subdivision 5; 136C.04, subdivisions 3, 13, 14, and by adding a subdivision; 136C.15; 136C.31, subdivision 1; 136C.41, by adding a subdivision; and 179A.10, subdivisions 1 and 2; Minnesota Statutes 1989 Supplement, sections 43A.08, subdivision 1; 136C.04, subdivision 2; 136C.08, subdivision 1; and 136C.44; proposing coding for new law in Minnesota Statutes, chapter 136C."

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

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

S.F. No. 1499: A bill for an act relating to consumer protection; regulating certain rental-purchase agreements; prescribing the rights and duties of all parties; requiring disclosures; regulating advertising; providing remedies; amending Minnesota Statutes 1988, sections 325G.06, subdivision 2; 325G.12, subdivision 2; and 325G.15, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 325F

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

Delete everything after the enacting clause and insert:

"Section 1. [325F82] [DEFINITIONS.]

Subdivision 1. [APPLICABILITY.] As used in sections 1 to 14, the following terms have the meanings given them.

Subd. 2. [ADVERTISEMENT.] "Advertisement" means a commercial message in any medium, including signs, window displays, and price tags, that promotes, directly or indirectly, a rental-purchase agreement.

Subd. 3. [CASH PRICE.] "Cash price" means the price at which the lessor in the ordinary course of business would offer to sell the personal property to the lessee for cash on the date of the rental-purchase agreement.

Subd. 4. [CONSUMMATION.] "Consummation" means the time at which the lessee enters into a rental-purchase agreement.

Subd. 5. [LESSEE.] "Lessee" means a natural person who rents personal property under a rental-purchase agreement for personal, family, or household use.

Subd. 6. [LESSOR.] "Lessor" means a person who, in the ordinary course of business, regularly leases, offers to lease, or arranges for the

leasing of property under a rental-purchase agreement.

Subd. 7. [PERSONAL PROPERTY.] "Personal property" means property that is not real property under the laws of this state when it is made available for a rental-purchase agreement.

Subd. 8. [RENTAL-PURCHASE AGREEMENT.] "Rental-purchase agreement" means an agreement for the use of personal property in which all of the following apply:

- (1) the lessor is regularly engaged in the rental-purchase business;*
- (2) the agreement is for an initial period of four months or less, whether or not there is any obligation beyond the initial period, that is automatically renewable with each payment and that permits the lessee to become the owner of the property;*
- (3) the lessee is a person other than an organization; and*
- (4) the lessee takes under the rental-purchase agreement primarily for a personal, family, or household purpose.*

Sec. 2. [325F83] [APPLICATION OF OTHER LAW.]

Subdivision 1. [LAWS NOT APPLICABLE.] An agreement that complies with sections 1 to 14 shall not be construed as, nor be governed by, the laws relating to:

- (1) a "consumer credit sale" as defined in section 325G.15, subdivision 2;*
- (2) a "security interest" as defined in section 336.1-201, clause (37);*
- (3) a "sale of goods" as defined in section 325G.15, subdivision 5; or*
- (4) a "finance lease" as defined in the Uniform Commercial Code, section 2A-103, paragraph (1), clause (g).*

Subd. 2. [APPLICABLE LAWS.] The following laws apply to rental-purchase agreements:

- (1) sections 325G.17 to 325G.20, relating to consumer warranties, except that a rental-purchase agreement may not include a disclaimer or waiver of implied warranties of merchantability; and*
- (2) sections 325D.43 to 325D.48, relating to deceptive trade practices.*

Sec. 3. [325F84] [DISCLOSURES.]

In a rental-purchase agreement, the lessor shall disclose the following items, as applicable:

- (a) The total of payments necessary to acquire ownership of the property accompanied by an explanation that this term means the "total dollar amount of payments you will have to make to acquire ownership."*
- (b) The total number, amounts, and timing of all payments and other charges including taxes or official fees paid to or through the lessor that are necessary to acquire ownership of the property.*
- (c) The difference between the amount disclosed under paragraph (a) and the cash price of the leased property, using the term "cost of lease services" to mean the difference between these amounts.*

(d) Any initial or advance payment such as a delivery charge or trade-in allowance.

(e) A statement that the lessee will not own the property until the lessee has made the total of payments necessary to acquire ownership of the property.

(f) A statement that the total of payments does not include additional charges such as late payment charges, and a separate listing and explanation of these charges as applicable.

(g) A statement that the lessee is liable for loss or damage to the property and the maximum amount for which the lessee is liable, which in the case of loss shall in no event be greater than the price the lessee would have paid to exercise an early purchase option. In the case of damage to the property other than normal wear and tear, the lessee shall be liable for the lesser of the price the lessee would have paid to exercise an early purchase option or the cost of repair as reasonably determined by the lessor.

(h) A statement that the lessee is not required to purchase a liability damage waiver from the lessor.

(i) A description of the goods or merchandise including model numbers as applicable and a statement indicating whether the property is new or used. It is not a violation of this subdivision to indicate that the property is used if it is actually new.

(j) A statement that the lessee has the option to purchase the leased property during the terms of the rental-purchase agreement and at what price, formula, or by what method the price is to be determined.

(k) The cash price of the merchandise.

(l) A statement of the following lessee rights: reinstatement rights under section 7, default notice under section 6, and consumer warranties under sections 325G.17 to 325G.20.

The commissioner of commerce may prescribe the disclosure form by rule.

Sec. 4. [325F85] [FORM REQUIREMENTS.]

Subdivision 1. [GENERALLY.] The disclosure information required by section 3 must be disclosed in a rental-purchase agreement, and must:

(1) be made clearly and conspicuously with items appearing in logical order and segregated as appropriate for readability and clarity;

(2) be made in writing;

(3) need not be contained in a single writing or made in the order set forth in section 3; and

(4) may be supplemented by additional information or explanations supplied by the lessor, but none shall be stated, used, or placed so as to mislead or confuse the lessee, or to contradict, obscure, or detract attention from the information required by section 3, and so long as the additional information or explanations do not have the effect of circumventing, evading, or unduly complicating the information required to be disclosed by section 3.

Subd. 2. [TIMING.] The lessor shall disclose all information required

by section 3 before the rental-purchase agreement is executed. These disclosures must be made on the face of the writing evidencing the rental-purchase agreement.

Subd. 3. [COPY TO LESSEE.] Before any payment is due, the lessor shall furnish the lessee with an exact copy of each rental-purchase agreement. The agreement shall be signed by the lessee and is evidence of the lessee's agreement. If there is more than one lessee in a rental-purchase agreement, delivery of a copy of the rental-purchase agreement to one of the lessees constitutes compliance with this subdivision; however, a lessee not signing the agreement is not liable under it.

Subd. 4. [TYPE SIZE.] The terms of the rental-purchase agreement, except as otherwise provided in this section, must be set forth in not less than eight-point standard type.

Subd. 5. [BLANK SPACES.] All blank spaces on the rental-purchase agreement form must be filled in before the rental-purchase agreement is executed. Blank spaces that are provided for items or terms not applicable to the agreement must be crossed out.

Sec. 5. [325F86] [ADVERTISING.]

Subdivision 1. [PROHIBITION.] An advertisement for a rental-purchase agreement shall not state or imply that a specific item is available at specific amounts or terms unless the lessor usually and customarily offers or will offer that item at those amounts or terms.

Subd. 2. [DISCLOSURES.] (a) If an advertisement for a rental-purchase agreement refers to or states the amount of any payment, or the right to acquire ownership, for a specific item, the advertisement must also clearly and conspicuously state the following terms as applicable:

- (1) that the transaction advertised is a rental-purchase agreement;*
- (2) the total of payments necessary to acquire ownership; and*
- (3) that the lessee will not own the property until the total amount necessary to acquire ownership is paid in full or by prepayment as provided for by law.*

(b) Every item displayed or offered under a rental-purchase agreement shall have clearly and conspicuously indicated in Arabic numerals, so as to be readable and understandable by visual inspection, each of the following affixed to the item:

- (1) the cash price of the item; and*
- (2) the amount of the lease payment and the total of lease payments required for ownership.*

Subd. 3. [NONAPPLICATION.] This section does not apply to the owner or personnel, as such, of any medium in which an advertisement appears or through which it is disseminated.

Sec. 6. [325F87] [DEFAULT.]

Subdivision 1. [ENFORCEABILITY.] An agreement of the parties to a rental-purchase agreement with respect to default is enforceable only to the extent that one of the following apply:

- (1) the lessee both fails to renew an agreement and also fails to return*

the property or make arrangements for its return as provided in the agreement; or

(2) the prospect of payment, performance, or return of the property is materially impaired due to a breach of the rental-purchase agreement, with the burden of establishing the prospect of material impairment on the lessor.

Subd. 2. [AUTHORIZATION.] If a lessee has been in default for three business days, the lessor may give the lessee a default notice and request surrender of the property as provided under subdivision 3. Mailing written notice to the last known address of the lessee meets the requirement of giving written notice under subdivision 3.

Subd. 3. [DEFAULT NOTICE.] The first default notice and a subsequent default notice that is sent more than 12 months after sending the last written notice must be in writing and conspicuously state the following:

(1) the name, address, and telephone number of the lessor to whom payment is to be made;

(2) a brief identification of the transaction;

(3) the lessee's right to cure the default;

(4) the amount of payment and date by which payment must be made to cure the default;

(5) a statement of the lessee's reinstatement rights as provided under section 7; and

(6) a request to voluntarily surrender the property if the payment is not made.

A subsequent default notice given within the 12 months after a written default notice may be given orally and constitutes proper notice under this section.

Subd. 4. [PROPERTY RECOVERY.] A lessor may not bring a court action to recover the property until seven days after a proper default notice has been given.

Subd. 5. [VOLUNTARY SURRENDER OF PROPERTY.] This section does not prohibit a lessee from voluntarily surrendering possession of the property or the lessor from enforcing a past due obligation which the lessee may have at any time after default.

Subd. 6. [COMPLIANCE.] If the lessee cures the default by taking the action required in the default notice, a breach of the agreement is considered as not having occurred.

Sec. 7. [325F88] [LESSEE'S REINSTATEMENT RIGHTS.]

Subdivision 1. [GENERALLY.] A lessee who fails to make timely lease payments may reinstate the original rental-purchase agreement without losing any rights or options previously acquired under the rental-purchase agreement if both of the following apply:

(1) after having failed to make a timely payment, the lessee has surrendered the property to the lessor within seven days of a request to surrender the property made by the lessor as provided in section 6; and

(2) in the case of a lessee that has paid less than 60 percent of the total of payments necessary to acquire ownership of the property, not more than

60 days have passed since the lessee returned the property. If the lessee has paid more than 60 percent of the total of payments necessary to acquire ownership of the property, the lessee's rights to reinstate shall be extended for a period of not less than 180 days after the lessee has returned the property.

Subd. 2. [CHARGES.] As a condition to reinstating a rental-purchase agreement, a lessor may charge the outstanding balance of any accrued payments; a reinstatement fee not to exceed \$5 for each reinstatement; and a delivery charge not to exceed \$15 for five items or less or \$30 for more than five items, if redelivery of the item is necessary.

Subd. 3. [SUBSTITUTE ITEMS.] If reinstatement occurs as provided in this section, the lessor shall provide the lessee with the same item, if available, leased by the lessee before reinstatement. If the same item is not available, a substitute item of comparable worth, quality, and condition may be used. If a substitute item is provided, the lessor shall provide the lessee with all the information required by section 3.

Sec. 8. [325F89] [PROHIBITED PRACTICES.]

Subdivision 1. [PROHIBITED RENTAL AGREEMENT PROVISIONS.] A rental-purchase agreement may not contain a provision:

- (1) requiring a confession of judgment;
- (2) authorizing a lessor or an agent of the lessor to commit a breach of the peace in the repossession of property;
- (3) waiving a defense, counterclaim, or right the lessee may have against the lessor or an agent of the lessor;
- (4) requiring the payment of a late charge unless a lease payment is delinquent for more than two business days for a weekly lease or three business days for a monthly lease, and the charge or fee shall not be in an amount more than the greater of five percent of the delinquent lease payment or \$3;
- (5) requiring a separate payment in addition to lease payments in order to acquire ownership of the property, other than by exercising an early purchase option pursuant to section 10; and
- (6) authorizing a lessor to charge a penalty for early termination of a rental-purchase agreement.

Subd. 2. [CASH PRICE LIMITS.] No lessor shall offer a rental-purchase agreement in which 50 percent of all lease payments necessary to acquire ownership of the property exceed the cash price of the property. When 50 percent of the total dollar amount of lease payments made by a lessee equals the cash price of the property, the lessee shall acquire ownership of the property and the rental-purchase agreement terminates.

Subd. 3. [DELIVERY CHARGES; SECURITY DEPOSITS; COLLECTION FEES.] A lessor may not charge a delivery charge that is greater than \$15 for five items or less or \$30 for more than five items. A lessor may not charge a security deposit. A lessor may contract for and receive a charge for picking up payments from the lessee if the lessor is required or requested to visit the lessee's dwelling to pick up a payment. In a consumer rental-purchase agreement with payment or renewal dates which are more frequent than monthly, this charge shall not be assessed more than three times in any three-month period. In consumer rental-purchase

agreements with payments or renewal options which are at least monthly, this charge shall not be assessed more than three times in any six-month period. A charge assessed pursuant to this subdivision shall not exceed \$7. This charge is in lieu of a late charge assessed for the applicable payment period.

Sec. 9. [325F90] [LESSOR'S COMMUNICATIONS CONCERNING LESSEE.]

Subdivision 1. [LOCATION INFORMATION.] A lessor in communication with any person other than the lessee for the purpose of acquiring information as to the location of a lessee shall:

(1) identify the lessor and state that the lessor is confirming or correcting location information concerning the lessee;

(2) not communicate with any person more than once unless requested to do so by the person or unless the lessor reasonably believes that the earlier response is erroneous or incomplete and that the person now had correct or complete location information;

(3) not communicate by postcard;

(4) not use any language or symbol on any envelope or in the contents of any communication that indicates that the communication relates to the recovery or repossession of property; and

(5) not communicate with any person other than the lessee's attorney, after the lessor knows the lessee is represented by an attorney with regard to the rental-purchase agreement and has knowledge of, or can readily ascertain, the attorney's name and address, unless the attorney fails to respond within a reasonable period of time to communication from the lessor or unless the attorney consents to direct communication with the lessee.

Subd. 2. [TIME AND PLACE.] Without the prior consent of the lessee given directly to the lessor or the express permission of a court of competent jurisdiction, a lessor may not communicate with a lessee in connection with the recovery or repossession of property:

(1) at the lessee's place of employment; or

(2) at any unusual time or place or a time or place known or which should be known to be inconvenient to the lessee. In the absence of knowledge of circumstances to the contrary, a lessor shall assume that the convenient time for communicating with a lessee is after 8:00 a.m. and before 9:00 p.m., local time at the lessee's location.

Subd. 3. [AUTHORIZED COMMUNICATIONS.] A lessor may not communicate, in connection with the rental-purchase agreement, with any person other than the lessee, the lessee's attorney, or the lessor's attorney, except as reasonably necessary to acquire location information concerning the lessee as provided under subdivision 1, or upon prior consent of the lessee given directly to the lessor, or upon express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a post-judgment judicial remedy.

Subd. 4. [CEASING COMMUNICATION.] If a lessee notifies the lessor in writing that the lessee wishes the lessor to cease further communication with the lessee, the lessor shall not communicate further with the lessee with respect to the rental-purchase agreement, except:

- (1) to advise the lessee that the lessor's further efforts are being terminated;*
- (2) to notify the lessee that the lessor may invoke specified remedies allowable by law which are ordinarily invoked by the lessor; or*
- (3) where necessary to effectuate any post-judgment remedy.*

Subd. 5. [HARASSMENT OR ABUSE.] A lessor may not harass, oppress, or abuse any person in connection with a rental-purchase agreement. The following conduct is a violation of this subdivision:

- (1) the use or threat of use of violence or the criminal means to harm the physical person, reputation, or property of any person;*
- (2) the use of obscene, profane, or abusive language;*
- (3) causing a telephone to ring, or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person; and*
- (4) the placement of telephone calls without disclosure of the caller's identity.*

Sec. 10. [325F91] [EARLY PURCHASE OPTION.]

A rental-purchase agreement must provide that at any time after the initial payment, the lessee may acquire ownership of the property by tendering an amount equal to the amount by which the cash price of the property exceeds 50 percent of all lease payments made by the lessee. This option must be clearly set forth in the rental-purchase agreement, as required by section 3.

Sec. 11. [325F92] [CLAIMS AND DEFENSES.]

An assignee of the contract or obligation relating to the rental-purchase lease transaction is subject to all claims and defenses of the lessee against the lessor arising from the rental-purchase lease transaction, notwithstanding any agreement to the contrary.

Sec. 12. [325F93] [LIABILITY; LIABILITY DAMAGE WAIVER.]

Subdivision 1. [LIABILITY OF LESSEE.] The lessee is liable for loss, destruction, or damage of the rental property during the term of the rental agreement. The amount for which the lessee may be held liable in the case of loss or destruction of the property may not exceed the price that the lessee would have paid to exercise an early purchase option. In the case of damage to the property other than normal wear and tear, the lessee is liable for the price that the lessee would have paid to exercise an early purchase option or the cost of repair as reasonably determined by the lessor, whichever is less.

Subd. 2. [LIABILITY DAMAGE WAIVER.] (a) The lessor must offer a liability damage waiver to the lessee to cover the lessee's liability for any loss, destruction, or damage of the rental property. The cost of the liability damage waiver may not exceed ten percent of the lessee's lease payment.

(b) The lessor must inform the lessee of the following options available to the lessee regarding the property subject to a rental-purchase agreement:

- (1) furnish insurance coverage on the property through an existing insurance policy that is owned by the lessee;*

(2) *purchase insurance coverage on the property through any insurer authorized to transact business in this state;*

(3) *purchase liability damage waiver coverage from the lessor; or*

(4) *decline to furnish or purchase insurance coverage or liability damage waiver coverage.*

Sec. 13. [325F94] [EXEMPTED TRANSACTION.]

Sections 1 to 14 do not apply to agreements for the rental of property in which the person who rents the property has no legal right to become the owner of the rented property at the end of the rental period.

Sec. 14. [325F95] [PENALTIES AND REMEDIES.]

Subdivision 1. [DISCLOSURE PENALTIES AND REMEDIES.] A lessor who is found to have violated sections 3 to 5 is subject to the penalties and remedies provided in section 8.31.

Subd. 2. [APPLICATION OF OTHER LAW.] A violation of section 7, 8, or 10 shall be treated as a violation of section 325F.69. The remedies provided by section 7, 8, or 10 are cumulative and shall not be construed as restricting any remedy that is otherwise available.

Subd. 3. [OFFSETS LIMITED.] A lessee may not take any action to offset any amount for which a lessor is potentially liable under this section against any amount owned by the lessee, unless the amount of the liability of the lessor has been determined by a judgment of a court of competent jurisdiction in an action in which the lessor was a party. This section does not bar a lessee in default on an obligation arising from the rental-purchase agreement from asserting a violation of this chapter in an original action, or as defense or counterclaim to an action brought by the lessor to collect amounts owned by the lessee pursuant to the rental-purchase agreement.

Subd. 4. [LESSOR'S RIGHT TO CORRECT ERROR.] A lessor is not liable under this section for a violation of sections 1 to 13 if, within 60 days after discovering an error and before an action for damages is filed against the lessor pursuant to this section or written notice of the error is received from the lessee, the lessor notifies the lessee of the error and makes adjustments to the account of the lessee that are necessary to assure that the lessee is not required to pay an amount in excess of the amounts actually disclosed. This subdivision applies whether the error was discovered through the lessor's own procedures or by any other means.

Subd. 5. [LIMITATION OF LIABILITY.] A lessor is not liable under this section for damages in excess of the actual damage sustained by the lessee if the lessor shows by a preponderance of the evidence that the violation of sections 1 to 13 resulted from a bona fide error notwithstanding the maintenance by the lessor of procedures reasonably adopted to avoid the error. As used in this subdivision, "bona fide error" includes, but is not limited to: clerical, calculation, computer malfunction and programming, and printing errors.

Sec. 15. Minnesota Statutes 1988, section 325G.15, subdivision 5, is amended to read:

Subd. 5. "Sale of goods" includes, without limitation, any agreement in the form of a bailment or lease of goods if the bailee or lessee agrees to pay as compensation for use a sum substantially equivalent to or in excess of the aggregate value of the goods involved and it is agreed that the bailee

or lessee will become, or for no other or a nominal consideration has the option to become, the owner of the goods upon full compliance with the bailee's or lessee's obligations under the agreement. The term also includes a contract in the form of a terminable bailment or lease of goods if: (a) the bailee or lessee has the option to renew the contract by making the payments specified in the contract; (b) the contract obligates the bailor or lessor to transfer ownership of the property to the bailee or lessee for no other or a nominal consideration upon full compliance by the bailee or lessee with the bailee's or lessee's obligations under the contract including any obligation incurred by reason of the exercise of an option by the bailee or lessee to renew the contract; and (c) the payments contracted for by the bailee or lessee, including those payments pursuant to the exercise of an option by the bailee or lessee to renew the contract, are substantially equivalent to or in excess of the aggregate value of the property and services involved.

Sec. 16. [LEGISLATIVE RECOMMENDATIONS.]

The commissioner of commerce shall review and may make recommendations concerning the cash price limits established under section 8, subdivision 2, and the cost of liability damage waivers required under section 12, subdivision 2, to the legislature."

Delete the title and insert:

"A bill for an act relating to consumer protection; regulating certain rental-purchase agreements; prescribing the rights and duties of all parties; requiring disclosures; regulating advertising; providing remedies; amending Minnesota Statutes 1988, section 325G.15, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 325F."

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

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

S.F. No. 2188: A bill for an act relating to children; providing improved procedures to protect the safety and welfare of abused and neglected children; providing for more permanent placements of children in need of protection or services; improving data practices; appropriating money for early intervention and targeted family services, and for family planning grants; amending Minnesota Statutes 1988, sections 147.09; 260.011, subdivision 2; 260.155, subdivision 1; 626.556, subdivision 1, and by adding a subdivision; 626.559, subdivision 2; Minnesota Statutes 1989 Supplement, sections 245A.04, subdivision 3; 260.015, subdivision 2a; 260.161, subdivision 2; 260.171, subdivision 4; 260.191, subdivision 1; 260.221, subdivision 1; 626.556, subdivisions 2, 10e, and 11; and 626.558, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 245 and 260.

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

Delete everything after the enacting clause and insert:

"Section 1. [3.9227] [LEGISLATIVE COMMISSION ON CHILDREN.]

Subdivision 1. [CREATION.] A legislative commission on children is

created. The commission consists of five members of the house of representatives appointed by the speaker and five members of the senate appointed by the subcommittee on committees. Members serve until expiration of their legislative terms and vacancies must be filled in the same manner as the original positions.

Subd. 2. [POWERS AND DUTIES.] The commission shall study matters relating to children in Minnesota and coordinate and oversee activities of the standing committees dealing with children's issues. The commission shall:

(1) analyze and make recommendations regarding federal, state, and county funding and responsibility for the child protection system;

(2) develop ways to maximize the use of federal funding sources to enhance state child protection efforts;

(3) encourage and facilitate the funding of child protection services with an emphasis on prevention and treatment;

(4) review and make recommendations regarding other needs within the child protection system; and

(5) encourage and facilitate the funding and coordination of programs and services relating to children under the age of six.

Subd. 3. [REPORT.] The commission shall report its findings and recommendations to the governor and the legislature by December 15 of each even-numbered year, beginning in 1992.

Subd. 4. [ADMINISTRATION.] The legislative coordinating commission shall provide the commission with necessary staff, office space, and administrative services.

Sec. 2. [144.3871] [POSTERS ON THE DANGERS OF ALCOHOL USE.]

The commissioner of health shall encourage all establishments required to obtain on-sale or off-sale intoxicating liquor licenses under chapter 340A, to display, in a prominent location, posters informing pregnant women of the dangers of alcohol use. The commissioner shall make posters available, at no charge, to establishments with on-sale or off-sale licenses for intoxicating liquors. Posters must provide, in large print, the following message: "Warning: drinking alcoholic beverages during pregnancy can cause birth defects and prematurity," or a similar message approved by the commissioner of health.

Sec. 3. [147.032] [CONTINUING EDUCATION ON THE RECOGNITION OF CHILD MALTREATMENT.]

The board shall adopt rules to incorporate training in the recognition of child maltreatment, including recognition of emotional disturbances that result from child maltreatment, as a continuing medical education requirement for physicians who provide medical care to children.

Sec. 4. Minnesota Statutes 1988, section 147.09, is amended to read:

147.09 [EXEMPTIONS.]

Section 147.081 does not apply to, control, prevent or restrict the practice, service, or activities of:

(1) A person who is a commissioned medical officer of, a member of,

or employed by, the armed forces of the United States, the United States Public Health Service, the Veterans Administration, any federal institution or any federal agency while engaged in the performance of official duties within this state, if the person is licensed elsewhere.

(2) A licensed physician from a state or country who is in actual consultation here.

(3) A licensed or registered physician who treats the physician's home state patients or other participating patients while the physicians and those patients are participating together in outdoor recreation in this state as defined by section 86A.03, subdivision 3. A physician shall first register with the board on a form developed by the board for that purpose. The board shall not be required to promulgate the contents of that form by rule. No fee shall be charged for this registration.

(4) A student practicing under the direct supervision of a preceptor while the student is enrolled in and regularly attending a recognized medical school.

(5) A student who is in continuing training and performing the duties of an intern or resident or engaged in postgraduate work considered by the board to be the equivalent of an internship or residency in any hospital or institution approved for training by the board.

(6) A person employed in a scientific, sanitary or teaching capacity by the state university, the state department of education, or by any public or private school, college, or other bona fide educational institution, or the state department of health, whose duties are entirely of a public health or educational character, while engaged in such duties.

(7) Physician's assistants registered in this state.

(8) A doctor of osteopathy duly licensed by the state board of osteopathy under Minnesota Statutes 1961, sections 148.11 to 148.16, prior to May 1, 1963, who has not been granted a license to practice medicine in accordance with this chapter provided that the doctor confines activities within the scope of the license.

(9) Any person licensed by a health related licensing board, as defined in section 214.01, subdivision 2, or registered by the commissioner of health pursuant to section 214.13, including licensed psychologists with respect to the use of hypnosis; provided that the person confines activities within the scope of the license.

(10) ~~A Christian Scientist or other person who endeavors to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer, or who practices ritual circumcision pursuant to the requirements or tenets of any established religion.~~

(11) *A Christian Scientist or other person who endeavors to prevent or cure disease or suffering exclusively by mental or spiritual means or by prayer.*

Sec. 5. [148.213] [CONTINUING EDUCATION ON THE RECOGNITION OF CHILD MALTREATMENT.]

The board shall adopt rules to incorporate training in the recognition of child maltreatment, including recognition of emotional disturbances that result from child maltreatment, as a continuing education requirement for registered nurses who provide professional nursing care to children.

Sec. 6. [245.826] [USE OF RESTRICTIVE TECHNIQUES AND PROCEDURES IN FACILITIES SERVING EMOTIONALLY DISTURBED CHILDREN.]

The commissioner of human services shall promulgate rules to govern the use of restrictive techniques and procedures in facilities serving emotionally disturbed children that are licensed under section 245A.09 and Minnesota Rules, parts 9545.0900 to 9545.1090, and 9545.1400 to 9545.1500. No provision of these rules may encourage or require the use of restrictive techniques and procedures. The rules must prohibit: (1) the application of certain restrictive techniques or procedures in facilities, except as authorized in the child's case plan and monitored by the county caseworker responsible for the child; (2) the use of restrictive techniques or procedures that restrict the clients' normal access to nutritious diet, drinking water, adequate ventilation, necessary medical care, ordinary hygiene facilities, normal sleeping conditions, and necessary clothing; and (3) the use of corporal punishment. The rule may specify other restrictive techniques and procedures and the specific conditions under which permitted techniques and procedures are to be carried out.

Sec. 7. Minnesota Statutes 1989 Supplement, section 245A.04, subdivision 3, is amended to read:

Subd. 3. [STUDY OF THE APPLICANT.] (a) Before the commissioner issues a license, the commissioner shall conduct a study of the individuals specified in clauses (1) to (4) according to rules of the commissioner. The applicant, license holder, the bureau of criminal apprehension, and county agencies, after written notice to the individual who is the subject of the study, shall help with the study by giving the commissioner criminal conviction data and reports about abuse or neglect of adults substantiated under section 626.557 and the maltreatment of minors substantiated under section 626.556. The individuals to be studied shall include:

- (1) the applicant;
- (2) persons over the age of 13 living in the household where the licensed program will be provided;
- (3) current employees or contractors of the applicant who will have direct contact with persons served by the program; and
- (4) volunteers who have direct contact with persons served by the program to provide program services, if the contact is not directly supervised by the individuals listed in clause (1) or (3).

The juvenile courts shall also help with the study by giving the commissioner existing juvenile court records on individuals described in clause (2) relating to delinquency proceedings held within either the five years immediately preceding the application or the five years immediately preceding the individual's 18th birthday, whichever time period is longer. The commissioner shall destroy juvenile records obtained pursuant to this subdivision when the subject of the records reaches age 23.

For purposes of this subdivision, "direct contact" means providing face-to-face care, training, supervision, counseling, consultation, or medication assistance to persons served by a program. For purposes of this subdivision, "directly supervised" means an individual listed in clause (1) or (3) is within sight or hearing of a volunteer to the extent that the individual listed in clause (1) or (3) is capable at all times of intervening to protect the

health and safety of the persons served by the program who have direct contact with the volunteer.

A study of an individual in clauses (1) to (4) shall be conducted on at least an annual basis. No applicant, license holder, or individual who is the subject of the study shall pay any fees required to conduct the study.

(b) The individual who is the subject of the study must provide the applicant or license holder with sufficient information to ensure an accurate study including the individual's first, middle, and last name; home address, city, county, and state of residence; zip code; sex; date of birth; and driver's license number. The applicant or license holder shall provide this information about an individual in paragraph (a), clauses (1) to (4), on forms prescribed by the commissioner. The commissioner may request additional information of the individual, which shall be optional for the individual to provide, such as the individual's social security number or race.

(c) A study must include information from the county agency's record of substantiated abuse of adults, neglect of adults, and the maltreatment of minors, and information from the bureau of criminal apprehension.

The commissioner may also review arrest and investigative information from the bureau of criminal apprehension, a county attorney, county sheriff, county agency, local chief of police, other states, the courts, or a national criminal record repository if the commissioner has reasonable cause to believe the information is pertinent to the disqualification of an individual listed in paragraph (a), clauses (1) to (4).

(d) An applicant's or license holder's failure or refusal to cooperate with the commissioner is reasonable cause to deny an application or immediately suspend, suspend, or revoke a license. Failure or refusal of an individual to cooperate with the study is just cause for denying or terminating employment of the individual if the individual's failure or refusal to cooperate could cause the applicant's application to be denied or the license holder's license to be immediately suspended, suspended, or revoked.

(e) The commissioner shall not consider an application to be complete until all of the information required to be provided under this subdivision has been received.

(f) No person in paragraph (a), clause (1), (2), (3), or (4) who is disqualified as a result of this act may be retained by the agency in a position involving direct contact with persons served by the program.

(g) The commissioner shall not implement the procedures contained in this subdivision until appropriate rules have been adopted, except for the applicants and license holders for child foster care, adult foster care, and family day care homes.

(h) Termination of persons in paragraph (a), clause (1), (2), (3), or (4) made in good faith reliance on a notice of disqualification provided by the commissioner shall not subject the applicant or license holder to civil liability.

(i) The commissioner may establish records to fulfill the requirements of this section. The information contained in the records is only available to the commissioner for the purpose authorized in this section.

Sec. 8. Minnesota Statutes 1988, section 260.011, subdivision 2, is amended to read:

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

(b) The purpose of the laws relating to termination of parental rights is to ensure that:

(1) reasonable efforts have been made by the social service agency to reunite the child with the child's parents in a placement that is safe and permanent; and

(2) if placement with the parents is not reasonably foreseeable, to secure for the child a safe and permanent placement, preferably with adoptive parents.

The paramount consideration in all proceedings for the termination of parental rights is the best interests of the child. In proceedings involving an American Indian child, as defined in section 257.351, subdivision 6, the best interests of the child must be determined consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq.

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

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

Sec. 9. Minnesota Statutes 1989 Supplement, section 260.015, subdivision 2a, is amended to read:

Subd. 2a. [CHILD IN NEED OF PROTECTION OR SERVICES.] "Child in need of protection or services" means a child who is in need of protection or services because the child:

(1) is abandoned or without parent, guardian, or custodian;

(2)(i) has been a victim of physical or sexual abuse, or (ii) resides with or has resided with a victim of domestic child abuse as defined in subdivision 24, (iii) resides with or would reside with a perpetrator of domestic child abuse, or (iv) is a victim of emotional maltreatment as defined in subdivision 5a;

(3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

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

(i) the infant is chronically and irreversibly comatose;

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

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

(6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody;

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

(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;

(9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others;

(10) has committed a delinquent act before becoming ten years old;

(11) is a runaway; or

(12) is an habitual truant; or

(13) is one whose custodial parent's parental rights to another child have been involuntarily terminated.

Sec. 10. Minnesota Statutes 1988, section 260.155, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted in an informal manner. The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12), or a juvenile petty offender, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply.

Except for proceedings involving a child alleged to be in need of protection or services, hearings may be continued or adjourned from time to time and, in the interim. In proceedings involving a child alleged to be in need of protection or services, hearings may only be continued or adjourned if the court makes specific findings that the continuance or adjournment is in the best interests of the child. When a continuance or adjournment is ordered in any proceeding, the court may make any interim orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301. The court shall exclude the general public from these hearings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court; except that, the court shall open the hearings to the public in delinquency proceedings where the child is alleged to have committed an offense or has been proven to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the offense. In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the court administrator in writing, at the named person's last known address, of (1) the date of the reference or adjudicatory hearings, and (2) the disposition of the case. Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

Sec. 11. Minnesota Statutes 1989 Supplement, section 260.161, subdivision 2, is amended to read:

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

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

Sec. 12. Minnesota Statutes 1989 Supplement, section 260.171, subdivision 4, is amended to read:

Subd. 4. If the person who has taken the child into custody determines that the child should be placed in a secure detention facility or a shelter care facility, that person shall advise the child and as soon as is possible, the child's parent, guardian, or custodian:

(a) of the reasons why the child has been taken into custody and why the child is being placed in a juvenile secure detention facility or a shelter care facility; and

(b) of the location of the juvenile secure detention facility or shelter care facility. If there is reason to believe that disclosure of the location of the shelter care facility would place the child's health and welfare in immediate endangerment, disclosure of the location of the shelter care facility shall not be made; and

(c) that the child's parent, guardian, or custodian and attorney or guardian ad litem may make an initial visit to the juvenile secure detention facility or shelter care facility at any time. Subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney or guardian ad litem at reasonable hours; and

(d) that the child may telephone parents and an attorney or guardian ad litem from the juvenile secure detention facility or shelter care facility immediately after being admitted to the facility and thereafter on a reasonable basis to be determined by the director of the facility; and

(e) that the child may not be detained for acts as defined in section 260.015, subdivision 5, at a juvenile secure detention facility or shelter care facility longer than 36 hours, excluding Saturdays, Sundays, and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and

(f) that the child may not be detained for acts defined in section 260.015, subdivision 5, at an adult jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours if the adult jail or municipal lockup is in a standard metropolitan statistical area, unless a petition has been filed and the court orders the child's continued detention under section 260.172; and

(g) that the child may not be detained pursuant to section 260.165, subdivision 1, clause (a) or (c)(2), at a shelter care facility longer than 72 hours, excluding Saturdays, Sundays, and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260.172; and

(h) of the date, time, and place of the detention hearing, *if this information is available to the person who has taken the child into custody*; and

(i) that the child and the child's parent, guardian, or custodian have the right to be present and to be represented by counsel at the detention hearing, and that if they cannot afford counsel, counsel will be appointed at public expense for the child, if it is a delinquency matter, or for any party, if it is a child in need of protection or services, neglected and in foster care, or termination of parental rights matter.

After August 1, 1991, the child's parent, guardian, or custodian shall

also be informed under clause (f) that the child may not be detained in an adult jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours if the adult jail or municipal lockup is in a standard metropolitan statistical area, unless a motion to refer the child for adult prosecution has been made within that time period.

Sec. 13. Minnesota Statutes 1989 Supplement, section 260.191, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITIONS.] (a) If the court finds that the child is in need of protection or services or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(1) place the child under the protective supervision of the county welfare board or child placing agency in the child's own home under conditions prescribed by the court directed to the correction of the child's need for protection or services;

(2) transfer legal custody to one of the following:

(i) a child placing agency; or

(ii) the county welfare board.

~~In placing a child whose custody has been transferred under this paragraph, the agency and board shall follow the order of preference stated in section 260.181, subdivision 3 under section 14;~~

(3) if the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails or is unable to provide this treatment or care, the court may order it provided. The court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests; or

(4) if the court believes that the child has sufficient maturity and judgment and that it is in the best interests of the child, the court may order a child 16 years old or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate, if the county board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(b) If the child was adjudicated in need of protection or services because the child is a runaway or habitual truant, the court may order any of the following dispositions in addition to or as alternatives to the dispositions authorized under paragraph (a):

(1) counsel the child or the child's parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with the consent of the commissioner of corrections, place the child in a group foster care facility which is under the commissioner's management and supervision;

(3) subject to the court's supervision, transfer legal custody of the child to one of the following:

(i) a reputable person of good moral character. No person may receive custody of two or more unrelated children unless licensed to operate a residential program under sections 245A.01 to 245A.16; or

(ii) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(4) require the child to pay a fine of up to \$100. The court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;

(5) require the child to participate in a community service project;

(6) order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;

(7) if the court believes that it is in the best interests of the child and of public safety that the child's driver's license be canceled, the court may recommend to the commissioner of public safety that the child's license be canceled for any period up to the child's 18th birthday. The commissioner is authorized to cancel the license without a hearing. At any time before the expiration of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize; or

(8) require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court.

Sec. 14. [260.191] [TRANSFER OF LEGAL CUSTODY.]

Subdivision 1. [GENERAL.] The court may transfer legal custody under section 260.191, subdivision 1, paragraph (a), to:

(1) a child placing agency;

(2) the county welfare board; or

(3) a suitable and fit parent who does not have legal custody of the child.

In placing a child whose custody has been transferred under clause (1) or (2), the agency or board shall follow the order of preference stated in section 260.181, subdivision 3.

Subd. 2. [TRANSFER TO PARENT.] (a) An order transferring legal custody to a parent under this section must be made under the standards and findings required under section 518.17, subdivision 1. The court shall determine visitation rights and child support under sections 518.175 and 518.57.

(b) If legal custody is transferred to a parent under this subdivision, a certified copy of the order must be filed with the family court of the judicial district where the juvenile court order is entered. Issuance of an order under this subdivision divests the juvenile court of further jurisdiction over the matter. Sections 518.175, 518.18, and 518.64 apply to the review and modification of orders under this subdivision.

(c) A custody order under this subdivision is the same as an order under

section 518.17, and all civil or criminal rights, duties, or penalties that apply to orders under section 518.17 apply to orders under this subdivision.

Sec. 15. [260.1912] [DISPOSITION; PERMANENT CUSTODY OR FOSTER CARE.]

Subdivision 1. [WHEN PERMISSIBLE.] When a child has been in placement under a court order for more than one year and at least nine months have elapsed since a case plan was ordered under section 260.191, subdivision 1e, a party may move the court for an order under subdivision 2. The motion must give specific notice of the relief requested and the basis for the relief under this subdivision. The court shall hold an evidentiary hearing unless it is waived by the parties. The court may issue an order under subdivision 2 only if the court finds that all the following factors have been established by clear and convincing evidence:

(1) reasonable efforts, or in the case of an Indian child, active efforts have been made by the social service agency under section 260.012, and those efforts have not corrected the conditions necessitating the continued placement of the child;

(2) if reasonable efforts continue, conditions necessitating the continued placement of the child will not be corrected within the reasonably foreseeable future;

(3) there has been compliance with section 260.181, subdivision 3; and

(4) the relief sought is in the best interests of the child.

In order to find that the relief sought is in the best interests of the child, the court must determine that the requested relief better serves the child's interests than an order for termination of parental rights and that the child's needs for permanency will be served by the order.

Subd. 2. [PERMANENT CUSTODY OR FOSTER CARE.] *(a) After a hearing and findings under subdivision 1, in addition to the dispositions available under section 260.191, the court may enter a dispositional order under paragraph (b) or (c).*

(b) The court may grant legal custody of the child to a reputable individual of good moral character. The order must be made under the standards and findings required under section 257.025. The court shall determine visitation rights and child support under sections 518.175 and 518.57. Legal custody under this paragraph means the right to determine the child's upbringing, including education, health care, and religious training. A legal custodian under this paragraph is not a foster parent, and the child is not in foster care under section 260.015, subdivision 7.

(c) The court may order that the child remain in permanent foster care until the child is no longer a minor. The court may only issue this order if the child has been in continuous placement with the same foster parent for at least one year and the court finds that the foster parent intends to continue foster parenting the child until the child is no longer a minor. The name of the foster parent must appear in the court order. If the court enters an order under this paragraph, the court shall enter findings consistent with the federal Child Welfare Act of 1980, Public Law Number 96-272.

(d) An order under this subdivision must comply with section 260.181, subdivision 3.

(e) Jurisdiction to review an order under this subdivision remains in juvenile court. Notwithstanding section 260.191, subdivision 2, further hearings are not required and the order remains in effect until the child is no longer a minor unless it is modified under section 16.

(f) After entry of an order under this subdivision, further reasonable efforts under section 260.012 are not required.

Sec. 16. [260.1913] [MODIFICATION OF ORDER FOR PERMANENT CUSTODY OR FOSTER CARE.]

An order issued under section 15 may be modified only under the following circumstances:

- (1) modification is agreed to by all parties in writing;*
- (2) there is a willful and persistent denial of or interference with court-ordered parental visitation;*
- (3) there is reason to believe that the child's present environment may endanger the child's physical or emotional health; or*
- (4) a substantial change in circumstances has occurred based on facts that have arisen since the prior order or based on facts that were not known to the court at the time it issued the prior order.*

The court may modify an order under section 15 only if it finds that modification is in the best interests of the child and after an appropriate motion and notice to all parties. The court shall hold an evidentiary hearing unless it is waived by the parties.

Sec. 17. Minnesota Statutes 1989 Supplement, section 260.221, subdivision 1, is amended to read:

Subdivision 1. [VOLUNTARY AND INVOLUNTARY.] 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. Abandonment is presumed when:

(i) the parent has had no contact or merely incidental contact with the child for six months in the case of a child under six years of age, or for 12 months in the case of a child ages six to 11; and

(ii) the social service agency has made reasonable efforts to facilitate contact, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under chapter 257 or 518. The court is not prohibited from finding abandonment in the absence of this presumption; 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, and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition; 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 of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to care appropriately for the ongoing physical, mental, or emotional needs of the child. *It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that the child has been adjudicated in need of protection or services and that the parent's parental rights to one or more other children have been involuntarily terminated in the past; or*

(5) That following upon a determination of neglect or dependency, or of a child's need for protection or services, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child under the age of 12 has resided out of the parental home under court order for more than one year following an adjudication of dependency, neglect, need for protection or services under section 260.015, subdivision 2a, clause (1), (2), (6), (8), or (9), or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;

(ii) conditions leading to the determination will not be corrected within the reasonably foreseeable future; and

(iii) reasonable efforts have been made by the social service agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year after a child has been placed out of the home.

It is also presumed that reasonable efforts have failed under this clause upon a showing that:

(i) *the parent has been required by a case plan to participate in a chemical dependency treatment program;*

(ii) *the parent has either failed to successfully complete the program two or more times or has refused to participate in the treatment program; and*

(iii) *the parent continues to abuse chemicals; or*

(6) *That the parent has been convicted of causing the death of another of the parent's children; or*

(7) *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) (8) That the child is neglected and in foster care.

Sec. 18. Minnesota Statutes 1989 Supplement, section 364.09, is amended to read:

364.09 [EXCEPTIONS.]

(a) This chapter shall not apply to the practice of law enforcement, to fire protection agencies, to eligibility for a private detective or protective agent license, to eligibility for a family day care license, a family foster care license, a home care provider license, ~~or~~ to eligibility for school bus driver endorsements, *or to eligibility for juvenile corrections employment where the offense involved child physical or sexual abuse or criminal sexual conduct.*

(b) This chapter does not apply to a school district.

(c) Nothing in this section shall be construed to preclude the Minnesota police and peace officers training board or the state fire marshal from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement or fire protection agencies.

Sec. 19. Minnesota Statutes 1989 Supplement, section 609.223, is amended to read:

609.223 [ASSAULT IN THE THIRD DEGREE.]

Subdivision 1. [SUBSTANTIAL BODILY HARM.] Whoever assaults another and inflicts substantial bodily harm may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Subd. 2. [PAST PATTERN OF CHILD ABUSE.] Whoever assaults a minor may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the perpetrator has engaged in a past pattern of child abuse against the minor. As used in this subdivision, "child abuse" has the meaning given it in section 609.185, clause (5).

Sec. 20. Minnesota Statutes 1988, section 609.2231, is amended by adding a subdivision to read:

Subd. 5. [CHILD PROTECTION WORKERS.] Whoever assaults a child protection worker, as defined in section 626.559, subdivision 1, while the worker is engaged in the performance of a duty imposed by law, policy, or rule, and inflicts demonstrable bodily harm, is guilty of a gross misdemeanor.

Sec. 21. Minnesota Statutes 1989 Supplement, section 609.377, is amended to read:

609.377 [MALICIOUS PUNISHMENT OF A CHILD.]

A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable

force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the punishment results in substantial bodily harm, that person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. *If the punishment results in great bodily harm, that person may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.*

Sec. 22. Minnesota Statutes 1988, section 626.556, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC POLICY.] The legislature hereby declares that the public policy of this state is to protect children whose health or welfare may be jeopardized through physical abuse, neglect or sexual abuse; *In furtherance of this public policy, it is the intent of the legislature under this section to strengthen the family and make the home, school, and community safe for children by promoting responsible child care in all settings; and to provide, when necessary, a safe temporary or permanent home environment for physically or sexually abused or neglected children.*

In addition, it is the policy of this state to require the reporting of neglect, physical or sexual abuse of children in the home, school, and community settings; to provide for the voluntary reporting of abuse or neglect of children; to require the assessment and investigation of the reports; and to provide protective and counseling services in appropriate cases.

Sec. 23. Minnesota Statutes 1989 Supplement, section 626.556, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means *threatened injury* or the subjection by a person responsible for the child's care, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246.

(b) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(c) "Neglect" means failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so or failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except

that there is a duty to report if a lack of medical care may cause imminent and serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, or medical care, a duty to provide that care. "Neglect" includes prenatal exposure to a controlled substance, as defined in section 626.5561, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance. Neglect also means "medical neglect" as defined in section 260.015, subdivision 2a, clause (5).

(d) "Physical abuse" means any physical or mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825.

(e) "Report" means any report received by the local welfare agency, police department, or county sheriff pursuant to this section.

(f) "Facility" means a day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245.781 to 245.812.

(g) "Operator" means an operator or agency as defined in section 245A.02.

(h) "Commissioner" means the commissioner of human services.

(i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

(j) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem services.

(k) "*Mental injury*" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(l) "*Threatened injury*" means a statement, overt act, condition or status which represents a substantial risk of physical or sexual abuse or mental injury.

Sec. 24. Minnesota Statutes 1988, section 626.556, subdivision 3, is amended to read:

Subd. 3. [PERSONS MANDATED TO REPORT.] (a) A person who knows or has reason to believe a child is being neglected or physically or sexually abused, as defined in subdivision 2, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the local welfare agency, police department, or the county sheriff if the person is:

(1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological

or psychiatric treatment, child care, education, or law enforcement; or

(2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section 595.02, subdivision 1, paragraph (c).

The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency orally and in writing. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff orally and in writing. The county sheriff and the head of every local welfare agency and police department shall each designate a person within their agency, department, or office who is responsible for ensuring that the notification duties of this paragraph and paragraph (b) are carried out. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school, or agency.

(b) Any person may voluntarily report to the local welfare agency, police department, or the county sheriff if the person knows, has reason to believe, or suspects a child is being or has been neglected or subjected to physical or sexual abuse. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency orally and in writing. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff orally and in writing.

(c) A person mandated to report physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b.

(d) Any person mandated to report shall, upon request to the local welfare agency, receive a summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child. Any person who is not mandated to report shall, upon request to the local welfare agency, receive a concise summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child.

(e) For purposes of this subdivision, "immediately" means as soon as possible but in no event longer than 24 hours.

Sec. 25. Minnesota Statutes 1989 Supplement, section 626.556, subdivision 10e, is amended to read:

Subd. 10e. [DETERMINATIONS.] Upon the conclusion of every assessment or investigation it conducts, the local welfare agency shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed.

(a) For the purposes of this subdivision, "maltreatment" means any of the following acts or omissions committed by a person responsible for the child's care:

(1) ~~an assault, as defined in section 609.02, subdivision 10, or any physical contact not exempted by section 609.379, where the assault or physical contact is either severe or recurring and causes either injury or~~

significant risk of injury to the child physical abuse as defined in subdivision 2, paragraph (d);

- (2) neglect as defined in subdivision 2, paragraph (c); or*
- (3) sexual abuse as defined in subdivision 2, paragraph (a); or*
- (4) mental injury as defined in section 23.*

(b) For the purposes of this subdivision, a determination that child protective services are needed means that the local welfare agency has documented conditions during the assessment or investigation sufficient to cause a child protection worker, as defined in section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individuals responsible for the child's care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment.

(c) This subdivision does not mean that maltreatment has occurred solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, in lieu of medical care. However, if lack of medical care may result in imminent and serious danger to the child's health, the local welfare agency may ensure that necessary medical services are provided to the child.

Sec. 26. Minnesota Statutes 1988, section 626.556, is amended by adding a subdivision to read:

Subd. 10g. [INTERSTATE DATA EXCHANGE.] All reports and records created, collected, or maintained under this section by a local social service agency or law enforcement agency may be disclosed to a local social service or other child welfare agency of another state when the agency certifies that:

(a) the reports and records are necessary in order to conduct an investigation of actions that would qualify as sexual abuse, physical abuse, or neglect under this section; and

(b) the reports and records will be used only for purposes of a child protection assessment or investigation and will not be further disclosed to any other person or agency.

The local social service agency or law enforcement agency in this state shall keep a record of all records or reports disclosed pursuant to this subdivision and of any agency to which the records or reports are disclosed. If in any case records or reports are disclosed before a determination is made under section 626.556, subdivision 10e, or a disposition of any criminal proceedings is reached, the local social service agency or law enforcement agency in this state shall forward the determination or disposition to any agency which has received any report or record under this subdivision.

Sec. 27. Minnesota Statutes 1989 Supplement, section 626.556, subdivision 11, is amended to read:

Subd. 11. [RECORDS.] Except as provided in subdivisions 10b, 10d, 10g, and 11b, all records concerning individuals maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police

department or the county sheriff. Reports maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority. Section 13.82, subdivisions 5, 5a, and 5b, apply to law enforcement data other than the reports. The welfare board shall make available to the investigating, petitioning, or prosecuting authority any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. In conducting investigations and assessments pursuant to this section, the notice required by section 13.04, subdivision 2, need not be provided to a minor under the age of ten who is the alleged victim of abuse or neglect. An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation except as otherwise permitted by this subdivision. Any person conducting an investigation or assessment under this section who intentionally discloses the identity of a reporter prior to the completion of the investigation or assessment is guilty of a misdemeanor. After the assessment or investigation is completed, the name of the reporter shall be confidential. The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written finding by the court that the report was false and that there is evidence that the report was made in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the rules of criminal procedure.

Sec. 28. Minnesota Statutes 1989 Supplement, section 626.558, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT OF THE TEAM.] A county ~~may~~ *shall* establish a multidisciplinary child protection team that may include, but not be limited to, the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, representatives of health and education, representatives of mental health or other appropriate human service agencies, and parent groups.

Sec. 29. Minnesota Statutes 1988, section 626.559, subdivision 2, is amended to read:

Subd. 2. [JOINT TRAINING.] The commissioners of human services and public safety shall cooperate in the development of a joint program for training child abuse services professionals in the appropriate techniques for child abuse assessment and investigation. The program shall include but need not be limited to the following areas:

- (1) the public policy goals of the state as set forth in section 260.011 and the role of the assessment or investigation in meeting these goals;
- (2) the special duties of child protection workers and law enforcement officers under section 626.556;
- (3) the appropriate methods for directing and managing affiliated professionals who may be utilized in providing protective services and strengthening family ties;
- (4) the appropriate methods for interviewing alleged victims of child abuse and other minors in the course of performing an assessment or an investigation;

(5) the dynamics of child abuse and neglect within family systems and the appropriate methods for interviewing parents in the course of the assessment or investigation, *including training in recognizing cases in which one of the parents is a victim of domestic abuse and in need of special legal or medical services;*

(6) the legal, evidentiary considerations that may be relevant to the conduct of an assessment or an investigation;

(7) the circumstances under which it is appropriate to remove the alleged abuser or the alleged victim from the home;

(8) the protective social services that are available to protect alleged victims from further abuse, to prevent child abuse *and domestic abuse*, and to preserve the family unit, *and training in the preparation of case plans to coordinate services for the alleged child abuse victim with services for any parents who are victims of domestic abuse;* and

(9) the methods by which child protection workers and law enforcement workers cooperate in conducting assessments and investigations in order to avoid duplication of efforts.

Sec. 30. [626.5621] [STATEWIDE CHILD MALTREATMENT TOLL-FREE HELPLINE.]

Subdivision 1. [ESTABLISHMENT OF TELEPHONE HELPLINE.] The commissioner of human services shall provide for the establishment by January 1, 1991, of a statewide 24-hour telephone helpline for the primary purpose of providing families with support, information, and other assistance in resolving parenting crises, preventing child abuse and neglect, and promoting healthy family relationships. Services provided shall include: crisis counseling; the provision of child development information; referrals to appropriate local services including mental health services, child care resources, child protection and other social services, and parent and child support groups; and the education of callers on how to locate appropriate resources. Families in every part of the state shall have access to a toll-free telephone helpline.

Subd. 2. [DUTIES OF COMMISSIONER.] (a) The commissioner shall contract for the provision of the services described in this section. The contract must require that all staff and volunteers who will be providing the services are trained and supervised by professionals with knowledge and experience in the areas of parent education, child development, child maltreatment, and counseling.

(b) The commissioner shall appoint an advisory committee of up to seven persons, representative of the different geographic regions of the state and of the expected consumers of the service, to advise the commissioner on all aspects of the commissioner's duties under this section. Members of this committee serve without compensation but shall receive reimbursement for expenses.

(c) The commissioner shall provide for an annual evaluation by an independent consultant of the need for the services described in subdivision 1 and the extent to which the services being provided meet that need.

(d) The commissioner shall report to the legislature concerning this program by January 1 of each odd-numbered year.

Subd. 3. [ANONYMITY; MANDATORY REPORTING OF CHILD

ABUSE.] *The identity of any caller shall not be requested as a prerequisite to providing the services described in this section. Any communication with the telephone helpline service established under this section by a person mandated to report abuse or neglect under section 626.556, does not satisfy the obligation to report under that section.*

Sec. 31. [ATTORNEY GENERAL DATA PRACTICES STUDY.]

The attorney general shall study and make recommendations regarding government data practices that affect the child protection system. The attorney general shall consult with a multidisciplinary task force of individuals involved in the child protection system, including child protection agencies, law enforcement, prosecution and defense attorneys, the department of administration data protection division, and members of the public. The attorney general shall:

(1) prepare a plain-language interpretation of existing data practices laws that affect the child protection system;

(2) identify ambiguities and inconsistencies in the laws and compare the classification and treatment of data in law enforcement and child protection agencies;

(3) prepare standard forms for giving information to individuals under Minnesota Statutes, section 13.04, subdivision 2, and for reports under Minnesota Statutes, section 626.556;

(4) determine the need for giving mandated reporters, law enforcement, and child protection workers who must diagnose and investigate child abuse increased access to medical records and information on prior abuse; and

(5) consider the desirability of defining false or unfounded reports under section 626.556.

The attorney general shall report and make recommendations to the legislature by December 15, 1991.

Sec. 32. [CHILD ABUSE; PLAN FOR STATEWIDE COMPUTER DATA SYSTEM.]

The commissioner of public safety, in consultation with the department of human services, shall determine the feasibility and costs of establishing a statewide computerized data system containing the following information on determinations made under Minnesota Statutes, section 626.556, and on the criminal and juvenile court matters specified in clauses (1) to (6):

(1) identifying information on any individual that a local social service agency has determined under section 626.556, subdivision 10e, to have been responsible for the maltreatment of a child or to have necessitated the provision of child protective services for a child, and the name and birth date of any child found to have been maltreated or to be in need of child protective services as a result of the individual's actions;

(2) identifying information on individuals arrested for, charged with, or convicted of malicious punishment of a child or neglect of a child;

(3) pretrial release conditions applicable to individuals charged with an offense listed in clause (2);

(4) probation and supervised release conditions applicable to individuals convicted of an offense listed in clause (2);

(5) identifying information on individuals whose parental rights to a child have been involuntarily terminated under Minnesota Statutes, section 260.226; and

(6) identifying information on individuals who have a child who was found to be in need of protective services as defined in Minnesota Statutes, section 260.015, subdivision 2a.

The commissioner shall also determine the feasibility and costs of requiring all local social service agencies, law enforcement agencies, prosecutors, courts, and court services personnel to report relevant information to the statewide data system; of making the information available to these agencies on request; and of providing a process by which the accuracy of the data may be reviewed at the request of the subject of the data.

The commissioner shall report the results of the study and provide an implementation plan to the chairs of the judiciary committees in the house of representatives and the senate on or before February 1, 1991.

Sec. 33. [SUPREME COURT REVIEW OF CERTAIN JUVENILE COURT ISSUES.]

The supreme court is requested to study and review the following two issues:

(1) whether the use of Minnesota Statutes, section 542.16, and Rule 63.03 of the rules of civil procedure to remove judges in juvenile court cases involving allegations of child abuse or neglect is frequent and appropriate;

(2) whether there is adequate special training for judges who hear juvenile court cases involving allegations of child abuse or neglect.

The supreme court is requested to report to the judiciary committees of the senate and the house of representatives with any findings or recommendations for change resulting from these reviews.

Sec. 34. [CHILD ABUSE PREVENTION GRANT.]

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

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

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

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

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

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

Sec. 35. [APPROPRIATIONS.]

(a) \$ is appropriated from the general fund to the commissioner of public safety for the fiscal year ending June 30, 1991, for the child abuse professional consultation telephone line established under Minnesota Statutes, section 626.562.

(b) \$ is appropriated to the commissioner of human services for the fiscal year ending June 30, 1991, to establish and administer the statewide child maltreatment toll-free helpline under section 30.

(c) Additional funds, in the amount of \$, are appropriated from the general fund to the commissioner of health, for the biennium ending June 30, 1991, to be used for family planning grants under Minnesota Statutes, section 145.925. The supplemental funds authorized by this paragraph shall be targeted to provide support services to persons who are at risk for unplanned pregnancies and who, because of dependency on alcohol or other drugs, are seen to be at risk of creating abusive family settings.

(d) \$ is appropriated from the general fund to the legislative coordinating commission for the administration of the legislative commission on children.

(e) \$ is appropriated from the general fund to the commissioner of human services for the fiscal year ending June 30, 1991, to award a child abuse prevention grant under section 34.

Sec. 36. [EFFECTIVE DATE.]

Sections 19, 20, and 21 are effective August 1, 1990, and apply to crimes committed on or after that date."

Delete the title and insert:

"A bill for an act relating to children; creating a legislative commission on children; providing improved procedures to protect the safety and welfare of abused and neglected children; providing for more permanent placements of children in need of protection or services; improving data practices; including mental injuries and threatened injuries as abuse to be reported as maltreatment of minors; increasing penalties for assault against a child when there is a past pattern of child abuse; increasing the penalty for malicious child punishment resulting in great bodily harm; increasing the penalty for assaulting a child protection worker who is performing lawful duties; excluding persons convicted of child abuse or criminal sexual conduct seeking employment in juvenile corrections from certain protections for criminal offenders; appropriating money; amending Minnesota Statutes 1988, sections 147.09; 260.011, subdivision 2; 260.155, subdivision 1; 609.2231, by adding a subdivision; 626.556, subdivisions 1, 3, and by adding a subdivision; 626.559, subdivision 2; Minnesota Statutes 1989 Supplement, sections 245A.04, subdivision 3; 260.015, subdivision 2a; 260.161, subdivision 2; 260.171, subdivision 4; 260.191, subdivision 1; 260.221, subdivision 1; 364.09; 609.223; 609.377; 626.556, subdivisions 2, 10e, and 11; and 626.558, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 3, 144; 147; 148; 245; 260; and 626."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1879, 1927, 2092, 2156, 1980, 1979, 354, 1032, 2090, 2172, 2281, 2208 and 2127 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1895 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Renneke moved that the name of Mr. Piepho be added as a co-author to S.F. No. 1782. The motion prevailed.

Mr. Solon moved that the name of Mr. Dahl be added as a co-author to S.F. No. 1790. The motion prevailed.

Mr. Solon moved that the name of Ms. Reichgott be added as a co-author to S.F. No. 1791. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Morse be added as a co-author to S.F. No. 1949. The motion prevailed.

Ms. Reichgott moved that the name of Mr. Moe, D.M. be added as a co-author to S.F. No. 2062. The motion prevailed.

Mrs. Adkins moved that the name of Mr. Moe, D.M. be added as a co-author to S.F. No. 2075. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Davis be added as a co-author to S.F. No. 2081. The motion prevailed.

Mr. Morse moved that the name of Mr. Pehler be added as a co-author to S.F. No. 2191. The motion prevailed.

Mr. Morse moved that the name of Mr. Moe, D.M. be added as a co-author to S.F. No. 2195. The motion prevailed.

Mr. Peterson, R.W. moved that the name of Ms. Olson be added as a co-author to S.F. No. 2201. The motion prevailed.

Mr. DeCramer moved that the name of Mr. Chmielewski be added as a co-author to S.F. No. 2219. The motion prevailed.

Mr. Frank moved that the name of Mr. Solon be added as a co-author to S.F. No. 2281. The motion prevailed.

Mr. Frank moved that the names of Messrs. Kroening and Dahl be added as co-authors to S.F. No. 2282. The motion prevailed.

Mr. Davis moved that the names of Mr. Bertram and Mrs. Lantry be added as co-authors to S.F. No. 2284. The motion prevailed.

Mr. Pogemiller moved that the name of Ms. Reichgott be added as a co-author to S.F. No. 2329. The motion prevailed.

Mr. Diessner moved that the name of Ms. Piper be added as a co-author to S.F. No. 2374. The motion prevailed.

Mr. Chmielewski moved that the name of Mr. Johnson, D.J. be added as a co-author to S.F. No. 2375. The motion prevailed.

Mr. Beckman moved that the names of Messrs. Morse and Vickerman be added as co-authors to S.F. No. 2404. The motion prevailed.

Mr. Lessard moved that the name of Mr. Peterson, R.W. be added as a co-author to S.F. No. 2422. The motion prevailed.

Mr. Dicklich moved that the names of Messrs. Johnson, D.J. and Lessard be added as co-authors to S.F. No. 2429. The motion prevailed.

Mr. Bertram introduced—

Senate Resolution No. 155: A Senate resolution commemorating the dedication of Kimball Elementary School, Kimball, Minnesota.

Referred to the Committee on Rules and Administration.

Messrs. Bertram and Novak introduced—

Senate Resolution No. 156: A Senate resolution commending Michael D. Brainard, State Commander of the Department of Minnesota Veterans of Foreign Wars, for his dedicated, effective, and outstanding service.

Referred to the Committee on Rules and Administration.

Messrs. Bertram, Pehler and Johnson, D.E. introduced—

Senate Resolution No. 157: A Senate resolution commending Francis Januschka for his 22 years of work as Stearns County Extension Director.

Referred to the Committee on Rules and Administration.

Mr. Bertram introduced—

Senate Resolution No. 158: A Senate resolution saluting the 50th Anniversary of the inception of the paratrooper as a tactical fighting unit.

Referred to the Committee on Rules and Administration.

Mr. Moe, R.D. moved that S.F. No. 1674 be withdrawn from the Committee on Taxes and Tax Laws and re-referred to the Committee on Judiciary. The motion prevailed.

RECESS

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

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

APPOINTMENTS

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

S.F. No. 60: Messrs. DeCramer, Merriam and Frederickson, D.R.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Pehler introduced—

S.F. No. 2436: A bill for an act relating to education; appropriating money to the board of teaching to support teacher education curriculum revision.

Referred to the Committee on Education.

Mr. Pehler introduced—

S.F. No. 2437: A bill for an act relating to education; appropriating money to the board of teaching to implement an assessment system.

Referred to the Committee on Education.

Messrs. Mehrkens and Larson introduced—

S.F. No. 2438: A bill for an act proposing an amendment to the Minnesota Constitution, changing article IV, sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 24, 25, and 26; article V, sections 3 and 5; article VIII, section 1; article IX, sections 1 and 2; and article XI, section 5; providing for a unicameral legislature; providing by law for a membership of 135 members; amending Minnesota Statutes 1988, sections 2.021; and 2.031, subdivision 1.

Referred to the Committee on Elections and Ethics.

Mr. Larson introduced—

S.F. No. 2439: A bill for an act relating to education; allowing the Pine Point School to qualify for federal impact aid; amending Minnesota Statutes 1989 Supplement, sections 128B.01, subdivision 1; and 128B.03, subdivisions 3, 4, 6, and 8; repealing Minnesota Statutes 1989 Supplement, sections 128B.02, subdivision 4; and 128B.05, subdivision 3.

Referred to the Committee on Education.

Messrs. Dicklich; Johnson, D.E.; Chmielewski and Mrs. Brataas introduced—

S.F. No. 2440: A bill for an act relating to education; requiring a plan to implement a Minnesota legislative school; appropriating money.

Referred to the Committee on Education.

Mr. Metzen introduced—

S.F. No. 2441: A bill for an act relating to financial institutions; requiring notice of proposed acquisition; proposing coding for new law in Minnesota Statutes, chapter 46.

Referred to the Committee on Commerce.

Mr. Pehler introduced—

S.F. No. 2442: A bill for an act relating to education; providing for alternative preparation licensing of teachers in certain cases; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 125.

Referred to the Committee on Education.

Mr. Metzen introduced—

S.F. No. 2443: A bill for an act relating to education; providing for flagging of school records of missing children; proposing coding for new law in Minnesota Statutes, chapter 120.

Referred to the Committee on Education.

Mrs. Pariseau, Messrs. Lessard and Frederickson D.R. introduced—

S.F. No. 2444: A bill for an act relating to education; establishing a task force to develop a model natural resources education model curriculum for consideration of the state board of education; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Mr. Kroening introduced—

S.F. No. 2445: A bill for an act relating to state government; authorizing the commissioner of jobs and training to establish a position in the unclassified service; amending Minnesota Statutes 1988, section 268.0121, subdivision 3.

Referred to the Committee on Governmental Operations.

Messrs. Dicklich; Johnson, D.J. and Novak introduced—

S.F. No. 2446: A bill for an act relating to motor carriers; deferring enforcement actions against irregular route common carriers pending legislative study.

Referred to the Committee on Transportation.

Messrs. Novak; Lessard; Frederickson, D.R. and Dahl introduced—

S.F. No. 2447: A bill for an act relating to environment and natural resources; authorizing the issuance of state bonds and expenditure of the proceeds to acquire and to better state parks, recreation areas, trails, forests, wildlife management areas, scientific and natural areas, wild, scenic, and recreational rivers, canoe and boating routes, and public water access; to improve fish, wildlife, and native plant habitat; to provide for private critical habitat match program; to provide for construction of wastewater treatment facilities, state independent grants for construction of municipal wastewater treatment facilities, state match to federal revolving loan, and combined sewer overflow grants; for acquisition and enhancement of metropolitan regional parks; for local recreation grants; for waste management; authorizing issuance of state bonds; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Mr. Knutson introduced—

S.F. No. 2448: A bill for an act relating to human services; requiring the commissioner of human services to seek an exemption from federal medical assistance requirements to allow applicants and recipients to count certain donated health care services as health care expenses for purposes of determining eligibility for medical assistance.

Referred to the Committee on Health and Human Services.

Mr. Merriam introduced—

S.F. No. 2449: A bill for an act relating to human services; changing the age requirement for disclosure of certain information to adopted persons; amending Minnesota Statutes 1988, sections 259.253; 259.47, subdivisions 1 and 4; Minnesota Statutes 1989 Supplement, section 259.49, subdivision 1.

Referred to the Committee on Judiciary.

Mr. Ramstad introduced—

S.F. No. 2450: A bill for an act relating to human services; establishing certain standards for licensed day care programs; amending Minnesota Statutes 1988, section 245A.14, by adding a subdivision.

Referred to the Committee on Health and Human Services.

Mr. Waldorf, Mrs. Lantry and Mr. Moe, D.M. introduced—

S.F. No. 2451: A bill for an act relating to liquor; requiring public facilities that sell beer to offer a Minnesota produced beer for sale.

Referred to the Committee on Commerce.

Messrs. Pogemiller, DeCramer, Decker, Dicklich and Larson introduced—

S.F. No. 2452: A bill for an act relating to education; establishing a state loan program for minority teachers; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Education.

Mr. Hughes introduced—

S.F. No. 2453: A bill for an act relating to state government; regulating the management compensation plan and certain judicial salaries; amending Minnesota Statutes 1988, sections 15A.083, subdivision 7; and 43A.18, subdivision 3.

Referred to the Committee on Governmental Operations.

Mr. Marty introduced—

S.F. No. 2454: A bill for an act relating to waste; placing waste stream diversion requirements on counties who apply for solid waste resource recovery permits; requiring a study of the environmental effects of existing resource recovery facilities; placing a moratorium on new permits until completion of the study; appropriating money; amending Minnesota Statutes 1989 Supplement, section 116.07, subdivision 4j.

Referred to the Committee on Environment and Natural Resources.

Mr. Mehrkens introduced—

S.F. No. 2455: A bill for an act relating to cemeteries; allowing transfer of certain cemetery property to a religious corporation; amending Minnesota Statutes 1988, section 306.02, by adding a subdivision.

Referred to the Committee on General Legislation and Public Gaming.

Mrs. Adkins introduced—

S.F. No. 2456: A bill for an act relating to education; providing counseling, referral, assessment, guidance, and other support services for elementary school students; proposing coding for new law in Minnesota Statutes, chapter 123.

Referred to the Committee on Education.

Mr. Morse introduced—

S.F. No. 2457: A bill for an act relating to capital improvements; providing for capital expenses at Winona State University; authorizing sale of state bonds; appropriating money.

Referred to the Committee on Finance.

Messrs. Morse; Waldorf; Moe, D.M.; DeCramer and Frederickson, D.R. introduced—

S.F. No. 2458: A bill for an act relating to the environment; placing restrictions on use of water for once-through cooling systems; changing water use processing fees for once-through cooling systems; appropriating money; amending Minnesota Statutes 1988, section 105.41, by adding a subdivision; and Minnesota Statutes 1989 Supplement, section 105.41, subdivisions 1c and 5a.

Referred to the Committee on Environment and Natural Resources.

Mr. Storm introduced—

S.F. No. 2459: A bill for an act relating to telephone service; private shared telecommunications services; exempting providers of private shared telecommunications services from regulation and supervision by the public utilities commission and the department of public service; requiring telephone companies to provide local exchange service to private shared telecommunications services and tenants in buildings in which private shared telecommunications services are available at the same rate that the local exchange service is provided to other commercial customers; amending Minnesota Statutes 1988, section 237.68, subdivisions 1 and 6; repealing Minnesota Statutes 1988, section 237.68, subdivisions 4 and 5.

Referred to the Committee on Public Utilities and Energy.

Mrs. Brataas, Ms. Olson, Mrs. Pariseau, Mr. Piepho and Mrs. McQuaid introduced—

S.F. No. 2460: A bill for an act relating to child support; creating a demonstration project for the collection of delinquent child support.

Referred to the Committee on Health and Human Services.

Messrs. Dicklich and Johnson, D.J. introduced—

S.F. No. 2461: A bill for an act relating to mining; amending certain provisions relating to operators' bonds; amending Minnesota Statutes 1988, section 93.49.

Referred to the Committee on Environment and Natural Resources.

Mrs. Pariseau, Messrs. Ramstad and Marty introduced—

S.F. No. 2462: A bill for an act relating to traffic regulations; imposing mandatory minimum fine for violators of handicapped parking restrictions; providing a penalty for a physically handicapped person who parks in handicapped parking space without required certificate or license plates; amending Minnesota Statutes 1988, section 169.346, subdivision 3.

Referred to the Committee on Transportation.

Mr. Diessner introduced—

S.F. No. 2463: A bill for an act relating to local government; authorizing cities to limit construction and impose charges because of street use; proposing coding for new law in Minnesota Statutes, chapter 471.

Referred to the Committee on Local and Urban Government.

Messrs. DeCramer; Peterson, R. W.; Ms. Flynn, Messrs. Larson and Pehler introduced—

S.F. No. 2464: A bill for an act relating to education; providing for long-range Indian education plans; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

Messrs. Solon; Johnson, D.J.; Dicklich; Lessard and Samuelson introduced—

S.F. No. 2465: A bill for an act relating to economic development; requiring a prevailing wage for projects which received economic development related financial assistance from a government agency; requiring certification from the commissioners of the pollution control agency and labor and industry relating to past violations; proposing coding for new law in Minnesota Statutes, chapter 116J.

Referred to the Committee on Economic Development and Housing.

Mr. Pogemiller, Ms. Piper, Messrs. Moe, R.D.; Stumpf and Ms. Berglin introduced—

S.F. No. 2466: A bill for an act relating to taxation; income; authorizing a tax checkoff for foodshelf programs; appropriating money; amending Minnesota Statutes 1988, section 290.431; proposing coding for new law in Minnesota Statutes, chapter 268.

Referred to the Committee on Taxes and Tax Laws.

Mr. Anderson introduced—

S.F. No. 2467: A bill for an act relating to education; approving a capital loan to the Osakis school district.

Referred to the Committee on Education.

Messrs. Vickerman and Morse introduced—

S.F. No. 2468: A bill for an act relating to agriculture; requiring certain disclosures about artificial cheese; proposing coding for new law in Minnesota Statutes, chapter 31.

Referred to the Committee on Agriculture and Rural Development.

Messrs. Peterson, R. W.; Merriam; Ms. Reichgott and Mr. Benson introduced—

S.F. No. 2469: A bill for an act relating to taxation; tax increment financing; modifying the requirements for the collection and expenditure of increments; providing for the computation of state aids; amending Minnesota Statutes 1988, sections 469.129, subdivision 2; 469.174, subdivision 12, and by adding a subdivision; 469.175, subdivision 1a, and by adding subdivisions; 469.176, subdivisions 2 and 3; 469.177, subdivision 8; 469.179, by adding a subdivision; Minnesota Statutes 1989 Supplement, sections 469.175, subdivision 4; 469.176, subdivision 4c; 469.177, subdivision 9; Minnesota Statutes Second 1989 Supplement, sections 469.174, subdivisions 7 and 10; 469.175, subdivisions 3 and 7; 469.176, subdivisions 1 and 4j; Laws 1988, chapter 719, article 12, section 30, as amended; proposing coding for new law in Minnesota Statutes, chapters 273 and 469.

Referred to the Committee on Economic Development and Housing.

Mr. Anderson introduced—

S.F. No. 2470: A bill for an act relating to insurance; increasing access to the comprehensive health insurance plan; amending Minnesota Statutes 1988, sections 62E.02, subdivisions 2, 8, and 13; 62E.11, subdivision 2; 62E.14, by adding subdivisions; Minnesota Statutes 1989 Supplement, section 363.02, subdivision 1.

Referred to the Committee on Commerce.

Messrs. Storm and Laidig introduced—

S.F. No. 2471: A bill for an act relating to utilities; limiting public utilities commissioners to one term; amending Minnesota Statutes 1988, section 216A.03, subdivision 1.

Referred to the Committee on Public Utilities and Energy.

Mr. Vickerman introduced—

S.F. No. 2472: A bill for an act relating to human services; relating to the powers of the commissioner; amending Minnesota Statutes 1989 Supplement, section 256.045, subdivision 6.

Referred to the Committee on Health and Human Services.

Mr. Anderson introduced—

S.F. No. 2473: A bill for an act relating to insurance; restricting underwriting practices for group health insurance; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Commerce.

Messrs. Knaak, Belanger and McGowan introduced—

S.F. No. 2474: A bill for an act relating to taxation; property; changing the class rates applied to certain homestead property; amending Minnesota Statutes Second 1989 Supplement, section 273.13, subdivisions 22 and 23.

Referred to the Committee on Taxes and Tax Laws.

Ms. Berglin introduced—

S.F. No. 2475: A bill for an act relating to health; requiring outpatient endoscopic clinics to be licensed under rules governing outpatient surgical centers; providing exemptions to the rules; proposing coding for new law in Minnesota Statutes, chapter 144.

Referred to the Committee on Health and Human Services.

Ms. Berglin introduced—

S.F. No. 2476: A bill for an act relating to child support; increasing the percentage of an obligor's net income to be paid as child support; amending Minnesota Statutes 1988, section 518.551, subdivision 5.

Referred to the Committee on Health and Human Services.

Mr. Bertram introduced—

S.F. No. 2477: A bill for an act relating to agriculture; providing for light butter; amending Minnesota Statutes 1988, section 32.471, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 32.

Referred to the Committee on Agriculture and Rural Development.

Ms. Berglin introduced—

S.F. No. 2478: A bill for an act relating to human services; clarifying medical assistance payment rate procedures for hospitals; allowing case management for certain recipients of medical assistance; amending verification of pregnancy requirements for medical assistance eligibility; clarifying eligibility requirements for medical assistance and general assistance medical care; clarifying asset and income allowances for institutionalized spouses; clarifying services to be covered by medical assistance; establishing requirements for a relative's responsibility; expanding the homestead exclusion for medical assistance eligibility; establishing procedures for a vendor's request for a contested case proceeding; establishing requirements for claims against the estate of a recipient; clarifying procedures for enforcement of medical support; amending Minnesota Statutes 1988, sections 13.46, subdivision 5; 256B.04, subdivision 15; 256B.055, subdivisions 3, 5, and 6; 256B.056, subdivisions 2, 7, and by adding a subdivision; 256B.0625, subdivisions 4, 5, 9, and by adding subdivisions; 256B.15; 256B.19, by adding a subdivision; 256B.69, subdivision 3; 256D.03, subdivisions 3 and 7; 518.171, subdivisions 1, 3, 4, and 7; Minnesota Statutes 1989 Supplement, sections 256.969, subdivisions 2c and 6a; 256.9695, subdivisions 1 and 3; 256B.055, subdivision 7; 256B.056, subdivisions 3 and 4; 256B.057, subdivisions 1, 2, and by adding subdivisions; 256B.0575; 256B.059, subdivisions 4 and 5; 256B.0595, subdivisions 1, 2, and 4; 256B.14; 256B.69, subdivision 16; 256D.03, subdivision 4; Laws 1989, chapter 282, article 3, section 98, subdivisions 4 and 5; proposing coding

for new law in Minnesota Statutes, chapter 256B; repealing Minnesota Statutes 1989 Supplement, section 256B.055, subdivision 8.

Referred to the Committee on Health and Human Services.

Mr. Freeman introduced—

S.F. No. 2479: A bill for an act relating to commerce; regulating mortgage payment services; requiring a license and bond; prescribing the duties of the commissioner; establishing fees; proposing coding for new law as Minnesota Statutes, chapter 82C.

Referred to the Committee on Commerce.

Messrs. Langseth, Morse and Stumpf introduced—

S.F. No. 2480: A bill for an act relating to workers' compensation; regulating benefits and insurance; amending Minnesota Statutes 1988, sections 79.01, subdivision 1; 79.074, by adding subdivisions; 79.50; 79.59; 176.011, subdivisions 11a, 18, and by adding a subdivision; 176.021, subdivision 3; 176.061, subdivision 10; 176.101, subdivisions 1, 2, 4, 5, 6, and by adding a subdivision; 176.102, subdivisions 1, 4, 6, 7, and 11; 176.105, subdivisions 1 and 4; 176.111, subdivisions 6, 7, 8, 12, 14, 15, 20, and 21; 176.131, subdivision 8; 176.132, subdivisions 1 and 3; 176.179; 176.221, subdivision 6a; and 176.645, subdivisions 1 and 2; Minnesota Statutes 1989 Supplement, section 176.132, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 79 and 176; repealing Minnesota Statutes 1988, sections 79.51; 79.52, subdivisions 2 and 12; 79.53; 79.54; 79.55; 79.56; 79.57; 79.58; 79.60; 79.61; 79.62; 176.011, subdivision 26; 176.101, subdivisions 3a, 3b, 3c, 3d, 3f, 3g, 3h, 3i, 3j, 3k, 3l, 3m, 3n, 3o, 3p, 3q, 3r, 3s, 3t, and 3u; 176.111, subdivision 8a; Minnesota Statutes 1989 Supplement, section 176.101, subdivision 3e.

Referred to the Committee on Employment.

Mr. Beckman introduced—

S.F. No. 2481: A bill for an act relating to health; requiring an asbestos abatement rule change.

Referred to the Committee on Health and Human Services.

Mr. Johnson, D.J. introduced—

S.F. No. 2482: A bill for an act relating to workers' compensation; providing for regulation of insurance rates; amending Minnesota Statutes 1988, sections 79.01, subdivision 1; 79.074, by adding subdivisions; 79.50; and 79.59; proposing coding for new law in Minnesota Statutes, chapter 79; repealing Minnesota Statutes 1988, sections 79.51; 79.52, subdivisions 2 and 12; 79.53; 79.54 to 79.58; and 79.60 to 79.62.

Referred to the Committee on Employment.

Ms. Reichgott introduced—

S.F. No. 2483: A bill for an act relating to corporations; clarifying and modifying provisions relating to the organization and operation of nonprofit corporations; amending Minnesota Statutes 1989 Supplement, sections

317A.011, subdivision 15; 317A.021, subdivision 4; 317A.111, subdivision 3; 317A.115, subdivision 2; 317A.133, subdivisions 1, 2, 3, and 4; 317A.181, subdivision 2; 317A.201; 317A.205; 317A.207, subdivision 1; 317A.213; 317A.225; 317A.237; 317A.251, subdivision 3; 317A.301; 317A.311; 317A.321; 317A.341, subdivision 2; 317A.401, subdivision 4; 317A.403; 317A.431; 317A.435, subdivision 2; 317A.443, subdivision 1; 317A.453, subdivision 3; 317A.455, subdivision 3; 317A.615, subdivision 1; 317A.711, subdivision 2; 317A.735, subdivisions 1 and 2; 317A.811, subdivisions 1, 4, and 6; 317A.821, subdivision 2; 317A.823, subdivisions 2 and 3; and 354A.021, subdivision 2.

Referred to the Committee on Judiciary.

Messrs. Morse; Frederickson, D.R.; Langseth; Frederickson, D.J. and Mehrkens introduced—

S.F. No. 2484: A bill for an act relating to finance; appropriating money for purple loosestrife control.

Referred to the Committee on Finance.

Mr. Anderson introduced—

S.F. No. 2485: A bill for an act relating to agriculture; providing compensation for honeybee colonies damaged or destroyed during a program of grasshopper control; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 3.

Referred to the Committee on Agriculture and Rural Development.

Mr. Novak introduced—

S.F. No. 2486: A bill for an act relating to highways; directing commissioner of transportation not to use stop and go signals on certain entrance ramps to I-94 until 1992.

Referred to the Committee on Transportation.

Mr. Decker introduced—

S.F. No. 2487: A bill for an act relating to Hubbard county; permitting the county board to assign certain duties to the county recorder and the county auditor.

Referred to the Committee on Local and Urban Government.

Mr. Dicklich introduced—

S.F. No. 2488: A bill for an act relating to education; establishing a special class of local telephone service provided to schools; proposing monthly rates; providing a levy; amending Minnesota Statutes 1988, sections 237.06; and 275.125, by adding a subdivision.

Referred to the Committee on Public Utilities and Energy.

Mr. Lessard introduced—

S.F. No. 2489: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited land in Koochiching and Lincoln counties;

authorizing the private sale of certain state lands in Scott, Hubbard, and Fillmore counties; appropriating proceeds of the Scott county conveyance; authorizing the sale of certain surplus land in Lake county; authorizing the sale of certain trust fund land in St. Louis county; authorizing the sale of surplus land in Grant county for recreational purposes.

Referred to the Committee on Environment and Natural Resources.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 2:00 p.m., Thursday, March 8, 1990. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate