

EIGHTY-FIFTH DAY

St. Paul, Minnesota, Thursday, April 7, 1994

The Senate met at 10:00 a.m. and was called to order by the President.

CALL OF THE SENATE

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

Prayer was offered by the Chaplain, Rev. Richard Keene Smith.

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

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

The President declared a quorum present.

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

EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

April 6, 1994

The Honorable Allan H. Spear
President of the Senate

Dear President Spear:

It is my honor to inform you that I have received, approved, signed and deposited in the Office of the Secretary of State, S.F. Nos. 2383, 2086 and 2274.

Warmest regards,
Arne H. Carlson, Governor

RECESS

Mr. Moe, R.D. moved that the Senate do now recess until 10:45 a.m. The motion prevailed.

The hour of 10:45 a.m. having arrived, the President called the Senate to order.

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following Senate Files, herewith returned: S.F. Nos. 2135, 2345, 2462, 2464, 2598, 2671, 1959, 2503, 2572 and 2582.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

Mr. President:

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

S.F. No. 1898: A bill for an act relating to insurance; health; requiring coverage for equipment and supplies for the management and treatment of diabetes; proposing coding for new law in Minnesota Statutes, chapter 62A.

Senate File No. 1898 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

Ms. Wiener moved that the Senate do not concur in the amendments by the House to S.F. No. 1898, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1912: A bill for an act relating to insurance; accident and health; permitting short-term coverage; amending Minnesota Statutes 1993 Supplement, section 62A.65, by adding a subdivision.

Senate File No. 1912 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

Mr. Vickerman moved that the Senate do not concur in the amendments by the House to S.F. No. 1912, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1744: A bill for an act relating to the city of Lakefield; allowing the city of Lakefield to expand its public utilities commission to five members.

Senate File No. 1744 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

Mr. Vickerman moved that the Senate do not concur in the amendments by the House to S.F. No. 1744, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 2246: A bill for an act relating to natural resources; authorizing the exchange of certain state lands in Wabasha and Fillmore counties under certain conditions.

Senate File No. 2246 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

Mr. Murphy moved that the Senate do not concur in the amendments by the House to S.F. No. 2246, and that a Conference Committee of 3 members be appointed by the Subcommittee on Committees on the part of the Senate, to act with a like Conference Committee to be appointed on the part of the House. The motion prevailed.

Mr. President:

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

S.F. No. 1911: A bill for an act relating to the secretary of state; changing filing procedures for corporations and certain organizations; providing for

service of process on limited partnerships; changing requirements for filings governed by the uniform commercial code; amending Minnesota Statutes 1992, sections 302A.821, subdivision 1; 303.07, subdivision 2; 303.17, subdivisions 2 and 4; 315.23, subdivision 3; 315.44; Minnesota Statutes 1993 Supplement, sections 336.9-403; 336.9-407; 336.9-413; 336A.04, subdivision 3; 336A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 322A.

Senate File No. 1911 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

CONCURRENCE AND REPASSAGE

Mr. Finn moved that the Senate concur in the amendments by the House to S.F. No. 1911 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1911: A bill for an act relating to the secretary of state; modifying requirements for electronic filing of tax liens and notices; changing filing procedures for corporations and certain organizations; providing for service of process on limited partnerships; changing requirements for filings governed by the uniform commercial code; amending Minnesota Statutes 1992, sections 272.488, subdivision 1, and by adding subdivisions; 302A.821, subdivision 1; 303.07, subdivision 2; 303.17, subdivisions 2 and 4; 315.23, subdivision 3; 315.44; Minnesota Statutes 1993 Supplement, sections 336.9-403; 336.9-407; 336.9-413; 336A.04, subdivision 3; 336A.09, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 322A.

Was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following

April 7, 1994

Senate File, AS AMENDED by the House, in which amendments the concurrence of the Senate is respectfully requested:

S.F. No. 2118: A bill for an act relating to local government; clarifying that the Moose Lake Fire Protection District is a governmental subdivision for certain purposes; making other clarifications; amending Laws 1987, chapter 402, section 2, subdivisions 2, 3, and by adding a subdivision.

Senate File No. 2118 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

Mr. Chmielewski moved that S.F. No. 2118 be laid on the table. The motion prevailed.

Mr. President:

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

S.F. No. 1951: A bill for an act relating to insurance; health; restricting termination or reductions of coverage for fibrocystic conditions; proposing coding for new law in Minnesota Statutes, chapter 62A.

Senate File No. 1951 is herewith returned to the Senate.

Edward A. Burdick, Chief Clerk, House of Representatives

Returned April 6, 1994

CONCURRENCE AND REPASSAGE

Ms. Johnston moved that the Senate concur in the amendments by the House to S.F. No. 1951 and that the bill be placed on its repassage as amended. The motion prevailed.

S.F. No. 1951 was read the third time, as amended by the House, and placed on its repassage.

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

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

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

MESSAGES FROM THE HOUSE - CONTINUED

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2553 and 2278.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted April 6, 1994

FIRST READING OF HOUSE BILLS

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

H.F. No. 2553: A bill for an act relating to retirement; public employees retirement association; permitting purchase of service credit by certain soil and water conservation district employees.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2332, now on General Orders.

H.F. No. 2278: A bill for an act relating to state government; requiring the governor to develop a plan to create a secretarial system of executive branch organization.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2259, now on General Orders.

REPORTS OF COMMITTEES

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

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

S.F. No. 2006: A bill for an act relating to taxation; motor fuels; establishing permit system for alternate fuel vehicles; setting permit fees based on vehicle weight; amending Minnesota Statutes 1993 Supplement, sections 296.02, subdivision 1a; and 296.025, subdivision 1a; proposing coding for new law in Minnesota Statutes, chapter 296.

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

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

S.F. No. 2590: A bill for an act relating to criminal justice; providing for public defense services; providing for public defense of juveniles and 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, subdivisions 4 and 6;

Minnesota Statutes 1993 Supplement, sections 611.17; 611.20, subdivision 2; and 611.27, subdivision 4.

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was referred

S.F. No. 2151: A bill for an act relating to motor vehicles; requiring motor vehicles sold in Minnesota on and after January 1, 2000, to be equipped with an automatic mileage recorder meeting certain specifications; requiring a study and report by the commissioner of transportation on replacing the present highway user tax system with a system based on charges per mile traveled; proposing coding for new law in Minnesota Statutes, chapter 169.

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

Delete everything after the enacting clause and insert:

“Section 1. [ROAD PRICING STUDY.]

The commissioner of transportation and the metropolitan council shall jointly conduct a study of road pricing options with the potential for implementation in the state of Minnesota and the metropolitan area as defined in Minnesota Statutes, section 473.121, subdivision 2. The road pricing options studied must include the option of replacing the present highway user taxes on motor fuel and motor vehicle licenses with a highway user revenue system based on a charge on each vehicle based on the number of miles traveled by that vehicle in each year. The study must also include, but is not limited to:

(1) an analysis of the potential for charging motorists based upon the time of day the travel takes place and the level of congestion on the roadway;

(2) an evaluation of public acceptance and understanding of alternative road pricing options;

(3) a detailed analysis, evaluation, and quantification of the impacts of various road pricing options;

(4) a financial analysis of each road pricing option, including the implementation costs, users costs, and revenue estimates;

(5) selection of specific road pricing options for future demonstration and testing in the metropolitan area and/or statewide; and

(6) a detailed study design, schedule, and cost estimate for a draft environmental impact statement meeting appropriate state and federal requirements.

The commissioner and metropolitan council shall report the results of the study to the legislature no later than January 15, 1996. The report must include recommendations regarding future actions needed to move towards implementation of road pricing in Minnesota and/or the metropolitan area.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment.”

Delete the title and insert:

"A bill for an act relating to transportation; requiring a study and report by the commissioner of transportation and metropolitan council examining road pricing options in the state of Minnesota and the metropolitan area; examining options to replace the current highway user taxes on motor fuels and motor vehicle licenses."

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

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

H.F. No. 2010: A bill for an act relating to the environment; requiring a person who arranges for management of solid waste in an environmentally inferior manner to indemnify generators of the waste and, for a landfill, set aside a fund to pay for contamination from the landfill; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

Delete everything after the enacting clause and insert:

"Section 1. [115A.47] [SOLID WASTE MANAGEMENT; USE OF ENVIRONMENTALLY INFERIOR FACILITIES.]

Subdivision 1. [LEGISLATIVE FINDINGS.] The legislature finds that:

(1) public health and the environment are threatened when persons who arrange for management of solid waste choose to manage the waste in an environmentally inferior manner;

(2) historical state and local efforts to protect public health and the environment and to take responsibility for waste generated by their citizens, as encouraged under the federal Resource Conservation and Recovery Act and required under this chapter and chapter 473, are undermined when persons choose to manage waste in an environmentally inferior manner;

(3) a person who arranges for management of solid waste in an environmentally inferior manner, places generators at additional risk of liability for contamination that is likely to occur from environmentally inferior facilities and practices;

(4) as provided in section 115A.02, land disposal is the least environmentally preferred solid waste management practice, and solid waste disposal facilities that do not meet the standards for new facilities in Code of Federal Regulations, title 40, chapters 257 and 258, are environmentally inferior to facilities that do meet these standards;

(5) under federal law, land disposal facilities are not required to provide financial assurance for response costs to clean up contamination until the contamination occurs and under state rules have not been required to provide financial assurance for the total amount of potential response costs;

(6) the partial financial assurance for response costs at land disposal facilities located in the state that is required under present state rules amounts to an average of \$2.80 per cubic yard or \$9.25 per ton of waste managed at

a disposal facility that does not meet the standards for new facilities in Code of Federal Regulations, title 40, chapters 257 and 258, and 60 cents per cubic yard or \$2 per ton of waste managed at a disposal facility that does meet those standards;

(7) the potential defense costs for response actions under the federal Comprehensive Environmental Response, Compensation and Liability Act, United States Code, title 42, sections 9601 to 9675, amount to approximately 130 percent of the actual costs to respond to contamination; and

(8) it is not in the public interest, in a county that has developed a comprehensive solid waste management plan under this chapter or chapter 473 and is implementing that plan, that a solid waste generator continue to accrue liability for contamination from a waste management facility or method that is environmentally inferior to a facility or method chosen by the county for management of the waste generated in the county.

Subd. 2. [DEFINITIONS.] (a) The definitions in sections 115A.03 and 115B.02 and this subdivision apply to this section.

(b) "Arrange for management" means an activity undertaken by a person that determines the ultimate disposition of solid waste that is under the control of the person, including delivery of the waste to a transfer station for transport to another solid waste management facility. Knowledge of the destination of waste by a generator is by itself insufficient for arranging for management unless the generator knows that the destination is an environmentally inferior facility as defined in this section, has the ability to redirect the waste to an environmentally superior facility and ensure its delivery to that facility, and chooses not to redirect the waste.

(c) "Environmentally inferior" means a solid waste management method that is lower on the list of preferred waste management methods in section 115A.02 than a solid waste management method chosen by a county or, as applied to a facility, means a waste management facility that utilizes a waste management method that is lower on the list of preferred waste management methods than the waste management method chosen by a county. In addition, as applied to disposal facilities, a facility that does not meet the standards for new facilities in Code of Federal Regulations, title 40, chapters 257 and 258, is environmentally inferior to a facility that does meet these standards.

(d) "Inferior disposal facility" means a solid waste disposal facility that does not meet the standards for a new facility in Code of Federal Regulations, title 40, chapters 257 and 258.

(e) "Superior disposal facility" means a solid waste disposal facility that does meet the standards for a new facility in Code of Federal Regulations, title 40, chapters 257 and 258.

(f) "Waste management method chosen by a county" means:

(1) a waste management method that is mandated for waste generated in the county by section 115A.415, 473.848, 473.849, or other state law, or by county ordinance based on the county solid waste management plan developed, adopted, and approved under section 115A.46 or the county solid waste management master plan developed, adopted, and approved under section 473.803; or

(2) a waste management facility or facilities, developed under the county solid waste management plan or master plan, to which solid waste generated in a county is directed by an ordinance developed, adopted, and approved under sections 115A.80 to 115A.893.

Subd. 3. [INDEMNIFICATION; FINANCIAL ASSURANCE FOR LAND DISPOSAL.] (a) A person who arranges for management of solid waste at a facility that uses a primary waste management method that is environmentally inferior to the primary waste management method chosen by the county in which the waste is generated:

(1) indemnifies and holds harmless each solid waste generator whose waste is under the control of the person who arranges for management for all costs that may be assessed against the generator for response to a release from the facility of a hazardous substance or pollutant or contaminant under chapter 115B or United States Code, title 42, sections 9601 to 9675; and

(2) shall defend each generator indemnified under clause (1) against any action to recover response costs related to that facility.

(b) When the environmentally inferior facility chosen by the person who arranges for management is a disposal facility, the person shall also provide to the commissioner proof of the person's financial capability to provide for response and defense costs as required in clauses (1) and (2). For the purpose of this paragraph, "proof of financial capability" means a trust fund into which the person must pay:

(1) \$2.80 per cubic yard or \$9.25 per ton of waste delivered to an inferior disposal facility or to an intermediate facility that transfers waste to an inferior disposal facility for potential response costs at the inferior disposal facility;

(2) \$3.65 per cubic yard or \$12 per ton of waste delivered to the inferior disposal facility or to an intermediate facility that transfers waste to the inferior disposal facility for potential defense costs related to response actions at the inferior disposal facility;

(3) 60 cents per cubic yard or \$2 per ton of waste delivered to a superior disposal facility or to an intermediate facility that transfers waste to a superior disposal facility for potential response costs at the superior disposal facility; and

(4) 78 cents per cubic yard or \$2.60 per ton of waste delivered to a superior disposal facility or to an intermediate facility that transfers waste to a superior disposal facility for potential defense costs related to response actions at the superior disposal facility.

(c) Payment into a trust fund must be made on a monthly basis for use of the environmentally inferior facility or for use of intermediate facilities that transfer waste to the facility. A person that arranges for management of solid waste at more than one environmentally inferior facility that is a disposal facility may establish a single trust fund with separate accounting for each facility.

(d) The trustee of a trust required in paragraph (b) must be an entity that has the authority to act as a trustee and whose trust operations are regulated under state or federal law.

(e) Until 30 years after closure of the facility, money in a trust fund established under paragraphs (b) and (c) may be spent only on approval of the commissioner for response and defense costs as provided in paragraph (a).

(f) A person subject to this subdivision shall provide a quarterly report to the commissioner that includes:

(1) the number of cubic yards or tons of waste for which the person arranged for management at an environmentally inferior facility during each quarter;

(2) the amount paid or to be paid into the trust fund each quarter;

(3) any request for use of money in the trust fund; and

(4) any other information necessary for the commissioner to adequately monitor and audit the trust fund or the need for payment from it.

(g) The requirements of this section that apply to an environmentally inferior facility also apply to a transfer station from which waste is primarily transferred to the facility.

(h) A person required to make payments to a trust fund under this subdivision shall pay to the commissioner a fee of 35 cents per cubic yard or \$1.20 per ton of waste delivered to the environmentally inferior facility. Proceeds of the fee must be credited to the environmental fund and are annually appropriated to the commissioner for implementation of this section.

Subd. 4. [RULES.] The commissioner shall adopt rules to implement this section.

Subd. 5. [RECORD KEEPING.] A hauler of solid waste shall keep records at its central record keeping location regarding the date, amount of solid waste by cubic yard or ton, and facility to which each load of solid waste is delivered for disposal by the hauler. The hauler shall keep the records for two years and, when reasonable notice has been given, shall make the records available to the commissioner for inspection. Records inspected by the commissioner under this section are nonpublic data as defined in section 13.02, subdivision 9, and may be used solely for the purpose of enforcing this section.

Subd. 6. [ENFORCEMENT.] The commissioner may enforce this section under section 116.072.

Subd. 7. [EFFECT.] This section has no effect on the operation of an ordinance adopted under sections 115A.80 to 115A.893. Nothing in this section authorizes a person to arrange for the management of solid waste that is subject to a designation ordinance at a facility other than the designated facility or facilities."

Delete the title and insert:

"A bill for an act relating to the environment; requiring a person who arranges for management of solid waste in an environmentally inferior manner to indemnify generators of the waste and, for a landfill, set aside a fund to pay for contamination from the landfill; proposing coding for new law in Minnesota Statutes, chapter 115A."

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

H.F. No. 423: A bill for an act relating to health; clean indoor air act; adding common areas of apartments to public places where smoking is prohibited; amending Minnesota Statutes 1992, section 144.413, subdivision 2.

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

Page 1, line 16, after "of" insert "rental"

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

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

S.F. No. 1922: A bill for an act relating to wild animals; restricting the killing of dogs wounding, killing, or pursuing big game within the metropolitan area; amending Minnesota Statutes 1992, section 97B.011.

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 97B.011, is amended to read:

97B.011 [DOGS PURSUING BIG GAME.]

A person who observes a dog that is known to have killed or is observed wounding, killing, or pursuing in a manner that endangers big game may be killed by kill the dog:

(1) at any time, if the person is a peace officer or conservation officer; or,

(2) between January 1 and July 14, ~~by any~~ if the person is not a peace officer or conservation officer and the discharge of firearms is allowed.

The officer or person is not liable for damages for killing the dog."

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

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

S.F. No. 2429: A bill for an act relating to game and fish; authorizing nonresident multiple zone antlerless deer licenses; purchase of archery deer licenses after the firearms season opens; taking big game by handgun in a shotgun deer zone; possession of firearms in muzzle-loader only deer zones; amending Minnesota Statutes 1992, sections 97A.475, subdivision 3; 97A.485, subdivision 9; and 97B.031, subdivision 2; Minnesota Statutes 1993 Supplement, section 97B.041.

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

Page 1, after line 11, insert:

"Section 1. Minnesota Statutes 1992, section 18.317, subdivision 1, is amended to read:

18.317 [~~WATER TRANSMITTED HARMFUL EXOTIC SPECIES UNDESIRABLE EXOTIC AQUATIC PLANTS OR WILD ANIMALS.~~]

Subdivision 1. [TRANSPORTATION PROHIBITED.] Except as provided in subdivision 2, a person may not transport Eurasian or Northern water milfoil, *Myriophyllum spicatum* or *Exalbescons*, zebra mussels, or ~~other water-transmitted harmful exotic species~~ *undesirable exotic aquatic plants or wild animals* identified by the commissioner of natural resources on a road or highway, as defined in section 160.02, subdivision 7, or on forest roads.

Sec. 2. Minnesota Statutes 1992, section 18.317, subdivision 1a, is amended to read:

Subd. 1a. [PLACEMENT PROHIBITED.] A person may not intentionally place ~~ecologically harmful exotic species~~ *undesirable exotic aquatic plants or wild animals*, as defined in section 84.967, in public waters within the state.

Sec. 3. Minnesota Statutes 1992, section 18.317, subdivision 2, is amended to read:

Subd. 2. [EXCEPTION.] A person may transport Eurasian or Northern water milfoil, *Myriophyllum spicatum* or *Exalbescons*, or other ~~water-transmitted harmful exotic species~~ *undesirable exotic aquatic plants or wild animals* identified by the commissioner of natural resources for disposal as part of a harvest or control activity *conducted under a permit or as specified by the commissioner*.

Sec. 4. Minnesota Statutes 1992, section 18.317, subdivision 3, is amended to read:

Subd. 3. [LAUNCHING OF WATERCRAFT WITH EURASIAN OR NORTHERN WATER MILFOIL OR OTHER HARMFUL SPECIES PROHIBITED.] (a) A person may not place a trailer or launch a watercraft ~~with~~ *into waters of the state if the trailer or watercraft has attached to it* Eurasian or Northern water milfoil, zebra mussels, or other ~~water-transmitted harmful exotic species~~ *undesirable exotic aquatic plants or wild animals* identified by the commissioner of natural resources ~~attached into waters of the state~~. A conservation officer or other licensed peace officer may order the removal of Eurasian or Northern water milfoil, zebra mussels, or other ~~water-transmitted harmful exotic species~~ *undesirable exotic aquatic plants or wild animals* identified by the commissioner of natural resources from a trailer or watercraft before being placed or launched into waters of the state.

(b) For purposes of this section, the meaning of watercraft includes a float plane and "waters of the state" has the meaning given in section 103G.005, subdivision 17.

(c) A commercial harvester shall clean aquatic plant harvesting equipment of all aquatic vegetation at a suitable location before launching the equipment in another body of water.

Sec. 5. Minnesota Statutes 1993 Supplement, section 18.317, subdivision 3a, is amended to read:

Subd. 3a. [INSPECTION OF WATERCRAFT AND EQUIPMENT.] ~~Li-~~
~~icensed~~ Watercraft and associated equipment, including weed harvesters, that

are removed from any waters of the state that the commissioner of natural resources identifies as being contaminated with Eurasian water milfoil, zebra mussels, or other ~~water-transmitted exotic harmful species~~ *undesirable exotic aquatic plants or wild animals* identified by the commissioner of natural resources, shall be randomly inspected between May 1 and October 15 for a minimum of 10,000 hours by personnel authorized by the commissioner of natural resources. Beginning in calendar year 1994, a minimum of 20,000 hours of random inspections must be conducted per year.

Sec. 6. Minnesota Statutes 1992, section 18.317, subdivision 4, is amended to read:

Subd. 4. [ENFORCEMENT.] This section may be enforced by conservation officers under sections 97A.205 ~~and~~, 97A.211, and 97A.221, *subdivision 1, paragraph (a), clause (1)*, and by other licensed peace officers.

Sec. 7. Minnesota Statutes 1992, section 18.317, subdivision 5, is amended to read:

Subd. 5. [PENALTY.] A person who violates subdivision 1, 1a, 3, or 3a is guilty of a misdemeanor. A person who refuses to obey the order of a peace officer or conservation officer to remove Eurasian or Northern water milfoil, zebra mussels, or other *undesirable exotic aquatic plants or wild animals* from a trailer or watercraft is guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 1992, section 84.966, subdivision 1, is amended to read:

Subdivision 1. [DEFINITION.] For the purpose of this section, "purple loosestrife" means *lythrum salicaria, lythrum virgatum, or combinations thereof*.

Sec. 9. Minnesota Statutes 1992, section 84.967, is amended to read:

84.967 [ECOLOGICALLY HARMFUL SPECIES; ~~DEFINITION~~ DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 84.967 to 84.9691 84.9692, the following terms have the meanings given them.

Subd. 2. [ECOLOGICALLY HARMFUL EXOTIC SPECIES.] "Ecologically harmful exotic species" means nonnative aquatic plants or wild animals that can naturalize, have high propagation potential, are highly competitive for limiting factors, and cause or may cause displacement of, or otherwise threaten, native plants or native animals in their natural communities.

Subd. 3. [LIMITED INFESTATION OF EURASIAN WATER MILFOIL.] "Limited infestation of Eurasian water milfoil" or "limited infestation" means an infestation of Eurasian water milfoil that occupies less than 20 percent of the littoral area of a water body up to a maximum of 75 acres, excluding water bodies where mechanical harvesting is used to manage Eurasian water milfoil or where no Eurasian water milfoil control is planned.

Sec. 10. Minnesota Statutes 1992, section 84.968, subdivision 2, is amended to read:

Subd. 2. [REPORT.] The commissioner of natural resources shall by January 1 each year submit a report on ecologically harmful exotic species to

the legislative committees having jurisdiction over environmental and natural resource issues. The report must include:

(1) detailed information on expenditures for administration, education, eradication, inspections, and research;

(2) an analysis of the effectiveness of management activities conducted in the state, including chemical eradication, harvesting, educational efforts, and inspections;

(3) information on the participation of other state agencies, local government units, and interest groups in control efforts;

(4) information on management efforts in other states;

(5) information on the progress made by species; and

(6) an estimate of future management needs; and

~~(7) an analysis of the financial impact on persons who transport weed harvesters of the prohibition in section 18.317, subdivision 1.~~

Sec. 11. Minnesota Statutes 1992, section 84.9691, is amended to read:

84.9691 [RULEMAKING.]

(a) The commissioner of natural resources may adopt emergency and permanent rules restricting the introduction, propagation, use, possession, and spread of ecologically harmful exotic species in the state, as outlined in section 84.967. The emergency rulemaking authority granted in this paragraph expires July 1, 1994.

(b) The commissioner shall adopt rules to identify bodies of water with limited infestation of Eurasian water milfoil. The areas that are infested shall be marked and prohibited for use.

(c) A violation of a rule adopted under this section is a misdemeanor.

Sec. 12. Minnesota Statutes 1993 Supplement, section 84.9692, subdivision 1, is amended to read:

Subdivision 1. [AUTHORITY TO ISSUE.] After appropriate training, conservation officers, peace officers, and other staff designated by the commissioner may issue warnings or citations to persons who:

(1) unlawfully transport ecologically harmful exotic species on a public road;

(2) place a trailer or launch a watercraft with ecologically harmful species attached into waters of the state;

(3) operate a watercraft in a *marked* Eurasian water milfoil *limited* infestation area; or

(4) damage, remove, or sink a buoy marking a Eurasian water milfoil infestation area.

Sec. 13. Minnesota Statutes 1993 Supplement, section 84.9692, subdivision 2, is amended to read:

Subd. 2. [PENALTY AMOUNT.] A citation issued under this section may impose up to the following penalty amounts:

(1) \$50 for transporting visible Eurasian water milfoil on a public road in each of the following locations:

(i) the exterior of the watercraft below the gunwales including the propulsion system;

(ii) any surface of a watercraft trailer;

(iii) any surface of a watercraft interior of the gunwales;

(iv) any water container including live wells, minnow buckets, or coolers which hold water; or

(v) any other area where visible Eurasian water milfoil is found not previously described in items (i) to (iv);

(2) \$150 for transporting visible zebra mussels on a public road;

(3) \$300 for transporting live ruffe or live rusty crayfish on a public road;

(4) for attempting to launch or launching into noninfested waters a watercraft with visible Eurasian water milfoil or adult zebra mussels attached, \$500 for a first offense and \$1,000 for a second or subsequent offense;

(5) \$100 for operating a watercraft in a marked Eurasian water milfoil *limited* infestation area other than as provided by law;

(6) \$150 for intentionally damaging, moving, removing, or sinking a milfoil buoy; or

(7) \$150 for launching or attempting to launch into infested waters a watercraft with visible Eurasian water milfoil or visible zebra mussels attached.

Sec. 14. Minnesota Statutes 1992, section 86B.401, subdivision 11, is amended to read:

Subd. 11. [SUSPENSION FOR NOT REMOVING EURASIAN OR NORTHERN WATER MILFOIL OR OTHER HARMFUL UNDESIRABLE EXOTIC SPECIES.] The commissioner, after notice and an opportunity for hearing, may suspend for a period of not more than one year the license of a watercraft if the owner or person in control of the watercraft or its trailer refuses to comply with an inspection order of a conservation officer or other licensed peace officer or an order to remove Eurasian or Northern water milfoil, *myriophyllum spicatum* or *exalbescons*, zebra mussels, or other ~~ecologically harmful undesirable exotic aquatic plant and wild animal~~ species identified by the commissioner from the watercraft or its trailer as provided in section 18.317, subdivision 3.

Sec. 15. Minnesota Statutes 1992, section 97A.015, subdivision 24, is amended to read:

Subd. 24. [GAME BIRDS.] "Game birds" means migratory waterfowl, pheasant, ruffed grouse, sharp-tailed grouse, Canada spruce grouse, prairie chickens, ~~chukar partridge~~, gray partridge, *bob-white* quail, turkeys, coots, gallinules, sora and Virginia rails, American woodcock, and common snipe.

Sec. 16. Minnesota Statutes 1992, section 97A.115, subdivision 2, is amended to read:

Subd. 2. [GAME AVAILABLE.] Game that may be released and hunted in a licensed shooting preserve must be specified in the license and is limited to adult pheasant, *and bob-white quail, and chukar partridge* for private shooting preserves and adult pheasant, *bob-white quail, chukar partridge*, turkey, mallard duck, black duck, and other species designated by the commissioner for commercial shooting preserves. These game birds must be pen hatched and raised."

Page 2, after line 11, insert:

"Sec. 19. Minnesota Statutes 1992, section 97A.501, is amended by adding a subdivision to read:

Subd. 3. [CONTRACEPTIVE CHEMICALS.] *(a) A person may not administer contraceptive chemicals to non-captive wild animals without a permit issued by the commissioner.*

(b) The commissioner shall adopt rules establishing standards and guidelines for the administration of contraceptive chemicals to non-captive wild animals. The rules may specify chemical delivery methods and devices and monitoring requirements."

Page 3, after line 10, insert:

"Sec. 22. Minnesota Statutes 1993 Supplement, section 97B.071, is amended to read:

97B.071 [BLAZE ORANGE REQUIREMENTS.]

A person may not hunt or trap during the open season ~~in a zone or area~~ where deer may be taken by firearms, unless the visible portion of the person's cap and outer clothing above the waist, excluding sleeves and gloves, is blaze orange. Blaze orange includes a camouflage pattern of at least 50 percent blaze orange within each foot square. This section does not apply to migratory waterfowl hunters on waters of this state or in a stationary shooting location.

~~This section is effective for the 1994 firearms deer season and subsequent firearms deer seasons. The commissioner of natural resources shall, by way of public service announcements and other means, inform the public of the provisions of this section.~~

Sec. 23. Minnesota Statutes 1992, section 97B.701, is amended by adding a subdivision to read:

Subd. 3. [RECAPTURE OF RELEASED BOB-WHITE QUAIL.] *Released bob-white quail may be recaptured without a license.*

Sec. 24. Minnesota Statutes 1992, section 97B.711, subdivision 1, is amended to read:

Subdivision 1. [SEASONS FOR CERTAIN UPLAND GAME BIRDS.] (a) The commissioner may, by rule, prescribe an open season in designated areas between September 16 and December 31 for:

- (1) pheasant;
- (2) ruffed grouse;

- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken;
- (6) gray partridge;
- (7) ~~chukar~~ partridge;
- (8) bob-white quail; and
- (9) (8) turkey.

(b) The commissioner may by rule prescribe an open season for turkey in the spring.

Sec. 25. Minnesota Statutes 1993 Supplement, section 97B.711, subdivision 2, is amended to read:

Subd. 2. [DAILY AND POSSESSION LIMITS FOR CERTAIN UPLAND GAME BIRDS.] (a) A person may not take more than five in one day or possess more than ten of each of the following:

- (1) pheasant;
- (2) ruffed grouse;
- (3) sharp tailed grouse;
- (4) Canada spruce grouse;
- (5) prairie chicken; and
- (6) gray partridge; and
- (7) ~~chukar~~ partridge.

(b) A person may not take more than ten quail in one day or possess more than 15 bob-white quail.

(c) The commissioner may, by rule, reduce the daily and possession limits established in this subdivision.

Sec. 26. Minnesota Statutes 1992, section 97C.321, subdivision 2, is amended to read:

Subd. 2. [ICE FISHING.] A person may use an unattended line to take fish through the ice if:

- (1) the person is within sight of the line; or
- (2) a tip-up is attached to the line and the person is within 80 feet of the tip-up.

For the purposes of this subdivision, "tip-up" includes a nonmotorized device with a recoil mechanism.

Sec. 27. Minnesota Statutes 1992, section 97C.381, is amended to read:

97C.381 [HARPOONING ROUGH FISH.]

A resident or nonresident may use a rubber powered gun, spring gun, or compressed air gun to take rough fish by harpooning. The harpoon must be

fastened to a line not more than 20 feet long. The commissioner may prescribe the times, the waters, and the manner for harpooning rough fish.

Sec. 28. Minnesota Statutes 1992, section 344.03, subdivision 1, is amended to read:

Subdivision 1. [ADJOINING OWNERS.] If all or a part of adjoining Minnesota land is improved and used, and one or both of the owners of the land desires the land to be partly or totally fenced, the land owners or occupants shall build and maintain a partition fence between their lands in equal shares. *The requirement in this section and the procedures in this chapter apply to the department of natural resources when it owns land adjoining privately owned land subject to this section and chapter and the landowner desires the land permanently fenced for the purpose of restraining livestock.*

Sec. 29. [REPEALER.]

Minnesota Statutes 1992, section 97A.475, subdivision 17, is repealed.

Sec. 30. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete "game and fish" and insert "natural resources; modifying the list of protected game birds"

Page 1, line 3, delete "antlerless" and insert "antlered"

Page 1, line 4, after the semicolon, insert "administration of contraceptive chemicals to wild animals;"

Page 1, line 7, after the semicolon, insert "undesirable exotic aquatic plants and wild animals; clarifying the requirement to wear blaze orange clothing during deer season; allowing released game birds to be recaptured without a license; defining tip-up to include certain mechanical devices for hooking fish; allowing nonresidents to take rough fish by harpooning; requiring the department of natural resources to share in the expense of partition fences; abolishing the nonresident bear guide license;" and after "sections" insert "18.317, subdivisions 1, 1a, 2, 3, 4, and 5; 84.966, subdivision 1; 84.967; 84.968, subdivision 2; 84.9691; 86B.401, subdivision 11; 97A.015, subdivision 24; 97A.115, subdivision 2;"

Page 1, line 8, delete "and" and insert "97A.501, by adding a subdivision;"

Page 1, line 9, after the semicolon, insert "97B.701, by adding a subdivision; 97B.711, subdivision 1; 97C.321, subdivision 2; 97C.381; and 344.03, subdivision 1;"

Page 1, line 10, delete "section" and insert "sections 18.317, subdivision 3a; 84.9692, subdivisions 1 and 2;" and before the period, insert "97B.071; and 97B.711, subdivision 2; repealing Minnesota Statutes 1992, section 97A.475, subdivision 17"

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 2636: A bill for an act relating to manufactured housing; requiring a study of state administration, regulation, and enforcement; requiring a report to the legislature.

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 16B.75, is amended to read:

16B.75 [INTERSTATE COMPACT ON INDUSTRIALIZED/MODULAR BUILDINGS.]

The state of Minnesota ratifies and approves the following compact:

INTERSTATE COMPACT ON INDUSTRIALIZED/ MODULAR BUILDINGS

ARTICLE I

FINDINGS AND DECLARATIONS OF POLICY

(1) The compacting states find that:

(a) Industrialized/modular buildings are constructed in factories in the various states and are a growing segment of the nation's affordable housing and commercial building stock.

(b) The regulation of industrialized/modular buildings varies from state to state and locality to locality, which creates confusion and burdens state and local building officials and the industrialized/modular building industry.

(c) Regulation by multiple jurisdictions imposes additional costs, which are ultimately borne by the owners and users of industrialized/modular buildings, restricts market access and discourages the development and incorporation of new technologies.

(2) It is the policy of each of the compacting states to:

(a) Provide the states which regulate the design and construction of industrialized/modular buildings with a program to coordinate and uniformly adopt and administer the states' rules and regulations for such buildings, all in a manner to assure interstate reciprocity.

(b) Provide to the United States Congress assurances that would preclude the need for a voluntary preemptive federal regulatory system for modular housing, as outlined in Section 572 of the Housing and Community Development Act of 1987, including development of model standards for modular housing construction, such that design and performance will insure quality, durability and safety; will be in accordance with life-cycle cost-effective energy conservation standards; all to promote the lowest total construction and operating costs over the life of such housing.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires otherwise:

(1) "Commission" means the interstate industrialized/modular buildings commission.

(2) "Industrialized/modular building" means any building which is of closed construction, i.e. constructed in such a manner that concealed parts or processes of manufacture cannot be inspected at the site, without disassembly, damage or destruction, and which is made or assembled in manufacturing facilities, off the building site, for installation, or assembly and installation, on the building site. "Industrialized/modular building" includes, but is not limited to, modular housing which is factory-built single-family and multi-family housing (including closed wall panelized housing) and other modular, nonresidential buildings. "Industrialized/modular building" does not include any structure subject to the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974.

(3) "Interim reciprocal agreement" means a formal reciprocity agreement between a noncompacting state wherein the noncompacting state agrees that labels evidencing compliance with the model rules and regulations for industrialized/modular buildings, as authorized in Article VIII, section (9), shall be accepted by the state and its subdivisions to permit installation and use of industrialized/modular buildings. Further, the noncompacting state agrees that by legislation or regulation, and appropriate enforcement by uniform administrative procedures, the noncompacting state requires all industrialized/modular building manufacturers within that state to comply with the model rules and regulations for industrialized/modular buildings.

(4) "State" means a state of the United States, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(5) "Uniform administrative procedures" means the procedures adopted by the commission (after consideration of any recommendations from the rules development committee) which state and local officials, and other parties, in one state, will utilize to assure state and local officials, and other parties, in other states, of the substantial compliance of industrialized/modular building construction with the construction standard of requirements of such other states; to assess the adequacy of building systems; and to verify and assure the competency and performance of evaluation and inspection agencies.

(6) "Model rules and regulations for industrialized/modular buildings" means the construction standards adopted by the commission (after consideration of any recommendations from the rules development committee) which govern the design, manufacture, handling, storage, delivery and installation of industrialized/modular buildings and building components. The construction standards and any amendments thereof shall conform insofar as practicable to model building codes and referenced standards generally accepted and in use throughout the United States.

ARTICLE III

CREATION OF COMMISSION

The compacting states hereby create the Interstate Industrialized/Modular Buildings Commission, hereinafter called commission. Said commission shall be a body corporate of each compacting state and an agency thereof. The commission shall have all the powers and duties set forth herein and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states.

ARTICLE IV

SELECTION OF COMMISSIONERS

The commission shall be selected as follows. As each state becomes a compacting state, one resident shall be appointed as commissioner. The commissioner shall be selected by the governor of the compacting state, being designated from the state agency charged with regulating industrialized/modular buildings or, if such state agency does not exist, being designated from among those building officials with the most appropriate responsibilities in the state. The commissioner may designate another official as an alternate to act on behalf of the commissioner at commission meetings which the commissioner is unable to attend.

Each state commissioner shall be appointed, suspended, or removed and shall serve subject to and in accordance with the laws of the state which said commissioner represents; and each vacancy occurring shall be filled in accordance with the laws of the state wherein the vacancy exists.

~~When For every three state commissioners who have been appointed in the manner described, those state commissioners shall select one additional commissioner who shall be a representative of manufacturers of industrial-residential- or commercial-use industrialized/modular buildings. When For every six state commissioners who have been appointed in the manner described, the state commissioners shall select a second one additional commissioner who shall be a representative of consumers of industrialized/modular buildings. With each addition of three state commissioners, the state commissioners shall appoint one additional representative commissioner, alternating between a representative of manufacturers of industrialized/modular buildings and consumers of industrialized/modular buildings. The ratio between state commissioners and representative commissioners shall be three to one. In the event states withdraw from the compact or, for any other reason, the number of state commissioners is reduced, the state commissioners shall remove the last added representative commissioner as necessary to maintain a the ratio of state commissioners to representative commissioners of three to one described herein.~~

Upon a majority vote of the state commissioners, the state commissioners may remove, fill a vacancy created by, or replace any representative commissioner, provided that any replacement is made from the same representative group and a ~~three to one ratio~~ the ratio described herein is maintained. Unless provided otherwise, the representative commissioners have the same authority and responsibility as the state commissioners.

In addition, the commission may have as a member one commissioner representing the United States government if federal law authorizes such representation. Such commissioner shall not vote on matters before the commission. Such commission shall be appointed by the President of the United States, or in such other manner as may be provided by Congress.

ARTICLE V

VOTING

Each commissioner (except the commissioner representing the United States government) shall be entitled to one vote on the commission. A majority of the commissioners shall constitute a quorum for the transaction of

business. Any business transacted at any meeting of the commission must be by affirmative vote of a majority of the quorum present and voting.

ARTICLE VI

ORGANIZATION AND MANAGEMENT

The commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The commission shall also select a secretariat, which shall provide an individual who shall serve as secretary of the commission. The commission shall fix and determine the duties and compensation of the secretariat. The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the commission.

The commission shall adopt a seal.

The commission shall adopt bylaws, rules, and regulations for the conduct of its business, and shall have the power to amend and rescind these bylaws, rules, and regulations.

The commission shall establish and maintain an office at the same location as the office maintained by the secretariat for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The chairman may call additional meetings and upon the request of a majority of the commissioners of three or more of the compacting states shall call an additional meeting.

The commission annually shall make the governor and legislature of each compacting state a report covering its activities for the preceding year. Any donation or grant accepted by the commission or services borrowed shall be reported in the annual report of the commission and shall include the nature, amount and conditions, if any, of the donation, gift, grant or services borrowed and the identity of the donor or lender. The commission may make additional reports as it may deem desirable.

ARTICLE VII

COMMITTEES

The commission will establish such committees as it deems necessary, including, but not limited to, the following:

(1) An executive committee which functions when the full commission is not meeting, as provided in the bylaws of the commission. The executive committee will ensure that proper procedures are followed in implementing the commission's programs and in carrying out the activities of the compact. The executive committee shall be elected by vote of the commission. It shall be comprised of at least three and no more than nine commissioners, selected from ~~those commissioners who are representatives of the governor of their respective state~~ *the state commissioners and one member of the industry commissioners and one member of the consumer commissioners.*

(2) A rules development committee appointed by the commission. The committee shall be consensus-based and consist of not less than seven nor more than 21 members. Committee members will include state building regulatory officials; manufacturers of industrialized/modular buildings; private, third-party inspection agencies; and consumers. This committee may

recommend procedures which state and local officials, and other parties, in one state, may utilize to assure state and local officials, and other parties, in other states, of the substantial compliance of industrialized/modular building construction with the construction standard requirements of such other states; to assess the adequacy of building systems; and to verify and assure the competency and performance of evaluation and inspection agencies. This committee may also recommend construction standards for the design, manufacture, handling, storage, delivery and installation of industrialized/modular buildings and building components. The committee will submit its recommendations to the commission, for the commission's consideration in adopting and amending the uniform administrative procedures and the model rules and regulations for industrialized/modular buildings. The committee may also review the regulatory programs of the compacting states to determine whether those programs are consistent with the uniform administrative procedures or the model rules and regulations for industrialized/modular buildings and may make recommendations concerning the states' programs to the commission. In carrying out its functions, the rules committee may conduct public hearings and otherwise solicit public input and comment.

(3) Any other advisory, coordinating or technical committees, membership on which may include private persons, public officials, associations or organizations. Such committees may consider any matter of concern to the commission.

(4) Such additional committees as the commission's bylaws may provide.

ARTICLE VIII

POWER AND AUTHORITY

In addition to the powers conferred elsewhere in this compact, the commission shall have power to:

(1) Collect, analyze and disseminate information relating to industrialized/modular buildings.

(2) Undertake studies of existing laws, codes, rules and regulations, and administrative practices of the states relating to industrialized/modular buildings.

(3) Assist and support committees and organizations which promulgate, maintain and update model codes or recommendations for uniform administrative procedures or model rules and regulations for industrialized/modular buildings.

(4) Adopt and amend uniform administrative procedures and model rules and regulations for industrialized/modular buildings.

(5) Make recommendations to compacting states for the purpose of bringing such states' laws, codes, rules and regulations and administrative practices into conformance with the uniform administrative procedures or the model rules and regulations for industrialized/modular buildings, provided that such recommendations shall be made to the appropriate state agency with due consideration for the desirability of uniformity while also giving appropriate consideration to special circumstances which may justify variations necessary to meet unique local conditions.

(6) Assist and support the compacting states with monitoring of plan review programs and inspection programs, which will assure that the compacting states have the benefit of uniform industrialized/modular building plan review and inspection programs.

(7) Assist and support organizations which train state and local government and other program personnel in the use of uniform industrialized/modular building plan review and inspection programs.

(8) Encourage and promote coordination of state regulatory action relating to manufacturers, public or private inspection programs.

(9) Create and sell labels to be affixed to industrialized/modular building units, constructed in or regulated by compacting states, where such labels will evidence compliance with the model rules and regulations for industrialized/modular buildings, enforced in accordance with the uniform administrative procedures. The commission may use receipts from the sale of labels to help defray the operating expenses of the commission.

(10) Assist and support compacting states' investigations into and resolutions of consumer complaints which relate to industrialized/modular buildings constructed in one compacting state and sited in another compacting state.

(11) Borrow, accept or contract for the services of personnel from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, association, person, firm or corporation.

(12) Accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials and services (conditional or otherwise) from any state or the United States or any subdivision or agency thereof, from any interstate agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same.

(13) Establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

(14) Enter into contracts and agreements, including but not limited to, interim reciprocal agreements with noncompacting states.

ARTICLE IX

FINANCE

The commission shall submit to the governor or designated officer or officers of each compacting state a budget of its estimated expenditures for such period as may be required by the laws of that state for presentation to the legislature thereof.

Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amounts to be appropriated by each of the compacting states. The total amount of appropriations requested under any such budget shall be apportioned among the compacting states as follows: one-half in equal shares; one-fourth among the compacting states in accordance with the ratio of their populations to the total population of the compacting states, based on the last decimal federal census; and one-fourth among the compacting states in accordance with the ratio of industrialized/

modular building units manufactured in each state to the total of all units manufactured in all of the compacting states.

The commission shall not pledge the credit of any compacting state. The commission may meet any of its obligations in whole or in part with funds available to it by donations, grants, or sale of labels: provided that the commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it by donations, grants or sale of labels, the commission shall not incur any obligation prior to the allotment of funds by the compacting states adequate to meet the same.

The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the compacting states and any person authorized by the commission.

Nothing contained in this article shall be construed to prevent commission compliance relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE X

ENTRY INTO FORCE AND WITHDRAWAL

This compact shall enter into force when enacted into law by any three states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof. The commission shall arrange for notification of all compacting states whenever there is a new enactment of the compact.

Any compacting state may withdraw from this compact by enacting a statute repealing the same. No withdrawal shall affect any liability already incurred by or chargeable to a compacting state prior to the time of such withdrawal.

ARTICLE XI

RECIPROCITY

If the commission determines that the standards for industrialized/modular buildings prescribed by statute, rule or regulation of compacting state are at least equal to the commission's model rules and regulations for industrialized/modular buildings, and that such state standards are enforced by the compacting state in accordance with the uniform administrative procedures, industrialized/modular buildings approved by such a compacting state shall be deemed to have been approved by all the compacting states for placement in those states in accordance with procedures prescribed by the commission.

ARTICLE XII

EFFECT ON OTHER LAWS AND JURISDICTION

Nothing in this compact shall be construed to:

(1) Withdraw or limit the jurisdiction of any state or local court or administrative officer or body with respect to any person, corporation or other

entity or subject matter, except to the extent that such jurisdiction pursuant to this compact, is expressly conferred upon another agency or body.

(2) Supersede or limit the jurisdiction of any court of the United States.

ARTICLE XIII

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Sec. 2. [MANUFACTURED HOUSING STUDY; STATE ADMINISTRATION AND REGULATION.]

The commissioner of administration shall study the current state and local oversight of manufactured housing and manufactured home parks, the regulation of manufactured housing and manufactured home parks, and the statewide enforcement of state laws on manufactured housing and manufactured home parks. Based on the findings, the commissioner shall recommend to the committees of the house of representatives and senate having primary jurisdiction on issues related to the recommendations by January 10, 1995, a plan to consolidate administrative responsibilities, regulatory duties, and enforcement of regulations for manufactured housing and manufactured home parks. In conducting the study, the commissioner shall consult with other state agencies, manufactured home park residents, associations representing manufactured home park residents, manufactured home park owners, associations representing park owners, local governments, and associations representing local governments. State agencies shall cooperate with the commissioner in conducting the study and developing the recommendations. State agencies shall provide any information necessary to complete the study as required under this section. The study shall include:

(1) an inventory of the responsibilities for manufactured homes by agency and level of government including, but not limited to, manufactured home construction and installation standards, licensing of parks, brokers, dealers, and installers, manufactured home park standards, emergency weather procedures, other public safety concerns, consumer protection, and sales of manufactured housing;

(2) an assessment of delegated powers, and the effect, if any, of delegation on statewide standards and statewide application of manufactured housing laws;

(3) an inventory of the existing powers of state agencies and local government units to fulfill their administrative or regulatory responsibility for manufactured homes and manufactured home parks, including authority to

inspect housing, parks, and severe weather shelters with an assessment of the effect, if any, of delegated powers;

(4) an assessment of current enforcement practices to achieve public health and safety goals; and

(5) an evaluation of how accessible and understandable the current system of administration and regulation is for residents of manufactured homes, park owners, local governments, and state and local officials.

The proposal must present a plan to coordinate the administration, regulation, and enforcement of laws on manufactured housing and manufactured home parks so that the services are delivered in a way that increases public safety and confidence, increases administrative efficiency, reduces costs, eliminates duplication of services, promotes access for residents and park owners, increases clarity in the system, and promotes accountability.

Sec. 3. [APPROPRIATION.]

\$..... is appropriated from the general fund to the department of health for transfer to the management analysis division of the department of administration for the manufacturing housing study under section 2. This appropriation is available until June 30, 1995.

Sec. 4. [EFFECTIVE DATE.]

Section 1 is effective upon ratification by all signatory states to the interstate compact on industrialized/modular buildings."

Delete the title and insert:

"A bill for an act relating to manufactured housing; modifying the compact on industrialized/modular buildings; requiring a study of state administration, regulation, and enforcement; appropriating money; amending Minnesota Statutes 1992, section 16B.75."

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1609: A bill for an act relating to utilities; mandating studies of effects of earth as conductor of electricity, stray voltage, and electromagnetic fields; providing complaint procedure and remedies; appropriating money.

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

Delete everything after the enacting clause and insert:

"Section 1. [SCIENTIFIC ADVISORY TASK FORCE.]

Subdivision 1. [CREATION.] The public utilities commission shall appoint a scientific advisory task force consisting of at least five members, including members with education and scientific specialties in physics, electrical engineering, animal physiology, veterinary medicine, dairy science, soil science specializing in the electrical nature of soil, or epidemiology. The task force may not include representatives from utilities or other parties with a

financial interest in the outcome of the research recommended or performed by the task force.

The commission shall appoint a representative from the scientific community to serve as liaison between the commission and the task force.

Subd. 2. [PRELIMINARY RESEARCH ASSESSMENT.] The task force shall conduct a preliminary assessment and report to the commission by January 1, 1995, on the need for research projects to identify and examine the potential for and actual effects on dairy cow production and animal health of current in the earth, originating from the utility distribution systems and other sources.

If the task force finds a need for research, it shall frame and recommend to the commission a specific research question on questions and the design, scope, and estimated cost of further research.

The commission shall order research based on the task force report and available funds.

Subd. 3. [SPECIFIC DUTIES.] The task force shall:

(1) review existing information from other sources, including other states and dairy producers or farm organizations, on the use of the earth for carrying current and its effects on animal health and production and on human health and report to the commission on its findings and recommendations;

(2) determine the qualifications of researchers and make recommendations to the commission on their selection;

(3) explore the availability of nonstate and nonutility funds for research under subdivision 2;

(4) monitor the research into the use of the earth for carrying current and its effects on animal health and production;

(5) submit study results for proper scientific peer review; and

(6) make on-site visits to farms with formal and informal complaints concerning stray voltage and earth as the conductor.

Subd. 4. [FINDINGS AND RECOMMENDATIONS.] The task force shall make findings or recommendations to the commission regarding potential actions to mitigate or eliminate any effects found from current in the earth on dairy cow production or animal health.

Subd. 5. [INDEPENDENT RESEARCHERS REQUIRED.] The commission may only contract with researchers to conduct research under this section who are not employed or contracted by, or receive funding from, either public or municipal utilities, or cooperative electric associations for research or investigation of stray voltage.

Subd. 6. [RESEARCH DEADLINE.] The research conducted under this section and any recommendations by the task force to the commission must be completed or made by June 30, 1996.

Subd. 7. [EXPIRATION.] The task force expires June 30, 1996.

Sec. 2. [SURVEY OF FACILITIES.]

The public utilities commission shall determine the age and condition of electric distribution facilities in the state. The task force shall determine the extent to which these facilities use the earth as a conductor of electric current, whether intentionally or unintentionally, and shall study the risks to dairy animal health and welfare associated with the practice of bonding distribution system conductors to the earth using research conducted under section 1. At the recommendation of the task force, the commission may order the production of any records, maps, plans, or any other documents, testimony, or recollections, relating to stray voltage, ground current, or similar phenomenon, of any owner or operator of any distribution facility or any employee of any owner or operator or any other person with knowledge related to the issue of using the earth to conduct electric current. Data collected by the commission under this section is subject to Minnesota Statutes, chapter 13.

Sec. 3. [DAIRY PRODUCER DATA.]

The department of public service may make grants to a dairy producer or a group of producers organized to address stray voltage issues for data preparation and presentation to the task force. Grantees must complete the preparation of its data for review by the task force and submit their data and recommendations to the task force, within 90 days of receiving a grant. Grantees must provide to the department a specific accounting of grant expenditures. Grantees must also provide a proposed budget to the department that includes performance objectives and deadlines for meeting those objectives.

Data presented for review is public data under Minnesota Statutes, chapter 13.

Sec. 4. [STRAY VOLTAGE ASSESSMENT TEAM.]

The public utilities commission shall establish an interdisciplinary stray voltage assessment team under the direction of commission staff. The stray voltage assessment team under the direction of the executive secretary shall investigate the electrical aspects of an alleged stray voltage problem either through the use of additional in-house staff or through contract services with independent investigators. The team must be responsive to the individual complaints of farmers and any issues in dispute between the farmer and the utility and address potential stray voltage problems including assessment of utility distribution lines. The department of agriculture shall, under contract with the commission, either directly or under contract, provide for nonelectrical aspects of the team's investigations. Nonelectrical activities may include providing advice on farm management and financial aid opportunities, a determination of the adequacy of veterinary care, and a definition of specific herd problems that may exist. A farmer experienced in stray voltage problems must be part of a nonelectrical investigation. A report on these activities shall be provided to the utility, farmer, and the commission. The reports of the assessment team shall be advisory only.

Sec. 5. [ASSESSMENT.]

(a) To provide funding for activities required under this act, the public utilities commission and the department of public service shall assess a total of up to \$1,160,000 under Minnesota Statutes, section 216B.62, against public and municipal utilities providing electrical service and cooperative electric associations. The assessment must be deposited in the general fund. The

assessment is not subject to the limits prescribed under Minnesota Statutes, section 216B.62, subdivision 3.

(b) Each utility or association shall be assessed in proportion that its gross operating revenues for the sale of electric service within the state for the last calendar year bears to the total of those revenues for all public and municipal utilities and cooperative associations.

Sec. 6. [APPROPRIATIONS.]

(a) \$750,000 is appropriated from the general fund to the public utilities commission for the purposes of sections 1 and 2, including expense of the task force and is available until June 30, 1995.

(b) \$300,000 is appropriated from the general fund to the public utilities commission for the purpose of section 4 and is available until June 30, 1995.

(c) \$85,000 is appropriated from the general fund to the department of public service for assistance to producers or producer organizations to assist in the preparation and analysis of data for review by the scientific advisory task force. This appropriation is available until June 30, 1995.

(d) \$25,000 is appropriated from the general fund to the department of public service for fiscal year 1995 for the purpose of making grants to producers or producer organizations to allow participation in the proceedings of the scientific advisory task force. This appropriation is available until June 30, 1995.

Sec. 7. [EFFECTIVE DATE.]

This act is effective the day following final enactment."

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

Mr. Novak from the Committee on Jobs, Energy and Community Development, to which was referred

S.F. No. 1984: A bill for an act relating to manufactured homes; clarifying certain language governing application fees with in park sales; amending Minnesota Statutes 1992, section 327C.07, subdivisions 1, 2, 3, and 6.

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

Page 1, line 14, delete "a park" and insert "an approved"

Page 1, delete line 15

Page 1, line 16, delete "subdivision 1"

Page 2, line 1, delete "a park" and insert "an approved" and delete "with a signed lot rental"

Page 2, line 2, delete "agreement under section 327C.02, subdivision 1"

Page 3, line 1, delete "a park" and insert "an approved"

Page 3, line 2, delete everything after "resident"

Page 3, line 3, delete everything before "and"

Page 3, line 17, delete "*a park*" and insert "*an approved*"

Page 3, line 18, delete everything after "*resident*"

Page 3, line 19, delete "*327C.02, subdivision 1*"

Page 3, line 28, delete "*a park*" and insert "*an approved*" and delete everything after "*resident*"

Page 3, line 29, delete "*327C.02, subdivision 1*"

Page 3, after line 30, insert:

"Sec. 5. Minnesota Statutes 1992, section 327C.07, is amended by adding a subdivision to read:

Subd. 9. [APPROVED RESIDENT.] For the purpose of this section, "approved resident" means a homeowner who has gone through the park approval process and has a signed rental agreement under section 327C.02, subdivision 1."

Amend the title as follows:

Page 1, line 5, delete "and" and before the period, insert ", and by adding a subdivision"

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. 2512 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.
2512	2240				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2512 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2512 and insert the language after the enacting clause of S.F. No. 2240, the first engrossment; further, delete the title of H.F. No. 2512 and insert the title of S.F. No. 2240, the first engrossment.

And when so amended H.F. No. 2512 will be identical to S.F. No. 2240, and further recommends that H.F. No. 2512 be given its second reading and substituted for S.F. No. 2240, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2139 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.
				2139	1848

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2139 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2139 and insert the language after the enacting clause of S.F. No. 1848, the first engrossment; further, delete the title of H.F. No. 2139 and insert the title of S.F. No. 1848, the first engrossment.

And when so amended H.F. No. 2139 will be identical to S.F. No. 1848, and further recommends that H.F. No. 2139 be given its second reading and substituted for S.F. No. 1848, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 942 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.
942	759				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 942 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 942 and insert the language after the enacting clause of S.F. No. 759, the first engrossment; further, delete the title of H.F. No. 942 and insert the title of S.F. No. 759, the first engrossment.

And when so amended H.F. No. 942 will be identical to S.F. No. 759, and further recommends that H.F. No. 942 be given its second reading and substituted for S.F. No. 759, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2426 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.
2426	2035				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2426 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2426 and insert the language after the enacting clause of S.F. No. 2035; further, delete the title of H.F. No. 2426 and insert the title of S.F. No. 2035.

And when so amended H.F. No. 2426 will be identical to S.F. No. 2035, and further recommends that H.F. No. 2426 be given its second reading and substituted for S.F. No. 2035, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2967 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
		2967	2647		

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 1829 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.
1829	2778				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 1829 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 1829 and insert the language after the enacting clause of S.F. No. 2778, the first engrossment; further, delete the title of H.F. No. 1829 and insert the title of S.F. No. 2778, the first engrossment.

And when so amended H.F. No. 1829 will be identical to S.F. No. 2778, and further recommends that H.F. No. 1829 be given its second reading and substituted for S.F. No. 2778, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2135 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.
2135	1698				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2135 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2135 and insert the language after the enacting clause of S.F. No. 1698, the first engrossment; further, delete the title of H.F. No. 2135 and insert the title of S.F. No. 1698, the first engrossment.

And when so amended H.F. No. 2135 will be identical to S.F. No. 1698, and further recommends that H.F. No. 2135 be given its second reading and substituted for S.F. No. 1698, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2034 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.
2034	1802				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2034 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2034 and insert the language after the enacting clause of S.F. No. 1802; further, delete the title of H.F. No. 2034 and insert the title of S.F. No. 1802.

And when so amended H.F. No. 2034 will be identical to S.F. No. 1802, and further recommends that H.F. No. 2034 be given its second reading and substituted for S.F. No. 1802, and that the Senate File be indefinitely postponed.

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

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

H.F. No. 2882 for comparison with companion Senate File, reports the following House File was found identical and recommends the House File be given its second reading and substituted for its companion Senate File as follows:

GENERAL ORDERS		CONSENT CALENDAR		CALENDAR	
H.F. No.	S.F. No.	H.F. No.	S.F. No.	H.F. No.	S.F. No.
2882	2706				

and that the above Senate File be indefinitely postponed.

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

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

H.F. No. 2159 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.
2159	1971				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2159 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2159 and insert the language after the enacting clause of S.F. No. 1971, the second engrossment; further, delete the title of H.F. No. 2159 and insert the title of S.F. No. 1971, the second engrossment.

And when so amended H.F. No. 2159 will be identical to S.F. No. 1971, and further recommends that H.F. No. 2159 be given its second reading and substituted for S.F. No. 1971, 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. Johnson, D.J. from the Committee on Taxes and Tax Laws, to which was referred

S.F. No. 2685: A bill for an act relating to lawful gambling; regulating the conduct of lawful gambling; adjusting the base of the tax on pull-tabs and tipboards; creating an advisory council on gambling; appropriating money; amending Minnesota Statutes 1992, sections 299L.02, subdivision 5, and by adding a subdivision; 349.12, subdivision 18; 349.13; 349.151, subdivision 4; 349.16, by adding a subdivision; 349.18, subdivision 1; 349.19, subdivision 10; 349.211, subdivision 2a; 349.212, by adding a subdivision; and 541.21; Minnesota Statutes 1993 Supplement, section 349.12, subdivision 25; proposing coding for new law in Minnesota Statutes, chapter 349.

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

Page 11, line 34, delete "*and*" and insert:

"(6) the likely results of authorization of use of video lottery machines in the state; and"

Page 11, line 35, delete "(6)" and insert "(7)"

Page 12, line 27, delete "1994" and insert "1995"

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

Mr. Chmielewski from the Committee on Transportation and Public Transit, to which was re-referred

S.F. No. 2859: A bill for an act relating to public safety; providing funding for state costs under the 1993 Presidential Disaster Declaration; increasing funding for emergency management staffing and state patrol radio communication consolidation; requiring quarterly report on mix of state road construction appropriation; appropriating money.

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

Page 1, line 20, delete "\$3,475,000" and insert "\$ (393,000)" and delete "\$624,000" and insert "\$584,000"

Page 1, delete lines 21 to 31

Page 1, line 32, delete "(b)" and insert "(a)"

Page 2, line 7, delete "(c)" and insert "(b)"

Page 2, after line 18, insert:

"Sec. 3. Minnesota Statutes 1992, section 171.06, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF APPLICATION; OTHER INFORMATION.] An application must state the full name, date of birth, sex and residence address

of the applicant, a description of the applicant in such manner as the commissioner may require, and must state whether or not the applicant has theretofore been licensed as a driver; and, if so, when and by what state or country and whether any such license has ever been suspended or revoked, or whether an application has ever been refused; and, if so, the date of and reason for such suspension, revocation, or refusal, together with such facts pertaining to the applicant and the applicant's ability to operate a motor vehicle with safety as may be required by the commissioner. An application for a Class CC, Class B, or Class A driver's license also must state the applicant's social security number. *An application for a Class C driver's license must have a space for the applicant's social security number and state that providing the number is optional, or otherwise convey that the applicant is not required to enter the social security number.* The application form must contain a space where the applicant may indicate a desire to make an anatomical gift. If the applicant does not indicate a desire to make an anatomical gift when the application is made, the applicant must be offered a donor document in accordance with section 171.07, subdivision 5. The application form must contain statements sufficient to comply with the requirements of the uniform anatomical gift act (1987), sections 525.921 to 525.9224, so that execution of the application or donor document will make the anatomical gift as provided in section 171.07, subdivision 5, for those indicating a desire to make an anatomical gift. The application form must contain a notification to the applicant of the availability of a living will designation on the license under section 171.07, subdivision 7. The application must be in the form prepared by the commissioner.

The application form must be accompanied by a pamphlet containing relevant facts relating to:

- (1) the effect of alcohol on driving ability;
- (2) the effect of mixing alcohol with drugs;
- (3) the laws of Minnesota relating to operation of a motor vehicle while under the influence of alcohol or a controlled substance; and
- (4) the levels of alcohol-related fatalities and accidents in Minnesota and of arrests for alcohol-related violations.

The application form must also be accompanied by a pamphlet describing Minnesota laws regarding anatomical gifts and the need for and benefits of anatomical gifts."

Page 2, after line 25, insert:

"Sec. 5. [TRAFFIC ESCORT SERVICES REPORT.]

The commissioner of public safety shall report back to the legislature by October 1, 1994, on the usage of the Minnesota state patrol for traffic escort services when a special permit is required for over-sized loads. The report shall include usage from July 1, 1990, until June 30, 1994, and report time worked and amounts paid to patrol officers, amounts reimbursed to the state, accident claims, and all expenses associated with special permit traffic escort services incurred by the state. The report should also include any special training and safety procedures followed for mobile traffic control."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, delete everything after the semicolon

Page 1, delete line 3

Page 1, line 4, delete "Declaration;"

Page 1, line 8, after the semicolon, insert "providing driver's license applicant the option of including social security number on license application; requiring report on usage of state patrol for traffic escort services;" and before the period, insert "; amending Minnesota Statutes 1992, section 171.06, subdivision 3"

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

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

S.F. No. 2079: A bill for an act relating to the collection and dissemination of data; proposing classifications of data as private, nonpublic and protected nonpublic; amending Minnesota Statutes 1992, sections 13.38, by adding a subdivision; and 13.71, by adding a subdivision; amending Minnesota Statutes 1993 Supplement, section 13.643, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 13.

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 1993 Supplement, section 13.32, subdivision 5, is amended to read:

Subd. 5. [DIRECTORY INFORMATION.] (a) *Except as provided in paragraph (b), information designated as directory information pursuant to the provisions of United States Code, title 20, section 1232g and Code of Federal Regulations, title 34, section 99.37 which are in effect on July 1, 1993, is public data on individuals.*

(b) *Public education agencies and institutions are encouraged to designate photographs of students and former students that are published in an official school publication and circulated to students and staff within the school as directory information. A public agency or institution that designates these photographs as directory information may disseminate the photographs to a law enforcement agency for the purpose of carrying on a law enforcement investigation. After the investigation becomes inactive under section 13.82, subdivision 5, clause (b) or (c), a copy of a photograph obtained by a law enforcement agency under this paragraph must be destroyed. A willful violation of this provision shall cause a public employee to be suspended without pay or dismissed, as described in section 13.09.*

Sec. 2. Minnesota Statutes 1992, section 13.38, is amended by adding a subdivision to read:

Subd. 4. [TRANSITION PLANS.] *Transition plans that are submitted to the commissioner of health by health care providers as required by section 62J.23, subdivision 2, are classified as private data on individuals or nonpublic data not on individuals.*

Sec. 3. Minnesota Statutes 1992, section 13.39, subdivision 2, is amended to read:

Subd. 2. [CIVIL ACTIONS.] (a) *Except as provided in paragraph (b), data collected by state agencies, political subdivisions or statewide systems as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, or which are retained in anticipation of a pending civil legal action, are classified as protected nonpublic data pursuant to section 13.02, subdivision 13 in the case of data not on individuals and confidential pursuant to section 13.02, subdivision 3 in the case of data on individuals. Any agency, political subdivision or statewide system may make any data classified as confidential or protected nonpublic pursuant to this subdivision accessible to any person, agency or the public if the agency, political subdivision or statewide system determines that the access will aid the law enforcement process, promote public health or safety or dispel widespread rumor or unrest.*

(b) *A complainant has access to a statement provided by the complainant to a state agency, statewide system, or political subdivision under paragraph (a).*

Sec. 4. Minnesota Statutes 1992, section 13.41, subdivision 2, is amended to read:

Subd. 2. [PRIVATE DATA.] (a) *The following data collected, created or maintained by any licensing agency are classified as private, pursuant to section 13.02, subdivision 12: data, other than their names and designated addresses, submitted by applicants for licenses; the identity of complainants who have made reports concerning licensees or applicants which appear in inactive complaint data unless the complainant consents to the disclosure; the nature or content of unsubstantiated complaints when the information is not maintained in anticipation of legal action; the identity of patients whose medical records are received by any health licensing agency for purposes of review or in anticipation of a contested matter; inactive investigative data relating to violations of statutes or rules; and the record of any disciplinary proceeding except as limited by subdivision 4.*

(b) *An applicant for a license shall designate on the application a residence or business address at which the applicant can be contacted in connection with the license application.*

Sec. 5. Minnesota Statutes 1993 Supplement, section 13.43, subdivision 2, is amended to read:

Subd. 2. [PUBLIC DATA.] (a) *Except for employees described in subdivision 5, the following personnel data on current and former employees, volunteers, and independent contractors of a state agency, statewide system, or political subdivision and members of advisory boards or commissions is public: name; actual gross salary; salary range; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary; job title; job description; education and training background; previous work experience; date of first and last employment; the existence and status of any complaints or charges against the employee, whether or not the complaint or charge resulted in a disciplinary action; the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body; the*

terms of any agreement settling any dispute arising out of the employment relationship; work location; a work telephone number; badge number; honors and awards received; payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data; and city and county of residence.

(b) For purposes of this subdivision, a final disposition occurs when the state agency, statewide system, or political subdivision makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the state agency, statewide system, political subdivision, or arbitrator.

(c) The state agency, statewide system, or political subdivision may display a photograph of a current or former employee to a prospective witness as part of the state agency's, statewide system's, or political subdivision's investigation of any complaint or charge against the employee.

(d) A complainant has access to a statement provided by the complainant to a state agency, statewide system, or political subdivision in connection with a complaint or charge against an employee.

Sec. 6, Minnesota Statutes 1993 Supplement, section 13.46, subdivision 4, is amended to read:

Subd. 4. [LICENSING DATA.] (a) As used in this subdivision:

(1) "licensing data" means all data collected, maintained, used, or disseminated by the welfare system pertaining to persons licensed or registered or who apply for licensure or registration or who formerly were licensed or registered under the authority of the commissioner of human services;

(2) "client" means a person who is receiving services from a licensee or from an applicant for licensure; and

(3) "personal and personal financial data" means social security numbers, identity of and letters of reference, insurance information, reports from the bureau of criminal apprehension, health examination reports, and social/home studies.

(b) Except as provided in paragraph (c), the following data on current and former licensees are public: name, address, telephone number of licensees, licensed capacity, type of client preferred, variances granted, type of dwelling, name and relationship of other family members, previous license history, class of license, and the existence and status of complaints. When disciplinary action has been taken against a licensee or the complaint is resolved, the following data are public: the substance of the complaint, the findings of the investigation of the complaint, the record of informal resolution of a licensing violation, orders of hearing, findings of fact, conclusions of law, and specifications of the final disciplinary action contained in the record of disciplinary action.

The following data on persons ~~licensed~~ *subject to disqualification* under section 245A.04 *in connection with a license to provide family day care for children, child care center services, foster care for children in the provider's home, or foster care or day care services for adults in the provider's home, are public: the nature of any disqualification set aside under section 245A.04, subdivision 3b, and the reasons for setting aside the disqualification; and the reasons for granting any variance under section 245A.04, subdivision 9.*

(c) The following are private data on individuals under section 13.02, subdivision 12, or nonpublic data under section 13.02, subdivision 9: personal and personal financial data on family day care program and family foster care program applicants and licensees and their family members who provide services under the license.

(d) The following are private data on individuals: the identity of persons who have made reports concerning licensees or applicants that appear in inactive investigative data, and the records of clients or employees of the licensee or applicant for licensure whose records are received by the licensing agency for purposes of review or in anticipation of a contested matter. The names of reporters under sections 626.556 and 626.557 may be disclosed only as provided in section 626.556, subdivision 11, or 626.557, subdivision 12.

(e) Data classified as private, confidential, nonpublic, or protected nonpublic under this subdivision become public data if submitted to a court or administrative law judge as part of a disciplinary proceeding in which there is a public hearing concerning the disciplinary action.

(f) Data generated in the course of licensing investigations that relate to an alleged violation of law are investigative data under subdivision 3.

(g) Data that are not public data collected, maintained, used, or disseminated under this subdivision that relate to or are derived from a report as defined in section 626.556, subdivision 2, are subject to the destruction provisions of section 626.556, subdivision 11.

Sec. 7. [13.49] [SOCIAL SECURITY NUMBERS.]

The social security numbers of individuals collected or maintained by a state agency, statewide system, or political subdivision are private data on individuals, except to the extent that access to the social security number is specifically authorized by law.

Sec. 8. Minnesota Statutes 1992, section 13.57, is amended to read:

13.57 [SOCIAL RECREATIONAL DATA.]

The following data *on individuals* collected and maintained by political subdivisions for the purpose of enrolling individuals in recreational and other social programs are ~~classified as private, pursuant to section 13.02, subdivision 12;~~ *data on individuals: (1) data which describes the health or medical condition of the individual, family relationships and living arrangements of an individual or which are opinions as to the emotional makeup or behavior of an individual; (2) data on minors; and (3) data on adults who have requested that the data be maintained as private data on individuals.*

Sec. 9. Minnesota Statutes 1993 Supplement, section 13.643, is amended by adding a subdivision to read:

Subd. 3. [RURAL FINANCE AUTHORITY DATA.] Business plans, income and expense projections, customer lists, and market and feasibility studies, not paid for with public funds are nonpublic data when submitted to the rural finance authority by businesses that are requesting financial assistance.

Sec. 10. [13.646] [GOVERNOR'S LEGISLATIVE AND BUDGET PROPOSAL DATA.]

Subdivision 1. [DEFINITION.] As used in this section, "state administration" means the governor's office, the department of finance, and any state agency which is under the direct control of the governor.

Subd. 2. [CLASSIFICATIONS.] Data relating to anticipated legislative or budget proposals, including preliminary drafts, that are created, collected, or maintained by the governor's office are protected nonpublic data. The governor's office may disclose any of the data within the state administration and to the public. Once protected nonpublic data under this subdivision are disclosed, the data become public. When a budget is made public, the preliminary data shall also be made public. When the legislative session for which data relating to legislative proposals were prepared ends, the legislative proposal data become public.

Sec. 11. Minnesota Statutes 1992, section 13.76, is amended by adding a subdivision to read:

Subd. 4. [URBAN INITIATIVE BOARD.] Business plans, income and expense projections, customer lists, and market and feasibility studies, not paid for with public funds, are nonpublic data when submitted to the commissioner of trade and economic development for the purpose of receiving financial assistance from the urban initiative board under chapter 116M.

Sec. 12. Minnesota Statutes 1992, section 13.82, is amended by adding a subdivision to read:

Subd. 3a. [AUDIO RECORDING OF 911 CALL.] The audio recording of a call placed to a 911 system for the purpose of requesting service from a law enforcement, fire, or medical agency is private data on individuals with respect to the individual making the call, except that a written transcript of the audio recording is public, unless it reveals the identity of an individual otherwise protected under subdivision 10. A transcript shall be prepared upon request. The person requesting the transcript shall pay the actual cost of transcribing the call, in addition to any other applicable costs provided under section 13.03, subdivision 3. The audio recording may be disseminated to law enforcement agencies for investigative purposes. The audio recording may be used for public safety dispatcher training purposes.

Sec. 13. Minnesota Statutes 1992, section 13.84, subdivision 5a, is amended to read:

Subd. 5a. [PUBLIC BENEFIT DATA.] (a) The responsible authority or its designee of a parole or probation authority or correctional agency may release private or confidential court services data related to: (1) criminal acts to any law enforcement agency, if necessary for law enforcement purposes; and (2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the extent that the data are necessary for the victim to assert the victim's legal right to restitution. ~~In the case of delinquent acts, the data that may be released include only the juvenile's name, address, date of birth, and place of~~

employment; the name and address of the juvenile's parents or guardians; and the factual part of police reports related to the investigation of the delinquent act.

(b) A parole or probation authority, a correctional agency, or agencies that provide correctional services under contract to a correctional agency may release to a law enforcement agency the following data on defendants, parolees, or probationers: current address, dates of entrance to and departure from agency programs, and dates and times of any absences, both authorized and unauthorized, from a correctional program.

(c) The responsible authority or its designee of a juvenile correctional agency may release private or confidential court services data to a victim of a delinquent act to the extent the data are necessary to enable the victim to assert the victim's right to request notice of release under section 611A.06. The data that may be released include only the name, home address, and placement site of a juvenile who has been placed in a juvenile correctional facility as a result of a delinquent act.

Sec. 14. Minnesota Statutes 1993 Supplement, section 121.8355, is amended by adding a subdivision to read:

Subd. 3a. [INFORMATION SHARING.] (a) The school district, county, and public health entity members of a family services collaborative may inform each other as to whether an individual or family is being served by the member, without the consent of the subject of the data. If further information sharing is necessary in order for the collaborative to carry out duties under subdivision 2 or 3, the collaborative may share data if the parent or guardian gives written informed consent. Data on individuals shared under this subdivision retain the original classification as defined under section 13.02, as to each member of the collaborative with whom the data is shared.

(b) If a federal law or regulation impedes information sharing that is necessary in order for a collaborative to carry out duties under subdivision 2 or 3, the appropriate state agencies shall seek a waiver or exemption from the applicable law or regulation.

Sec. 15. Minnesota Statutes 1993 Supplement, section 144.335, subdivision 3a, is amended to read:

Subd. 3a. [PATIENT CONSENT TO RELEASE OF RECORDS; LIABILITY.] (a) A provider, or a person who receives health records from a provider, may not release a patient's health records to a person without a signed and dated consent from the patient or the patient's legally authorized representative authorizing the release, unless the release is specifically authorized by law. Except as provided in paragraph (c), a consent is valid for one year or for a lesser period specified in the consent or for a different period provided by law.

(b) This subdivision does not prohibit the release of health records for a medical emergency when the provider is unable to obtain the patient's consent due to the patient's condition or the nature of the medical emergency.

(c) Notwithstanding paragraph (a), if a patient explicitly gives informed consent to the release of health records for the purposes and pursuant to the restrictions in clauses (1) and (2), the consent does not expire after one year for:

(1) the release of health records to a provider who is being advised or consulted with in connection with the current treatment of the patient;

(2) the release of health records to an accident and health insurer, health service plan corporation, health maintenance organization, or third-party administrator for purposes of payment of claims, fraud investigation, or quality of care review and studies, provided that:

(i) the use or release of the records complies with sections 72A.49 to 72A.505;

(ii) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited; and

(iii) the recipient establishes adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient.

(d) Until June 1, 1994 1996, paragraph (a) does not prohibit the release of health records to qualified personnel solely for purposes of medical or scientific research, if the patient has not objected to a release for research purposes and the provider who releases the records makes a reasonable effort to determine that:

(i) the use or disclosure does not violate any limitations under which the record was collected;

(ii) the use or disclosure in individually identifiable form is necessary to accomplish the research or statistical purpose for which the use or disclosure is to be made;

(iii) the recipient has established and maintains adequate safeguards to protect the records from unauthorized disclosure, including a procedure for removal or destruction of information that identifies the patient; and

(iv) further use or release of the records in individually identifiable form to a person other than the patient without the patient's consent is prohibited.

(e) A person who negligently or intentionally releases a health record in violation of this subdivision, or who forges a signature on a consent form, or who obtains under false pretenses the consent form or health records of another person, or who, without the person's consent, alters a consent form, is liable to the patient for compensatory damages caused by an unauthorized release, plus costs and reasonable attorney's fees.

(f) Upon the written request of a spouse, parent, child, or sibling of a patient being evaluated for or diagnosed with mental illness, a provider shall inquire of a patient whether the patient wishes to authorize a specific individual to receive information regarding the patient's current and proposed course of treatment. If the patient so authorizes, the provider shall communicate to the designated individual the patient's current and proposed course of treatment. Paragraph (a) applies to consents given under this paragraph.

Sec. 16. [144.3352] [HEPATITIS B MATERNAL CARRIER DATA; INFANT IMMUNIZATION.]

The commissioner or a local board of health may inform the physician attending a newborn of the hepatitis B infection status of the biological mother.

Sec. 17. [145.90] [FETAL, INFANT, AND MATERNAL DEATH STUDIES.]

Subdivision 1. [PURPOSE.] The commissioner of health may conduct fetal, infant, and maternal death studies in order to assist the planning, implementation, and evaluation of medical, health, and welfare service systems, and to improve pregnancy outcomes and reduce the numbers of preventable fetal, infant, and maternal deaths in Minnesota.

Subd. 2. [ACCESS TO DATA.] (a) The commissioner of health has access to medical data as defined in section 13.42, subdivision 1, paragraph (b), medical examiner data as defined in section 13.83, subdivision 1, and health records created, maintained, or stored by providers as defined in section 144.335, subdivision 1, paragraph (b), without the consent of the subject of the data, and without the consent of the parent, spouse, other guardian, or legal representative of the subject of the data, when the subject of the data is:

(1) a fetus that showed no signs of life at the time of delivery, was 20 or more weeks of gestation at the time of delivery, and was not delivered by an induced abortion;

(2) a liveborn infant that died within the first two years of life;

(3) a woman who died during a pregnancy or within 12 months of a fetal death, a live birth, or other termination of a pregnancy; or

(4) the biological mother of a fetus or infant as described in clause (1) or (2).

With respect to data under clause (4), the commissioner only has access to medical data and health records that contain information that bears upon the pregnancy and the outcome of the pregnancy.

(b) The provider or responsible authority that creates, maintains, or stores the data shall furnish the data upon the request of the commissioner. The provider or responsible authority may charge a fee for providing data, not to exceed the actual cost of retrieving and duplicating the data.

(c) The commissioner shall make a good faith effort to notify the subject of the data, or the parent, spouse, other guardian, or legal representative of the subject of the data, before collecting data on the subject.

(d) The commissioner does not have access to coroner or medical examiner data that are part of an active investigation as described in section 13.83.

Subd. 3. [MANAGEMENT OF RECORDS.] After the commissioner has collected all data about a subject of a fetal, infant, or maternal death study needed to perform the study, the data from source records obtained under subdivision 2, other than data identifying the subject, must be transferred to separate records to be maintained by the commissioner. Notwithstanding section 138.17, after the data have been transferred, all source records obtained under subdivision 2 in the hands of the commissioner must be destroyed.

Subd. 4. [CLASSIFICATION OF DATA.] Data provided to or created by the commissioner for the purpose of carrying out fetal, infant, or maternal death studies, including identifying information on individual providers or patients, are classified as private data on individuals or nonpublic data on deceased individuals, as defined in section 13.02, with the following exceptions:

(1) summary data created by the commissioner, as defined in section 13.02, subdivision 19; and

(2) data provided by the commissioner of human services, which retains the classification it held when in the hands of the commissioner of human services.

Sec. 18. Minnesota Statutes 1993 Supplement, section 148B.04, subdivision 6, is amended to read:

Subd. 6. [CLASSIFICATION OF CERTAIN RESIDENCE ADDRESSES AND TELEPHONE NUMBERS.] Notwithstanding section 13.41, subdivision 2 or 4, the residence address and telephone number of an applicant or licensee are private data on individuals as defined in section 13.02, subdivision 12, if the applicant or licensee *so requests and* provides an alternative address and telephone number.

Sec. 19. Minnesota Statutes 1992, section 214.10, subdivision 8, is amended to read:

Subd. 8. [SPECIAL REQUIREMENTS FOR HEALTH-RELATED LICENSING BOARDS.] In addition to the provisions of this section that apply to all examining and licensing boards, the requirements in this subdivision apply to all health-related licensing boards, except the board of veterinary medicine.

(a) If the executive director or consulted board member determines that a communication received alleges a violation of statute or rule that involves sexual contact with a patient or client, the communication shall be forwarded to the designee of the attorney general for an investigation of the facts alleged in the communication. If, after an investigation it is the opinion of the executive director or consulted board member that there is sufficient evidence to justify disciplinary action, the board shall conduct a disciplinary conference or hearing. If, after a hearing or disciplinary conference the board determines that misconduct involving sexual contact with a patient or client occurred, the board shall take disciplinary action. Notwithstanding subdivision 2, a board may not attempt to correct improper activities or redress grievances through education, conciliation, and persuasion, unless in the opinion of the executive director or consulted board member there is insufficient evidence to justify disciplinary action. The board may settle a case by stipulation prior to, or during, a hearing if the stipulation provides for disciplinary action.

(b) In addition to the information required under section 214.07, subdivision 1, each board shall include in its reports to the legislature summaries of each individual case that involved possible sexual contact with a patient or client. The summary must include a description of the alleged misconduct; the general results of the investigation; the nature of board activities relating to that case; the disposition of the case; and the reasons for board decisions concerning the disposition of the case. The information disclosed under this section must not include the name or specific identifying information about any person, agency, or organization.

(c) A board member who has a direct current or former financial connection or professional relationship to a person who is the subject of board disciplinary activities must not participate in board activities relating to that case.

(d) Each health-related licensing board shall establish procedures for exchanging information with ~~may forward to~~ other Minnesota state boards, agencies, and departments responsible for licensing health-related occupations, facilities, and programs, and for coordinating investigations involving matters within the jurisdiction of more than one licensing body. The procedures must provide for the forwarding to other licensing bodies of all information and evidence, including the results of investigations, that are relevant to matters within that licensing body's regulatory jurisdiction or political subdivisions private or confidential data in its possession about a person regulated by the board, provided the data relate to the licensure power of the regulatory authority of the receiving entity. Another board, agency, department, or political subdivision may forward to a board information in its possession that relates to the regulatory authority of the requesting board. The forwarded data have the same classification under chapter 13 or other statute within the entity receiving the data as the data have within the entity forwarding the data. Investigations involving matters relating to the regulatory authority of more than one entity may be coordinated by the entities involved. Each health-related licensing board shall have access to any data of the department of human services relating to a person subject to the jurisdiction of the licensing board. The data shall have the same classification under ~~sections 13.01 to 13.88~~ chapter 13, the Minnesota government data practices act, in the hands of the agency receiving the data as it had in the hands of the department of human services. *This paragraph does not apply to data collected pursuant to section 13.38 or 214.17 to 214.25.*

(e) Each health-related licensing board shall establish procedures for exchanging information with other states regarding disciplinary actions against licensees. The procedures must provide for the collection of information from other states about disciplinary actions taken against persons who are licensed to practice in Minnesota or who have applied to be licensed in this state and the dissemination of information to other states regarding disciplinary actions taken in Minnesota may forward to regulatory authorities in other states and federal agencies private or confidential data in its possession regarding a regulated person, provided the data relate to the licensure power of the regulatory authority of the other state or federal agency. Each board shall collect information from other state or federal agencies about persons credentialed by the board in this state or who have applied for a credential in this state. In addition to any authority in this subdivision or in chapter 13 permitting the dissemination of data, the board may, in its discretion, disseminate private or confidential data to other states or federal agencies regardless of its classification under chapter 13 or other statute. Before transferring any data that is not public, the board shall obtain reasonable assurances from the receiving state or federal agency that the data will not be made public.

Sec. 20. [245.041] [PROVISION OF FIREARMS BACKGROUND CHECK INFORMATION.]

Notwithstanding section 253B.23, subdivision 9, the commissioner of human services shall provide commitment information to local law enforcement agencies through the Minnesota crime information system for the sole purpose of facilitating a firearms background check under section 624.7131, 624.7132, or 624.714. The information to be provided is limited to whether the person has been committed under chapter 253B and, if so, the type of commitment.

Sec. 21. Minnesota Statutes 1993 Supplement, section 245.493, is amended by adding a subdivision to read:

Subd. 3. [INFORMATION SHARING.] (a) The members of a local children's mental health collaborative may share data on individuals being served by the collaborative or its members if the parent or guardian gives written informed consent and the information sharing is necessary in order for the collaborative to carry out duties under subdivision 2. Data on individuals shared under this subdivision retain the original classification as defined under section 13.02, as to each member of the collaborative with whom the data is shared.

(b) If a federal law or regulation impedes information sharing that is necessary in order for a collaborative to carry out duties under subdivision 2, the appropriate state agencies shall attempt to get a waiver or exemption from the applicable law or regulation.

Sec. 22. [253B.091] [REPORTING JUDICIAL COMMITMENTS INVOLVING PRIVATE TREATMENT PROGRAMS OR FACILITIES.]

Notwithstanding section 253B.23, subdivision 9, when a committing court judicially commits a proposed patient to a treatment program or facility other than a state-operated program or facility, the court shall report the commitment to the commissioner of human services for purposes of providing commitment information for firearm background checks under section 245.041.

Sec. 23. Minnesota Statutes 1992, section 253B.23, subdivision 4, is amended to read:

Subd. 4. [IMMUNITY.] All persons acting in good faith, upon either actual knowledge or information thought by them to be reliable, who act pursuant to any provision of this chapter or who procedurally or physically assist in the commitment of any individual, pursuant to this chapter, are not subject to any civil or criminal liability under this chapter. Any privilege otherwise existing between patient and physician ~~or between~~, patient and examiner, ~~or patient and social worker~~, is waived as to any physician ~~or~~, examiner, ~~or social worker~~ who provides information with respect to a patient pursuant to any provision of this chapter.

Sec. 24. Minnesota Statutes 1992, section 256.0361, is amended by adding a subdivision to read:

Subd. 3. [EVALUATION DATA.] The commissioner may access data maintained by the department of jobs and training under sections 268.03 to 268.231 for the purpose of evaluating the Minnesota family investment plan for persons randomly assigned to a test or comparison group as part of the evaluation. This subdivision authorizes access to data concerning the three years before the time of random assignment for persons randomly assigned to a test or comparison group and data concerning the five years after random assignment.

Sec. 25. Minnesota Statutes 1992, section 260.161, is amended by adding a subdivision to read:

Subd. 1b. [DISPOSITION ORDER; COPY TO SCHOOL.] (a) If a juvenile is enrolled in school, the county attorney shall transmit a copy of the court's disposition order to the principal or chief administrative officer of the

juvenile's school if the juvenile has been adjudicated delinquent for committing an act on the school's property or an act:

(1) *that would be a violation of section 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or 609.749 (harassment and stalking), if committed by an adult;*

(2) *that would be a violation of section 152.021, subdivision 1 (first-degree sale of a controlled substance); 152.022, subdivision 1 (second-degree sale of a controlled substance); 152.023, subdivision 1 (third-degree sale of a controlled substance); 152.024, subdivision 1 (fourth-degree sale of a controlled substance); 152.025, subdivision 1 (fifth-degree sale of a controlled substance); or 152.027, subdivision 1 (sale of schedule V controlled substance), if committed by an adult; or*

(3) *that involved the use of a dangerous weapon as defined in section 609.02, subdivision 6.*

(b) *The disposition order must be accompanied by a notice to the school that the school may obtain additional information from the juvenile's probation officer with the consent of the juvenile or the juvenile's parents, as applicable. The disposition order must be maintained in the student's permanent education record but may not be released outside of the school, other than another secondary school to which the juvenile is transferring. Upon receipt of a disposition order under this subdivision, the school shall notify the juvenile's parents or legal guardian of their right to request a special education assessment or evaluation.*

(c) *The county attorney shall maintain a record of disposition orders released under this subdivision and the basis for the release. The disposition order must be destroyed when the juvenile graduates from the school or when the juvenile court records from which the order is derived may be destroyed, whichever date is earlier.*

(d) *The criminal and juvenile justice information policy group, in consultation with representatives of probation officers and educators, shall prepare standard forms for use by county attorneys in forwarding information to schools under this subdivision and in maintaining a record of the information that is released.*

Sec. 26. Minnesota Statutes 1992, section 260.161, subdivision 2, is amended to read:

Subd. 2. [PUBLIC INSPECTION LIMITATIONS.] Except as otherwise provided in this subdivision and in subdivision 1 section, and except for legal records arising from proceedings that are public under section 260.155,

subdivision 1, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except (a) by order of a court or (b) as required by sections 245A.04, 611A.03, 611A.04, 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. 27. Minnesota Statutes, 1993 Supplement, section 260.161, subdivision 3, is amended to read:

Subd. 3. [PEACE OFFICER RECORDS OF CHILDREN.] (a) Except for records relating to an offense where proceedings are public under section 260.155, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 126.036, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an ongoing investigation, or (5) as provided in paragraph (d). Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169.121 or 169.129. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 4, and 10. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing a criminal investigation.

(c) A photograph may be taken of a child taken into custody pursuant to section 260.165, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes, case supervision by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not a minor traffic offense under section 260.193.

(e) A law enforcement agency may notify the principal or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if the agency has probable cause to believe that the juvenile has committed an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim.

Sec. 28. Minnesota Statutes 1992, section 260.161, is amended by adding a subdivision to read:

Subd. 5. [FURTHER RELEASE OF RECORDS.] A person who receives access to juvenile court or peace officer records of children that are not accessible to the public may not release or disclose the records to any other person except as authorized by law. This subdivision does not apply to the child who is the subject of the records or the child's parent or guardian.

Sec. 29. [3251.01] [DEFINITIONS.]

Subdivision 1. [GENERAL.] The definitions in this section apply to sections 3251.01 to 3251.03.

Subd. 2. [CONSUMER.] "Consumer" means a renter, purchaser, or subscriber of goods or services from a videotape service provider or videotape seller.

Subd. 3. [PERSONALLY IDENTIFIABLE INFORMATION.] "Personally identifiable information" means information that identifies a person as having requested or obtained specific video materials or services from a videotape service provider or videotape seller.

Subd. 4. [VIDEOTAPE SELLER.] "Videotape seller" means a person engaged in the business of selling prerecorded videocassette tapes or similar

audiovisual materials, or a person to whom a disclosure is made by a videotape seller under section 3251.02, but only with respect to the information contained in the disclosure.

Subd. 5. [VIDEOTAPE SERVICE PROVIDER.] "Videotape service provider" means a person engaged in the business of rental of prerecorded videocassette tapes or similar audiovisual materials, or a person to whom a disclosure is made by a videotape service provider under section 3251.02, but only with respect to the information contained in the disclosure.

Sec. 30. [3251.02] [DISCLOSURE OF VIDEOTAPE RENTAL OR SALES RECORDS.]

Subdivision 1. [DISCLOSURE PROHIBITED.] Except as provided in subdivisions 2 and 3, a videotape service provider or videotape seller who knowingly discloses, to any person, personally identifiable information concerning any consumer of the provider or seller is liable to the consumer for the relief provided in section 3251.03.

Subd. 2. [DISCLOSURE REQUIRED.] (a) A videotape service provider or videotape seller shall disclose personally identifiable information concerning any consumer:

- (1) to a grand jury pursuant to a grand jury subpoena;
 - (2) pursuant to a court order in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by other means, or in a criminal proceeding upon a showing of legitimate need for the information that cannot be accommodated by other means, if:
 - (i) the consumer is given reasonable notice by the person seeking the disclosure of the court proceeding relevant to the issuance of the court order;
 - (ii) the consumer is afforded the opportunity to appear and contest the disclosure; and
 - (iii) the court imposes appropriate safeguards against unauthorized disclosure; or
 - (3) to a law enforcement agency pursuant to a warrant lawfully obtained under the laws of this state or the United States.
- (b) A videotape service provider or videotape seller may disclose personally identifiable information concerning any consumer:

- (1) to a court pursuant to a civil action for conversion commenced by the videotape service provider or videotape seller or to enforce collection of fines for overdue or unreturned videotapes or collection for unpaid videotapes, to the extent necessary to establish the fact of the rental or sale, and provided that the court imposes appropriate safeguards against unauthorized disclosure; or
- (2) to a law enforcement agency for purposes of a criminal investigation involving the consumer arising out of the sale or rental of the videotapes.

Subd. 3. [DISCLOSURE PERMITTED.] A videotape service provider or videotape seller may disclose personally identifiable information concerning any consumer:

- (1) to the consumer; or

(2) to any person with the written informed consent of the consumer.

Subd. 4. [EXCLUSION FROM EVIDENCE.] Personally identifiable information obtained in any manner other than as provided in this section may not be received in evidence in any trial, hearing, arbitration, or other proceeding before any court, grand jury, officer, agency, regulatory body, legislative committee, or other authority of the state or any political subdivision.

Subd. 5. [DESTRUCTION OF INFORMATION.] A person subject to this section shall destroy personally identifiable information as soon as practicable, but no later than one year from the date the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to the information under this section.

Sec. 31. [325I.03] [ENFORCEMENT; CIVIL LIABILITY.]

The public and private remedies in section 8.31 apply to violations of section 325I.02. In addition, a consumer who prevails or substantially prevails in an action brought under this section is entitled to three times the amount of actual damages and a minimum of \$500 in damages, regardless of the amount of actual damage proved, plus costs, disbursements, and reasonable attorney fees. Sections 325I.01 to 325I.03 do not affect any rights or remedies available under other law.

Sec. 32. [403.13] [LIMITATION OF LIABILITY FOR 911 SYSTEMS.]

Telephone subscriber information acquired by a 911 jurisdiction for the purpose of enhancing a 911 emergency reporting system or responding to emergency calls is not subject to public disclosure or subject to use by any other public agencies prior to receipt of a 911 call. A telephone company or telecommunications provider is not liable to any person for the good faith release to emergency communications system personnel of information not in the public record, including but not limited to, nonpublished or nonlisted telephone numbers.

Sec. 33. Minnesota Statutes 1992, section 480.235, is amended to read:

480.235 [TRIAL COURT INFORMATION SYSTEM.]

The cost of operating the trial court information system in a judicial district must be paid by the state. Money collected by state court administration for providing copies or electronic transmittal of computerized court records is appropriated to state court administration and added to the appropriations from which the costs of providing the copies or electronic transmittal were paid.

Sec. 34. Minnesota Statutes 1993 Supplement, section 595.02, subdivision 1, is amended to read:

Subdivision 1. [COMPETENCY OF WITNESSES.] Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision:

(a) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the

marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either or against a child under the care of either spouse, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for nonsupport, neglect, dependency, or termination of parental rights.

(b) An attorney cannot, without the consent of the attorney's client, be examined as to any communication made by the client to the attorney or the attorney's advice given thereon in the course of professional duty; nor can any employee of the attorney be examined as to the communication or advice, without the client's consent.

(c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

(d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of the patient, be allowed to disclose any information or any opinion based thereon which the professional acquired in attending the patient in a professional capacity, and which was necessary to enable the professional to act in that capacity; after the decease of the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of the deceased person for the purpose of waiving this privilege, and no oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received.

(e) A public officer shall not be allowed to disclose communications made to the officer in official confidence when the public interest would suffer by the disclosure.

(f) Persons of unsound mind and persons intoxicated at the time of their production for examination are not competent witnesses if they lack capacity to remember or to relate truthfully facts respecting which they are examined.

(g) A registered nurse, psychologist or, consulting psychologist, or *licensed social worker* shall not, without the consent of the professional's client, be allowed to disclose any information or opinion based thereon which the professional has acquired in attending the client in a professional capacity, and which was necessary to enable the professional to act in that capacity. *The exception for social workers does not apply to testimony, records, or other evidence relating to a social worker's role as a court-appointed examiner, a probation officer, or an investigator employed by the state or a political subdivision.*

(h) An interpreter for a person handicapped in communication shall not, without the consent of the person, be allowed to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person handicapped in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which the person is required to participate. The presence of an interpreter as an aid to communication does not destroy an otherwise existing privilege.

(i) Licensed chemical dependency counselors shall not disclose information or an opinion based on the information which they acquire from persons consulting them in their professional capacities, and which was necessary to enable them to act in that capacity, except that they may do so:

(1) when informed consent has been obtained in writing, except in those circumstances in which not to do so would violate the law or would result in clear and imminent danger to the client or others;

(2) when the communications reveal the contemplation or ongoing commission of a crime; or

(3) when the consulting person waives the privilege by bringing suit or filing charges against the licensed professional whom that person consulted.

(j) A parent or the parent's minor child may not be examined as to any communication made in confidence by the minor to the minor's parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of an alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged with a crime or act of delinquency committed against the person or property of a parent or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent.

(k) Sexual assault counselors may not be compelled to testify about any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557.

"Sexual assault counselor" for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.

(l) A person cannot be examined as to any communication or document, including worknotes, made or used in the course of or because of mediation pursuant to an agreement to mediate. This does not apply to the parties in the dispute in an application to a court by a party to have a mediated settlement agreement set aside or reformed. A communication or document otherwise not privileged does not become privileged because of this paragraph. This paragraph is not intended to limit the privilege accorded to communication during mediation by the common law.

(m) A child under ten years of age is a competent witness unless the court finds that the child lacks the capacity to remember or to relate truthfully facts respecting which the child is examined. A child describing any act or event may use language appropriate for a child of that age.

(n) A communication assistant for a telecommunications relay system for communication-impaired persons shall not, without the consent of the person making the communication, be allowed to disclose communications made to the communication assistant for the purpose of relaying.

Sec. 35. Minnesota Statutes 1993 Supplement, section 624.7131, subdivision 1, is amended to read:

Subdivision 1. [INFORMATION.] Any person may apply for a transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which the person resides or to the county sheriff if there is no such local chief of police:

(a) the name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee; ~~and~~

(c) *a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1, clause (c), (e), or (f); and*

(d) a statement by the proposed transferee that the proposed transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

The ~~statement~~ statements shall be signed and dated by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application. *The statement under clause (c) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.*

Sec. 36. Minnesota Statutes 1992, section 624.7131, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION.] The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system. *The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.*

Sec. 37. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED INFORMATION.] Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style assault weapon shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the agreement is made or to the appropriate county sheriff if there is no such local chief of police:

(a) the name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(c) *a statement that the proposed transferee authorizes the release to the local police authority of commitment information about the proposed transferee maintained by the commissioner of human services, to the extent that the information relates to the proposed transferee's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1, clause (c), (e), or (f);*

(d) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

~~(4)~~ (e) the address of the place of business of the transferor.

The report shall be signed *and dated* by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays. *The statement under clause (c) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.*

Sec. 38. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION.] Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system. *The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.*

Sec. 39. Minnesota Statutes 1992, section 624.714, subdivision 3, is amended to read:

Subd. 3. [CONTENTS.] Applications for permits to carry shall set forth in writing the following information:

(1) the name, residence, telephone number, and driver's license number or nonqualification certificate number, if any, of the applicant;

(2) the sex, date of birth, height, weight, and color of eyes and hair, and distinguishing physical characteristics, if any, of the applicant;

(3) *a statement that the applicant authorizes the release to the local police authority of commitment information about the applicant maintained by the commissioner of human services, to the extent that the information relates to the applicant's eligibility to possess a pistol or semiautomatic military-style assault weapon under section 624.713, subdivision 1, clause (c), (e), or (f);*

(4) a statement by the applicant that the applicant is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

~~(4)~~ (5) a recent color photograph of the applicant.

The application shall be signed and dated by the applicant. *The statement under clause (3) must comply with any applicable requirements of Code of Federal Regulations, title 42, sections 2.31 to 2.35, with respect to consent to disclosure of alcohol or drug abuse patient records.*

Sec. 40. Minnesota Statutes 1992, section 624.714, subdivision 4, is amended to read:

Subd. 4. [INVESTIGATION.] The application authority shall check criminal records, histories, and warrant information on each applicant through the Minnesota Crime Information System. *The chief of police or sheriff shall obtain commitment information from the commissioner of human services as provided in section 245.041.*

Sec. 41. [INFORMATION POLICY TRAINING PLAN.]

Subdivision 1. [GENERAL.] The commissioner of administration is responsible for the preparation of a plan for training state and local government officials and employees on data practices laws and procedures and other information policy statutes, including official records and records management statutes. The plan must include training models for state agencies, counties, cities, school districts, higher education agencies, and human service agencies. The plan must focus on the development of broad-based training expertise and responsibility for training within these entities. The plan must be developed in consultation with representatives of these entities, including:

(1) information policy council, commissioner of employee relations, and attorney general;

(2) association of counties, county attorneys council, and counties insurance trust;

(3) league of Minnesota cities, city attorneys association, and cities insurance trust;

(4) school boards association and council of school attorneys;

(5) higher education agencies, University of Minnesota, and university attorneys' office; and

(6) commissioner of human services, county human service agencies, and private nonprofit agencies that provide social services.

Subd. 2. [MODELS.] *The training models developed under subdivision 1 must:*

(1) identify training needs within each group of entities, including the need for mandatory training for certain positions and continuing as well as initial training requirements;

(2) provide for assignment of training responsibility within the entities and procedures for training; and

(3) provide for training resources, including the use of electronic communications and other forms of technology, audiovisual materials, and the development of written materials and standard forms, such as consent forms.

Subd. 3. [REPORT.] *The commissioner of administration shall report to the legislature by January 1, 1995, with the results of the plan prepared under this section and any other recommendations for information policy training.*

Sec. 42. [APPROPRIATION.]

\$. is appropriated from the general fund to the commissioner of administration for the purpose of preparing the training plan under section 41, for providing information policy training for state and local officials and employees, and for making grants to local governments for information policy training.

Sec. 43. [EFFECTIVE DATE.]

Sections 14, 15, and 21 are effective the day following final enactment. Section 24 is effective April 1, 1994. Section 25 is effective January 1, 1995."

Delete the title and insert:

"A bill for an act relating to privacy; classifying data; modifying certain human service licensing data provisions; authorizing access by the department of human services to certain data maintained by the department of jobs and training; permitting the commissioner of health to conduct fetal, infant, and maternal death studies; classifying certain data obtained by the department of trade and economic development as nonpublic; providing for release of certain information on juvenile offenders to schools and victims; limiting release of records; providing for the preparation of an information policy training plan; providing for the release of commitment information for firearm background checks; allowing sharing of certain information by family services and local children's mental health collaboratives; proposing classifications of data as private, nonpublic, and protected nonpublic; limiting liability for 911 systems; providing for a social worker witness privilege; appropriating money; amending Minnesota Statutes 1992, sections 13.38, by adding a subdivision; 13.39, subdivision 2; 13.41, subdivision 2; 13.57; 13.76, by adding a subdivision; 13.82, by adding a subdivision; 13.84, subdivision 5a; 214.10, subdivision 8; 253B.23, subdivision 4; 256.0361, by adding a subdivision; 260.161, subdivision 2, and by adding subdivisions; 480.235; 624.7131, subdivision 2; and 624.714, subdivisions 3 and 4; Minnesota Statutes 1993 Supplement, sections 13.32, subdivision 5; 13.43, subdivision 2; 13.46,

subdivision 4; 13.643, by adding a subdivision; 121.8355, by adding a subdivision; 144.335, subdivision 3a; 148B.04, subdivision 6; 245.493, by adding a subdivision; 260.161, subdivision 3; 595.02, subdivision 1; 624.7131, subdivision 1; and 624.7132, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapters 13; 144; 145; 245; 253B; and 403; proposing coding for new law as Minnesota Statutes, chapter 325I."

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

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

S.F. No. 1641: A bill for an act relating to the board of investment; requiring the board to provide certain information about its investments; proposing coding for new law in Minnesota Statutes, chapter 356.

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 69.051, subdivision 1, is amended to read:

Subdivision 1. [FINANCIAL REPORT AND AUDIT.] The board of each salaried firefighters' and police relief association and of each volunteer firefighters' relief association with assets of at least \$200,000 or liabilities of at least \$200,000, according to the most recent actuarial valuation or financial report if no valuation is required, shall:

(a) Prepare a financial report covering the special and general funds of the relief association for the preceding fiscal year on a form prescribed by the state auditor. The financial report shall contain financial statements and disclosures which present the true financial condition of the relief association and the results of relief association operations in conformity with generally accepted accounting principles and in compliance with the regulatory, financing and funding provisions of this chapter and any other applicable laws. The financial report shall be countersigned by the municipal clerk or clerk-treasurer of the municipality in which the relief association is located if the relief association is a firefighters' relief association which is directly associated with a municipal fire department or is a police relief association, or countersigned by the secretary of the independent nonprofit firefighting corporation and by the municipal clerk or clerk-treasurer of the largest municipality in population which contracts with the independent nonprofit firefighting corporation if the relief association is a subsidiary of an independent nonprofit firefighting corporation;

(b) File the financial report in its office for public inspection and present it to the city council after the close of the fiscal year. One copy of the financial report shall be furnished to the state auditor after the close of the fiscal year; and

(c) Submit to the state auditor audited financial statements which have been attested to by a certified public accountant, ~~public accountant~~, or the state auditor within 180 days after the close of the fiscal year, except that the state auditor may upon request of a city and a showing of inability to conform,

extend the deadline. The state auditor may accept this report in lieu of the report required in clause (b).

Sec. 2. Minnesota Statutes 1992, section 69.773, subdivision 4, is amended to read:

Subd. 4. [FINANCIAL REQUIREMENTS OF THE SPECIAL FUND.] Prior to August 1 of each year, the officers of the relief association shall determine the financial requirements of the special fund of the relief association in accordance with the requirements of this subdivision. The financial requirements of the relief association shall be based on the most recent actuarial valuation of the special fund prepared in accordance with subdivision 2. If the relief association has an unfunded actuarial accrued liability as reported in the most recent actuarial valuation, the financial requirements shall be determined by adding the figures calculated pursuant to clauses (a), (b), and (c). If the relief association does not have an unfunded actuarial accrued liability as reported in the most recent actuarial valuation, the financial requirements shall be an amount equal to the figure calculated pursuant to clauses (a) and (b), *reduced by an amount equal to one-tenth of the amount of any assets in excess of the actuarial accrued liability of the relief association.* The determination of whether or not the relief association has an unfunded actuarial accrued liability shall be based on the current market value of assets for which a market value is readily ascertainable and the cost or book value, whichever is applicable, for assets for which no market value is readily ascertainable.

(a) The normal level cost requirement for the following year, expressed as a dollar amount, shall be the figure for the normal level cost of the relief association as reported in the actuarial valuation.

(b) The amount of anticipated future administrative expenses of the special fund shall be calculated by multiplying the dollar amount of the administrative expenses of the special fund for the most recent year by the factor of 1.035.

(c) The amortization contribution requirement to retire the current unfunded actuarial accrued liability by the established date for full funding shall be the figure for the amortization contribution as reported in the actuarial valuation. If there has not been a change in the actuarial assumptions used for calculating the actuarial accrued liability of the special fund, a change in the bylaws of the relief association governing the service pensions, retirement benefits, or both payable from the special fund or a change in the actuarial cost method used to value all or a portion of the special fund which change or changes, which by themselves without inclusion of any other items of increase or decrease, produce a net increase in the unfunded actuarial accrued liability of the special fund since December 31, 1970, the established date for full funding shall be December 31, 1990. If there has been a change in the actuarial assumptions used for calculating the actuarial accrued liability of the special fund, a change in the bylaws of the relief association governing the service pensions, retirement benefits, or both payable from the special fund or a change in the actuarial cost method used to value all or a portion of the special fund and the change or changes, by themselves and without inclusion of any other items of increase or decrease, produce a net increase in the unfunded actuarial accrued liability of the special fund since December 31, 1970, but prior to January 1, 1979, the established date for full funding shall be December 31, 1998, and if there has been a change since December 31, 1978, the established date for full funding shall be determined using the following procedure:

(i) the unfunded actuarial accrued liability of the special fund shall be determined in accordance with the provisions governing service pensions, retirement benefits, and actuarial assumptions in effect before an applicable change;

(ii) the level annual dollar contribution needed to amortize this unfunded actuarial accrued liability amount by the date for full funding in effect prior to the change shall be calculated using the interest assumption specified in section 356.215, subdivision 4d, in effect before any applicable change;

(iii) the unfunded actuarial accrued liability of the special fund shall be determined in accordance with any new provisions governing service pensions, retirement benefits, and actuarial assumptions and the remaining provisions governing service pensions, retirement benefits, and actuarial assumptions in effect before an applicable change;

(iv) the level annual dollar contribution needed to amortize the difference between the unfunded actuarial accrued liability amount calculated pursuant to subclause (i) and the unfunded actuarial accrued liability amount calculated pursuant to subclause (iii) over a period of 20 years starting December 31 of the year in which the change is effective shall be calculated using the interest assumption specified in section 356.215, subdivision 4d, in effect after any applicable change;

(v) the annual amortization contribution calculated pursuant to subclause (iv) shall be added to the annual amortization contribution calculated pursuant to subclause (ii);

(vi) the period in which the unfunded actuarial accrued liability amount determined in subclause (iii) will be amortized by the total annual amortization contribution computed pursuant to subclause (v) shall be calculated using the interest assumption specified in section 356.215, subdivision 4d, in effect after any applicable change, rounded to the nearest integral number of years, but which shall not exceed a period of 20 years from the end of the year in which the determination of the date for full funding using this procedure is made and which shall not be less than the period of years beginning in the year in which the determination of the date for full funding using this procedure is made and ending by the date for full funding in effect before the change.

(vii) the period determined pursuant to subclause (vi) shall be added to the date as of which the actuarial valuation was prepared and the resulting date shall be the new date for full funding.

Sec. 3. [356.219] [DISCLOSURE OF ADDITIONAL PUBLIC PENSION PLAN INVESTMENT INFORMATION.]

Subdivision 1. [REPORT REQUIRED.] The state board of investment on behalf of the public pension funds and programs for which it is the investment authority and any Minnesota public pension plan not wholly invested through the state board of investments, including a local police or firefighters' relief association governed by sections 69.77 or 69.771 to 69.775, that is not specifically excluded by this subdivision, shall report the information specified in subdivision 2 to the state auditor. The state auditor may prescribe a form or forms for the purposes of the reporting requirements contained in this section. A local police or firefighters' relief association governed by sections 69.77 or 69.771 to 69.775, with total assets less than \$500,000, is exempt from the reporting requirement specified in this section provided the relief associ-

ation has invested at least 75 percent of its total assets with the state board of investment, or has certified to the state auditor that it will meet the 75 percent threshold prior to October 1, 1995, or as soon as current investments mature that will permit reinvestment in the state board of investment, whichever is earlier.

Subd. 2. [CONTENT AND TIMING OF REPORTS.] (a) The following information must be included in the report required by subdivision 1:

- (1) the market value of all investments at the close of the reporting period;
- (2) regular payroll-based contributions to the fund;
- (3) other contributions and revenue paid into the fund, including at least state or local nonpayroll based contributions, repaid refunds, and buybacks;
- (4) total benefits paid to members;
- (5) fees paid for investment management services;
- (6) salaries and other administrative expenses paid; and
- (7) total return on investment.

The report must also include a written statement of the investment policy in effect on June 30, 1988, and any investment policy changes made subsequently and must include the effective date of each policy change. The information required under this subdivision must be reported separately for each investment account or investment portfolio included in the pension fund.

(b) For public pension plans other than volunteer firefighters' relief associations governed by sections 69.77 or 69.771 to 69.775, the information specified in paragraph (a) must be provided separately for each quarter for the fiscal years of the pension fund ending during calendar years 1989 to 1991 and on a monthly basis for subsequent years. For volunteer firefighters' relief associations governed by sections 69.77 or 69.771 to 69.775, the information specified in paragraph (a) must be provided separately for each quarter for the fiscal years of the pension fund ending during calendar years 1991 to 1993 and on a monthly basis for subsequent years. The required information to fiscal year 1993 must be submitted to the state auditor on or before October 1, 1994, and subsequently within six months of the end of each fiscal year.

Subd. 3. [PENALTY FOR NONCOMPLIANCE.] Failure to comply with the reporting requirements of this section results in a withholding of all state aid to which the pension plan may otherwise be entitled. The state auditor shall agree to waive the withholding of all state aid required by this subdivision for a volunteer firefighters' relief association governed by sections 69.77 or 69.771 to 69.775, if the relief association certifies to the state auditor that neither the association nor the association's financial institution or investment advisor has the records necessary to comply with the reporting requirement for each quarter for the fiscal years of the pension fund ending during calendar years 1991 to 1993, provided that the association agrees to comply with all reporting requirements for all subsequent years. The state auditor shall instruct the commissioners of revenue and finance to withhold state aid from a pension plan that fails to comply with the reporting requirements contained in this section.

Subd. 4. [INVESTMENT DISCLOSURE REPORT.] Using the information provided under subdivision 2, the state auditor shall prepare an annual report

to the legislature on the components of investment performance resulting from stages in the investment decision-making process of public pension plans subject to this section. The state auditor may contract with a qualified consultant or consulting firm to perform the analysis and prepare the report required under this subdivision.

Subd. 5. [EXPENSE OF REPORT.] All expenses incurred relating to the investment disclosure report described in subdivision 4 must be borne by the office of the state auditor and may not be charged back to the entities described in subdivision 1.

Sec. 4. Minnesota Statutes 1992, section 422A.05, subdivision 2c, is amended to read:

Subd. 2c. (a) For investments made on or after July 1, 1991, the board shall invest funds only in investments authorized by section 11A.24. However, in addition to real estate investments authorized by section 11A.24, the board may also make loans to purchasers of Minnesota situs nonfarm residential real estate that is owned by the Minneapolis employees retirement fund. The loans must be secured by mortgages or deeds of trust.

(b) For investments made before July 1, 1991, the board may, but is not required to, comply with section 11A.24. However, with respect to these investments, the board shall act in accordance with subdivision 2a and chapter 356A.

(c) *The retirement board shall at all times have a written set of investment policy guidelines. These guidelines must, at a minimum, include specifications of the investment objectives of the funds, the target asset allocations, and the appropriate benchmarks to be used for evaluating the performance of the funds, the asset classes within the funds, and each portfolio manager.*

Sec. 5. [422A.055] [INVESTMENT PANEL.]

Subdivision 1. [CREATION.] An investment panel consisting of five members is established to:

(1) *advise the retirement board on all policy matters relating to investments;*

(2) *advise the retirement board on methods to diversify away risk and optimize the rate of return on invested money while insuring adequate security for that money; and*

(3) *perform other advisory tasks as requested by the retirement board.*

Subd. 2. [MEMBERSHIP.] The panel consists of the director of finance for the city of Minneapolis; the superintendent of schools of special school district No. 1, Minneapolis, or a person designated by the superintendent; the commissioner of finance of the state of Minnesota, or a person designated by the commissioner; and two persons appointed by the retirement board for two-year terms who by academic and professional training and experience are experts in the field of investment and finance.

Subd. 3. [FIDUCIARY DUTY.] Members of the panel shall act in a manner consistent with section 422A.05, subdivision 2a, and with chapter 356A.

Subd. 4. [OFFICERS; MEETINGS.] The members of the investment panel shall annually elect a chair and vice-chair from among their membership. The

panel shall meet upon the call of the chair, and as directed by the retirement board, but in no event less frequently than quarterly.

Subd. 5. [COMPENSATION; REMOVAL; VACANCIES.] *Compensation, removal, and filling of vacancies for the members of the panel appointed by the retirement board are as provided in section 15.059, subdivisions 3 and 4.*

Subd. 6. [INDEMNIFICATION.] *A member of the investment panel must be indemnified and held harmless by the fund for any reasonable costs or expenses incurred as a result of any actual or threatened litigation or administrative proceedings arising out of the performance of the member's duties, except an action brought by the retirement board arising from the failure of a member to perform duties in the manner prescribed in section 422A.05, subdivision 2a, or chapter 356A.*

Subd. 7. [CONFLICTS.] *No member of the panel may participate in deliberations or vote on any matter before the panel which will or is likely to result in direct, measurable economic gain to the member or, in the case of the two persons appointed by the retirement board, to the member's employer.*

Subd. 8. [STAFF SUPPORT.] *Any necessary staff support for the investment panel must be provided at the direction of the executive director.*

Sec. 6. Minnesota Statutes 1992, section 424A.04, is amended by adding a subdivision to read:

Subd. 3. [MEETINGS OPEN TO THE PUBLIC.] *All official actions of the board of trustees of a relief association directly associated with a municipal fire department must be approved at a meeting of the board of trustees that is open to the public. The relief association must provide at least three days' written notice of all board meetings to all members of the board of trustees of the relief association. Copies of all meeting notices, or a schedule of the times and dates of regularly scheduled meetings of the board of trustees of the relief association, must also be sent to all individuals who request a copy of such meeting notices. The relief association shall keep a written record of all official actions taken at all meetings of the board of trustees. A copy of the written record of a meeting of the board of trustees of the relief association must be filed with the city clerk or clerk-treasurer of the municipality served by the fire department to which the relief association is directly associated. The city clerk or clerk-treasurer of the municipality shall make the copy of the written record available for public inspection.*

The board of trustees of a relief association may, by a majority vote in a public meeting, decide to hold a closed meeting to discuss issues or data that would constitute grounds for closing a public meeting under section 471.705. Before closing a meeting, the board of trustees shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.

Sec. 7. [BLOOMINGTON FIRE RELIEF ASSOCIATION.]

Notwithstanding requirements of Minnesota Statutes, section 69.77, subdivision 2b, to the contrary, for a volunteer fire relief association described by Minnesota Statutes, section 69.77, subdivision 1a, clause (4), if the actuarial value of the assets of the relief association exceed the actuarial accrued liability as reported in the most recent actuarial valuation or survey, the financial requirements of the relief association for the following calendar year is the total of the amounts calculated under Minnesota Statutes, section 69.77,

subdivision 2b, clauses (a) and (b), reduced by an amount equal to the amount by which the actuarial value of assets exceeds the actuarial accrued liability, divided by ten.

Sec. 8. [EFFECTIVE DATE.]

Section 7 is effective upon approval of the Bloomington city council and upon compliance with Minnesota Statutes, section 645.021."

Delete the title and insert:

"A bill for an act relating to retirement; requiring certain financial reports from firefighter and police relief associations; requiring the state board of investment to provide certain information about its investments; establishing minimum qualifications for audits of police and fire relief associations; establishing reporting requirements for certain public pension funds; requiring notice of meetings of relief associations and requiring meetings to be open to the public; changing employer contributions rates for the Bloomington fire relief association; amending Minnesota Statutes 1992, sections 69.051, subdivision 1; 69.773, subdivision 4; 422A.05, subdivision 2c; and 424A.04, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 356; and 422A."

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. 2591 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.
2591	2539				

Pursuant to Rule 49, the Committee on Rules and Administration recommends that H.F. No. 2591 be amended as follows:

Delete all the language after the enacting clause of H.F. No. 2591 and insert the language after the enacting clause of S.F. No. 2539, the first engrossment; further, delete the title of H.F. No. 2591 and insert the title of S.F. No. 2539, the first engrossment.

And when so amended H.F. No. 2591 will be identical to S.F. No. 2539, and further recommends that H.F. No. 2591 be given its second reading and substituted for S.F. No. 2539, 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.

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

S.F. No. 2090: A bill for an act relating to human services; modifying provisions dealing with the administration and enforcement of child support; proposing coding for new law in Minnesota Statutes, chapter 518; repealing Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10.

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

Delete everything after the enacting clause and insert:

“ARTICLE 1

ADMINISTRATIVE PROCESS

Section 1. [518.551] [ADMINISTRATIVE PROCESS FOR CHILD AND MEDICAL SUPPORT ORDERS.]

Subdivision 1. [GENERAL.] (a) An administrative process is established to obtain, modify, and enforce child and medical support orders and maintenance.

(b) Effective July 1, 1994, all counties shall participate in the administrative process established in this section in accordance with a statewide implementation plan to be set forth by the commissioner of human services. The implementation plan shall include provisions for training the counties by region no later than July 1995.

Subd. 2. [UNCONTESTED ADMINISTRATIVE PROCEEDING.] (a) All actions commenced by the public authority under this section shall be brought within the uncontested administrative proceeding. A party may petition the chief administrative law judge, the chief district court judge, or the chief family court referee to proceed immediately to a contested hearing upon good cause shown. A party may also request in writing that the public authority begin an uncontested administrative proceeding.

(b) The public authority shall give the parties written notice requesting the submission of information necessary for the public authority to prepare a proposed child support order. The written notice shall be sent by first-class mail to the parties' last known addresses. The written notice shall describe the information requested, state the purpose of the request, state the date by which the information must be postmarked or received (which shall be at least 30 days from the date of the mailing of the written notice), state that if the information is not postmarked or received by that date, the public authority will prepare a proposed order on the basis of the information available, and identify the type of information which will be considered.

(c) Following the submission of information or following the date when the information was due, the public authority shall, on the basis of all information available, complete and sign a proposed child support order and notice. In preparing the proposed child support order, the public authority will establish child support in the highest amount permitted under section 518.551, subdivision 5. The proposed order shall include written findings in accordance with section 518.551, subdivision 5, clauses (i) and (j). The notice shall state that the proposed child support order will be entered as a final and binding default order unless one of the parties requests a conference under subdivision 3 within 14 days following the date of service of the proposed child support order. The method for requesting the conference shall be stated in the notice. The notice and proposed child support order shall be served

either personally or by certified mail. The public authority shall prepare and retain an affidavit of service. For the purposes of the contested hearing, and notwithstanding any rule to the contrary, the service of the proposed order pursuant to this paragraph shall be deemed to have commenced a civil action and the judge, including an administrative law judge or a referee, shall have jurisdiction over the contested hearing.

(d) If a conference under subdivision 3 is not requested by a party within 14 days after the date of service of the proposed child support order, the public authority may enter the proposed order as the default order. The default order becomes effective 30 days after the date of service of the notice in paragraph (c). The public authority may also prepare and serve a new notice and proposed child support order if new information is subsequently obtained. The default child support order shall be a final order, and shall be served personally or by first-class mail.

(e) The public authority shall file in the district court copies of the notice served on the parties, all relevant documents sent to or received from the parties, proof of service, and the proposed child support order. The order is effective upon the signature by the court and is retroactive to the date of signature by the public authority.

(f) If a party requests an administrative review, and the public authority denies the request, the public authority shall issue a summary order which denies the request for relief, states the reasons for the denial, and notifies the person of the right to commence an action for relief. If the party commences an action within 30 days from the public authority's denial and the party's action results in a modification of a child support order, the modification may be retroactive to the date the written request was received by the public authority.

Subd. 3. [ADMINISTRATIVE CONFERENCE.] (a) If a party requests a conference within 14 days of the date of service of the proposed order, the public authority shall schedule a conference, and shall serve written notice of the date, time, and place of the conference on the parties.

(b) The purpose of the conference is to review all available information and seek an agreement to enter a consent child support order. The notice shall state the purpose of the conference, and that the proposed child support order will be entered as a final and binding default order if the requesting party fails to appear at the conference. The notice shall be served on the parties by first-class mail at their last known addresses, and the method of service shall be documented in the public authority file.

(c) A party alleging domestic abuse by the other party shall not be required to participate in a conference. In such a case, the public authority shall meet separately with the parties in order to determine whether an agreement can be reached.

(d) If the party requesting the conference does not appear and fails to provide a reasonable excuse, the public authority may enter a default child support order through the uncontested administrative process.

(e) If the parties appear at the conference, the public authority may seek agreement of the parties to the entry of a consent child support order which establishes child support in accordance with applicable law. The public authority shall advise the parties that if a consent order is not entered, the

matter will be scheduled for a hearing before an administrative law judge, or a district court judge or referee, and that the public authority will seek the establishment of child support at the hearing in accordance with the highest amount permitted under section 518.551, subdivision 5. The public authority shall schedule the matter before an administrative law judge, district court judge, or referee.

(f) If an agreement is reached by the parties at the conference, a consent child support order shall be prepared by the public authority, and shall be signed by the parties. All consent and default orders shall be signed by the public authority and shall be submitted to an administrative law judge or the district court for countersignature. The consent order shall be served on the parties either personally or by first-class mail, and shall be filed in district court, along with an affidavit of service.

Subd. 4. [CONTESTED ADMINISTRATIVE PROCEEDING.] (a) The commissioner of human services is authorized to designate counties that are not in compliance with federal child support guidelines to use contested administrative proceedings. The contested administrative hearing process may also be initiated upon request of a county board. The administrative hearing process shall be implemented in counties designated by the commissioner.

(b) Nothing contained herein shall prevent a party, upon timely notice to the public authority, from bringing a motion for the establishment, modification, or enforcement of child support or maintenance orders in district court if additional issues involving domestic abuse, establishment or modification of custody or visitation, or property issues, or other issues outside the jurisdiction of the administrative process, are part of the motion or action, or if a motion or action brought by another party containing one or more of these issues is pending in district court. The matter may be decided in district court if the public authority is a party or provides services to a party if a motion for child support is pending in court.

(c) Contested proceedings commenced by the public authority or in which the public authority is a party, shall be heard by an administrative hearing officer in the following cases:

- (1) establishing, modifying, or enforcing child support;*
- (2) establishing, modifying, or enforcing medical support;*
- (3) modifying maintenance, if combined with child support or medical support issues; or*
- (4) adjudicating uncontested parentage.*

(d) The following proceedings may not be heard in a contested administrative process:

- (1) adjudication of contested parentage;*
- (2) motions to set aside a paternity adjudication, declaration, or recognition of parentage;*
- (3) evidentiary hearing on contempt motions; or*
- (4) motions to sentence or to revoke the stay of a jail sentence in contempt proceedings.*

(e) An administrative law judge may approve a stipulation reached on a contempt motion brought by the public authority. Any stipulation that involves a finding of contempt and a jail sentence, whether stayed or imposed, shall require the review and signature of a district court judge.

(f) For the purpose of this process, all powers, duties, and responsibilities conferred on judges of the district court to obtain and enforce child and medical support and maintenance obligations, subject to the limitation set forth herein, are conferred on the administrative law judge conducting the proceedings, including the power to issue subpoenas for the production of documents, to issue orders to show cause, and to issue bench warrants for failure to appear.

(g) Before implementing the process in a county, the chief administrative law judge, the commissioner of human services, the director of the county human services agency, the county attorney, the county court administrator, and the county sheriff shall jointly establish procedures, and the county shall provide hearing facilities for implementing this process in the county. A contested administrative hearing shall be conducted in a courtroom, if one is available, or a conference or meeting room with at least two exits and of sufficient size to permit adequate physical separation of the parties. Security personnel shall either be present during the administrative hearings, or be available to respond to a request for emergency assistance.

(h) The contested administrative hearings shall be conducted under the rules of the office of administrative hearings, Minnesota Rules, parts 1400.7100 to 1400.7500, 1400.7700, and 1400.7800, as adopted by the chief administrative law judge. Other aspects of the case, including, but not limited to, pleadings, discovery, and motions, shall be conducted under the rules of family court, the rules of civil procedure, and chapter 518.

(i) Pursuant to a contested administrative hearing, the administrative law judge shall make findings of fact, conclusions, and a final decision and issue an order. Orders issued by an administrative law judge are enforceable by the contempt powers of the district courts.

(j) The decision and order of the administrative law judge is appealable to the court of appeals in the same manner as a decision of the district court.

Subd. 5. [NONATTORNEY AUTHORITY.] Nonattorney employees of the public authority responsible for child support may prepare, sign, serve, and file complaints, motions, notices, and proposed orders for obtaining, modifying, or enforcing child and medical support orders, maintenance orders, orders establishing paternity, and related documents. The nonattorney may also conduct prehearing conferences, and participate in proceedings before an administrative law judge. This activity shall not be considered to be the unauthorized practice of law. After the commencement of the administrative process, the public authority and the administrative law judge shall each have the authority to issue subpoenas for the production of documents.

Subd. 6. [PUBLIC AUTHORITY LEGAL ADVISOR.] At all stages of the administrative process prior to the contested hearing, the county attorney, or other attorney under contract, shall act as the legal advisor for the public authority, but shall not play an active role in the review of information and the preparation of default and consent orders.

Subd. 7. [COSTS ASSOCIATED WITH THE ADMINISTRATIVE PROCESS.] The commissioner of human services shall distribute money for this purpose to counties to cover the costs of the administrative process, including the salaries of administrative law judges. If available appropriations are insufficient to cover the costs, the commissioner shall prorate the amount among the counties.

Subd. 8. [TRAINING AND RESTRUCTURING.] The commissioner of human services shall provide training to child support officers and other employees of the public authority involved in the administrative process. The commissioner of human services shall prepare simple and easy to understand forms for all notices and orders prescribed in this subdivision, and the public authority shall use them. The commissioner of human services, in consultation with the commissioner's advisory committee for child support enforcement, shall continue to develop and implement a plan to restructure the administrative process, specifically the contested hearings.

Sec. 2. [INSTRUCTION TO REVISOR.]

In the next edition of Minnesota Statutes, the revisor of statutes shall delete the term "518.551, subdivision 10" and replace it with "518.5511" where it appears in Minnesota Statutes, sections 357.021, subdivision 1a, and 518C.05.

Sec. 3. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10, is repealed.

Sec. 4. [EFFECTIVE DATE.]

This article is effective July 1, 1994.

ARTICLE 2

CHILD SUPPORT ADMINISTRATION AND ENFORCEMENT

Section 1. [8.40] [PUBLIC EDUCATION CAMPAIGN.]

The attorney general shall establish a public service campaign designed to educate the public about the necessity of the payment of child support to the well-being of the state's children and taxpayers. The campaign may include public service announcements for broadcast through television, radio, and billboard media.

Sec. 2. Minnesota Statutes 1993 Supplement, section 13.46, subdivision 2, is amended to read:

Subd. 2. [GENERAL.] (a) Unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data on individuals, and shall not be disclosed except:

- (1) pursuant to section 13.05;
- (2) pursuant to court order;
- (3) pursuant to a statute specifically authorizing access to the private data;

(4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;

(5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;

(6) to administer federal funds or programs;

(7) between personnel of the welfare system working in the same program;

(8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names and social security numbers, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, and the income tax;

(9) to the Minnesota department of jobs and training for the purpose of monitoring the eligibility of the data subject for unemployment compensation, for any employment or training program administered, supervised, or certified by that agency, or for the purpose of administering any rehabilitation program, whether alone or in conjunction with the welfare system, and to verify receipt of energy assistance for the telephone assistance plan;

(10) to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the individual or other individuals or persons;

(11) data maintained by residential facilities as defined in section 245A.02 may be disclosed to the protection and advocacy system established in this state pursuant to Part C of Public Law Number 98-527 to protect the legal and human rights of persons with mental retardation or other related conditions who live in residential facilities for these persons if the protection and advocacy system receives a complaint by or on behalf of that person and the person does not have a legal guardian or the state or a designee of the state is the legal guardian of the person;

(12) to the county medical examiner or the county coroner for identifying or locating relatives or friends of a deceased person;

(13) data on a child support obligor who makes payments to the public agency may be disclosed to the higher education coordinating board to the extent necessary to determine eligibility under section 136A.121, subdivision 2, clause (5);

(14) participant social security numbers and names collected by the telephone assistance program may be disclosed to the department of revenue to conduct an electronic data match with the property tax refund database to determine eligibility under section 237.70, subdivision 4a;

(15) the current address of a recipient of aid to families with dependent children, medical assistance, general assistance, work readiness, or general assistance medical care may be disclosed to law enforcement officers who provide the name and social security number of the recipient and satisfactorily demonstrate that: (i) the recipient is a fugitive felon, including the grounds for this determination; (ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and (iii) the request is made in writing and in the proper exercise of those duties; or

(16) information obtained from food stamp applicant or recipient households may be disclosed to local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the food stamp act, in accordance with Code of Federal Regulations, title 7, section 272.1(c); or

(17) data on a child support obligor who is in arrears may be disclosed for purposes of publishing the data pursuant to section 518.575.

(b) Information on persons who have been treated for drug or alcohol abuse may only be disclosed in accordance with the requirements of Code of Federal Regulations, title 42, sections 2.1 to 2.67.

(c) Data provided to law enforcement agencies under paragraph (a), clause (15) or (16); or (b) are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

(d) Mental health data shall be treated as provided in subdivisions 7, 8, and 9, but is not subject to the access provisions of subdivision 10, paragraph (b).

Sec. 3. Minnesota Statutes 1993 Supplement, section 256.87, subdivision 5, is amended to read:

Subd. 5. [CHILD NOT RECEIVING ASSISTANCE.] A person or entity having physical and legal custody of a dependent child not receiving assistance under sections 256.72 to 256.87 has a cause of action for child support against the child's absent parents. ~~Upon an order to show cause and a motion served on the absent parent,~~ The court shall order child support payments from the absent parent under chapter 518. *This subdivision applies only if the person has custody with the consent of a custodial parent or approval of the court.*

Sec. 4. Minnesota Statutes 1993 Supplement, section 518.14, is amended to read:

518.14 [COSTS AND DISBURSEMENTS AND; ATTORNEY FEES; COLLECTION COSTS.]

Subdivision 1. [GENERAL.] Except as provided in subdivision 2, in a proceeding under this chapter, the court shall award attorney fees, costs, and disbursements in an amount necessary to enable a party to carry on or contest the proceeding, provided it finds:

(1) that the fees are necessary for the good-faith assertion of the party's rights in the proceeding and will not contribute unnecessarily to the length and expense of the proceeding;

(2) that the party from whom fees, costs, and disbursements are sought has the means to pay them; and

(3) that the party to whom fees, costs, and disbursements are awarded does not have the means to pay them.

Nothing in this section precludes the court from awarding, in its discretion, additional fees, costs, and disbursements against a party who unreasonably contributes to the length or expense of the proceeding. Fees, costs, and disbursements provided for in this section may be awarded at any point in the

proceeding, including a modification proceeding under sections 518.18 and 518.64. The court may adjudge costs and disbursements against either party. The court may authorize the collection of money awarded by execution, or out of property sequestered, or in any other manner within the power of the court. An award of attorney's fees made by the court during the pendency of the proceeding or in the final judgment survives the proceeding and if not paid by the party directed to pay the same may be enforced as above provided or by a separate civil action brought in the attorney's own name. If the proceeding is dismissed or abandoned prior to determination and award of attorney's fees, the court may nevertheless award attorney's fees upon the attorney's motion. The award shall also survive the proceeding and may be enforced in the same manner as last above provided.

Subd. 2. [ENFORCEMENT OF CHILD SUPPORT.] (a) A child support obligee is entitled to recover from the obligor reasonable attorney fees and other collection costs incurred to enforce a child support judgment, as provided in this subdivision. Written notice must be provided by any obligee contracting with an attorney or collection entity to enforce a child support judgment to the public authority responsible for child support enforcement, if the public authority is a party or provides services to a party, within five days of signing a contract for services and within five days of receipting any payments received on a child support judgment. Attorney fees and collection costs obtained under this subdivision are considered child support and entitled to the applicable remedies for collection and enforcement of child support. The obligee shall serve notice of the obligee's intent to recover attorney fees and collections costs by certified or registered mail on the obligor at the obligor's last known address. The notice must include an itemization of the attorney fees and collection costs being sought by the obligee and inform the obligor that the fees and costs will become an additional judgment for child support unless the obligor requests a hearing on the reasonableness of the fees and costs within 20 days of mailing of the notice.

(b) If the obligor requests a hearing, the only issue to be determined by the court is whether the attorney fees or collection costs were reasonably incurred by the obligee for the enforcement of a child support judgment against the obligor. The fees and costs may be based on an hourly rate, or on a percentage of the child support arrearages not to exceed 30 percent. The court may modify the amount of attorney fees and costs as appropriate and shall enter judgment accordingly.

(c) If the obligor fails to request a hearing within 20 days of mailing of the notice under paragraph (a), the amount of the attorney fees or collection costs requested by the obligee in the notice automatically becomes an additional judgment for child support.

(d) The commissioner of human services shall prepare and make available to the court and the parties forms for use in providing for notice and requesting a hearing under this subdivision. The rulemaking provisions of chapter 14 do not apply to the forms.

Sec. 5. Minnesota Statutes 1993 Supplement, section 518.171, subdivision 1, is amended to read:

Subdivision 1. [ORDER.] (a) Every child support order must expressly assign or reserve the responsibility for maintaining medical insurance for the minor children and the division of uninsured medical and dental costs. The

court shall order the party with the better group dependent health and dental insurance coverage or health insurance plan to name the minor child as beneficiary on any health and dental insurance plan that is comparable to or better than a number two qualified plan and available to the party on:

(i) a group basis; or

(ii) through an employer or union; or

(iii) through a group health plan governed under the ERISA and included within the definitions relating to health plans found in section 62A.011, 62A.048, or 62E.06, subdivision 2.

"Health insurance" or "health insurance coverage" as used in this section means coverage that is comparable to or better than a number two qualified plan as defined in section 62E.06, subdivision 2. "Health insurance" or "health insurance coverage" as used in this section does not include medical assistance provided under chapter 256, 256B, or 256D.

(b) If the court finds that dependent health or dental insurance is not available to the obligor or obligee on a group basis or through an employer or union, or that the group insurer insurance is not accessible to the obligee, the court may require the obligor (1) to obtain other dependent health or dental insurance, (2) to be liable for reasonable and necessary medical or dental expenses of the child, or (3) to pay no less than \$50 per month to be applied to the medical and dental expenses of the children or to the cost of health insurance dependent coverage.

(c) If the court finds that the available dependent health or dental insurance does not pay all the reasonable and necessary medical or dental expenses of the child, including any existing or anticipated extraordinary medical expenses, and the court finds that the obligor has the financial ability to contribute to the payment of these medical or dental expenses, the court shall require the obligor to be liable for all or a portion of the medical or dental expenses of the child not covered by the required health or dental plan. Medical and dental expenses include, but are not limited to, necessary orthodontia and eye care, including prescription lenses.

(d) If the obligor is employed by a self-insured employer subject only to the federal Employee Retirement Income Security Act (ERISA) of 1974, and the insurance benefit plan meets the above requirements, the court shall order the obligor to enroll the dependents within 30 days of the court order effective date or be liable for all medical and dental expenses occurring while coverage is not in effect. If enrollment in the ERISA plan is precluded by exclusionary clauses, the court shall order the obligor to obtain other coverage or make payments as provided in paragraph (b) or (e).

(e) Unless otherwise agreed by the parties and approved by the court, if the court finds that the obligee is not receiving public assistance for the child and has the financial ability to contribute to the cost of medical and dental expenses for the child, including the cost of insurance, the court shall order the obligee and obligor to each assume a portion of these expenses based on their proportionate share of their total net income as defined in section 518.54, subdivision 6.

(f) (e) Payments ordered under this section are subject to section 518.611.

Sec. 6. Minnesota Statutes 1993 Supplement, section 518.171, subdivision 6, is amended to read:

(b) The ~~insurer~~ *health or dental insurance plan* shall send copies of all correspondence regarding the insurance coverage to both parents. When an order for dependent insurance coverage is in effect and the obligor's employment is terminated, or the insurance coverage is terminated, the ~~insurer~~ *health or dental insurance plan* shall notify the obligee within ten days of the termination date with notice of conversion privileges.

Sec. 7. Minnesota Statutes 1993 Supplement, section 518.551, subdivision 5, is amended to read:

Subd. 5. [NOTICE TO PUBLIC AUTHORITY; GUIDELINES.] (a) The petitioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving aid to families with dependent children or applies for it subsequent to the commencement of the proceeding. The notice must contain the full names of the parties to the proceeding, their social security account numbers, and their birth dates. After receipt of the notice, the court shall set child support as provided in this subdivision. The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support, without regard to marital misconduct. The court shall approve a child support stipulation of the parties if each party is represented by independent counsel, unless the stipulation does not meet the conditions of paragraph (i). In other cases the court shall determine and order child support in a specific dollar amount in accordance with the guidelines and the other factors set forth in paragraph (b) and any departure therefrom. The court may also order the obligor to pay child support in the form of a percentage share of the obligor's net bonuses, commissions, or other forms of compensation, in addition to, or if the obligor receives no base pay, in lieu of, an order for a specific dollar amount.

(b) The court shall derive a specific dollar amount for child support by multiplying the obligor's net income by the percentage indicated by the following guidelines:

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
\$550 and Below	Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.						

\$551 - 600	16%	19%	22%	25%	28%	30%	32%
\$601 - 650	17%	21%	24%	27%	29%	32%	34%
\$651 - 700	18%	22%	25%	28%	31%	34%	36%
\$701 - 750	19%	23%	27%	30%	33%	36%	38%
\$751 - 800	20%	24%	28%	31%	35%	38%	40%
\$801 - 850	21%	25%	29%	33%	36%	40%	42%
\$851 - 900	22%	27%	31%	34%	38%	41%	44%
\$901 - 950	23%	28%	32%	36%	40%	43%	46%
\$951 - 1000	24%	29%	34%	38%	41%	45%	48%
\$1001- 5000	25%	30%	35%	39%	43%	47%	50%

or the amount
in effect under
paragraph (k)

Guidelines for support for an obligor with a monthly income in excess of the income limit currently in effect under paragraph (k) shall be the same dollar amounts as provided for in the guidelines for an obligor with a monthly income equal to the limit in effect.

Net Income defined as:

Total monthly
income less

- *(i) Federal Income Tax
- *(ii) State Income Tax
- (iii) Social Security Deductions
- (iv) Reasonable Pension Deductions

*Standard
Deductions apply-
use of tax tables
recommended

- (v) Union Dues
- (vi) Cost of Dependent Health Insurance Coverage
- (vii) Cost of Individual or Group Health/Hospitalization Coverage or an Amount for Actual Medical Expenses
- (viii) A Child Support or Maintenance Order that is Currently Being Paid.

“Net income” does not include:

(1) the income of the obligor's spouse, but does include in-kind payments received by the obligor in the course of employment, self-employment, or operation of a business if the payments reduce the obligor's living expenses; or

(2) compensation received by a party for employment in excess of a 40-hour work week, provided that:

(i) support is nonetheless ordered in an amount at least equal to the guidelines amount based on income not excluded under this clause; and

(ii) the party demonstrates, and the court finds, that:

(A) the excess employment began after the filing of the petition for dissolution;

(B) the excess employment reflects an increase in the work schedule or hours worked over that of the two years immediately preceding the filing of the petition;

(C) the excess employment is voluntary and not a condition of employment;

(D) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(E) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

The court shall review the work-related and education-related child care costs of the custodial parent paid and shall allocate the costs to each parent in proportion to each parent's income after the transfer of child support and spousal maintenance, unless the allocation would be substantially unfair to either parent. The cost of child care for purposes of this section paragraph is determined by subtracting the amount of any federal and state income tax credits available to a parent from 75 percent of the actual cost paid for child care, to reflect the approximate value of state and federal tax credits available to the custodial parent. The amount allocated for child care expenses is considered child support but is not subject to a cost-of-living adjustment under section 518.641. The amount allocated for child care expenses terminates when the child care costs end. The court may allow the noncustodial parent to care for the child while the custodial parent is working if this arrangement is reasonable and in the best interests of the child.

(c) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support or in determining whether to deviate from the guidelines:

(1) all earnings, income, and resources of the parents, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of paragraph (b), clause (2)(ii);

(2) the financial needs and resources, physical and emotional condition, and educational needs of the child or children to be supported;

(3) the standards of living the child would have enjoyed had the marriage not been dissolved, but recognizing that the parents now have separate households;

(4) which parent receives the income taxation dependency exemption and what financial benefit the parent receives from it;

(5) the parents' debts as provided in paragraph (d); and

(6) the obligor's receipt of assistance under sections 256.72 to 256.87 or 256B.01 to 256B.40.

(d) In establishing or modifying a support obligation, the court may consider debts owed to private creditors, but only if:

(1) the right to support has not been assigned under section 256.74;

(2) the court determines that the debt was reasonably incurred for necessary support of the child or parent or for the necessary generation of income. If the debt was incurred for the necessary generation of income, the court shall consider only the amount of debt that is essential to the continuing generation of income; and

(3) the party requesting a departure produces a sworn schedule of the debts, with supporting documentation, showing goods or services purchased, the recipient of them, the amount of the original debt, the outstanding balance, the monthly payment, and the number of months until the debt will be fully paid.

(e) Any schedule prepared under paragraph (d), clause (3), shall contain a statement that the debt will be fully paid after the number of months shown in the schedule, barring emergencies beyond the party's control.

(f) Any further departure below the guidelines that is based on a consideration of debts owed to private creditors shall not exceed 18 months in duration, after which the support shall increase automatically to the level ordered by the court. Nothing in this section shall be construed to prohibit one or more step increases in support to reflect debt retirement during the 18-month period.

(g) If payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

(h) Nothing shall preclude the court from receiving evidence on the above factors to determine if the guidelines should be exceeded or modified in a particular case.

(i) The guidelines in this subdivision are a rebuttable presumption and shall be used in all cases when establishing or modifying child support. If the court does not deviate from the guidelines, the court shall make written findings concerning the amount of the obligor's income used as the basis for the guidelines calculation and any other significant evidentiary factors affecting the determination of child support. If the court deviates from the guidelines, the court shall make written findings giving the amount of support calculated under the guidelines, the reasons for the deviation, and shall specifically address the criteria in paragraph (b) and how the deviation serves the best interest of the child. The provisions of this paragraph apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines and the court is not required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b.

(j) If the child support payments are assigned to the public agency under section 256.74, the court may not deviate downward from the child support guidelines unless the court specifically finds that the failure to deviate downward would impose an extreme hardship on the obligor.

(k) The dollar amount of the income limit for application of the guidelines must be adjusted on July 1 of every even-numbered year to reflect cost-of-living changes. The supreme court shall select the index for the adjustment from the indices listed in section 518.641. The state court administrator shall make the changes in the dollar amount required by this paragraph available to courts and the public on or before April 30 of the year in which the amount is to change.

Sec. 8. [518.575] [PUBLICATION OF NAMES OF DELINQUENT CHILD SUPPORT OBLIGORS.]

Once each quarter the department of human services shall publish at government bid rates in the newspaper of widest circulation in each county a list of name and last known address of each person who (1) is a child support

obligor, (2) resides in the county, (3) is at least \$3,000 in arrears, and (4) has made only partial child support payments that total less than 25 percent of the amount of child support owed for the last 12 months including any payments made through the interception of federal or state taxes. An obligor's name may not be published if the obligor claims in writing, and the department of human services determines, there is good cause for the nonpayment of child support. The list must be based on the best information available to the state at the time of publication.

Before publishing the name of the obligor, the department of human services shall send a notice to the obligor's last known address which states the department's intention to publish the obligor's name and the amount of child support the obligor owes. The notice must also provide an opportunity to have the obligor's name removed from the list by paying the arrearage or by entering into an agreement to pay the arrearage, and the final date when the payment or agreement can be accepted.

Sec. 9. Minnesota Statutes 1993 Supplement, section 518.64, subdivision 2, is amended to read:

Subd. 2. [MODIFICATION.] (a) The terms of an order respecting maintenance or support may be modified upon a showing of one or more of the following: (1) substantially increased or decreased earnings of a party; (2) substantially increased or decreased need of a party or the child or children that are the subject of these proceedings; (3) receipt of assistance under sections 256.72 to 256.87 or 256B.01 to 256B.40; (4) a change in the cost of living for either party as measured by the federal bureau of statistics, any of which makes the terms unreasonable and unfair; (5) extraordinary medical expenses of the child not provided for under section 518.171; or (6) the addition ~~or elimination~~ of work-related or education-related child care expenses of the obligee or a substantial increase or decrease in existing work-related or education-related child care expenses.

It is presumed that there has been a substantial change in circumstances under clause (1), (2), or (4) and the terms of a current support order shall be rebuttably presumed to be unreasonable and unfair if the application of the child support guidelines in section 518.551, subdivision 5, to the current circumstances of the parties results in a calculated court order that is at least 20 percent and at least \$50 per month higher or lower than the current support order.

(b) On a motion for modification of maintenance, including a motion for the extension of the duration of a maintenance award, the court shall apply, in addition to all other relevant factors, the factors for an award of maintenance under section 518.552 that exist at the time of the motion. On a motion for modification of support, the court:

(1) shall apply section 518.551, subdivision 5, and shall not consider the financial circumstances of each party's spouse, if any; and

(2) shall not consider compensation received by a party for employment in excess of a 40-hour work week, provided that the party demonstrates, and the court finds, that:

- (i) the excess employment began after entry of the existing support order;
- (ii) the excess employment is voluntary and not a condition of employment;

(iii) the excess employment is in the nature of additional, part-time employment, or overtime employment compensable by the hour or fractions of an hour;

(iv) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation;

(v) in the case of an obligor, current child support payments are at least equal to the guidelines amount based on income not excluded under this clause; and

(vi) in the case of an obligor who is in arrears in child support payments to the obligee, any net income from excess employment must be used to pay the arrearages until the arrearages are paid in full.

(c) A modification of support or maintenance may be made retroactive only with respect to any period during which the petitioning party has pending a motion for modification but only from the date of service of notice of the motion on the responding party and on the public authority if public assistance is being furnished or the county attorney is the attorney of record. However, modification may be applied to an earlier period if the court makes express findings that the party seeking modification was precluded from serving a motion by reason of a significant physical or mental disability, a material misrepresentation of another party, or fraud upon the court and that the party seeking modification, when no longer precluded, promptly served a motion.

(d) Except for an award of the right of occupancy of the homestead, provided in section 518.63, all divisions of real and personal property provided by section 518.58 shall be final, and may be revoked or modified only where the court finds the existence of conditions that justify reopening a judgment under the laws of this state, including motions under section 518.145, subdivision 2. The court may impose a lien or charge on the divided property at any time while the property, or subsequently acquired property, is owned by the parties or either of them, for the payment of maintenance or support money, or may sequester the property as is provided by section 518.24.

(e) The court need not hold an evidentiary hearing on a motion for modification of maintenance or support.

(f) Section 518.14 shall govern the award of attorney fees for motions brought under this subdivision.

Sec. 10. Minnesota Statutes 1993 Supplement, section 518.68, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] Every court order for or judgment and decree that provides for child support, spousal maintenance, custody, or visitation must contain certain notices as set out in subdivision 2. The information in the notices must be concisely stated in plain language. The notices must be in clearly legible print, but may not exceed two pages. An order or judgment and decree without the notice remains subject to all statutes. The court may waive all or part of the notice required under subdivision 2 relating to parental rights under section 518.17, subdivision 3, if it finds it is necessary to protect the welfare of a party or child.

Sec. 11. Minnesota Statutes 1993 Supplement, section 518.68, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] The required notices must be substantially as follows:

IMPORTANT NOTICE

1. PAYMENTS TO PUBLIC AGENCY

Pursuant to Minnesota Statutes, section 518.551, subdivision 1, payments ordered for maintenance and support must be paid to the public agency responsible for child support enforcement as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. MAIL PAYMENTS TO:

2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS—A FELONY

A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or visitation rights), pursuant to Minnesota Statutes, section 609.26. A copy of that section is available from any district court clerk.

3. RULES OF SUPPORT, MAINTENANCE, VISITATION

(a) Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.

(b) Payment of support must be made as it becomes due, and failure to secure or denial of rights of visitation is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.

(c) *Nonpayment of support is not grounds to deny visitation. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.*

(d) The payment of support or spousal maintenance takes priority over payment of debts and other obligations.

~~(d)~~ (e) A party who remarries after dissolution and accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.

~~(e)~~ (f) Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.

(g) *If there is a layoff or a pay reduction, support stays at the same level until modified by the court. The court is not permitted to reduce support retroactively, except as provided in Minnesota Statutes, section 518.64, subdivision 2, paragraph (c).*

4. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3

Unless otherwise provided by the Court:

(a) Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

(b) Each party shall keep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.

(c) In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.

(d) Each party has the right of reasonable access and telephone contact with the minor children.

5. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, sections 518.611 and 518.613, have been met. A copy of those sections is available from any district court clerk.

6. CHANGE OF ADDRESS OR RESIDENCE

Unless otherwise ordered, the person responsible to make support or maintenance payments shall notify the person entitled to receive the payment and the public authority responsible for collection, if applicable, of a change of address or residence within 60 days of the address or residence change.

7. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using Department of Labor Consumer Price Index; unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518.641, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518.641, and forms necessary to request or contest a cost of living increase are available from any district court clerk.

8. JUDGMENTS FOR UNPAID SUPPORT

If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment **WITHOUT NOTICE** to the person responsible to make the payment under Minnesota Statutes, section 548.091. *Interest*

begins to accrue on a payment or installment of child support whenever the unpaid amount due is greater than the current support due, pursuant to Minnesota Statutes, section 548.091, subdivision 1a.

9. JUDGMENTS FOR UNPAID MAINTENANCE

A judgment for unpaid spousal maintenance may be entered when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any district court clerk.

10. MEDICAL INSURANCE AND EXPENSES

~~The person responsible to pay support and the person's employer or union are ordered to provide medical and dental insurance and pay for uncovered expenses under the conditions of Minnesota Statutes, section 518.171, unless otherwise provided in this order or the statute. A copy of this statute is available from any district court clerk.~~

10. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT

A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of section 518.14, subdivision 2, are met. A copy of section 518.14 and forms necessary to request or contest these attorney fees and collection costs are available from any district court clerk.

Sec. 12. Minnesota Statutes 1993 Supplement, section 518.68, subdivision 3, is amended to read:

Subd. 3. [COPIES OF LAW AND FORMS.] The district court administrator shall make available at no charge copies of sections 518.14, 518.17, 518.611, 518.613, 518.641, 548.091, and 609.26, and shall provide forms to request or contest *attorney fees and collection costs* or a cost-of-living increase under section 518.14, subdivision 2, or 518.641.

Sec. 13. Minnesota Statutes 1992, section 548.091, subdivision 2a, is amended to read:

Subd. 2a. [DOCKETING OF CHILD SUPPORT JUDGMENT.] On or after the date an unpaid amount becomes a judgment by operation of law under subdivision 1a, the obligee or the public authority may file with the court administrator:

(1) a statement identifying, or a copy of, the judgment or decree of dissolution or legal separation, determination of parentage, order under chapter 518C, an order under section 256.87, or an order under section 260.251, which provides for installment or periodic payments of child support, *or a judgment or notice of attorney fees and collection costs under section 518.14, subdivision 2;*

(2) an affidavit of default. The affidavit of default must state the full name, occupation, place of residence, and last known post office address of the obligor, the name and post office address of the obligee, the date or dates payment was due and not received and judgment was obtained by operation of law, and the total amount of the judgments; and

(3) an affidavit of service of a notice of entry of judgment or notice of intent to recover attorney fees and collection costs on the obligor, in person or by mail at the obligor's last known post office address. Service is completed upon mailing in the manner designated.

Sec. 14. [MINNESOTA CHILD SUPPORT ASSURANCE PROGRAM.]

Subdivision 1. [AUTHORIZATION TO DESIGN DEMONSTRATION.] The commissioner of human services, in consultation with the commissioners of education, finance, jobs and training, health, and planning, the director of the higher education coordinating board, and the attorney general, is authorized to proceed with planning and designing the Minnesota child support assurance program. The plan and design shall include an assessment of the feasibility of the state guaranteeing a minimum level of support from a noncustodial parent and shall further provide that the state will provide that level of support to the child in instances where it is not provided by the child's noncustodial parent. The program plan shall specifically provide that any benefits received by a family under the Minnesota child support assurance program will reduce benefits paid to the family through the aid to families with dependent children program on a dollar-for-dollar basis. The program plan shall also provide that the receipt of child support assurance benefits does not negatively affect any existing eligibility for child care assistance under existing programs.

Subd. 2. [GOALS OF THE MINNESOTA CHILD SUPPORT ASSURANCE PROGRAM.] The commissioner shall design the program to meet the following goals:

(1) to support parents in their efforts to provide financial support for their children;

(2) to encourage parents to meet their legal obligations of support;

(3) to prevent long-term dependence on public assistance; and

(4) to allow the state to compare the cost-effectiveness and the efficacy of child support assurance to the Minnesota family investment program in attempting to restructure the existing system of public assistance.

Subd. 3. [PROGRAM DATA.] As part of planning and designing the Minnesota child support assurance program, the commissioner shall study and make recommendations on:

(1) the amount of the guaranteed child support assurance benefit;

(2) the anticipated reduction in the aid to families with dependent children caseload which should result from the implementation of a child support assurance program;

(3) the anticipated cost of the program on a demonstration basis; and

(4) the selection of counties to serve as field trial or comparison sites based on criteria which will ensure reliable evaluation of the program. This selection shall be made so that an adverse impact on the Minnesota family investment program is avoided.

The commissioner shall report the findings and recommendations to the legislature by January 15, 1995.

Subd. 4. [FEDERAL WAIVERS.] The commissioner shall seek authority from the United States Congress to implement the Minnesota child support assurance project on a demonstration basis. The commissioner shall seek waivers of all applicable federal requirements of United States Code, title 7, section 2011 et seq., and title 42, sections 601 et seq. and 1396 et seq., as needed to implement the Minnesota child support assurance program in a manner consistent with the goals of the program. The commissioner shall seek terms from the federal government that are consistent with the goals of the Minnesota child support assurance program. The commissioner shall also seek terms from the federal government that will maximize federal financial participation so that the extra costs to the state of implementing the program are minimized, to the extent that those terms are consistent with the goals of the Minnesota child support assurance program.

Sec. 15. [REPORT TO LEGISLATURE.]

The department of human services shall report to the legislature in January 1996, in the department of human services annual report to the legislature, the fiscal implications of the program under Minnesota Statutes, section 518.575, including related costs and savings.

Sec. 16. [EFFECTIVE DATE; APPLICATION.]

Sections 2, 8, and 15 are effective January 1, 1995.

Section 4 is effective August 1, 1994, and apply to attorney fees and collection costs incurred on and after that date, regardless of when the arrearages accrued.

Section 6 is effective retroactive to July 1, 1993.

ARTICLE 3

MISCELLANEOUS FAMILY LAW

Section 1. Minnesota Statutes 1992, section 518.11, is amended to read:

518.11 [SERVICE; PUBLICATION.]

(a) Unless a proceeding is brought by both parties, copies of the summons and petition shall be served on the respondent personally.

(b) When service is made out of this state and within the United States, it may be proved by the affidavit of the person making the same. When service is made without the United States it may be proved by the affidavit of the person making the same, taken before and certified by any United States minister, charge d'affaires, commissioner, consul or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in such country, including all deputies or other representatives of such officer authorized to perform their duties; or before an officer authorized to administer an oath with the certificate of an officer of a court of record of the country wherein such affidavit is taken as to the identity and authority of the officer taking the same. But,

(c) If personal service cannot be made, the court may order service of the summons by publication, which publication shall be made as in other actions, alternate means. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the

names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Also, the court may require the petitioner to make efforts to locate the respondent by telephone calls to appropriate persons. Service shall be deemed complete 21 days after mailing or 21 days after court-ordered publication.

Sec. 2. [518.158] [GRANDPARENT EX PARTE TEMPORARY CUSTODY ORDER.]

Subdivision 1. [FACTORS.] The procedure in subdivision 2 applies if a minor child has resided with a grandparent for a period of 12 months or more and the following circumstances exist:

(1) the parent has willfully had no contact with the child on a regular basis and no demonstrated, consistent participation in the child's well-being for six months; or

(2) the parent, during the time the child resided with the grandparent, has willfully refused or neglected to comply with the duties imposed upon the parent by the parent and child relationship, including but not limited to providing the child necessary food, clothing, shelter, health care, education, and other care and control necessary for the child's physical, mental, or emotional health and development.

Subd. 2. [EMERGENCY CUSTODY HEARING.] If the parent seeks to remove the child from the home of the grandparent and the factors in subdivision 1 exist, the grandparent may apply for an ex parte temporary order for custody of the child. The court shall grant temporary custody if it finds, based on the application, that the factors in subdivision 1 exist. An ex parte temporary custody order under this subdivision is good for a fixed period not to exceed 14 days. A temporary custody hearing under this chapter must be set for not later than seven days after issuance of the ex parte temporary custody order. The parent must be promptly served with a copy of the ex parte order and the petition and notice of the date for the hearing.

Subd. 3. [FURTHER PROCEEDINGS.] If the court orders temporary custody to the grandparent under subdivision 2, it shall determine further temporary and permanent custody of the child pursuant to a petition under this chapter and the other standards and procedures of this chapter apply. This section does not affect any rights or remedies available under other law.

Sec. 3. Minnesota Statutes 1992, section 518.17, subdivision 1, is amended to read:

Subdivision 1. [THE BEST INTERESTS OF THE CHILD.] (a) "The best interests of the child" means all relevant factors to be considered and evaluated by the court including:

- (1) the wishes of the child's parent or parents as to custody;
- (2) the reasonable preference of the child, if the court deems the child to be of sufficient age to express preference;
- (3) the child's primary caretaker;
- (4) the intimacy of the relationship between each parent and the child;
- (5) the interaction and interrelationship of the child with a parent or parents, siblings, and any other person who may significantly affect the child's best interests;
- (6) the child's adjustment to home, school, and community;
- (7) the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;
- (8) the permanence, as a family unit, of the existing or proposed custodial home;
- (9) the mental and physical health of all individuals involved; except that a disability, as defined in section 363.01, of a proposed custodian or the child shall not be determinative of the custody of the child, unless the proposed custodial arrangement is not in the best interest of the child;
- (10) the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any;
- (11) the child's cultural background; ~~and~~
- (12) the effect on the child of the actions of an abuser, if related to domestic abuse, as defined in section 518B.01, that has occurred between the parents; ~~and~~
- (13) *the disposition of each parent to encourage and permit contact by the other parent with the child, in order to encourage each parent's ability to maintain a close and continuing relationship with the child.*

The court may not use one factor to the exclusion of all others. The primary caretaker factor may not be used as a presumption in determining the best interests of the child. The court must make detailed findings on each of the factors and explain how the factors led to its conclusions and to the determination of the best interests of the child.

(b) The court shall not consider conduct of a proposed custodian that does not affect the custodian's relationship to the child.

Sec. 4. Minnesota Statutes 1992, section 518B.01, subdivision 8, is amended to read:

Subd. 8. [SERVICE OF ORDER; ALTERNATE SERVICE; PUBLICATION.] (a) *The petition and any order issued under this section shall be personally served upon on the respondent personally.*

(b) When service is made out of this state and in the United States, it may be proved by the affidavit of the person making the service. When service is made outside the United States, it may be proved by the affidavit of the person making the service, taken before and certified by any United States minister, charge d'affaires, commissioner, consul, or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in the other country, including all deputies or other representatives of the officer authorized to perform their duties; or before an office authorized to administer an oath with the certificate of an officer of a court of record of the country in which the affidavit is taken as to the identity and authority of the officer taking the affidavit.

(c) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Also, the court may require the petitioner to make efforts to locate the respondent by telephone calls to appropriate persons. Service shall be deemed complete 21 days after mailing or 21 days after court-ordered publication.

Sec. 5. [EFFECTIVE DATE.]

Section 2 is effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to family law; modifying provisions dealing with the computation, administration, and enforcement of child support; modifying service provisions; providing for certain custody determinations; amending Minnesota Statutes 1992, sections 518.11; 518.17, subdivision 1; 518B.01, subdivision 8; and 548.091, subdivision 2a; Minnesota Statutes 1993 Supplement, sections 13.46, subdivision 2; 256.87, subdivision 5; 518.14; 518.171, subdivisions 1 and 6; 518.551, subdivision 5; 518.64, subdivision 2; and 518.68, subdivisions 1, 2, and 3; proposing coding for new law in Minnesota Statutes, chapters 8; and 518; repealing Minnesota Statutes 1993 Supplement, section 518.551, subdivision 10."

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

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

S.F. No. 2378: A bill for an act relating to corrections; requiring inspection of correctional facilities and lockups at least once every biennium; removing requirement that commissioner of corrections must report inmate board and room waivers to the commissioner of finance; authorizing the commissioner of corrections to impose disciplinary confinement periods comparable to periods in place for inmates sentenced before August 1, 1993; modifying eligibility criteria for the challenge incarceration program; defining the length of phase III of the program; authorizing the commissioner of corrections to limit placement of convicted felons awaiting completion of presentence investigation reports in state correctional facilities; providing for good time reduction of sentences in local correctional facilities; appropriating money received from inmates for payment of correctional services to the use of the commissioner; amending Minnesota Statutes 1992, sections 241.021, subdivision 2; 241.26, subdivision 7; 243.23, subdivision 2; 243.24, subdivision 1; 244.17, subdivision 2; 244.172, subdivision 3; 609.115, subdivision 1; 631.425, subdivision 6; and 642.09; Minnesota Statutes 1993 Supplement, section 241.021, subdivision 1; and 243.18, subdivision 3;

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

Delete everything after the enacting clause and insert:

“ARTICLE 1

Section 1. CRIMINAL JUSTICE; APPROPRIATIONS

The sums shown in the column marked “APPROPRIATIONS” are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this article, to be available for the fiscal years indicated for each purpose. They are added to the appropriations for the fiscal years ending June 30, 1994, and June 30, 1995, in Laws 1993, chapter 146, articles 2 and 3, or another named law.

SUMMARY BY FUND

	1994	1995	TOTAL
General	1,454,000	25,466,000	26,920,000
TOTAL	1,454,000	25,466,000	26,920,000

SUMMARY BY AGENCY

	1994	1995	TOTAL
CORRECTIONS	1,449,000	22,606,000	24,055,000
CORRECTIONS OMBUDSMAN	-0-	67,000	67,000
GAMBLING CONTROL BOARD	5,000	143,000	148,000
HUMAN SERVICES	-0-	50,000	50,000
PUBLIC SAFETY	-0-	500,000	500,000
COUNCIL ON AFFAIRS OF SPANISH-SPEAKING PEOPLE	-0-	50,000	50,000

HEALTH	-0-	150,000	150,000
JOBS AND TRAINING	-0-	300,000	300,000
BOARD OF PUBLIC DEFENSE	-0-	1,600,000	1,600,000

1994

1995

Sec. 2. CRIMINAL JUSTICE; SUPPLEMENTAL APPROPRIATIONS TOTAL

1,454,000

20,416,000

Available for the Year
Ending June 30

1994

1995

Subdivision 1. Corrections

1,449,000

20,206,000

These appropriations are to the commissioner of corrections for the purposes described in this subdivision.

(a) Correctional Institutions

1,449,000

19,906,000

(1) To provide for additional operating expenses associated with the conversion of the Lino Lakes correctional facility to a central adult reception center and expansion of male bed capacity at the facility; and to provide for additional operating expenses associated with expansion of adult male bed capacity at the Faribault correctional facility upon the transfer of buildings from the department of human services to the department of corrections.

1,449,000

14,566,000

Notwithstanding any law to the contrary, the commissioner of human services may transfer any building or buildings on the Faribault regional treatment center campus to the department of corrections upon a determination that the building or buildings are no longer needed for residential treatment services programs.

(2) To provide for special medical care costs for correctional inmates.

-0-

600,000

(3) To fulfill salary obligations.

-0-

4,300,000

(4) To provide residential chemical dependency services at the level of 230 beds.

-0-

440,000

(b) Management Services

-0-

300,000

(1) For grants to programs for juvenile female offenders as described in article 6, section 16.	-0-	100,000
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(2) For domestic abuse advocacy services in judicial assignment districts not currently receiving grants from the department.	-0-	200,000
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Subd. 2. Corrections Ombudsman	-0-	67,000
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Subd. 3. Gambling Control Board	5,000	143,000
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For administering the inspection activities necessary to assure the integrity of pull-tab dispensing devices in the state. These appropriations are contingent on passage of separate legislation authorizing pull-tab dispensing devices.

Sec. 3. OMNIBUS ANTI-CRIME PROVISIONS	-0-	3,450,000
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Subdivision 1. Corrections	-0-	2,400,000
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These appropriations are to the commissioner of corrections for the purposes described in this subdivision.

(a) \$500,000 is for the process of selecting and developing two work and learn sites, as described in article 8, section 2.

(b) \$...... is for increased bed needs.

(c) \$1,000,000 is for probation services statewide.

(d) \$800,000 is for intensive transitional programming as described in article 6, section 15.

(e) \$100,000 is for a grant to the joint community corrections program of Dodge, Fillmore, and Olmsted counties to provide alternative programming for offenders who are presumptive commitments to state prison.

Subd. 2. Human Services	-0-	50,000
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This appropriation is to the commissioner of human services to implement the CHIPS-delinquents intervention demonstration project and prepare the report described in article 8, section 8.

Subd. 3. Public Safety

-0-

500,000

These appropriations are to the commissioner of public safety for the purposes described in this subdivision.

(a) \$150,000 is for the crime information reward fund and \$150,000 is for the witness and victim protection fund, as described in article 4, section 5, subdivisions 1a and 1b.

(b) \$25,000 is for a grant to the Nett Lake community crime and drug prevention program.

(c) \$50,000 is for a grant to the Region Nine development commission for grants to community-based early intervention and prevention projects.

(d) \$25,000 is for the study and report conducted by the chemical abuse and violence prevention council, as described in article 8, section 10. The council may use all or part of this appropriation to hire up to one staff position.

(e) \$100,000 is for the crime victims ombudsman.

Subd. 4. Council on Affairs of Spanish-Speaking People

-0-

50,000

\$50,000 is appropriated from the general fund to the council on the affairs of Spanish-speaking people to interview school district officials, and identify and interview Chicano/Latino student drop-outs and their parents, by population subgroups in selected Minnesota school districts, to identify the causes and factors which lead Chicano/Latino students to leave school before completing the requirements to receive the diploma. The council shall make recommendations to the chairs of the senate crime prevention committee and the house of representatives judiciary committee by January 15, 1995. The council must consult with the state board of education in conducting this study.

Subd. 5. Jobs and Training

-0-

300,000

These appropriations are to the commissioner of jobs and training for the purposes described in this subdivision.

(a) \$250,000 is for summer youth employment, to be used to complement the federal Job Training Partnership Act in order to provide summer youth employment opportunities.

(b) \$50,000 is for a juvenile match, to be used to maximize the federal funds available for juvenile justice programs which target at-risk youth.

Subd. 6. Health -0- 150,000

This appropriation is for the institute for child and adolescent sexual health to conduct pilot projects.

Sec. 4. PUBLIC DEFENSE SERVICES -0- 1,600,000

This appropriation is to the board of public defense for the purposes described in article ..., section ..., subdivision ..., for the period January 1, 1995, to June 30, 1995. This appropriation shall be annualized for the 1996-1997 biennium.

Sec. 5. [UNCODIFIED LANGUAGE.]

All uncodified language contained in this article expires on June 30, 1995, unless a different expiration is explicit.

Sec. 6. [REPEALER.]

Laws 1993, chapter 146, article 2, sections 15 and 18, are repealed.

ARTICLE 2 CRIMINAL PROVISIONS

Section 1. Minnesota Statutes 1992, section 169.89, subdivision 2, is amended to read:

Subd. 2. [PENALTY; JURY TRIAL.] A person charged with a petty misdemeanor is not entitled to a jury trial but shall be tried by a judge without a jury. If convicted, the person is not subject to imprisonment but shall be punished by a fine of not more than ~~\$100~~ \$200.

Sec. 2. Minnesota Statutes 1992, section 171.18, subdivision 1, is amended to read:

Subdivision 1. [OFFENSES.] The commissioner may suspend the license of a driver without preliminary hearing upon a showing by department records or other sufficient evidence that the licensee:

(1) has committed an offense for which mandatory revocation of license is required upon conviction;

(2) has been convicted by a court for violating a provision of chapter 169 or an ordinance regulating traffic and department records show that the

violation contributed in causing an accident resulting in the death or personal injury of another, or serious property damage;

- (3) is an habitually reckless or negligent driver of a motor vehicle;
- (4) is an habitual violator of the traffic laws;
- (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;
- (6) has permitted an unlawful or fraudulent use of the license;
- (7) has committed an offense in another state that, if committed in this state, would be grounds for suspension;
- (8) has committed a violation of section 169.444, subdivision 2, paragraph (a);
- (9) has committed a violation of section 171.22, *except that the commissioner may not suspend a person's driver's license based solely on the fact that the person possessed a fictitious or fraudulently altered Minnesota identification card*;
- (10) has failed to appear in court as provided in section 169.92, subdivision 4; or

(11) has failed to report a medical condition that, if reported, would have resulted in cancellation of driving privileges.

However, an action taken by the commissioner under clause (2) or (5) must conform to the recommendation of the court when made in connection with the prosecution of the licensee.

Sec. 3. Minnesota Statutes 1993 Supplement, section 171.24, is amended to read:

171.24 [VIOLATIONS; DRIVING WITHOUT VALID LICENSE.]

~~(a) Subdivision 1. [DRIVING AFTER SUSPENSION.] Except as otherwise provided in paragraph (c) subdivision 5, any a person whose is guilty of a misdemeanor if:~~

~~(1) the person's driver's license or driving privilege has been canceled, suspended, or revoked and who;~~

~~(2) the person has been given notice of, or reasonably should know of the revocation, suspension, or cancellation,; and who~~

~~(3) the person disobeys such the order by operating anywhere in this state any motor vehicle, the operation of which requires a driver's license, while such the person's license or privilege is canceled, suspended, or revoked is guilty of a misdemeanor.~~

~~(b) Subd. 2. [DRIVING AFTER REVOCATION.] A person is guilty of a misdemeanor if:~~

~~(1) the person's driver's license or driving privilege has been revoked;~~

~~(2) the person has been given notice of or reasonably should know of the revocation; and~~

(3) *the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is revoked.*

Subd. 3. [DRIVING AFTER CANCELLATION.] A person is guilty of a misdemeanor if:

(1) *the person's driver's license or driving privilege has been canceled;*

(2) *the person has been given notice of or reasonably should know of the cancellation; and*

(3) *the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license, while the person's license or privilege is canceled.*

Subd. 4. [DRIVING AFTER DISQUALIFICATION.] ~~Any~~ A person ~~who~~ is guilty of a misdemeanor if the person:

(1) *has been disqualified from holding a commercial driver's license or been denied the privilege to operate a commercial motor vehicle; who;*

(2) *has been given notice of or reasonably should know of the disqualification; and who*

(3) *disobeys the order by operating in this state a commercial motor vehicle while the person is disqualified to hold the license or privilege; is guilty of a misdemeanor.*

~~(e)~~ Subd. 5. [GROSS MISDEMEANOR.] A person is guilty of a gross misdemeanor if:

(1) *the person's driver's license or driving ~~privileges~~ privilege has been canceled or denied under section 171.04, subdivision 1, clause (8); and;*

(2) *the person has been given notice of or reasonably should know of the cancellation or denial; and*

~~(2)~~ (3) *the person disobeys the order by operating in this state any motor vehicle, the operation of which requires a driver's license; while the person's license or privilege is canceled or denied.*

Subd. 6. [SUFFICIENCY OF NOTICE.] (a) Notice of revocation, suspension, cancellation, or disqualification is sufficient if personally served, or if mailed by first class mail to the person's last known address or to the address listed on the person's driver's license. Notice is also sufficient if the person was informed that revocation, suspension, cancellation, or disqualification would be imposed upon a condition occurring or failing to occur, and where the condition has in fact occurred or failed to occur.

(b) It is not a defense that a person failed to file a change of address with the post office, or failed to notify the department of public safety of a change of name or address as required under section 171.11.

Sec. 4. Minnesota Statutes 1992, section 219.383, subdivision 4, is amended to read:

Subd. 4. [PENALTY.] A railway corporation violating this section is guilty of a misdemeanor and upon conviction is liable for a fine of ~~not less than \$25 nor more than \$200~~ \$700.

Sec. 5. Minnesota Statutes 1992, section 244.09, is amended by adding a subdivision to read:

Subd. 14. [REPORT ON MANDATORY MINIMUM SENTENCES.] The sentencing guidelines commission shall include in its annual report to the legislature a summary and analysis of reports received from county attorneys under section 10.

Sec. 6. Minnesota Statutes 1992, section 383B.225, subdivision 6, is amended to read:

*Subd. 6. [INVESTIGATION PROCEDURE.] (a) Upon notification of the death of any person, as provided in subdivision 5, the county medical examiner or a designee may proceed to the body, take charge of it, and order, when necessary, that there be no interference with the body or the scene of death. Any person violating the order of the examiner is guilty of a misdemeanor. The examiner or the examiner's designee shall make inquiry regarding the cause and manner of death and prepare written findings together with the report of death and its circumstances, which shall be filed in the office of the examiner. When it appears that death may have resulted from a criminal act and that further investigation is advisable, a copy of the report shall be transmitted to the county attorney. The examiner may take possession of all property of the deceased, mark it for identification, and make an inventory. The examiner shall take possession of all articles useful in establishing the cause of death, mark them for identification and retain them securely until they are no longer needed for evidence or investigation. The examiner shall release any property or articles needed for any criminal investigation to law enforcement officers conducting the investigation. When a reasonable basis exists for not releasing property or articles to law enforcement officers, the examiner shall consult with the county attorney. If the county attorney determines that a reasonable basis exists for not releasing the property or articles, the examiner may retain them. The property or articles shall be returned immediately upon completion of the investigation. When the property or articles are no longer needed for the investigation or as evidence, the examiner shall release the property or articles to the person or persons entitled to them. Notwithstanding any other law to the contrary, when personal property of a decedent has come into the possession of the examiner, and is not used for a criminal investigation or as evidence, and has not been otherwise released as provided in this subdivision, the name of the decedent shall be filed with the probate court, together with a copy of the inventory of the decedent's property. At that time, an examination of the records of the probate court shall be made to determine whether a will has been admitted to probate or an administration has been commenced. Property of a nominal value, including wearing apparel, may be released to the spouse or any blood relative of the decedent or to the person accepting financial responsibility for burial of the decedent. If property has not been released by the examiner and no will has been admitted to probate or administration commenced within six months after death, the examiner shall sell the property at a public auction upon notice and in a manner as the probate court may direct; *except that the examiner shall cause to be destroyed any firearm or other weapon that is not released to or claimed by a decedent's spouse or blood relative.* If the name of the decedent is not known, the examiner shall inventory the property of the decedent and after six months may sell the property at a public auction. The examiner shall be allowed reasonable expenses for the care and sale of the property and shall deposit the net proceeds of the sale with the county*

administrator, or the administrator's designee, in the name of the decedent, if known. If the decedent is not known, the examiner shall establish a means of identifying the property of the decedent with the unknown decedent and shall deposit the net proceeds of the sale with the county administrator, or a designee, so, that, if the unknown decedent's identity is established within six years, the proceeds can be properly distributed. In either case, duplicate receipts shall be provided to the examiner, one of which shall be filed with the court, the other of which shall be retained in the office of the examiner. If a representative shall qualify within six years from the time of deposit, the county administrator, or a designee, shall pay the amount of the deposit to the representative upon order of the court. If no order is made within six years, the proceeds of the sale shall become a part of the general revenue of the county.

(b) For the purposes of this section, health-related records or data on a decedent, except health data defined in section 13.38, whose death is being investigated under this section, whether the records or data are recorded or unrecorded, including but not limited to those concerning medical, surgical, psychiatric, psychological, or any other consultation, diagnosis, or treatment, including medical imaging, shall be made promptly available to the medical examiner, upon the medical examiner's written request, by a person having custody of, possession of, access to, or knowledge of the records or data. The medical examiner shall pay the reasonable costs of copies of records or data provided to the medical examiner under this section. Data collected or created pursuant to this subdivision relating to any psychiatric, psychological, or mental health consultation with, diagnosis of, or treatment of the decedent whose death is being investigated shall remain confidential or protected nonpublic data, except that the medical examiner's report may contain a summary of such data.

Sec. 7. Minnesota Statutes 1993 Supplement, section 518B.01, subdivision 6, is amended to read:

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

- (1) restrain the abusing party from committing acts of domestic abuse;
- (2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;
- (3) *exclude the abusing party from the area surrounding the dwelling or residence to a distance of 300 feet, or one city block, whichever distance is greater;*
- (4) award temporary custody or establish temporary visitation with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. Except for cases in which custody is contested, findings under section 257.025, 518.17, or 518.175 are not required. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted visitation, the court shall condition or restrict visitation as to time, place, duration, or supervision, or deny visitation entirely, as needed to guard the safety of the victim and the children. The court's decision on custody and visitation shall in no way delay the issuance of an order for protection granting other reliefs provided for in this section;

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

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

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

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

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

(9) (10) order the abusing party to pay restitution to the petitioner;

(10) (11) order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation; and

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

(b) Any relief granted by the order for protection shall be for a fixed period not to exceed one year, except when the court determines a longer fixed period is appropriate.

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

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

(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.

(f) An order for restitution issued under this subdivision is enforceable as civil judgment.

Sec. 8. Minnesota Statutes 1992, section 609.0331, is amended to read:

609.0331 [INCREASED MAXIMUM PENALTIES FOR PETTY MISDEMEANORS.]

Except as provided in this section, A law of this state that provides, on or after August 1, 1987, for a maximum penalty of \$100 for a petty misdemeanor is considered to provide for a maximum fine of \$200. However, a petty misdemeanor under chapter 168 or 169 remains subject to a maximum fine of \$100, except that a violation of chapter 168 or 169 that was originally charged as a misdemeanor and is being treated as a petty misdemeanor under section 609.131 or the rules of criminal procedure is subject to a maximum fine of \$200.

Sec. 9. Minnesota Statutes 1992, section 609.0332, is amended to read:

609.0332 [INCREASED MAXIMUM PENALTY FOR PETTY MISDEMEANOR ORDINANCE VIOLATIONS.]

~~Subdivision 1. [INCREASED FINE.]~~ From August 1, 1987, if a state law or municipal charter sets a limit of \$100 or less on the fines that a statutory or home rule charter city, town, county, or other political subdivision may prescribe for an ordinance violation that is defined as a petty misdemeanor, that law or charter is considered to provide that the political subdivision has the power to prescribe a maximum fine of \$200 for the petty misdemeanor violation.

~~Subd. 2. [EXCEPTION.]~~ Notwithstanding subdivision 1, no fine of more than \$100 may be imposed for a petty misdemeanor ordinance violation which conforms in substantial part to a petty misdemeanor provision contained in section 152.027, subdivision 4, or chapter 168 or 169.

Sec. 10. Minnesota Statutes 1993 Supplement, section 609.11, is amended by adding a subdivision to read:

Subd. 10. [REPORT ON CRIMINAL CASES INVOLVING A FIREARM.] Beginning on July 1, 1994, every county attorney shall collect and maintain the following information on criminal complaints and prosecutions within the county attorney's office in which the defendant is alleged to have committed an offense listed in section 609.11, subdivision 9, while possessing or using a firearm:

- (1) whether the case was charged or dismissed;*
- (2) whether the defendant was convicted of the offense or a lesser offense; and*
- (3) whether the mandatory minimum sentence required under section 609.11 was imposed and executed or was waived by the prosecutor or court.*

No later than July 1 of each year, beginning on July 1, 1995, the county attorney shall forward this information to the sentencing guidelines commission upon forms prescribed by the commission.

Sec. 11. Minnesota Statutes 1992, section 609.185, is amended to read:

609.185 [MURDER IN THE FIRST DEGREE.]

Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

- (1) causes the death of a human being with premeditation and with intent to effect the death of the person or of another;

(2) causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;

(3) causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, escape from custody, or any felony violation of chapter 152 involving the unlawful sale of a controlled substance;

(4) causes the death of a peace officer or a guard employed at a Minnesota state correctional facility, with intent to effect the death of that person or another, while the peace officer or guard is engaged in the performance of official duties;

(5) causes the death of a minor under circumstances other than those described in clause (1) or (2) while committing child abuse, when the perpetrator has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life; or

(6) causes the death of a human being under circumstances other than those described in clause (1), (2), or (5) while committing domestic abuse, when the perpetrator has engaged in a past pattern of domestic abuse upon the victim and the death occurs under circumstances manifesting an extreme indifference to human life.

For purposes of clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of *the following laws of this state or any similar laws of the United States or any other state*: section 609.221; 609.222; 609.223; 609.224; 609.342; 609.343; 609.344; 609.345; 609.377; 609.378; or 609.713.

For purposes of clause (6), "domestic abuse" means an act that:

(1) constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.342, 609.343, 609.344, 609.345, ~~or~~ 609.713, *or any similar laws of the United States or any other state*; and

(2) is committed against the victim who is a family or household member as defined in section 518B.01, subdivision 2, paragraph (b).

Sec. 12. Minnesota Statutes:1992, section 609.20, is amended to read:

609.20 [MANSLAUGHTER IN THE FIRST DEGREE.]

Whoever does any of the following is guilty of manslaughter in the first degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both:

(1) intentionally causes the death of another person in the heat of passion provoked by such words or acts of another as would provoke a person of ordinary self-control under like circumstances, provided that the crying of a child does not constitute provocation;

(2) causes the death of another in committing or attempting to commit a misdemeanor or gross misdemeanor offense with such force and violence that death of or great bodily harm to any person was reasonably foreseeable, and murder in the first or second degree was not committed thereby;

(3) intentionally causes the death of another person because the actor is coerced by threats made by someone other than the actor's coconspirator and which cause the actor reasonably to believe that the act performed by the actor is the only means of preventing imminent death to the actor or another; or

(4) proximately causes the death of another, without intent to cause death by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in schedule III, IV, or V; or

(5) intentionally causes the death of another person in the heat of passion provoked by a past pattern of domestic abuse, as defined in section 609.185, committed by the deceased against the actor.

Sec. 13. Minnesota Statutes 1992, section 609.223, is amended by adding a subdivision to read:

Subd. 3. [FELONY; VICTIM UNDER THREE.] Whoever assaults a victim under the age of three, and causes bodily harm to the child's head, eyes, or neck, or otherwise causes multiple bruises to the body, 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. 14. Minnesota Statutes 1992, section 609.245, is amended to read:

609.245 [AGGRAVATED ROBBERY.]

Subdivision 1. [FIRST DEGREE.] Whoever, while committing a robbery, is armed with a dangerous weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a dangerous weapon, or inflicts bodily harm upon another, is guilty of aggravated robbery in the first degree and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$35,000, or both.

Subd. 2. [SECOND DEGREE.] Whoever, while committing a robbery, implies, by word or act, possession of a dangerous weapon, is guilty of aggravated robbery in the second degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Sec. 15. Minnesota Statutes 1992, section 609.28, is amended to read:

609.28 [INTERFERING WITH RELIGIOUS OBSERVANCE.]

Subdivision 1. [INTERFERENCE.] Whoever, by threats or violence, intentionally prevents another person from performing any lawful act enjoined upon or recommended to the person by the religion which the person professes is guilty of a misdemeanor.

Subd. 2. [PHYSICAL INTERFERENCE PROHIBITED.] A person is guilty of a gross misdemeanor who intentionally and physically obstructs any individual's access to or egress from a religious establishment. This subdivision does not apply to the exclusion of a person from the establishment at the request of an official of the religious organization.

Subd. 3. [DEFINITION.] For purposes of subdivision 2, a "religious establishment" is a building used for worship services by a religious organization and clearly identified as such by a posted sign or other means.

Sec. 16. Minnesota Statutes 1992, section 609.341, subdivision 4, is amended to read:

Subd. 4. (a) ~~“Consent” means a voluntary uncoerced manifestation of a present agreement to perform a particular sexual act with the actor words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.~~

(b) *A person who is mentally impaired, mentally incapacitated, or physically helpless as defined by this section cannot consent to a sexual act.*

(c) *Corroboration of the victim's testimony is not required to show lack of consent.*

Sec. 17. Minnesota Statutes 1992, section 609.341, subdivision 7, is amended to read:

Subd. 7. “Mentally incapacitated” means:

(1) that a person under the influence of alcohol, a narcotic, anesthetic, or any other substance, administered to that person without the person's agreement, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration; or

(2) *that a person under 18 years of age and under the influence of alcohol, a narcotic, anesthetic, or any other substance, lacks the judgment to give a reasoned consent to sexual contact or sexual penetration when the actor is more than 48 months older than the person and the actor sells, barter, furnishes, or gives the alcohol, narcotic, anesthetic, or other substance to the person.*

Sec. 18. Minnesota Statutes 1992, section 609.341, subdivision 11, is amended to read:

Subd. 11. (a) “Sexual contact,” for the purposes of sections 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to (k), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by coercion or the use of a position of authority, or by inducement if the complainant is under 13 years of age or mentally impaired, or

(iii) the touching by another of the complainant's intimate parts effected by coercion or the use of a position of authority, or

(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts.

(b) “Sexual contact,” for the purposes of sections 609.343, subdivision 1, clauses (g) and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:

- (i) the intentional touching by the actor of the complainant's intimate parts;
- (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;
- (iii) the touching by another of the complainant's intimate parts; or
- (iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.

(c) *"Sexual contact with a person under 13" means the intentional touching by the actor of the complainant's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.*

Sec. 19. Minnesota Statutes 1992, section 609.341, subdivision 12, is amended to read:

Subd. 12. *"Sexual penetration" means any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, whether or not emission of semen occurs:*

- (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or
- (2) any intrusion however slight into the genital or anal openings:

(i) *of the complainant's body or by any part of the actor's body or any object used by the actor for this purpose, where the act is committed without the complainant's consent, except in those cases where consent is not a defense. Emission of semen is not necessary;*

(ii) *of the complainant's body by any part of the body of the complainant, by any part of the body of another person, or by any object used by the complainant or another person for this purpose, when effected by coercion or the use of a position of authority, or by inducement if the child is under 13 years of age or mentally impaired; or*

(iii) *of the body of the actor or another person by any part of the body of the complainant or by any object used by the complainant for this purpose, when effected by coercion or the use of a position of authority, or by inducement if the child is under 13 years of age or mentally impaired.*

Sec. 20. Minnesota Statutes 1992, section 609.342, subdivision 1, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual penetration with another person, or in sexual contact with a person under 13 as defined in section 18, paragraph (c), is guilty of criminal sexual conduct in the first degree if any of the following circumstances exists:

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

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

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

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

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

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

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

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

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

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

(g) the actor has a significant relationship to the complainant and the complainant was under 16 years of age at the time of the sexual penetration. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense; or

(h) the actor has a significant relationship to the complainant, the complainant was under 16 years of age at the time of the sexual penetration, and:

(i) the actor or an accomplice used force or coercion to accomplish the penetration;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense.

Sec. 21. Minnesota Statutes 1993 Supplement, section 609.345, subdivision 1, is amended to read:

Subdivision 1. [CRIME DEFINED.] A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

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

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 48 months older than the complainant or in a position of authority over the complainant and uses this authority to cause the complainant to submit. *Consent by the complainant to the act is not a defense.* In any such case, it shall be an affirmative defense which must be proved by a preponderance of the evidence that the actor believes the complainant to be 16 years of age or older;

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

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

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

(f) the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(g) the actor has a significant relationship to the complainant, the complainant was at least 16 but under 18 years of age at the time of the sexual contact, and:

(i) the actor or an accomplice used force or coercion to accomplish the contact;

(ii) the complainant suffered personal injury; or

(iii) the sexual abuse involved multiple acts committed over an extended period of time.

Neither mistake as to the complainant's age nor consent to the act by the complainant is a defense;

(h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist and the sexual contact occurred:

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists.

Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact is for a bona fide medical purpose. Consent by the complainant is not a defense; or

(1) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual contact occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual contact occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private.

Consent by the complainant is not a defense.

Sec. 22. Minnesota Statutes 1992, section 609.377, is amended to read:

609.377 [MALICIOUS PUNISHMENT OF A CHILD.]

A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is excessive under the circumstances is guilty of malicious punishment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the punishment results in substantial bodily harm, that person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both. If the punishment results in great bodily harm, that person may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both. *If the punishment is to a child under the age of three and causes bodily harm to the head, eyes, neck, or otherwise causes multiple bruises to the body, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of \$10,000, or both.*

Sec. 23. Minnesota Statutes 1992, section 609.485, subdivision 4, is amended to read:

Subd. 4. [SENTENCE.] (a) Except as otherwise provided in subdivision 3a, whoever violates this section may be sentenced as follows:

(1) if the person who escapes is in lawful custody on a charge or conviction of a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(2) if the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a, to imprisonment for not more than one year and one day or to payment of a fine of not more than \$3,000, or both; or

(3) if such charge or conviction is for a gross misdemeanor or misdemeanor, or if the person who escapes is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

~~(4) If such charge or conviction is for a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.~~

~~(5)~~ (b) If the escape was a violation of subdivision 2, clause (1), (2), or (3), and was effected by violence or threat of violence against a person, the

sentence may be increased to not more than twice those permitted in paragraph (a), clauses (1), and (3), and (4).

(6) (c) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when the person escaped.

(7) (d) Notwithstanding ~~clause (6) paragraph (c)~~, if a person who was committed to the commissioner of corrections under section 260.185 escapes from the custody of the commissioner while 18 years of age, the person's sentence under this section shall commence on the person's 19th birthday or on the person's date of discharge by the commissioner of corrections, whichever occurs first. However, if the person described in this clause is convicted under this section after becoming 19 years old and after having been discharged by the commissioner, the person's sentence shall commence upon imposition by the sentencing court.

(8) (e) Notwithstanding ~~clause (6) paragraph (c)~~, if a person who is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age escapes from a local juvenile correctional facility, the person's sentence under this section begins on the person's 19th birthday or on the person's date of discharge from the jurisdiction of the juvenile court, whichever occurs first. However, if the person described in this ~~clause paragraph~~ is convicted after becoming 19 years old and after discharge from the jurisdiction of the juvenile court, the person's sentence begins upon imposition by the sentencing court.

Sec. 24. Minnesota Statutes 1993 Supplement, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a weapon used in the furtherance of a crime or possessed during the commission of a crime, and defined as a dangerous weapon under section 609.02, subdivision 6.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the bureau of criminal apprehension, the Minnesota state patrol, a county sheriff's department, the suburban Hennepin regional park district park rangers, the department of natural resources division of enforcement, the University of Minnesota police department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter;

(2) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 25. Minnesota Statutes 1993 Supplement, section 609.5315, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITION.] If the court finds under section 609.5313, 609.5314, or 609.5318 that the property is subject to forfeiture, it shall order the appropriate agency to:

(1) *destroy all weapons used, firearms, ammunition, and firearm accessories that the agency decides not to use for law enforcement purposes under clause (6), unless the agency determines that there is good reason not to destroy a particular item;*

(2) sell property that is not required to be destroyed by law and is not harmful to the public and distribute the proceeds under subdivision 5;

~~(2)~~ (3) take custody of the property and remove it for disposition in accordance with law;

~~(3)~~ (4) forward the property to the federal drug enforcement administration;

~~(4)~~ (5) disburse money as provided under subdivision 5; or

~~(5)~~ (6) keep property other than money for official use by the agency and the prosecuting agency.

Sec. 26. Minnesota Statutes 1993 Supplement, section 609.5315, subdivision 2, is amended to read:

Subd. 2. [DISPOSITION OF ADMINISTRATIVELY FORFEITED PROPERTY.] If property is forfeited administratively under section 609.5314 or 609.5318 and no demand for judicial determination is made, the appropriate agency may dispose of the property in any of the ways listed in subdivision 1, *except that the agency must destroy all forfeited weapons used, firearms, ammunition, and firearm accessories that the agency decides not to use for law enforcement purposes under subdivision 1, clause (6).*

Sec. 27. Minnesota Statutes 1992, section 609.5315, is amended by adding a subdivision to read:

Subd. 7. [FIREARMS.] *The agency shall make best efforts for a period of 90 days after the seizure of an abandoned or stolen firearm to protect the firearm from harm and return it to the lawful owner.*

Sec. 28. Minnesota Statutes 1992, section 609.5316, subdivision 1, is amended to read:

Subdivision 1. [CONTRABAND.] *Except as otherwise provided in this subdivision, if the property is contraband, the property must be summarily forfeited and either destroyed or used by the appropriate agency for law enforcement purposes. Upon summary forfeiture, weapons used must be destroyed by the appropriate agency unless the agency decides to use the weapons for law enforcement purposes.*

Sec. 29. Minnesota Statutes 1992, section 609.746, subdivision 1, is amended to read:

Subdivision 1. [SURREPTITIOUS INTRUSION; OBSERVATION DEVICE.] (a) A person is guilty of a misdemeanor who:

(1) enters upon another's property and;

(2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household ~~is guilty of a misdemeanor.~~

(b) A person is guilty of a misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(c) A person is guilty of a gross misdemeanor if the person violates this subdivision after a previous conviction under this subdivision or section 609.749.

(d) Paragraph (b) does not apply to law enforcement officers or corrections investigators, or to those acting under their direction, while engaged in the performance of their lawful duties.

Sec. 30. Minnesota Statutes 1992, section 609.855, is amended to read:

609.855 [CRIMES AGAINST INVOLVING TRANSIT PROVIDERS AND OPERATORS; SHOOTING AT TRANSIT VEHICLE.]

Subdivision 1. [UNLAWFULLY OBTAINING SERVICES; MISDEMEANOR.] ~~Whoever~~ A person is guilty of a misdemeanor who intentionally obtains or attempts to obtain service from a provider of regular route public transit as defined in section 174.22, subdivision 8, service or from a public conveyance, without making paying the required fare deposit or otherwise obtaining the consent of the transit operator or other an authorized transit representative is guilty of unlawfully obtaining services and may be sentenced as provided in subdivision 4.

Subd. 2. [UNLAWFUL INTERFERENCE WITH TRANSIT OPERATOR.]

(a) Whoever intentionally commits an act that unreasonably interferes with or obstructs, or tends to interfere with or obstruct, the operation of a transit

vehicle is guilty of unlawful interference with a transit operator and may be sentenced as provided in ~~subdivision 4~~ paragraph (c).

(b) *An act that is committed on a transit vehicle that distracts the driver from the safe operation of the vehicle or that endangers passengers is a violation of this subdivision if an authorized transit representative has clearly warned the person once to stop the act.*

(c) *A person who violates this subdivision may be sentenced as follows:*

(1) *to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; or*

(2) *to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, if the violation was not accompanied by force or violence or a communication of a threat of force or violence.*

Subd. 3. [PROHIBITED ACTIVITIES; MISDEMEANOR.] (a) ~~Whoever~~ A person is guilty of a misdemeanor who, while riding in a vehicle providing regular route public transit service:

(1) operates a radio, television, tape player, electronic musical instrument, or other electronic device, other than a watch, which amplifies music, unless the sound emanates only from earphones or headphones and except that vehicle operators may operate electronic equipment for official business;

(2) smokes or carries lighted smoking paraphernalia;

(3) consumes food or beverages, except when authorized by the operator or other official of the transit system;

(4) throws or deposits litter; or

(5) carries or is in control of an animal without the operator's consent; or

(6) acts in any other manner which disturbs the peace and quiet of another person;

is guilty of disruptive behavior and may be sentenced as provided in subdivision 4.

(b) *A person is guilty of a violation of this subdivision only if the person continues to act in violation of this subdivision after being warned once by an authorized transit representative to stop the conduct.*

Subd. 4. [PENALTY.] ~~Whoever~~ violates subdivision 1, 2, or 3 may be sentenced as follows:

(a) *to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the violation was accompanied by force or violence or a communication of a threat of force or violence; or*

(b) *to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both, if the violation was not accompanied by force or violence or a communication of a threat of force or violence.*

Subd. 5. [SHOOTING AT PUBLIC TRANSIT VEHICLE OR FACILITY.] *Whoever recklessly discharges a firearm at any portion of a public transit vehicle or facility is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$6,000,*

or both. If the transit vehicle or facility is occupied, the person may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 31. Minnesota Statutes 1992, section 624.731, subdivision 8, is amended to read:

Subd 8. [PENALTIES.] (a) The following violations of this section shall be considered a felony:

(1) The possession or use of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device by a person specified in subdivision 3, ~~clause~~ *paragraph* (b).

(2) Knowingly selling or furnishing of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device to a person specified in subdivision 3, ~~clause~~ *paragraph* (b).

(3) The use of *an inflammatory protection device containing capsicum* or an electronic incapacitation device as prohibited in subdivision 4, ~~clause~~ *paragraph* (a).

(b) The following violation of this section shall be considered a gross misdemeanor ~~and shall be punished by not less than 90 days in jail~~: the prohibited use of tear gas, a tear gas compound, or an authorized tear gas compound as specified in subdivision 4, ~~clause~~ *paragraph* (a), *except as otherwise provided in paragraph (a), clause (3), of this subdivision.*

(c) The following violations of this section shall be considered a misdemeanor:

(1) The possession or use of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device which fails to meet the requirements of subdivision 2 by any person except as allowed by subdivision 6.

(2) The possession or use of an authorized tear gas compound or an electronic incapacitation device by a person specified in subdivision 3, *clause* (a) or (c).

(3) The use of tear gas, a tear gas compound, an authorized tear gas compound, or an electronic incapacitation device except as allowed by subdivision 2 or 6.

(4) Knowingly selling or furnishing an authorized tear gas compound or an electronic incapacitation device to a person specified in subdivision 3, *clause* (a) or (c).

(5) Selling or furnishing of tear gas or a tear gas compound other than an authorized tear gas compound to any person except as allowed by subdivision 6.

(6) Selling or furnishing of an authorized tear gas compound or an electronic incapacitation device on premises where intoxicating liquor is sold on an on-sale or off-sale basis or where 3.2 percent malt liquor is sold on an on-sale basis.

(7) Selling an authorized tear gas compound or an electronic incapacitation device in violation of local licensing requirements.

Sec. 32. Minnesota Statutes 1993 Supplement, section 626.556, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, *by a person who has a significant relationship to the child, as defined in section 609.341*, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse.

(b) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(c) "Neglect" means failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so, failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so, or failure to take steps to ensure that a child is educated in accordance with state law. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that there is a duty to report if a lack of medical care may cause imminent and serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care. Neglect includes prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance. Neglect also means "medical neglect" as defined in section 260.015, subdivision 2a, clause (5).

(d) "Physical abuse" means any physical or mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825.

(e) "Report" means any report received by the local welfare agency, police department, or county sheriff pursuant to this section.

(f) "Facility" means a day care facility, residential facility, agency, hospital,

sanitarium, or other facility or institution required to be licensed pursuant to sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16.

(g) "Operator" means an operator or agency as defined in section 245A.02.

(h) "Commissioner" means the commissioner of human services.

(i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.

(j) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem services.

(k) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.

(l) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.

Sec. 33. Minnesota Statutes 1992, section 626A.05, subdivision 2, is amended to read:

Subd. 2. [OFFENSES FOR WHICH INTERCEPTION OF WIRE OR ORAL COMMUNICATION MAY BE AUTHORIZED.] A warrant authorizing interception of wire, electronic, or oral communications by investigative or law enforcement officers may only be issued when the interception may provide evidence of the commission of, or of an attempt or conspiracy to commit, any of the following offenses:

(1) a felony offense involving murder, manslaughter, assault in the first, second, and third degrees, aggravated robbery, kidnapping, criminal sexual conduct in the first, second, and third degrees, prostitution, bribery, perjury, escape from custody, theft, receiving stolen property, embezzlement, burglary in the first, second, and third degrees, forgery, aggravated forgery, check forgery, or financial transaction card fraud, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.221, 609.222, 609.223, 609.2231, 609.245, 609.25, 609.321 to 609.324, 609.342, 609.343, 609.344, 609.42, 609.48, 609.485, subdivision 4, *paragraph (a)*, clause (1), 609.52, 609.53, 609.54, 609.582, 609.625, 609.63, 609.631, 609.821, and 609.825;

(2) an offense relating to gambling or controlled substances, as punishable under section 609.76 or chapter 152; or

(3) an offense relating to restraint of trade defined in section 325D.53, subdivision 1 or 2, as punishable under section 325D.56, subdivision 2.

Sec. 34. Minnesota Statutes 1993 Supplement, section 628.26, is amended to read:

628.26 [LIMITATIONS.]

(a) Indictments or complaints for murder may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for violation of section 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(c) Indictments or complaints for violation of sections 609.342 to 609.345 if the victim was under the age of 18 years at the time the offense was committed, shall be found or made and filed in the proper court within seven years after the commission of the offense or, if the victim failed to report the offense within this limitation period, within three years after the offense was reported to law enforcement authorities.

(d) Indictments or complaints for violation of sections 609.342 to 609.344 if the victim was 18 years old or older at the time the offense was committed, shall be found or made and filed in the proper court within seven years after the commission of the offense.

(e) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, clause (3)(c) shall be found or made and filed in the proper court within six years after the commission of the offense.

(f) Indictments or complaints for violation of section 609.52, subdivision 2, clause (3), items (a) and (b), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(g) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(h) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

(i) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense.

(j) The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

(k) *The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated in a pretrial diversion program relating to that offense.*

Sec. 35. [REPEALER.]

Minnesota Statutes 1992, section 609.855, subdivision 4, is repealed.

Sec. 36. [EFFECTIVE DATE.]

Sections 1 to 4, 8, 9, 11 to 17, 19, 21 to 23, and 29 to 35 are effective August 1, 1994, and apply to crimes committed and violations occurring on or after that date. Sections 18 and 20 are effective August 1, 1995, and apply to crimes committed on or after that date.

Sections 24 to 28 are effective August 1, 1994, and apply to seizures occurring on or after that date.

ARTICLE 3

FIREARMS PROVISIONS

Section 1. Minnesota Statutes 1992, section 13.99, is amended by adding a subdivision to read:

Subd. 89a. [METROPOLITAN FIREARMS DEALERS LICENSING DATA.] Access to data maintained by the commissioner of public safety in connection with metropolitan firearms licenses is governed by section 299A.05, subdivision 12.

Sec. 2. Minnesota Statutes 1993 Supplement, section 260.221, subdivision 1, is amended to read:

Subdivision 1. [VOLUNTARY AND INVOLUNTARY.] The juvenile court may upon petition, terminate all rights of a parent to a child in the following cases:

(a) With the written consent of a parent who for good cause desires to terminate parental rights; or

(b) If it finds that one or more of the following conditions exist:

(1) That the parent has abandoned the child. Abandonment is presumed when:

(i) the parent has had no contact with the child on a regular basis and no demonstrated, consistent interest in the child's well-being for six months; and

(ii) the social service agency has made reasonable efforts to facilitate contact, unless the parent establishes that an extreme financial or physical hardship or treatment for mental disability or chemical dependency or other good cause prevented the parent from making contact with the child. This presumption does not apply to children whose custody has been determined under chapter 257 or 518. The court is not prohibited from finding abandonment in the absence of this presumption; ~~or~~

(2) That the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, and reasonable efforts by the social service agency have failed to correct the conditions that formed the basis of the petition; ~~or~~

(3) That a parent has been ordered to contribute to the support of the child or financially aid in the child's birth and has continuously failed to do so without good cause. This clause shall not be construed to state a grounds for termination of parental rights of a noncustodial parent if that parent has not been ordered to or cannot financially contribute to the support of the child or aid in the child's birth; ~~or~~

(4) That a parent is palpably unfit to be a party to the parent and child relationship because of a consistent pattern of specific conduct before the child or of specific conditions directly relating to the parent and child relationship either of which are determined by the court to be of a duration or nature that renders the parent unable, for the reasonably foreseeable future, to

care appropriately for the ongoing physical, mental, or emotional needs of the child. It is presumed that a parent is palpably unfit to be a party to the parent and child relationship upon a showing that:

(i) the child was adjudicated in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); and

(ii) within the three-year period immediately prior to that adjudication, the parent's parental rights to one or more other children were involuntarily terminated under clause (1), (2), (4), or (7) of this paragraph, or under clause (5) of this paragraph if the child was initially determined to be in need of protection or services due to circumstances described in section 260.015, subdivision 2a, clause (1), (2), (3), (5), or (8); ~~or~~

(5) That following upon a determination of neglect or dependency, or of a child's need for protection or services, reasonable efforts, under the direction of the court, have failed to correct the conditions leading to the determination. It is presumed that reasonable efforts under this clause have failed upon a showing that:

(i) a child under the age of 12 has resided out of the parental home under court order for more than one year following an adjudication of dependency, neglect, need for protection or services under section 260.015, subdivision 2a, clause (1), (2), (6), (8), or (9), or neglected and in foster care, and an order for disposition under section 260.191, including adoption of the case plan required by section 257.071;

(ii) conditions leading to the determination will not be corrected within the reasonably foreseeable future; and

(iii) reasonable efforts have been made by the social service agency to rehabilitate the parent and reunite the family.

This clause does not prohibit the termination of parental rights prior to one year after a child has been placed out of the home.

It is also presumed that reasonable efforts have failed under this clause upon a showing that:

(i) the parent has been diagnosed as chemically dependent by a professional certified to make the diagnosis;

(ii) the parent has been required by a case plan to participate in a chemical dependency treatment program;

(iii) the treatment programs offered to the parent were culturally, linguistically, and clinically appropriate;

(iv) the parent has either failed two or more times to successfully complete a treatment program or has refused at two or more separate meetings with a caseworker to participate in a treatment program; and

(v) the parent continues to abuse chemicals.

Provided, that this presumption applies only to parents required by a case plan to participate in a chemical dependency treatment program on or after July 1, 1990; ~~or~~

(6) That the parent has been convicted of causing the death of another of the parent's children; or

(7) That the parent has been convicted of assaulting a family or household member, as defined in section 518B.01, and that the parent used a dangerous weapon as defined in section 609.02, subdivision 6, during the commission of the assault;

(8) That in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.26 and either the person has not filed a notice of intent to retain parental rights under section 259.261 or that the notice has been successfully challenged; or

(9) That the child is neglected and in foster care.

In an action involving an American Indian child, sections 257.35 to 257.3579 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923, control to the extent that the provisions of this section are inconsistent with those laws.

Sec. 3. [299A.05] [METROPOLITAN RETAIL FIREARMS LICENSES.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given.

(b) "Commissioner" means the commissioner of public safety.

(c) "Federal firearms license" means a license issued under United States Code, title 18, section 923, paragraph (a), part (3), subpart (B) or (C).

(d) "Firearm" means a gun that discharges shot or a projectile by means of an explosive, a gas, or compressed air, but does not include a device commonly known as a "BB" gun, a scuba gun, a stud or nail gun used in the construction industry, or a pop gun or toy gun.

(e) "Metropolitan area" has the meaning given in section 473.121, subdivision 2.

Subd. 2. [LICENSE REQUIRED.] A person who sells firearms or ammunition or engages in the business of dealing in firearms or ammunition under a federal firearms license in the metropolitan area shall obtain a metropolitan retail firearms license under this section. This section does not apply to a federally licensed firearms or ammunition manufacturer.

Subd. 3. [APPLICATION.] The commissioner shall prescribe a form for license applications which shall require the applicant's social security number, fingerprints, residential addresses for the last ten years, any other information deemed necessary by the commissioner, and a signed consent by the applicant to an eligibility investigation, including a check of state and federal criminal records, police department records, and state and private mental health records including probate court records. The application must include the valid sales tax identification number of the applicant, a copy of sales tax records for the previous 12 months or an affidavit that the applicant has sold no firearms or ammunition during that period, and a copy of the federal firearms license or the application for the license.

Subd. 4. [ELIGIBILITY.] The commissioner shall issue a metropolitan retail firearms license, valid for three years, to any applicant who has

complied with subdivision 3 if the commissioner has determined that the applicant is eligible under this subdivision. The license shall specify the premises for which the license is effective. The commissioner may not issue, transfer, or renew a license if the investigation under subdivision 5 shows, to the satisfaction of the commissioner, that the applicant:

(1) is not eligible to possess a handgun or semiautomatic military-style assault weapon under section 624.713;

(2) has had a license revoked under this section within five years of the license application; or

(3) has been convicted within ten years of the license application of a violation of a federal or state law involving the illegal use or possession of a firearm or ammunition other than a crime of violence as defined in section 624.712, subdivision 5, or has been convicted within five years of the license application of any felony.

Subd. 5. [INVESTIGATION OF ELIGIBILITY.] On initial application for a license, or on application for a transfer or renewal of an existing license, the commissioner shall conduct a background investigation of the applicant to determine eligibility under this section. An investigation fee in an amount reflecting the cost of the licensing program, not to exceed \$500, shall be charged to an applicant by the commissioner.

Subd. 6. [LICENSE DENIAL OR REVOCATION.] The commissioner shall deny or revoke a license under this section on a finding that the licensee has intentionally violated a provision of this section or has been convicted of a violation of a provision of a federal or state law involving the use or possession of a firearm or ammunition. In addition, the commissioner may impose a fine of up to \$5,000 for each violation for willfully providing materially false information in the application. A license denial or revocation under this section is a contested case under sections 14.57 to 14.69 of the administrative procedure act.

Subd. 7. [DUTIES.] A licensee shall:

(1) maintain an accurate record of each commercial transaction involving a firearm in the form prescribed by the commissioner, including the date, name and address of purchaser, item purchased, and the form of identification offered;

(2) surrender the license to the commissioner within seven days after becoming ineligible under subdivision 4;

(3) file transferee reports with the appropriate law enforcement agency and otherwise comply with chapter 624 to determine the eligibility of each person to whom a firearm is sold or transferred; and

(4) post the license in a conspicuous place in the premises for which it is used.

Subd. 8. [LICENSE LIMITED TO SPACE SPECIFIED.] The commissioner may issue a metropolitan retail firearms license only for a permanent business location that is located in an area in which local zoning laws authorized by section 471.635 permit the operation of the business. The license is only effective for the licensed premises specified in the approved license application except that a licensee may also sell firearms at gun shows as permitted by federal law.

Subd. 9. [LICENSES IN CONNECTION WITH PREMISES OF ANOTHER.] A license may not be issued to a person in connection with the premises of another to whom a license could not be issued under the provisions of this section. This subdivision does not prevent the granting of a license to a proper lessee because the person has leased the premises of a minor, a noncitizen who is not a resident alien, or a person who has been convicted of a crime not involving firearms.

Subd. 10. [LICENSE TRANSFER.] A license may be transferred with the consent of the commissioner. Where a license is held by a corporation, a change in ownership of ten percent or more of the stock of the corporation must be reported in writing to the commissioner within ten days of the transfer.

Subd. 11. [LICENSEE MAY NOT SELL FOR RESALE.] A metropolitan retail firearms licensee may not sell a firearm or ammunition to any person for the purpose of resale or to any person whom the licensee has reason to believe intends to resell the firearm or ammunition without written approval of the commissioner. This subdivision does not apply to a sale or transfer between federally licensed firearms dealers.

Subd. 12. [DATA CLASSIFICATION.] Data maintained by the commissioner under this section are private data on individuals or nonpublic data as defined in section 13.02, except that the list of names of licensees and their designated public addresses are public data. An applicant shall designate a public address which may be different than the business address listed on the license application. The public address may be a post office box.

Subd. 13. [PENALTY.] A person who sells a firearm or ammunition without the license required by subdivision 2 is guilty of a gross misdemeanor. A person who otherwise violates this section is guilty of a misdemeanor.

Sec. 4. Minnesota Statutes 1992, section 487.25, is amended by adding a subdivision to read:

Subd. 12. [ASSISTANCE OF ATTORNEY GENERAL.] An attorney for a statutory or home rule charter city in the metropolitan area, as defined in section 473.121, subdivision 2, may request, and the attorney general may provide, assistance in prosecuting nonfelony violations of section 609.66, subdivision 1; 609.666; 624.713, subdivision 2; 624.7131, subdivision 11; 624.7132, subdivision 15; 624.714, subdivision 1 or 10; 624.7162, subdivision 3; or 624.7181, subdivision 2.

Sec. 5. Minnesota Statutes 1993 Supplement, section 609.11, subdivision 8, is amended to read:

Subd. 8. [MOTION BY PROSECUTOR.] (a) Except as otherwise provided in paragraph (b), prior to the time of sentencing, the prosecutor may file a motion to have the defendant sentenced without regard to the mandatory minimum sentences established by this section. The motion shall be accompanied by a statement on the record of the reasons for it. When presented with the motion and if it finds substantial mitigating factors exist, or on its own motion, the court shall may sentence the defendant without regard to the mandatory minimum sentences established by this section if the court finds substantial and compelling reasons to do so. A sentence imposed under this subdivision is a departure from the sentencing guidelines.

(b) The court may not, on its own motion or the prosecutor's motion, sentence a defendant without regard to the mandatory minimum sentences

established by this section if the defendant previously has been convicted of an offense listed in subdivision 9.

Sec. 6. Minnesota Statutes 1993 Supplement, section 609.11, subdivision 9, is amended to read:

Subd. 9. [APPLICABLE OFFENSES.] The crimes for which mandatory minimum sentences shall be served as provided in this section are: murder in the first, second, or third degree; assault in the first, second, or third degree; burglary; kidnapping; false imprisonment; manslaughter in the first or second degree; aggravated robbery; simple robbery; criminal sexual conduct under the circumstances described in sections 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision 1, clauses (a) to (f); and 609.344, subdivision 1, clauses (a) to (e) and (h) to (j); escape from custody; arson in the first, second, or third degree; *drive-by shooting under section 609.66, subdivision 1e*; a felony violation of chapter 152; or any attempt to commit any of these offenses.

Sec. 7. Minnesota Statutes 1992, section 609.224, subdivision 3, is amended to read:

Subd. 3. [DOMESTIC ASSAULTS; FIREARMS.] (a) When a person is convicted of a violation of this section *or section 609.221, 609.222, or 609.223*, the court shall determine and make written findings on the record as to whether:

(1) the assault was *committed against* a family or household member, as defined in section 518B.01, subdivision 2;

(2) the defendant owns or possesses a firearm; and

(3) the firearm was used in any way during the commission of the assault.

(b) If the court determines that the assault was of a family or household member, and that the offender owns or possesses a firearm and used it in any way during the commission of the assault, it shall order ~~the defendant to relinquish possession of that the firearm and give it to the local law enforcement agency. Notwithstanding section 609.531, subdivision 1, paragraph (f), clause (1), the court shall determine whether the firearm shall be summarily forfeited under section 609.5316, subdivision 3, or retained by the local law enforcement agency for a period of three years. If the owner has not been convicted of any crime of violence as defined in section 624.712, subdivision 5, or 609.224 against a family or household member within that period, the law enforcement agency shall return the firearm.~~

(c) *A person who is convicted of assaulting a family or household member and who is determined by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm for the remainder of the person's life. A person who violates this firearm possession prohibition is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant that the defendant is permanently prohibited from possessing a firearm and that it is a gross misdemeanor to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.*

(d) *Except as otherwise provided in paragraph (c), when a person is convicted of a violation of this section and the court determines that the victim*

was a family or household member, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for a period of three years from the date of conviction and that it is a gross misdemeanor 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 possession prohibition or the gross misdemeanor penalty to that defendant.

(4) (e) *Except as otherwise provided in paragraph (c), a person is not entitled to possess a pistol if:*

(1) the person has been convicted after August 1, 1992, of assault in the fifth degree if the offense was committed within three years of a previous conviction under sections 609.221 to 609.224; or

(2) the person has been convicted after August 1, 1992, of assault in the fifth degree under section 609.224 and the assault victim was a family or household member as defined in section 518B.01, subdivision 2, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of section 609.224. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this ~~subdivision~~ paragraph is guilty of a gross misdemeanor.

Sec. 8. Minnesota Statutes 1993 Supplement, section 609.531, subdivision 1, is amended to read:

Subdivision 1. [DEFINITIONS.] For the purpose of sections 609.531 to 609.5318, the following terms have the meanings given them.

(a) "Conveyance device" means a device used for transportation and includes, but is not limited to, a motor vehicle, trailer, snowmobile, airplane, and vessel and any equipment attached to it. The term "conveyance device" does not include property which is, in fact, itself stolen or taken in violation of the law.

(b) "Weapon used" means a weapon used in the furtherance of a crime and defined as a dangerous weapon under section 609.02, subdivision 6.

(c) "Property" means property as defined in section 609.52, subdivision 1, clause (1).

(d) "Contraband" means property which is illegal to possess under Minnesota law.

(e) "Appropriate agency" means the bureau of criminal apprehension, the Minnesota state patrol, a county sheriff's department, the suburban Hennepin regional park district park rangers, the department of natural resources division of enforcement, the University of Minnesota police department, or a city or airport police department.

(f) "Designated offense" includes:

(1) for weapons used: any violation of this chapter, chapter 152, or chapter 624;

(2) for all other purposes: a felony violation of, or a felony-level attempt or conspiracy to violate, section 325E.17; 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322; 609.342, subdivision 1, clauses (a) to (f); 609.343,

subdivision 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487; 609.52; 609.525; 609.53; 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893; 617.246; or a gross misdemeanor or felony violation of section 609.891 or 624.7181; or any violation of section 609.324.

(g) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Sec. 9. Minnesota Statutes 1992, section 609.5315, subdivision 6, is amended to read:

Subd. 6. [REPORTING REQUIREMENT.] The appropriate agency shall provide a written record of each forfeiture incident to the state auditor. The record shall include the amount forfeited, date, and a brief description of the circumstances involved. *The record shall also list the number and types of firearms forfeited.* Reports shall be made on a monthly basis in a manner prescribed by the state auditor. The state auditor shall report annually to the legislature on the nature and extent of forfeitures.

Sec. 10. Minnesota Statutes 1992, section 609.5316, subdivision 3, is amended to read:

Subd. 3. [WEAPONS AND BULLET-RESISTANT VESTS.] Weapons used are contraband and must be summarily forfeited to the appropriate agency upon conviction of the weapon's owner or possessor for a controlled substance crime or for any offense of this chapter or chapter 624. Bullet-resistant vests, as defined in section 609.486, worn or possessed during the commission or attempted commission of a crime are contraband and must be summarily forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled substance crime or for any offense of this chapter. Notwithstanding this subdivision, weapons used and bullet-resistant vests worn or possessed may be forfeited without a conviction under sections 609.531 to 609.5315.

Sec. 11. Minnesota Statutes 1992, section 609.66, subdivision 1b, is amended to read:

Subd. 1b. [FELONY; FURNISHING TO MINORS.] Whoever, in any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the prior consent of the minor's parent or guardian or of the police department of the municipality is guilty of a felony and may be sentenced to imprisonment for not more than ~~five~~ *ten* years or to payment of a fine of not more than ~~\$10,000~~ *\$20,000*, or both. Possession of written evidence of prior consent signed by the minor's parent or guardian is a complete defense to a charge under this subdivision.

Sec. 12. Minnesota Statutes 1992, section 609.66, subdivision 1c, is amended to read:

Subd. 1c. [FELONY; FURNISHING A DANGEROUS WEAPON.] Whoever recklessly furnishes a person with a dangerous weapon in conscious disregard of a known substantial risk that the object will be possessed or used in furtherance of a felony crime of violence is guilty of a felony and may be

sentenced to imprisonment for not more than ~~five~~ ten years or to payment of a fine of not more than ~~\$10,000~~ \$20,000, or both.

Sec. 13. Minnesota Statutes 1993 Supplement, section 609.66, subdivision 1d, is amended to read:

Subd. 1d. [FELONY; POSSESSION ON SCHOOL PROPERTY.] (a) Whoever possesses, stores, or keeps a dangerous weapon ~~as defined in section 609.02, subdivision 6,~~ on school property is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

(b) As used in this subdivision:

(1) *"dangerous weapon" has the meaning given it in section 609.02, subdivision 6, except that the term also includes replica firearms, as defined in section 609.713; and*

(2) *"school property" means:*

(1) a public or private elementary, middle, or secondary school building and its grounds, whether leased or owned by the school; and

(2) the area within a school bus when that bus is being used to transport one or more elementary, middle, or secondary school students.

(c) This subdivision does not apply to:

(1) licensed peace officers, military personnel, or students participating in military training, who are performing official duties;

(2) persons who carry pistols according to the terms of a permit;

(3) persons who keep or store in a motor vehicle pistols in accordance with sections 624.714 and 624.715 or other firearms in accordance with section 97B.045;

(4) firearm safety or marksmanship courses or activities conducted on school property;

(5) possession of dangerous weapons by a ceremonial color guard;

(6) a gun or knife show held on school property; or

(7) possession of dangerous weapons with written permission of the principal.

Sec. 14. Minnesota Statutes 1992, section 624.712, is amended by adding a subdivision to read:

Subd. 9. [BUSINESS DAY.] *"Business day" means a day on which state offices are open for normal business and excludes weekends and legal holidays.*

Sec. 15. Minnesota Statutes 1992, section 624.712, is amended by adding a subdivision to read:

Subd. 10. [CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR.] *"Crime punishable by imprisonment for a term exceeding one year" does not include:*

(1) any federal or state offense pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices; or

(2) any state offense classified by the laws of this state or any other state as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside, or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this definition, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

Sec. 16. Minnesota Statutes 1993 Supplement, section 62A.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) *except as otherwise provided in clause (i)*, a person who has been convicted 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 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 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) *except as otherwise provided in clause (i)*, 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;

(i) *a person who has been convicted in this state or elsewhere of assaulting a family or household member and who was found by the court to have used a firearm in any way during commission of the assault is prohibited from possessing any type of firearm for the remainder of the person's life; or*

(j) *a person who:*

(1) *has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;*

(2) *is a fugitive from justice as a result of having fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding;*

(3) *is an unlawful user of any controlled substance as defined in chapter 152;*

(4) *has been judicially committed to a treatment facility 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;*

(5) *is an alien who is illegally or unlawfully in the United States;*

(6) *has been discharged from the armed forces of the United States under dishonorable conditions; or*

(7) *has renounced the person's citizenship having been a citizen of the United States.*

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. 17. Minnesota Statutes 1993 Supplement, section 624.713, is amended by adding a subdivision to read:

Subd. 1a. [INELIGIBLE TO RECEIVE, SHIP, TRANSPORT.] A person presently charged with a crime punishable by imprisonment for a term exceeding one year shall not be entitled to receive, ship, or transport any pistol or semiautomatic military-style assault weapon. A violation of this subdivision is a gross misdemeanor.

Sec. 18. Minnesota Statutes 1993 Supplement, section 624.713, is amended by adding a subdivision to read:

Subd. 4. [SALE OR POSSESSION PROHIBITED.] Notwithstanding the provisions of sections 624.711 to 624.7151, a person is guilty of a felony who possesses, sells, offers for sale, transfers, furnishes, or provides to another a semiautomatic military-style assault weapon in the metropolitan area, as defined in section 473.121, subdivision 2. Any person who lawfully owns or possesses a semiautomatic military-style assault weapon before May 1, 1994, shall remove it from the metropolitan area or may continue to possess it in the metropolitan area if the person registers the weapon with the chief of police within 30 days or renders it permanently inoperable. This subdivision does not apply to a federally licensed firearms manufacturer who does not sell, offer for sale, transfer, furnish, or provide firearms to the ultimate consumer. This subdivision does not apply to a federally licensed ammunition manufacturer who possesses semiautomatic military-style assault weapons for the sole purpose of testing ammunition.

Sec. 19. Minnesota Statutes 1992, section 624.7131, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION.] The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system and the national criminal record repository and shall make a reasonable effort to check other available state and local record keeping systems.

Sec. 20. Minnesota Statutes 1992, section 624.7131, subdivision 3, is amended to read:

Subd. 3. [FORMS; FEES.] Chiefs of police and sheriffs shall make transferee permit application forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit. However, a chief of police or a sheriff may charge a fee to cover the cost of conducting a background check, not to exceed \$.....

Sec. 21. Minnesota Statutes 1993 Supplement, section 624.7131, subdivision 10, is amended to read:

Subd. 10. [TRANSFER REPORT NOT REQUIRED.] A person who transfers a pistol or semiautomatic military-style assault weapon to a licensed peace officer, as defined in section 626.84, subdivision 1, exhibiting a valid peace officer identification, or to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

Sec. 22. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 1, is amended to read:

Subdivision 1. [REQUIRED INFORMATION.] Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol or semiautomatic military-style assault weapon shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the ~~agreement is made~~ *proposed transferee resides* or to the appropriate county sheriff if there is no such local chief of police:

(a) the name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) the sex, date of birth, height, weight and color of eyes, and distinguishing physical characteristics, if any, of the proposed transferee;

(c) a statement by the proposed transferee that the transferee is not prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon; and

(d) the address of the place of business of the transferor.

The report shall be signed by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

Sec. 23. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 2, is amended to read:

Subd. 2. [INVESTIGATION.] Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system *and the national criminal record repository and shall make a reasonable effort to check other available state and local record keeping systems.*

Sec. 24. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 4, is amended to read:

Subd. 4. [DELIVERY.] Except as otherwise provided in subdivision 7 or 8, no person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee until ~~seven~~ *five business days* after the date of the agreement to transfer ~~as stated on the report~~ *is delivered* to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the seven day waiting period. *The chief of police or sheriff may waive all or a portion of the five business day waiting period in writing if the chief of police or sheriff finds that the transferee requires access to a pistol or semiautomatic military-style assault weapon because of a threat to the life of the transferee or of any member of the household of the transferee.*

No person shall deliver a pistol or semiautomatic military-style assault weapon to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol or semiautomatic military-style assault weapon.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within ~~seven~~ *five business days of the date after delivery* of the agreement to transfer, the pistol or semiautomatic military-style assault weapon may be delivered to the transferee.

Sec. 25. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 8, is amended to read:

Subd. 8. [REPORT NOT REQUIRED.] (4) If the proposed transferee presents a valid transferee permit issued under section 624.7131 or a valid permit to carry issued under section 624.714, or if the transferee is a licensed peace officer, as defined in section 626.84, subdivision 1, ~~who presents a valid peace officer photo identification and badge, the transferor need not file a transfer report.~~

~~(2) If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, no report or investigation shall be required under this section for any additional transfers between that transferor and that transferee which are made within 30 days of the date on which delivery of the first pistol or semiautomatic military-style assault weapon may be made under subdivision 4.~~

Sec. 26. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 11, is amended to read:

Subd. 11. [FORMS; ~~COST FEES.~~] Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, ~~investigations,~~ notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a transfer. *However, a chief of police or a sheriff may charge a fee to cover the cost of processing the transfer report form, not to exceed \$.....*

Sec. 27. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 12, is amended to read:

Subd. 12. [EXCLUSIONS.] This section shall not apply to transfers of antique firearms as curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers;

(a) a transfer by a person other than a federally licensed firearms dealer;

~~(b)~~ a loan to a prospective transferee if the loan is intended for a period of no more than one day;

~~(c)~~ (b) the delivery of a pistol or semiautomatic military-style assault weapon to a person for the purpose of repair, reconditioning or remodeling;

~~(d)~~ (c) a loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;

~~(e)~~ (d) a loan between persons at a firearms collectors exhibition;

~~(f)~~ (e) a loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(e) (f) a loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(h) (g) a loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol or semiautomatic military-style assault weapon by reason of employment and is the holder of a valid permit to carry a pistol.

Sec. 28. Minnesota Statutes 1993 Supplement, section 624.7132, subdivision 14, is amended to read:

Subd. 14. [TRANSFER TO UNKNOWN PARTY.] (a) No person shall transfer a pistol or semiautomatic military-style assault weapon to another who is not personally known to the transferor unless the proposed transferee presents evidence of identity to the transferor. ~~A person who transfers a pistol or semiautomatic military-style assault weapon in violation of this clause is guilty of a misdemeanor.~~

(b) No person who is not personally known to the transferor shall become a transferee of a pistol or semiautomatic military-style assault weapon unless the person presents evidence of identity to the transferor.

(c) *The evidence of identity shall contain the name, residence address, date of birth, and photograph of the proposed transferee; must be made or issued by or under the authority of the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental or an international quasi-governmental organization; and must be of a type commonly accepted for the purpose of identification of individuals.*

(d) A person who becomes a transferee of a pistol or semiautomatic military-style assault weapon in violation of this ~~clause~~ subdivision is guilty of a misdemeanor.

Sec. 29. Minnesota Statutes 1992, section 624.714, subdivision 6, is amended to read:

Subd. 6. [FAILURE TO GRANT PERMITS.] Failure of the chief police officer or the county sheriff to deny the application or issue a permit to carry a pistol within 21 days of the date of application shall be deemed to be a grant thereof. The local police authority shall provide an applicant with written notification of a denial and the specific reason for the denial. ~~The permits and their renewal shall be granted free of charge. A chief of police or a sheriff may charge a fee to cover the cost of conducting a background check, not to exceed \$.....~~ The permit shall specify the activities for which it shall be valid.

Sec. 30. [NOTICE.]

By June 1, 1994, the commissioner of public safety shall notify all Minnesota residents in the metropolitan area who hold a federal firearms license as of that date concerning the requirements of sections 3 and 32.

Sec. 31. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 624.7132, subdivisions 7 and 10, are repealed.

Sec. 32. [EFFECTIVE DATE.]

Section 3 is effective August 1, 1994, and applies to persons obtaining or renewing a federal firearms license on or after that date. Persons holding federal firearms licenses that will expire after December 31, 1994, must comply with section 2 by December 31, 1994. Sections 3 to 29, and 31 are effective August 1, 1994, and apply to crimes committed on or after that date. Section 30 is effective the day following final enactment.

ARTICLE 4

LAW ENFORCEMENT AND PROSECUTION

Section 1. Minnesota Statutes 1992, section 260.132, is amended by adding a subdivision to read:

Subd. 4. [TRUANT.] When a peace officer or probation officer has probable cause to believe that a child is currently under age 16 and absent from school without lawful excuse, the officer may transport the child to the child's school of enrollment and deliver the child to the custody of a school superintendent or teacher or may transport the child to a truancy service center. For purposes of this subdivision, a truancy service center is a facility that receives truant students from peace officers or probation officers and takes appropriate action including one or more of the following:

- (1) assessing the truant's attendance situation;*
- (2) assisting in coordinating intervention efforts where appropriate;*
- (3) contacting the parents or legal guardian of the truant and releasing the truant to the custody of the parent or guardian; and*
- (4) facilitating the truant's earliest possible return to school.*

Sec. 2. Minnesota Statutes 1992, section 260.165, subdivision 1, is amended to read:

Subdivision 1. No child may be taken into immediate custody except:

(a) With an order issued by the court in accordance with the provisions of section 260.135, subdivision 5, or by a warrant issued in accordance with the provisions of section 260.145; or

(b) In accordance with the laws relating to arrests; or

(c) By a peace officer

(1) when a child has run away from a parent, guardian, or custodian, or when the peace officer reasonably believes the child has run away from a parent, guardian, or custodian; or

(2) when a child is found in surroundings or conditions which endanger the child's health or welfare or which such peace officer reasonably believes will endanger the child's health or welfare. If an Indian child is a resident of a reservation or is domiciled on a reservation but temporarily located off the reservation, the taking of the child into custody under this clause shall be consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1922; or

(d) By a peace officer or probation or parole officer when it is reasonably believed that the child has violated the terms of probation, parole, or other field supervision; or

(e) *By a peace officer or probation officer under section 260.132, subdivision 4.*

Sec. 3. Minnesota Statutes 1992, section 299A.34, subdivision 1, is amended to read:

Subdivision 1. [GRANT PROGRAMS.] (a) The commissioner shall develop grant programs to:

(1) assist law enforcement agencies in purchasing equipment, provide undercover buy money, and pay other nonpersonnel costs; *and*

(2) assist community and neighborhood organizations in efforts to prevent or reduce criminal activities in their areas, particularly activities involving youth and the use and sale of drugs; *and*

(3) *assist law enforcement agencies in efforts to target and apprehend violent habitual criminals.*

(b) The commissioner shall prescribe criteria for eligibility and the award of grants and reporting requirements for recipients.

Sec. 4. Minnesota Statutes 1992, section 299A.38, subdivision 3, is amended to read:

Subd. 3. [ELIGIBILITY REQUIREMENTS.] (a) Only vests that either meet or exceed the requirements of standard ~~0101.01~~ 0101.03 of the National Institute of Justice ~~in effect on December 30, 1986~~, or that meet or exceed the requirements of that standard, except wet armor conditioning, are eligible for reimbursement.

(b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by or for peace officers (1) who did not own a vest meeting the requirements of paragraph (a) before the purchase, or (2) who owned a vest that was at least six years old.

Sec. 5. Minnesota Statutes 1992, section 299C.065, as amended by Laws 1993, chapter 326, article 12, section 6, is amended to read:

299C.065 [UNDERCOVER BUY FUND; WITNESS ASSISTANCE SERVICES AND VICTIM PROTECTION; CRIME INFORMATION REWARDS.]

Subdivision 1. [GRANTS.] The commissioner of public safety shall make grants to local officials for the following purposes:

(1) the cooperative investigation of cross jurisdictional criminal activity relating to the possession and sale of controlled substances;

(2) receiving or selling stolen goods;

(3) participating in gambling activities in violation of section 609.76;

(4) violations of section 609.322, 609.323, or any other state or federal law prohibiting the recruitment, transportation, or use of juveniles for purposes of prostitution; *and*

(5) ~~witness assistance services in cases involving criminal gang activity in violation of section 609.229, or domestic assault, as defined in section 611A.0315; and~~

(6) for partial reimbursement of local costs associated with unanticipated, intensive, long-term, multijurisdictional criminal investigations that exhaust available local resources.

Subd. 1a. [WITNESS AND VICTIM PROTECTION FUND.] A witness and victim protection fund is created under the administration of the commissioner of public safety. The commissioner may make grants to local officials to provide for the relocation or other protection of a victim, witness, or potential witness who is involved in a criminal prosecution and who the commissioner has reason to believe is or is likely to be the target of a violent crime or a violation of section 609.498 or 609.713, in connection with that prosecution. The commissioner may award grants for any of the following actions in connection with the protection of a witness or victim under this subdivision:

(1) to provide suitable documents to enable the person to establish a new identity or otherwise protect the person;

(2) to provide housing for the person;

(3) to provide for the transportation of household furniture and other personal property to the person's new residence;

(4) to provide the person with a payment to meet basic living expenses for a time period the commissioner deems necessary;

(5) to assist the person in obtaining employment; and

(6) to provide other services necessary to assist the person in becoming self-sustaining.

Subd. 1b. [CRIME INFORMATION REWARDS.] A crime information reward fund is created under the administration of the commissioner of public safety. The commissioner is authorized to make grants to local officials to pay a reward to any person who, in response to a reward offer sponsored by a law enforcement agency, provides information leading to the successful arrest and prosecution of a criminal offender. The commissioner shall establish criteria for determining the amount of the reward and the duration of the reward offer.

Subd. 2. [APPLICATION FOR GRANT.] A county sheriff or the chief administrative officer of a municipal police department may apply to the commissioner of public safety for a grant for any of the purposes described in subdivision 1, 1a, or 1b, on forms and pursuant to procedures developed by the superintendent. For grants under subdivision 1, the application shall describe the type of intended criminal investigation, an estimate of the amount of money required, and any other information the superintendent deems necessary.

Subd. 3. [INVESTIGATION REPORT.] A report shall be made to the commissioner at the conclusion of an investigation pursuant to this section for which a grant was made under subdivision 1 stating: (1) the number of persons arrested, (2) the nature of charges filed against them, (3) the nature and value of controlled substances or contraband purchased or seized, (4) the amount of money paid to informants during the investigation, and (5) a separate accounting of the amount of money spent for expenses, other than "buy money", of bureau and local law enforcement personnel during the investigation. The commissioner shall prepare and submit to the legislature chairs of the committees in the senate and house of representatives with

jurisdiction over criminal justice policy by January 1 of each year a report of investigations ~~pursuant to this section~~ receiving grants under subdivision 1.

Subd. 3a. [ACCOUNTING REPORT.] The head of a law enforcement agency that receives a grant under ~~this section~~ for ~~witness assistance services~~ subdivision 1a or 1b shall file a report with the commissioner at the conclusion of the case detailing the specific purposes for which the money was spent. The commissioner shall prepare and submit to the ~~legislature~~ chairs of the committees in the senate and house of representatives with jurisdiction over criminal justice policy by January 1 of each year a summary report of witness assistance services and crime information rewards provided under this section.

Subd. 4. [DATA CLASSIFICATION.] An application to the commissioner for money is a confidential record. Information within investigative files that identifies or could reasonably be used to ascertain the identity of assisted witnesses, sources, or undercover investigators is a confidential record. A report at the conclusion of an investigation is a public record, except that information in a report pertaining to the identity or location of an assisted witness is private data.

Sec. 6. Minnesota Statutes 1992, section 388.051, is amended by adding a subdivision to read:

Subd. 3. [PLEA NEGOTIATION POLICIES AND PRACTICES; WRITTEN GUIDELINES REQUIRED.] (a) *On or before January 1, 1995, each county attorney shall adopt written guidelines governing the county attorney's charging and plea negotiation policies and practices. The guidelines shall address, but need not be limited to, the following matters:*

(1) the circumstances under which plea negotiation agreements are permissible;

(2) the factors that are considered in making charging decisions and formulating plea agreements; and

(3) the extent to which input from other persons concerned with a prosecution, such as victims and law enforcement officers, is considered in formulating plea agreements.

(b) Policies and procedures adopted under this subdivision are public data, as defined in section 13.02.

Sec. 7. Minnesota Statutes 1992, section 626.76, is amended to read:

626.76 [RULES AND REGULATIONS; AIDING OTHER OFFICERS; EXCHANGE PROGRAMS.]

Subdivision 1. Any appointive or elective agency or office of peace officers as defined in subdivision 3 may establish rules or regulations and enter into agreements with other agencies and offices for:

(1) assisting other peace officers in the line of their duty and within the course of their employment; and

(2) exchanging the agency's peace officers with peace officers of another agency or office on a temporary basis. Additionally, the agency or office may establish rules and regulations for assisting probation, parole, and supervised

release agents who are supervising probationers, parolees, or supervised releasees in the geographic area within the agency's or office's jurisdiction.

Subd. 2. (a) When a peace officer gives assistance to another peace officer, or to a parole, probation, or supervised release agent, within the scope of the rules or regulations of the peace officer's appointive or elected agency or office, any such assistance shall be within the line of duty and course of employment of the officer rendering the assistance.

(b) *When a peace officer acts on behalf of another agency or office within the scope of an exchange agreement entered into under subdivision 1, the officer's actions are within the officer's line of duty and course of employment to the same extent as if the officer had acted on behalf of the officer's employing agency.*

Subd. 3. For the purposes of this section ~~the term~~, "peace officer" means any member of a police department, state patrol, game warden service, sheriff's office, or any other law enforcement agency, the members of which have, by law, the power of arrest.

Subd. 4. This section shall in no way be construed as extending or enlarging the duties or authority of any peace officer or any other law enforcement agent as defined in subdivision 3 except as provided in this section.

Sec. 8. Minnesota Statutes 1992, section 626.846, subdivision 6, is amended to read:

Subd. 6. A person seeking election or appointment to the office of sheriff, or seeking appointment to the position of chief law enforcement officer, as defined by the rules of the board, after June 30, 1987, must be licensed or eligible to be licensed as a peace officer. The person shall submit proof of peace officer licensure or eligibility as part of the application for office. A person elected or appointed to the office of sheriff or the position of chief law enforcement officer shall be licensed as a peace officer during the person's term of office or employment.

Sec. 9. [629.343] [ALLOWING PROBABLE CAUSE ARRESTS FOR OFFENSES WITHIN SCHOOL ZONES.]

Notwithstanding section 629.34, or any other law or rule, a peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that the person within the preceding four hours has committed a fifth degree assault, as defined in section 609.224, or engaged in disorderly conduct, as defined in section 609.72, on school property, as defined in section 609.66, subdivision 1d.

ARTICLE 5

EXPLOSIVES AND BLASTING AGENTS

Section 1. Minnesota Statutes 1992, section 299F.72, is amended by adding a subdivision to read:

Subd. 1a. [BLASTING AGENT.] "Blasting agent" means any material or mixture (1) that consists of a fuel and oxidizer, (2) that is intended for blasting, (3) that is not otherwise classified as an explosive, (4) in which none of the ingredients is classified as an explosive, and (5) when a finished product, as

mixed and packaged for use or shipment, that cannot be detonated by means of a number eight test blasting cap when unconfined. The term does not include flammable liquids or flammable gases.

Sec. 2. Minnesota Statutes 1992, section 299F.72, subdivision 2, is amended to read:

Subd. 2. [EXPLOSIVE.] "Explosive" means any *chemical compound or mixture, or device*, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat; ~~but shall, unless the compound, mixture, or device is otherwise specifically classified by the United States Department of Transportation. The term does not mean or include the components for handloading rifle, pistol, and shotgun ammunition, and/or rifle, pistol and shotgun ammunition, black powder, smokeless powder, primers, and fuses when used for ammunition and components for antique or replica muzzleloading rifles, pistols, muskets, shotguns, and cannons; or when used for rifle, pistol, and shotgun ammunition, nor does it include fireworks as defined in section 624.20, nor shall it include any fertilizer product possessed, used or sold solely for a legitimate agricultural, forestry, conservation, or horticultural purpose.~~

Sec. 3. Minnesota Statutes 1992, section 299F.73, is amended to read:

299F.73 [LICENSE REQUIRED.]

Subdivision 1. [MANUFACTURE, ASSEMBLY, OR STORAGE OF EXPLOSIVES.] No person shall manufacture, assemble, warehouse or store explosives *or blasting agents* for purposes of wholesale or retail sale, or for any other purpose other than for ultimate consumption without being licensed to do so by the commissioner of public safety.

Subd. 2. [APPLICATION.] In order to obtain the license herein required such person shall make application to the commissioner of public safety. The application shall be on forms provided by the commissioner of public safety and shall require such information as the commissioner deems necessary including but not limited to the name, address, age, experience and knowledge of the applicant in the use, handling, and storage of explosives ~~and explosive devices or blasting agents~~, and whether the applicant is a person to whom no such license may be issued pursuant to section 299F.77. The commissioner of public safety may refuse to issue a license to any person who does not have sufficient knowledge of the use, handling, or storage of explosives *or blasting agents* to protect the public safety. Any person aggrieved by the denial of a license may request a hearing before the commissioner of public safety. The provisions of sections 14.57 to 14.69 shall apply to such hearing and subsequent proceedings, if any.

Sec. 4. Minnesota Statutes 1992, section 299F.74, is amended to read:

299F.74 [PERMIT REQUIRED FOR POSSESSION OR USE.]

No person shall possess explosives *or blasting agents*, unless said person shall have obtained a valid license as provided in section 299F.73, or unless said person shall have obtained a valid permit for the use of explosives *or blasting agents* as hereinafter provided. The transportation of an explosive *or blasting agent* by a common carrier for hire shall not be deemed to be possession of an explosive *or blasting agent* for purposes of this section.

Sec. 5. Minnesota Statutes 1992, section 299F.75, is amended to read:

299F.75 [PERMIT APPLICATION.]

Subdivision 1. [REQUIREMENT.] Any person desiring to possess explosives *or blasting agents*, other than a person licensed as provided in section 299F.73, shall make application for a permit for the use of explosives *or blasting agents* to the appropriate local sheriff or chief of police of a *statutory or home rule charter city* of the first, second or third class, or such other person as is designated by the commissioner of public safety, on a standardized form provided by the commissioner of public safety.

Subd. 2. [CONTENTS.] The application shall require the applicant's name, address, purpose for acquiring explosives *or blasting agents*, place of intended acquisition, quantity required, place and time of intended use, place and means of storage until such use and whether the applicant is a person to whom no such permit may be issued pursuant to section 299F.77. *Issuing authorities may request a certificate from the applicant regarding the applicant's knowledge in the use, handling, and storage of explosives and blasting agents, and may refuse to issue a permit to any person who does not have sufficient knowledge to protect the public safety.* Any person aggrieved by the denial of a permit may request a hearing before the commissioner of public safety. The provisions of sections 14.57 to 14.69 shall apply to such hearings and subsequent proceedings, if any.

Subd. 3. [NOTICE.] Prior to the storage *or use* of explosives *or blasting agents*, the applicant shall notify the appropriate local fire official *and law enforcement agency*.

Sec. 6. Minnesota Statutes 1992, section 299F.77, is amended to read:

299F.77 [ISSUANCE TO CERTAIN PERSONS PROHIBITED.]

The following persons shall not be entitled to receive an explosives license or permit:

(a) Any person who within the past five years has been convicted of a felony or gross misdemeanor involving moral turpitude, is on parole or probation therefor, or is currently under indictment for any such crime a person under the age of 18 years;

(b) Any person with mental illness or mental retardation as defined in section 253B.02 who has been confined or committed in Minnesota or elsewhere for mental illness or mental retardation to any hospital, mental institution or sanitarium, or who has been certified by a medical doctor as being mentally ill or mentally retarded, unless in possession of a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that the person no longer has this disability a person who has been convicted in this state or elsewhere of a crime of violence as defined in section 624.712, subdivision 5, unless ten years have elapsed since the person's civil rights have been restored or the sentence 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 that would have been crimes of violence if they had been committed in this state;

(c) Any person who is or has been hospitalized or committed for treatment for the habitual use of a narcotic drug, as defined in section 152.01, subdivision 10 or a controlled substance, as defined in section 152.01, subdivision 4, or who has been certified by a medical doctor as being addicted

to narcotic drugs or depressant or stimulant drugs, unless in possession of a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that the person no longer has this disability 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) Any person who by reason of the habitual and excessive use of intoxicating liquors is incapable of self-management or management of personal affairs and who has been confined or committed to any hospital, or treatment facility in this state or elsewhere as a "chemically dependent person" as defined in section 253B.02, or who has been certified by a medical doctor as being addicted to alcohol, unless in possession of a certificate of a medical doctor or psychiatrist licensed to practice in this state, or other satisfactory proof, that the person no longer has this disability a person who has been convicted in Minnesota or elsewhere for the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or 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; and

(e) Any person under the age of 18 years 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.

Sec. 7. Minnesota Statutes 1992, section 299F.78, subdivision 1., is amended to read:

Subdivision 1. [REQUIREMENTS TO TRANSFER TRANSFERRING EXPLOSIVES OR BLASTING AGENTS.] No person shall transfer explosives or blasting agents to another unless the transferee shall display to the transferor a copy of a valid license or use permit and proper identification, and unless said transferee shall present to the transferor a signed standardized form provided by the commissioner of public safety, acknowledging receipt of the quantity of explosives or blasting agents transferred, the identifying numbers of the same explosives, or if none, the identifying numbers of the primary container from which the same explosives or blasting agents were distributed, and the serial number of the use permit displayed, which receipt shall be kept among the transferor's records until authorized to dispose of it by the state fire marshal.

Sec. 8. [299F.785] [BLACK POWDER.]

No person shall manufacture, assemble, warehouse, or store black powder for purposes of wholesale or retail sale without being licensed to do so by the commissioner of public safety. The license shall be as prescribed by section 299F.73, subdivision 2. Persons who purchase more than five pounds of black powder shall provide suitable identification to the licensee and the licensee shall record the person's name and date of birth, date of purchase, and amount

purchased. Additional information may be required by the commissioner. The records maintained by the licensee must be open to the inspection of any peace officer acting in the normal course of duties. Persons shall notify the appropriate local fire official before storing more than five pounds of black powder.

Sec. 9. Minnesota Statutes 1992, section 299F.79, is amended to read:

299F.79 [UNAUTHORIZED POSSESSION ~~WITH INTENT~~ OF COMPONENTS; PENALTY.]

Whoever possesses one or more of the components necessary to manufacture or assemble explosives or *blasting agents*, with the intent to manufacture or assemble explosives or *blasting agents*, unless said person shall have a valid license or permit as provided by sections 299F.73 and 299F.75, may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

Sec. 10. Minnesota Statutes 1992, section 299F.80, is amended to read:

299F.80 [UNAUTHORIZED POSSESSION OF EXPLOSIVES WITHOUT PERMIT OR BLASTING AGENTS; PENALTY.]

Subdivision 1. [POSSESSION WITHOUT LICENSE OR PERMIT.] Except as provided in subdivision 2, whoever possesses explosives or *blasting agents* without a valid license or permit may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

Subd. 2. [POSSESSION FOR LEGITIMATE PURPOSES; PENALTY.] Whoever possesses ~~dynamite or other~~ explosives or *blasting agents* commonly used for agricultural, forestry, conservation, industry or mining purposes, without a valid license or permit, with intent to use the same for legitimate agricultural, forestry, conservation, industry or mining purposes, and in only such quantities as are reasonably necessary for such intended use, may be sentenced to imprisonment for not more than 90 days or to a payment of a fine of not more than ~~\$300~~ \$700, or both.

Sec. 11. Minnesota Statutes 1992, section 299F.82, is amended to read:

299F.82 [ILLEGAL TRANSFER.]

Subdivision 1. [PENALTY.] Except as provided in subdivision 2, whoever illegally transfers an explosive or *blasting agent* to another may be sentenced to imprisonment for not more than five years or payment of a fine of not more than \$10,000, or both.

Subd. 2. [PENALTY; LEGITIMATE PURPOSES.] Whoever illegally transfers ~~dynamite or other~~ explosives or *blasting agents* commonly used for agricultural, forestry, conservation, industry or mining purposes to another, personally known to the ~~transferor~~ transferor, in the belief that the same shall be used for legitimate agricultural, forestry, conservation, industry or mining purposes, and in only such quantities as are reasonably necessary for such believed use, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than ~~\$300~~ \$700, or both.

Sec. 12. Minnesota Statutes 1992, section 299F.83, is amended to read:

299F.83 [NEGLIGENT DISCHARGE.]

Whoever, acting with gross disregard for human life or property, negligently causes an explosive, ~~explosive device, or incendiary device,~~ or blasting agent to be discharged may be sentenced to imprisonment for not more than ten years or payment of a fine of not more than \$20,000, or both.

Sec. 13. [299F.831] [HANDLING WHILE INFLUENCED BY ALCOHOL OR DRUG.]

Subdivision 1. [PROHIBITION.] A person shall not handle or use explosives or blasting agents while under the influence of alcohol or controlled substances as defined by section 169.121, subdivision 1.

Subd. 2. [PENALTY.] Whoever handles or uses an explosive or blasting agent while under the influence of alcohol or a controlled substance is guilty of a misdemeanor and may be sentenced to imprisonment for not more than 90 days or payment of a fine of not more than \$700, or both.

Sec. 14. [609.668] [EXPLOSIVE AND INCENDIARY DEVICES.]

Subdivision 1. [DEFINITIONS.] For purposes of this section, the following terms have the meanings given them.

(a) "Explosive device" means a device so articulated that an ignition by fire, friction, concussion, chemical reaction, or detonation of any part of the device may cause such sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects. Explosive devices include, but are not limited to, bombs, grenades, rockets having a propellant charge of more than four ounces, mines, and fireworks modified for other than their intended purpose. The term includes devices that produce a chemical reaction that produces gas capable of bursting its container and producing destructive effects.

(b) "Incendiary device" means a device so articulated that an ignition by fire, friction, concussion, detonation, or other method may produce destructive effects primarily through combustion rather than explosion. The term does not include a manufactured device or article in common use by the general public that is designed to produce combustion for a lawful purpose, including but not limited to matches, lighters, flares, or devices commercially manufactured primarily for the purpose of illumination, heating, or cooking.

(c) "Crime of violence" has the definition given in section 624.712, subdivision 5.

Subd. 2. [POSSESSION BY CERTAIN PERSONS PROHIBITED.] The following persons are prohibited from possessing or reporting an explosive device or incendiary device:

(a) a person under the age of 18 years;

(b) a person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person's civil rights have been restored or the sentence 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 that would have been crimes of violence 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 for the unlawful use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or 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; and

(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.

A person who in good faith issues a certificate to a person described in this subdivision to possess or use an incendiary or explosive device is not liable for damages resulting or arising from the actions or misconduct with an explosive or incendiary device committed by the individual who is the subject of the certificate.

Subd. 3. [USES PERMITTED.] (a) The following persons may own or possess an explosive device or incendiary device provided that subdivision 4 is complied with:

(1) law enforcement officers for use in the course of their duties;

(2) fire department personnel for use in the course of their duties;

(3) corrections officers and other personnel at correctional facilities or institutions when used for the retention of persons convicted or accused of crime;

(4) persons possessing explosive devices or incendiary devices that although designed as devices have been determined by the commissioner of public safety or the commissioner's delegate, by reason of the date of manufacture, value, design, or other characteristics, to be a collector's item, relic, museum piece, or specifically used in a particular vocation or employment, such as the entertainment industry; and

(5) dealers and manufacturers who are federally licensed or registered.

(b) Persons listed in paragraph (a) shall also comply with the federal requirements for the registration and licensing of destructive devices.

Subd. 4. [REPORT REQUIRED.] (a) Before owning or possessing an explosive device or incendiary device as authorized by subdivision 3, a person shall file a written report with the department of public safety showing the person's name and address; the person's title, position, and type of employment; a description of the explosive device or incendiary device sufficient to

enable identification of the device; the purpose for which the device will be owned or possessed; the federal license or registration number, if appropriate; and other information as the department may require.

(b) Before owning or possessing an explosive device or incendiary device, a dealer or manufacturer shall file a written report with the department of public safety showing the name and address of the dealer or manufacturer; the federal license or registration number, if appropriate; the general type and disposition of the device; and other information as the department may require.

Subd. 5. [EXCEPTIONS.] This section does not apply to:

(1) members of the armed forces of either the United States or the state of Minnesota when for use in the course of duties;

(2) educational institutions when the devices are manufactured or used in conjunction with an official education course or program;

(3) propellant-actuated devices, or propellant-actuated industrial tools manufactured, imported, or distributed for their intended purpose;

(4) items that are neither designed or redesigned for use as explosive devices or incendiary devices;

(5) governmental organizations using explosive devices or incendiary devices for agricultural purposes or control of wildlife;

(6) governmental organizations using explosive devices or incendiary devices for official training purposes or as items retained as evidence; or

(7) arsenals, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States.

Subd. 6. [ACTS PROHIBITED; PENALTIES.] (a) Except as otherwise provided in this section, whoever possesses, manufactures, transports, or stores an explosive device or incendiary device in violation of this section may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) Whoever legally possesses, manufactures, transports, or stores an explosive device or incendiary device, with intent to use the device to damage property or cause injury, may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(c) Whoever, acting with gross disregard for human life or property, negligently causes an explosive device or incendiary device to be discharged, may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$100,000, or both.

Subd. 7. [INITIAL REPORTING.] All persons have 60 days from the effective date of this section to report explosive devices and incendiary devices to the department of public safety.

Sec. 15. Minnesota Statutes 1993 Supplement, section 609.902, subdivision 4, is amended to read:

Subd. 4. [CRIMINAL ACT.] "Criminal act" means conduct constituting, or a conspiracy or attempt to commit, a felony violation of chapter 152, or a felony violation of section 297D.09; 299F.79; 299F.80; ~~299F.811; 299F.815;~~

299F.82; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.228; 609.235; 609.245; 609.25; 609.27; 609.322; 609.323; 609.342; 609.343; 609.344; 609.345; 609.42; 609.48; 609.485; 609.495; 609.496; 609.497; 609.498; 609.52, subdivision 2, if the offense is punishable under subdivision 3, clause (3)(b) or clause 3(d)(v) or (vi); section 609.52, subdivision 2, clause (4); 609.53; 609.561; 609.562; 609.582, subdivision 1 or 2; 609.668, subdivision 6, paragraph (a); 609.67; 609.687; 609.713; 609.86; 624.713; or 624.74. "Criminal act" also includes conduct constituting, or a conspiracy or attempt to commit, a felony violation of section 609.52, subdivision 2, clause (3), (4), (15), or (16) if the violation involves an insurance company as defined in section 60A.02, subdivision 4, a nonprofit health service plan corporation regulated under chapter 62C, a health maintenance organization regulated under chapter 62D, or a fraternal benefit society regulated under chapter 64B.

Sec. 16. Minnesota Statutes 1992, section 624.21, is amended to read:

624.21 [SALE, POSSESSION, AND USE OF FIREWORKS PROHIBITED.]

Except as otherwise provided in sections 624.20 to 624.25, it shall be unlawful for any person to offer for sale, expose for sale, sell at retail or wholesale, possess, *advertise*, use, or explode any fireworks. This section shall not be construed to prohibit the possession, use, or explosion of fireworks by an engineer licensed pursuant to sections 326.02 and 326.03 or a person under the engineer's direct supervision when undertaking acoustical testing; or sales at wholesale to those persons holding valid permits for a fireworks display from a governmental subdivision of the state; or sales outside the state or sales to licensed professional engineers for acoustical testing purposes only.

Sec. 17. [REPEALER.]

Minnesota Statutes 1992, sections 299F.71; 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; and 299F.815, subdivision 2; Minnesota Statutes 1993 Supplement, sections 299F.811; and 299F.815, subdivision 1, are repealed.

Sec. 18. [EFFECTIVE DATE.]

Sections 1 to 17 are effective August 1, 1994, and apply to crimes committed on or after that date.

ARTICLE 6

CORRECTIONS

Section 1. Minnesota Statutes 1993 Supplement, section 241.021, subdivision 1, is amended to read:

Subdivision 1. [SUPERVISION OVER CORRECTIONAL INSTITUTIONS.] (1) The commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons detained or confined therein. Commencing September 1, 1980, no individual,

corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless licensed by the commissioner of corrections. The commissioner shall ~~annually~~ review the correctional facilities described in this subdivision *at least once every biennium*, except as otherwise provided herein, to determine compliance with the minimum standards established pursuant to this subdivision. The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in the commissioner's judgment, is making satisfactory progress toward substantial conformity and the interests and well-being of the persons detained or confined therein are protected. *The commissioner may grant licensure up to two years.* The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons detained or confined in these facilities. The commissioner may require the officers in charge of these facilities to furnish all information and statistics the commissioner deems necessary, at a time and place designated by the commissioner. The commissioner may require that any or all such information be provided through the department of corrections detention information system.

(2) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(3) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(4) When the commissioner finds that any facility described in clause (1), except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance, the commissioner shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, the commissioner may issue an order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, the commissioner may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year.

(5) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services.

department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated to be guilty or delinquent.

Sec. 2. Minnesota Statutes 1992, section 241.021, subdivision 2, is amended to read:

Subd. 2. [FOSTER CARE FACILITIES FOR DELINQUENT CHILDREN AND YOUTH; LICENSES; SUPERVISION.] Notwithstanding any provisions in sections 256.01, subdivision 2, clause (2), 245A.03, and 245A.04, to the contrary, the commissioner of corrections shall ~~pass annually on the adequacy and suitability of review~~ all county, municipal or other publicly established and operated facilities for the detention, care and training of delinquent children and youth *at least once every biennium*, if such facility conforms to reasonable standards established by the commissioner or in the commissioner's judgment is making satisfactory progress toward substantial conformity therewith, and the commissioner is satisfied that the interests and well-being of children and youth received therein are protected, the commissioner shall grant a license to the county, municipality or agency thereof operating such facility. ~~This license shall remain in force one year unless sooner revoked. The commissioner may grant licensure up to two years.~~ Each such facility shall cooperate with the commissioner to make available all facts regarding its operation and services as the commissioner requires to determine its conformance to standards and its competence to give the services needed and which purports to give. Every such facility as herein described is subject to visitation and supervision by the commissioner and shall receive from the commissioner consultation as needed to strengthen services to the children and youth received therein.

Sec. 3. Minnesota Statutes 1992, section 241.26, subdivision 7, is amended to read:

Subd. 7. [PAYMENT OF BOARD AND ROOM.] The commissioner shall determine the amount to be paid for board and room by such work placement inmate. When special circumstances warrant or for just and reasonable cause, the commissioner may waive the payment by the inmate of board and room charges ~~and report such waivers to the commissioner of finance.~~

Where a work placement inmate is housed in a jail or workhouse, such board and room revenue shall be paid over to such city or county official as provided for in subdivision 2, provided however, that when payment of board and room has been waived, the commissioner shall make such payments from funds appropriated for that purpose.

Sec. 4. Minnesota Statutes 1992, section 243.18, subdivision 1, is amended to read:

Subdivision 1. [GOOD TIME REDUCTION OF SENTENCE.] Every inmate sentenced *before May 1, 1980*, for any term other than life, confined in a state adult correctional facility or on parole thereafter, may diminish the *maximum* term of sentence one day for each two days during which the inmate has not violated any facility rule or discipline.

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the

part of the inmate, may afterwards restore the inmate, in whole or in part, to the standing the inmate possessed before such good time was taken away.

Sec. 5. Minnesota Statutes 1993 Supplement, section 243.18, subdivision 2, is amended to read:

Subd. 2. ~~[SANCTION FOR FAILURE TO WORK REQUIRED; GOOD TIME.] This subdivision applies only to inmates whose crimes were committed before August 1, 1993. All inmates are required to work. An inmate for whom a who fails to perform an available work assignment is available may shall be sanctioned either by not earn earning good time under subdivision 1 or by serving a disciplinary confinement period, as appropriate, for any day on which the inmate does not perform the work assignment. The commissioner may excuse an inmate from work only for illness, physical disability, or to participate in an education or treatment program.~~

Sec. 6. Minnesota Statutes 1992, section 243.23, subdivision 2, is amended to read:

Subd. 2. The commissioner may promulgate rules requiring the inmates of adult correctional facilities under the commissioner's control to pay all or a part of the cost of their board, room, clothing, medical, dental and other correctional services. These costs are payable from any earnings of the inmate, including earnings from private industry established at state correctional facilities pursuant to section 243.88. *All sums of money received pursuant to the payments made for correctional services as authorized in this subdivision are available for use by the commissioner during the current and subsequent fiscal year, and are appropriated to the commissioner of corrections for the purposes of the fund from which the earnings were paid.*

Sec. 7. Minnesota Statutes 1992, section 243.24, subdivision 1, is amended to read:

Subdivision 1. [SOLE BENEFIT OF INMATE.] Any money arising under section 243.23 shall be and remain under the control of the commissioner of corrections and shall be for the sole benefit of the inmate, unless by special order of the commissioner of corrections it shall be used as designated in section 243.23, ~~subdivision subdivisions 2 and 3~~, or for rendering assistance to the inmate's family or dependent relatives, under such rules as to time, manner, and amount of disbursements as the commissioner of corrections may prescribe. Unless ordered disbursed as hereinbefore prescribed or for an urgency determined in each case by the chief executive officer of the facility, a portion of such earnings in an amount to be determined by the commissioner shall be set aside and kept by the facility in the public welfare fund of the state for the benefit of the inmate and for the purpose of assisting the inmate when leaving the facility and if released on parole said sum to be disbursed to the inmate in such amounts and at such times as the commissioner of corrections may authorize and on final discharge, if any portion remains undisbursed, it shall be transmitted to the inmate.

Sec. 8. Minnesota Statutes 1992, section 244.12, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The commissioner may order that an offender who meets the eligibility requirements of subdivisions 2 and 3 be placed on intensive community supervision, as described in sections 244.14 and 244.15, for all or part of the offender's sentence if the offender agrees to

participate in the program and if the *commissioner notifies the sentencing court approves in writing of the offender's participation in the program.*

Sec. 9. Minnesota Statutes 1992, section 244.12, subdivision 2, is amended to read:

Subd. 2. [ELIGIBILITY.] The commissioner must limit the intensive community supervision program to the following persons:

(1) offenders who are committed to the commissioner's custody following revocation of a stayed sentence; and

(2) offenders who are committed to the commissioner's custody for a sentence of 27 30 months or less, who did not receive a dispositional departure under the sentencing guidelines, and who have already served a period of incarceration as a result of the offense for which they are committed.

Sec. 10. Minnesota Statutes 1992, section 244.15, subdivision 4, is amended to read:

Subd. 4. [FACE-TO-FACE CONTACTS.] (a) During phase I, the assigned intensive supervision agent shall have at least four face-to-face contacts with the offender each week.

(b) During phase II, two face-to-face contacts a week are required.

(c) During phase III, one face-to-face contact a week is required.

(d) During phase IV, two face-to-face contacts a month are required.

(e) *When an offender is an inmate of a jail or a resident of a facility which is staffed full time, the assigned agent may reduce face-to-face contacts to one per week during all phases.*

Sec. 11. Minnesota Statutes 1992, section 244.172, subdivision 3, is amended to read:

Subd. 3. [PHASE III.] *Phase III lasts for the remainder of the offender's sentence. During phase III, the commissioner shall place the offender on supervised release under section 244.05. continues until the commissioner determines that the offender has successfully completed the program or until the offender's sentence, minus jail credit, expires, whichever comes first. If an offender successfully completes phase III of the challenge incarceration program before the offender's sentence expires, the offender shall be placed on supervised release for the remainder of the sentence. The commissioner shall set the level of the offender's supervision based on the public risk presented by the offender.*

Sec. 12. Minnesota Statutes 1992, section 609.115, subdivision 1, is amended to read:

Subdivision 1. [PRESENTENCE INVESTIGATION.] When a defendant has been convicted of a misdemeanor or gross misdemeanor, the court may, and when the defendant has been convicted of a felony, the court shall, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused by it to others and to the community. At the request of the prosecutor in a gross misdemeanor case, the court shall order that a presentence investigation and report be prepared. When

the crime is a felony violation of chapter 152 involving the sale or distribution of a controlled substance, the report shall include a description of any adverse social or economic effects the offense has had on persons who reside in the neighborhood where the offense was committed.

The report shall also include the information relating to crime victims required under section 611A.037, subdivision 1. If the court directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.

When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota sentencing guidelines. The worksheet shall be submitted as part of the presentence investigation report.

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections. The officer conducting the presentence or predispositional investigation shall make reasonable and good faith efforts to contact the victim of that crime and to provide that victim with the information required under section 611A.037, subdivision 2.

When a person is convicted of a felony for which the sentencing guidelines presume that the defendant will be committed to the commissioner of corrections under an executed sentence and no motion for a sentencing departure has been made by counsel, the court may, *where space is available and the commissioner consents*, commit the defendant to the custody of the commissioner of corrections, pending completion of the presentence investigation and report. When a defendant is convicted of a felony for which the sentencing guidelines do not presume that the defendant will be committed to the commissioner of corrections, or for which the sentencing guidelines presume commitment to the commissioner but counsel has moved for a sentencing departure, the court may commit the defendant to the commissioner with the consent of the commissioner, pending completion of the presentence investigation and report. The ~~commissioner~~ *county of commitment* shall return the defendant to the court when the court so orders.

Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, section 244.10, and the rules of criminal procedure.

Sec. 13. Minnesota Statutes 1992, section 631.425, subdivision 6, is amended to read:

Subd. 6. [REDUCTION OF SENTENCE.] The term of the inmate's sentence ~~may be reduced by one fourth, if in the opinion of the court the inmate's conduct, diligence, and general attitude merit reduction, whether the term is part of an executed sentence or is imposed as a condition of probation, shall, when ten days or more, be reduced by one day for each two days served, commencing on the day of arrival, during which the inmate has not violated any rule or discipline of the place within which the person is incarcerated and, if required to labor, has labored with diligence and fidelity.~~

Sec. 14. Minnesota Statutes 1992, section 642.09, is amended to read:

642.09 [INSPECTION; AGENT OF A BOARD OF HEALTH, SHERIFF.]

The agent of a board of health as authorized under section 145A.04 of every city having a lockup shall inspect the same once a year, with reference to its sanitary condition, make a written report thereof to the commissioner of corrections upon blanks furnished by the commissioner, and deliver a copy of such report to the governing body of such city. Upon filing such report the authorized agent shall receive from the treasurer of such municipality a fee of \$5. The sheriff of any county in which a municipality maintains a lockup shall inspect such lockup ~~once a year~~ at least once every biennium with the approval of the commissioner of corrections, with reference to its security and administration, and make a written report thereof to the commissioner of corrections upon blanks furnished by the commissioner, and deliver a copy of such report to the governing body of the municipality maintaining such lockup. *The commissioner may grant licensure up to two years.*

Sec. 15. [INTENSIVE TRANSITION PILOT PROGRAMS.]

The commissioner of corrections shall establish two pilot programs in Hennepin and Ramsey counties to provide transitional programming and intensive surveillance and supervision for offenders who have just been released from prison on supervised release. The pilot programs shall be designed to improve offender accountability for observing the conditions of supervised release, to reduce recidivism, and to reduce the risk these offenders may pose to public safety.

The pilot programs shall include a research component designed to answer the following questions, at a minimum:

(a) *Did the higher level of supervision, surveillance, and control provided under the pilot programs increase the number of offenders who successfully complied with the conditions of supervised release as compared to offenders who did not participate in the programs?*

(b) *Over the longer term, were there fewer felony-level crimes committed by the offenders who participated in the pilot programs as compared to offenders who did not participate in the programs?*

Sec. 16. [JUVENILE FEMALE OFFENDERS.]

The commissioner of corrections shall collaborate with the commissioners of human services, health, jobs and training, planning, education, public safety, and with representatives of the private sector to develop a comprehensive continuum of care to address the gender-specific needs of juvenile female offenders.

Sec. 17. [INSTRUCTION TO REVISOR.]

The revisor of statutes shall renumber Minnesota Statutes, section 243.18, subdivision 1, as section 244.04, subdivision 1a; and shall change the headnote of Minnesota Statutes, section 243.18, from "DIMINUTION OF SENTENCE" to "WORK REQUIRED."

Sec. 18. [APPLICATION.]

The intent of section 4 is to clarify the provisions of Minnesota Statutes, section 243.18, subdivision 1.

Sec. 19. [REPEALER.]

Minnesota Statutes 1993 Supplement, section 243.18, subdivision 3, is repealed.

ARTICLE 7

CRIME VICTIMS

Section 1. Minnesota Statutes 1992, section 611A.19, subdivision 1, is amended to read:

Subdivision 1. [TESTING ON REQUEST OF VICTIM.] (a) The sentencing court may issue an order requiring a person convicted of a violent crime, as defined in section 609.152, or a juvenile adjudicated delinquent for violating section 609.342, 609.343, 609.344, or 609.345, to submit to testing to determine the presence of human immunodeficiency virus (HIV) antibody if:

- (1) the prosecutor moves for the test order in camera;
- (2) the victim requests the test; and
- (3) evidence exists that the broken skin or mucous membrane of the victim was exposed to or had contact with the offender's semen or blood during commission of the crime.

(b) If the court grants the prosecutor's motion, the court shall order that the test be performed by an appropriate health professional and that no reference to the test, the motion requesting the test, the test order, or the test results may appear in the criminal record or be maintained in any record of the court or court services.

ARTICLE 8

CRIME PREVENTION

Section 1. Minnesota Statutes 1992, section 124.912, subdivision 6, is amended to read:

Subd. 6. [CRIME RELATED COSTS.] For taxes levied in 1991 and subsequent years, payable in 1992 and subsequent years, each school district may make a levy on all taxable property located within the school district for the purposes specified in this subdivision. The maximum amount which may be levied for all costs under this subdivision shall be equal to \$1 \$3 multiplied by the population of the school district. For purposes of this subdivision, "population" of the school district means the same as contained in section 275.14. The proceeds of the levy must be used for reimbursing the cities and counties who contract with the school district for the following purposes: (1) to pay the costs incurred for the salaries, benefits, and transportation costs of peace officers and sheriffs for liaison services in the district's middle and secondary schools and (2) to pay the costs for a drug abuse prevention program as defined in Minnesota Statutes 1991 Supplement, section 609.101, subdivision 3, paragraph (f) in the elementary schools. The school district must initially attempt to contract for these services with the police department of each city or the sheriff's department of the county within the school district containing the school receiving the services. If a local police department or a county sheriff's department does not wish to provide the necessary services, the district may contract for these services with any other police or sheriff's department located entirely or partially within the school district's boundaries.

The levy authorized under this subdivision is not included in determining the school district's levy limitations.

Sec. 2. [242.56] [WORK AND LEARN FACILITIES FOR YOUTH.]

Subdivision 1. [REQUESTS FOR PROPOSALS.] The commissioner of corrections shall select two nonprofit organizations to select and develop sites for work and learn facilities for youth. The selection of organizations must be made in consultation with the advisory group created under subdivision 3. By July 1, 1994, the commissioner shall issue a request for proposals from nonprofit organizations to locate and develop the facilities described in subdivisions 4 and 5. Both programs will provide rigorous programming for youthful offenders.

Subd. 2. [ELIGIBILITY.] (a) Both programs are limited to individuals who:

(1) are at least 14 years of age but no older than 19 at the time of admission;

(2) have not received a high school diploma; and

(3) were adjudicated delinquent or referred by a county social services agency.

(b) The following are not eligible:

(1) juveniles adjudicated delinquent for murder, manslaughter, criminal sexual conduct in the first or second degree, assault, kidnapping, robbery, arson, or any other offense involving death or intentional personal injury; and

(2) juveniles who were adjudicated delinquent within the preceding ten years of an offense described in clause (1) and were committed to the custody of the commissioner.

(c) The programs may include nonoffenders selected by the commissioner based on recommendations from social service agencies of individuals who are at risk of incarceration.

Subd. 3. [ADVISORY GROUP.] The commissioner shall appoint an advisory group to assist in selecting sites under this section. The commissioner shall include among the members of the group representatives of the following: the council on Black Minnesotans, the council on the affairs of Spanish-speaking people, the council on Asian-Pacific Minnesotans, the Indian affairs council, the commissioner of education, community corrections officials, county corrections officials, the association of counties, and the association of county probation officers.

Subd. 4. [METROPOLITAN WORK AND LEARN SITE.] One facility shall be in the metropolitan area in an academy campus setting and be administered to address the problems of high unemployment rate among people of color, the high drop-out rate of young people in the public school system, and overcrowded correctional facilities. The academy shall provide the following programs:

(1) physical training;

(2) general studies;

(3) motivational and personal development;

(4) business opportunities;

- (5) skills improvement; and
- (6) structured residential treatment programs of individual and group counseling.

Subd. 5. [WILDERNESS WORK AND LEARN SITE.] One facility shall be in a wilderness setting, no more than 50 miles from the outer boundary of the seven-county metropolitan area, located on a site of at least 60 acres. The wilderness site shall offer a combination of the following:

- (1) group activities that develop cooperation, teamwork, and trust in others;*
- (2) wilderness camping experiences that ensure that the youth begin to build self-esteem about themselves;*
- (3) structured residential treatment programs of individual and group counseling;*
- (4) a teaching and social reinforcement system;*
- (5) a point and level incentive system;*
- (6) vocational and academic education; and*
- (7) life skills training.*

Subd. 6. [FAMILY SERVICES.] Both programs shall provide family services during and after the youth's involvement, including six months of intensive follow-up supervision of the youth after return to the community.

Subd. 7. [EVALUATION AND REPORT.] The commissioner shall file a report with the chairs of the senate crime prevention committee and the house of representatives judiciary committee by December 1, 1994, describing the sites selected and the progress made in developing them. The commissioner shall also develop a system for gathering and analyzing information concerning the value and effectiveness of the work and learn facilities. The commissioner shall report to the chairs of the committees in the house of representatives and senate with jurisdiction over criminal justice policy by January 1, 1999, on the operation of the program, with a recommendation as to whether it should be continued.

Sec. 3. Minnesota Statutes 1992, section 299A.31, is amended to read:

299A.31 [CHEMICAL ABUSE AND VIOLENCE PREVENTION RESOURCE COUNCIL.]

Subdivision 1. [ESTABLISHMENT; MEMBERSHIP.] A chemical abuse and violence prevention ~~resource~~ council consisting of 19 members is established. The commissioners of public safety, education, health, corrections, and human services, the director of the office of strategic and long-range planning, and the attorney general shall each appoint one member from among their employees. The speaker of the house of representatives and the subcommittee on committees of the senate shall each appoint a legislative member. The governor shall appoint an additional ten members who shall represent the demographic and geographic composition of the state and, to the extent possible, shall represent the following: public health; education including preschool, elementary, and higher education; social services; financial aid services; chemical dependency treatment; law enforcement; prosecution; defense; the judiciary; corrections; treatment research professionals; drug

abuse prevention professionals; the business sector; religious leaders; representatives of racial and ethnic minority communities; and other community representatives. The members shall designate one of the governor's appointees as chair of the council. Compensation and removal of members are governed by section 15.059.

Subd. 2. [ACCEPTANCE OF FUNDS AND DONATIONS.] The council may accept federal money, gifts, donations, and bequests for the purpose of performing the duties set forth in this section and section 299A.32. The council shall use its best efforts to solicit funds from private individuals and organizations to match state appropriations.

Sec. 4. Minnesota Statutes 1992, section 299A.32, subdivision 3, is amended to read:

Subd. 3. [ANNUAL REPORT.] By February 1 each year, the council shall submit a written report to the governor and the legislature describing its activities during the preceding year, describing efforts that have been made to enhance and improve utilization of existing resources and to identify deficits in prevention efforts, and recommending appropriate changes, including any legislative changes that it considers necessary or advisable in the area of chemical abuse and violence prevention policy, programs, and services.

Sec. 5. Minnesota Statutes 1992, section 299A.34, subdivision 2, is amended to read:

Subd. 2. [SELECTION AND MONITORING.] The chemical abuse and violence prevention resource council shall assist in the selection and monitoring of grant recipients.

Sec. 6. 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 and violence 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) *community-based programs designed to intervene with juvenile offenders who are identified as likely to engage in repeated criminal activity in the future unless intervention is undertaken; and*

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

Sec. 7. Minnesota Statutes 1992, section 299A.36, is amended to read:

299A.36 [OTHER DUTIES.]

The assistant commissioner assigned to the office of drug policy and violence prevention, in consultation with the chemical abuse *and violence* prevention ~~resource~~ council, shall:

(1) provide information and assistance upon request to school preassessment teams established under section 126.034 and school and community advisory teams established under section 126.035;

(2) provide information and assistance upon request to the state board of pharmacy with respect to the board's enforcement of chapter 152;

(3) cooperate with and provide information and assistance upon request to the alcohol and other drug abuse section in the department of human services;

(4) assist in coordinating the policy of the office with that of the narcotic enforcement unit in the bureau of criminal apprehension; and

(5) coordinate the activities of the regional drug task forces, provide assistance and information to them upon request, and assist in the formation of task forces in areas of the state in which no task force operates.

Sec. 8. [DEMONSTRATION PROJECT; INTERVENTION WITH CHIPS-DELINQUENTS.]

Subdivision 1. [ESTABLISHMENT.] The commissioners of human services and corrections shall establish a demonstration project to develop and provide effective intervention and treatment for children under the age of ten who are committing or have committed unlawful acts. The commissioners may determine the length of the demonstration project.

Subd. 2. [REPORT.] After the demonstration project has been completed, the commissioners shall evaluate its success and make recommendations to the legislature concerning the types of services that should be provided to these children.

Sec. 9. [INSTITUTE FOR CHILD AND ADOLESCENT SEXUAL HEALTH.]

Subdivision 1. [PILOT PROJECTS.] The institute of child and adolescent sexual health established in Laws 1992, chapter 571, article 1, section 28, and Laws 1993, chapter 326, article 12, section 16, shall implement two pilot projects that examine the relationship between violent juvenile sex offenders and the factors that contribute to their behavior. One pilot project must examine early protective and risk factors associated with adolescent sex offenders in order to identify children who are high risk to become offenders and to develop earlier intervention strategies. The second pilot project must develop and implement an intervention program for children identified as high risk to become sex offenders.

Subd. 2. [FINANCIAL STATUS REPORT.] By March 15, 1995, the institute must report to the commissioner of health the results of grant-seeking efforts, the location of resources for nonproject-related expenses and the status and preliminary findings of the pilot projects under subdivision 1.

Sec. 10. [VIOLENCE PREVENTION PLANNING AND OVERSIGHT.]

Subdivision 1. [REPORT TO THE LEGISLATURE.] The chemical abuse and violence prevention council shall report to the legislature and the chairs of the standing committees of the senate and house of representatives with jurisdiction over criminal justice policy by January 1, 1995, the results of the study of the advisory task force appointed under subdivision 2. The advisory task force shall make recommendations for:

- (1) a state violence prevention policy statement;*
- (2) development of measurable violence prevention goals and objectives and procedures for amending, assessing, and publicly reporting progress toward meeting goals and objectives;*
- (3) a state violence prevention policy and funding framework;*
- (4) identification of state violence prevention policy and funding areas, procedures for adapting and integrating the state violence prevention policy statement, goals, and objectives into the missions of appropriate state agencies, and procedures for assessing agency progress toward meeting violence prevention goals and objectives;*
- (5) a state violence prevention program inventory;*
- (6) coordination of violence prevention policy responsibilities and funding to meet federal mandates, avoid duplication of state agency efforts, maximize funding, and simplify grant procedures and policy and budget oversight;*
- (7) development of long-term and biennial violence prevention budget goals, procedures for their integration into the state budget process, and procedures for assessing and publicly reporting progress toward meeting these goals;*
- (8) interim violence prevention policy and budget goals for the 1996-1997 biennium; and*
- (9) development of an ongoing, coordinated system to provide technical assistance, monitor performance, and evaluate the effectiveness of violence prevention programs funded by the state, and to report results on a regular basis to the legislature in a manner that will facilitate effective policy and budget decisions.*

Subd. 2. [VIOLENCE PREVENTION PLANNING AND OVERSIGHT ADVISORY TASK FORCE.] For purposes of conducting the study under subdivision 1, the chemical abuse and violence prevention council shall establish a 38-member violence prevention planning and oversight advisory task force consisting of the members of the council and:

- (1) one member or designee of the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, the Indian affairs council, and the council on the affairs of Spanish-speaking people, appointed by the council;*
- (2) four members of the legislative commission on children, youth, and their families, selected by the commission; and*

(3) 11 persons appointed by the council who shall represent:

(i) to the extent possible, the broad variety of nonprofit and community-based agencies and organizations which advocate or provide services or funding for violence prevention and at-risk youth programs;

(ii) individuals who engage in crime prevention and risk and resiliency research;

(iii) individuals knowledgeable about family education and child development;

(iv) the demographic and geographic composition of the state; and

(v) racial and ethnic minority communities.

Subd. 3. [TASK FORCE CHAIR.] *The task force shall be chaired jointly by the members of the chemical abuse and violence prevention council representing the commissioners of public safety and education.*"

Delete the title and insert:

"A bill for an act relating to crime prevention; providing mandatory minimum prison sentences for persons convicted of a drive-by shooting; requiring prosecutors to report sentencing practices under the mandatory minimum sentencing law relating to certain weapon-related offenses; prohibiting waiver of the mandatory minimum sentence for firearms offenses for a repeat offender; increasing felony penalties for furnishing a minor with a firearm, ammunition, or explosives or recklessly furnishing another with a dangerous weapon; broadening the scope of the gun control act to apply to transfers of firearms by persons who are not federally licensed dealers; requiring a license to sell firearms or ammunition in the metropolitan area; prohibiting assault weapons in the metropolitan area; requiring maintenance of records regarding firearms sales in the metropolitan area; allowing metropolitan city attorneys to obtain assistance from the attorney general in prosecuting firearms offenses; allowing law enforcement agencies to charge a fee to conduct firearms eligibility background checks; clarifying that weapons may be seized in connection with certain offenses; requiring inspection of correctional facilities and lockups at least once every biennium; authorizing the commissioner of corrections to impose disciplinary confinement periods comparable to periods in place for inmates sentenced before August 1, 1993; modifying eligibility criteria for the challenge incarceration program; defining the length of phase III of the program; authorizing the commissioner of corrections to limit placement of convicted felons awaiting completion of presentence investigation reports in state correctional facilities; providing for good time reduction of sentences in local correctional facilities; providing a separate definition of "mentally incapacitated" for certain victims under 18; expanding first-degree criminal sexual conduct to cover sexual contact with a child under 13; increasing the penalty for assault and malicious punishment of a child under three; expanding the forfeiture law's definition of "weapon used"; requiring the destruction of forfeited weapons used, firearms, ammunition, and firearm accessories; increasing the maximum fine applicable to petty misdemeanor traffic violations; clarifying the elements of the driving after license suspension, revocation, and cancellation offenses; increasing the penalty for committing certain escapes from custody; modifying criminal provisions relating to blasting agents and explosives; requiring county attorneys to adopt charging and plea bargaining practices; providing for two

work and learn facilities for youth; appropriating money for public defense, criminal justice, corrections, and related purposes; providing for the transfer of certain money in the state treasury; amending Minnesota Statutes 1992, sections 13.99, by adding a subdivision; 124.912, subdivision 6; 169.89, subdivision 2; 171.18, subdivision 1; 219.383, subdivision 4; 241.021, subdivision 2; 241.26, subdivision 7; 243.18, subdivision 1; 243.23, subdivision 2; 243.24, subdivision 1; 244.09, by adding a subdivision; 244.12, subdivisions 1 and 2; 244.15, subdivision 4; 244.172, subdivision 3; 260.132, by adding a subdivision; 260.165, subdivision 1; 299A.31; 299A.32, subdivision 3; 299A.34, subdivisions 1 and 2; 299A.36; 299A.38, subdivision 3; 299C.065, as amended; 299F.72, subdivision 2, and by adding a subdivision; 299F.73; 299F.74; 299F.75; 299F.77; 299F.78, subdivision 1; 299F.79; 299F.80; 299F.82; 299F.83; 383B.225, subdivision 6; 388.051, by adding a subdivision; 487.25, by adding a subdivision; 609.0331; 609.0332; 609.115, subdivision 1; 609.185; 609.20; 609.223, by adding a subdivision; 609.224, subdivision 3; 609.245; 609.28; 609.341, subdivisions 4, 7, 11, and 12; 609.342, subdivision 1; 609.377; 609.485, subdivision 4; 609.5315, subdivision 6, and by adding a subdivision; 609.5316, subdivisions 1 and 3; 609.66, subdivisions 1b and 1c; 609.746, subdivision 1; 609.855; 611A.19, subdivision 1; 624.21; 624.712, by adding subdivisions; 624.7131, subdivisions 2 and 3; 624.714, subdivision 6; 624.731, subdivision 8; 626.76; 626.846, subdivision 6; 626A.05, subdivision 2; 631.425, subdivision 6; and 642.09; Minnesota Statutes 1993 Supplement, sections 171.24; 241.021, subdivision 1; 243.18, subdivision 2; 260.221, subdivision 1; 299A.35, subdivision 1; 518B.01, subdivision 6; 609.11, subdivisions 8, 9, and by adding a subdivision; 609.345, subdivision 1; 609.531, subdivision 1; 609.5315, subdivisions 1 and 2; 609.66, subdivision 1d; 609.902, subdivision 4; 624.713, subdivision 1, and by adding subdivisions; 624.7131, subdivision 10; 624.7132, subdivisions 1, 2, 4, 8, 11, 12, and 14; 626.556, subdivision 2; and 628.26; proposing coding for new law in Minnesota Statutes, chapters 242; 299A; 299F; 609; and 629; repealing Minnesota Statutes 1992, sections 299F.71; 299F.72, subdivisions 3 and 4; 299F.78, subdivision 2; 299F.815, subdivision 2; and 609.855, subdivision 4; Minnesota Statutes 1993 Supplement, sections 243.18, subdivision 3; 299F.811; 299F.815, subdivision 1; and 624.7132, subdivisions 7 and 10; Laws 1993, chapter 146, article 2, sections 15 and 18."

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2151, 1922, 2429, 1984, 1641 and 2090 were read the second time.

SECOND READING OF HOUSE BILLS

H.F. Nos. 423, 2512, 2139, 942, 2426, 2967, 1829, 2135, 2034, 2882, 2159 and 2591 were read the second time.

MOTIONS AND RESOLUTIONS

Mrs. Benson, J.E.; Messrs. Stevens; Bertram; Johnson, D.E. and Samuelson introduced—

Senate Resolution No. 72: A Senate resolution recognizing St. Cloud State University on its 125th Anniversary.

Referred to the Committee on Rules and Administration.

Mr. Betzold moved that H.F. No. 2148, No. 4 on the Consent Calendar, be stricken and placed on General Orders. The motion prevailed.

Ms. Flynn moved that S.F. No. 2858, No. 14 on the Consent Calendar, be stricken and placed on General Orders. The motion prevailed.

Mr. Betzold moved that S.F. No. 2090, on General Orders, be stricken and re-referred to the Committee on Finance. The motion prevailed.

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate proceeded to the Order of Business of the Consent Calendar.

CONSENT CALENDAR

H.F. No. 3091: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1992, sections 17.47, subdivision 3; 41A.05, subdivision 2; 60B.04, subdivision 1; 60B.09, subdivisions 1 and 3; 115.41, subdivisions 1 and 2; 115.42; 115.43, subdivision 2; 115.44, subdivision 2; 115.45, subdivision 1; 115.50; 115.52; 115.53; 120.101, subdivisions 2 and 6; 121.88, subdivision 8; 125.611, subdivision 1; 136.24, subdivision 1; 136.622, subdivision 1; 152.02, subdivisions 9, 12, and 13; 160.265; 169.443, subdivision 8; 171.22, subdivision 2; 214.01, subdivision 3; 214.13, subdivision 1; 237.60, subdivision 2; 256D.06, subdivision 1b; 260.151, subdivision 1; 299C.61, subdivision 4; 309.53, subdivision 2; 326.212; 326.224; 326.461, subdivision 1; 327.32, subdivision 8; 327.33; 327.34, subdivision 1; 331A.06, subdivision 4; 348.13; 352.119, subdivision 1; 386.61, by adding a subdivision; 423B.12; 446A.07, subdivision 6; 449.06; 469.174, subdivision 10; 469.181, subdivision 1; and 471A.11; Minnesota Statutes 1993 Supplement, sections 16B.06, subdivision 2a; 16B.122, subdivision 3; 62A.31, subdivision 1n; 62N.075; 82.195, subdivision 2; 115A.542; 115C.082, subdivision 1; 124.195, subdivision 8; 138.96, subdivision 2; 144.991, subdivisions 3 and 4; 152.11, subdivision 1; 169.121, subdivision 1c; 214.103, subdivision 6; 245A.04, subdivision 3b; 256D.44, subdivision 3; 257.67, subdivision 3; 268.92, subdivision 1; 296.035; 325F.755, subdivision 5; 326.111, subdivision 4; 326.975, subdivision 2; 349.217, subdivision 1; 386.66; 491A.01, subdivision 3; 549.09, subdivision 1; 609.5312, subdivision 3; 609.605, subdivision 1; 609.749, subdivision 5; and Laws 1992, chapter 513, article 4, section 60; repealing Minnesota Statutes 1992, sections 216B.164, subdivision 7; 385.08; and 473.872; Laws 1977, chapter 11, section 8; Laws 1982, chapter 514, sections 18 and 19; Laws 1983, chapter 247, section 130; Laws 1984, chapter 628, article 2, section 4; Laws 1985, First Special Session chapters 9, article 2, sections 81 and 82; 13, section 191; and 14, article 9, section 16; Laws 1987, chapters 197, section 1; 315, section 4, subdivision 2; and 336, section 35; Laws 1988, chapters 441, section 2; 486, sections 15 and 68; 496, section 8; 514, section 5; and 636, section 3; Laws 1989, chapters 89, sections 1 (in part) and 13; 133, section 1; 144, article 2, section 8; 209, article 2, sections 8 and 34; 222, sections 10, 21, 22, and 36; 271, section 32; 282, article 2, sections

144 and 186; 293, section 74; 319, article 13, sections 22 and 55; 329, article 5, section 10; 334, article 2, section 17; 335, article 1, sections 200 and 255; 353, section 10; and 356, section 18; Laws 1990, chapters 426, article 1, sections 5 and 32; 480, articles 5, sections 6 and 9; and 9, section 3; 512, section 12; 562, article 10, section 1; 571, section 39; 574, section 5; and 594, article 3, sections 6 and 7; Laws 1991, chapters 58, sections 1, 2, 3, 4, 5, 6, 7, and 8; 130, section 24; 174, section 8; 199, article 1, section 71; 238, article 1, section 7; 265, article 4, section 19; 292, article 4, section 45; 306, section 26; 336, article 2, section 2; 340, sections 1 and 32; and 345, article 2, section 46; Laws 1992, chapters 432, article 2, section 41; 437, section 1; and 499, article 6, section 15; Laws 1993, chapters 4, section 9; 47, sections 1, 4, 6, and 9; 78, section 3; 101, section 1; 224, article 13, sections 3 and 43; 247, articles 1, section 11; and 2, section 9; 269, section 17; 286, sections 2 and 21; 303, sections 15, 17, and 18; 339, section 12; and 369, sections 38 and 128; Laws 1993, First Special Session chapter 1, article 2, section 6.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 66 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2856: A bill for an act relating to state lands; authorizing the sale of certain tax-forfeited lands that border public water in Mower county.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2710: A bill for an act relating to state government; requiring the commissioner of administration to study and report on the best way to increase electronic services to citizens; proposing coding for new law in Minnesota Statutes, chapter 16B.

Mr. Riveness moved to amend H.F. No. 2710, as amended pursuant to Rule 49, adopted by the Senate April 6, 1994, as follows:

(The text of the amended House File is identical to S.F. No. 2624.)

Page 1, after line 7, insert:

“Section 1. [3.197] [REQUIRED REPORTS.]

A report to the legislature must contain, at the beginning of the report, the cost of preparing the report, including any cost incurred by another agency or another level of government.

Sec. 2. Minnesota Statutes 1992, section 3.302, subdivision 3, is amended to read:

Subd. 3. [STATE DOCUMENTS.] The library is a depository of all documents published by the state and ~~shall must receive them~~ *six copies of each document* automatically without cost. As used in this chapter, “document” includes any publication issued by the state, constitutional officers, departments, commissions, councils, bureaus, research centers, societies, task forces, including advisory task forces created under section 15.014 or 15.0593, or other agencies supported by state funds, or any publication prepared for the state by private individuals or organizations and issued in print, including all forms of duplicating other than by the use of carbon paper, considered to be of interest or value to the library. Intraoffice or interoffice memos and forms and information concerning only the internal operation of an agency are not included.

Sec. 3. Minnesota Statutes 1992, section 3.302, subdivision 3a, is amended to read:

Subd. 3a. [IDENTIFICATION OF DOCUMENTS.] For all documents deposited under subdivision 3, the library shall require that the issuing agency supply proper bibliographic identification. The identification ~~shall must~~ appear on the title page of each volume and include a complete title, a statement of authorship, the name of the publisher, and the date and place of publication. If possible the document ~~shall must~~ be consecutively paged. The issuing agency shall include a statement citing the statute or session law with which the report complies, if there is one. *The library shall publish and distribute to legislators and other interested persons a regular checklist of state documents.”*

Page 1, line 8, delete “Section 1.” and insert “Sec. 4.”

Page 1, after line 19, insert:

“Sec. 5. [INSTRUCTIONS TO REVISOR.]

It is the intent of the legislature to repeal or otherwise remove from Minnesota Statutes all standing requirements for periodic reports from state agencies to the legislature, effective August 1, 1995. The revisor of statutes shall prepare, for introduction in the 1995 session of the legislature, a bill

making changes in Minnesota Statutes consistent with that intent and with section 1.

Sec. 6. [REPEALER.]

Minnesota Statutes 1992, section 3.195, is repealed.

Sec. 7. [EFFECTIVE DATE.]

Sections 1, 2, 3, and 6 are effective August 1, 1995."

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "reports to the legislature;"

Page 1, line 5, after the semicolon, insert "amending Minnesota Statutes 1992, section 3.302, subdivisions 3 and 3a;"

Page 1, line 6, delete "chapter" and insert "chapters 3; and" and after "16B" insert ";; repealing Minnesota Statutes 1992, section 3.195"

The motion prevailed. So the amendment was adopted.

H.F. No. 2710 was read the third time, as amended, and placed on its final passage.

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

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

Those who voted in the affirmative were:

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

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

H.F. No. 2936: A bill for an act relating to Ramsey county; providing for funding the maintenance of turnback roads in Ramsey county; amending Minnesota Statutes 1992, section 383A.16, subdivision 2, and by adding subdivisions; repealing Minnesota Statutes 1992, section 383A.16, subdivision 1.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

Adkins	Berg	Chmielewski	Flynn	Johnson, D.E.
Anderson	Berglin	Cohen	Frederickson	Johnson, D.J.
Belanger	Bertram	Day	Hanson	Johnson, J.B.
Benson, D.D.	Betzold	Dille	Hottinger	Johnston
Benson, J.E.	Chandler	Finn	Janezich	Kelly

Kiscaden	Lessard	Morse	Piper	Samuelson
Knutson	Luther	Murphy	Pogemiller	Solon
Krentz	Marty	Neuville	Price	Spear
Kroening	McGowan	Novak	Ranum	Stevens
Laidig	Merriam	Oliver	Riveness	Stumpf
Langseth	Metzen	Olson	Robertson	Terwilliger
Larson	Moe, R.D.	Pappas	Runbeck	Vickerman
Lesewski	Mondale	Pariseau	Sams	Wiener

So the bill passed and its title was agreed to.

H.F. No. 2321: A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Clay and Wilkin counties.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 985: A bill for an act relating to retirement; public employees police and fire fund; modifying the disability benefit limitation for reemployed disabled persons; amending Minnesota Statutes 1992, section 353.656, subdivision 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1927: A bill for an act relating to public employment; authorizing a Medicare coverage referendum for certain city of Karlstad hospital employees.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 2269: A bill for an act relating to retirement; teachers retirement association; authorizing annuity adjustment for a certain annuitant.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 60 and nays 4, as follows:

Those who voted in the affirmative were:

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

Mrs. Benson, J.E.; Ms. Kiscaden, Mr. Merriam and Ms. Robertson voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 2657: 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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that the rules of the Senate be so far suspended as to waive the lie-over requirement for the remainder of the Consent Calendar. The motion prevailed.

S.F. No. 862: A bill for an act relating to motor vehicles; providing for service of process for certain alleged violations; providing civil penalty; amending Minnesota Statutes 1992, section 168.27, by adding a subdivision.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1966: A bill for an act relating to peace officers; authorizing officers of states adjoining Minnesota to render assistance to peace officers of this state on request; granting these officers arrest authority in this state under certain circumstances; extending the state and local government tort liability laws to the conduct of these officers; proposing coding for new law in Minnesota Statutes, chapter 626.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS - CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Order of Business of the Calendar.

SUSPENSION OF RULES

Mr. Moe, R.D. moved that the rules of the Senate be so far suspended as to waive the lie-over requirement. The motion prevailed.

CALENDAR

S.F. No. 1593: A bill for an act relating to crime; eliminating the defense of mistake of age or consent for persons who are prosecuted for a prostitution offense; amending Minnesota Statutes 1992, section 609.325, subdivision 2.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 1741: A bill for an act relating to game and fish; allowing nonresidents to take rough fish by harpooning; amending Minnesota Statutes 1992, section 97C.381.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Johnson, D.J. voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1740: A bill for an act relating to local government; requiring the metropolitan council to study housing redevelopment and rehabilitation costs and benefits; requiring local governments in the seven-county metropolitan area to cooperate with the metropolitan council for purposes of the study.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 2, as follows:

Those who voted in the affirmative were:

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

Messrs. Marty and Merriam voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1936: A bill for an act relating to game and fish; requiring return to the water of fish snagged in certain waters; amending Minnesota Statutes 1993 Supplement, section 97C.331.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 3, as follows:

Those who voted in the affirmative were:

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

Mr. Betzold, Ms. Johnston and Kiscaden voted in the negative.

So the bill passed and its title was agreed to.

H.F. No. 1880: A resolution memorializing the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States.

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

The question was taken on the passage of the resolution.

The roll was called, and there were yeas 51 and nays 14, as follows:

Those who voted in the affirmative were:

Adkins	Chmielewski	Johnson, D.J.	Kroening	McGowan
Belanger	Day	Johnson, J.B.	Laidig	Metzen
Benson, D.D.	Dille	Johnston	Langseth	Moe, R.D.
Benson, J.E.	Finn	Kelly	Larson	Mondale
Berg	Frederickson	Kiscaden	Lesewski	Morse
Berglin	Hanson	Knutson	Lessard	Murphy
Bertram	Janezich	Krentz	Luther	Neuville

Novak	Pogemiller	Robertson	Samuelson	Stumpf
Oliver	Price	Runbeck,	Solon	Terwilliger
Olson	Reichgott Junge	Sams	Stevens	Vickerman
Pariseau				

Those who voted in the negative were:

Anderson	Cohen	Marty	Piper	Spear
Betzold	Flynn	Merriam	Ranum	Wiener
Chandler	Hottinger	Pappas	Riveness	

So the resolution passed and its title was agreed to.

S.F. No. 1759: A bill for an act relating to corrections; requiring a study of the need for training of correctional staff regarding mental health needs of inmates; requiring a study of the need for training of correctional staff regarding HIV/AIDS issues.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

H.F. No. 1928: A bill for an act relating to motor vehicles; authorizing special license plates for vehicles owned by volunteer ambulance drivers; amending Minnesota Statutes 1992, section 168.12, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 63 and nays 1, as follows:

Those who voted in the affirmative were:

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

Mr. Riveness voted in the negative.

So the bill passed and its title was agreed to.

S.F. No. 1816: A bill for an act relating to motor carriers; amending and eliminating the repeal of regulations related to personal transportation service providers; defining terms and setting requirements related to personal transportation service; increasing a fee; amending Minnesota Statutes 1992, sections 168.1281, subdivisions 1, 2, and by adding a subdivision; 221.011, subdivision 34; and 221.85, subdivisions 1, 3, and by adding a subdivision; Minnesota Statutes 1993 Supplement, section 168.011, subdivision 36; Laws 1993, chapter 323, section 5; repealing Minnesota Statutes 1993 Supplement, section 168.1281, subdivision 4; Laws 1992, chapter 578, section 56; Laws 1993, chapter 323, sections 3 and 4.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 57 and nays 5, as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson	Berglin	Flynn	Murphy	Ranum
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So the bill passed and its title was agreed to.

S.F. No. 2099: A bill for an act relating to recreational vehicles; requiring department of transportation to accept competitive design-build bids for certain nonvehicular bridges on pedestrian facilities and bicycle paths; amending Minnesota Statutes 1992, section 160.262, by adding a subdivision.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

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; modifying petition and prepetition procedures; amending Minnesota Statutes 1992, sections 13.42, subdivision 3; 253B.03, subdivisions 6b and 6c; 253B.07, subdivisions 1, 2, and 4, and by adding a subdivision; 253B.09, subdivision 2; 253B.12, subdivision 1; 253B.17, subdivision 1; and 525.56, subdivision 3.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 2465: A bill for an act relating to the jobs and training department; modifying provisions relating to certain departmental contracts; amending Minnesota Statutes 1993 Supplement, section 16B.06, subdivision 2a.

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

The question was taken on the passage of the bill.

The roll was called, and there were yeas 65 and nays 0, as follows:

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

S.F. No. 584: A bill for an act relating to free speech; protecting citizens and organizations from civil lawsuits for exercising their rights of public participation in government; proposing coding for new law as Minnesota Statutes, chapter 554.

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

The question was taken on the passage of the bill.

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

Those who voted in the affirmative were:

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

So the bill passed and its title was agreed to.

MOTIONS AND RESOLUTIONS – CONTINUED

Without objection, remaining on the Order of Business of Motions and Resolutions, the Senate reverted to the Orders of Business of Reports of Committees and Second Reading of Senate Bills.

REPORTS OF COMMITTEES

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

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

S.F. No. 2097: A bill for an act relating to transportation; establishing annual gasoline excise tax rate adjustment; increasing the transfer of motor vehicle excise tax receipts to the transit assistance fund; providing for distribution of money from the transit assistance fund; requiring study of electric vehicle transportation technology; requiring high-speed rail study; requiring action on environmental impact statement for Wakota Bridge; authorizing the sale of state bonds; appropriating money; amending Minnesota Statutes 1992, sections 296.02, by adding a subdivision; 297B.09, subdivision 1; and 360.305, subdivision 4; Minnesota Statutes 1993 Supplement, section 174.32, subdivision 2; Laws 1993, chapter 373, section 25, subdivision 5.

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

Page 1, line 27, after “SUMMARY” insert “BY FUND

TOTAL APPROPRIATION \$214,347,000”

Page 1, line 28, delete “\$,000” and insert “18,196,000”

Page 1, line 29, delete “.....,000” and insert “126,784,000”

Page 1, line 30, delete “.....,000” and insert “26,555,000”

Page 2, line 1, delete “.....,000” and insert “730,000

County State Aid Highway Fund 32,595,000

Municipal State Aid Street Fund 9,487,000"

Page 2, delete line 4 and insert:

"Sec. 2. TRANSPORTATION 199,347,000"

Page 2, line 7, delete "...000" and insert "3,096,000"

Page 2, line 9, before the period, insert "for fiscal year 1995"

Page 2, delete lines 10 to 13

Page 2, line 19, delete "...000" and insert "100,000"

Page 2, line 21, before the period, insert "for fiscal year 1995"

Page 2, delete lines 22 to 25

Page 3, line 48, delete "...000" and insert "32,595,000"

Page 3, line 55, delete "...000" and insert "9,487,000"

Page 4, line 7, delete "...000,000" and insert "101,297,000"

Page 4, delete lines 8 to 21 and insert:

"\$50,000,000 of this amount is available immediately and shall be spent by the commissioner in construction year 1994."

Page 4, line 22, delete "...000" and insert "9,771,000"

Page 4, line 27, delete "\$...000" and insert "\$4,885,000"

Page 4, line 28, delete "\$...000" and insert "\$4,886,000"

Page 4, line 30, delete "...000" and insert "2,500,000"

Page 5, line 29, delete the comma

Page 5, line 30, after "county" insert a comma

Page 7, delete section 3 and insert:

"Sec. 3. REGIONAL TRANSIT BOARD 15,000,000

This appropriation is from the transit assistance fund to the regional transit board for fiscal year 1995.

\$5,300,000 is for the metropolitan transit commission.

\$2,500,000 is for metro mobility.

\$5,000,000 is for vision for transit projects."

Page 8, line 2, delete "1997" and insert "2004"

Page 8, lines 34 and 35, delete "by multiplying the amount"

Pages 13 and 14, delete section 10

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 14, delete “; Laws 1993,” and insert a period

Page 1, delete line 15

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

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

S.F. No. 2900: A bill for an act relating to education; appropriating money for education and related purposes to the state board of technical colleges, higher education board, state university board, and board of regents of the University of Minnesota, with certain conditions; modifying the award of grants for faculty exchange and temporary assignment programs; designating community colleges; establishing the mission of Fond du Lac campus; changing certain financial aid grants; modifying the child care grant program; clarifying an exemption to private, business, trade, and correspondence school licensing; providing for appointments; permitting rulemaking; adopting a post-secondary funding formula; permitting the higher education board to establish tuition rates for the 1995-1996 academic year; postponing mandated planning; amending Minnesota Statutes 1992, sections 135A.01; 135A.03, subdivisions 1a, and by adding subdivisions; 135A.04; 136.60, subdivisions 1 and 3; 136A.101, subdivision 5; 136A.121, subdivisions 5, 17, and by adding subdivisions; 136A.125, subdivisions 2, 4, and by adding a subdivision; 136A.15, subdivision 6; and 141.35; Minnesota Statutes 1993 Supplement, sections 125.138, subdivisions 1, 6, and 8; and 135A.05; 136A.121, subdivision 6; Laws 1993, First Special Session chapter 2, article 5, section 2; proposing coding for new law in Minnesota Statutes, chapters 135A; and 136; repealing Minnesota Statutes 1992, sections 135A.02; 135A.03, subdivisions 1, 2, 3, 4, 5, and 6; 136.60, subdivision 4; and 136C.36.

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

Page 2, line 18, delete “7,975,000” in both places and insert “1,550,000” in both places

Pages 2, line 20, delete “560,000” in both places and insert “985,000” in both places

Page 2, after line 23, insert:

Department of Finance	-0-	6,000,000	6,000,000”
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Page 2, line 39, delete “7,975,000” and insert “1,550,000”

Page 2, line 41, delete “systemwide accounting and”

Page 3, line 3, delete “560,000” and insert “985,000”

Page 3, line 4, delete “for” and insert “to strengthen academic programs, including”

Page 3, after line 22, insert:

“Sec. 6. DEPARTMENT OF FINANCE

Total Appropriation Changes

6,000,000

This appropriation is for developing an accounting system. The higher education board and the commissioner of finance shall jointly develop an accounting system to accommodate the specific needs of higher education and jointly plan for the expenditure of this appropriation. The commissioner, when requested, shall provide the board with detailed information on the expenditure of this appropriation."

Page 3, after line 29, insert:

"Sec. 8. [RESERVE ACCOUNTS.]

The technical college, community college, state university, and higher education boards shall develop policies for fund balances and the creation and use of reserve accounts. The commissioner of finance shall review the policies. The technical college, community college, state university, and higher education boards shall submit the policies to the higher education finance divisions of the legislature by January 1, 1995. Beginning January 1, 1995, the technical college, community college, state university, and higher education boards shall report quarterly to the commissioner of finance the amounts, intended and actual use, and remaining balance in their respective fund balances and reserve accounts."

Page 3, line 33, delete "7" and insert "9"

Renumber the sections of article 1 in sequence

Page 12, line 18, delete "EMERGENCY"

Page 12, line 19, delete from "may" through page 12, line 20, to "14.36" and insert "shall adopt rules by August 1, 1994, under Minnesota Statutes, chapter 14"

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2097 and 2900 were read the second time.

RECESS

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

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

APPOINTMENTS

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

H.F. No. 1914: Messrs. Metzen, Solon and Belanger.

S.F. No. 1744: Messrs. Vickerman, Murphy and Chmielewski.

S.F. No. 1898: Mses. Wiener, Piper and Mr. Frederickson.

S.F. No. 1912: Messrs. Vickerman, Larson and Chandler.

S.F. No. 2246: Messrs. Murphy, Morse and Dille.

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Luther introduced—

S.F. No. 2901: A bill for an act relating to tax increment financing; providing for qualified economic development districts; amending Minnesota Statutes 1992, section 469.177, subdivision 5; Minnesota Statutes 1993 Supplement, sections 273.1399, subdivision 1; and 469.175, subdivision 1.

Referred to the Committee on Taxes and Tax Laws.

Messrs. Johnson, D.J.; Samuelson; Solon; Janezich and Benson, D.D. introduced—

S.F. No. 2902: A bill for an act relating to state government; increasing the membership of the designer selection board; requiring representation on the board from each congressional district; amending Minnesota Statutes 1992, section 16B.33, subdivision 2.

Referred to the Committee on Governmental Operations and Reform.

Mr. Samuelson, for the Committee on Health Care, introduced—

S.F. No. 2903: A bill for an act relating to public administration; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature with certain conditions; authorizing issuance of bonds; appropriating money, with certain conditions.

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

SUSPENSION OF RULES

Mr. Moe, R.D. moved that the rules of the Senate be suspended so that S.F. No. 2903 be referred to the Committee on Finance. The motion prevailed.

MEMBERS EXCUSED

Mr. Beckman was excused from the Session of today. Mr. Johnson, D.E. was excused from the Session of today at 11:45 a.m.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Friday, April 8, 1994. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate