

SEVENTY-FIRST DAY

St. Paul, Minnesota, Wednesday, March 16, 1994

The Senate met at 11:45 a.m. and was called to order by the President.

CALL OF THE SENATE

Ms. Flynn imposed a call of the Senate. The Sergeant at Arms was instructed to bring in the absent members.

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

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

Anderson	Flynn	Kroening	Morse	Robertson
Beckman	Frederickson	Laidig	Murphy	Runbeck
Belanger	Hanson	Langseth	Novak	Sams
Benson, D.D.	Hottinger	Larson	Oliver	Samuelson
Benson, J.E.	Janezich	Lesewski	Olson	Solon
Berglin	Johnson, D.E.	Lessard	Pappas	Spear
Bertram	Johnson, D.J.	Luther	Pariseau	Stevens
Betzold	Johnson, J.B.	Marty	Piper	Stumpf
Chandler	Johnston	McGowan	Pogemiller	Terwilliger
Chmielewski	Kelly	Merriam	Price	Vickerman
Cohen	Kiscaden	Metzen	Ranum	Wiener
Dille	Knutson	Moe, R.D.	Reichgott Junge	
Finn	Krentz	Mondale	Riveness	

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received and referred to the committee indicated.

January 28, 1994

The Honorable Allan H. Spear
President of the Senate

Dear Sir:

The following appointments are hereby respectfully submitted to the Senate for confirmation as required by law:

MINNESOTA RURAL FINANCE AUTHORITY

Marlene Malstrom, Rt. 5, Box 344, Detroit Lakes, Becker County, has been

appointed by me, effective February 2, 1994, for a term expiring on the first Monday in January, 1998.

Armin Tesch, Rt. 1, Box 133, Waldorf, Waseca County, has been appointed by me, effective February 2, 1994, for a term expiring on the first Monday in January, 1998.

(Referred to the Committee on Agriculture and Rural Development.)

Warmest regards,
Arne H. Carlson, Governor

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. 524; 1186, 1496, 1788; 1811, 1906, 1845, 1957, 2007 and 2130.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted March 14, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 524: A bill for an act relating to traffic regulations; authorizing rural postal carriers to operate rural mail delivery vehicles equipped with tires having metal studs; with restrictions; requiring permit from commissioner of transportation; providing a penalty; amending Minnesota Statutes 1992, section 169.72, by adding a subdivision.

Referred to the Committee on Transportation and Public Transit.

H.F. No. 1186: A bill for an act relating to the environment; adding cross references for existing civil penalties for littering; amending Minnesota Statutes 1992, sections 85.20, subdivision 6; 115A.99; 169.421; 375.18, subdivision 14; and 412.221, subdivision 22.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1496: A bill for an act relating to health; clarifying the scope of confidentiality of records of review organizations; including preferred provider organizations in definition of review organizations; amending Minnesota Statutes 1992, sections 145.61, subdivision 5, and by adding a subdivision; and 145.64, subdivision 1.

Referred to the Committee on Judiciary.

H.F. No. 1788: A bill for an act relating to marriage; providing for postnuptial contracts; amending Minnesota Statutes 1992, section 519.11.

Referred to the Committee on Judiciary.

H.F. No. 1811: A bill for an act relating to school bus drivers; designating second Monday of January as Minnesota School Bus Driver Day; proposing coding for new law in Minnesota Statutes, chapter 126.

Referred to the Committee on Education.

H.F. No. 1906: A bill for an act relating to state trails; routing an existing trail; establishing new trails; amending Minnesota Statutes 1992, section 85.015, subdivision 7, and by adding subdivisions.

Referred to the Committee on Environment and Natural Resources.

H.F. No. 1845: A bill for an act relating to education; permitting school boards to begin the 1994-1995 school year before Labor Day because a religious holiday is observed the day following Labor Day.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 1693, now on the Consent Calendar.

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

Referred to the Committee on Jobs, Energy and Community Development.

H.F. No. 2007: A bill for an act relating to employment; making clear that employee includes "at pleasure" employees under the whistleblower law; amending Minnesota Statutes 1992, section 181.931, subdivision 2.

Referred to the Committee on Jobs, Energy and Community Development.

H.F. No. 2130: A bill for an act relating to counties; St. Louis; assigned the former town of Payne to the 7th commissioner district.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2052, now on the Consent Calendar.

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. 1643. The motion prevailed.

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 1692: A bill for an act relating to contracts; creating the public contractors' performance and payment bond act by amending existing provisions; amending Minnesota Statutes 1992, sections 574.26; 574.261; 574.262, subdivision 1; 574.263, subdivision 3; 574.264, subdivision 1; 574.27; 574.28; 574.29; 574.30; 574.31; and 574.32.

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

Page 1, line 20; delete "and" and insert "or"

Page 2, line 11, after "perform" delete the comma

Page 2, line 20, delete "must" and insert "may"

Page 2, line 24, after "or" insert "successfully"

Page 3, line 9, after the second "the" insert "amount"

Page 3, after line 27, insert:

"Subd. 1a. [LETTERS OF CREDIT.] Whenever this act or other law or home rule charter requires a performance bond from a contractor doing a public work project of under \$50,000 for a public body, the contractor may be permitted to provide, in place of the performance bond, an irrevocable bank letter of credit in the same amount as required for the bond and subject to the same conditions as the bond."

Page 3, line 29, after "deposit" insert "in place of a payment bond"

Page 5, delete section 4 and insert:

"Sec. 4. Minnesota Statutes 1992, section 574.263, is amended by adding a subdivision to read:

Subd. 4. [PAYMENT BOND.] A contract with the state for a forestry development project may require a payment bond at the discretion of the commissioner of natural resources. If the commissioner determines that a payment bond is required, the commissioner also has the discretion to decide whether the bond may be in the form of securities in place of a bond as provided in section 574.264. If so, the securities cannot have less value than five percent of the contract price."

Page 6, line 1, delete "\$20,000" and insert "\$30,000"

Page 6, line 2, strike "or bid deposit"

Page 6, line 7, after "same" insert "amount"

Page 6, line 29, before "Any" insert "In a situation involving"

Page 6, line 30, delete "for it"

Page 6, line 33, strike "given" and delete "to perform" and insert "provided with" and strike "if"

Page 6, line 34, strike "accepted"

Page 7, line 3, strike the second comma

Page 7, line 4, strike the comma

Page 7, line 5, strike "of"

Page 7, line 7, strike ", and" and insert a period

Page 7, line 19, after "treasurer" insert ", board, or officer having financial management"

Page 7, line 20, delete "in the bonds" and strike "unless the contract" and delete "is" and strike "for work upon a state"

Page 7, strike line 21

Page 7, line 22, strike "for a state institution, in which case" and delete "the bonds" and strike "shall be"

Page 7, line 23, strike "filed with the board or officer having the"

Page 7, line 24, strike "financial management" and delete "*of the trunk highway system or*"

Page 7, line 25, delete "*state institution*" and insert "*in the bonds*"

Amend the title as follows:

Page 1, line 6, delete "subdivision 3" and insert "by adding a subdivision"

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

Ms. Reichgott Junge from the Committee on Judiciary, to which was referred

S.F. No. 1694: A bill for an act relating to civil commitment; modifying procedures relating to administering intrusive mental health treatment to persons committed as mentally ill and dangerous under the civil commitment act; amending Minnesota Statutes 1992, sections 13.42, subdivision 3; 253B.02, by adding a subdivision; 253B.03, subdivision 6c; and 253B.12, subdivision 1.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1992, section 13.42, subdivision 3, is amended to read:

Subd. 3. [CLASSIFICATION OF MEDICAL DATA.] Unless the data is summary data or a statute specifically provides a different classification, medical data are private but are available only to the subject of the data as provided in section 144.335, and shall not be disclosed to others except:

- (a) pursuant to section 13.05;
- (b) pursuant to a valid court order;
- (c) to administer federal funds or programs;

(d) to the surviving spouse, parents, children, and siblings of a deceased patient or client or, if there are no surviving spouse, parents, children, or siblings, to the surviving heirs of the nearest degree of kindred;

(e) to communicate a patient's or client's condition to a family member or other appropriate person in accordance with acceptable medical practice, unless the patient or client directs otherwise; or

(f) data on past administration of neuroleptic medication may be released to a treating physician who must make medical decisions with respect to prescribing and administering neuroleptic medication under section 253B.03, subdivision 6c; or

(f) (g) as otherwise required by law.

Sec. 2. Minnesota Statutes 1992, section 253B.03, subdivision 6b, is amended to read:

Subd. 6b. [CONSENT FOR MENTAL HEALTH TREATMENT.] A competent person admitted or committed without commitment to a treatment facility may be subjected to intrusive mental health treatment only with the person's written informed consent. For purposes of this section, "intrusive mental health treatment" means electroshock therapy and neuroleptic medication and does not include treatment for mental retardation. An incompetent person who has prepared a directive under subdivision 6d regarding treatment with intrusive therapies must be treated in accordance with this section, except in cases of emergencies.

Sec. 3. Minnesota Statutes 1992, section 253B.03, subdivision 6c, is amended to read:

Subd. 6c. [ADMINISTRATION OF NEUROLEPTIC MEDICATIONS.]
(a) Neuroleptic medications may be administered to persons committed as mentally ill or mentally ill and dangerous only as described in this subdivision.

(b) *A treating physician required to make medical judgments under this subdivision has access to a patient's records on past administration of neuroleptic medication at any treatment facility. Upon request of a treating physician under this subdivision, a treatment facility shall supply complete information relating to the past records on administration of neuroleptic medication of a patient subject to this subdivision.*

(c) ~~A neuroleptic medication may be administered treatment provider may prescribe and administer neuroleptic medication without judicial review to a patient or a proposed patient who:~~

~~(1) is competent to consent to neuroleptic medications if the patient has given written, informed consent to administration of the neuroleptic medication; the treatment and has signed a written, informed consent;~~

~~(2) A neuroleptic medication may be administered to a patient who (2) is not competent to consent to neuroleptic medications if the patient, when competent, prepared a declaration under subdivision 6d requesting the treatment or authorizing a proxy to request the treatment or if a court approves the administration of the neuroleptic medication; and the proxy has requested the neuroleptic medication;~~

~~(3) A neuroleptic medication may be administered without court review to a patient who (3) has not prepared a declaration under subdivision 6d and who is not competent to consent to neuroleptic medications if:~~

~~(i) the patient does not object to or refuse the medication;~~

~~(ii) a guardian ad litem appointed by the court with authority to consent to neuroleptic medications gives written, informed consent to the administration of the neuroleptic medication; and~~

~~(iii) a multidisciplinary treatment review panel composed of persons who are not engaged in providing direct care to the patient gives written approval to administration of the neuroleptic medication; or~~

~~(4) A neuroleptic medication may be administered without judicial review and without consent (4) refuses prescribed neuroleptic medication and is in an emergency situation. Medication may be administered for so long as the emergency continues to exist, up to 14 days, if the treating physician determines that the medication is necessary to prevent serious, immediate~~

physical harm to the patient or to others. If a petition for authorization to administer medication is filed within the 14 days, the treating physician may continue the medication through the date of the court hearing. The treatment facility shall document the emergency in the patient's medical record in specific behavioral terms.

A treatment provider may prescribe and administer neuroleptic medications to a patient who does not object or refuse and who is under a guardianship or conservatorship, if the guardian or conservator is acting within the scope of the authority granted under section 525.5515 and has given written permission to the treatment provider or facility to administer neuroleptic medications.

(f) A person who consents to treatment pursuant to this subdivision is not civilly or criminally liable for the performance of or the manner of performing the treatment. A person is not liable for performing treatment without consent if written, informed consent was given pursuant to this subdivision. This provision does not affect any other liability that may result from the manner in which the treatment is performed.

(g) The court may allow and order paid to a guardian ad litem a reasonable fee for services provided under paragraph (c), or the court may appoint a volunteer guardian ad litem.

(h) A medical director or patient may petition the committing court, or the court to which venue has been transferred, for a hearing concerning the administration of neuroleptic medication. A hearing may also be held pursuant to section 253B.08, 253B.09, 253B.12, or 253B.18. The hearing concerning the administration of neuroleptic medication must be held within 14 days from the date of the filing of the petition. The court may extend the time for hearing up to an additional 15 days for good cause shown.

(d) A treatment facility must obtain judicial review to administer neuroleptic medication to a patient who refuses to take the medication, or when an independent medical review does not support the prescribed treatment.

(e) A physician on behalf of a treatment facility may file a petition requesting authorization to administer neuroleptic medication to a patient or a proposed patient who is not competent to consent to the prescribed medication, as certified by a physician, and who refuses to take the prescribed medication. A patient may also file a petition for a review of neuroleptic medication.

(f) A petition may be filed with the district court in the county of commitment or the county in which the patient is being held or treated. The petition may be heard as part of any other district court proceeding under this chapter. The hearing must be held within 14 days from the date of the filing of the petition. By agreement of the parties, or for good cause shown, the court may extend the time of hearing an additional 30 days.

(g) If the petitioning facility has a treatment review panel, the panel shall review the appropriateness of the proposed medication and submit its recommendations to the court and to the patient's counsel at least two days prior to the hearing.

(h) The patient must be examined by a court examiner prior to the hearing. The patient is entitled to counsel, a second examiner, if requested by the

patient or patient's counsel, and, if requested by any party a guardian ad litem.

(i) The court shall determine by clear and convincing evidence whether the patient is incompetent to consent to the neuroleptic medication and whether the involuntary administration of medication is necessary to treat the patient's mental illness. The court may base its decision on the opinion of its examiner, a member of the patient's treatment team, the patient's medical records, and any evidence which the court determines to be relevant and admissible.

(j) If the patient is found to be competent to decide whether to take neuroleptic medication, the treating facility may not administer medication without the patient's informed written consent or without the declaration of an emergency, or until further review by the court.

(k) If the patient is found incompetent to decide whether to take neuroleptic medication, the court may authorize the treating facility, and any other community facility to which the patient may be transferred or discharged, to involuntarily administer the medication to the patient. A finding of incompetence under this section must not be construed to determine the patient's competence for any other purpose.

(l) The court may, but is not required to, limit the maximum dosage of neuroleptic medication which may be administered.

(m) The court may authorize the administration of neuroleptic medication for the duration of a determinate commitment. If the patient is committed for an indeterminate period, the court may authorize treatment of neuroleptic medication for not more than two years, subject to the patient's right to petition the court for review of the order. The treatment facility must submit annual reports to be reviewed by the court, the patient, and the respective attorneys.

(n) If the patient is transferred to a facility that has a treatment review panel, the facility shall review the appropriateness of the patient's medication within 30 days after the patient begins treatment at the facility.

Sec. 4. Minnesota Statutes 1992, section 253B.07, subdivision 1, is amended to read:

Subdivision 1. [PREPETITION SCREENING.] (a) Prior to filing a petition for commitment of a proposed patient, an interested person shall apply to the designated agency in the county of the proposed patient's residence or presence for conduct of a preliminary investigation, except when the proposed patient has been acquitted of a crime under section 611.026 and the county attorney is required to file a petition for commitment pursuant to subdivision 2. In any case coming within this exception, the county attorney shall apply to the designated county agency in the county in which the acquittal took place for a preliminary investigation unless substantially the same information relevant to the proposed patient's current mental condition as could be obtained by a preliminary investigation is part of the court record in the criminal proceeding or is contained in the report of a mental examination conducted in connection with the criminal proceeding. The designated agency shall appoint a screening team to conduct an investigation which shall include:

(i) a personal interview with the proposed patient and other individuals who appear to have knowledge of the condition of the proposed patient. If the proposed patient is not interviewed, reasons must be documented;

(ii) identification and investigation of specific alleged conduct which is the basis for application; ~~and~~

(iii) identification, exploration, and listing of the reasons for rejecting or recommending alternatives to involuntary placement; *and*

(iv) if involuntary placement is recommended, a determination of whether the proposed patient is competent to consent to any administration of neuroleptic medication, and if not, whether the proposed patient would object to or refuse administration of neuroleptic medication.

(b) In conducting the investigation required by this subdivision, the screening team shall have access to all relevant medical records of proposed patients currently in treatment facilities. Data collected pursuant to this clause shall be considered private data on individuals.

(c) When the prepetition screening team recommends commitment, a written report shall be sent to the county attorney for the county in which the petition is to be filed.

(d) The prepetition screening team shall refuse to support a petition if the investigation does not disclose evidence sufficient to support commitment. Notice of the prepetition screening team's decision shall be provided to the prospective petitioner.

(e) If the interested person wishes to proceed with a petition contrary to the recommendation of the prepetition screening team, application may be made directly to the county attorney, who may determine whether or not to proceed with the petition. Notice of the county attorney's determination shall be provided to the interested party.

(f) If a court petitions for commitment pursuant to the rules of criminal procedure or a county attorney petitions pursuant to acquittal of a criminal charge under section 611.026, the prepetition investigation, if required by this section, shall be completed within seven days after the filing of the petition.

Sec. 5. Minnesota Statutes 1992, section 253B.09, subdivision 2, is amended to read:

Subd. 2. [FINDINGS.] (a) The court shall find the facts specifically, separately state its conclusions of law, and direct the entry of an appropriate judgment. Where commitment is ordered, the findings of fact and conclusions of law shall specifically state the proposed patient's conduct which is a basis for determining that each of the requisites for commitment is met.

(b) If commitment is ordered, the findings shall also include a listing of less restrictive alternatives considered and rejected by the court and the reasons for rejecting each alternative.

(c) If the prepetition screening team has determined that a patient is not competent to consent to the administration of neuroleptic medication but would not object to or refuse the administration of neuroleptic medication, the court may, at the time of commitment, appoint a guardian ad litem for purposes of section 253B.03, subdivision 6c, paragraph (c), clause (3).

Sec. 6. Minnesota Statutes 1992, section 253B.12, subdivision 1, is amended to read:

Subdivision 1. [REPORT.] Prior to the termination of the initial commitment order or final discharge of the patient, the head of the facility shall file

a written report with the committing court with a copy to the patient and patient's counsel, setting forth in detailed narrative form at least the following:

- (1) the diagnosis of the patient with the supporting data;
- (2) the anticipated discharge date;
- (3) an individualized treatment plan;
- (4) a detailed description of the discharge planning process with suggested after care plan;
- (5) whether the patient is in need of further care and treatment with evidence to support the response;
- (6) whether any further care and treatment must be provided in a treatment facility with evidence to support the response;
- (7) whether in the opinion of the head of the facility the patient must continue to be committed to a treatment facility; and
- (8) whether in the opinion of the head of the facility the patient satisfies the statutory requirement for continued commitment, with documentation to support the opinion; and
- (9) *whether the administration of neuroleptic medication is clinically indicated, whether the patient is able to give informed consent to that medication, and the basis for these opinions.*

Sec. 7. Minnesota Statutes 1992, section 253B.17, subdivision 1, is amended to read:

Subdivision 1. [PETITION.] Any patient, except one committed as mentally ill and dangerous to the public, or any interested person may petition the committing court or the court to which venue has been transferred for an order that the patient is not in need of continued institutionalization or for an order that an individual is no longer mentally ill, mentally retarded, or chemically dependent, or for any other relief as the court deems just and equitable. ~~A patient committed as mentally ill or mentally ill and dangerous may petition the committing court or the court to which venue has been transferred for a hearing concerning the administration of neuroleptic medication. A hearing may also be held pursuant to sections 253B.08, 253B.09, 253B.12, and 253B.18.~~

Sec. 8. Minnesota Statutes 1992, section 525.56, subdivision 3, is amended to read:

Subd. 3. The court may appoint a guardian of the person if it determines that all the powers and duties listed in this subdivision are needed to provide for the needs of the incapacitated person. The court may appoint a conservator of the person if it determines that a conservator is needed to provide for the needs of the incapacitated person through the exercise of some, but not all, of the powers and duties listed in this subdivision. The duties and powers of a guardian or those which the court may grant to a conservator of the person include, but are not limited to:

- (1) The power to have custody of the ward or conservatee and the power to establish a place of abode within or without the state, except as otherwise provided in this clause. The ward or conservatee or any person interested in the ward's or conservatee's welfare may petition the court to prevent or to

initiate a change in abode. A ward or conservatee may not be admitted to a regional treatment center by the guardian or conservator except (1) after a hearing pursuant to chapter 253B; (2) for outpatient services; or (3) for the purpose of receiving temporary care for a specific period of time not to exceed 90 days in any calendar year.

(2) The duty to provide for the ward's or conservatee's care, comfort and maintenance needs, including food, clothing, shelter, health care, social and recreational requirements, and, whenever appropriate, training, education, and habilitation or rehabilitation. The guardian or conservator has no duty to pay for these requirements out of personal funds. Whenever possible and appropriate, the guardian or conservator should meet these requirements through governmental benefits or services to which the ward or conservatee is entitled, rather than from the ward's or conservatee's estate. Failure to satisfy the needs and requirements of this clause shall be grounds for removal of a private guardian or conservator, but the guardian or conservator shall have no personal or monetary liability.

(3) The duty to take reasonable care of the ward's or conservatee's clothing, furniture, vehicles, and other personal effects, and, if other property requires protection, the power to seek appointment of a guardian or conservator of the estate. The guardian or conservator must give notice in the manner required and to those persons specified in section 525.55 prior to the disposition of the ward's or conservatee's clothing, furniture, vehicles, or other personal effects. The notice must inform the person of the right to object to the disposition of the property within ten days and to petition the court for a review of the guardian's or conservator's proposed actions. Notice of the objection must be served by mail or personal service on the guardian or conservator and the ward or conservatee unless the ward or conservatee be the objector. The guardian or conservator served with notice of an objection to the disposition of the property may not dispose of the property unless the court approves the disposition after a hearing.

(4)(a) The power to give any necessary consent to enable the ward or conservatee to receive necessary medical or other professional care, counsel, treatment or service, ~~except that including neuroleptic medication.~~ No guardian or conservator may give consent for psychosurgery, electroshock, sterilization, or experimental treatment of any kind unless the procedure is first approved by order of the court as provided in this clause. The guardian or conservator shall not consent to any medical care for the ward or conservatee which violates the known conscientious, religious, or moral belief of the ward or conservatee.

(b) A guardian or conservator who believes a procedure described in clause (4)(a) requiring prior court approval to be necessary for the proper care of the ward or conservatee shall petition the court for an order and, in the case of a public guardianship or conservatorship under chapter 252A, obtain the written recommendation of the commissioner of human services. The court shall fix the time and place for the hearing and shall give notice to the ward or conservatee and to the other persons specified in section 525.55, subdivision 1. The notice shall comply with the requirements of, and be served in the manner provided in section 525.55, subdivision 2. The court shall appoint an attorney to represent the ward or conservatee who is not represented by counsel. In every case the court shall determine if the procedure is in the best interests of the ward or conservatee. In making its determination, the court shall consider a written medical report which specifically considers the

medical risks of the procedure, whether alternative, less restrictive methods of treatment could be used to protect the best interests of the ward or conservatee, and any recommendation of the commissioner of human services for a public ward or conservatee. The standard of proof is that of clear and convincing evidence.

(c) In the case of a petition for sterilization of a mentally retarded ward or conservatee, the court shall appoint a licensed physician, a psychologist who is qualified in the diagnosis and treatment of mental retardation, and a social worker who is familiar with the ward's or conservatee's social history and adjustment or the case manager for the ward or conservatee to examine or evaluate the ward or conservatee and to provide written reports to the court. The reports shall indicate why sterilization is being proposed, whether sterilization is necessary and is the least intrusive method for alleviating the problem presented, and whether it is in the best interests of the ward or conservatee. The medical report shall specifically consider the medical risks of sterilization, the consequences of not performing the sterilization, and whether alternative methods of contraception could be used to protect the best interests of the ward or conservatee.

(d) Any conservatee whose right to consent to a sterilization has not been restricted under this section or section 252A.101, may be sterilized only if the conservatee consents in writing or there is a sworn acknowledgment by an interested person of a nonwritten consent by the conservatee. The consent must certify that the conservatee has received a full explanation from a physician or registered nurse of the nature and irreversible consequences of the sterilization operation.

(e) A guardian or conservator or the public guardian's designee who acts within the scope of authority conferred by letters of guardianship under section 252A.101, subdivision 7, and according to the standards established in this chapter or in chapter 252A shall not be civilly or criminally liable for the provision of any necessary medical care, including but not limited to, the administration of psychotropic medication or the implementation of aversive and deprivation procedures to which the guardian or conservator or the public guardian's designee has consented.

(5) The power to approve or withhold approval of any contract, except for necessities, which the ward or conservatee may make or wish to make.

(6) The duty and power to exercise supervisory authority over the ward or conservatee in a manner which limits civil rights and restricts personal freedom only to the extent necessary to provide needed care and services."

Delete the title and insert:

"A bill for an act relating to civil commitment; modifying procedures relating to administering intrusive mental health treatment to persons committed as mentally ill and dangerous under the civil commitment act; amending Minnesota Statutes 1992, sections 13.42, subdivision 3; 253B.03, subdivisions 6b and 6c; 253B.07, subdivision 1; 253B.09, subdivision 2; 253B.12, subdivision 1; 253B.17, subdivision 1; and 525.56, subdivision 3."

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

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

S.F. No. 1695: A bill for an act relating to veterans; establishing a veterans' cemetery; providing for funding; appropriating money; amending Minnesota Statutes 1992, sections 349.212, subdivision 1; 349.213, subdivision 1; Minnesota Statutes 1993 Supplement, sections 349.12, subdivision 25; and 349.212, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 197; repealing Minnesota Statutes 1992, section 197.235.

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

Delete everything after the enacting clause and insert:

“Section 1. [197.236] [VETERANS' CEMETERY.]

Subdivision 1. [ADVISORY COUNCIL; PURPOSE.] The veterans' cemetery advisory council is established for the purpose of advising the commissioner of veterans affairs on all matters relating to the development, operation, and maintenance of the cemetery established under this section, and to manage the fundraising for the veterans' cemetery trust account established in subdivision 6. The advisory council and its members are governed by section 15.059, except that the council does not expire, and the terms of members are governed by subdivision 2. The council shall meet at least quarterly. The commissioner of the department of veterans affairs shall provide administrative support and meeting space for the advisory council.

Subd. 2. [COUNCIL MEMBERSHIP; TERMS.] The advisory council is composed of nine members appointed by the governor, subject to the advice and consent of the senate. One member each must be appointed from the membership of the following organizations: the Veterans of Foreign Wars, the American Legion, and the Disabled American Veterans. One member must be appointed from the membership of the auxiliary of any of these three veterans' organizations. One member must have experience in mortuary science or funeral home operations. One member must have experience in cemetery management and operation. The remaining members must be persons experienced in policy development, civic and community affairs, forms of public service, or legal work, and at least two of these persons must be veterans. No fewer than four nor more than five of the members must be residents of the metropolitan area as defined in section 473.121, subdivision 2, and not more than six of the members must be of the same gender. All members of the advisory council must be legal residents of the state of Minnesota while serving on the council. Members' terms of service on the advisory council are as follows: three persons each must be appointed for two-year, four-year, and six-year terms; upon expiration of any member's term, a person must be appointed to that position for a six-year term. No person may serve consecutive terms on the advisory council, except that any person serving a two- or four-year term may be reappointed to one consecutive six-year term. The chair of the council must be designated by the governor.

Subd. 3. [OPERATION AND MAINTENANCE.] The commissioner of veterans affairs shall supervise and control the veterans' cemetery established under this section. The commissioner may contract for the maintenance and operation of the cemetery. All personnel, equipment, and support necessary for maintenance and operation of the cemetery, as well as the expenses and per diem of the advisory council, must be included in the department's budget.

Subd. 4. [ACQUISITION OF PROPERTY.] By August 1, 1994, or as soon thereafter as practicable, the department of veterans affairs shall receive by gift and establish ownership of the site of approximately 36 acres adjacent to Camp Ripley in Morrison county that has been prepared for the purpose of a state veterans' cemetery by the Minnesota state veterans' cemetery association. Prior to the acquisition of this land, the department must obtain the approval of the Morrison county board. The department may also receive any equipment and materials granted to the state or any of its political subdivisions for this purpose.

Subd. 5. [RULES.] The commissioner of veterans affairs shall adopt rules regarding the operation of the cemetery. If practicable, upright granite markers shall be required for marking graves.

Subd. 6. [PERMANENT MAINTENANCE ACCOUNT.] A veterans' cemetery maintenance account is established in the special revenue fund of the state treasury. Receipts for burial fees, earnings from the veterans' cemetery trust account, designated appropriations, and any other cemetery receipts must be deposited into this account. This account must be used for the development, operation, maintenance, and improvement of the cemetery, and to pay the expenses and per diem of the advisory council. To the extent practicable, the commissioner of veterans affairs shall apply for available federal grants for the development and operation of the cemetery.

Subd. 7. [PERMANENT TRUST ACCOUNT.] (a) A veterans' cemetery trust account is established in the special revenue fund of the state treasury. All designated appropriations and monetary donations to the cemetery must be placed in this account. The principal of this account must be invested by the state board of investment and may not be spent. The income from this account must be transferred as directed by the account manager to the veterans' cemetery maintenance account.

(b) The commissioner of finance shall notify the commissioners of revenue and veterans affairs when the balance in this account reaches \$2,000,000.

Subd. 8. [ELIGIBILITY FOR BURIAL.] The following persons are eligible for burial in the state veterans' cemetery:

(1) a veteran who has been discharged, under other than dishonorable conditions, from the armed forces of the United States;

(2) a person who has completed qualified service for retirement from, or died in the line of duty for, the Minnesota national guard or any Minnesota reserve component of the United States military forces; and

(3) the spouse or dependent child of a person in clause (1) or (2).

Subd. 9. [BURIAL FEES.] The commissioner of veterans affairs shall establish a fee schedule, which may be adjusted from time to time, for the interment of eligible family members. The fees shall cover as nearly as practicable the actual costs of interment, excluding the value of the plot. The department may accept the social security burial allowance, if any, of the eligible family members in an amount not to exceed the actual cost of the interment. The commissioner may waive the fee in the case of an indigent eligible person.

No plot or interment fees may be charged for the burial of eligible veterans, members of the national guard, or military reservists, except that funds

available from the social security or veterans' burial allowances, if any, must be paid to the commissioner in an amount not to exceed the actual cost of the interment, excluding the value of the plot.

Prior to the interment of an eligible person, the commissioner shall request the cooperation of the eligible person's next of kin in applying to the appropriate federal agencies for payment to the cemetery of any allowable interment allowance.

Subd. 10. [ALLOCATION OF PLOTS.] A person, or survivor of a person, eligible for interment in the state veterans' cemetery may apply for a burial plot for the eligible person by submitting a request to the commissioner of veterans affairs on a form supplied by the department. The department shall allot plots on a first-come, first-served basis. To the extent that it is practical, plots must be allocated in a manner permitting the burial of eligible family members above, below, or adjacent to the eligible veteran, member of the national guard, or military reservist.

Sec. 2. Minnesota Statutes 1993 Supplement, section 349.12, subdivision 25, is amended to read:

Subd. 25. (a) "Lawful purpose" means one or more of the following:

(1) any expenditure by or contribution to a 501(c)(3) organization, provided that the organization and expenditure or contribution are in conformity with standards prescribed by the board under section 349.154;

(2) a contribution to an individual or family suffering from poverty, homelessness, or physical or mental disability, which is used to relieve the effects of that poverty, homelessness, or disability;

(3) a contribution to an individual for treatment for delayed posttraumatic stress syndrome or a contribution to a recognized program for the treatment of compulsive gambling on behalf of an individual who is a compulsive gambler;

(4) a contribution to or expenditure on a public or private nonprofit educational institution registered with or accredited by this state or any other state;

(5) a contribution to a scholarship fund for defraying the cost of education to individuals where the funds are awarded through an open and fair selection process;

(6) activities by an organization or a government entity which recognize humanitarian or military service to the United States, the state of Minnesota, or a community, *including contributions to the veterans' cemetery trust account authorized under section 197.236*, subject to rules of the board;

(7) recreational, community, and athletic facilities and activities intended primarily for persons under age 21, provided that such facilities and activities do not discriminate on the basis of gender, as evidenced by (i) provision of equipment and supplies, (ii) scheduling of activities, including games and practice times, (iii) supply and assignment of coaches or other adult supervisors, (iv) provision and availability of support facilities, and (v) whether the opportunity to participate reflects each gender's demonstrated interest in the activity, provided that nothing in this clause prohibits a contribution to or expenditure on an educational institution or other entity that is excepted from the prohibition against discrimination based on sex contained

in the Higher Education Act Amendments of 1976, United States Code, title 20, section 1681;

(8) payment of local taxes authorized under this chapter, taxes imposed by the United States on receipts from lawful gambling, and the tax imposed by section 349.212, subdivisions 1 and 4, and the tax imposed on unrelated business income by section 290.05, subdivision 3;

(9) payment of real estate taxes and assessments on licensed gambling premises wholly owned by the licensed organization paying the taxes, not to exceed:

(i) the amount which an organization may expend under board rule on rent for premises used for bingo; or

(ii) \$15,000 per year for premises used for other forms of lawful gambling;

(10) a contribution to the United States, this state or any of its political subdivisions, or any agency or instrumentality thereof other than a direct contribution to a law enforcement or prosecutorial agency;

(11) a contribution to or expenditure by a nonprofit organization, church, or body of communicants gathered in common membership for mutual support and edification in piety, worship, or religious observances; or

(12) payment of one-half of the reasonable costs of an audit required in section 349.19, subdivision 9.

(b) Notwithstanding paragraph (a), "lawful purpose" does not include:

(1) any expenditure made or incurred for the purpose of influencing the nomination or election of a candidate for public office or for the purpose of promoting or defeating a ballot question;

(2) any activity intended to influence an election or a governmental decision-making process;

(3) the erection, acquisition, improvement, expansion, repair, or maintenance of real property or capital assets owned or leased by an organization, except as provided in clause (6), unless the board has first specifically authorized the expenditures after finding that (i) the real property or capital assets will be used exclusively for one or more of the purposes in paragraph (a); (ii) with respect to expenditures for repair or maintenance only, that the property is or will be used extensively as a meeting place or event location by other nonprofit organizations or community or service groups and that no rental fee is charged for the use; (iii) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building, a building owned by the organization and destroyed or made uninhabitable by fire or natural disaster, provided that the expenditure may be only for that part of the replacement cost not reimbursed by insurance; or (iv) with respect to expenditures, including a mortgage payment or other debt service payment, for erection or acquisition only, that the erection or acquisition is necessary to replace with a comparable building a building owned by the organization that was acquired from the organization by eminent domain or sold by the organization to a purchaser that the organization reasonably believed would otherwise have acquired the building by eminent domain, provided that the expenditure may be only for that part of the

replacement cost that exceeds the compensation received by the organization for the building being replaced;

(4) an expenditure by an organization which is a contribution to a parent organization, foundation, or affiliate of the contributing organization, if the parent organization, foundation, or affiliate has provided to the contributing organization within one year of the contribution any money, grants, property, or other thing of value;

(5) a contribution by a licensed organization to another licensed organization unless the board has specifically authorized the contribution. The board must authorize such a contribution when requested to do so by the contributing organization unless it makes an affirmative finding that the contribution will not be used by the recipient organization for one or more of the purposes in paragraph (a);

(6) the erection, acquisition, improvement, or expansion of real property or capital assets which will be used for one or more of the purposes in paragraph (a), clause (7), unless the organization making the expenditures notifies the board at least 15 days before making the expenditure; or

(7) a contribution to a statutory or home rule charter city, county, or town by a licensed organization with the knowledge that the governmental unit intends to use the contribution for a pension or retirement fund.

Sec. 3. Minnesota Statutes 1992, section 349.212, subdivision 1, is amended to read:

Subdivision 1. [IMPOSITION.] (a) There is hereby imposed a tax on all lawful gambling, other than (1) pull-tabs purchased and placed into inventory after January 1, 1987, and (2) tipboards purchased and placed into inventory after June 30, 1988, at the rate of ten percent on the gross receipts as defined in section 349.12, subdivision 21, less prizes actually paid. The tax imposed by this subdivision is in lieu of the tax imposed by section 297A.02 and all local taxes and license fees except a fee authorized under section 349.16, subdivision 4, or a tax authorized under section 349.212, subdivision 5.

(b) The tax imposed under this subdivision is payable by the organization or party conducting, directly or indirectly, the gambling.

(c) *An organization owing tax under this subdivision may reduce the amount of tax owed in a reporting period by an amount equal to a contribution made in that period to the veterans' cemetery trust account authorized under section 197.236. The tax may not be reduced by any amount for which a reduction has already been granted under subdivision 4, paragraph (e). In any calendar year an organization may not reduce its tax owed under this paragraph by an amount that when added to any tax reduction granted to the organization under subdivision 4, paragraph (e), is equal to more than 25 percent of the organization's total tax in that calendar year under this subdivision and subdivision 4. An organization may not make any reduction under this paragraph in any month after the month in which the principal balance in the veterans' cemetery trust account has first reached \$2,000,000, as determined by the notification from the commissioner of finance under section 197.236, subdivision 7, paragraph (b).*

Sec. 4. Minnesota Statutes 1993 Supplement, section 349.212, subdivision 4, is amended to read:

Subd. 4. [PULL-TAB AND TIPBOARD TAX.] (a) There is imposed a tax on the sale of each deal of pull-tabs and tipboards sold by a licensed distributor. The rate of the tax is two percent of the ideal gross of the pull-tab or tipboard deal. The sales tax imposed by chapter 297A on the sale of the pull-tabs and tipboards by the licensed distributor is imposed on the retail sales price less the tax imposed by this subdivision. The retail sale of pull-tabs or tipboards by the organization is exempt from taxes imposed by chapter 297A and is exempt from all local taxes and license fees except a fee authorized under section 349.16, subdivision 4.

(b) The liability for the tax imposed by this section is incurred when the pull-tabs and tipboards are delivered by the distributor to the customer, to a common or contract carrier for delivery to the customer, or when received by the customer's authorized representative at the distributor's place of business, regardless of the distributor's method of accounting or the terms of the sale.

The tax imposed by this subdivision is imposed on all sales of pull-tabs and tipboards, except the following:

(1) sales to the governing body of an Indian tribal organization for use on an Indian reservation;

(2) sales to distributors licensed under this chapter;

(3) sales to distributors licensed under the laws of another state or of a province of Canada, as long as all statutory and regulatory requirements are met in the other state or province; and

(4) sales of promotional tickets as defined in section 349.12.

(c) Pull-tabs and tipboards sold to an organization that sells pull-tabs and tipboards under the exemption from licensing in section 349.166, subdivision 2, paragraph (a), are exempt from the tax imposed by this subdivision. A distributor must require an organization conducting exempt gambling to show proof of its exempt status before making a tax-exempt sale of pull-tabs or tipboards to such an organization. A distributor shall identify, on all reports submitted to the commissioner, all sales of pull-tabs and tipboards that are exempt from tax under this subdivision.

(d) A distributor having a liability of \$120,000 or more during a fiscal year ending June 30 must remit all liabilities in the subsequent calendar year by means of a funds transfer as defined in section 336.4A-104, paragraph (a). The funds transfer payment date, as defined in section 336.4A-401, must be on or before the date the tax is due. If the date the tax is due is not a funds transfer business day, as defined in section 336.4A-105, paragraph (a), clause (4), the payment date must be on or before the funds transfer business day next following the date the tax is due.

(e) *An organization purchasing pull-tabs or tipboards on which the tax has been imposed under this subdivision may reduce the amount of the tax on the pull-tabs or tipboards by an amount equal to an amount contributed by the organization to the veterans' cemetery trust account authorized under section 197.236. In any calendar year an organization may not receive a tax reduction under this paragraph in an amount that when added to any tax reduction granted to the organization under subdivision 1, paragraph (c), is equal to*

more than 25 percent of the organization's total tax in that calendar year under this subdivision and subdivision 1. A distributor may require proof of the expenditure before granting the tax reduction. A distributor owing tax under this subdivision who has granted a reduction to an organization under this paragraph may reduce the amount of the tax the distributor owes by the amount of the tax reduction the distributor grants. The commissioner may require a distributor who claims a tax reduction under this paragraph to submit evidence to the commissioner that the distributor has granted the tax reduction to an organization. No tax reduction may be granted to an organization under this paragraph for any expenditure by the organization for which a tax reduction has already been made under subdivision 1, paragraph (c). A distributor may not grant a tax reduction under this paragraph, or reduce the amount of tax the distributor owes under this paragraph, in any month after the month in which the principal balance in the veterans' cemetery trust account has first reached \$2,000,000, as determined by the notification from the commissioner of finance under section 197.236, subdivision 7, paragraph (b). The commissioner of revenue shall notify each licensed distributor upon receiving the notification from the commissioner of finance.

Sec. 5. Minnesota Statutes 1992, section 349.213, subdivision 1, is amended to read:

Subdivision 1. [LOCAL REGULATION.] (a) A statutory or home rule city or county has the authority to adopt more stringent regulation of lawful gambling within its jurisdiction, including the prohibition of lawful gambling, and may require a permit for the conduct of gambling exempt from licensing under section 349.166. The fee for a permit issued under this subdivision may not exceed \$100. The authority granted by this subdivision does not include the authority to require a license or permit to conduct gambling by organizations or sales by distributors licensed by the board. The authority granted by this subdivision does not include the authority to require an organization to make specific expenditures of more than ten percent from its net profits derived from lawful gambling. For the purposes of this subdivision, net profits are profits less amounts expended for allowable expenses. A statutory or home rule charter city or a county may not require an organization conducting lawful gambling within its jurisdiction to make an expenditure to the city or county as a condition to operate within that city or county, except as authorized under section 349.16, subdivision 4, or 349.212; provided, however, that an ordinance requirement that such organizations must contribute ten percent of their net profits derived from lawful gambling to a fund administered and regulated by the responsible local unit of government without cost to such fund, for disbursement by the responsible local unit of government of the receipts for lawful purposes, is not considered an expenditure to the city or county nor a tax under section 349.212, and is valid and lawful.

(b) A statutory or home rule city or county may by ordinance require that a licensed organization conducting lawful gambling within its jurisdiction expend all or a portion of its expenditures for lawful purposes, *other than contributions to the veterans' cemetery trust account authorized under section 197.236, subdivision 7*, on lawful purposes conducted or located within the city's or county's trade area. Such an ordinance must define the city's or county's trade area and must specify the percentage of lawful purpose expenditures which must be expended within the trade area. A trade area

defined by a city under this subdivision must include each city contiguous to the defining city.

(c) A more stringent regulation or prohibition of lawful gambling adopted by a political subdivision under this subdivision must apply equally to all forms of lawful gambling within the jurisdiction of the political subdivision, except a political subdivision may prohibit the use of paddlewheels.

Sec. 6. [APPROPRIATION.]

\$750,000 is appropriated from the general fund to the department of veterans affairs to be placed in the veterans' cemetery maintenance account of the special revenue fund of the state treasury for use in the development, operation, and maintenance of the state veterans' cemetery established in section 1, and to pay the expenses and per diem of its advisory council. This amount is available until expended.

\$. is appropriated from the general fund to the department of veterans affairs to be placed in the veterans' cemetery trust account of the special revenue fund of the state treasury where it shall remain permanently as principal for use as specified in section 1, subdivision 7.

Sec. 7. [REPEALER.]

Minnesota Statutes 1992, section 197.235, is repealed.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 7 are effective July 1, 1994."

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

Mr. Metzen from the Committee on Governmental Operations and Reform, to which was referred

S.F. No. 2076: A bill for an act relating to establishing a debt collection entity; providing for the collection of debts owed the state or for whom the state acts as a fiduciary; imposing fees; appropriating money; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 168A.05, subdivisions 2, 7, and by adding a subdivision; 508.25; and 542.07; Minnesota Statutes 1993 Supplement, section 168A.05, subdivision 3; proposing coding for new law as Minnesota Statutes, chapter 16C; repealing Minnesota Statutes 1992, sections 10.11; 10.12; 10.14; and 10.15.

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

Page 1, after line 13, insert:

"Section 1. Minnesota Statutes 1992, section 13.03, subdivision 5, is amended to read:

Subd. 5. [COPYRIGHT OR PATENT OF COMPUTER PROGRAM INTELLECTUAL PROPERTY.] ~~Nothing in this chapter or any other statute shall be construed to prevent A state agency, statewide system, or political subdivision from acquiring a~~ may acquire copyright or, trademark, service-mark, patent for a computer software program or components of a program created by that government, or other protection under federal or state law for

intellectual property, as defined in section 16B.482, subdivision 1, developed or acquired by the agency or subdivision. ~~In the event that a government agency does acquire a patent or copyright to a computer software program or component of a program, The data shall be treated~~ responsible authority for an agency or subdivision may license, assign, or otherwise authorize use of all or part of its intellectual property under section 16B.482 or classify the intellectual property, with the approval of the commissioner, as nonpublic trade secret information ~~pursuant to~~ under section 13.37.

Sec. 2. [16B.482] [INTELLECTUAL PROPERTY.]

Subdivision 1. [DEFINITIONS.] For purposes of this section and chapter 13:

(1) "intellectual property" means an idea, datum, artistic or other tangible expression, innovation, invention, process, or product, or any other meaning as defined by state or federal copyright, patent, or trademark laws;

(2) "responsible authority" has the meaning given it in section 13.02, subdivision 16; and

(3) "state agency" has the meaning given it in section 13.02, subdivision 17.

Subd. 2. [AUTHORIZATION.] A state agency or political subdivision may obtain copyright, trademark, servicemark, patent, or other protection under federal or state law for intellectual property developed or acquired by the agency or subdivision. The responsible authority for the agency or subdivision may license, assign, or otherwise authorize use of all or part of its intellectual property at public or private sale. The sale price or license fee may be based on market considerations. The responsible authority may establish the terms and conditions governing a sale or license of intellectual property, subject to the review and approval of the attorney general under section 8.05 for a state agency or to the review of appropriate legal counsel for a political subdivision.

Subd. 3. [INTELLECTUAL PROPERTY ACCOUNT.] Proceeds of the sale or licensing of intellectual property by a state agency are appropriated to the agency and must be maintained in an intellectual property account within the general fund.

Subd. 4. [DATA PRACTICES.] This section does not relieve a state agency or political subdivision from fulfilling its obligation under state or federal authority to provide access to public information or data to the public, but it expressly relieves the agency or subdivision from an obligation to provide intellectual property or data developed or acquired by the agency or subdivision, free of charge, in a form or to an extent that may be commercially exploited by the recipient of the intellectual property or data, or others, or otherwise used by the recipient for financial, competitive, or other advantage. Further, an agency or subdivision may enforce its state or federal intellectual property rights, or both, in intellectual property or data against infringing uses, including resale or other commercial use, by a recipient or others of the intellectual property or data."

Page 1, line 23, delete "pursuant to" and insert "under"

Page 1, line 29, delete "then"

Page 2, lines 22 and 28, delete "pursuant to" and insert "under"

Page 3, line 14, delete "any" and insert "a"

Page 3, line 21, delete "any" and insert "a" and delete "thereof" and insert "of one of those entities"

Page 4, lines 8 and 34, delete "shall" and insert "must"

Page 4, delete lines 11 to 28

Page 4, line 29, delete "5" and insert "3" and delete "On or"

Page 4, line 30, delete "before" and insert "By"

Page 4, line 35, before "senate" insert "committee on finance of the" and delete "finance committee"

Page 4, line 36, before "house" insert "committee on ways and means of the" and delete "ways and means committee"

Page 5, line 3, delete "created to" and insert "part of the department of finance and under the authority of the commissioner of finance. It shall"

Page 5, line 7, delete "the"

Page 5, line 8, delete "provisions of" and delete everything after the period

Page 5, delete line 9

Page 5, line 10, delete "finance."

Page 5, line 13, delete from "By" through page 5, line 17, to "entity."

Page 5, line 32, delete "pursuant to" and insert "under"

Page 5, line 35, delete "is authorized to" and insert "may"

Page 6, line 7, delete "shall accrue" and insert "accrues"

Page 6, line 8, delete "shall begin" and insert "begins"

Page 6, line 10, delete "which" and insert "that" and delete "the"

Page 6, line 13, after the comma, insert "the commissioner of finance shall set" and delete "shall"

Page 6, line 14, delete everything before "as"

Page 6, line 15, delete "which corresponds" and insert "corresponding"

Page 6, line 20, after "The" insert "commissioner of finance shall adjust the"

Page 6, line 21, delete everything after "interest"

Page 6, line 22, delete "later than" and insert "by" and delete "any" and insert "each" and delete "thereafter" and insert a comma

Page 6, line 23, after "I" insert a comma

Page 6, line 26, delete "which is"

Page 6, line 28, delete "pursuant to" and insert "under" and delete "considered"

Page 6, line 29, delete everything after "to"

Page 6, line 30, delete "in"

Page 6, line 32, before the comma, insert "*in which no penalties or interest have accrued*"

Page 6, line 33, delete "30" and insert "25"

Page 6, line 36, delete "*On or before June 1, 1994, and*"

Page 7, line 1, delete "*thereafter*"

Page 7, line 2, delete "*make a recommendation*" and insert "*recommend*"

Page 7, line 3, delete "*regarding*"

Page 7, line 6, delete everything before the second "*July*" and delete "*thereafter*"

Page 7, line 7, delete "*which*" and insert "*that*"

Page 7, line 10, delete "*pursuant to*" and insert "*under*"

Page 7, line 11, delete "*considered*" and delete "*the*"

Page 7, line 12, delete everything before "*chapter*"

Page 7, lines 19 and 24, delete "*then*"

Page 7, line 25, delete "*is*" and insert "*may*" and delete "*entitled to*"

Page 7, line 28, before "*If*" insert "*(a)*"

Page 7, line 30, delete "*follows:*" and insert "*prescribed in this section.*"

Page 7, line 31, delete "*(1) if*" and insert "*(b) If*"

Page 8, line 1, delete "*then*"

Page 8, line 2, delete "*; and*" and insert a period

Page 8, line 3, delete "*(2) if*" and insert "*(c) If*"

Page 8, line 4, delete "*clause (1), then*" and insert "*paragraph (b).*"

Page 8, line 14, delete "*shall*" and insert "*must*"

Page 9, lines 10, 11, 14, 15, and 16, delete "*pursuant to*" and insert "*under*"

Page 9, line 28, delete "*must*" and insert "*shall*"

Page 10, line 6, before "*In*" insert "*(a)*"

Page 10, line 10, delete "*following*" and delete the colon and insert "*listed in this subdivision.*"

Page 10, line 11, delete "*(1) to*" and insert "*(b) The entity may*"

Page 10, lines 12, 18, and 27, delete the semicolon and insert a period

Page 10, line 13, delete "*(2) to*" and insert "*(c) The entity may*"

Page 10, line 19, delete "*(3) to*" and insert "*(d) The entity may*"

Page 10, line 28, delete "*(4) to*" and insert "*(e) The entity may*"

Page 10, line 30, delete "*; and*" and insert a period

Page 10, line 31, delete "(5) to" and insert "(f) The entity may"

Page 11, line 14, delete "person" and insert "debtor"

Page 11, line 21, delete "pursuant to" and insert "under"

Page 12, line 3, delete "pursuant"

Page 12, line 4, delete "to" and insert "under" and delete the comma

Page 12, line 5, after "right" insert a comma

Page 12, line 24, delete "personal delivery" and insert "in person"

Page 12, line 27, delete everything after the period

Page 12, delete lines 28 to 31 and insert "For documents filed by mail or in person, the secretary of state shall enter the data as if they had been transmitted electronically. Once the electronic record is created, it must be endorsed and indexed within the computerized filing system. The secretary of state shall write or mark the filing information on the document that was submitted and return the document to the submitting party. Documents filed electronically must be endorsed and indexed within the computerized filing system."

Page 13, line 13, delete "Such"

Page 13, line 15, delete "Further,"

Page 13, line 21, after "the" insert "computerized filing system of the" and delete "state's" and delete "lien"

Page 13, line 22, delete everything before the second comma and insert "authorized under section 336.9-411" and delete "such" and insert "the"

Page 13, line 23, delete "database" and insert "system"

Page 13, line 25, delete "network provided by" and insert "computerized filing system of"

Page 13, line 26, before the comma, insert "authorized under section 336.9-411"

Page 13, line 28, delete everything after "request"

Page 13, line 29, delete everything after the period

Page 13, delete lines 30 to 34

Page 13, line 35, delete "state's office" and insert "If the request is made by lien or court docket number, the secretary of state or county recorder shall give a copy of the information filed for that lien or court docket number. The cost for the copy may be no more than the actual cost of making the copies. If the request is made by debtor name, the secretary of state or county recorder shall conduct a search of the statewide computerized government lien database for any state judgment liens naming that debtor. The secretary of state or county recorder" and after "report" insert "all of"

Page 13, line 36, after the comma, insert "court docket number, the"

Page 14, line 3, delete "and"

Page 14, line 4, before the period, insert ", and the amount of the debt"

Page 14, line 5, delete "*uniform*" and insert "*total*"

Page 14, line 6, delete everything after the second "*is*"

Page 14, line 7, delete everything before the period and insert "*as allowed in section 336.9-407. A \$5 surcharge must be collected as part of the total fee of \$15*" and delete "*uniform*" and delete "*shall*"

Page 14, line 8, delete "*include up to*" and insert "*includes as many as*" and delete "*of the certificate*" and delete everything after the period

Page 14, delete lines 9 and 10

Page 14, line 11, delete everything before "*The*" and after "*is*" insert "*included in the charge allowed for government lien searches, and is not*"

Page 14, line 12, delete "*and*" and insert "*or*"

Page 14, line 13, delete "*or for uniform commercial code searches*"

Page 14, delete lines 19 to 25

Page 14, line 26, delete everything before the period and insert:

"Surcharge amounts must be collected quarterly by the secretary of state from each county recorder. The secretary of state shall send each county recorder an invoice at the end of each fiscal quarter, and each county recorder shall forward payment to the secretary of state within 30 days of the date of the invoice"

Page 14, line 30, after "*amounts*" insert "*collected by the secretary of state and*" and delete "*and*"

Page 14, delete line 31

Page 14, line 32, delete "*office*"

Page 14, line 34, after "*from*" insert "*court*"

Page 16, line 15, delete "*therefrom*" and insert "*from the sale*" and delete "*shall be*" and insert "*is*"

Page 16, line 17, delete "*shall*" and insert "*is*" and delete "*be*"

Page 16, line 19, delete "*Any*" and insert "*A*"

Page 16, line 23, delete "*shall be*" and insert "*is*"

Page 16, lines 25 and 26, delete "*such*" and insert "*the*"

Page 16, line 32, delete "*person*" and insert "*person,*"

Page 17, line 5, delete "*Any*" and insert "*A*"

Page 17, line 16, delete "*pursuant to the provisions of*" and insert "*under*"

Page 17, line 17, delete the comma

Page 17, line 18, delete "*shall have*" and insert "*has*"

Page 17, line 22, delete "*prior to*" and insert "*before*" and delete "*pursuant*"

Page 17, line 23, delete "*to*" and insert "*under*"

- Page 18, lines 26 and 29, delete "*prior to*" and insert "*before*"
- Page 18, line 27, delete "*not less*" and insert "*no fewer*"
- Page 19, line 2, delete "*thereof*" and insert "*of it*"
- Page 19, lines 5, 16, and 17, delete "*shall*" and insert "*must*"
- Page 19, line 14, delete "*shall*" and insert "*may*" and delete ", and if" and insert "*If*"
- Page 20, line 8, delete "*The*" and insert ", and the"
- Page 20, line 17, delete "*any*" and insert "*a*"
- Page 20, line 19, delete ", of any nature whatsoever,"
- Page 20, line 32, delete "*such*" and insert "*the*" and delete "*then*"
- Page 21, line 18, delete "*prior to*" and insert "*before*"
- Page 22, line 11, delete "*shall be*" and insert "*is*"
- Page 22, lines 21 and 32, delete "*shall*" and insert "*must*"
- Page 22, line 23, delete "*pursuant to*" and insert "*under*"
- Page 22, line 27, delete "*has the right to*" and insert "*may*"
- Page 22, line 28, delete "*prior to*" and insert "*before*"
- Page 22, line 29, delete "*thereof*" and insert "*of the property*"
- Page 22, line 36, delete "*therein*" and insert "*in the property*"
- Page 23, line 6, delete "*per*"
- Page 23, line 7, delete "*annum*" and insert "*a year*"
- Page 23, line 9, delete "*then*"
- Page 23, line 15, after "*16C.17*" insert a comma
- Page 23, line 30, delete "*pursuant to*" and insert "*under*"
- Page 23, line 32, delete the comma
- Page 24, lines 6 and 21, delete "*lieu*" and insert "*place*"
- Page 24, lines 23 and 24, delete "*pursuant to*" and insert "*under*"
- Page 24, line 25, delete the comma and delete "*therein*"
- Page 24, line 26, delete the comma and insert "*in the certificate*"
- Page 24, line 29, delete "*thereto*" and insert "*in it*"
- Page 24, line 31, delete "*pursuant to*" and insert "*under*" and delete the comma
- Page 25, line 7, delete "*thereof*" and insert "*of it*"
- Page 25, line 9, delete "*therein*" and before the period, insert "*in the record*"
- Page 25, line 19, delete "*shall*" and insert "*may*"

Page 25, line 34, delete the comma

Page 26, line 12, delete "*the provisions of*"

Page 26, line 14, delete "*pursuant to*" and insert "*under*"

Page 26, line 17, delete "*prior to*" and insert "*before*"

Page 26, line 29, delete "*by reason of the fact*"

Page 26, line 30, delete "*that*" and insert "*because*"

Page 27, line 11, delete "*any*" and insert "*an*"

Page 27, line 12, delete "*thereof*" and insert "*of the United States*" and delete "*any*" and insert "*a*"

Page 27, line 13, delete "*thereof*" and insert "*of the state*"

Page 27, lines 18 and 36, delete "*pursuant to*" and insert "*under*"

Page 28, line 7, after the second "*or*" insert a comma

Page 28, line 36, delete "*pursuant to*" and insert "*under*"

Page 29, line 20, delete "*which*" and insert "*that*"

Page 29, line 22, delete "*pursuant to*" and insert "*under*"

Page 29, line 25, delete the comma and insert "*or*"

Page 29, line 27, after "*or*" insert "*that*"

Page 30, delete section 23 and insert:

"Sec. 25. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 115. [CENTRALIZED STATE COLLECTION ENTITY DATA.] Data on debtors received, collected, created, or maintained by the centralized state collection entity are classified under section 16C.08."

Page 32, after line 27, insert:

"Sec. 30. Minnesota Statutes 1992, section 272.488, subdivision 1, is amended to read:

Subdivision 1. [FILING OF NOTICES WITH COUNTY RECORDERS.] Notices of federal tax liens, certificates, or revocations of certificates of release of federal tax liens, and refiled notices of any of those items, and any other notices affecting federal tax liens that are required to be filed with the county recorder, in a form prescribed by the Internal Revenue Service, may be filed with the county recorder or the secretary of state by mail, personal delivery, or by electronic transmission by the Secretary of the Treasury of the United States or a delegate into the computerized filing system of the secretary of state authorized under section 336.9-411. The secretary of state shall act as the agent of the county recorder and shall transmit the notice electronically to the office of the county recorder, if that is the place of filing, in the county or counties shown on the computer entry. The filing officer, whether the county recorder or the secretary of state, shall endorse and index a printout of the notice in the same manner as if the notice had been mailed or delivered. The electronic record must be endorsed and indexed within the computerized filing system as required by section 272.483.

Sec. 31. Minnesota Statutes 1992, section 272.488, is amended by adding a subdivision to read:

Subd. 3. [FILING OF NOTICES WITH SECRETARY OF STATE.] Notices of federal tax liens, certificates, or revocations of certificates of release of federal tax liens, refiled notices of any of those items, and any other notices affecting federal tax liens that are required to be filed with the secretary of state, in a form prescribed by the Internal Revenue Service, may be filed with the secretary of state by mail, personal delivery, or electronic transmission by the Secretary of the Treasury of the United States or a delegate into the computerized filing system of the secretary of the state authorized under section 336.9-411. The electronic record must be endorsed and indexed within the computerized filing system as required by section 272.483.

Sec. 32. Minnesota Statutes 1992, section 272.488, is amended by adding a subdivision to read:

Subd. 4. [ENTRY OF INFORMATION.] For documents filed by mail or in person, the filing officer shall enter the data as if it had been transmitted electronically. Once the electronic record is created, it must be endorsed and indexed within the computerized filing system. The filing officer must write or make the filing information on the document that was submitted and return the document to the submitting party.

Sec. 33. Minnesota Statutes 1993 Supplement, section 336.9-407, is amended to read:

336.9-407 [INFORMATION FROM FILING OFFICER.]

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall conduct a search of the statewide computerized uniform commercial code data base for any active financing statements naming a particular debtor. The filing officer shall report the findings as of the date and hour of the search by issuing:

(a) a certificate listing the file number, date, and hour of each filing and the names and addresses of each secured party;

(b) photocopies of those original documents on file and located in the office of the filing officer; or

(c) upon request, both the certificate and the photocopies referred to in (b).

The uniform fee for conducting the search and for preparing a certificate ~~shall be~~ is \$15 if the request is in the standard form prescribed by the secretary of state. This uniform fee ~~shall include up to~~ includes as many as ten photocopies of original documents. If the request for information is made on a form other than the standard form prescribed by the secretary of state, the fee ~~shall be~~ is \$20 and ~~shall include up to~~ includes as many as ten photocopies of original documents.

~~Another~~ One other fee, at the same rate, ~~shall~~ must also be charged for conducting a search and preparing a certificate showing government liens,

including both state judgment liens and federal and state tax liens, on file with the filing officer naming a particular debtor.

There ~~shall be~~ *is* an additional fee of \$1 ~~per~~ *a* page for each financing statement or tax lien listed on the certificate and for each photocopy prepared in excess of the first ten.

Notwithstanding the fees set in this section, a natural person who is the subject of data must, upon the person's request, be shown the data without charge, and upon request be provided with photocopies of the data upon payment of no more than the actual cost of making the copies."

Page 33, after line 33, insert:

"Sec. 36. Minnesota Statutes 1992, section 570.01, is amended to read:

570.01 [ALLOWANCE OF ATTACHMENT.]

As a proceeding ancillary to a civil action for the recovery of money *and to any action brought by the attorney general under the authority of section 8.31, subdivision 1, or any other law respecting unfair, discriminatory, or other unlawful practices in business, commerce, or trade,* the claimant, at the time of commencement of the civil action or at any time ~~thereafter~~ *afterward*, may have the property of the respondent attached in the manner and in the circumstances prescribed in sections 570.01 to 570.14, as security for the satisfaction of any judgment that the claimant may recover. The order for attachment ~~shall~~ *may* be issued only by a judge of the court in the county in which the civil action is pending. All property not exempt from execution under the judgment demanded in the civil action ~~may be~~ *is* subject to attachment.

Sec. 37. Minnesota Statutes 1992, section 570.02, subdivision 1, is amended to read:

Subdivision 1. [GROUNDS.] An order of attachment ~~which~~ *that* is intended to provide security for the satisfaction of a judgment may be issued only in the following situations:

(1) when the respondent has assigned, secreted, or disposed of, or is about to assign, secrete, or dispose of, any of the respondent's nonexempt property, with intent to delay or defraud the respondent's creditors;

(2) when the respondent has removed, or is about to remove, any of the respondent's nonexempt property from this state, with intent to delay or defraud the respondent's creditors;

(3) when the respondent has converted or is about to convert any of the respondent's nonexempt property into money or credits, for the purpose of placing the property beyond the reach of the respondent's creditors;

(4) when the respondent has committed an intentional fraud giving rise to the claim upon which the civil action is brought; ~~or~~

(5) when the respondent has committed any act or omission, for which the respondent has been convicted of a felony, giving rise to the claim upon which the civil action is brought; *or*

(6) *when the respondent has violated the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade,*

including but not limited to any of the statutes specifically enumerated in section 8.31, subdivision 1.

Sec. 38. Minnesota Statutes 1992, section 570.025, subdivision 2, is amended to read:

Subd. 2. [CONDITIONS.] A preliminary attachment order may be issued ~~prior to~~ before the hearing specified in section 570.026 only if the following conditions are met:

(1) the claimant has made a good faith effort to inform the respondent of the application for a preliminary attachment order or that informing the respondent would endanger the ability of the claimant to recover upon a judgment subsequently awarded;

(2) the claimant has demonstrated the probability of success on the merits;

(3) the claimant has demonstrated the existence of one or more of the grounds specified in section 570.02, subdivision 1, clause (1), (2), ~~or~~ (3), or (6); and

(4) due to extraordinary circumstances, the claimant's interests cannot be protected pending a hearing by an appropriate order of the court, other than by directing a prehearing seizure of property.

Sec. 39. [RECOMMENDATION; LOCATION AND RESPONSIBILITIES OF THE CENTRALIZED STATE COLLECTION ENTITY.]

By February 15, 1996, the commissioners of finance, human services, and revenue and the attorney general shall conduct an evaluation and make a recommendation to the legislature regarding the responsibility and location of the centralized state collection agency established by Minnesota Statutes, section 16C.04.

Sec. 40. [INITIAL INTEREST RATE.]

The commissioner of finance shall set the initial interest rate required by Minnesota Statutes, section 16C.05, subdivision 1, by July 1, 1994. The director of the centralized state collection entity shall make the initial recommendation to the commissioner of finance required by Minnesota Statutes, section 16C.05, subdivision 2, by June 1, 1994. The commissioner of finance shall set the administrative fee required by that subdivision by July 1, 1994."

Page 33, line 35, delete "and"

Page 33, line 36, before the comma, insert "; 16B.405; and 272.488, subdivision 2"

Page 34, line 2, delete "30" and insert "41"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "establishing a" and delete "collection entity" and insert "management"

Page 1, line 6, after "sections" insert "13.03, subdivision 5;"

Page 1, line 8, after the first semicolon, insert "272.488, subdivision 1, and by adding subdivisions;" and delete "and" and after "542.07;" insert "570.01; 570.02, subdivision 1; and 570.025, subdivision 2;"

Page 1, line 9, delete "section" and insert "sections" and after the semicolon, insert "and 336.9-407; proposing coding for new law in Minnesota Statutes, chapter 16B;"

Page 1, line 12, delete "and" and before the period, insert "; 16B.405; and 272.488, subdivision 2"

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

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

S.F. No. 2073: A bill for an act relating to taxation; making technical corrections and administrative changes; amending Minnesota Statutes 1992, sections 103B.245, subdivision 1; 103D.911, subdivision 2; 103D.915, subdivision 1; 115A.919, subdivision 3; 115A.921, subdivision 1; 115A.923, subdivision 1; 270.12, subdivision 2; 272.025, subdivision 3; 273.111, subdivision 6; 273.13, subdivision 22; 273.134; 273.1399, subdivision 3; 275.065, subdivision 1; 278.05, subdivision 5; 279.37, subdivision 8; 282.01, subdivision 1; 282.014; 282.04, subdivision 2; 282.301; 289A.08, subdivision 7; 289A.25, subdivision 5; 290.17, subdivision 2; 290.371, subdivision 2; 290A.03, subdivisions 5 and 14; 290A.05; 297.01, subdivision 14; 297.11, subdivision 5; 297A.021, subdivision 4; 297B.11; 297C.01, subdivision 5; 357.18, subdivision 2; 398.16; 398A.04, subdivision 8; 447.34, subdivision 2; 462.396, subdivision 2; 469.060, subdivision 6; 469.102, subdivision 5; 469.177, subdivision 9; 473.167, subdivision 3; 473.249, subdivision 1; 473.446, subdivision 1; 473.661, subdivision 2; 473.711, subdivision 2; 477A.011, subdivision 1b; 477A.0121, subdivision 4; 477A.014, subdivision 1; 477A.15; and 580.23, subdivision 3; Minnesota Statutes 1993 Supplement, sections 124.2131, subdivision 1; 272.02, subdivision 1; 273.11, subdivision 13; 273.124, subdivisions 1 and 13; 273.13, subdivision 25; 273.1398, subdivisions 1 and 3; 273.166, subdivision 3; 275.065, subdivisions 3 and 6; 276.04, subdivision 2; 277.15; 278.04; 278.08; 290A.03, subdivisions 8 and 13; 290.091, subdivision 2; 297A.01, subdivision 3; 297A.07, subdivision 1; 469.033, subdivision 6; and 473.13, subdivision 1; Laws 1989, chapter 211, section 4, subdivision 2; Laws 1992, chapter 511, article 4, section 29; Laws 1993, chapter 375, article 2, section 37; proposing coding for new law in Minnesota Statutes, chapters 273 and 275; repealing Minnesota Statutes 1992, sections 115A.923, subdivision 6; and 273.22; Minnesota Statutes 1993 Supplement, section 273.1398, subdivision 2a; Laws 1993, First Special Session chapter 1, article 2, section 6.

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

Page 5, after line 17, insert:

"Sec. 5. Minnesota Statutes 1992, section 256.879, subdivision 1, is amended to read:

Subdivision 1. The commissioner of human services may, with the approval of the federal department of health, education and welfare, provide an annual supplemental housing allowance for recipients of the aid to families with dependent children program who would otherwise qualify for the ~~credit set forth~~ refund provided in sections 290A.01 to 290A.22.

Sec. 6. Minnesota Statutes 1992, section 256.879, subdivision 2, is amended to read:

Subd. 2. The amount of the supplemental housing allowance, if any, shall be calculated in the same manner as the ~~income adjusted homestead credit set forth at~~ property tax refund provided in sections 290A.01 to 290A.22. Recipients may apply for this supplement in the same manner as claims submitted to the department of revenue under sections 290A.01 to 290A.22. The supplemental allowance shall be paid by local welfare agencies."

Page 7, after line 30, insert:

"Sec. 8. Minnesota Statutes 1993 Supplement, section 270.96, subdivision 3, is amended to read:

Subd. 3. [TREASURER.] (a) The county treasurer shall pay the proceeds of the tax imposed under section 270.91, subdivision 4, less the amount retained by the county for the cost of administration under section 270.98, to the commissioner at the same times provided for the ad valorem property tax ~~settlements distributions~~.

(b) The county treasurer shall pay the proceeds of the tax imposed under section 270.91, subdivisions 2 and 3, to the local taxing jurisdictions in the same manner provided for the distribution of ad valorem property taxes."

Page 14, line 26, after "under" insert "(i) or (ii) of"

Page 15, after line 33, insert:

"Sec. 11. Minnesota Statutes 1993 Supplement, section 272.12, is amended to read:

272.12 [CONVEYANCES, TAXES PAID BEFORE RECORDING:]

When:

- (a) a deed or other instrument conveying land, ~~or~~
- (b) a plat of any town site or addition thereto, ~~or~~
- (c) a survey required pursuant to section 508.47,
- (d) a condominium plat subject to chapter 515 or 515A or a declaration that contains such a plat, or
- (e) a common interest community plat subject to chapter 515B or a declaration that contains such a plat,

is presented to the county auditor for transfer, the auditor shall ascertain from the records if there be taxes delinquent upon the land described therein, or if it has been sold for taxes. An assignment of a sheriff's or referee's certificate of sale, when the certificate of sale describes real estate, and certificates of redemption from mortgage or lien foreclosure sales, when the certificate of redemption encompasses real estate and is issued to a junior creditor, are

considered instruments conveying land for the purposes of this section and section 272.121. If there are taxes delinquent, the auditor shall certify to the same; and upon payment of such taxes, or in case no taxes are delinquent, shall transfer the land upon the books of the auditor's office, and note upon the instrument, over official signature, the words, "no delinquent taxes and transfer entered," or, if the land described has been sold or assigned to an actual purchaser for taxes, the words "paid by sale of land described within;" and, unless such statement is made upon such instrument, the county recorder or the registrar of titles shall refuse to receive or record the same; provided, that sheriff's or referees' certificates of sale on execution or foreclosure of a lien or mortgage, certificates of redemption from mortgage or lien foreclosure sales issued to the redeeming mortgagor or lienor, deeds of distribution made by a personal representative in probate proceedings, decrees and judgments, receivers receipts, patents, and copies of town or statutory city plats, in case the original plat filed in the office of the county recorder has been lost or destroyed, and the instruments releasing, removing and discharging reversionary and forfeiture provisions affecting title to land and instruments releasing, removing or discharging easement rights in land or building or other restrictions, may be recorded without such certificate; and, provided that instruments conveying land and, as appurtenant thereto an easement over adjacent tract or tracts of land, may be recorded without such certificate as to the land covered by such easement; and provided further, that any instrument granting an easement made in favor of any public utility or pipe line for conveying gas, liquids or solids in suspension, in the nature of a right of way over, along, across or under a tract of land may be recorded without such certificate as to the land covered by such easement. Any instrument amending or restating the declarations, bylaws, *plats*, or other enabling documents governing homeowners associations of condominiums, townhouses, *common interest ownership communities*, and other planned unit developments may be recorded without the auditor's certificate.

A deed of distribution made by a personal representative in a probate proceeding, a decree, or a judgment that conveys land shall be presented to the county auditor, who shall transfer the land upon the books of the auditor's office and note upon the instrument, over official signature, the words, "transfer entered", and the instrument may then be recorded. A decree or judgment that affects title to land but does not convey land may be recorded without presentation to the auditor.

A violation of this section by the county recorder or the registrar of titles shall be a gross misdemeanor, and, in addition to the punishment therefor, the recorder or registrar shall be liable to the grantee of any instrument so recorded for the amount of any damages sustained.

When, as a condition to permitting the recording of deed or other instrument affecting the title to real estate previously forfeited to the state under the provisions of sections 281.16 to 281.27, county officials, after such real estate has been purchased or repurchased, have required the payment of taxes erroneously assumed to have accrued against such real estate after forfeiture and before the date of purchase or repurchase, the sum required to be so paid shall be refunded to the persons entitled thereto out of moneys in the funds in which the sum so paid was placed. Delinquent taxes are those taxes deemed delinquent under section 279.02."

Page 20, after line 33, insert:

"Sec. 17. Minnesota Statutes 1993 Supplement, section 273.124, subdivision 13, is amended to read:

Subd. 13. [HOMESTEAD APPLICATION.] (a) A person who meets the homestead requirements under subdivision 1 must file a homestead application with the county assessor to initially obtain homestead classification.

(b) On or before January 2, 1993, each county assessor shall mail a homestead application to the owner of each parcel of property within the county which was classified as homestead for the 1992 assessment year. The format and contents of a uniform homestead application shall be prescribed by the commissioner of revenue. The commissioner shall consult with the chairs of the house and senate tax committees on the contents of the homestead application form. The application must clearly inform the taxpayer that this application must be signed by all owners who occupy the property or by the qualifying relative and returned to the county assessor in order for the property to continue receiving homestead treatment. The envelope containing the homestead application shall clearly identify its contents and alert the taxpayer of its necessary immediate response.

(c) Every property owner applying for homestead classification must furnish to the county assessor the social security number of each occupant who is listed as an owner of the property on the homestead application, and the name and address of each owner who does not occupy the property. If the social security number is not provided, the county assessor shall classify the property as nonhomestead. The social security numbers of the property owners are private data on individuals as defined by section 13.02, subdivision 12, but, notwithstanding that section, the private data may be disclosed to the commissioner of revenue.

(d) If residential real estate is occupied and used for purposes of a homestead by a relative of the owner and qualifies for a homestead under subdivision 1, paragraph (c), in order for the property to receive homestead status, a homestead application must be filed with the assessor. The social security number of each relative occupying the property and the social security number of each owner who is related to an occupant of the property shall be required on the homestead application filed under this subdivision. If a different relative of the owner subsequently occupies the property, the owner of the property must notify the assessor within 30 days of the change in occupancy. The social security number of a relative occupying the property is private data on individuals as defined by section 13.02, subdivision 12, but may be disclosed to the commissioner of revenue.

(e) The homestead application shall also notify the property owners that the application filed under this section will not be mailed annually and that if the property is granted homestead status for the 1993 assessment, or any assessment year thereafter, that same property shall remain classified as homestead until the property is sold or transferred to another person, or the owners or the relatives no longer use the property as their homestead. Upon the sale or transfer of the homestead property, a certificate of value must be timely filed with the county auditor as provided under section 272.115. Failure to notify the assessor within 30 days that the property has been sold, transferred, or that the owner or the relative is no longer occupying the property as a homestead, shall result in the penalty provided under this subdivision and the property will lose its current homestead status.

(f) If the homestead application is not returned within 30 days, the county will send a second application to the present owners of record. The notice of proposed property taxes prepared under section 275.065, subdivision 3, shall reflect the property's classification. Beginning with assessment year 1993 for all properties, if a homestead application has not been filed with the county by December 15, the assessor shall classify the property as nonhomestead for the current assessment year for taxes payable in the following year, provided that the owner may be entitled to receive the homestead classification by proper application under section 375.192.

(g) At the request of the commissioner, each county must give the commissioner a list that includes the name and social security number of each property owner, or relative of a property owner, applying for homestead classification under this subdivision. The commissioner shall use the information provided on the lists as appropriate under the law, including for the detection of improper claims by owners, or relatives of owners, under chapter 290A.

(h) If, in comparing the lists supplied by the counties, the commissioner finds that a property owner is claiming more than one homestead, the commissioner shall notify the appropriate counties. Within 90 days of the notification, the county assessor shall investigate to determine if the homestead classification was properly claimed. If the property owner does not qualify, the county assessor shall notify the county auditor who will determine the amount of homestead benefits that had been improperly allowed. For the purpose of this section, "homestead benefits" means the tax reduction resulting from the classification as a homestead under section 273.13, the taconite homestead credit under section 273.135, and the supplemental homestead credit under section 273.1391.

The county auditor shall send a notice to the owners of the affected property, demanding reimbursement of the homestead benefits plus a penalty equal to 100 percent of the homestead benefits. The property owners may appeal the county's determination by filing a notice of appeal with the Minnesota tax court within 60 days of the date of the notice from the county. If the amount of homestead benefits and penalty is not paid within 60 days, and if no appeal has been filed, the county auditor shall certify the amount of taxes and penalty to the succeeding year's tax list to be collected as part of the property taxes. *In the case of a manufactured home, the amount shall be certified to the current year's tax list for collection.*

(i) Any amount of homestead benefits recovered by the county from the property owner shall be distributed to the county, city or town, and school district where the property is located in the same proportion that each taxing district's levy was to the total of the three taxing districts' levy for the current year. Any amount recovered attributable to taconite homestead credit shall be transmitted to the St. Louis county auditor to be deposited in the taconite property tax relief account. The total amount of penalty collected must be deposited in the county general fund.

(j) If a property owner has applied for more than one homestead and the county assessors cannot determine which property should be classified as homestead, the county assessors will refer the information to the commissioner. The commissioner shall make the determination and notify the counties within 60 days.

(k) In addition to lists of homestead properties, the commissioner may ask the counties to furnish lists of all properties and the record owners."

Pages 23 to 31, delete section 14

Pages 60 and 61, delete section 38

Page 61, after line 36, insert:

"Sec. 43. Minnesota Statutes 1993 Supplement, section 298.28, subdivision 9a, is amended to read:

Subd. 9a. [TACONITE ECONOMIC DEVELOPMENT FUND.] (a) 10.4 cents per ton for distributions in 1993 and 15.4 cents per ton for distributions in 1994 shall be paid to the taconite economic development fund. No distribution shall be made under this paragraph in any year in which total industry production falls below 30 million tons.

(b) An amount equal to 50 percent of the tax under section 298.24 for concentrate sold in the form of pellet chips and fines not exceeding ~~4/4~~ 5/16 inch in size and not including crushed pellets shall be paid to the taconite economic development fund. The amount paid shall not exceed \$700,000 annually for all companies. If the initial amount to be paid to the fund exceeds this amount, each company's payment shall be prorated so the total does not exceed \$700,000."

Page 80, after line 34, insert:

"Sec. 61. Minnesota Statutes 1993 Supplement, section 477A.013, subdivision 8, is amended to read:

Subd. 8. [CITY AID INCREASE.] (a) In calendar year 1994 and subsequent years, the aid increase for a city is equal to the need increase percentage multiplied by the difference between (1) the city's revenue need multiplied by its population, and (2) the city's net tax capacity multiplied by the tax effort rate. The need increase percentage must be the same for all cities and must be calculated by the department of revenue so that the total of the aid under subdivision 9 equals the total amount available for aid under section 477A.03, subdivision 1.

(b) The percentage aid increase for a first class city in calendar year 1994 must not exceed the percentage increase in the sum of calendar year 1994 city aids under this section compared to the sum of the city aid base for all cities. The aid increase for any other city in 1994 must not exceed five percent of the city's net levy for taxes payable in 1993.

(c) The aid increase in calendar year 1995 and subsequent years for any city ~~must not exceed~~ is limited to an amount such that the total aid to the city does not exceed the sum of (1) ten percent of the city's net levy for the year prior to the aid distribution plus (2) ~~its city aid base multiplied by the base reduction percentage~~ the total aid it received in the previous year.

Sec. 62. Minnesota Statutes 1992, section 477A.0132, subdivision 3, is amended to read:

Subd. 3. [ORDER OF AID REDUCTIONS.] The aid reduction to a local government as calculated under subdivisions 1 and 2, is first applied to its local government aid under sections 477A.012 and 477A.013 excluding aid under section 477A.013, subdivision 5; then, if necessary, to its equalization

aid under section 477A.013, subdivision 5; then if necessary, to its homestead and agricultural credit aid under section 273.1398, subdivision 2; and then, if necessary, to its disparity reduction aid under section 273.1398, subdivision 3; ~~and then, if necessary, to its transition credit under section 273.1398, subdivision 5.~~ No aid payment may be less than \$0. Aid reductions under this section in any given year shall be divided equally between the July and December aid payments unless specified otherwise."

Page 83, line 27, delete "section" and insert "sections 16A.70; 16A.71; and"

Page 83, line 32, delete "9, 31, 32, 34, 40, 56, and 62" and insert "5, 6, 8, 13, 35, 36, 38, 44, 60, and 69"

Page 83, line 33, delete "61" and insert "67"

Page 83, line 34, delete "30 and 33" and insert "34 and 37"

Page 83, line 36, delete "6 and 10" and insert "9 and 14"

Page 84, line 1, delete "8, 11, 18, and 48" and insert "12, 15, 22, and 52"

Page 84, line 2, delete "16, 17, 19, 55, 57" and insert "20, 21, 23, 59, 63"

Page 84, line 3, delete "58" and insert "64"

Page 84, line 4, delete "23" and insert "27"

Page 84, line 5, delete "12" and insert "16"

Page 84, line 6, delete "5, 7, 13 to 15, 20, 22, 24" and insert "7, 10, 18, 19, 24, 26, 28"

Page 84, line 7, delete "29, 41 to 47, 49 to 54, and 60" and insert "33, 45 to 51, 53 to 58, and 66"

Page 84, line 8, delete "37" and insert "41"

Page 84, line 10, delete "35, 36, 38, and 39" and insert "39, 40, and 42"

Page 84, lines 12 and 17, delete "59" and insert "65"

Renumber the sections of article 1 in sequence

Page 87, line 35, before "less" insert paragraph coding

Page 87, line 36, after "of" insert "*the amounts determined under the following clauses (1) to (3)*"

Page 88, line 1, strike "(i)" and insert "(1)"

Page 88, line 3, strike "(ii)" and insert "(2)"

Page 88, line 6, strike "(iii)" and insert "(3)"

Page 98, line 11, strike "chapter" and insert "*chapters 289A and*"

Amend the title as follows:

Page 1, line 7, after the first semicolon, insert "256.879, subdivisions 1 and 2;"

Page 1, line 14, delete "subdivisions" and insert "subdivision" and delete "and"

Page 1, line 15, delete the first "14"

Page 1, line 24, after the first semicolon, insert "477A.0132, subdivision 3;"

Page 1, line 26, after the semicolon, insert "270.96, subdivision 3;"

Page 1, line 27, after the first semicolon, insert "272.12;"

Page 1, lines 28 and 29, delete "273.13, subdivision 25;"

Page 1, line 33, after the second semicolon, insert "298.28, subdivision 9a;"

Page 1, line 34, delete "and" and after the second semicolon, insert "and 477A.013, subdivision 8;"

Page 1, line 39, after "sections" insert "16A.70; 16A.71;"

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2157: A bill for an act relating to local government aid; providing for city aid for calendar year 1994 and thereafter; amending Minnesota Statutes 1993 Supplement, sections 477A.013, subdivisions 8 and 9; and 477A.03, subdivision 1; repealing Minnesota Statutes 1993 Supplement, section 477A.011, subdivision 37.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2052: A bill for an act relating to counties; St. Louis; assigned the former town of Payne to the 7th commissioner district.

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

Page 1, line 7, delete "*Notwithstanding any law to the contrary, that*" and insert "*The*"

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2155: A bill for an act relating to transportation; bonding; abolishing requirement that electorate approve bonds in excess of tax limitations for airports and authorizing issuance by 60 percent vote of governing body; allowing taxes to be levied by local governing body to pay bond principal or interest; allowing one municipality to issue bonds on behalf of other municipalities in a joint agreement; amending Minnesota Statutes 1992, sections 360.036, subdivisions 2 and 3; 360.037, subdivision 2; and 360.042, subdivision 10.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2205: A bill for an act relating to the city of Duluth; authorizing the issuance of general obligation bonds to finance improvements to the Duluth entertainment convention center.

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2241: A bill for an act relating to the city of Minneapolis; clarifying the procedures that may be used in assessing special assessments.

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

Page 1, after line 5, insert:

“Section 1. Minnesota Statutes 1992, section 466A.02, subdivision 3, is amended to read:

Subd. 3. [ADDITIONAL AREA ELIGIBLE FOR INCLUSION IN TARGETED NEIGHBORHOOD.] (a) The city may add to the area designated as a targeted neighborhood under subdivision 2 a contiguous area of one-half mile in all directions from the designated targeted neighborhood.

(b) Assisted housing is also considered a targeted neighborhood.

(c) *A neighborhood that is partially targeted may be considered wholly targeted.*”

Page 1, line 6, delete “ANY PROCEDURE IN LAW WILL DO” and insert “SELECTION OF PROCEDURE”

Page 1, line 7, delete “*Notwithstanding Minnesota Statutes, chapter 429; Laws*”

Page 1, delete line 8

Page 1, line 9, delete “*other law,*”

Page 1, line 19, delete “*Notwithstanding other law,*”

Page 2, line 1, delete “1” and insert “2”

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete “the city of Minneapolis” and insert “cities of the first class; clarifying the definition of targeted neighborhood in a community resources program”

Page 1, line 3, after “used” insert “by the city of Minneapolis”

Page 1, line 4, before the period, insert “; amending Minnesota Statutes 1992, section 466A.02, subdivision 3”

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

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

S.F. No. 2072: A bill for an act relating to commerce; adding labeling requirements for salvaged food; adding licensing requirements for salvaged food distributors; adding record keeping requirements; requiring salvaged food served for compensation to be identified; amending Minnesota Statutes 1992, section 31.495, subdivisions 1, 2, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 31.

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 1992, section 31.495, subdivision 1, is amended to read:

Subdivision 1. [APPLICATIONS.] For the purposes of ~~this section~~ sections 31.495 and 31.496, the terms defined in this subdivision have the meanings given them:

(a) “Distressed food” means any food, the label of which has been lost, defaced, or obliterated, or food which has been subjected to possible damage due to accident, fire, flood, adverse weather, or to any other similar cause; or food which is suspected of having been rendered unsafe or unsuitable for food use.

(b) “Reconditionable or salvageable food” is distressed food which it is possible to reclaim for food, feed, or seed use as determined by examination by the commissioner or the commissioner’s representatives.

(c) “Reconditioned or salvaged food” is reconditionable or salvageable food which has been reconditioned or salvaged under supervision of the commissioner so as to comply with the standards established under this section.

(d) “Reconditioning” or “salvaging” is the act of cleaning, culling, sorting, scouring, labeling, relabeling, or in any way treating “distressed food” so that it may be deemed to be “reconditioned” or “salvaged food” and therefore is acceptable for sale or use as human food, animal feed, or seed as provided therefor by the commissioner.

(e) “Salvage food processor” is a person who holds a license under section 28A.04 to operate as a salvage food processor and who receives supervision of the salvaging operations from the commissioner.

(f) “Labeling” means any legend or descriptive matter or design appearing upon an article of food or its container, and includes circulars, pamphlets and the like, which are packed and go with the article to the purchaser, and placards which may be allowed to be used to describe the food.

(g) *"Salvage food distributor" means a person who engages in the business of selling, distributing, or otherwise trafficking at wholesale or retail in any distressed or salvaged food.*

Sec. 2. Minnesota Statutes 1992, section 31.495, subdivision 2, is amended to read:

Subd. 2. [LICENSING; PERMIT.] (a) It is unlawful for any person either to claim to be a salvage food processor, or to engage in the activities of reconditioning or salvaging distressed food, or both, without a license issued under section 28A.04 authorizing that person to operate as a salvage food processor, which license may not be issued absent compliance with all the provisions of this section and all rules promulgated under this section.

(b) Before issuing a license, the commissioner shall determine that the applicant's salvage establishment meets at least the minimum requirements adopted by rule for such an establishment which shall include but not be limited to adequacy of buildings, location, water supply, waste disposal, equipment, hand washing and toilet facilities, and sanitation practices, as the same relate to the protection of the public health and welfare.

(c) *The license fee for a salvage food processor shall cover a maximum of six inspections per year. Costs of additional inspections or reinspections will be charged to the salvage food processor at the rate of \$500 per inspection, plus laboratory costs.*

(d) *It is unlawful for any person either to claim to be a salvaged food distributor or to engage in the activities of selling, distributing, or otherwise trafficking in any distressed or salvaged food, or both, without a license issued under section 28A.04 authorizing that person to operate as a salvage food distributor, which license may not be issued absent compliance with all the provisions of this section and all rules adopted under this section. In addition to the licensing requirements set forth in this subdivision, a salvage food distributor must obtain a salvage food handler's permit. Application for a permit shall be made on forms provided by the commissioner. The commissioner may charge a fee not to exceed \$10 for a salvage food handler's permit.*

Sec. 3. Minnesota Statutes 1992, section 31.495, is amended by adding a subdivision to read:

Subd. 4a. [LABELING REQUIREMENTS.] (a) *Any container of food with the label or mandatory information missing that cannot be identified and relabeled correctly must not be sold. When original labels are missing or illegible, relabeling or overlabeling is required.*

(b) *All salvaged food shall be identified to indicate that the food has been salvaged by clearly marking the term "salvaged food" on all invoices, bills of lading, shipping invoices, receipts, and inventory records. All establishments selling salvaged food must notify the consumer by conspicuous signs or placards stating "This establishment offers for sale food products which have been reconditioned." The foods that have been salvaged must be identified by being labeled "salvaged." All salvaged food in containers must be provided with labels that comply with the requirements contained in chapters 29, 30, 31, 31A, 32, 33, and 34. If original labels are removed from containers that are to be resold or redistributed, the replacement labels must show as the distributor the name and address of the salvage food processor and the date of reconditioning for sale or distribution.*

Sec. 4. Minnesota Statutes 1992, section 31.495, is amended by adding a subdivision to read:

Subd. 4b. [RECORD KEEPING REQUIREMENTS.] A written record or receipt of distressed, salvageable, and salvaged food must be kept by the salvage food processor and distributor for inspection by the commissioner during business hours. The records must include the name of the product, the name and address of the manufacturer or distributor, the source of the distressed food, the date received, the type of damage, and the salvage process conducted. These records must be kept on the premises of the salvage food processor and distributor for a period of one year following the completion of transactions involving the food.

Sec. 5. Minnesota Statutes 1992, section 31.495, subdivision 5, is amended to read:

Subd. 5. [EXCEPTIONS.] ~~This section does~~ The provisions of sections 31.495 and 31.496 do not apply to: (a) any food manufacturer, distributor, retailer, or processor who in the normal course of the business of manufacturing, processing, retailing, or distributing of food engages in the activities of reconditioning and salvaging distressed food manufactured, distributed or processed by or for that person and not purchased by that person solely for the purpose of reconditioning, salvaging, and sale; or (b) Any person who reassembles or disposes of undamaged food which is from lots in which food or packaging materials or containers are damaged in the normal course of commerce or while in that person's possession and which is not purchased by that person solely for the purpose of reconditioning, salvaging, and sale, or any common carrier or agent of the common carrier who disposes of or otherwise transfers undamaged or distressed food to a person exempt under this section or to a salvage food processor who holds a valid license under this section; or (c) Any person who stores, handles or processes grain or oil seeds in the normal course of business except when such person purchases for the purpose of reconditioning, salvaging, and sale as human food grain or oil seeds contaminated by bird, rodent or animal excreta or by chemicals poisonous, injurious or detrimental to human life or health.

Sec. 6. [31.496] [IDENTIFICATION OF SALVAGED FOOD SERVED FOR COMPENSATION.]

Subdivision 1. [PUBLIC PLACES.] Any restaurant, hotel, public eating or drinking place, or other establishment serving salvaged food in any form to the public for compensation shall clearly and prominently indicate on its menu the food entrees that contain salvaged food, and shall maintain records on the premises for a period of one year on all salvaged food products received and prepared.

Subd. 2. [OTHER PLACES.] Any hospital, nursing home, boarding house, or other place where guests, boarders, or patients are served salvaged food in any form for compensation must identify for the guests, boarders, or patients the food entrees that contain salvaged food. The commissioner, in consultation with the commissioner of health, may adopt rules that specify the manner in which salvaged food that is served must be identified under this subdivision.

Sec. 7. [APPROPRIATION.]

\$65,000 is appropriated from the general fund to the commissioner of agriculture to administer sections 1 to 6."

Delete the title and insert:

"A bill for an act relating to commerce; agriculture; adding labeling requirements for salvaged food; adding licensing and permit requirements for salvaged food distributors; adding record keeping requirements; requiring salvaged food served for compensation to be identified; appropriating money; amending Minnesota Statutes 1992, section 31.495, subdivisions 1, 2, and 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 31."

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

Mr. Mondale, for Mrs. Adkins, from the Committee on Metropolitan and Local Government, to which was referred

S.F. No. 2262: A bill for an act relating to local government; removing notice requirements for emergency on-site inspections by town boards; amending Minnesota Statutes 1992, section 366.01, subdivision 11.

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

Page 1, line 14, after the period, insert "*The town board shall make good faith efforts to provide notice of the inspections to each news medium that has filed a written request for notice if the request includes the news medium's telephone number. The notice shall be given by telephone or by any other method used to notify the members of the public body.*"

Amend the title as follows:

Page 1, line 3, delete "emergency"

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. 1885 for comparison with companion Senate File, reports the following House File was found not identical with companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
				1885	1846

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1885 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1885 and insert the language after the enacting clause of S.F. No. 1846, the first engrossment; further, delete the title of H.F. No. 1885 and insert the title of S.F. No. 1846, the first engrossment.

And when so amended H.F. No. 1885 will be identical to S.F. No. 1846, and further recommends that H.F. No. 1885 be given its second reading and substituted for S.F. No. 1846, and that the Senate File be indefinitely postponed.

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

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

S.F. No. 1857: A bill for an act relating to taxation; property; extending the agricultural homestead provisions of a relative to the father or mother; amending Minnesota Statutes 1993 Supplement, section 273.124, subdivision 1.

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

Page 3, line 13, before the comma, insert "*or a son or daughter of the spouse of the owner of the agricultural property*"

Amend the title as follows:

Page 1, line 4, before the semicolon, insert "or to certain children by marriage"

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

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

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

Page 2, delete lines 12 to 33 and insert:

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

- (1) (i) its shareholders do not exceed five in number;
- (2) (ii) all its shareholders, other than any estate are natural persons;
- (3) (iii) it does not have more than one class of shares; and
- (4) (iv) its revenues from rent, royalties, dividends, interest and annuities does not exceed 20 percent of its gross receipts; and
- (5) (v) shareholders holding 51 percent or more of the interest in the corporation ~~must be residing~~ *reside* on the farm or *are* actively engaging in farming;
- (6) (vi) the authorized farm corporation, directly or indirectly, owns or otherwise has an interest, whether legal, beneficial, or otherwise, in any title to no more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and
- (7) (vii) a shareholder of the authorized farm corporation is not a shareholder in other authorized farm corporations that directly or indirectly in combination with the authorized farm corporation own not more than 1,500

acres of real estate used for farming or capable of being used for farming in this state; or

(2)(i) it is engaged in the production of livestock, excluding the production of milk or milk products, and not engaged in farming activities otherwise prohibited under this section;

(ii) all its shareholders, other than an estate, are natural persons or a family farm corporation;

(iii) it does not have more than one class of shares;

(iv) its revenues from rent, royalties, dividends, interest, and annuities does not exceed 20 percent of its gross receipts;

(v) shareholders holding 66-2/3 percent or more of the control and financial investment in the corporation reside on the farm or are actively engaging in farming;

(vi) the authorized farm corporation, directly or indirectly, owns or otherwise has an interest, whether legal, beneficial, or otherwise, in any title to no more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and

(vii) formed for the production of livestock, excluding the production of milk or milk products, by natural persons or family farm corporations that provide 66-2/3 percent or more of the capital investment."

Page 3, lines 32 and 33, reinstate the stricken language

Page 3, line 35, reinstate the stricken "(4)" and delete "(3)"

Page 4, lines 2, 6, 9, and 14, reinstate the stricken language and delete the new language

Page 4, line 33, delete "following" and after "standards" insert "in clause (1) or (2)"

Page 4, after line 33, insert:

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

Page 4, line 34, delete "(1)" and insert "(ii)"

Page 4, line 36, delete "(2)" and insert "(iii)"

Page 5, line 2, delete "(3)" and insert "(iv)"

Page 5, line 6, delete "(4)" and insert "(v)"

Page 5, line 11, delete "(5)" and insert "(vi)"

Page 5, line 16, before the period, insert "; or

(2)(i) it is engaged in the production of livestock, excluding the production of milk or milk products, and not engaged in farming activities otherwise prohibited under this section;

(ii) all its members, other than an estate, are natural persons;

(iii) its revenues from rent, royalties, dividends, interest, and annuities does not exceed 20 percent of its gross receipts;

(iv) members holding 66-2/3 percent or more of both the governance rights

and financial rights in the limited liability company reside on the farm or are actively engaging in farming;

(v) a member of the authorized farm limited liability company is not a member in one or more other authorized farm limited liability companies that directly or indirectly in combination with the authorized farm limited liability company own more than 1,500 acres of real estate used for farming or capable of being used for farming in this state; and

(vi) formed for the production of livestock, excluding the production of milk or milk products, by natural persons livestock, excluding the production of milk or milk products or family farm corporations that provide 66-2/3 percent or more of the capital investment"

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

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

S.F. No. 2038: A bill for an act relating to agriculture; modifying certain provisions relating to wheat and barley promotion orders and the payment and refund of checkoff fees; amending Minnesota Statutes 1992, sections 17.53, subdivisions 2, 8, and 13; 17.59, subdivision 2; and 17.63.

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

Page 3, delete section 4

Page 4, line 7, delete "is" and insert "must be"

Page 4, line 12, delete "eligible to obtain a refund" and insert "exempt from payment" and delete everything after the period

Page 4, delete lines 13 to 21 and insert "*The commissioner, in consultation with the wheat research and promotion council and barley research and promotion council, shall determine jurisdictions outside of Minnesota which collect a checkoff fee or fee that serves a comparable purpose. In order to qualify for the exemption, the producer must demonstrate to the first purchaser that a checkoff fee or fee has been paid to such a jurisdiction.*"

Sec. 5. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "17.59, subdivision 2;"

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

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

S.F. No. 1813: A bill for an act relating to agriculture; regulating the dissemination of false and defamatory statements about certain agricultural

products and producers; imposing a penalty; proposing coding for new law as Minnesota Statutes, chapter 34A.

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

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

S.F. No. 1970: A bill for an act relating to agriculture; appropriating money for wheat scab research and soybean improvement research.

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

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

S.F. No. 1845: A bill for an act relating to crime prevention; juvenile justice; providing for presumptive certification to adult court for juveniles alleged to have committed prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 23 for serious youthful offenders; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home placement is proposed; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 242.31, subdivision 1; 242.32; 260.115, subdivision 1; 260.125; 260.131, by adding a subdivision; 260.155, subdivision 2; 260.161, subdivision 2; 260.181, subdivision 4; 260.185, subdivision 3; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 609.055, subdivision 2; 611.15; 611.19; 611.25, subdivision 1; and 611A.02, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 260.155, subdivision 1; 299C.65, subdivision 1; and 401.065, subdivisions 1, 2, and 4; proposing coding for new law in Minnesota Statutes, chapter 260; repealing Minnesota Statutes 1992, section 260.125, subdivision 3.

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

Delete everything after the enacting clause and insert:

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

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

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

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

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

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

(4) culturally sensitive programming and staffing; and

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

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

(1) local law enforcement;

(2) elementary and middle schools;

(3) multiple schools and multiple community agencies;

(4) parent associations; and

(5) neighborhood associations.

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

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

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

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

242.31 [RESTORATION OF CIVIL RIGHTS; POSSESSION OF FIRE-ARMS.]

Subdivision 1: Whenever a person who has been committed to the custody of the commissioner of corrections upon conviction of a crime following ~~reference for prosecution~~ certification to district court under the provisions of section 260.125 is finally discharged by order of the commissioner, that discharge shall restore the person to all civil rights and, if so ordered by the commissioner of corrections, also shall have the effect of setting aside the conviction, nullifying it and purging the person of it. The commissioner shall file a copy of the order with the district court of the county in which the

conviction occurred; upon receipt, the court shall order the conviction set aside. *An order setting aside a conviction for a crime of violence as defined in section 624.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the order was entered and during that time the person was not convicted of any other crime of violence. A person whose conviction was set aside under this section and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

consideration to applicants with demonstrated capability of providing legal advocacy services statewide.

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

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

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

257.3572 [GRANT APPLICATIONS.]

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

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

257.3579 [AMERICAN INDIAN CHILD WELFARE ADVISORY COUNCIL.]

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

Sec. 9. Minnesota Statutes 1992, section 260.115, subdivision 1, is amended to read:

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

Sec. 10. Minnesota Statutes 1992, section 260.125, is amended to read:

260.125 [REFERENCE FOR PROSECUTION CERTIFICATION TO DISTRICT COURT.]

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

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

(a) (1) a petition has been filed in accordance with the provisions of section 260.131;

(b) (2) a motion for certification has been filed by the prosecuting authority;

(3) notice has been given in accordance with the provisions of sections 260.135 and 260.141;

(c) (4) a hearing has been held in accordance with the provisions of section 260.155 within 30 days of the filing of the ~~reference~~ certification motion, unless good cause is shown by the prosecution or the child as to why the hearing should not be held within this period in which case the hearing shall be held within 90 days of the filing of the motion; and

(d) (5) the court finds that

(4) there is probable cause, as defined by the rules of criminal procedure promulgated pursuant to section 480.059, to believe the child committed the offense alleged by delinquency petition; and

(e) (6) the court finds either:

(i) that the presumption of certification created by subdivision 2a applies and the child has not rebutted the presumption by clear and convincing evidence demonstrating that retaining the proceeding in the juvenile court serves public safety; or

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

Subd. 2a. [PRESUMPTION OF CERTIFICATION.] It is presumed that a

proceeding involving an offense committed by a child will be certified to district court if:

- (1) the child was 16 or 17 years old at the time of the offense; and
- (2) the delinquency petition alleges that the child committed murder in the first degree or an offense that would result in a presumptive commitment to prison under the sentencing guidelines and applicable statutes.

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

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

- (1) the seriousness of the alleged offense in terms of community protection, including the existence of any aggravating factors recognized by the sentencing guidelines, the use of a firearm, and the impact on any victim;
- (2) the culpability of the child in committing the alleged offense, including the level of the child's participation in planning and carrying out the offense and the existence of any mitigating factors recognized by the sentencing guidelines;
- (3) the child's prior record of delinquency;
- (4) the child's programming history, including the child's past willingness to participate meaningfully in available programming; and
- (5) the dispositional options available for the child.

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

- (1) is alleged by delinquency petition to have committed an aggravated felony against the person and (a) in committing the offense, the child acted with particular cruelty or disregard for the life or safety of another; or (b) the offense involved a high degree of sophistication or planning by the juvenile; or (c) the juvenile, at the time of the offense, used, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm; or
- (2) is alleged by delinquency petition to have committed murder in the first degree; or
- (3) is alleged by delinquency petition (a) to have committed the delinquent act of escape from confinement to a state juvenile correctional facility or a local juvenile correctional facility and (b) to have committed an offense as part of, or subsequent to, escape from custody that would be a felony listed in section 609.11, subdivision 9, if committed by an adult; or
- (4) has been found by the court, pursuant to an admission in court or after trial, to have committed an offense within the preceding 24 months which

would be a felony if committed by an adult and is alleged by delinquency petition to have committed murder in the second or third degree, manslaughter in the first degree, criminal sexual conduct in the first degree or assault in the first degree; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 11. [260.126] [SERIOUS YOUTHFUL OFFENDER PROSECUTIONS.]

Subdivision 1. [DESIGNATION.] A proceeding involving a child alleged to have committed a felony offense is a serious youthful offender prosecution if:

(1) the child was 14 to 17 years old at the time of the alleged offense, a certification hearing was held, and the court designated the proceeding a serious youthful offender prosecution;

(2) the child was 16 or 17 years old at the time of the alleged offense, the prosecutor has designated in the delinquency petition that the child will be prosecuted as a serious youthful offender, and the offense:

(1) is first-degree murder;

(2) would result in a presumptive commitment to prison under the sentencing guidelines and applicable statutes; or

(3) is a violation of the provisions of any of the following:

(i) section 609.222, second-degree assault;

(ii) 609.223, subdivision 1, third-degree assault;

(iii) 609.235, use of drugs to injure or facilitate crime;

(iv) 609.24, simple robbery;

(v) 609.343, subdivision 1, paragraphs (a), (b), and (g), second-degree criminal sexual conduct, underage complainant;

(vi) 609.344, subdivision 1, paragraph (b) or (f), third-degree criminal sexual conduct, underage complainant;

(vii) 609.345, subdivision 1, paragraph (c), (d), or (g), fourth-degree criminal sexual conduct, force or coercion, helpless victim, victim between 16 and 18; and

(viii) 609.498, subdivision 1, first-degree witness tampering; or

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

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

Subd. 3. [HEARING ON PROSECUTOR'S REQUEST.] When a prosecutor requests that a proceeding be designated a serious youthful offender prosecution, the court shall hold a hearing under section 260.155 to consider the request. The hearing must be held within 30 days of the filing of the request for designation, unless good cause is shown by the prosecution or the child as

to why the hearing should not be held within this period in which case the hearing shall be held within 90 days of the filing of the request. If the prosecutor shows by clear and convincing evidence that designating the proceeding a serious youthful offender prosecution serves public safety, the court shall grant the request for designation. In determining whether public safety is served, the court shall consider the factors specified in section 260.125, subdivision 2b. The court shall decide whether to designate the proceeding a serious youthful offender prosecution within 15 days after the designation hearing is completed, unless additional time is needed, in which case the court may extend the period up to another 15 days.

Subd. 4. [DISPOSITION.] (a) If a serious youthful offender prosecution results in a guilty plea or finding of guilt, the court shall:

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

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

(b) If a child prosecuted as a serious youthful offender after designation by the prosecutor in the delinquency petition is convicted of an offense after trial that is neither first-degree murder nor an offense that would result in a presumptive commitment to prison under the sentencing guidelines and applicable statutes, the court shall adjudicate the child delinquent and order a disposition under section 260.185. If the serious youthful offender proceeding results in a guilty plea for an offense not described in subdivision 1, clause (2), the court may impose an adult sentence under this subdivision if the juvenile consents. If the juvenile does not consent, the court may impose an adult sentence under this subdivision if the state shows public safety would not be served by retaining the juvenile in the juvenile system using the criteria described in section 260.125, subdivision 2b.

Subd. 5. [EXECUTION OF ADULT SENTENCE.] When it appears that a person convicted as a serious youthful offender has violated the conditions of the stayed sentence, or is alleged to have committed a new offense, the court may, without notice, revoke the stay and probation and direct that the offender be taken into immediate custody. The court shall notify the offender in writing of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. If the offender challenges the reasons, the court shall hold a summary hearing on the issue at which the offender is entitled to be heard and represented by counsel. After the hearing, if the court finds that reasons exist to revoke the stay of execution of sentence, the court shall treat the offender as an adult and order any of the adult sanctions authorized by section 609.14, subdivision 3.

Sec. 12. Minnesota Statutes 1992, section 260.131, is amended by adding a subdivision to read:

Subd. 4. [DELINQUENCY PETITION; SERIOUS YOUTHFUL OFFENDER.] When a prosecutor files a delinquency petition alleging that a child committed a felony offense after reaching the age of 16 years, the prosecutor shall indicate in the petition whether the prosecutor designates the proceeding a serious youthful offender prosecution. When a prosecutor files a delinquency petition alleging that a child aged 14 to 17 years committed a felony offense, the prosecutor may request that the court designate the proceeding a serious youthful offender prosecution.

Sec. 13. Minnesota Statutes 1992, section 260.145, is amended to read:

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

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

Sec. 14. Minnesota Statutes 1992, section 260.152, is amended to read:

260.152 [MENTAL HEALTH SCREENING OF JUVENILES IN DETENTION.]

Subdivision 1. [ESTABLISHMENT.] The commissioner of human services, in cooperation with the commissioner of corrections, shall establish pilot projects in counties to reduce the recidivism rates of juvenile offenders, by identifying and treating underlying mental health problems that contribute to delinquent behavior and can be addressed through nonresidential services. At least one of the pilot projects must be in the seven-county metropolitan area and at least one must be in greater Minnesota.

Subd. 2. [PROGRAM COMPONENTS.] (a) The commissioner of human services shall, in consultation with the Indian affairs council, the council on affairs of Spanish-speaking people, the council on Black Minnesotans, and the council on Asian-Pacific Minnesotans, provide grants to the counties for the pilot projects. The projects shall build upon the existing service capabilities in the community and must include:

(1) screening for mental health problems of all ~~juveniles admitted before adjudication to a secure detention facility as defined in section 260.015, subdivision 16, and any juvenile alleged to be delinquent as that term is defined in section 260.015, subdivision 5, who is admitted to a shelter care facility, as defined in section 260.015, subdivision 17; children who are alleged or found to be delinquent and all children who are reported as being or found to be in need of protection or services.~~

(2) (b) The projects must include referral for mental health assessment of all juveniles for whom the screening indicates a need. This assessment is to be provided by the appropriate mental health professional. If the juvenile is of a minority race or minority ethnic heritage, the mental health professional must be skilled in and knowledgeable about the juvenile's racial and ethnic heritage, or must consult with a special mental health consultant who has such knowledge so that the assessment is relevant, culturally specific, and sensitive to the juvenile's cultural needs; and.

(3) (c) Upon completion of the assessment, *the project must provide or ensure access to or provision of* nonresidential mental health services identified as needed in the assessment.

Subd. 3. [SCREENING TOOL.] The commissioner of human services and the commissioner of corrections shall jointly develop a model screening tool

to screen juveniles ~~held in juvenile detention~~ to determine if a mental health assessment is needed. This tool must contain specific questions to identify potential mental health problems. In implementing a pilot project, a county must either use this model tool or another screening tool approved by the commissioner of human services which meets the requirements of this section.

Subd. 4. [PROGRAM REQUIREMENTS.] To receive funds, the county program proposal shall be a joint proposal with all affected local agencies, resulting in part from consultation with the local coordinating council established under section 245.4873, subdivision 3, and the local mental health advisory council established under section 245.4875, subdivision 5, and shall contain the following:

(1) evidence of interagency collaboration by all publicly funded agencies serving juveniles with emotional disturbances, including evidence of consultation with the agencies listed in this section;

(2) a signed agreement by the local court services and local mental health and county social service agencies to work together on the following: development of a program; development of written interagency agreements and protocols to ensure that the mental health needs of juvenile offenders are identified, addressed, and treated; and development of a procedure for joint evaluation of the program;

(3) a description of existing services that will be used in this program;

(4) a description of additional services that will be developed with program funds, including estimated costs and numbers of juveniles to be served; and

(5) assurances that funds received by a county under this section will not be used to supplant existing mental health funding for which the juvenile is eligible.

The commissioner of human services and the commissioner of corrections shall jointly determine the application form, information needed, deadline for application, criteria for awards, and a process for providing technical assistance and training to counties. The technical assistance shall include information about programs that have been successful in reducing recidivism by juvenile offenders.

Subd. 5. [INTERAGENCY AGREEMENTS.] To receive funds, the county must agree to develop written interagency agreements between local court services agencies and local county mental health agencies within six months of receiving the initial program funds. These agreements shall include a description of each local agency's responsibilities, with a detailed assignment of the tasks necessary to implement the program. The agreement shall state how they will comply with the confidentiality requirements of the participating local agencies.

Subd. 6. [EVALUATION.] The commissioner of human services and the commissioner of corrections shall, in consultation with the Indian affairs council, the council on affairs of Spanish-speaking people, the council on Black Minnesotans, and the council on Asian-Pacific Minnesotans, develop systems and procedures for evaluating the pilot projects. The departments must develop an interagency management information system to track juveniles who receive mental health and chemical dependency services. The system must be designed to meet the information needs of the agencies involved and to provide a basis for evaluating outcome data. The system must

be designed to track the mental health treatment of juveniles released from custody and to improve the planning, delivery, and evaluation of services and increase interagency collaboration. The evaluation protocol must be designed to measure the impact of the program on juvenile recidivism, school performance, and state and county budgets.

Subd. 7. [REPORT.] ~~On~~ By January 1, 1994, and annually after that, each year, the commissioner of corrections and the commissioner of human services shall present a joint report to the legislature on the pilot projects funded under this section. The report shall include information on the following:

(1) the number of ~~juvenile offenders~~ *children* screened and assessed *who are juvenile offenders and the number who were reported as child protection cases;*

(2) the number of juveniles referred for mental health services, the types of services provided, and the costs;

(3) the number of subsequently adjudicated juveniles that received mental health services under this program; and

(4) the estimated cost savings of the program and the impact on crime *and family reintegration.*

Sec. 15. Minnesota Statutes 1993 Supplement, section 260.155, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted in an informal manner, *except that a child who is a serious youthful offender has the right to a jury trial on the issue of guilt.* The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, *a serious youthful offender,* or a juvenile petty offender, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply. In all adjudicatory proceedings involving a child alleged to be in need of protection or services, the court shall admit only evidence that would be admissible in a civil trial. To be proved at trial, allegations of a petition alleging a child to be in need of protection or services must be proved by clear and convincing evidence.

(b) Except for proceedings involving a child alleged to be in need of protection or services and petitions for the termination of parental rights, hearings may be continued or adjourned from time to time. In proceedings involving a child alleged to be in need of protection or services and petitions for the termination of parental rights, hearings may not be continued or adjourned for more than one week unless the court makes specific findings that the continuance or adjournment is in the best interests of the child. If a hearing is held on a petition involving physical or sexual abuse of a child who is alleged to be in need of protection or services or neglected and in foster care, the court shall file the decision with the court administrator as soon as possible but no later than 15 days after the matter is submitted to the court. When a continuance or adjournment is ordered in any proceeding, the court may make any interim orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301.

(c) *Except as otherwise provided in this paragraph, the court shall exclude the general public from ~~these~~ hearings under this chapter and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court; except that, The court shall open the hearings to the public in delinquency or serious youthful offender proceedings where the child is alleged to have committed an offense or has been proven to have committed an offense that would be a felony if committed by an adult and the child was at least 16 years of age at the time of the offense, except that the court may exclude the public from portions of a certification hearing to discuss psychological material or other evidence that would not be accessible to the public in an adult proceeding.*

(d) In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the court administrator in writing, at the named person's last known address, of (1) the date of the ~~reference~~ certification or adjudicatory hearings, and (2) the disposition of the case.

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

Sec. 16. Minnesota Statutes 1992, section 260.155, is amended by adding a subdivision to read:

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

Sec. 17. Minnesota Statutes 1992, section 260.155, subdivision 2, is amended to read:

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

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

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

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

Sec. 18. Minnesota Statutes 1993 Supplement, section 260.161, subdivision 1, is amended to read:

Subdivision 1. [RECORDS REQUIRED TO BE KEPT.] (a) The juvenile court judge shall keep such minutes and in such manner as the court deems

necessary and proper. Except as provided in paragraph (b), the court shall keep and maintain records pertaining to delinquent adjudications until the person reaches the age of 23 years and shall release the records on an individual to another juvenile court that has jurisdiction of the juvenile, to a requesting adult court for purposes of sentencing, or to an adult court or juvenile court as required by the right of confrontation of either the United States Constitution or the Minnesota Constitution. The juvenile court shall provide, upon the request of any other juvenile court, copies of the records concerning adjudications involving the particular child. The court shall also keep an index in which files pertaining to juvenile matters shall be indexed under the name of the child. After the name of each file shall be shown the file number and, if ordered by the court, the book and page of the register in which the documents pertaining to such file are listed. The court shall also keep a register properly indexed in which shall be listed under the name of the child all documents filed pertaining to the child and in the order filed. The list shall show the name of the document and the date of filing thereof. The juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, findings, orders, decrees, judgments, and motions and such other matters as the court deems necessary and proper. Unless otherwise provided by law, all court records shall be open at all reasonable times to the inspection of any child to whom the records relate, and to the child's parent and guardian.

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

Sec. 19. Minnesota Statutes 1992, section 260.161, subdivision 1a, is amended to read:

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

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

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

(c) The juvenile court shall forward to the bureau the following data on individuals convicted as serious youthful offenders:

- (1) the name and birthdate of the offender;*
- (2) the crime committed by the offender and the date of the crime; and*
- (3) the date and county in which the offender was convicted.*

The bureau shall retain the serious youthful offender data for as long as the data would have been retained if the offender had been an adult at the time of the offense.

Sec. 20. Minnesota Statutes 1992, section 260.161, subdivision 2, is amended to read:

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

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

Sec. 21. Minnesota Statutes 1992, section 260.181, subdivision 4, is amended to read:

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

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

(c) *The juvenile court has jurisdiction to designate the proceeding a serious youthful offender prosecution, or to conduct a trial, receive a plea, or impose a disposition under section 11, subdivision 4, if:*

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

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

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

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

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

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

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

(e) *The juvenile court has jurisdiction over a person who has been adjudicated delinquent until the person's 21st birthday if the person fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under a juvenile court order. The juvenile court has jurisdiction over a convicted serious youthful offender who fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under section 11, subdivision 4. The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.*

Sec. 22. Minnesota Statutes 1992, section 260.185, subdivision 3, is amended to read:

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

tion or examination ordered in accordance with the provisions of section 260.151. This subdivision does not apply to a serious youthful offender proceeding.

Sec. 23. Minnesota Statutes 1992, section 260.185, is amended by adding a subdivision to read:

Subd. 6. [OUT-OF-STATE PLACEMENTS.] A court may not place an adjudicated delinquent or a convicted serious youthful offender in a residential facility outside Minnesota unless the commissioner of corrections has certified within the past 12 months that the facility:

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

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

Sec. 24. Minnesota Statutes 1992, section 260.185, is amended by adding a subdivision to read:

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

Sec. 25. Minnesota Statutes 1992, section 260.211, subdivision 1, is amended to read:

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

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

Sec. 26. Minnesota Statutes 1992, section 260.215, subdivision 1, is amended to read:

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

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

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

Sec. 27. Minnesota Statutes 1992, section 260.291, is amended to read:

260.291 [APPEAL.]

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

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

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

Sec. 28. Minnesota Statutes 1993 Supplement, section 299A.35, subdivision 1, is amended to read:

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

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

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

(3) neighborhood block clubs and innovative community-based crime watch programs;

(4) community-based programs designed to enrich the educational, cultural, or recreational opportunities of at-risk elementary or secondary school age youth, including programs designed to keep at-risk youth from dropping out of school and encourage school dropouts to return to school;

(5) support services for a municipal curfew enforcement program including, but not limited to, rent for drop-off centers, staff, supplies, equipment, and the referral of children who may be abused or neglected; ~~and~~

(6) *programs that are proven successful at increasing the rate of graduation from secondary school and the rate of post-secondary education attendance for high-risk students; and*

~~(6)~~ (7) other community-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program.

Sec. 29. Minnesota Statutes 1993 Supplement, section 299C.65, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

(11) the impact of proposed legislation on the criminal justice system,

including any fiscal impact, need for training, changes in information systems, and changes in processes;

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

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

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

(15) *the development of a data base for serious youthful offender records and whether the records should be public or private and how long they should be retained.*

Sec. 30. Minnesota Statutes 1993 Supplement, section 401.065, subdivision 1, is amended to read:

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

(1) *a person, including a child under the jurisdiction of the juvenile court, is an "offender" means a person who if:*

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

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

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

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

Sec. 31. Minnesota Statutes 1993 Supplement, section 401.065, subdivision 2, is amended to read:

Subd. 2. [ESTABLISHMENT OF PROGRAM.] By July 1, 1994, every county attorney of a county participating in the community corrections act shall establish a pretrial diversion program for adult offenders. By July 1, 1995, every county attorney of a county participating in the community corrections act shall establish a pretrial diversion program for juvenile offenders. If the county attorney's county participates in the community corrections act as part of a group of counties under section 401.02, the county attorney may establish a pretrial diversion program in conjunction with other county attorneys in that group of counties. The program must be designed and operated to further the following goals:

(1) to provide eligible offenders with an alternative to confinement and a

criminal conviction, or in the case of juvenile offenders, an alternative to adjudication that emphasizes restorative justice;

(2) to reduce the costs and caseload burdens on district courts and the criminal justice system;

(3) to minimize recidivism among diverted offenders;

(4) to promote the collection of restitution to the victim of the offender's crime; and

(5) to develop responsible alternatives to the criminal justice system for eligible offenders; and

(6) for a juvenile pretrial diversion program, to develop collaborative use of demonstrated successful culturally specific programming where appropriate.

Sec. 32. Minnesota Statutes 1993 Supplement, section 401.065, subdivision 4, is amended to read:

Subd. 4. [REPORTS.] By January 1, 1995, and biennially thereafter, each county attorney shall report to the department of corrections and the legislature on the operation of a an adult pretrial diversion program required by this section. By January 1, 1996, and biennially thereafter, each county attorney shall report to the department of corrections and the legislature on the operation of adult and juvenile pretrial diversion programs required by this section. The report shall include a description of the program, the number of adult and juvenile offenders participating in the program, the number and characteristics of the adult and juvenile offenders who successfully complete the program, the number and characteristics of the adult and juvenile offenders who fail to complete the program, and an evaluation of the program's effect on the operation of the criminal justice system in the county.

Sec. 33. Minnesota Statutes 1992, section 609.055, subdivision 2, is amended to read:

Subd. 2. [ADULT PROSECUTION.] Children of the age of 14 years or over but under 18 years may be prosecuted for a criminal felony offense if the alleged violation is duly referred certified to the appropriate prosecuting authority district court or may be designated a serious youthful offender in accordance with the provisions of chapter 260. A child who is 16 years of age or older but under 18 years of age is capable of committing a crime and may be prosecuted for a felony if:

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

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

Sec. 34. Minnesota Statutes 1992, section 609.49, is amended by adding a subdivision to read:

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

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

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

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

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

(b) *A person who violates the provisions of this subdivision is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.*

Sec. 35. Minnesota Statutes 1992, section 609.49, subdivision 3, is amended to read:

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

Sec. 36. Minnesota Statutes 1992, section 611.15, is amended to read:

611.15 [NOTIFICATION OF RIGHT TO REPRESENTATION.]

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

Sec. 37. Minnesota Statutes 1992, section 611.19, is amended to read:

611.19 [WAIVER OF APPOINTMENT OF COUNSEL.]

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

Sec. 38. Minnesota Statutes 1992, section 611.25, subdivision 1, is amended to read:

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

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

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

(3) *a child who is appealing from a delinquency adjudication or from a serious youthful offender conviction.*

(b) The state public defender may represent, without charge, all other

persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel.

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

Sec. 39. Minnesota Statutes 1992, section 611A.02, is amended by adding a subdivision to read:

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

- (1) the rights of victims in the juvenile court;*
- (2) when a juvenile matter is public;*
- (3) the procedures to be followed in juvenile court proceedings; and*
- (4) other relevant matters.*

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

Sec. 40. Minnesota Statutes 1992, section 611A.77, subdivision 1, is amended to read:

Subdivision 1. [GRANTS.] The state court administrator shall award grants to nonprofit organizations to create or expand mediation programs for crime victims and offenders. For purposes of this section, "offender" means an adult charged with a nonviolent crime or, a juvenile with respect to whom a petition for delinquency has been filed in connection with a nonviolent offense, or a juvenile alleged to have committed or detained for committing a nonviolent offense, and "nonviolent crime" and "nonviolent offense" exclude any offense in which the victim is a family or household member, as defined in section 518B.01, subdivision 2.

Sec. 41. Minnesota Statutes 1993 Supplement, section 624.713, subdivision 1, is amended to read:

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

- (a) a person under the age of 18 years except that a person under 18 may carry or possess a pistol or semiautomatic military-style assault weapon (i) in the actual presence or under the direct supervision of the person's parent or guardian, (ii) for the purpose of military drill under the auspices of a legally

recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition, or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol or semiautomatic military-style assault weapon and approved by the commissioner of natural resources;

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

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

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

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

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

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

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

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

Sec. 42. Minnesota Statutes 1993 Supplement, section 624.713, subdivision 3, is amended to read:

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

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

Sec. 43. [JUDICIAL DISTRICT DELINQUENCY DISPOSITION PRINCIPLES.]

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

Sec. 44. [USE OF SERIOUS YOUTHFUL OFFENDER ADJUDICATIONS AS ADULT CRIMINAL HISTORY POINTS.]

The sentencing guidelines commission shall modify the guidelines to take effect August 1, 1995, to provide that a serious youthful offender conviction is treated under the guidelines in the same manner as a felony conviction of an adult.

Sec. 45. [TASK FORCE ON JUVENILE PROGRAMMING EVALUATION AND PLANNING.]

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

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

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

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

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

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

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

(2) the location of secure juvenile capacity recommended by the supreme court advisory task force on the juvenile justice system and rules establishing criteria for secure placement of juvenile offenders;

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

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

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

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

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

(i) the probation and correctional systems;

(ii) the public defender system;

(iii) the judiciary; and

(iv) other governmental entities.

Subd. 4. [MEMBERSHIP.] The task force consists of individuals who are representatives or designees of the following and have demonstrated experience in the juvenile justice field; appointed by the chairs of the senate crime prevention committee and the house judiciary committee, in consultation with the lead members of those committees from the minority party:

(1) the commissioner of corrections;

(2) the commissioner of human services;

(3) the commissioner of education;

(4) the office of drug policy and violence prevention;

(5) probation officers;

(6) community corrections officers;

(7) public defenders;

(8) prosecutors;

(9) juvenile corrections specialists;

(10) law enforcement officials;

(11) chemical dependency counselors;

(12) mental health experts;

(13) children's services providers;

(14) victim advocates;

(15) district court judges;

(16) the council on Black Minnesotans;

(17) the council on the affairs of Spanish-speaking people;

(18) the council on Asian-Pacific Minnesotans;

(19) the Indian affairs council;

- (20) the association of counties;
- (21) the council on disabilities; and
- (22) parents of youthful offenders.

Sec. 46. [LEGISLATIVE AUDITOR.]

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

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

Subd. 2. [EVALUATION OF REPORT OF TASK FORCE ON JUVENILE PROGRAMMING EVALUATION AND PLANNING.] *The legislative audit commission is requested to direct the legislative auditor to receive and analyze the report of the task force on juvenile programming evaluation and planning submitted under section 45. The evaluation of the task force recommendations shall include a comprehensive independent assessment of relevant factors, including but not limited to those enumerated in section 45, subdivision 3. If the commission undertakes this evaluation, the legislative auditor shall report to the chairs of the senate committee on crime prevention and the house judiciary committee by February 15, 1995.*

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

Sec. 47. [SUPREME COURT.]

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

Subd. 2. [TRAINING.] *By August 1, 1994, the supreme court shall prepare and conduct a training course for judges and members of their staffs concerning the provisions of this act. In particular, the course shall inform*

judges of the juvenile disposition options available, the procedural requirements of serious youthful offender proceedings, and the sentencing form to be used in those proceedings to ensure that serious youthful offender data will be compatible with other criminal justice data.

Sec. 48. [COMMUNITY PROJECT IN JUVENILE CRIME PREVENTION.]

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

(1) a peer tutoring project designed for juvenile offenders required to perform community services;

(2) specialized group home services for juvenile probationers who have been suspended from school;

(3) social services and counseling for female juvenile offenders and their mothers;

(4) training in cognitive skill-building and in creative arts;

(5) an entrepreneurship program designed to operate on a self-supporting basis; and

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

The primary purpose of this project shall be to provide a network of community services for juvenile offenders and probationers. The project shall operate from January 1, 1995, to December 31, 1996. The funding provided by the commissioner must be matched at 20 percent by the local community, either through county funding, or in-kind services, such as volunteer time, space, or transportation. The commissioner, in consultation with the grantee, shall develop evaluation protocols designed to assess the impact of project components on deterring juvenile crime in the communities where the project operates. The commissioner shall report to the legislature by January 15, 1997, on the effectiveness of the program initiatives, with recommendations regarding expansion of the pilot project.

Sec. 49. [APPROPRIATIONS.]

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

APPROPRIATIONS

GENERAL FUND TOTAL	\$ 13,135,000
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Subd. 2. [CORRECTIONS.]

Total General Fund Appropriation	\$ 265,000
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Of this appropriation, \$100,000 is for a plan for serious youthful offenders to provide programming that is culturally sensitive to the juveniles who are served and implements restorative justice principles.

Of this appropriation, \$15,000 is for the work of the task force on juvenile programming evaluation and planning.

Of this appropriation, \$50,000 is to conduct the survey of existing juvenile programming, jointly with the commissioner of human services.

Of this appropriation, \$100,000 is for monitoring out-of-state juvenile facilities.

Subd. 3. [STATE BOARD OF PUBLIC DEFENSE.]

Total General Fund Appropriation

\$ 4,000,000

For the statewide provision of counsel for juveniles charged with delinquency and for the provision of appellate services for juveniles. Of this appropriation, \$1.7 million is for the provision of counsel for juveniles charged with delinquency in the first, fifth, seventh, ninth, and tenth judicial districts.

Subd. 4. [EDUCATION.]

Total General Fund Appropriation

\$ 4,470,000

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

Of this appropriation, \$50,000 is for the antigun violence curriculum

Of this appropriation, \$20,000 is for a special population survey of juvenile detention and youth corrections facilities, alternative learning facilities, and residential treatment facilities.

Of this appropriation, \$3,000,000 is for high risk youth violence prevention

grants. Up to five percent of this appropriation may be used for administration and evaluation of the programs funded in this subdivision. These grants may be for periods of up to two years.

Of this appropriation, \$200,000 is for grants to organizations representing communities of color, neighborhoods, or small nonprofits to assist in local, grass-roots collaboration efforts. Up to 2.5 percent of this appropriation may be used for administration of the programs funded in this subdivision.

Of this appropriation, \$200,000 is for implementation of the community-based truancy action projects which shall be equitably distributed throughout the state. Of this amount, \$50,000 is for the model school for chronic truants in Blue Earth county. Funds shall not be used to replace existing funding, but may be used to supplement it.

Subd. 5. [PUBLIC SAFETY.]

Total General Fund Appropriation

\$ 3,250,000

Of this appropriation, \$3,000,000 is for community crime reduction grants under Minnesota Statutes, section 299A.35. Up to five percent of this appropriation may be used for administration and evaluation of the programs funded by this appropriation. These grants may be for periods of up to two years.

Of this appropriation, \$250,000 is appropriated to the commissioner of public safety, bureau of criminal apprehension, from the general fund for the costs of performing initial analysis and design work for the juvenile criminal history system, including serious youthful offender data, the statewide misdemeanor system, including violent and enhanceable crimes, and the domestic abuse orders for protection tracking system.

Subd. 6. [SUPREME COURT.]

Total General Fund Appropriation

\$ 345,000

Of this appropriation, \$245,000 is for the costs of performing initial analysis and design work for the juvenile criminal history system, including serious youthful

offender data, the statewide misdemeanor system, and the tracking system for domestic abuse orders for protection.

Of this appropriation, \$100,000 is for the costs of conducting multidisciplinary training, concerning the serious youthful offender category and related juvenile law matters, of criminal justice professionals and other interested individuals, including but not limited to judges, educators, probation officers, prosecutors, defense lawyers, public defenders, and law enforcement officials.

Subd. 7. [HUMAN SERVICES.]

Total General Fund Appropriation

\$ 785,000

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

Of this appropriation, \$15,000 is for the work of the task force on juvenile programming evaluation and planning.

Of this appropriation, \$100,000 is to provide grants to agencies that conduct interdisciplinary training of criminal justice officials who deal with victims and perpetrators of violence; including training in interviewing children who report being sexually abused or perpetrators of violence.

Of this appropriation, \$70,000 is for a grant to an Indian child welfare defense corporation to promote compliance with the Indian family preservation act and the Indian Child Welfare Act under Minnesota Statutes, section 257.3571, subdivision 2a.

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

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

Subd. 8. [JOBS AND TRAINING.]

Total General Fund Appropriation

\$ 20,000

For the pilot project through a community corrections department for early intervention to serve juvenile offenders.

Sec. 50. [REPEALER.]

Minnesota Statutes 1992, section 260.125, subdivision 3, is repealed.

Sec. 51. [EFFECTIVE DATE.]

Sections 1 to 10, 13, 14, 16, 17, 20 to 22, 25 to 27, and 33 to 42, are effective August 1, 1994, and apply to violations occurring on or after that date. Sections 11, 12, 15, 18, 19, and 22 are effective August 1, 1995, and apply to violations occurring on or after that date. Section 23 is effective July 1, 1994, and applies to out-of-home placements after that date."

Delete the title and insert:

"A bill for an act relating to crime prevention; juvenile justice; providing for presumptive certification to adult court for juveniles alleged to have committed prison-level felonies; authorizing the court or the prosecutor to designate a juvenile a serious youthful offender; authorizing adult felony sentences for serious youthful offenders; extending juvenile court jurisdiction to age 21 for serious youthful offenders; limiting certification to adult court to felony offenses; extending a right to jury trial to serious youthful offenders; requiring that a juvenile have an in-person consultation with counsel before waiving right to counsel; requiring appointment of counsel or standby counsel for juveniles charged with gross misdemeanors or felonies or when out-of-home placement is proposed; establishing a task force on juvenile justice programming evaluation and planning; requiring that the department of corrections provide programming for serious and repeat juvenile offenders; appropriating money; amending Minnesota Statutes 1992, sections 126.78, by adding a subdivision; 242.31; 242.32; 257.3571, subdivision 3, and by adding a subdivision; 257.3572; 257.3579; 260.115, subdivision 1; 260.125; 260.131, by adding a subdivision; 260.145; 260.152; 260.155, subdivision 2, and by adding a subdivision; 260.161, subdivisions 1a and 2; 260.181, subdivision 4; 260.185, subdivision 3, and by adding subdivisions; 260.211, subdivision 1; 260.215, subdivision 1; 260.291; 609.055, subdivision 2; 609.49, subdivision 3, and by adding a subdivision; 611.15; 611.19; 611.25, subdivision 1; 611A.02, by adding a subdivision; and 611A.77, subdivision 1; Minnesota Statutes 1993 Supplement, sections 260.155, subdivision 1; 260.161, subdivision 1; 299A.35, subdivision 1; 299C.65, subdivision 1; 401.065, subdivisions 1, 2, and 4; and 624.713, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapters 126; and 260; repealing Minnesota Statutes 1992, section 260.125, subdivision 3."

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 Care, to which was referred

S.F. No. 2086: A bill for an act relating to health; extending dispensing authority to physician assistants and advanced practice nurses; amending Minnesota Statutes 1992, sections 147.34, subdivision 1; 149.235, by adding a subdivision; and 151.37, subdivisions 2 and 2a; Minnesota Statutes 1993 Supplement, section 151.01, subdivision 23.

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

Page 2, line 34, delete "149.235" and insert "148.235"

Page 3, line 11, reinstate the stricken language

Page 3, line 12, delete the first comma and insert "*For purposes of section 151.461, "practitioner" also means*"

Page 4, line 9, after the period, insert "*Any person other than a licensed practitioner with the authority to prescribe, dispense, and administer a legend drug under paragraph (a) shall not dispense for profit.*"

Amend the title as follows:

Page 1, line 5, delete "149.235" and insert "148.235"

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

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

S.F. No. 1718: A bill for an act relating to capital improvements; appropriating money for Mower county to acquire the historic Grand Meadow chert quarry; authorizing the sale of state bonds.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Jobs, Energy and Community Development. Report adopted.

Mr. Vickerman from the Committee on Veterans and General Legislation, to which was re-referred

S.F. No. 1962: A bill for an act relating to capital improvements; appropriating money to the department of administration for a grant to the city of Hopkins for a performing arts center; authorizing the sale of state bonds.

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

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

S.F. No. 1999: A bill for an act relating to agriculture; changing certain pesticide posting requirements; amending Minnesota Statutes 1992, section 18B.07, subdivision 3.

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

Page 1, line 8, reinstate the stricken "(a)"

Page 1, line 13, after the stricken period, insert "*All fields receiving applications of pesticides bearing the label statement "Notify workers of the application by warning them orally and by posting signs at entrances to treated areas" must be posted in accordance with labeling and rules adopted under this chapter.*"

Page 1, line 14, reinstate the stricken "(b)"

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

Mr. Marty from the Committee on Ethics and Campaign Reform, to which was re-referred

S.F. No. 2015: A bill for an act relating to metropolitan government; establishing an elected metropolitan council; providing for a regional administrator and a management team; imposing organizational requirements; imposing duties; clarifying existing provisions and making conforming changes; amending Minnesota Statutes 1992, sections 6.76; 15.0597, subdivision 1; 15A.081, subdivision 7; 16B.58, subdivision 7; 116.16, subdivision 2; 116.182, subdivision 1; 161.173; 161.174; 169.781, subdivision 1; 169.791, subdivision 5; 169.792, subdivision 11; 204B.32, subdivision 2; 221.022; 221.041, subdivision 4; 221.071, subdivision 1; 221.295; 297B.09, subdivision 1; 352.03, subdivision 1; 352.75; 353D.01, subdivision 2; 422A.01, subdivision 9; 422A.101, subdivision 2a; 471A.02, subdivision 8; 473.121, subdivisions 5a and 24; 473.123, subdivisions 1, 2a, 4, and by adding subdivisions; 473.129; 473.13, subdivision 4; 473.146, subdivisions 1 and 4; 473.149, subdivision 3; 473.1623, subdivision 2; 473.164; 473.168, subdivision 2; 473.173, subdivisions 3 and 4; 473.223; 473.303, subdivisions 2, 3a, 4, 4a, 5, and 6; 473.371, subdivision 1; 473.375, subdivisions 11, 12, 13, 14, and 15; 473.382; 473.384, subdivisions 1, 3, 4, 5, 6, 7, and 8; 473.385; 473.386, subdivisions 1, 2, 3, 4, 5, and 6; 473.387, subdivisions 2, 3, and 4; 473.388, subdivisions 2, 3, 4, and 5; 473.39, subdivisions 1, 1a, 1b, and by adding a subdivision; 473.391; 473.392; 473.394; 473.399, as amended; 473.405, subdivisions 1, 3, 4, 5, 9, 10, 12, and 15; 473.408, subdivisions 1, 2, 2a, 4, 6, and 7; 473.409; 473.411, subdivisions 3 and 4; 473.415, subdivisions 1, 2, and 3; 473.416; 473.418; 473.42; 473.436, subdivisions 2, 3, and 6; 473.446, subdivisions 1, 1a, 2, 3, and 7; 473.448; 473.449; 473.504, subdivisions 4, 5, 6, 9, 10, 11, and 12; 473.511, subdivisions 1, 2, 3, and 4; 473.512, subdivision 1; 473.513; 473.515, subdivisions 1, 2, and 3; 473.5155, subdivisions 1 and 3; 473.516, subdivisions 2, 3, 4, and 5; 473.517, subdivisions 1, 2, 3, 6, and 9; 473.519; 473.521, subdivisions 1, 2, 3, and 4; 473.523, subdivisions 1 and 2; 473.535; 473.541, subdivision 2; 473.542; 473.543, subdivisions 1, 2, 3, and 4; 473.545; 473.547; 473.549; 473.553, subdivisions 1, 2, 4, 5, and by adding subdivisions; 473.561; 473.595, subdivision 3; 473.605, subdivision 2; 473.823, subdivision 3; and 473.852, subdivisions 8 and 10; Minnesota Statutes 1993 Supplement, sections 10A.01, subdivision 18; 15A.081, subdivision 1; 115.54; 174.32, subdivision 2; 216C.15, subdivision 1; 221.025; 221.031, subdivision 3a; 275.065, subdivisions 3 and 5a; 352.01, subdivisions 2a and 2b; 352D.02, subdivision 1; 353.64, subdivision 7a; 400.08, subdivision 3; 473.123, subdivision 3a; 473.13, subdivision 1; 473.1623, subdivision 3; 473.167, subdivision 1; 473.386, subdivision 2a; 473.3994, subdivision 10; 473.3997; 473.4051; 473.407, subdivisions 1, 2, 3, 4, 5, and 6; 473.411, subdivision 5; 473.446, subdivision 8; and 473.516, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 473; repealing Minnesota Statutes 1992, sections 115A.03, subdivision 20; 115A.33; 174.22, subdivision 4; 473.121, subdivisions 14a, 15, and 21; 473.122; 473.123, subdivisions 3, 5, and 6; 473.141, as amended; 473.146, subdivisions 2, 2a, 2b, and 2c; 473.153; 473.161; 473.163; 473.181, subdivision 3; 473.325, subdivision 5; 473.373, as amended; 473.375, subdivisions 1, 2, 3, 4, 5, 6, 7, 10, 16, 17, and 18; 473.377; 473.38; 473.384, subdivision 9; 473.388, subdivision 6; 473.404, as amended; 473.405, subdivisions 2, 6, 7, 8, 11, 13, and 14; 473.417; 473.435; 473.436, subdivision 7; 473.445, subdivisions 1 and 3; 473.501, subdivision 2; 473.503; 473.504, subdivisions 1, 2, 3, 7, and 8; 473.511, subdivision 5; 473.517, subdivision 8; 473.535; 473.543, subdivision 5; and 473.553,

subdivision 4a; Minnesota Statutes 1993 Supplement, sections 473.3996, subdivisions 1 and 2.

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

Pages 2 and 3, delete section 1

Page 4, delete section 3 and insert:

"Sec. 2. Minnesota Statutes 1992, section 15A.082, subdivision 3, is amended to read:

Subd. 3. [SUBMISSION OF RECOMMENDATIONS.] (a) By May 1 in each odd-numbered year, the compensation council shall submit to the speaker of the house of representatives and the president of the senate salary recommendations for constitutional officers, legislators, justices of the supreme court, and judges of the court of appeals, district court, county court, and county municipal court. The recommended salary for each office must take effect on July 1 of the next odd-numbered year, with no more than one adjustment, to take effect on July 1 of the year after that. The salary recommendations for legislators, judges, and constitutional officers take effect if an appropriation of money to pay the recommended salaries is enacted after the recommendations are submitted and before their effective date. Recommendations may be expressly modified or rejected. The salary recommendations for legislators are subject to additional terms that may be adopted according to section 3.099, subdivisions 1 and 3.

(b) *The council shall also submit to the speaker of the house of representatives and the president of the senate recommendations for the salaries of members of the metropolitan council. The recommended salary takes effect July 1 of that year, with no more than one adjustment, to take effect on July 1 of the year after that, unless modified or rejected by law before its effective date.*

Pages 7 and 8, delete section 5

Page 8, line 22, reinstate the stricken language and delete the new language

Page 8, line 23, after the period, insert "*Each council member must reside in the council district represented. Each council district must be represented by one member of the council.*"

Page 8, line 24, strike from "are" through page 8, line 30, to "January" and insert "*end with the term of the governor*"

Page 8, line 31, after the period, insert "*A member serves at the pleasure of the governor.*"

Page 8, lines 32, 34, 35, and 36, reinstate the stricken language

Page 8, line 33, delete the new language and reinstate the stricken language

Page 9, lines 1 and 2, reinstate the stricken language

Page 9, line 3, reinstate the stricken language and delete the new language

Page 9, delete lines 4 and 5

Pages 9 and 10, delete sections 8 to 10

Page 11, line 6, delete "*as authorized by the metropolitan council*" and insert "*a salary as set by the compensation council under section 15A.082*"

Page 11, line 18, delete "*elected*" and insert "*appointed*"

Page 11, line 20, before "*council*" insert "*compensation*"

Page 11, line 21, delete "*473.123*" and insert "*15A.082*"

Page 11, delete section 13

Page 12, delete line 5 and insert:

"*This article is*"

Page 12, line 6, delete everything after the period

Page 12, delete line 7

Renumber the sections of article 1 in sequence

Amend the title as follows:

Page 1, line 8, after "*7;*" insert "*15A.082, subdivision 3;*"

Page 1, line 12, delete "*204B.32, subdivision 2;*"

Page 1, lines 14 and 15, delete "*353D.01, subdivision 2;*"

Page 1, line 18, delete everything before the first semicolon and insert "*and 4*"

Page 2, line 8, delete everything after "*3;*"

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 935: A bill for an act relating to the state lottery; regulating advertising; amending Minnesota Statutes 1992, section 349A.09, subdivision 2.

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

Delete everything after the enacting clause and insert:

"Section 1. [3.9215] [INDIAN TRIBES; GAMING ADVERTISING RESTRICTED.]

All forms of advertising or promotion of class II gaming or class III gaming, except advertising and promotion published or disseminated solely on Indian lands, is prohibited.

For purposes of this section, "class II gaming" or "class III gaming" and "Indian lands" have the meaning given those terms in the Indian Gaming Regulatory Act, Public Law Number 100-497, as amended.

The attorney general shall enforce compliance with this section and in doing so has the powers set forth in section 8.31.

Sec. 2. [240.125] [ADVERTISING RESTRICTED.]

All forms of advertising and promotion of horse racing on which pari-mutuel betting is conducted, except advertising and promotion published or disseminated solely at a licensed racetrack, is prohibited. The racing commission shall take all necessary steps to ensure that all advertising and promotion of horse racing on which pari-mutuel betting is conducted is consistent with this subdivision.

The attorney general shall enforce compliance with this section and in doing so has the powers set forth in section 8.31.

Sec. 3. [349.192] [ADVERTISING RESTRICTED.]

All forms of lawful gambling advertising and promotion, except advertising and promotion published or disseminated solely on the premises where lawful gambling is conducted, is prohibited. The board shall take all necessary action to ensure that all advertising and promotion for lawful gambling is consistent with this section.

The attorney general shall enforce compliance with this section and in doing so has the powers set forth in section 8.31.

Sec. 4. Minnesota Statutes 1992, section 349A.06, is amended by adding a subdivision to read:

Subd. 4a. [RESTRICTIONS.] Notwithstanding subdivisions 1 to 3 or other law to the contrary, all forms of lottery advertising and promotion, except advertising and promotion published or disseminated solely on the premises of lottery retailers, is prohibited. The director shall take all necessary action to ensure that all advertising and promotion for lottery games is consistent with this subdivision.

The attorney general shall enforce compliance with this section and in doing so has the powers set forth in section 8.31.

Sec. 5. [EFFECTIVE DATE.]

Sections 1 to 4 are effective August 1, 1994, for contracts entered into or renewed after April 1, 1994."

Delete the title and insert:

"A bill for an act relating to gambling; restricting advertising and promotion; amending Minnesota Statutes 1992, section 349A.06, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 3; 240; and 349."

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

Mr. Berg from the Committee on Gaming Regulation, to which was referred

S.F. No. 1643: A bill for an act relating to lotteries; proposing a constitutional amendment to prohibit the legislature from authorizing a lottery operated by the state; providing for conforming legislation if the amendment is adopted by the people.

Reports the same back with the recommendation that the bill do pass and be re-referred to the Committee on Rules and Administration. Mr. Merriam questioned the reference thereon and, under Rule 35, the bill was referred to the Committee on Rules and Administration.

Ms. Piper from the Committee on Family Services, to which was referred

S.F. No. 1735: A bill for an act relating to children; modifying certain provisions concerning foster care and adoption; amending Minnesota Statutes 1993 Supplement, sections 257.072, subdivision 7; and 259.255.

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

Pages 1 and 2, delete section 1 and insert:

"Section 1. Minnesota Statutes 1993 Supplement, section 245A.03, subdivision 2, is amended to read:

Subd. 2. [EXCLUSION FROM LICENSURE.] Sections 245A.01 to 245A.16 do not apply to:

(1) residential or nonresidential programs that are provided to a person by an individual who is related *unless the residential program is a foster care placement made by a licensed child placing agency*, except as provided in subdivision 2a;

(2) nonresidential programs that are provided by an unrelated individual to persons from a single related family;

(3) residential or nonresidential programs that are provided to adults who do not abuse chemicals or who do not have a chemical dependency, a mental illness, mental retardation or a related condition, a functional impairment, or a physical handicap;

(4) sheltered workshops or work activity programs that are certified by the commissioner of jobs and training;

(5) programs for children enrolled in kindergarten to the 12th grade and prekindergarten special education in a school as defined in section 120.101, subdivision 4, and programs serving children in combined special education and regular prekindergarten programs that are operated or assisted by the commissioner of education;

(6) nonresidential programs primarily for children that provide care or supervision, without charge for ten or fewer days a year, and for periods of less than three hours a day while the child's parent or legal guardian is in the same building as the nonresidential program or present within another building that is directly contiguous to the building in which the nonresidential program is located;

(7) nursing homes or hospitals licensed by the commissioner of health except as specified under section 245A.02;

(8) board and lodge facilities licensed by the commissioner of health that provide services for five or more persons whose primary diagnosis is mental illness who have refused an appropriate residential program offered by a county agency. This exclusion expires on July 1, 1990;

(9) homes providing programs for persons placed there by a licensed agency for legal adoption, unless the adoption is not completed within two years;

(10) programs licensed by the commissioner of corrections;

(11) recreation programs for children or adults that operate for fewer than 40 calendar days in a calendar year;

(12) programs whose primary purpose is to provide, for adults or school-age children, including children who will be eligible to enter kindergarten within not more than four months, social and recreational activities, such as scouting, boys clubs, girls clubs, sports, or the arts; except that a program operating in a school building is not excluded unless it is approved by the district's school board;

(13) head start nonresidential programs which operate for less than 31 days in each calendar year;

(14) noncertified boarding care homes unless they provide services for five or more persons whose primary diagnosis is mental illness or mental retardation;

(15) nonresidential programs for nonhandicapped children provided for a cumulative total of less than 30 days in any 12-month period;

(16) residential programs for persons with mental illness, that are located in hospitals, until the commissioner adopts appropriate rules;

(17) the religious instruction of school-age children; Sabbath or Sunday schools; or the congregate care of children by a church, congregation, or religious society during the period used by the church, congregation, or religious society for its regular worship;

(18) camps licensed by the commissioner of health under Minnesota Rules, chapter 4630;

(19) mental health outpatient services for adults with mental illness or children with emotional disturbance;

(20) residential programs serving school-age children whose sole purpose is cultural or educational exchange, until the commissioner adopts appropriate rules;

(21) unrelated individuals who provide out-of-home respite care services to persons with mental retardation or related conditions from a single related family for no more than 90 days in a 12-month period and the respite care services are for the temporary relief of the person's family or legal representative;

(22) respite care services provided as a home and community-based service to a person with mental retardation or a related condition, in the person's primary residence; or

(23) community support services programs as defined in section 245.462, subdivision 6, and family community support services as defined in section 245.4871, subdivision 17.

For purposes of clause (6), a building is directly contiguous to a building in which a nonresidential program is located if it shares a common wall with the building in which the nonresidential program is located or is attached to that building by skyway, tunnel, atrium, or common roof.

Sec. 2. Minnesota Statutes 1993 Supplement, section 245A.03, subdivision 2a, is amended to read:

Subd. 2a. [LICENSING OF AN INDIVIDUAL RELATED TO A QUAL

IFYING CHILD.] Notwithstanding subdivision 2, clause (1), the commissioner ~~may~~ must license an individual who is related to a ~~qualifying~~ child, as defined in title IV-E of the Social Security Act, to provide foster care for that ~~qualifying~~ child. The commissioner may issue such a license retroactive to the date the ~~qualifying~~ child was placed in the applicant's home, so long as no more than 90 days have elapsed since the placement. If more than 90 days have elapsed since the placement, the commissioner may issue the license retroactive 90 days. *The granting of a license to an individual who is related to a child shall be according to standards set forth by foster care rule. The commissioner shall consider the importance of maintaining the child's relationship to family as an additional significant factor in determining whether to set aside a licensing disqualifier under subdivision 3b, or to grant a variance of licensing requirements under subdivision 9.*

Sec. 3. Minnesota Statutes 1993 Supplement, section 257.071, subdivision 3, is amended to read:

Subd. 3. **[REVIEW OF VOLUNTARY PLACEMENTS.]** Except as provided in subdivision 4, if the child has been placed in a residential facility pursuant to a voluntary release by the parent or parents, and is not returned home within six months after initial placement in the residential facility, the social service agency responsible for the placement shall:

- (1) return the child to the home of the parent or parents; or
- (2) file an appropriate petition pursuant to section 260.131, ~~subdivision 1,~~ or 260.231.

The case plan must be updated when a petition is filed and must include a specific plan for permanency.

Sec. 4. Minnesota Statutes 1993 Supplement, section 257.072, subdivision 9, is amended to read:

Subd. 9. **[RULES.]** The commissioner of human services shall adopt rules to establish standards for ~~relative foster care placement~~, conducting relative searches, and recruiting foster and adoptive families of the same racial or ethnic heritage as the child."

Page 3, after line 32, insert:

"Sec. 6. Minnesota Statutes 1992, section 260.141, subdivision 1, is amended to read:

Subdivision 1. (a) Service of summons or notice required by section 260.135 or 260.191, *subdivision 3b*, shall be made upon the following persons in the same manner in which personal service of summons in civil actions is made:

- (1) in all delinquency matters, upon the person having custody or control of the child and upon the child; and
- (2) in all other matters, upon the person having custody or control of the child, and upon the child if more than 12 years of age.

Personal service shall be effected at least 24 hours before the time of the hearing; however, it shall be sufficient to confer jurisdiction if service is made at any time, before the day fixed in the summons or notice for the hearing, except that the court, if so requested, shall not proceed with the hearing earlier

than the second day after the service. If personal service cannot well be made within the state, a copy of the summons or notice may be served on the person to whom it is directed by delivering a copy thereof to such person personally outside the state. Such service if made personally outside the state shall be sufficient to confer jurisdiction; providing however it be made at least five days before the date fixed for hearing in such summons or notice.

(b) If the court is satisfied that personal service of the summons or notice cannot well be made, it shall make an order providing for the service of summons or notice by certified mail addressed to the last known addresses of such persons, and by one weeks published notice as provided in section 645.11. A copy of the notice shall be sent by certified mail at least five days before the time of the hearing or 14 days if mailed to addresses outside the state.

(c) Notification to the county welfare board required by section 260.135, subdivision 3, shall be in such manner as the court may direct.

Sec. 7. Minnesota Statutes 1993 Supplement, section 260.191, subdivision 3b, is amended to read:

Subd. 3b. [REVIEW OF COURT ORDERED PLACEMENTS; PERMANENT PLACEMENT DETERMINATION.] (a) If the court places a child in a residential facility, as defined in section 257.071, subdivision 1, the court shall conduct a hearing to determine the permanent status of the child not later than 12 months after the child was placed out of the home of the parent. Not later than 30 ten days prior to this hearing, the responsible social service agency shall file pleadings to establish the basis for the permanent placement determination. Notice of the hearing and copies of the pleadings must be provided pursuant to sections 260.135 and section 260.141. If a termination of parental rights petition is filed before the date required for the permanency planning determination, no hearing need be conducted under this section. The court shall determine whether the child is to be returned home or, if not, what permanent placement is consistent with the child's best interests. The "best interests of the child" means all relevant factors to be considered and evaluated.

If the child is not returned to the home, the dispositions available for permanent placement determination are:

(1) permanent legal and physical custody to a relative, pursuant to the standards and procedures applicable under chapter 257 or 518. The social service agency may petition on behalf of the proposed custodian;

(2) termination of parental rights and adoption, or permanent; the social service agency shall file a petition for termination of parental rights under section 260.231 and all the requirements of sections 260.221 to 260.245 remain applicable; or

(3) long-term foster care; transfer of legal custody and adoption are preferred permanency options for a child who cannot return home. The court may order a child into permanent long-term foster care only if it finds that neither an award of legal and physical custody to a relative, nor termination of parental rights, nor adoption is in the child's best interests. Further, the court may only order long-term foster care for the child under this section if it finds the following:

(i) the child has reached age 12 and is not adoptable; or

(ii) *the child is a sibling of a child who has reached age 12 determined not adoptable and the siblings have a significant positive relationship and are ordered into the same long-term foster care home.*

(b) The court may extend the time period for determination of permanent placement to 18 months after the child was placed in a residential facility if:

(1) there is a substantial probability that the child will be returned home within the next six months;

(2) the agency has not made reasonable, or, in the case of an Indian child, active efforts, to correct the conditions that form the basis of the out-of-home placement; or

(3) extraordinary circumstances exist precluding a permanent placement determination, in which case the court shall make written findings documenting the extraordinary circumstances and order ~~one subsequent review after six months continuing periodic reviews~~ to determine permanent placement. *A court finding that extraordinary circumstances exist precluding a permanent placement determination must be supported by detailed factual findings regarding those circumstances.*

~~(c) If the court determines that an adoptive placement is in the best interests of the child, the social service agency shall file a petition for termination of parental rights under section 260.231. Nothing in this subdivision waives the requirements of sections 260.221 to 260.245 with respect to termination of parental rights.~~

~~(d)~~ (c) In ordering a permanent placement of a child, the court must be governed by the best interests of the child, including a review of the relationship between the child and relatives and the child and other important persons with whom the child has resided or had significant contact.

~~(e)~~ (d) Once a permanent placement determination has been made and permanent placement has been established, further reviews are only necessary if otherwise required by federal law, an adoption has not yet been finalized, or there is a disruption of the permanent *or long-term* placement. ~~These~~ *If required*, reviews must take place no less frequently than every six months.

~~(f)~~ (e) An order under this subdivision must include the following detailed findings:

(1) how the child's best interests are served by the order;

(2) the nature and extent of the responsible social service agency's reasonable efforts, or, in the case of an Indian child, active efforts, to reunify the child with the parent or parents;

(3) the parent's or parents' efforts and ability to use services to correct the conditions which led to the out-of-home placement;

(4) whether the conditions which led to the out-of-home placement have been corrected so that the child can return home; and

(5) if the child cannot be returned home, whether there is a substantial probability of the child being able to return home in the next six months.

If the court orders the child placed in permanent foster care, the court shall make findings that neither an award of legal and physical custody to a relative, termination of parental rights, nor adoption is in the child's best interests.

(f) An order for permanent legal and physical custody of a child may be modified under sections 518.18 and 518.185. The social service agency is a party to the proceeding and must receive notice. An order for long-term foster care is reviewable upon motion and a showing by the parent of a substantial change in the parent's circumstances such that the parent could provide appropriate care for the child and that removal of the child from the child's permanent placement and the return to the parent's care would be in the best interest of the child.

A court finding that extraordinary circumstances exist precluding a permanent placement determination must be supported by detailed factual findings regarding those circumstances."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 3, after "amending" insert "Minnesota Statutes 1992, section 260.141, subdivision 1;"

Page 1, line 4, delete "257.072," and insert "245A.03, subdivisions 2 and 2a; 257.071, subdivision 3; 257.072, subdivision 9;"

Page 1, line 5, delete "subdivision 7; and" and before the period, insert "; and 260.191, subdivision 3b"

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

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

S.F. No. 1758: A bill for an act relating to welfare reform; requiring pregnant and parenting minors to live with their parents in order to receive aid to families with dependent children (AFDC); providing an exception to the AFDC overpayment statute; allowing start work offset to AFDC recipients in the first month of work; broadening the scope of the employment and training statute by requiring more AFDC recipients to participate in job search; limiting post-secondary education while on AFDC to two years; allowing vendor emergency assistance payments for delinquent rent and damage deposit; providing required workers' compensation insurance for community work experience program workers; expanding cost-neutral fraud prevention programs; allowing emergency assistance damage deposit be returned to the county; allowing the county to pay monthly general assistance differently; making general assistance and work readiness lump-sum criteria the same as the AFDC lump-sum criteria; making the emergency general assistance criteria the same as the aid to families with dependent children-emergency assistance criteria; requiring a study to expand the parent's fair share pilot project statewide; requiring the departments of human services and revenue to design and implement a plan which supports working families; directing the commissioner of human services to seek several waivers from the federal government which support and promote moving off welfare and becoming self-sufficient; expanding the parent's fair share pilot project into Ramsey county; expanding state support for basic sliding fee day care program; appropriating money; amending Minnesota Statutes 1992, sections 256.73, by adding subdivisions; 256.737, by adding a subdivision; 256.81; 256.979, by adding a subdivision; 256.983, subdivision 1; 256D.05, subdivision 6; 256D.09, by adding a subdivision; 256H.05, subdivision 1b; and 268.672,

subdivision 6; Minnesota Statutes 1993 Supplement, sections 256.031, subdivision 3; 256.73, subdivision 8; and 256.736, subdivisions 10 and 14; proposing coding for new law in Minnesota Statutes, chapters 256; and 256D; repealing Minnesota Statutes 1993 Supplement, section 256.734.

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

Page 3, delete lines 22 to 25 and insert:

"(8) a pregnant woman, if it has been medically verified that the child is expected to be born within the next six months."

Page 4, line 2, after "project" insert "under section 25"

Page 6, line 32, after "HOURS" insert "; PAST EMPLOYMENT HISTORY; AND 30-DAY WAITING PERIOD."

Page 6, line 35, after the period, insert *"The applicant is not required to demonstrate past employment history or 30 days of prior unemployment to be eligible for AFDC-unemployed parent."*

Page 6, line 36, before "federal" insert "applicable" and delete "regulation barring" and insert "regulations"

Page 7, line 1, delete everything before "and"

Page 9, delete lines 2 to 5 and insert:

"(g) This subdivision is effective until the request to waive the federal exceptions is granted, except for persons in the control group. After the waiver is granted, this subdivision is applicable only to persons in the control group, which is necessary to evaluate the effect of the federal waiver."

Page 10, line 21, after "5a" insert ", except for persons in the control group under subdivision 5a, clause (g)."

Page 14, line 18, delete "case manager" and insert "county agency"

Page 16, line 35, after the first "the" insert "job search program, but is not required to participate in the"

Page 17, line 1, delete everything after the comma

Page 17, line 2, delete everything before "under"

Page 18, line 16, delete "WORKERS' COMPENSATION INSURANCE FOR" and insert "CLAIMS ARISING FROM"

Page 19, after line 24, insert:

"(e) A claim is not valid for purposes of this subdivision if the local agency responsible for supervising the work cannot verify:

(1) that appropriate safety training and information is provided to all persons being supervised by the agency under this subdivision; and

(2) that all programs involving work by those persons comply with federal Occupational Safety and Health Administration and state department of labor and industry safety standards. A claim that is not valid because of failure to verify safety training or compliance with safety standards will not be paid by the department of human services or through the legislative claims process

and must be heard, decided, and paid, if appropriate, by the local government unit responsible for supervising the work of the claimant."

Page 25, after line 33, insert:

"Sec. 23. [PARENTS' FAIR SHARE; MANDATORY COMMUNITY WORK EXPERIENCE.]

The parents' fair share (PFS) program shall include a mandatory community work experience component for participants who fail to comply with other program requirements."

Page 26, line 1, delete "subdivisions 2 to 6" and insert "this section"

Page 26, line 23, delete "from deeming parental" and insert "to disregard all parental income if the parent is on AFDC with other children; and if the parent is not on AFDC with other children, to disregard 150 percent of the federal poverty guideline and deem the remainder of income under"

Page 26, line 24, delete "income,"

Page 26, line 25, delete everything after the comma and insert "provided the parental income does not exceed 150 percent of poverty"

Page 26, line 26, delete everything before the period

Page 29, line 1, delete "County" and insert "county"

Page 29, line 33, delete "meet" and insert "take into account"

Page 31, line 33, after "section" insert ", except for subdivision 13,"

Page 32, line 2, delete "\$400,000" and insert "\$500,000"

Page 32, after line 12, insert:

"(c) \$100,000 for costs associated with the mandatory community work experience component of the parents' fair share program."

Page 32, line 13, delete "\$....." and insert "\$9,981,000"

Page 32, line 16, delete "\$....." and insert "\$1,924,000"

Page 32, line 19, delete "\$....." and insert "\$113,000"

Page 32, line 20, delete everything before "CWEP," and insert "costs associated with the claims arising from"

Page 32, line 22, delete "\$....." and insert "\$330,000"

Page 32, line 25, delete "\$1,809,389" and insert "\$1,021,000"

Page 32, line 28, delete "\$....." and insert "\$250,000"

Page 32, line 31, delete "\$....." and insert "\$266,000"

Page 32, delete lines 34 to 36

Page 33, line 1, delete "11" and insert "10" and delete "\$....." and insert "\$22,000"

Page 33, line 2, after "additional" insert "employment and training"

Page 33, line 4, delete "12" and insert "11"

Page 33, after line 6, insert:

"Subd. 12. [HUMAN SERVICES ADMINISTRATION.] \$616,000 is appropriated to pay for administrative costs.

Subd. 13. [WAGE SUBSIDY.] \$100,000 is appropriated from the general fund to the commissioner of jobs and training and is available for the fiscal year ending June 30, 1995, for wage subsidies associated with the immediate job search pilot project."

Page 33, line 11, delete "1, 3, 4, 5, and 6" and insert "4, 6, 7, 8, and 13"

Page 33, line 12, delete "in section 23"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 9, delete "limiting"

Page 1, delete line 10

Page 1, line 12, delete "delinquent rent and"

Page 1, line 20, after "criteria" insert ", with some exceptions" and delete everything after the semicolon

Page 1, delete lines 21 and 22

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

SECOND READING OF SENATE BILLS

S.F. Nos. 1692, 2073, 2052, 2241, 2262, 2038, 2086, 1999, 2015, 935 and 1758 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. No. 1885 was read the second time.

MOTIONS AND RESOLUTIONS

Mr. Murphy moved that the name of Ms. Pappas be added as a co-author to S.F. No. 1678. The motion prevailed.

Ms. Berglin moved that the names of Messrs. Pogemiller and Moe, R.D. be added as co-authors to S.F. No. 1711. The motion prevailed.

Mr. Vickerman moved that the name of Mr. Chmielewski be added as a co-author to S.F. No. 1814. The motion prevailed.

Mr. Hottinger moved that the name of Mr. Dille be added as a co-author to S.F. No. 2101. The motion prevailed.

Mr. Pogemiller moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2204. The motion prevailed.

Mr. Pogemiller moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2276. The motion prevailed.

Ms. Reichgott Junge moved that the name of Mr. Finn be added as a co-author to S.F. No. 2309. The motion prevailed.

Mr. Vickerman moved that the names of Messrs. Johnson, D.E.; Frederickson; Beckman and Ms. Lesewski be added as co-authors to S.F. No. 2352. The motion prevailed.

Mr. Stevens moved that the name of Mr. Solon be added as a co-author to S.F. No. 2425. The motion prevailed.

Ms. Berglin moved that the names of Messrs. Finn, Hottinger and Sams be added as co-authors to S.F. No. 2455. The motion prevailed.

Mr. Janezich moved that the names of Mr. Finn, Meses. Berglin and Hanson be added as co-authors to S.F. No. 2494. The motion prevailed.

Mr. Solon moved that the name of Mr. Kroening be added as a co-author to S.F. No. 2497. The motion prevailed.

Mr. Chandler moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 2499. The motion prevailed.

Mr. Kelly moved that the names of Ms. Pappas, Mr. Cohen and Ms. Anderson be added as co-authors to S.F. No. 2500. The motion prevailed.

Ms. Runbeck moved that S.F. No. 1515 be withdrawn from the Committee on Commerce and Consumer Protection and re-referred to the Committee on Health Care. The motion prevailed.

Ms. Wiener moved that S.F. No. 2108 be withdrawn from the Committee on Metropolitan and Local Government and re-referred to the Committee on Environment and Natural Resources. The motion prevailed.

Ms. Flynn moved that S.F. No. 2358 be withdrawn from the Committee on Jobs, Energy and Community Development and re-referred to the Committee on Governmental Operations and Reform. The motion prevailed.

Mr. Mondale moved that S.F. No. 2072 be withdrawn from the Committee on Finance and re-referred to the Committee on Agriculture and Rural Development. The motion prevailed.

Mr. Hottinger moved that S.F. No. 2454 be withdrawn from the Committee on Ethics and Campaign Reform and re-referred to the Committee on Health Care. The motion prevailed.

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Ms. Krentz introduced—

S.F. No. 2503: A bill for an act relating to highways; conforming powers held by counties over county highways to those powers held by counties over county state-aid highways; amending Minnesota Statutes 1992, section 163.11, subdivision 3.

Referred to the Committee on Transportation and Public Transit.

Mr. Moe, R.D. introduced—

S.F. No. 2504: A bill for an act relating to education; authorizing a fund transfer for independent school district No. 38, Red Lake.

Referred to the Committee on Education.

Mr. Moe, R.D. introduced—

S.F. No. 2505: A bill for an act relating to education; authorizing a retroactive increase in the amount of indebtedness authorized by the electors of independent school district No. 38, Red Lake.

Referred to the Committee on Education.

Mr. Knutson introduced—

S.F. No. 2506: A bill for an act relating to government data practices; providing for a protective order; amending Minnesota Statutes 1992, section 13.03, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Knutson introduced—

S.F. No. 2507: A bill for an act relating to government data practices; providing for a classification of research data; amending Minnesota Statutes 1992, section 13.37, subdivisions 1 and 2.

Referred to the Committee on Judiciary.

Mr. Betzold introduced—

S.F. No. 2508: A bill for an act relating to workers' compensation; expanding access to certain health care providers; amending Minnesota Statutes 1992, sections 176.1351, by adding a subdivision; and 176.83, subdivision 5.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Betzold introduced—

S.F. No. 2509: A bill for an act relating to crime; appropriating money for the Northwest Community Law Enforcement Project.

Referred to the Committee on Crime Prevention.

Ms. Ranum, Messrs. Pogemiller and Langseth introduced—

S.F. No. 2510: A bill for an act relating to traffic regulations; regulating use and operation of Head Start school buses; amending Minnesota Statutes 1992, sections 169.01, by adding a subdivision; 169.28, subdivision 1; 169.441, subdivisions 2 and 4; 169.442, subdivision 5; 169.443, subdivisions 5 and 6; 169.447; 169.448, subdivisions 1 and 3; 169.451; 169.64, subdivision 8; 169.781, subdivision 1; 169.87, subdivision 3; 171.01, by adding a subdivision; 171.3215; 221.011, subdivision 21; and 631.40, subdivision 1a; Minnesota Statutes 1993 Supplement, sections 171.321, subdivision 2; 221.025; and 221.031, subdivision 3b.

Referred to the Committee on Transportation and Public Transit.

Ms. Reichgott Junge introduced—

S.F. No. 2511: A bill for an act relating to crime prevention; criminal sexual conduct; requiring a sexual assault victim advocacy plan for each judicial district; modifying the definition of consent for purposes of the criminal sexual conduct prosecutions; requiring the collection of data; amending Minnesota Statutes 1992, section 609.341, subdivision 4.

Referred to the Committee on Crime Prevention.

Ms. Pappas, Messrs. Riveness, Novak and Betzold introduced—

S.F. No. 2512: A bill for an act relating to the metropolitan waste control commission; clarifying the powers and duties of the board, the chief administrator, and the agency; requiring the commission to follow the bidding requirements of the uniform municipal contracting law; allowing the commission to hire the state auditor or a certified public accountant; amending Minnesota Statutes 1992, sections 473.501, by adding subdivisions; 473.503; 473.523; 473.535; and 473.543, subdivision 5; proposing coding for new law in Minnesota Statutes, chapter 473.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Neuville and Day introduced—

S.F. No. 2513: A bill for an act relating to waters; declaring legislative intent and requiring a specified level for Lake Frances in Le Sueur county.

Referred to the Committee on Environment and Natural Resources.

Mr. Betzold introduced—

S.F. No. 2514: A bill for an act relating to human services; modifying coordinating team membership for seniors' agenda for independent living projects; amending Minnesota Statutes 1993 Supplement, section 256B.0917, subdivision 2.

Referred to the Committee on Health Care.

Messrs. Samuelson and Betzold introduced—

S.F. No. 2515: A bill for an act relating to human services; modifying provisions concerning certain allowable plant and maintenance costs for nursing care facilities; amending Minnesota Statutes 1992, section 256B.431, by adding a subdivision.

Referred to the Committee on Health Care.

Mr. Merriam introduced—

S.F. No. 2516: A bill for an act relating to public administration; state general obligation bond authorizations; allowing the commissioner of finance to cancel miscellaneous bond authorizations when projects are completed or abandoned; proposing coding for new law in Minnesota Statutes, chapter 16A.

Referred to the Committee on Finance.

Mr. Lessard introduced—

S.F. No. 2517: A bill for an act relating to education; independent school district No. 319, Nashwauk-Keewatin; permitting full amount of health and safety aid to be expended in fiscal year 1993, 1994, or 1995; providing for a variance for the use of health and safety revenue.

Referred to the Committee on Education.

Messrs. Sams, Bertram, Langseth, Day and Lessard introduced—

S.F. No. 2518: A bill for an act relating to the environment; providing for a wastewater treatment facility effluent standard compliance period; authorizing the sale of bonds; proposing coding for new law in Minnesota Statutes, chapter 115.

Referred to the Committee on Environment and Natural Resources.

Mr. Metzen introduced—

S.F. No. 2519: A bill for an act relating to retirement; South St. Paul police relief association; clarifying probationary employment for purposes of relief association service credit for certain members.

Referred to the Committee on Governmental Operations and Reform.

Mr. Price introduced—

S.F. No. 2520: A bill for an act relating to the environment; providing for evaluation of motor vehicle salvage facilities by the pollution control agency; providing for a report to the legislature; reallocating money; proposing coding for new law in Minnesota Statutes, chapter 116.

Referred to the Committee on Environment and Natural Resources.

Mr. Sams introduced—

S.F. No. 2521: A bill for an act relating to human services; modifying the compliance system for public assistance programs; appropriating money; amending Minnesota Statutes 1992, section 256.017, subdivision 1.

Referred to the Committee on Family Services.

Mr. Sams introduced—

S.F. No. 2522: A bill for an act relating to Wadena county; permitting the consolidation of the offices of auditor and treasurer.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Merriam; Lessard; Johnson, D.E.; Mrs. Pariseau and Mr. Morse introduced—

S.F. No. 2523: A bill for an act relating to the environment; reestablishing the office of waste management as the office of environmental assistance; transferring environmental assistance programs from the pollution control agency to the office; transferring waste management and policy planning from the metropolitan council to the office; amending Minnesota Statutes 1992, sections 115A.03, by adding a subdivision; 115A.055; 115A.06, subdivision 2; 115A.072; 115A.12; 115A.14, subdivision 4; 115A.15, subdivision 5;

115A.411, subdivision 1; 115A.42; 115A.5501, subdivision 2; 115A.84, subdivision 3; 115A.86, subdivision 2; 115A.912, subdivision 1; 115A.96, subdivision 2; 116.96, subdivision 4; 116.97, subdivision 1; 116F.02, subdivision 2; 473.149, subdivisions 1, 3, 5, and by adding a subdivision; 473.8011; 473.803, subdivisions 2 and 4; and 473.823, subdivision 5; Minnesota Statutes 1993 Supplement, sections 115A.551, subdivision 4; 115A.96, subdivisions 3 and 4; 115A.981, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; and 473.846; repealing Minnesota Statutes 1992, sections 115A.81, subdivision 3; 115A.914, subdivision 1; 115A.952; 116.96, subdivision 2; 116F.06, subdivisions 2, 3, 4, and 5; 116F.08; 473.181, subdivision 4; and 473.803, subdivision 1b; Minnesota Statutes 1993 Supplement, section 473.149, subdivision 4.

Referred to the Committee on Environment and Natural Resources.

Messrs. Hottinger, Finn and Langseth introduced—

S.F. No. 2524: A bill for an act relating to labor relations; revising the system for choosing grievance arbitrators for labor agreements with the state university system faculty; proposing coding for new law in Minnesota Statutes, chapter 179A.

Referred to the Committee on Governmental Operations and Reform.

Messrs. Hottinger, Finn, Langseth, Mrs. Benson, J.E. and Mr. Kelly introduced—

S.F. No. 2525: A bill for an act relating to state government; providing new impasse procedures for labor agreements involving faculty in the state university system; proposing coding for new law in Minnesota Statutes, chapter 179A.

Referred to the Committee on Governmental Operations and Reform.

Mr. Hottinger introduced—

S.F. No. 2526: A bill for an act relating to the city of Mankato; allowing the city to exercise the powers of a port authority; proposing coding for new law in Minnesota Statutes, chapter 469.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Knutson, Belanger, Stevens, Larson and Mrs. Pariseau introduced—

S.F. No. 2527: A bill for an act relating to landlords and tenants; providing penalties for residential tenants who intentionally abscond without paying rent due; proposing coding for new law in Minnesota Statutes, chapter 504.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Knutson, Belanger, Larson and Mrs. Pariseau introduced—

S.F. No. 2528: A bill for an act relating to government data practices; prohibiting the use of motor vehicle registration data and driver's license data in certain mass mailings; amending Minnesota Statutes 1992, section 13.03, by adding a subdivision.

Referred to the Committee on Judiciary.

Mses. Reichgott Junge and Olson introduced—

S.F. No. 2529: A bill for an act relating to education; allowing a public higher education institution to sponsor a charter school; increasing the permitted number of charter schools; changing requirements for converting an existing school; allowing the state board of education to assign sponsorship; amending Minnesota Statutes 1993 Supplement, section 120.064, subdivisions 3, 4, 4a, 8, and 21.

Referred to the Committee on Education.

Messrs. Johnson, D.J.; Janezich and Solon introduced—

S.F. No. 2530: A bill for an act relating to education; delaying the supplemental revenue reduction for school districts with negative net unappropriated operating fund balances; amending Minnesota Statutes 1993 Supplement, section 124A.22, subdivisions 8 and 9.

Referred to the Committee on Education.

Messrs. Janezich; Johnson, D.J. and Solon introduced—

S.F. No. 2531: A bill for an act relating to capital improvements; appropriating money for capital improvements at Mesabi Community College; authorizing the sale of bonds.

Referred to the Committee on Education.

Messrs. Riveness; Metzen; Moe, R.D.; Sams and Ms. Wiener introduced—

S.F. No. 2532: A bill for an act relating to state government; placing limits on consultant contracts entered into by executive branch state agencies.

Referred to the Committee on Governmental Operations and Reform.

Ms. Lesewski, Messrs. Oliver, Frederickson and Kelly introduced—

S.F. No. 2533: A bill for an act relating to workers' compensation; making changes of a technical and housekeeping nature; establishing a fraud investigation unit; modifying provisions relating to compensation and procedures; amending Minnesota Statutes 1992, sections 13.69, subdivision 1; 13.82, subdivision 1; 168.012, subdivision 1; 175.16; 176.011, subdivision 16; 176.041, subdivision 1; 176.081, subdivision 1; 176.101, subdivisions 3a, 3e, 3i, and 3p; 176.102, subdivisions 3a, 11, and 14; 176.103, subdivisions 2 and 3; 176.104, subdivision 1; 176.106, subdivision 7; 176.136, subdivisions 1a and 2; 176.138; 176.178; 176.181, subdivision 8; 176.191, by adding a subdivision; 176.215, by adding a subdivision; 176.238, subdivision 6; 176.261; 176.2615, subdivision 7; 176.275, subdivision 1; 176.281; 176.285; 176.291; 176.305, subdivision 1a; 176.645; 176.83, subdivision 5; 299C.46, subdivision 2; 626.11; and 626.84, subdivision 1; Minnesota Statutes 1993 Supplement, sections 176.041, subdivision 1a; 176.136, subdivision 1b; 626.05, subdivision 2; and 626.13; proposing coding for new law in Minnesota Statutes, chapter 176; repealing Minnesota Statutes 1992, sections 176.103, subdivision 2a; and 176.86.

Referred to the Committee on Jobs, Energy and Community Development.

Ms. Lesewski, Messrs. Johnson, D.E.; Murphy; Vickerman and Larson introduced—

S.F. No. 2534: A bill for an act relating to capital improvements; appropriating money to Southwest State University to complete construction and furnishing of its recreation center; authorizing the sale of state bonds.

Referred to the Committee on Education.

Mses. Lesewski, Kiscaden, Mr. Larson, Mrs. Benson, J.E. and Mr. Neuville introduced—

S.F. No. 2535: A bill for an act relating to health; MinnesotaCare; providing a grace period for overdue premium payments; amending Minnesota Statutes 1993 Supplement, section 256.9356, subdivision 3.

Referred to the Committee on Health Care.

Mr. Finn, Mses. Piper, Flynn and Mr. Price introduced—

S.F. No. 2536: A bill for an act relating to alcoholic beverages; increasing the sales tax rate on alcoholic beverages; providing for the dedication of a portion of the revenues from the sales tax on alcoholic beverages to the chemical dependency treatment account; eliminating requirements for a sliding fee schedule for persons eligible for chemical dependency fund services; amending Minnesota Statutes 1992, sections 254B.02, subdivision 1; 254B.04, subdivision 1; 297A.02, subdivision 3; and 297A.44, subdivision 1; repealing Minnesota Statutes 1992, section 254B.04, subdivision 3.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Johnson, J.B.; Messrs. Finn and Laidig introduced—

S.F. No. 2537: A bill for an act relating to youth and young adult corps; authorizing insurance and education awards to members and former members; amending Minnesota Statutes 1992, section 84.0887, by adding subdivisions.

Referred to the Committee on Environment and Natural Resources.

Messrs. Betzold and Luther introduced—

S.F. No. 2538: A bill for an act relating to the city of Brooklyn Park; authorizing the city's economic development authority to make certain small business loans.

Referred to the Committee on Jobs, Energy and Community Development.

Mses. Lesewski, Runbeck, Messrs. Belanger and Dille introduced—

S.F. No. 2539: A bill for an act relating to utilities; eliminating duplicate reporting relating to energy demand forecasting information by public utilities; amending Minnesota Statutes 1992, sections 116C.57, subdivision 3; 216B.241, subdivision 1a; and 216C.17, subdivision 2; Minnesota Statutes 1993 Supplement, sections 216B.2422, by adding a subdivision; and 216C.17,

subdivision 3; repealing Minnesota Statutes 1993 Supplement, section 116C.54.

Referred to the Committee on Jobs, Energy and Community Development.

Mses. Lesewski, Runbeck, Messrs. Belanger and Dille introduced—

S.F. No. 2540: A bill for an act relating to energy; classifying and requiring information on applications for the municipal energy conservation investment loan program; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 216C.37, subdivision 3, and by adding subdivisions; Minnesota Statutes 1993 Supplement, section 216C.37, subdivision 1; repealing Minnesota Statutes 1992, section 216C.37, subdivision 8.

Referred to the Committee on Jobs, Energy and Community Development.

Mses. Lesewski, Runbeck and Mr. Belanger introduced—

S.F. No. 2541: A bill for an act relating to motor fuels; specifying ten-county area as carbon monoxide control area; requiring annual registration of oxygenate blenders; specifying records that must be maintained by oxygenate blenders and allowing for audits; making technical amendments relating to regulation of oxygenated fuels; amending Minnesota Statutes 1992, sections 239.05, subdivisions 6a and 10b; and 239.791, subdivisions 3, 4, 5, 7, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 239.791, subdivision 8; repealing Minnesota Statutes 1993 Supplement, section 239.791, subdivision 6.

Referred to the Committee on Jobs, Energy and Community Development.

Mses. Ranum, Reichgott Junge and Pappas introduced—

S.F. No. 2542: A bill for an act relating to education; changing school district transportation formulas for excess nonregular transportation revenue and the late activity bus levy; amending Minnesota Statutes 1993 Supplement, section 124.225, subdivision 7e; and 124.226, subdivision 9.

Referred to the Committee on Education.

Messrs. Hottinger and Samuelson introduced—

S.F. No. 2543: A bill for an act relating to human services; modifying certain provisions relating to moratorium exceptions for nursing homes; amending Minnesota Statutes 1992, section 256B.431, subdivision 17.

Referred to the Committee on Health Care.

Messrs. Janezich and Johnson, D.J. introduced—

S.F. No. 2544: A bill for an act relating to education; repealing the supplemental revenue reduction; amending Minnesota Statutes 1993 Supplement, sections 124A.03, subdivision 1c; and 124A.22, subdivision 8; repealing Minnesota Statutes 1993 Supplement, sections 124A.03, subdivision 3b; and 124A.22, subdivision 9.

Referred to the Committee on Education.

Messrs. Johnson, D.J. and Janezich introduced—

S.F. No. 2545: A bill for an act relating to taxation; increasing certain mineral related taxes; amending Minnesota Statutes 1992, sections 273.165, subdivision 1; and 298.26.

Referred to the Committee on Taxes and Tax Laws.

Mses. Pappas, Krentz, Ranum and Mr. Beckman introduced—

S.F. No. 2546: A bill for an act relating to education; authorizing a sexuality and family life education evaluation; appropriating money.

Referred to the Committee on Education.

Messrs. Kelly, Cohen, Spear, Neuville and Morse introduced—

S.F. No. 2547: A bill for an act relating to public safety; creating a statewide witness and victim protection fund under the administration of the commissioner of public safety; appropriating money; amending Minnesota Statutes 1992, section 299C.065, subdivision 4; and Minnesota Statutes 1993 Supplement, section 299C.065, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299C; repealing Minnesota Statutes 1992, section 299C.065, subdivision 3a.

Referred to the Committee on Crime Prevention.

Mses. Lesewski, Runbeck, Messrs. Benson, D.D., Hottinger and Novak introduced—

S.F. No. 2548: A bill for an act relating to employment; modifying provisions relating to payment of wages; amending Minnesota Statutes 1992, sections 181.032; 181.13; and 181.14.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Betzold introduced—

S.F. No. 2549: A bill for an act relating to crime; defining transit zones and enhancing penalties for crimes involving drugs and firearms in these zones; providing that certain contact occurring in public transit vehicles or facilities is criminal sexual conduct in the fifth degree; clarifying and enhancing penalties for crimes against public transit vehicles, facilities, operators, and passengers; amending Minnesota Statutes 1992, sections 152.01, subdivision 17, and by adding a subdivision; 152.021, subdivision 1; 152.024, subdivision 1; 609.321, subdivision 12; 609.3451, subdivision 1; 609.66, subdivision 1; and 609.855; Minnesota Statutes 1993 Supplement, sections 152.022, subdivision 1; 152.023, subdivision 2; 609.66, subdivision 1a; and 609.713, subdivision 1.

Referred to the Committee on Crime Prevention.

Ms. Flynn, Messrs. Mondale, Murphy, Mses. Runbeck and Wiener introduced—

S.F. No. 2550: A bill for an act relating to metropolitan government; providing for appointment of metropolitan area soil and water conservation supervisors by metropolitan counties; amending Minnesota Statutes 1992,

section 103C.305, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 103C.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Solon and Johnson, D.J. introduced—

S.F. No. 2551: A bill for an act relating to the city of Duluth; establishing the powers and duties of the board of directors of trusts of Miller-Dwan Hospital in the establishment, administration, management, maintenance, improvement, and financing of the hospital; amending Laws 1969, chapter 224, sections 1, 2, and 3.

Referred to the Committee on Metropolitan and Local Government.

Messrs. Spear and Cohen introduced—

S.F. No. 2552: A bill for an act relating to courts; increasing the number of trial court judgeships; extending the deadline for compliance with case disposition time standards; appropriating money; amending Minnesota Statutes 1992, sections 2.722, subdivision 1; and 631.021.

Referred to the Committee on Judiciary.

Messrs. Price and Kelly introduced—

S.F. No. 2553: A bill for an act relating to taxation; altering the rental motor vehicle tax; imposing a fee on motor vehicle rentals; providing for retention of the fee by motor vehicle lessors to compensate for motor vehicle registration fees paid by lessors; amending Minnesota Statutes 1992, section 297A.135.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Benson, D.D. and Sams introduced—

S.F. No. 2554: A bill for an act relating to taxation; providing that certain sales to veterinarians are exempt from the sales tax; amending Minnesota Statutes 1992, section 297A.25, subdivision 9.

Referred to the Committee on Taxes and Tax Laws.

Ms. Johnston introduced—

S.F. No. 2555: A bill for an act relating to traffic regulations; applying inspection requirements for commercial motor vehicles to school buses; amending Minnesota Statutes 1992, section 169.781, subdivision 1.

Referred to the Committee on Transportation and Public Transit.

Ms. Johnston introduced—

S.F. No. 2556: A bill for an act relating to transportation; increasing money set aside from the county state-aid highway and municipal state-aid street funds to the disaster accounts and research accounts; changing composition of disaster account boards; providing that remaining money from research accounts lapse to the appropriate funds after two years; amending Minnesota

Statutes 1992, sections 162.06, subdivisions 3 and 4; and 162.12, subdivisions 3 and 4.

Referred to the Committee on Transportation and Public Transit.

Mr. Langseth introduced—

S.F. No. 2557: A bill for an act relating to boilers and engines; modifying provisions relating to hobby boilers and show engines; amending Minnesota Statutes 1992, section 183.411, subdivision 2; repealing Minnesota Statutes 1992, section 183.411, subdivision 1a.

Referred to the Committee on Jobs, Energy and Community Development.

Ms. Berglin, Messrs. Janezich and Johnson, D.J. introduced—

S.F. No. 2558: A bill for an act relating to taxation; increasing the rate of tax on the income of certain individuals, estates, and trusts; abolishing the tax on hospitals and health care providers; appropriating the revenue from the rate increase to the health care access fund; amending Minnesota Statutes 1992, sections 290.06, subdivisions 2c and 2d; and 290.62; Minnesota Statutes 1993 Supplement, sections 62P.04, subdivision 1; 214.16, subdivision 3; and 270B.01, subdivision 8; repealing Minnesota Statutes 1992, sections 295.50, as amended; 295.52, as amended; and 295.55, as amended; Minnesota Statutes 1993 Supplement, sections 144.1484, subdivision 2; 295.51, subdivision 1; 295.53; 295.54; 295.57; 295.58; 295.582; and 295.59.

Referred to the Committee on Taxes and Tax Laws.

Mr. Lessard introduced—

S.F. No. 2559: A bill for an act relating to education; authorizing a fund transfer; allowing independent school district No. 698, Floodwood, to expend health and safety revenue on new construction.

Referred to the Committee on Education.

Mr. Lessard introduced—

S.F. No. 2560: A bill for an act relating to rural development finance authorities; authorizing a city-county rural development finance authority in Koochiching county; repealing Laws 1987, chapter 182.

Referred to the Committee on Agriculture and Rural Development.

Mr. Lessard introduced—

S.F. No. 2561: A bill for an act relating to state lands; authorizing the department of natural resources to sell certain state land in the counties of Itasca and St. Louis.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 2562: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Itasca county.

Referred to the Committee on Environment and Natural Resources.

Mr. Lessard introduced—

S.F. No. 2563: A bill for an act relating to capital improvements; natural resources; authorizing a grant to the city of Deer River for the White Oak Fur Post tourism and education facility; authorizing the issuance of bonds; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Mr. Pogemiller, Ms. Krentz, Mr. Janezich, Mses. Pappas and Ranum introduced—

S.F. No. 2564: A bill for an act relating to education; increasing the number of school breakfasts served; increasing the state reimbursement for some free and reduced price breakfasts served; appropriating money; amending Minnesota Statutes 1992, section 124.6472, subdivision 1; Minnesota Statutes 1993 Supplement, section 124.6469, subdivision 3.

Referred to the Committee on Education.

Mr. Mondale introduced—

S.F. No. 2565: A bill for an act relating to occupations and professions; requiring licensure or certification of geologists; adding geologists to the board of architecture, engineering, land surveying, landscape architecture, and interior design; providing for certain duties for the board; amending Minnesota Statutes 1992, sections 103I.205, subdivision 4; 103I.601, subdivision 2; 214.01, subdivision 3; 214.04, subdivision 3; 319A.02, subdivision 2; 326.02, subdivisions 1, 4, 4a, and by adding a subdivision; 326.03, subdivisions 1 and 4; 326.04; 326.05; 326.06; 326.07; 326.08, subdivision 2; 326.09; 326.10, subdivisions 1, 2, and 7; 326.11, subdivision 1; 326.12; 326.13; and 326.14; Minnesota Statutes 1993 Supplement, sections 82B.035, subdivision 3; and 326.111, subdivisions 1, 2, 3, 4, and 6.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Solon introduced—

S.F. No. 2566: A bill for an act relating to workers' compensation; self-insurers; regulating the self-insurers' security fund; prescribing a penalty; amending Minnesota Statutes 1992, sections 79A.01, subdivision 4; 79A.02, subdivisions 1 and 2; 79A.04, subdivision 9; and 79A.15; Minnesota Statutes 1993 Supplement, section 79A.04, subdivision 2.

Referred to the Committee on Jobs, Energy and Community Development.

Ms. Ranum, Messrs. Kelly, McGowan, Mses. Anderson and Piper introduced—

S.F. No. 2567: A bill for an act relating to public safety; allowing an order for protection to exclude the abusing party from the area surrounding a dwelling; allowing use of past acts of domestic abuse occurring outside of Minnesota to fulfill statutory requirements for conviction of murder in the first degree; amending Minnesota Statutes 1992, section 609.185; Minnesota Statutes 1993 Supplement, section 518B.01, subdivision 6.

Referred to the Committee on Crime Prevention.

Mr. Kelly introduced—

S.F. No. 2568: A bill for an act relating to criminal procedure; changing the order of final argument in criminal cases; amending Minnesota Statutes 1992, section 631.07.

Referred to the Committee on Crime Prevention.

Mr. Kelly introduced—

S.F. No. 2569: A bill for an act relating to capital improvements; authorizing the sale of bonds and appropriating money for the neighborhood land trust program.

Referred to the Committee on Jobs, Energy and Community Development.

Messrs. Oliver, Terwilliger, McGowan, Mrs. Pariseau and Ms. Runbeck introduced—

S.F. No. 2570: A bill for an act relating to economic development; providing a new general system of law and insurance provisions for the compensation of employment related injuries; transferring the jurisdiction and personnel of the workers' compensation court of appeals; providing rights, duties, and remedies; providing for the restructuring of certain public assistance programs; providing for the creation of enterprise zones; authorizing expenditures from the housing trust fund account; authorizing pilot projects and an urban homesteading program; appropriating money; amending Minnesota Statutes 1992, sections 161.123; 256.73, by adding a subdivision; 256.74, by adding a subdivision; 256.98, subdivision 8; 256D.09, by adding a subdivision; 290.06, by adding a subdivision; 297A.15, by adding a subdivision; 297A.25, by adding a subdivision; 462A.201, by adding a subdivision; 473.375, by adding a subdivision; 473.387, by adding a subdivision; 473.388, subdivision 2; and 473.405, by adding a subdivision; Minnesota Statutes 1993 Supplement, sections 256.031, subdivision 3; 256.734; 256.87, subdivisions 1, 1a, and 5; and 462A.222, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 176C; 176D; 256; 469; and 473; repealing Minnesota Statutes 1992, sections 79.01; 79.074; 79.081; 79.085; 79.095; 79.096; 79.10; 79.253; 79.50; 79.52; 79.53; 79.531; 79.54; 79.55; 79.56; 79.57; 79.58; 79.59; 79.60; 79.61; 79.62; 176.001; 176.011, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, 9a, 11a, 12, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, and 27; 176.021; 176.031; 176.041, subdivisions 1, 2, 3, 4, 5a, and 6; 176.051; 176.061; 176.071; 176.081; 176.095; 176.101; 176.1011; 176.102; 176.1021; 176.103; 176.104; 176.1041; 176.105; 176.106; 176.111, subdivisions 1, 2, 3, 4, 6, 7, 8, 9a, 10, 12, 14, 15, 16, 17, 18, 20, and 21; 176.121; 176.129; 176.130; 176.1311; 176.132; 176.1321; 176.133; 176.135; 176.1351; 176.136, subdivisions 1, 1a, 1c, 2, and 3; 176.1361; 176.137; 176.139; 176.141; 176.145; 176.151; 176.155; 176.161; 176.165; 176.171; 176.175; 176.178; 176.179; 176.181; 176.182; 176.183; 176.184; 176.185; 176.186; 176.191; 176.192; 176.194; 176.195; 176.201; 176.205; 176.211; 176.215; 176.221; 176.222; 176.225; 176.231; 176.232; 176.234; 176.235; 176.238; 176.239; 176.245; 176.251; 176.253; 176.261; 176.2615; 176.271; 176.275; 176.281; 176.291; 176.295; 176.301; 176.305; 176.306; 176.307; 176.311; 176.312; 176.321; 176.322; 176.325; 176.331; 176.341; 176.351; 176.361; 176.371; 176.381; 176.391; 176.401; 176.411; 176.421; 176.442; 176.451; 176.461; 176.471;

176.481; 176.491; 176.511; 176.521, subdivisions 2a and 3; 176.522; 176.531; 176.540; 176.541; 176.551; 176.561; 176.571; 176.572; 176.581; 176.591; 176.603; 176.611; 176.641; 176.645; 176.651; 176.66; 176.669; 176.82; 176.83; 176.84; 176.85; 176.86; 504.33, subdivisions 1, 2, 4, 6, and 8; and 504.34, subdivisions 3, 4, 5, and 6; Minnesota Statutes 1993 Supplement, sections 79.211; 79.251; 79.252; 79.255; 79.361; 79.362; 79.363; 79.371; 79.51; 176.011, subdivision 10; 176.041, subdivision 1a; 176.091; 176.092; 176.111, subdivision 5; 176.136, subdivision 1b; 176.521, subdivisions 1 and 2; 176.5401; 504.33, subdivisions 3, 5, and 7; and 504.34, subdivisions 1 and 2.

Referred to the Committee on Jobs, Energy and Community Development.

Mr. Oliver, Ms. Robertson, Mr. Terwilliger, Ms. Kiscaden and Mr. McGowan introduced—

S.F. No. 2571: A bill for an act relating to taxation; property; changing the class rates applied to residential homesteads; amending Minnesota Statutes 1992, section 273.13, subdivision 22; Minnesota Statutes 1993 Supplement, section 273.1398, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Ms. Krentz, Mrs. Benson, J.E.; Mr. Stevens and Ms. Piper introduced—

S.F. No. 2572: A bill for an act relating to human services; clarifying the effect of a record of conviction of certain crimes on disqualification in connection with certain human services licenses; strengthening provisions concerning residential treatment programs; modifying certain child abuse reporting requirements; amending Minnesota Statutes 1992, sections 245A.04, subdivision 3a; 245A.12, subdivision 8; 245A.13, subdivisions 1, 3c, and by adding a subdivision; 256.0361, by adding a subdivision; 626.556, subdivisions 3 and 7; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 4; 245A.04, subdivisions 3 and 3b; 626.556, subdivision 10; and Laws 1993, chapter 171, section 6.

Referred to the Committee on Health Care.

Messrs. McGowan, Neuville, Spear and Marty introduced—

S.F. No. 2573: A bill for an act relating to crimes; imposing increased penalties on persons who operate a snowmobile or motorboat while intoxicated and who have previously been convicted of driving a motor vehicle while intoxicated; amending Minnesota Statutes 1992, sections 84.91, subdivision 5; and 86B.331, subdivision 5.

Referred to the Committee on Crime Prevention.

Mr. Moe, R.D. introduced—

S.F. No. 2574: A bill for an act relating to medical assistance; establishing a one-time payment adjustment for nursing facilities to provide employee health care coverage; amending Minnesota Statutes 1992, section 256B.431, by adding a subdivision.

Referred to the Committee on Health Care.

Ms. Runbeck and Mr. Solon introduced—

S.F. No. 2575: A bill for an act relating to marriage dissolution; requiring accounting for child support or assistance; amending Minnesota Statutes 1992, section 518.57, by adding a subdivision.

Referred to the Committee on Judiciary.

Ms. Anderson introduced—

S.F. No. 2576: A bill for an act relating to commerce; requiring a study of the credit needs of women-owned businesses; appropriating money.

Referred to the Committee on Commerce and Consumer Protection.

Ms. Anderson, Mr. Finn, Ms. Reichgott Junge and Mr. Spear introduced—

S.F. No. 2577: A bill for an act relating to the human rights act; protecting independent contractors from unfair discriminatory actions in employment; amending Minnesota Statutes 1992, section 363.01, subdivision 16.

Referred to the Committee on Judiciary.

Messrs. Knutson; Oliver; Johnson, D.E.; Meses. Olson and Runbeck introduced—

S.F. No. 2578: A bill for an act relating to education; safe schools; requiring students who transfer and school officials to transmit students' education records; allowing peace officers to disseminate certain information to schools and social service agencies; expanding the definition of directory information to include published photographs; expanding antiviolenace programs in schools; establishing grant programs to develop curricula on ethics and parenting skills; precluding disruptive students from participating in the open enrollment program; making possession of a firearm or engaging in dangerous, disruptive, or violent behavior in a school zone grounds for immediate dismissal from school; providing for criminal prosecution of juveniles alleged to have possessed a firearm in a school zone; expanding the crime of possessing a dangerous weapon on school property to include the possession of replica firearms and the possession of weapons within 300 feet of school property; extending the juvenile court's continuing jurisdiction to a minor's 23rd birthday; expanding the crime of contributing to the delinquency of a minor to include parents and guardians who fail to provide reasonable supervision or control over their minor children; establishing a school-related crime hotline; increasing the limit on parental liability for personal injury torts committed by a minor; encouraging school districts to create alternative programs for disruptive students; appropriating money; amending Minnesota Statutes 1992, sections 120.062, subdivision 7; 120.101, by adding a subdivision; 124.912, by adding a subdivision; 126.77, subdivision 1; 126.78; 127.03, subdivision 3; 127.29, subdivision 1, and by adding a subdivision; 127.30, by adding a subdivision; 127.31, by adding a subdivision; 127.35; 127.38; 260.015, subdivision 5; 260.111, by adding a subdivision; 260.125, by adding a subdivision; 260.161, by adding a subdivision; 260.181, subdivision 4; 260.315; and 609.055, subdivision 2; Minnesota Statutes 1993 Supplement, sections 13.32, subdivision 5; 120.101, subdivision 5; 121.831, subdivision 9; 260.161, subdivision 3; 540.18, subdivision 1; and 609.66, subdivision 1d; proposing coding for new law in Minnesota Statutes, chapter 299A.

Referred to the Committee on Education.

Mr. Chandler introduced—

S.F. No. 2579: A bill for an act relating to commerce; restraint of trade; providing a civil remedy for injury to business reputation or dilution of quality of a mark; providing grounds for injunctive relief; proposing coding for new law in Minnesota Statutes, chapter 325D.

Referred to the Committee on Commerce and Consumer Protection.

Messrs. Chmielewski, Samuelson, Janezich, Stumpf and Day introduced—

S.F. No. 2580: A bill for an act relating to insurance; accident and health; regulating assignments of benefits; amending Minnesota Statutes 1992, section 72A.201, subdivisions 3 and 4.

Referred to the Committee on Commerce and Consumer Protection.

Mr. Vickerman and Ms. Lesewski introduced—

S.F. No. 2581: A bill for an act relating to education; establishing a joint program between the University of Minnesota and Southwest State University to offer graduate nursing education in southwestern Minnesota; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136.

Referred to the Committee on Education.

Ms. Reichgott Junge introduced—

S.F. No. 2582: A bill for an act relating to insurance; extending to contract for deed vendors the protections contained in the mortgage clause of the standard fire insurance policy; amending Minnesota Statutes 1992, section 65A.01, subdivision 3.

Referred to the Committee on Commerce and Consumer Protection.

Mses. Anderson, Ranum and Mr. Spear introduced—

S.F. No. 2583: A bill for an act relating to crime prevention; expanding the duties of the office of drug policy and violence prevention; requiring the office to monitor and report annually on expenditures for crime prevention programs and to develop a strategy for coordinating the funding and evaluation of these programs; amending Minnesota Statutes 1992, section 299A.30, subdivision 2.

Referred to the Committee on Crime Prevention.

Ms. Anderson, Mr. Mondale, Ms. Johnson, J.B. and Mr. Riveness introduced—

S.F. No. 2584: A bill for an act relating to state parks; allowing handicapped persons to receive a special permit; amending Minnesota Statutes 1992, section 85.053, subdivision 7.

Referred to the Committee on Environment and Natural Resources.

Ms. Anderson, Messrs. Marty, Spear and Ms. Ranum introduced—

S.F. No. 2585: A bill for an act relating to crime prevention; firearms; prohibiting the possession and transfer of pistols over .44 caliber; amending Minnesota Statutes 1992, section 609.67, as amended; proposing coding for new law in Minnesota Statutes, chapter 624.

Referred to the Committee on Crime Prevention.

Ms. Ranum, Messrs. Finn, Knutson and Betzold introduced—

S.F. No. 2586: A bill for an act relating to child custody; providing for presumptive custody in grandparents in certain circumstances; proposing coding for new law in Minnesota Statutes, chapter 518.

Referred to the Committee on Judiciary.

Messrs. Merriam, Kelly, Mses. Ranum, Runbeck and Mr. Chandler introduced—

S.F. No. 2587: A bill for an act relating to education; establishing a metropolitan magnet school facilities grant; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 124C.

Referred to the Committee on Education.

Messrs. Lessard and Janezich introduced—

S.F. No. 2588: A bill for an act relating to public lands; exempting public lands from certain road dedication provisions; changing notice requirements for sales of tax-forfeited lands; modifying a provision relating to leasing of tax-forfeited lands; amending Minnesota Statutes 1992, sections 160.05, by adding a subdivision; and 282.02; Minnesota Statutes 1993 Supplement, section 282.04, subdivision 1.

Referred to the Committee on Environment and Natural Resources.

Mr. Solon introduced—

S.F. No. 2589: A bill for an act relating to education; exempting school districts with negative net unappropriated operating fund balances from the contract deadline penalty; amending Minnesota Statutes 1992, section 124A.22, subdivision 2a.

Referred to the Committee on Education.

Messrs. Beckman; Merriam; Johnson, D.J.; Luther and Frederickson introduced—

S.F. No. 2590: A bill for an act relating to criminal justice; providing for public defense services; providing for public defense of persons charged with misdemeanors; providing for a reduction in aid to counties equal to public defense costs assumed by the state; providing for certain disclosure of data; appropriating money; amending Minnesota Statutes 1992, sections 477A.012, by adding a subdivision; and 611.26, subdivision 6; Minnesota Statutes 1993 Supplement, sections 611.17; 611.20, subdivision 2; and 611.27, subdivision 4.

Referred to the Committee on Crime Prevention.

Ms. Runbeck introduced—

S.F. No. 2591: A bill for an act relating to government data; classifying certain data obtained by the department of trade and economic development as nonpublic; amending Minnesota Statutes 1992, section 13.76, by adding a subdivision.

Referred to the Committee on Judiciary.

Messrs. Novak, Metzen and Ms. Anderson introduced—

S.F. No. 2592: A bill for an act relating to human services; providing funding for the Head Start program; appropriating money.

Referred to the Committee on Family Services.

Ms. Anderson, Messrs. Novak and Metzen introduced—

S.F. No. 2593: A bill for an act relating to state government; permitting employees of Minnesota Project Innovation, Inc. to participate in certain state employee benefit programs; amending Minnesota Statutes 1992, section 116O.04, subdivision 2.

Referred to the Committee on Governmental Operations and Reform.

MEMBERS EXCUSED

Mrs. Adkins was excused from the Session of today.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Thursday, March 17, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate