

STATE OF MINNESOTA

Journal of the Senate

EIGHTIETH LEGISLATURE

SIXTY-EIGHTH DAY

St. Paul, Minnesota, Monday, February 2, 1998

The Senate met at 11:00 a.m. and was called to order by the President.

CALL OF THE SENATE

Mr. Betzold 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. Jodi M. Smith.

The members of the Senate gave the pledge of allegiance to the flag of the United States of America.

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

Anderson	Higgins	Laidig	Olson	Scheid
Beckman	Hottinger	Langseth	Ourada	Solon
Belanger	Janezich	Larson	Pappas	Spear
Berg	Johnson, D.E.	Lesewski	Pariseau	Stevens
Berglin	Johnson, D.H.	Lessard	Piper	Stumpf
Betzold	Johnson, D.J.	Lourey	Pogemiller	Ten Eyck
Cohen	Johnson, J.B.	Marty	Price	Terwilliger
Day	Junge	Metzen	Ranum	Vickerman
Dille	Kelley, S.P.	Moe, R.D.	Robertson	Wiener
Fischbach	Kelly, R.C.	Morse	Robling	Wiger
Flynn	Kiscaden	Murphy	Runbeck	
Foley	Kleis	Neuville	Sams	
Frederickson	Knutson	Novak	Samuelson	
Hanson	Krentz	Oliver	Scheevel	

The President declared a quorum present.

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

MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House File, herewith transmitted: H.F. No. 2524.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted January 29, 1998

FIRST READING OF HOUSE BILLS

The following bill was read the first time and referred to the committee indicated.

H.F. No. 2524: A bill for an act relating to Minnesota Statutes; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, unconstitutional, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1996, sections 3C.08, subdivision 1; 3C.12, subdivision 4; 10A.01, subdivision 19; 10A.323; 11A.04; 14.47, subdivision 3; 15A.082, subdivisions 1 and 3; 16B.51, subdivision 1; 32.70, subdivisions 2 and 10; 47.27, subdivision 1; 47.325; 48.846, subdivision 3; 62J.17, subdivision 2; 62Q.03, subdivision 6; 82A.11, subdivision 5; 97A.0455, subdivision 2; 115A.191, subdivisions 2 and 4; 115B.17, subdivision 6; 115B.25, subdivision 7a; 127.09; 127.17, subdivision 4; 134A.01; 144.651, subdivision 1; 144A.45, subdivision 2; 144A.46, subdivision 4; 144A.48, subdivision 2; 145.698, subdivision 1; 145C.01, subdivision 7; 147.02, subdivision 1; 147B.01, subdivisions 5, 12, and 16; 147B.02, subdivisions 4, 7, 9, and 12; 147B.03, subdivisions 1 and 4; 147B.05, subdivision 1; 148B.21, subdivisions 1 and 8; 148B.24; 148B.27, subdivision 2b; 154.161, subdivision 4; 157.17, subdivision 3; 164.08, subdivision 3; 169.421, subdivisions 5 and 7; 169.792, subdivision 7; 169.86, subdivision 1; 169.871, subdivision 2; 169.965, subdivision 3; 169.966, subdivision 3; 169.971, subdivision 4; 169.99, subdivision 3; 190.08, subdivision 6; 204B.11, subdivisions 1 and 2; 204B.34, subdivision 3; 204C.35, subdivision 2; 204D.02, subdivision 1; 204D.08, subdivision 6; 205A.10, subdivision 2; 206.90, subdivision 3; 216C.01, subdivision 1; 256.9657, subdivisions 1a and 7; 257.022, subdivisions 1 and 2a; 257.59, subdivision 1; 268.027; 273.13, subdivision 1; 273.1398, subdivision 6; 273.166, subdivision 2; 284.07; 325F.692, subdivision 2; 345.02; 345.03; 345.14; 346.04; 346.55, subdivision 2; 347.04; 353.01, subdivision 2a; 383A.281, subdivision 13; 383A.286, subdivision 2; 383A.404, subdivision 4; 383B.054, subdivision 6; 383B.057; 383B.121, subdivision 1; 383B.129; 383B.225, subdivision 10; 393.07, subdivision 9; 395.23; 448.56, subdivision 2; 458D.15; 462.16; 465.48; 473.191, subdivision 2; 473.197, subdivision 2; 473.608, subdivision 17; 477A.011, subdivision 27; 477A.0132, subdivision 3; 477A.014, subdivisions 1 and 3; 480.052; 480.054; 480.055, subdivision 1; 480.059, subdivision 2; 480.0591, subdivision 2; 480.19; 484.66, subdivision 2; 485.01; 517.08, subdivision 1b; 550.07; 559.211, subdivision 1; 566.175, subdivision 1; 574.18; 574.34, subdivision 2; 574.35; 611A.21, subdivision 2; 611A.25, subdivision 1; 617.27; 624.7131, subdivision 8; 624.7132, subdivision 13; 624.714, subdivision 12; 625.01; 626.21; 630.17; 631.04; 643.01; and 643.02; Minnesota Statutes 1997 Supplement, sections 15.0591, subdivision 2; 62J.04, subdivision 3; 62J.61, subdivision 2; 62Q.01, subdivision 3; 85A.02, subdivision 5b; 115.58, subdivision 2; 119A.15, subdivision 5a; 144A.45, subdivision 1; 144A.4605, subdivisions 3 and 4; 148B.20, subdivision 1; 157.17, subdivision 2; 161.14, subdivision 41; 169.121, subdivision 3e; 169.123, subdivision 6; 244.09, subdivision 5; 260.015, subdivision 29; 268.145, subdivision 1; 274.01, subdivision 1; 275.011, subdivision 1; 275.065, subdivision 6; 297A.48, subdivisions 1 and 10; 325D.32, subdivision 4; 325D.415; 326.921; 473.249, subdivision 1; 477A.011, subdivision 34; 552.04, subdivision 1; 609.749, subdivision 2; 609.7495, subdivision 1; and 611A.74, subdivision 1a; repealing Minnesota Statutes 1996, sections 13.99, subdivision 19g; 157.17, subdivision 4; 256.9657, subdivision 1b; 256E.06, subdivision 9; 458D.14, subdivision 2; and 484.015; Laws 1997, chapter 12, article 3, sections 2 and 3; chapter 162, article 1, section 19; chapter 187, article 2, sections 11 and 12; chapter 219, section 3; chapter 225, article 2, sections 24, 25, 26, 27, and 28; chapter 226, section 10; and chapter 239, article 7, section 37.

Referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

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

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

S.F. No. 2030: A bill for an act relating to family law; changing provisions of the putative

fathers' registry law; amending Minnesota Statutes 1997 Supplement, section 259.52, subdivisions 9, 10, 11, 12, and by adding a subdivision.

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

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

S.F. No. 1440: A bill for an act relating to appellate courts; providing for questions of law certified between the appellate courts of this state and other states and nations; enacting the 1997 Uniform Certification of Questions of Law Act; proposing coding for new law in Minnesota Statutes, chapter 480; repealing Minnesota Statutes 1996, section 480.061.

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

Mr. Vickerman from the Committee on Local and Metropolitan Government, to which was referred

S.F. No. 2384: A bill for an act relating to Chisago county; permitting the appointment of the county recorder.

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

Mr. Vickerman from the Committee on Local and Metropolitan Government, to which was referred

S.F. No. 2255: A bill for an act relating to Dakota county; providing for city administration of the dangerous dog registration system.

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

Mr. Marty from the Committee on Election Laws, to which was referred

S.F. No. 2221: A bill for an act relating to Ramsey county; authorizing extension of a pilot program to test open absentee balloting.

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

Mr. Marty from the Committee on Election Laws, to which was referred

S.F. No. 2148: A bill for an act relating to elections; changing certain absentee ballot provisions; amending Minnesota Statutes 1996, section 203B.02, subdivision 1; Minnesota Statutes 1997 Supplement, section 203B.04, subdivision 1.

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

Mr. Marty from the Committee on Election Laws, to which was referred

S.F. No. 2149: A bill for an act relating to elections; providing for updated voter records; amending Minnesota Statutes 1996, section 201.13, by adding a subdivision.

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

Mr. Marty from the Committee on Election Laws, to which was referred

S.F. No. 2118: A bill for an act relating to elections; authorizing experimental balloting procedures in senate district 58; amending Minnesota Statutes 1996, section 203B.02, by adding a subdivision.

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

Page 1, line 9, delete "SENATE DISTRICT 58" and insert "HENNEPIN COUNTY"

Page 1, line 10, delete "senate district 58" and insert "Hennepin county"

Page 1, line 15, delete "district" and insert "county"

Amend the title as follows:

Page 1, line 3, delete "senate district 58" and insert "Hennepin county"

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

Mr. Marty from the Committee on Election Laws, to which was referred

S.F. No. 2256: A bill for an act relating to elections; eliminating certain provisions that have been ruled unconstitutional; amending Minnesota Statutes 1996, sections 211B.04; and 211B.06, subdivision 1; Minnesota Statutes 1997 Supplement, section 201.15, subdivision 1.

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

Page 2, lines 35 and 36, delete "only from the individual's own resources, and" and insert "that is distributed"

Page 3, line 1, after the comma, insert "and only from the individual's own resources,"

Page 3, line 2, delete everything after "\$300" and insert a period

Page 3, delete lines 3 and 4

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

Mr. Hottinger from the Committee on Health and Family Security, to which was referred

S.F. No. 2605: A bill for an act relating to health; authorizing the governor to enter into an agreement with the United States Nuclear Regulatory Commission.

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

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

S.F. No. 908: A bill for an act relating to financial institutions; trust companies; providing for the organization, powers, and duties of trust companies; providing fiduciary provisions for trust companies and banks exercising trust powers; regulating interstate trust offices; making conforming changes; amending Minnesota Statutes 1996, sections 16A.6701, subdivision 1; 48.01, subdivisions 1 and 2; 48.36, subdivision 1; 48.37; 48.39; 48.41; 48.42; 48.43; 48.44; 48.45; 48.46; 48.47; 50.085, subdivision 14; 303.25, subdivision 3; 525.551, subdivision 6; and 525.56, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 48A; repealing Minnesota Statutes 1996, sections 46.045, subdivision 2a; 48.38; 48.475; 48.65; 48.66; 48.67; 48.68; 48.69; 48.70; 48.71; 48.72; 48.73; 48.75; 48.76; 48.77; 48.78; 48.79; 48.80; 48.81; 48.82; 48.83; 48.84; 48.841; 48.845; 48.846; 48.85; and 48.86.

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

Pages 1 to 3, delete section 1 and insert:

"Section 1. Minnesota Statutes 1997 Supplement, section 16A.6701, subdivision 1, is amended to read:

Subdivision 1. [STATE LICENSE AND SERVICE FEES.] For purposes of section 16A.67,

subdivision 3, and this section, the term "state license and service fees" means, and refers to, all license fees, service fees, and charges imposed by law and collected by any state officer, agency, or employee, which are listed below or which are defined as departmental earnings under section 16A.1285, subdivision 1, and the use of which is not otherwise restricted by law, and which are not required to be credited or transferred to a fund other than the general fund:

Minnesota Statutes 1994, sections 3.9221; 5.12; 5.14; 5.16; 5A.04; 6.58; 13.03, subdivision 10; 16A.155; 16A.48; 16A.54; 16A.72; 16B.59; 16B.70; 17A.04; 18.51, subdivision 2; 18.53; 18.54; 18C.551; 19.58; 19.64; 27.041, subdivision 2, clauses (d) and (e); 27.07, subdivision 5; 28A.08; 32.071; 32.075; 32.392; 35.71; 35.824; 35.95; 41C.12; 45.027, subdivisions 3 and 6; 46.041, subdivision 1; 46.131, subdivisions 2, 7, 8, 9, and 10; 47.101, subdivision 2; 47.54, subdivisions 1 and 4; 47.62, subdivision 4; 47.65; ~~48.475, subdivision 1~~; 48.61, subdivision 7; 48.93; 48A.16; 49.36, subdivision 1; 52.01; 52.203; 53.03, subdivisions 1, 5, and 6; 53.09, subdivision 1; 53A.03; 53A.05, subdivision 1; 53A.081, subdivision 3; 54.294, subdivision 1; 55.04, subdivision 2; 55.095; 56.02; 56.04; 56.10; 59A.03, subdivision 2; 59A.06, subdivision 3; 60A.14, subdivisions 1 and 2; 60A.23, subdivision 8; 60K.19, subdivision 5; 65B.48, subdivision 3; 70A.14, subdivision 4; 72B.04, subdivision 10; 79.251, subdivision 5; 80A.28, subdivisions 1, 2, 3, 4, 5, 6, 7, 7a, 8, and 9; 80C.04, subdivision 1; 80C.07; 80C.08, subdivision 1; 80C.16, subdivisions 2 and 3; 80C.18, subdivision 2; 82.20, subdivision 8 and 9; 82A.04, subdivision 1; 82A.08, subdivision 2; 82A.16, subdivisions 2 and 6; 82B.09, subdivision 1; 83.23, subdivisions 2, 3, and 4; 83.25, subdivisions 1 and 2; 83.26, subdivision 2; 83.30, subdivision 2; 83.31, subdivision 2; 83.38, subdivision 2; 85.052; 85.053; 85.055; 88.79, subdivision 2; 89.035; 89.21; 115.073; 115.77, subdivisions 1 and 2; 116.41, subdivision 2; 116C.69; 116C.712; 116J.9673; 125.08; 136C.04, subdivision 9; 155A.045; 155A.16; 168.27, subdivision 11; 168.33, subdivisions 3 and 7; 168.54; 168.67; 168.705; 168A.152; 168A.29; 169.345; 171.06, subdivision 2a; 171.29, subdivision 2; 176.102; 176.1351; 176.181, subdivision 2a; 177.30; 181A.12; 183.545; 183.57; 184.28; 184.29; 184A.09; 201.091, subdivision 5; 204B.11; 207A.02; 214.06; 216C.261; 221.0355; 239.101; 240.06; 240.07; 240.08; 240.09; 240.10; 246.51; 270.69, subdivision 2; 270A.07; 272.484; 296.06; 296.12; 296.17; 297F.03; 297.33; 299C.46; 299C.62; 299K.09; 299K.095; 299L.07; 299M.04; 300.49; 318.02; 323.44, subdivision 3; 325D.415; 326.22; 326.3331; 326.47; 326.50; 326.92, subdivisions 1 and 3; 327.33; 331A.02; 332.15, subdivisions 2 and 3; 332.17; 332.22, subdivision 1; 332.33, subdivisions 3 and 4; 332.54, subdivision 7; 333.055; 333.20; 333.23; 336.9-413; 336A.04; 336A.05; 336A.09; 345.35; 345.43, subdivision 2a; 345.44; 345.55, subdivision 3; 347.33; 349.151; 349.161; 349.162; 349.163; 349.164; 349.165; 349.166; 349.167; 357.08; 359.01, subdivision 3; 360.018; 360.63; 386.68; and 414.01, subdivision 11; Minnesota Statutes 1994, chapters 154; 216B; 237; 302A; 303; 308A; 317A; 322A; and 322B; Laws 1990, chapter 593; Laws 1993, chapter 254, section 7; and Laws 1994, chapter 573, section 4; Minnesota Rules, parts 1800.0500; 1950.1070; 2100.9300; 7515.0210; and 9545.2000 to 9545.2040."

Page 3, delete section 3 and insert:

"Sec. 3. Minnesota Statutes 1997 Supplement, section 48.01, subdivision 2, is amended to read:

Subd. 2. [BANKING INSTITUTION.] The term "banking institution" means any bank, trust company, bank and trust company, or savings bank which is now or may hereafter be organized under the laws of this state. For purposes of sections 48.38, ~~48.84~~ 48A.07, 48A.08, and 501B.151, subdivision 11, and to the extent permitted by federal law, "banking institution" includes any national banking association or affiliate exercising trust powers in this state."

Page 4, line 32, after "commissioner" insert "provided, however, that no bank and trust shall be required to deposit securities in excess of \$1,000,000"

Page 13, line 32, after "treasurer" insert ", provided, however, that no trust company shall be required to deposit securities in excess of \$1,000,000"

Page 14, line 28, after the period, insert:

"Subd. 5. [REQUIREMENTS FOR LIMITED PURPOSE COMPANIES.]"

Page 14, lines 29 and 34, delete "consolidated"

Page 15, lines 1, 3, 7, and 8, delete "consolidated"

Page 15, line 14, delete "subdivision" and insert "section"

Page 18, line 8, after "bank" insert "or trust company"

Page 20, line 29, delete "this section" and insert "paragraph (f)" and after "a" insert "bank or"

Page 21, delete lines 6 to 9 and insert:

"To the extent not inconsistent with this paragraph, the provisions of paragraph (f) relating to common trust funds apply to the establishment and maintenance of common trust funds under this paragraph."

Page 22, line 9, delete "bank or"

Page 22, line 20, delete "in this chapter"

Page 22, line 36, delete everything after "of"

Page 23, line 1, delete the first comma

Page 26, line 19, delete "by" and insert "to act in a fiduciary capacity by either"

Page 26, line 20, delete "to act in a fiduciary capacity"

Page 26, line 22, after "1918," insert "or the Office of the Comptroller of the Currency under the provisions of United States Code, title 12, section 92a,"

Page 26, line 24, delete "and obtain certificates of the deposits,"

Page 26, line 28, after "than" insert "the lesser of"

Page 26, line 29, after "capital" insert "or \$1,000,000"

Page 26, line 34, delete "48A.08" and insert "48A.07"

Page 27, delete lines 14 to 32

Page 29, delete lines 6 to 10

Page 29, delete lines 17 to 20

Page 29, line 23, delete "and a foreign bank"

Page 29, line 31, delete "or a foreign country"

Page 29, delete lines 34 to 36

Page 30, line 13, delete "branch" and insert "detached facility"

Page 30, line 18, delete "either"

Page 30, line 19, delete "or a savings association"

Page 30, delete lines 24 and 25

Page 31, line 10, delete everything after "than" and insert "":

(1) accepting or executing trusts, including to:

(i) act as trustee under a written agreement;

(ii) receive money or other property in its capacity as a trustee for investment in real or personal property;

(iii) act as trustee and perform the fiduciary duties committed or transferred to it by order of court of competent jurisdiction;

(iv) act as trustee of the estate of a deceased person; or

(v) act as trustee for a minor or incapacitated person;

(2) administering in any other fiduciary capacity real or personal property; or

(3) acting according to order of court of competent jurisdiction as executor or administrator of the estate of a deceased person or as a guardian or conservator for a minor or incapacitated person."

Page 31, delete lines 11 to 13

Page 31, line 19, after "BANK" insert "AND TRUST" and after "bank" insert "and trust" and delete the colon and insert "a bank chartered by this state with the additional authority to exercise fiduciary powers and privileges set out in sections 48A.07 and 48A.08."

Page 31, delete lines 20 to 24

Page 31, lines 31 and 32, delete "having its principal office in this" and insert "chartered by the"

Page 31, line 36, delete everything after "a" and insert "trust institution."

Page 32, delete lines 1 to 9

Page 32, line 14, delete "depository institution, foreign bank, state" and after "bank" insert "and trust"

Page 32, delete line 18 and insert "authorized by the commissioner to conduct any trust business incidental to the trust business that it is permitted to conduct at its principal office or branch. It may not accept deposits except as incidental to the trust business."

Renumber the subdivisions in sequence

Page 32, line 29, delete "48A.25" and insert "48A.22"

Pages 32 and 33, delete section 26

Page 33, line 8, delete "48A.14" and insert "48A.13"

Page 33, line 32, delete "48A.15" and insert "48A.14"

Page 33, line 35, delete "not authorized to engage in the business of banking"

Page 34, line 24, delete "48A.16" and insert "48A.15"

Page 34, line 27, delete everything after "bank" and insert "and trust"

Page 34, line 28, delete everything before "may"

Page 34, line 34, delete everything after "bank" and insert "and trust"

Page 34, line 35, delete everything before "or"

Page 35, line 3, delete everything after "bank" and insert "and trust"

Page 35, line 4, delete "powers"

Page 35, line 17, after "bank" insert "and trust"

Page 35, lines 25, 28, and 30, after "bank" insert "and trust"

Page 36, lines 1 and 4, after "bank" insert "and trust"

- Page 36, line 13, after the second "bank" insert "and trust"
- Page 36, line 15, after "bank" insert "and trust"
- Page 36, line 22, after the first "bank" insert "and trust"
- Page 37, line 2, delete everything before "establishing" and insert "and trust"
- Page 37, lines 11 and 13, delete "section 48A.14" and insert "subdivision 3"
- Page 37, line 17, delete everything after "under" and insert "subdivision 3 or 5"
- Page 37, line 18, delete "48A.14"
- Page 37, line 31, delete "this" and insert "subdivision 3 or 5"
- Page 37, line 32, delete everything before the period
- Page 37, line 34, delete "this" and insert "subdivision 3 or 5"
- Page 37, line 35, delete everything before "may"
- Page 38, line 13, delete "48A.17" and insert "48A.16" and delete "BRANCH OFFICES" and insert "DETACHED FACILITIES"
- Page 38, line 15, delete "branch trust offices" and insert "detached facilities"
- Page 38, line 18, delete "48A.18" and insert "48A.17"
- Page 39, line 14, delete "48A.19" and insert "48A.18"
- Page 39, line 30, delete "section 48.01" and insert "subdivision 1"
- Page 41, line 18, delete "branches,"
- Page 41, line 23, delete "48A.20" and insert "48A.19"
- Pages 42 and 43, delete sections 34 and 35
- Page 43, line 12, delete "48A.23" and insert "48A.20"
- Page 45, line 2, delete "48A.24" and insert "48A.21"
- Page 45, line 4, delete "48A.19" and insert "48A.18"
- Page 45, line 22, delete "48A.25" and insert "48A.22"
- Page 46, line 3, delete "48A.20" and insert "48A.19"
- Page 49, line 26, delete everything after "sections"
- Page 49, line 29, after "48.86" insert "; and Minnesota Statutes 1997 Supplement, section 48.476"
- Renumber the sections in sequence
- Amend the title as follows:
- Page 1, delete line 8 and insert "48.01, subdivision 1;"
- Page 1, line 12 after the semicolon, insert "Minnesota Statutes 1997 Supplement, sections 16A.6701, subdivision 1; and 48.01, subdivision 2;"
- Page 1, line 14, delete "46.045, subdivision 2a;"
- Page 1, line 18, before the period, insert "; and Minnesota Statutes 1997 Supplement, section 48.476"

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

Mr. Hottinger from the Committee on Health and Family Security, to which was referred

S.F. No. 2447: A bill for an act relating to health professions; modifying provisions relating to speech-language pathologists, unlicensed mental health practitioners, alcohol and drug counselors, and hearing instrument dispensers; amending Minnesota Statutes 1996, sections 144.335, subdivision 1; 148.515, subdivision 3; 148.518, subdivision 2; 148.5191, subdivisions 1, 3, and 4; 148.5194; 148.5195, subdivision 3; 148B.66, subdivision 2; 148B.69, subdivision 2, and by adding a subdivision; 148C.04, subdivisions 3 and 4; 148C.05, subdivision 2; 148C.06; 153A.13, subdivision 5; 153A.14, subdivisions 2a, 2b, 2d, 2f, 2h, 9, and 10; 153A.15, subdivision 1, and by adding a subdivision; and 153A.20, subdivision 3; Minnesota Statutes 1997 Supplement, sections 148C.03, subdivision 1; and 148C.11, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Statutes 1996, section 153A.14, subdivision 7.

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

Page 10, delete line 21 and insert "subject to enforcement actions and"

Page 15, delete section 15

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 11, delete "subdivisions" and insert "subdivision" and delete "and 4"

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

Mr. Hottinger from the Committee on Health and Family Security, to which was referred

S.F. No. 2277: A bill for an act relating to human services; providing for child welfare reform; restricting release of certain information; establishing citizen review panels; clarifying jurisdiction; defining terms; imposing duties; amending Minnesota Statutes 1996, sections 13.391; 256.01, subdivision 12, and by adding a subdivision; 257.42; 257.43; 259.24, subdivision 1; 259.37, subdivision 2; 260.011, subdivision 2; 260.141, by adding a subdivision; 260.172, subdivision 1; 260.191, subdivision 1e; 260.221, as amended; and 626.556, subdivision 11a, and by adding a subdivision; Minnesota Statutes 1997 Supplement, sections 144.218, subdivision 2; 259.22, subdivision 4; 259.47, subdivision 3; 259.60, subdivision 2; 260.012; 260.015, subdivision 29; 260.191, subdivisions 1a and 3b; 260.241, subdivision 3; and 626.556, subdivision 11.

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 1996, section 13.391, is amended to read:

13.391 [VIDEOTAPES, AUDIOTAPES, AND PHOTOGRAPHS OF CHILD ABUSE VICTIMS.]

(a) Notwithstanding section 13.04, subdivision 3, an individual subject of data may not obtain:

(1) a copy of a videotape or audiotape in which a child victim or alleged victim is alleging, explaining, denying, or describing an act of physical or sexual abuse or neglect; or

(2) photographs depicting a child's injuries resulting from physical or sexual abuse or neglect without a court order under section 13.03, subdivision 6, or 611A.90. The definitions of physical abuse and sexual abuse in section 626.556, subdivision 2, apply to this section, except that abuse is not limited to acts by a person responsible for the child's care or in a significant relationship with the child or position of authority.

(b) This section does not limit other rights of access to data by an individual under section 13.04, subdivision 3, other than the right to obtain a copy of the videotape, audiotape, or photograph nor limit rights of access pursuant to discovery in a court proceeding.

Sec. 2. Minnesota Statutes 1997 Supplement, section 144.218, subdivision 2, is amended to read:

Subd. 2. [ADOPTION OF FOREIGN PERSONS.] In proceedings for the adoption of a person who was born in a foreign country, the court, upon evidence presented by the commissioner of human services from information secured at the port of entry, or upon evidence from other reliable sources, may make findings of fact as to the date and place of birth and parentage. Upon receipt of certified copies of the court findings and the order or decree of adoption or a certified copy of a decree issued under section 259.60, the state registrar shall register a birth certificate in the new name of the adopted person. The certified copies of the court findings and the order or decree of adoption, or decree issued under section 259.60 are confidential, pursuant to section 13.02, subdivision 3, and shall not be disclosed except pursuant to court order or section 144.1761. The birth certificate shall state the place of birth as specifically as possible, and that the certificate is not evidence of United States citizenship.

Sec. 3. Minnesota Statutes 1997 Supplement, section 245A.03, subdivision 2, is amended to read:

Subd. 2. [EXCLUSION FROM LICENSURE.] Sections 245A.01 to 245A.16 do not apply to:

(1) residential or nonresidential programs that are provided to a person by an individual who is related unless the residential program is a child foster care placement made by a local social services agency or a licensed child-placing agency, except as provided in subdivision 2a;

(2) nonresidential programs that are provided by an unrelated individual to persons from a single related family;

(3) residential or nonresidential programs that are provided to adults who do not abuse chemicals or who do not have a chemical dependency, a mental illness, mental retardation or a related condition, a functional impairment, or a physical handicap;

(4) sheltered workshops or work activity programs that are certified by the commissioner of economic security;

(5) programs for children enrolled in kindergarten to the 12th grade and prekindergarten special education in a school as defined in section 120.101, subdivision 4, and programs serving children in combined special education and regular prekindergarten programs that are operated or assisted by the commissioner of children, families, and learning;

(6) nonresidential programs primarily for children that provide care or supervision, without charge for ten or fewer days a year, and for periods of less than three hours a day while the child's parent or legal guardian is in the same building as the nonresidential program or present within another building that is directly contiguous to the building in which the nonresidential program is located;

(7) nursing homes or hospitals licensed by the commissioner of health except as specified under section 245A.02;

(8) board and lodge facilities licensed by the commissioner of health that provide services for five or more persons whose primary diagnosis is mental illness who have refused an appropriate residential program offered by a county agency. This exclusion expires on July 1, 1990;

(9) homes providing programs for persons placed there by a licensed agency for legal adoption, unless the adoption is not completed within two years;

(10) programs licensed by the commissioner of corrections;

(11) recreation programs for children or adults that operate for fewer than 40 calendar days in a

calendar year or programs operated by a park and recreation board of a city of the first class whose primary purpose is to provide social and recreational activities to school age children, provided the program is approved by the park and recreation board;

(12) programs operated by a school as defined in section 120.101, subdivision 4, whose primary purpose is to provide child care to school-age children, provided the program is approved by the district's school board;

(13) Head Start nonresidential programs which operate for less than 31 days in each calendar year;

(14) noncertified boarding care homes unless they provide services for five or more persons whose primary diagnosis is mental illness or mental retardation;

(15) nonresidential programs for nonhandicapped children provided for a cumulative total of less than 30 days in any 12-month period;

(16) residential programs for persons with mental illness, that are located in hospitals, until the commissioner adopts appropriate rules;

(17) the religious instruction of school-age children; Sabbath or Sunday schools; or the congregate care of children by a church, congregation, or religious society during the period used by the church, congregation, or religious society for its regular worship;

(18) camps licensed by the commissioner of health under Minnesota Rules, chapter 4630;

(19) mental health outpatient services for adults with mental illness or children with emotional disturbance;

(20) residential programs serving school-age children whose sole purpose is cultural or educational exchange, until the commissioner adopts appropriate rules;

(21) unrelated individuals who provide out-of-home respite care services to persons with mental retardation or related conditions from a single related family for no more than 90 days in a 12-month period and the respite care services are for the temporary relief of the person's family or legal representative;

(22) respite care services provided as a home and community-based service to a person with mental retardation or a related condition, in the person's primary residence;

(23) community support services programs as defined in section 245.462, subdivision 6, and family community support services as defined in section 245.4871, subdivision 17;

(24) the placement of a child by a birth parent or legal guardian in a preadoptive home for purposes of adoption as authorized by section 259.47; or

(25) settings registered under chapter 144D which provide home care services licensed by the commissioner of health to fewer than seven adults.

For purposes of clause (6), a building is directly contiguous to a building in which a nonresidential program is located if it shares a common wall with the building in which the nonresidential program is located or is attached to that building by skyway, tunnel, atrium, or common roof.

Sec. 4. Minnesota Statutes 1997 Supplement, section 245A.04, subdivision 3b, is amended to read:

Subd. 3b. [RECONSIDERATION OF DISQUALIFICATION.] (a) The individual who is the subject of the disqualification may request a reconsideration of the disqualification.

The individual must submit the request for reconsideration to the commissioner in writing. A request for reconsideration for an individual who has been sent a notice of disqualification under subdivision 3a, paragraph (b), clause (1) or (2), must be submitted within 30 calendar days of the

disqualified individual's receipt of the notice of disqualification. A request for reconsideration for an individual who has been sent a notice of disqualification under subdivision 3a, paragraph (b), clause (3), must be submitted within 15 calendar days of the disqualified individual's receipt of the notice of disqualification. Removal of a disqualified individual from direct contact shall be ordered if the individual does not request reconsideration within the prescribed time, and for an individual who submits a timely request for reconsideration, if the disqualification is not set aside. The individual must present information showing that:

(1) the information the commissioner relied upon is incorrect or inaccurate. If the basis of a reconsideration request is that a maltreatment determination or disposition under section 626.556 or 626.557 is incorrect, and the commissioner has issued a final order in an appeal of that determination or disposition under section 256.045, the commissioner's order is conclusive on the issue of maltreatment; or

(2) the subject of the study does not pose a risk of harm to any person served by the applicant or license holder.

(b) The commissioner may set aside the disqualification under this section if the commissioner finds that the information the commissioner relied upon is incorrect or the individual does not pose a risk of harm to any person served by the applicant or license holder. In determining that an individual does not pose a risk of harm, the commissioner shall consider the consequences of the event or events that lead to disqualification, whether there is more than one disqualifying event, the vulnerability of the victim at the time of the event, the time elapsed without a repeat of the same or similar event, documentation of successful completion by the individual studied of training or rehabilitation pertinent to the event, and any other information relevant to reconsideration. In reviewing a disqualification under this section, the commissioner shall give preeminent weight to the safety of each person to be served by the license holder or applicant over the interests of the license holder or applicant.

(c) Unless the information the commissioner relied on in disqualifying an individual is incorrect, the commissioner may not set aside the disqualification of an individual in connection with a license to provide family day care for children, foster care for children in the provider's own home, or foster care or day care services for adults in the provider's own home if:

(1) less than ten years have passed since the discharge of the sentence imposed for the offense; and the individual has been convicted of a violation of any offense listed in sections 609.20 (manslaughter in the first degree), 609.205 (manslaughter in the second degree), criminal vehicular homicide under 609.21 (criminal vehicular homicide and injury), 609.215 (aiding suicide or aiding attempted suicide), felony violations under 609.221 to 609.2231 (assault in the first, second, third, or fourth degree), 609.713 (terroristic threats), 609.235 (use of drugs to injure or to facilitate crime), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.25 (kidnapping), 609.255 (false imprisonment), 609.561 or 609.562 (arson in the first or second degree), 609.71 (riot), burglary in the first or second degree under 609.582 (burglary), 609.66 (dangerous weapon), 609.665 (spring guns), 609.67 (machine guns and short-barreled shotguns), 609.749 (harassment; stalking), 152.021 or 152.022 (controlled substance crime in the first or second degree), 152.023, subdivision 1, clause (3) or (4), or subdivision 2, clause (4) (controlled substance crime in the third degree), 152.024, subdivision 1, clause (2), (3), or (4) (controlled substance crime in the fourth degree), 609.224, subdivision 2, paragraph (c) (fifth-degree assault by a caregiver against a vulnerable adult), 609.228 (great bodily harm caused by distribution of drugs), 609.23 (mistreatment of persons confined), 609.231 (mistreatment of residents or patients), 609.2325 (criminal abuse of a vulnerable adult), 609.233 (criminal neglect of a vulnerable adult), 609.2335 (financial exploitation of a vulnerable adult), 609.234 (failure to report), 609.265 (abduction), 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree), 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree), 609.268 (injury or death of an unborn child in the commission of a crime), 617.293 (disseminating or displaying harmful material to minors), 609.378 (neglect or endangerment of a child), a gross misdemeanor offense under 609.377 (malicious punishment of a child), 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state, the elements of which are substantially similar to the elements of any of the foregoing offenses;

(2) regardless of how much time has passed since the discharge of the sentence imposed for the offense, the individual was convicted of a violation of any offense listed in sections 609.185 to 609.195 (murder in the first, second, or third degree), 609.2661 to 609.2663 (murder of an unborn child in the first, second, or third degree), a felony offense under 609.377 (malicious punishment of a child), 609.322 (solicitation, inducement, and promotion of prostitution), 609.323 (receiving profit derived from prostitution), 609.342 to 609.345 (criminal sexual conduct in the first, second, third, or fourth degree), 609.352 (solicitation of children to engage in sexual conduct), 617.246 (use of minors in a sexual performance), 617.247 (possession of pictorial representations of a minor), 609.365 (incest), a felony offense under 609.2242 and 609.2243 (domestic assault), a felony offense of spousal abuse, a felony offense of child abuse or neglect, a felony offense of a crime against children, or an attempt or conspiracy to commit any of these offenses as defined in Minnesota Statutes, or an offense in any other state, the elements of which are substantially similar to any of the foregoing offenses;

(3) within the seven years preceding the study, the individual committed an act that constitutes maltreatment of a child under section 626.556, subdivision 10e, and that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence; or

(4) within the seven years preceding the study, the individual was determined under section 626.557 to be the perpetrator of a substantiated incident of maltreatment of a vulnerable adult that resulted in substantial bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as supported by competent psychological or psychiatric evidence.

In the case of any ground for disqualification under clauses (1) to (4), if the act was committed by an individual other than the applicant or license holder residing in the applicant's or license holder's home, the applicant or license holder may seek reconsideration when the individual who committed the act no longer resides in the home.

The disqualification periods provided under clauses (1), (3), and (4) are the minimum applicable disqualification periods. The commissioner may determine that an individual should continue to be disqualified from licensure because the license holder or applicant poses a risk of harm to a person served by that individual after the minimum disqualification period has passed.

(d) The commissioner shall respond in writing or by electronic transmission to all reconsideration requests for which the basis for the request is that the information relied upon by the commissioner to disqualify is incorrect or inaccurate within 30 working days of receipt of a request and all relevant information. If the basis for the request is that the individual does not pose a risk of harm, the commissioner shall respond to the request within 15 working days after receiving the request for reconsideration and all relevant information. If the disqualification is set aside, the commissioner shall notify the applicant or license holder in writing or by electronic transmission of the decision.

(e) Except as provided in subdivision 3c, the commissioner's decision to disqualify an individual, including the decision to grant or deny a rescission or set aside a disqualification under this section, is the final administrative agency action and shall not be subject to further review in a contested case under chapter 14 involving a negative licensing appeal taken in response to the disqualification or involving an accuracy and completeness appeal under section 13.04.

Sec. 5. Minnesota Statutes 1997 Supplement, section 245A.04, subdivision 3d, is amended to read:

Subd. 3d. [DISQUALIFICATION.] When a background study completed under subdivision 3 shows any of the following: a conviction of one or more crimes listed in clauses (1) to (4); the individual has admitted to or a preponderance of the evidence indicates the individual has committed an act or acts that meet the definition of any of the crimes listed in clauses (1) to (4); or an administrative determination listed under clause (4), the individual shall be disqualified from any position allowing direct contact with persons receiving services from the license holder:

(1) regardless of how much time has passed since the discharge of the sentence imposed for the offense, and unless otherwise specified, regardless of the level of the conviction, the individual

was convicted of any of the following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.322 (solicitation, inducement, and promotion of prostitution); 609.323 (receiving profit derived from prostitution); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.352 (solicitation of children to engage in sexual conduct); 609.365 (incest); felony offense under 609.377 (malicious punishment of a child); 617.246 (use of minors in sexual performance prohibited); 617.247 (possession of pictorial representations of minors); a felony offense under 609.2242 and 609.2243 (domestic assault), a felony offense of spousal abuse, a felony offense of child abuse or neglect, a felony offense of a crime against children; or attempt or conspiracy to commit any of these offenses as defined in Minnesota Statutes, or an offense in any other state or country, where the elements are substantially similar to any of the offenses listed in this clause;

(2) if less than 15 years have passed since the discharge of the sentence imposed for the offense; and the individual has received a felony conviction for a violation of any of these offenses: sections 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.21 (criminal vehicular homicide and injury); 609.215 (suicide); 609.221 to 609.2231 (assault in the first, second, third, or fourth degree); repeat offenses under 609.224 (assault in the fifth degree); 609.2242 and 609.2243 (domestic assault; sentencing; repeat domestic assault); repeat offenses under 609.3451 (criminal sexual conduct in the fifth degree); 609.713 (terroristic threats); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.563 (arson in the third degree); repeat offenses under 617.23 (indecent exposure; penalties); repeat offenses under 617.241 (obscene materials and performances; distribution and exhibition prohibited; penalty); 609.71 (riot); 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns); 609.749 (harassment; stalking; penalties); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal abuse of a vulnerable adult); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.268 (injury or death of an unborn child in the commission of a crime); 609.378 (neglect or endangerment of a child); 609.324, subdivision 1 (other prohibited acts); 609.52 (theft); 609.2335 (financial exploitation of a vulnerable adult); 609.521 (possession of shoplifting gear); 609.582 (burglary); 609.625 (aggravated forgery); 609.63 (forgery); 609.631 (check forgery; offering a forged check); 609.635 (obtaining signature by false pretense); 609.27 (coercion); 609.275 (attempt to coerce); 609.687 (adulteration); 260.221 (grounds for termination of parental rights); and chapter 152 (drugs; controlled substance). An attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state or country, the elements of which are substantially similar to the elements of the offenses in this clause. If the individual studied is convicted of one of the felonies listed in this clause, but the sentence is a gross misdemeanor or misdemeanor disposition, the look-back period for the conviction is the period applicable to the disposition, that is the period for gross misdemeanors or misdemeanors;

(3) if less than ten years have passed since the discharge of the sentence imposed for the offense; and the individual has received a gross misdemeanor conviction for a violation of any of the following offenses: sections 609.224 (assault in the fifth degree); 609.2242 and 609.2243 (domestic assault); violation of an order for protection under 518B.01, subdivision 14; 609.3451 (criminal sexual conduct in the fifth degree); repeat offenses under 609.746 (interference with privacy); repeat offenses under 617.23 (indecent exposure); 617.241 (obscene materials and performances); 617.243 (indecent literature, distribution); 617.293 (harmful materials; dissemination and display to minors prohibited); 609.71 (riot); 609.66 (dangerous weapons); 609.749 (harassment; stalking; penalties); 609.224, subdivision 2, paragraph (c) (assault in the fifth degree by a caregiver against a vulnerable adult); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse of a vulnerable adult); 609.233 (criminal neglect of a vulnerable adult); 609.2335 (financial exploitation of a vulnerable

adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.72, subdivision 3 (disorderly conduct against a vulnerable adult); 609.265 (abduction); 609.378 (neglect or endangerment of a child); 609.377 (malicious punishment of a child); 609.324, subdivision 1a (other prohibited acts; minor engaged in prostitution); 609.33 (disorderly house); 609.52 (theft); 609.582 (burglary); 609.631 (check forgery; offering a forged check); 609.275 (attempt to coerce); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in this clause. If the defendant is convicted of one of the gross misdemeanors listed in this clause, but the sentence is a misdemeanor disposition, the look-back period for the conviction is the period applicable to misdemeanors;

(4) if less than seven years have passed since the discharge of the sentence imposed for the offense; and the individual has received a misdemeanor conviction for a violation of any of the following offenses: sections 609.224 (assault in the fifth degree); 609.2242 (domestic assault); violation of an order for protection under 518B.01 (Domestic Abuse Act); violation of an order for protection under 609.3232 (protective order authorized; procedures; penalties); 609.746 (interference with privacy); 609.79 (obscene or harassing phone calls); 609.795 (letter, telegram, or package; opening; harassment); 617.23 (indecent exposure; penalties); 609.2672 (assault of an unborn child in the third degree); 617.293 (harmful materials; dissemination and display to minors prohibited); 609.66 (dangerous weapons); 609.665 (spring guns); 609.2335 (financial exploitation of a vulnerable adult); 609.234 (failure to report maltreatment of a vulnerable adult); 609.52 (theft); 609.27 (coercion); or an attempt or conspiracy to commit any of these offenses, as each of these offenses is defined in Minnesota Statutes; or an offense in any other state or country, the elements of which are substantially similar to the elements of any of the offenses listed in this clause; failure to make required reports under section 626.556, subdivision 3, or 626.557, subdivision 3, for incidents in which: (i) the final disposition under section 626.556 or 626.557 was substantiated maltreatment, and (ii) the maltreatment was recurring or serious; or substantiated serious or recurring maltreatment of a minor under section 626.556 or of a vulnerable adult under section 626.557 for which there is a preponderance of evidence that the maltreatment occurred, and that the subject was responsible for the maltreatment. For the purposes of this section, serious maltreatment means sexual abuse; maltreatment resulting in death; or maltreatment resulting in serious injury or harm which reasonably requires the care of a physician whether or not the care of a physician was sought, ~~including~~; or abuse resulting in serious injury. For purposes of this section, the following are deemed to be serious injuries: bruises, bites, skin laceration or tissue damage; fractures; dislocations; evidence of internal injuries; head injuries with loss of consciousness; extensive second-degree or third-degree burns and other burns for which complications are present; extensive second-degree or third-degree frostbite, and others for which complications are present; irreversible mobility or avulsion of teeth; injuries to the eyeball; ingestion of foreign substances and objects that are harmful; near drowning; and heat exhaustion or sunstroke. For the purposes of this section, recurring maltreatment means more than one incident of maltreatment for which there is a preponderance of evidence that the maltreatment occurred, and that the subject was responsible for the maltreatment.

Sec. 6. Minnesota Statutes 1996, section 256.01, subdivision 12, is amended to read:

Subd. 12. [CHILD MORTALITY REVIEW PANEL.] (a) The commissioner shall establish a child mortality review panel for reviewing deaths of children in Minnesota, including deaths attributed to maltreatment or in which maltreatment may be a contributing cause, and for reviewing near fatalities as defined in section 626.556, subdivision 11d. The commissioners of health, children, families, and learning, and public safety and the attorney general shall each designate a representative to the child mortality review panel. Other panel members shall be appointed by the commissioner, including a board-certified pathologist and a physician who is a coroner or a medical examiner. The purpose of the panel shall be to make recommendations to the state and to county agencies for improving the child protection system, including modifications in statute, rule, policy, and procedure.

(b) The commissioner may require a county agency to establish a local child mortality review panel. The commissioner may establish procedures for conducting local reviews and may require that all professionals with knowledge of a child mortality case participate in the local review. In

this section, "professional" means a person licensed to perform or a person performing a specific service in the child protective service system. "Professional" includes law enforcement personnel, social service agency attorneys, educators, and social service, health care, and mental health care providers.

(c) If the commissioner of human services has reason to believe that a child's death was caused by maltreatment or that maltreatment was a contributing cause, the commissioner has access to not public data under chapter 13 maintained by state agencies, statewide systems, or political subdivisions that are related to the child's death or circumstances surrounding the care of the child. The commissioner shall also have access to records of private hospitals as necessary to carry out the duties prescribed by this section. Access to data under this paragraph is limited to police investigative data; autopsy records and coroner or medical examiner investigative data; hospital, public health, or other medical records of the child; hospital and other medical records of the child's parent that relate to prenatal care; and records created by social service agencies that provided services to the child or family within three years preceding the child's death. A state agency, statewide system, or political subdivision shall provide the data upon request of the commissioner. Not public data may be shared with members of the state or local child mortality review panel in connection with an individual case.

(d) Notwithstanding the data's classification in the possession of any other agency, data acquired by a local or state child mortality review panel in the exercise of its duties is protected nonpublic or confidential data as defined in section 13.02, but may be disclosed as necessary to carry out the purposes of the review panel. The data is not subject to subpoena or discovery. The commissioner may disclose conclusions of the review panel, but shall not disclose data that was classified as confidential or private data on decedents, under section 13.10, or private, confidential, or protected nonpublic data in the disseminating agency, except that the commissioner may disclose local social service agency data as provided in section 626.556, subdivision 11d, on individual cases involving a fatality or near fatality of a person served by the local social service agency prior to the date of death.

(e) A person attending a child mortality review panel meeting shall not disclose what transpired at the meeting, except to carry out the purposes of the mortality review panel. The proceedings and records of the mortality review panel are protected nonpublic data as defined in section 13.02, subdivision 13, and are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state or a county agency, arising out of the matters the panel is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the review panel. A person who presented information before the review panel or who is a member of the panel shall not be prevented from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding a person shall not be questioned about the person's presentation of information to the review panel or opinions formed by the person as a result of the review meetings.

Sec. 7. Minnesota Statutes 1996, section 256.01, is amended by adding a subdivision to read:

Subd. 15. [CITIZEN REVIEW PANELS.] (a) The commissioner shall establish a minimum of three citizen review panels to examine the policies and procedures of state and local welfare agencies to evaluate the extent to which the agencies are effectively discharging their child protection responsibilities. Local social service agencies shall cooperate and work with the citizen review panels. Where appropriate, the panels may examine specific cases to evaluate the effectiveness of child protection. The panels must examine the extent to which the state and local agencies are meeting the requirements of the federal Child Abuse Prevention and Treatment Act and the Reporting of Maltreatment of Minors Act. Local mortality review panels or child protection teams may carry out the duties of a citizen review panel if membership meets or is expanded to meet the requirements of this section.

(b) The panel membership must include volunteers who broadly represent the community in which the panel is established, including members who have expertise in the prevention and treatment of child abuse and neglect.

(c) Access to data for specific case review under this paragraph is limited to: police investigative data; autopsy records and coroner or medical examiner investigative data; hospital, public health, or other medical records of the child; hospital and other medical records of the child's parent that relate to prenatal care; and records created by social service agencies that provided services to the child or family. A state agency, statewide system, or political subdivision shall provide the data upon request of the commissioner. Not public data may be shared with members of the state or local citizen review panel in connection with an individual case.

(d) Notwithstanding the data's classification in the possession of any other agency, data acquired by a local or state citizen review panel in the exercise of its duties is protected nonpublic or confidential data as defined in section 13.02, but may be disclosed as necessary to carry out the purposes of the review panel. The data is not subject to subpoena or discovery. The commissioner may disclose conclusions of the review panel, but shall not disclose data that was classified as confidential or private data.

(e) A person attending a citizen review panel meeting shall not disclose what transpired at the meeting, except to carry out the purposes of the review panel. The proceedings and records of the review panel are protected nonpublic data as defined in section 13.02, subdivision 13, and are not subject to discovery or introduction into evidence in a civil or criminal action against a professional, the state, or county agency arising out of the matters the panel is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the review panel. A person who presented information before the review panel or who is a member of the panel is not prevented from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding, a person must not be questioned about the person's presentation of information to the review panel or opinions formed by the person as a result of the review meetings.

Sec. 8. Minnesota Statutes 1996, section 257.42, is amended to read:

257.42 [APPROPRIATE PUBLIC AUTHORITY DEFINED.]

The "appropriate public authorities" as used in article 3 of the interstate compact on the placement of children shall, with reference to this state, mean the Minnesota department commissioner of human services and said. The department commissioner of human services or the commissioner's delegate shall receive and act with reference to notices required by said article 3.

Sec. 9. Minnesota Statutes 1996, section 257.43, is amended to read:

257.43 [APPROPRIATE AUTHORITY IN RECEIVING STATE DEFINED.]

As used in paragraph (a) of article 5 of the interstate compact on the placement of children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean the commissioner of human services or the commissioner's delegate.

Sec. 10. Minnesota Statutes 1997 Supplement, section 257.85, subdivision 5, is amended to read:

Subd. 5. [RELATIVE CUSTODY ASSISTANCE AGREEMENT.] (a) A relative custody assistance agreement will not be effective, unless it is signed by the local agency and the relative custodian no later than 30 days after the date of the order establishing permanent legal and physical custody with the relative, except that a local agency may enter into a relative custody assistance agreement with a relative custodian more than 30 days after the date of the order if it certifies that the delay in entering the agreement was through no fault of the relative custodian. There must be a separate agreement for each child for whom the relative custodian is receiving relative custody assistance.

(b) Regardless of when the relative custody assistance agreement is signed by the local agency and relative custodian, the effective date of the agreement shall be the first day of the month following the date of the order establishing permanent legal and physical custody or the date that the last party signs the agreement, whichever occurs later.

(c) If MFIP-S is not the applicable program for a child at the time that a relative custody assistance agreement is entered on behalf of the child, when MFIP-S becomes the applicable program, if the relative custodian had been receiving custody assistance payments calculated based upon a different program, the amount of relative custody assistance payment under subdivision 7 shall be recalculated under the MFIP-S program.

(d) The relative custody assistance agreement shall be in a form specified by the commissioner and shall include provisions relating to the following:

- (1) the responsibilities of all parties to the agreement;
- (2) the payment terms, including the financial circumstances of the relative custodian, the needs of the child, the amount and calculation of the relative custody assistance payments, and that the amount of the payments shall be reevaluated annually;
- (3) the effective date of the agreement, which shall also be the anniversary date for the purpose of submitting the annual affidavit under subdivision 8;
- (4) that failure to submit the affidavit as required by subdivision 8 will be grounds for terminating the agreement;
- (5) the agreement's expected duration, which shall not extend beyond the child's eighteenth birthday;
- (6) any specific known circumstances that could cause the agreement or payments to be modified, reduced, or terminated and the relative custodian's appeal rights under subdivision 9;
- (7) that the relative custodian must notify the local agency within 30 days of any of the following:
 - (i) a change in the child's status;
 - (ii) a change in the relationship between the relative custodian and the child;
 - (iii) a change in composition or level of income of the relative custodian's family;
 - (iv) a change in eligibility or receipt of benefits under AFDC, MFIP-S, or other assistance program; and
 - (v) any other change that could affect eligibility for or amount of relative custody assistance;
- (8) that failure to provide notice of a change as required by clause (7) will be grounds for terminating the agreement;
- (9) that the amount of relative custody assistance is subject to the availability of state funds to reimburse the local agency making the payments;
- (10) that the relative custodian may choose to temporarily stop receiving payments under the agreement at any time by providing 30 days' notice to the local agency and may choose to begin receiving payments again by providing the same notice but any payments the relative custodian chooses not to receive are forfeit; and
- (11) that the local agency will continue to be responsible for making relative custody assistance payments under the agreement regardless of the relative custodian's place of residence.

Sec. 11. Minnesota Statutes 1997 Supplement, section 259.22, subdivision 4, is amended to read:

Subd. 4. [TIME FOR FILING PETITION.] A petition shall be filed not later than 24 12 months after a child is placed in a prospective adoptive home. If a petition is not filed by that time, the agency that placed the child, or, in a direct adoptive placement, the agency that is supervising the placement shall file with the district court in the county where the prospective adoptive parent resides a motion for an order and a report recommending one of the following:

(1) that the time for filing a petition be extended because of the child's special needs as defined under title IV-E of the Social Security Act, United States Code, title 42, section 673;

(2) that, based on a written plan for completing filing of the petition, including a specific timeline, to which the prospective adoptive parents have agreed, the time for filing a petition be extended long enough to complete the plan because such an extension is in the best interests of the child and additional time is needed for the child to adjust to the adoptive home; or

(3) that the child be removed from the prospective adoptive home.

The prospective adoptive parent must reimburse an agency for the cost of preparing and filing the motion and report under this section, unless the costs are reimbursed by the commissioner under section 259.67 or 259.73.

Sec. 12. Minnesota Statutes 1996, section 259.24, subdivision 1, is amended to read:

Subdivision 1. [EXCEPTIONS.] No child shall be adopted without the consent of the child's parents and the child's guardian, if there be one, except in the following instances:

(a) Consent shall not be required of a parent not entitled to notice of the proceedings.

(b) Consent shall not be required of a parent who has abandoned the child, or of a parent who has lost custody of the child through a divorce decree or a decree of dissolution, and upon whom notice has been served as required by section 259.49.

(c) Consent shall not be required of a parent whose parental rights to the child have been terminated by a juvenile court or who has lost custody of a child through a final commitment of the juvenile court or through a decree in a prior adoption proceeding.

(d) If there be no parent or guardian qualified to consent to the adoption, the consent may be given by the commissioner.

(e) The commissioner or agency having authority to place a child for adoption pursuant to section 259.25, subdivision 1, shall have the exclusive right to consent to the adoption of such child. Notwithstanding any rule to the contrary, the commissioner may delegate the right to consent to the adoption or separation of siblings, if it is in the child's best interest, to a local social services agency.

Sec. 13. Minnesota Statutes 1996, section 259.37, subdivision 2, is amended to read:

Subd. 2. [DISCLOSURE TO BIRTH PARENTS AND ADOPTIVE PARENTS.] An agency shall provide a disclosure statement written in clear, plain language to be signed by the prospective adoptive parents and birth parents, except that in intercountry adoptions, the signatures of birth parents are not required. The disclosure statement must contain the following information:

(1) fees charged to the adoptive parent, including any policy on sliding scale fees or fee waivers and an itemization of the amount that will be charged for the adoption study, counseling, postplacement services, family of origin searches, birth parent expenses authorized under section 259.55, or any other services;

(2) timeline for the adoptive parent to make fee payments;

(3) likelihood, given the circumstances of the prospective adoptive parent and any specific program to which the prospective adoptive parent is applying, that an adoptive placement may be made and the estimated length of time for making an adoptive placement. These estimates must be based on adoptive placements made with prospective parents in similar circumstances applying to a similar program with the agency during the immediately preceding three to five years. If an agency has not been in operation for at least three years, it must provide summary data based on whatever adoptive placements it has made and may include a statement about the kind of efforts it will make to achieve an adoptive placement, including a timetable it will follow in seeking a child. The estimates must include a statement that the agency cannot guarantee placement of a child or a time by which a child will be placed;

- (4) a statement of the services the agency will provide the birth and adoptive parents;
- (5) a statement prepared by the commissioner under section 259.39 that explains the child placement and adoption process and the respective legal rights and responsibilities of the birth parent and prospective adoptive parent during the process including a statement that the prospective adoptive parent is responsible for filing an adoption petition not later than 24 12 months after the child is placed in the prospective adoptive home;
- (6) a statement regarding any information the agency may have about attorney referral services, or about obtaining assistance with completing legal requirements for an adoption; and
- (7) an acknowledgment to be signed by the birth parent and prospective adoptive parent that they have received, read, and had the opportunity to ask questions of the agency about the contents of the disclosure statement.

Sec. 14. Minnesota Statutes 1997 Supplement, section 259.47, subdivision 3, is amended to read:

Subd. 3. [PREADOPTIVE CUSTODY ORDER.] (a) Before a child is placed in a prospective adoptive home by a birth parent or legal guardian, other than an agency, the placement must be approved by the district court in the county where the prospective adoptive parent resides. An order under this subdivision or subdivision 6 shall state that the prospective adoptive parent's right to custody of the child is subject to the birth parent's right to custody until the consents to the child's adoption become irrevocable. At the time of placement, prospective adoptive parents must have for the child qualifying existing coverage as defined in section 62L.02, subdivision 24, or other similar comprehensive health care coverage. The preadoptive custody order must include any agreement reached between the prospective adoptive parent and the birth parent regarding authority to make decisions for medical care of the child and responsibility for payment not provided by the adoptive parent's existing health care coverage. The prospective adoptive parent must meet the residence requirements of section 259.22, subdivision 1, and must file with the court an affidavit of intent to remain a resident of the state for at least three months after the child is placed in the prospective adoptive home. The prospective adoptive parent shall file with the court a notice of intent to file an adoption petition and submit a written motion seeking an order granting temporary preadoptive custody. The notice and motion required under this subdivision may be considered by the court ex parte, without a hearing. The prospective adoptive parent shall serve a copy of the notice and motion upon any parent whose consent is required under section 259.24 or who is named in the affidavit required under paragraph (b) if that person's mailing address is known. The motion may be filed up to 60 days before the placement is to be made and must include:

- (1) the adoption study required under section 259.41;
- (2) affidavits from the birth parents indicating their support of the motion, or, if there is no affidavit from the birth father, an affidavit from the birth mother under paragraph (b);
- (3) an itemized statement of expenses that have been paid and an estimate of expenses that will be paid by the prospective adoptive parents to the birth parents, any agency, attorney, or other party in connection with the prospective adoption;
- (4) the name of counsel for each party, if any;
- (5) a statement that the birth parents:
 - (i) have provided the social and medical history required under section 259.43 to the prospective adoptive parent;
 - (ii) have received the written statement of their legal rights and responsibilities under section 259.39; and
 - (iii) have been notified of their right to receive counseling under subdivision 4; and
- (6) the name of the agency chosen by the adoptive parent to supervise the adoptive placement and complete the postplacement assessment required by section 259.53, subdivision 2.

The court shall review the expense statement submitted under this subdivision to determine whether payments made or to be made by the prospective adoptive parent are lawful and in accordance with section 259.55, subdivision 1.

(b) If the birth mother submits the affidavit required in paragraph (a), clause (2), but the birth father fails to do so, the birth mother must submit an additional affidavit that describes her good faith efforts or efforts made on her behalf to identify and locate the birth father for purposes of securing his consent. In the following circumstances the birth mother may instead submit an affidavit stating on which ground she is exempt from making efforts to identify and locate the father:

(1) the child was conceived as the result of incest or rape;

(2) efforts to locate the father by the affiant or anyone acting on the affiant's behalf could reasonably result in physical harm to the birth mother or child; or

(3) efforts to locate the father by the affiant or anyone acting on the affiant's behalf could reasonably result in severe emotional distress of the birth mother or child.

A court shall consider the motion for temporary preadoptive custody within 30 days of receiving the motion or by the anticipated placement date stated in the motion, whichever comes sooner.

Sec. 15. Minnesota Statutes 1997 Supplement, section 259.60, subdivision 2, is amended to read:

Subd. 2. [AMENDED BIRTH CERTIFICATE; PROCEDURE AND ORDER; DECREE RECOGNIZING ADOPTION.] (a) Under the procedures in paragraph (b), a person, whose adoption of a child under the laws of a foreign country is valid in this state under subdivision 1, may petition the district court in the county where the adoptive parent resides for a decree confirming and recognizing the adoption, changing the child's legal name, if requested in the petition, and for authorizing the commissioner of health to issue a new birth certificate for the child pursuant to section 144.218, subdivision 2.

(b) A court shall issue the decree and birth certificate described in paragraph (a) upon receipt of the following documents:

(1) a petition by the adoptive parent requesting that the court issue a Minnesota birth certificate, and stating that the adoptive parent completed adoption of the child under the laws of a foreign country and that the adoption is valid in this state under subdivision 1 and requesting that the court issue a decree confirming and recognizing the adoption, changing the child's legal name, if desired, and authorizing the commissioner of health to issue a new birth certificate for the child pursuant to section 144.218, subdivision 2. The petition must be in the form of a signed, sworn, and notarized statement;

(2) a copy of the child's original birth certificate, if available;

(3) a copy of the final adoption certificate or equivalent as issued by the foreign jurisdiction;

(4) a copy of the child's passport including the United States visa indicating IR-3 immigration status; and

(5) certified English translations of any of the documents in clauses (2) to (4) that are not written in the English language.

(c) Upon issuing a decree pursuant to this section, the court shall forward to the commissioners of health and human services a copy of the decree. The court shall also complete and forward to the commissioner of health the certificate of adoption, unless another form has been specified by the commissioner of health.

Sec. 16. Minnesota Statutes 1996, section 260.011, subdivision 2, is amended to read:

Subd. 2. (a) The paramount consideration in all proceedings concerning a child alleged or found to be in need of protection or services is the health, safety, and best interests of the child. In proceedings involving an American Indian child, as defined in section 257.351, subdivision 6, the best interests of the child must be determined consistent with sections 257.35 to 257.3579 and the Indian Child Welfare Act, United States Code, title 25, sections 1901 to 1923. The purpose of the laws relating to juvenile courts is to secure for each child alleged or adjudicated in need of protection or services and under the jurisdiction of the court, the care and guidance, preferably in the child's own home, as will best serve the spiritual, emotional, mental, and physical welfare of the child; to provide judicial procedures which protect the welfare of the child; to preserve and strengthen the child's family ties whenever possible and in the child's best interests, removing the child from the custody of parents only when the child's welfare or safety cannot be adequately safeguarded without removal; and, when removal from the child's own family is necessary and in the child's best interests, to secure for the child custody, care and discipline as nearly as possible equivalent to that which should have been given by the parents.

(b) The purpose of the laws relating to termination of parental rights is to ensure that:

(1) reasonable efforts have been made by the social service agency to reunite the child with the child's parents in a placement that is safe and permanent; and

(2) if placement with the parents is not reasonably foreseeable, to secure for the child a safe and permanent placement, preferably with adoptive parents.

Nothing in this section requires reasonable efforts to be made in circumstances where the court has determined that the child has been subjected to egregious harm or the parental rights of the parent to a sibling have been involuntarily terminated.

The paramount consideration in all proceedings for the termination of parental rights is the best interests of the child. In proceedings involving an American Indian child, as defined in section 257.351, subdivision 6, the best interests of the child must be determined consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq.

(c) The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency by maintaining the integrity of the substantive law prohibiting certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.

(d) The laws relating to juvenile courts shall be liberally construed to carry out these purposes.

Sec. 17. Minnesota Statutes 1997 Supplement, section 260.012, is amended to read:

260.012 [DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY REUNIFICATION; REASONABLE EFFORTS.]

(a) If a child in need of protection or services is under the court's jurisdiction, the court shall ensure that reasonable efforts including culturally appropriate services by the social service agency are made to prevent placement or to eliminate the need for removal and to reunite the child with the child's family at the earliest possible time, consistent with the best interests, safety, and protection of the child. The court may, upon motion and hearing, order the cessation of reasonable efforts if the court finds that provision of services or further services for the purpose of rehabilitation and reunification is futile and therefore unreasonable under the circumstances. In determining reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety must be of paramount concern. Reasonable efforts are not required if the court determines that the parent has subjected the child to egregious harm as defined in section 260.015, subdivision 29, or the parental rights of the parent to a sibling have been terminated involuntarily. If reasonable efforts are not made under this section, a permanency hearing must be held or a termination of parental rights petition filed within 30 days of the determination. In the case of an Indian child, in proceedings under sections 260.172, 260.191, and 260.221 the juvenile court must make findings and conclusions consistent with the Indian Child

Welfare Act of 1978, United States Code, title 25, section 1901 et seq., as to the provision of active efforts. If a child is under the court's delinquency jurisdiction, it shall be the duty of the court to ensure that reasonable efforts are made to reunite the child with the child's family at the earliest possible time, consistent with the best interests of the child and the safety of the public.

(b) "Reasonable efforts" means the exercise of due diligence by the responsible social service agency to use appropriate and available services to meet the needs of the child and the child's family in order to prevent removal of the child from the child's family; or upon removal, services to eliminate the need for removal and reunite the family. Services may include those listed under section 256F.07, subdivision 3, and other appropriate services available in the community. The social service agency has the burden of demonstrating that it has made reasonable efforts or that provision of services or further services for the purpose of rehabilitation and reunification is futile and therefore unreasonable under the circumstances. Reunification of a surviving child with a parent is not required if the parent has been convicted of:

(1) a violation of, or an attempt or conspiracy to commit a violation of, sections 609.185 to 609.20; 609.222, subdivision 2; or 609.223 in regard to another child of the parent;

(2) a violation of section 609.222, subdivision 2; or 609.223, in regard to the surviving child; or

(3) a violation of, or an attempt or conspiracy to commit a violation of, United States Code, title 18, section 1111(a) or 1112(a), in regard to another child of the parent.

(c) The juvenile court, in proceedings under sections 260.172, 260.191, and 260.221 shall make findings and conclusions as to the provision of reasonable efforts. When determining whether reasonable efforts have been made, the court shall consider whether services to the child and family were:

(1) relevant to the safety and protection of the child;

(2) adequate to meet the needs of the child and family;

(3) culturally appropriate;

(4) available and accessible;

(5) consistent and timely; and

(6) realistic under the circumstances.

In the alternative, the court may determine that provision of services or further services for the purpose of rehabilitation is futile and therefore unreasonable under the circumstances or that reasonable efforts are not required as provided in paragraph (a).

(d) This section does not prevent out-of-home placement for treatment of a child with a mental disability when the child's diagnostic assessment or individual treatment plan indicates that appropriate and necessary treatment cannot be effectively provided outside of a residential or inpatient treatment program.

(e) If continuation of reasonable efforts described in paragraph (b) is determined to be inconsistent with the permanency plan for the child, reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanency plan for the child.

(f) Reasonable efforts to place a child for adoption or with a legal guardian may be made concurrently with reasonable efforts as described in paragraphs (a) and (b).

Sec. 18. Minnesota Statutes 1997 Supplement, section 260.015, subdivision 29, is amended to read:

Subd. 29. [EGREGIOUS HARM.] "Egregious harm" means the infliction of bodily harm to a child or neglect of a child which demonstrates a grossly inadequate ability to provide minimally adequate parental care. The egregious harm need not have occurred in the state or in the county

where a termination of parental rights action is otherwise properly venued. Egregious harm includes, but is not limited to:

- (1) conduct towards a child that constitutes a violation of sections 609.185 to 609.21, 609.222, subdivision 2, 609.223, or any other similar law of any other state;
- (2) the infliction of "substantial bodily harm" to a child, as defined in section 609.02, subdivision 8;
- (3) conduct towards a child that constitutes felony malicious punishment of a child under section 609.377;
- (4) conduct towards a child that constitutes felony unreasonable restraint of a child under section 609.255, subdivision 3;
- (5) conduct towards a child that constitutes felony neglect or endangerment of a child under section 609.378;
- (6) conduct towards a child that constitutes assault under section 609.221, 609.222, or 609.223;
- (7) conduct towards a child that constitutes solicitation, inducement, or promotion of prostitution under section 609.322;
- (8) conduct towards a child that constitutes receiving profit derived from prostitution under section 609.323; or
- (9) conduct toward a child that constitutes a violation of murder or voluntary manslaughter as defined by United States Code, title 18, section 1111(a) or 1112(a); or
- (10) conduct toward a child that constitutes aiding or abetting, attempting, conspiring, or soliciting to commit a murder or voluntary manslaughter that constitutes a violation of United States Code, title 18, section 1111(a) or 1112(a).

Sec. 19. Minnesota Statutes 1996, section 260.141, is amended by adding a subdivision to read:

Subd. 4. [NOTICE TO FOSTER PARENTS AND PREADOPTIVE PARENTS AND RELATIVES.] The foster parents, if any, of a child and any preadoptive parent or relative providing care for the child must be provided notice of and an opportunity to be heard in any review or hearing to be held with respect to the child. Any other relative may also request, and shall be granted, a notice and the opportunity to be heard under this section. This section must not be construed to require that any foster parent, preadoptive parent, or relative providing care for the child be made a party to such a review or hearing solely on the basis of such notice and opportunity to be heard.

Sec. 20. Minnesota Statutes 1996, section 260.172, subdivision 1, is amended to read:

Subdivision 1. [HEARING AND RELEASE REQUIREMENTS.] (a) If a child was taken into custody under section 260.165, subdivision 1, clause (a) or (c)(2), the court shall hold a hearing within 72 hours of the time the child was taken into custody, excluding Saturdays, Sundays, and holidays, to determine whether the child should continue in custody.

(b) In all other cases, the court shall hold a detention hearing:

(1) within 36 hours of the time the child was taken into custody, excluding Saturdays, Sundays, and holidays, if the child is being held at a juvenile secure detention facility or shelter care facility; or

(2) within 24 hours of the time the child was taken into custody, excluding Saturdays, Sundays, and holidays, if the child is being held at an adult jail or municipal lockup.

(c) Unless there is reason to believe that the child would endanger self or others, not return for a court hearing, run away from the child's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the child is released, or that the child's

health or welfare would be immediately endangered, the child shall be released to the custody of a parent, guardian, custodian, or other suitable person, subject to reasonable conditions of release including, but not limited to, a requirement that the child undergo a chemical use assessment as provided in section 260.151, subdivision 1. In determining whether the child's health or welfare would be immediately endangered, the court shall consider whether the child would reside with a perpetrator of domestic child abuse. In a proceeding regarding a child in need of protection or services, the court, before determining whether a child should continue in custody, shall also make a determination, consistent with section 260.012 as to whether reasonable efforts, or in the case of an Indian child, active efforts, according to the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(d), were made to prevent placement or to reunite the child with the child's family, or that reasonable efforts were not possible. The court shall also determine whether there are available services that would prevent the need for further detention.

If the court finds the social services agency's preventive or reunification efforts have not been reasonable but further preventive or reunification efforts could not permit the child to safely remain at home, the court may nevertheless authorize or continue the removal of the child.

The court may determine at the detention hearing, or at any time prior to an adjudicatory hearing, that the reasonable efforts are not required because the facts, if proved, will demonstrate that the parent has subjected the child to egregious harm as defined in section 260.015, subdivision 29, or the parental rights of the parent to a sibling of the child have been terminated involuntarily.

Sec. 21. Minnesota Statutes 1997 Supplement, section 260.191, subdivision 1a, is amended to read:

Subd. 1a. [WRITTEN FINDINGS.] Any order for a disposition authorized under this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

- (a) Why the best interests of the child are served by the disposition ordered;
- (b) What alternative dispositions were considered by the court and why such dispositions were not appropriate in the instant case;
- (c) How the court's disposition complies with the requirements of section 260.181, subdivision 3; and
- (d) Whether reasonable efforts consistent with section 260.012 were made to prevent or eliminate the necessity of the child's removal and to reunify the family after removal. The court's findings must include a brief description of what preventive and reunification efforts were made and why further efforts could not have prevented or eliminated the necessity of removal or that reasonable efforts were not required under section 260.012 or 260.172, subdivision 1.

If the court finds that the social services agency's preventive or reunification efforts have not been reasonable but that further preventive or reunification efforts could not permit the child to safely remain at home, the court may nevertheless authorize or continue the removal of the child.

Sec. 22. Minnesota Statutes 1996, section 260.191, subdivision 1e, is amended to read:

Subd. 1e. [CASE PLAN.] For each disposition ordered, the court shall order the appropriate agency to prepare a written case plan developed after consultation with any foster parents, and consultation with and participation by the child and the child's parent, guardian, or custodian, guardian ad litem, and tribal representative if the tribe has intervened. The case plan shall comply with the requirements of section 257.071, where applicable. The case plan shall, among other matters, specify the actions to be taken by the child and the child's parent, guardian, foster parent, or custodian to ensure the child's safety and to comply with the court's disposition order, and the services to be offered and provided by the agency to the child and the child's parent, guardian, or custodian. The court shall review the case plan and, upon approving it, incorporate the plan into its disposition order. The court may review and modify the terms of the case plan in the manner provided in subdivision 2. For each disposition ordered, the written case plan shall specify what reasonable efforts shall be provided to the family. The case plan must include a discussion of:

(1) the availability of appropriate prevention and reunification services for the family to safely prevent the removal of the child from the home or to safely reunify the child with the family after removal;

(2) any services or resources that were requested by the child or the child's parent, guardian, foster parent, or custodian since the date of initial adjudication, and whether those services or resources were provided or the basis for denial of the services or resources;

(3) the need of the child and family for care, treatment, or rehabilitation;

(4) the need for participation by the parent, guardian, or custodian in the plan of care for the child;

(5) the visitation rights and obligations of the parent or other relatives, as defined in section 260.181, subdivision 3, during any period when the child is placed outside the home; and

(6) a description of any services that could safely prevent placement or reunify the family if such services were available.

A party has a right to request a court review of the reasonableness of the case plan upon a showing of a substantial change of circumstances.

Sec. 23. Minnesota Statutes 1997 Supplement, section 260.191, subdivision 3b, is amended to read:

Subd. 3b. [REVIEW OF COURT ORDERED PLACEMENTS; PERMANENT PLACEMENT DETERMINATION.] (a) The court shall conduct a hearing to determine the permanent status of a child not later than 12 months after the child is placed out of the home of the parent.

For purposes of this subdivision, the date of the child's placement out of the home of the parent is the earlier of the first court-ordered placement or ~~the first court-approved placement under section 257.071, subdivision 3, of a child who had been in voluntary placement~~ 60 days after the date on which the child has been voluntarily placed out of the home.

For purposes of this subdivision, 12 months is calculated as follows:

(1) during the pendency of a petition alleging that a child is in need of protection or services, all time periods when a child is placed out of the home of the parent are cumulated;

(2) if a child has been placed out of the home of the parent within the previous five years in connection with one or more prior petitions for a child in need of protection or services, the lengths of all prior time periods when the child was placed out of the home within the previous five years and under the current petition, are cumulated. If a child under this clause has been out of the home for 12 months or more, the court, if it is in the best interests of the child, may extend the total time the child may continue out of the home under the current petition up to an additional six months before making a permanency determination.

(b) Not later than ten days prior to this hearing, the responsible social service agency shall file pleadings to establish the basis for the permanent placement determination. Notice of the hearing and copies of the pleadings must be provided pursuant to section 260.141. If a termination of parental rights petition is filed before the date required for the permanency planning determination, no hearing need be conducted under this subdivision. The court shall determine whether the child is to be returned home or, if not, what permanent placement is consistent with the child's best interests. The "best interests of the child" means all relevant factors to be considered and evaluated.

(c) If the child is not returned to the home, the dispositions available for permanent placement determination are:

(1) permanent legal and physical custody to a relative in the best interests of the child. In transferring permanent legal and physical custody to a relative, the juvenile court shall follow the standards and procedures applicable under chapter 257 or 518. An order establishing permanent

legal or physical custody under this subdivision must be filed with the family court. A transfer of legal and physical custody includes responsibility for the protection, education, care, and control of the child and decision making on behalf of the child. The social service agency may petition on behalf of the proposed custodian;

(2) termination of parental rights and adoption; the social service agency shall file a petition for termination of parental rights under section 260.231 and all the requirements of sections 260.221 to 260.245 remain applicable. An adoption completed subsequent to a determination under this subdivision may include an agreement for communication or contact under section 259.58; or

(3) long-term foster care; transfer of legal custody and adoption are preferred permanency options for a child who cannot return home. The court may order a child into long-term foster care only if it finds that neither an award of legal and physical custody to a relative, nor termination of parental rights nor adoption is in the child's best interests. Further, the court may only order long-term foster care for the child under this section if it finds the following:

(i) the child has reached age 12 and reasonable efforts by the responsible social service agency have failed to locate an adoptive family for the child; or

(ii) the child is a sibling of a child described in clause (i) and the siblings have a significant positive relationship and are ordered into the same long-term foster care home; or

(4) foster care for a specified period of time may be ordered only if:

(i) the sole basis for an adjudication that a child is in need of protection or services is that the child is a runaway, is an habitual truant, or committed a delinquent act before age ten; and

(ii) the court finds that foster care for a specified period of time is in the best interests of the child.

(d) In ordering a permanent placement of a child, the court must be governed by the best interests of the child, including a review of the relationship between the child and relatives and the child and other important persons with whom the child has resided or had significant contact.

(e) Once a permanent placement determination has been made and permanent placement has been established, further court reviews and dispositional hearings are only necessary if the placement is made under paragraph (c), clause (4), review is otherwise required by federal law, an adoption has not yet been finalized, or there is a disruption of the permanent or long-term placement.

(f) An order under this subdivision must include the following detailed findings:

(1) how the child's best interests are served by the order;

(2) the nature and extent of the responsible social service agency's reasonable efforts, or, in the case of an Indian child, active efforts, to reunify the child with the parent or parents;

(3) the parent's or parents' efforts and ability to use services to correct the conditions which led to the out-of-home placement;

(4) whether the conditions which led to the out-of-home placement have been corrected so that the child can return home; and

(5) if the child cannot be returned home, whether there is a substantial probability of the child being able to return home in the next six months.

(g) An order for permanent legal and physical custody of a child may be modified under sections 518.18 and 518.185. The social service agency is a party to the proceeding and must receive notice. An order for long-term foster care is reviewable upon motion and a showing by the parent of a substantial change in the parent's circumstances such that the parent could provide appropriate care for the child and that removal of the child from the child's permanent placement and the return to the parent's care would be in the best interest of the child.

Sec. 24. Minnesota Statutes 1996, section 260.221, as amended by Laws 1997, chapters 218, sections 10 and 11, and 239, article 6, section 30, is amended to read:

260.221 [~~FOUNDATIONS FOR TERMINATION OF PARENTAL RIGHTS.~~]

Subdivision 1. [~~VOLUNTARY AND INVOLUNTARY.~~] The juvenile court may upon petition, terminate all rights of a parent to a child:

(a) with the written consent of a parent who for good cause desires to terminate parental rights; or

(b) if it finds that one or more of the following conditions exist:

(1) that the parent has abandoned the child; or

(2) that the parent has substantially, continuously, or repeatedly refused or neglected to comply with the duties imposed upon that parent by the parent and child relationship, including but not limited to providing the child with necessary food, clothing, shelter, education, and other care and control necessary for the child's physical, mental, or emotional health and development, if the parent is physically and financially able, 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) the parent's parental rights to one or more other children were involuntarily terminated under clause (1), (2), (4), or (7), or under clause (5) 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 has resided out of the parental home under court order for a cumulative period of more than one year within a five-year period following an adjudication of dependency, neglect, need for protection or services under section 260.015, subdivision 2a, clause (1), (2), (3), (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. It is presumed that conditions leading to a child's out-of-home placement will not be corrected in the reasonably foreseeable future upon a showing that the parent or parents have not substantially complied with the court's orders and a reasonable case plan, and the conditions which led to the out-of-home placement have not been corrected; 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; ø

(6) that a child has experienced egregious harm in the parent's care which is of a nature, duration, or chronicity that indicates a lack of regard for the child's well-being, such that a reasonable person would believe it contrary to the best interest of the child or of any child to be in the parent's care; ø

(7) that in the case of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born the person is not entitled to notice of an adoption hearing under section 259.49 and the person has not registered with the putative fathers' adoption registry under section 259.52; ø

(8) that the child is neglected and in foster care; or

(9) that the parent has been convicted of a crime listed in section 260.012, paragraph (b), clauses (1) to (3).

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.

Subd. 1a. [EVIDENCE OF ABANDONMENT.] For purposes of subdivision 1, paragraph (b), clause (1):

(a) Abandonment is presumed when:

(1) the parent has had no contact with the child on a regular basis and not demonstrated consistent interest in the child's well-being for six months; and

(2) 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) the child is an infant under one year of age and has been deserted by the parent with the intent not to return to care for the child.

(b) The following are prima facie evidence of abandonment where adoption proceedings are pending and there has been a showing that the person was not entitled to notice of an adoption proceeding under section 259.49:

- (1) failure to register with the putative fathers' adoption registry under section 259.52; or
- (2) if the person registered with the putative fathers' adoption registry under section 259.52:
 - (i) filing a denial of paternity within 30 days of receipt of notice under section 259.52, subdivision 8;
 - (ii) failing to timely file an intent to claim parental rights with entry of appearance form within 30 days of receipt of notice under section 259.52, subdivision 10; or
 - (iii) timely filing an intent to claim parental rights with entry of appearance form within 30 days of receipt of notice under section 259.52, subdivision 10, but failing to initiate a paternity action within 30 days of receiving the putative fathers' adoption registry notice where there has been no showing of good cause for the delay.

Subd. 1b. [REQUIRED TERMINATION OF PARENTAL RIGHTS.] The county attorney shall file a termination of parental rights petition within 30 days of a child's placement in out-of-home care if the child has been subjected to egregious harm as defined in section 260.015, subdivision 29, is the sibling of another child of the parent who was subjected to egregious harm, or is an abandoned infant. The local social services agency shall concurrently identify, recruit, process, and approve an adoptive family for the child. If such a petition has been filed by another party the local social services agency shall seek to be joined as a party to the petition.

This requirement does not apply if it is determined that a transfer of permanent legal and physical custody to a relative is in the best interest of the child or there is a compelling reason documented by the local social services agency and available for court review for determining that filing such a petition would not be in the best interest of the child.

Subd. 1c. [CURRENT FOSTER CARE CHILDREN.] The county attorney shall file a termination of parental rights petition or other permanent proceeding under section 260.191, subdivision 3b, for all children determined to be in need of protection or services who are placed in out-of-home care for reasons other than care or treatment of the child's disability, and who are in out-of-home placement on the day following final enactment of this section, and have been in out-of-home care for 15 of the most recent 22 months.

Subd. 2. [ADOPTIVE PARENT.] For purposes of subdivision 1, clause (a), an adoptive parent may not terminate parental rights to an adopted child for a reason that would not apply to a birth parent seeking termination of parental rights to a child under subdivision 1, clause (a).

Subd. 3. [WHEN PRIOR FINDING REQUIRED.] For purposes of subdivision 1, clause (b), no prior judicial finding of dependency, neglect, need for protection or services, or neglected and in foster care is required, except as provided in subdivision 1, clause (b), item (5).

Subd. 4. [BEST INTERESTS OF CHILD PARAMOUNT.] In any proceeding under this section, the best interests of the child must be the paramount consideration, provided that the conditions in subdivision 1, clause (a), or at least one condition in subdivision 1, clause (b), are found by the court. In proceedings involving an American Indian child, as defined in section 257.351, subdivision 6, the best interests of the child must be determined consistent with the Indian Child Welfare Act of 1978, United States Code, title 25, section 1901, et seq. Where the interests of parent and child conflict, the interests of the child are paramount.

Subd. 5. [FINDINGS REGARDING REASONABLE EFFORTS.] In any proceeding under this section, the court shall make specific findings:

- (1) regarding the nature and extent of efforts made by the social service agency to rehabilitate the parent and reunite the family;
- (2) that provision of services or further services for the purpose of rehabilitation and reunification is futile and therefore unreasonable under the circumstances; or
- (3) that reasonable efforts at reunification ~~is are~~ not required ~~because the parent has been convicted of a crime listed in section 260.012, paragraph (b), clauses (1) to (3) as provided under section 260.012.~~

Sec. 25. Minnesota Statutes 1997 Supplement, section 260.241, subdivision 3, is amended to read:

Subd. 3. [ORDER; RETENTION OF JURISDICTION.] (a) A certified copy of the findings and the order terminating parental rights, and a summary of the court's information concerning the child shall be furnished by the court to the commissioner or the agency to which guardianship is transferred. The orders shall be on a document separate from the findings. The court shall furnish the individual to whom guardianship is transferred a copy of the order terminating parental rights.

(b) The court shall retain jurisdiction in a case where adoption is the intended permanent placement disposition. The guardian ad litem and counsel for the child shall continue on the case until an adoption decree is entered. A hearing must be held every 90 days following termination of parental rights for the court to review progress toward an adoptive placement and the specific recruitment efforts the agency has taken to find an adoptive family or other placement living arrangement for the child and to finalize the adoption or other permanency plan.

(c) The court shall retain jurisdiction in a case where long-term foster care is the permanent disposition. The guardian ad litem and counsel for the child must be dismissed from the case on the effective date of the permanent placement order. However, the foster parent and the child, if of sufficient age, must be informed how they may contact a guardian ad litem if the matter is subsequently returned to court.

Sec. 26. Minnesota Statutes 1997 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 a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause 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 and visitation expeditor 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.

(m) "Domestic abuse/exposure to violence cases" means the following, if committed against a family or household member by a family or household member:

(1) physical harm, bodily injury, or assault;

(2) the infliction of fear of imminent physical harm, bodily injury, or assault; or

(3) terroristic threats, within the meaning of section 609.713, subdivision 1, or criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, or 609.345.

(n) "Family or household members" means:

(1) spouses and former spouses;

(2) parents and children;

(3) persons related by blood;

(4) persons who are presently residing together or who have resided together in the past;

(5) persons who have a child in common, regardless of whether they have been married or have lived together at any time;

(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(7) persons involved in a significant romantic or sexual relationship.

Sec. 27. Minnesota Statutes 1996, section 626.556, subdivision 10, is amended to read:

Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY AND LOCAL LAW ENFORCEMENT AGENCY UPON RECEIPT OF A REPORT.] (a) If the report alleges neglect,

physical abuse, or sexual abuse, or domestic abuse/exposure to violence by a parent, guardian, or individual functioning within the family unit as a person responsible for the child's care, the local welfare agency shall immediately conduct an assessment and offer protective social services for purposes of preventing further abuses, safeguarding and enhancing the welfare of the abused or neglected minor, and preserving family life whenever possible. If the report alleges a violation of a criminal statute involving sexual abuse, physical abuse, or neglect or endangerment, under section 609.378, the local law enforcement agency and local welfare agency shall coordinate the planning and execution of their respective investigation and assessment efforts to avoid a duplication of fact-finding efforts and multiple interviews. Each agency shall prepare a separate report of the results of its investigation. In cases of alleged child maltreatment resulting in death, the local agency may rely on the fact-finding efforts of a law enforcement investigation to make a determination of whether or not maltreatment occurred. When necessary the local welfare agency shall seek authority to remove the child from the custody of a parent, guardian, or adult with whom the child is living. In performing any of these duties, the local welfare agency shall maintain appropriate records.

(b) When a local agency receives a report or otherwise has information indicating that a child who is a client, as defined in section 245.91, has been the subject of physical abuse, sexual abuse, or neglect at an agency, facility, or program as defined in section 245.91, it shall, in addition to its other duties under this section, immediately inform the ombudsman established under sections 245.91 to 245.97.

(c) Authority of the local welfare agency responsible for assessing the child abuse or neglect report and of the local law enforcement agency for investigating the alleged abuse or neglect includes, but is not limited to, authority to interview, without parental consent, the alleged victim and any other minors who currently reside with or who have resided with the alleged offender. The interview may take place at school or at any facility or other place where the alleged victim or other minors might be found or the child may be transported to, and the interview conducted at, a place appropriate for the interview of a child designated by the local welfare agency or law enforcement agency. The interview may take place outside the presence of the alleged offender or parent, legal custodian, guardian, or school official. Except as provided in this paragraph, the parent, legal custodian, or guardian shall be notified by the responsible local welfare or law enforcement agency no later than the conclusion of the investigation or assessment that this interview has occurred. Notwithstanding rule 49.02 of the Minnesota rules of procedure for juvenile courts, the juvenile court may, after hearing on an ex parte motion by the local welfare agency, order that, where reasonable cause exists, the agency withhold notification of this interview from the parent, legal custodian, or guardian. If the interview took place or is to take place on school property, the order shall specify that school officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school property, as provided under this paragraph, and any other related information regarding the interview that may be a part of the child's school record. A copy of the order shall be sent by the local welfare or law enforcement agency to the appropriate school official.

(d) When the local welfare or local law enforcement agency determines that an interview should take place on school property, written notification of intent to interview the child on school property must be received by school officials prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school property. For interviews conducted by the local welfare agency, the notification shall be signed by the chair of the local social services agency or the chair's designee. The notification shall be private data on individuals subject to the provisions of this paragraph. School officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded. Until that time, the local welfare or law enforcement agency shall be solely responsible for any disclosures regarding the nature of the assessment or investigation.

Except where the alleged offender is believed to be a school official or employee, the time and place, and manner of the interview on school premises shall be within the discretion of school officials, but the local welfare or law enforcement agency shall have the exclusive authority to determine who may attend the interview. The conditions as to time, place, and manner of the

interview set by the school officials shall be reasonable and the interview shall be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school officials and the local welfare or law enforcement agency. Where the school fails to comply with the provisions of this paragraph, the juvenile court may order the school to comply. Every effort must be made to reduce the disruption of the educational program of the child, other students, or school staff when an interview is conducted on school premises.

(e) Where the alleged offender or a person responsible for the care of the alleged victim or other minor prevents access to the victim or other minor by the local welfare agency, the juvenile court may order the parents, legal custodian, or guardian to produce the alleged victim or other minor for questioning by the local welfare agency or the local law enforcement agency outside the presence of the alleged offender or any person responsible for the child's care at reasonable places and times as specified by court order.

(f) Before making an order under paragraph (e), the court shall issue an order to show cause, either upon its own motion or upon a verified petition, specifying the basis for the requested interviews and fixing the time and place of the hearing. The order to show cause shall be served personally and shall be heard in the same manner as provided in other cases in the juvenile court. The court shall consider the need for appointment of a guardian ad litem to protect the best interests of the child. If appointed, the guardian ad litem shall be present at the hearing on the order to show cause.

(g) The commissioner, the ombudsman for mental health and mental retardation, the local welfare agencies responsible for investigating reports, and the local law enforcement agencies have the right to enter facilities as defined in subdivision 2 and to inspect and copy the facility's records, including medical records, as part of the investigation. Notwithstanding the provisions of chapter 13, they also have the right to inform the facility under investigation that they are conducting an investigation, to disclose to the facility the names of the individuals under investigation for abusing or neglecting a child, and to provide the facility with a copy of the report and the investigative findings.

(h) The local welfare agency shall collect available and relevant information to ascertain whether maltreatment occurred and whether protective services are needed. Information collected includes, when relevant, information with regard to the person reporting the alleged maltreatment, including the nature of the reporter's relationship to the child and to the alleged offender, and the basis of the reporter's knowledge for the report; the child allegedly being maltreated; the alleged offender; the child's caretaker; and other collateral sources having relevant information related to the alleged maltreatment. The local welfare agency may make a determination of no maltreatment early in an assessment, and close the case and retain immunity, if the collected information shows no basis for a full assessment or investigation.

Information relevant to the assessment or investigation must be asked for, and may include:

(1) the child's sex and age, prior reports of maltreatment, information relating to developmental functioning, credibility of the child's statement, and whether the information provided under this clause is consistent with other information collected during the course of the assessment or investigation;

(2) the alleged offender's age, a record check for prior reports of maltreatment, and criminal charges and convictions. The local welfare agency must provide the alleged offender with an opportunity to make a statement. The alleged offender may submit supporting documentation relevant to the assessment or investigation;

(3) collateral source information regarding the alleged maltreatment and care of the child. Collateral information includes, when relevant: (i) a medical examination of the child; (ii) prior medical records relating to the alleged maltreatment or the care of the child and an interview with the treating professionals; and (iii) interviews with the child's caretakers, including the child's parent, guardian, foster parent, child care provider, teachers, counselors, family members, relatives, and other persons who may have knowledge regarding the alleged maltreatment and the care of the child.

Nothing in this paragraph precludes the local welfare agency from collecting other relevant information necessary to conduct the assessment or investigation. Notwithstanding the data's classification in the possession of any other agency, data acquired by the local welfare agency during the course of the assessment or investigation are private data on individuals and must be maintained in accordance with subdivision 11.

(i) In the initial stages of an assessment or investigation, the local welfare agency shall conduct a face-to-face observation of the child reported to be maltreated and a face-to-face interview of the alleged offender. The interview with the alleged offender may be postponed if it would jeopardize an active law enforcement investigation.

(j) The local welfare agency shall use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. The following interviewing methods and procedures must be used whenever possible when collecting information:

(1) audio recordings of all interviews with witnesses and collateral sources; and

(2) in cases of alleged sexual abuse, audio-video recordings of each interview with the alleged victim and child witnesses.

Sec. 28. Minnesota Statutes 1997 Supplement, section 626.556, subdivision 10e, is amended to read:

Subd. 10e. [DETERMINATIONS.] Upon the conclusion of every assessment or investigation it conducts, the local welfare agency shall make two determinations: first, whether maltreatment has occurred; and second, whether child protective services are needed. When maltreatment is determined in an investigation involving a facility, the investigating agency shall also determine whether the facility or individual was responsible for the maltreatment using the mitigating factors in paragraph (d). Determinations under this subdivision must be made based on a preponderance of the evidence.

(a) For the purposes of this subdivision, "maltreatment" means any of the following acts or omissions committed by a person responsible for the child's care:

(1) physical abuse as defined in subdivision 2, paragraph (d);

(2) neglect as defined in subdivision 2, paragraph (c);

(3) sexual abuse as defined in subdivision 2, paragraph (a); or

(4) mental injury as defined in subdivision 2, paragraph (k); or

(5) domestic abuse/exposure to violence as defined in subdivision 2, paragraph (m).

(b) For the purposes of this subdivision, a determination that child protective services are needed means that the local welfare agency has documented conditions during the assessment or investigation sufficient to cause a child protection worker, as defined in section 626.559, subdivision 1, to conclude that a child is at significant risk of maltreatment if protective intervention is not provided and that the individuals responsible for the child's care have not taken or are not likely to take actions to protect the child from maltreatment or risk of maltreatment.

(c) This subdivision does not mean that maltreatment has occurred solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, in lieu of medical care. However, if lack of medical care may result in serious danger to the child's health, the local welfare agency may ensure that necessary medical services are provided to the child.

(d) When determining whether the facility or individual is the responsible party for determined maltreatment in a facility, the investigating agency shall consider at least the following mitigating factors:

(1) whether the actions of the facility or the individual caregivers were according to, and followed the terms of, an erroneous physician order, prescription, individual care plan, or directive; however, this is not a mitigating factor when the facility or caregiver was responsible for the issuance of the erroneous order, prescription, individual care plan, or directive or knew or should have known of the errors and took no reasonable measures to correct the defect before administering care;

(2) comparative responsibility between the facility, other caregivers, and requirements placed upon an employee, including the facility's compliance with related regulatory standards and the adequacy of facility policies and procedures, facility training, an individual's participation in the training, the caregiver's supervision, and facility staffing levels and the scope of the individual employee's authority and discretion; and

(3) whether the facility or individual followed professional standards in exercising professional judgment.

Sec. 29. Minnesota Statutes 1996, section 626.556, subdivision 10h, is amended to read:

Subd. 10h. [CHILD ABUSE DATA; RELEASE TO FAMILY COURT SERVICES.] The responsible authority or its designee of a local welfare agency may release private or confidential data on an active case involving assessment or investigation of actions that are defined as sexual abuse, physical abuse, or neglect, or domestic abuse/exposure to violence under this section to a court services agency if:

(1) the court services agency has an active case involving a common client or clients who are the subject of the data; and

(2) the data are necessary for the court services agency to effectively process the court services' case, including investigating or performing other duties relating to the case required by law.

The data disclosed under this subdivision may be used only for purposes of the active court services case described in clause (1) and may not be further disclosed to any other person or agency, except as authorized by law.

Sec. 30. Minnesota Statutes 1997 Supplement, section 626.556, subdivision 11, is amended to read:

Subd. 11. [RECORDS.] (a) Except as provided in paragraph (b) and subdivisions 10b, 10d, 10g, and 11b, all records concerning individuals maintained by a local welfare agency under this section, including any written reports filed under subdivision 7, shall be private data on individuals, except insofar as copies of reports are required by subdivision 7 to be sent to the local police department or the county sheriff. Reports maintained by any police department or the county sheriff shall be private data on individuals except the reports shall be made available to the investigating, petitioning, or prosecuting authority, including county medical examiners or county coroners. Section 13.82, subdivisions 5, 5a, and 5b, apply to law enforcement data other than the reports. The local social services agency shall make available to the investigating, petitioning, or prosecuting authority, including county medical examiners or county coroners or their professional delegates, any records which contain information relating to a specific incident of neglect or abuse which is under investigation, petition, or prosecution and information relating to any prior incidents of neglect or abuse involving any of the same persons. The records shall be collected and maintained in accordance with the provisions of chapter 13. In conducting investigations and assessments pursuant to this section, the notice required by section 13.04, subdivision 2, need not be provided to a minor under the age of ten who is the alleged victim of abuse or neglect, or domestic abuse/exposure to violence. An individual subject of a record shall have access to the record in accordance with those sections, except that the name of the reporter shall be confidential while the report is under assessment or investigation except as otherwise permitted by this subdivision. Any person conducting an investigation or assessment under this section who intentionally discloses the identity of a reporter prior to the completion of the investigation or assessment is guilty of a misdemeanor. After the assessment or investigation is completed, the name of the reporter shall be confidential. The subject of the report may compel disclosure of the name of the reporter only with the consent of the reporter or upon a written

finding by the court that the report was false and that there is evidence that the report was made in bad faith. This subdivision does not alter disclosure responsibilities or obligations under the rules of criminal procedure.

(b) Upon request of the legislative auditor, data on individuals maintained under this section must be released to the legislative auditor in order for the auditor to fulfill the auditor's duties under section 3.971. The auditor shall maintain the data in accordance with chapter 13.

Sec. 31. Minnesota Statutes 1996, section 626.556, subdivision 11a, is amended to read:

Subd. 11a. [DISCLOSURE OF INFORMATION NOT REQUIRED IN CERTAIN CASES.] When interviewing a minor under subdivision 10, an individual does not include the parent or guardian of the minor for purposes of section 13.04, subdivision 2, when the parent or guardian is the alleged perpetrator of the abuse or, neglect, or domestic abuse/exposure to violence.

Sec. 32. Minnesota Statutes 1996, section 626.556, is amended by adding a subdivision to read:

Subd. 11d. [DISCLOSURE IN CHILD FATALITY OR NEAR FATALITY CASES.] (a) The definitions in this paragraph apply to this section.

(1) "Child fatality" means the death of a child from suspected abuse, neglect, or maltreatment.

(2) "Near fatality" means a case in which a physician determines that a child is in serious or critical condition as the result of sickness or injury caused by suspected abuse, neglect, or maltreatment.

(3) "Findings and information" means a written summary described in paragraph (c) of actions taken or services rendered by a local social services agency following receipt of a report.

(b) Notwithstanding any other provision of law and subject to the provisions of this subdivision, a public agency shall disclose to the public, upon request, the findings and information related to a child fatality or near fatality if:

(1) a person is criminally charged with having caused the child fatality or near fatality; or

(2) a county attorney certifies that a person would have been charged with having caused the child fatality or near fatality but for that person's prior death.

(c) Findings and information disclosed pursuant to this subdivision shall consist of a written summary that includes any of the following information the agency is able to provide:

(1) the dates, outcomes, and results of any actions taken or services rendered;

(2) the results of any review of the state child mortality review panel, a local child mortality review panel, a local community child protection team, or any public agency; and

(3) confirmation of the receipt of all reports, accepted or not accepted, by the local welfare agency for assessment of suspected child abuse, neglect, or maltreatment, including confirmation that investigations were conducted, the results of the investigations, a description of the conduct of the most recent investigation and the services rendered, and a statement of basis for the agency's determination.

(d) Nothing in this subdivision authorizes access to the confidential records in the custody of a local social services agency, or the disclosure to the public of the records or content of any psychiatric, psychological, therapeutic evaluations, or the disclosure of information that would reveal the identities of persons who provided information related to suspected abuse, neglect, or maltreatment of the child.

(e) Within five working days from the receipt of a request for findings and information related to a child fatality or near fatality, a local agency shall consult with the appropriate county attorney and provide the findings and information unless the agency has a reasonable belief that the release of the information:

(1) is not authorized by paragraphs (a) and (b);

(2) is likely to cause mental, emotional, or physical harm or danger to a minor child residing in the deceased or injured child's household or is a child who is the sibling of the deceased or injured child;

(3) is likely to jeopardize the state's ability to prosecute the defendant;

(4) is likely to jeopardize the defendant's right to a fair trial;

(5) is the subject of an ongoing or future criminal investigation or prosecution;

(6) is not authorized by federal law and regulations; or

(7) could result in physical or emotional harm to an individual.

(f) A person whose request is denied may apply to the appropriate court for an order compelling disclosure of the findings and information of the public agency. The application must set forth, with reasonable particularity, factors supporting the application. The court has jurisdiction to issue such orders. Actions under this section must be set down for immediate hearing, and subsequent proceedings in those actions must be accorded priority by the appellate courts. After the court has reviewed the specific findings and information, in camera, the court shall issue an order compelling disclosure unless the court finds that one or more of the circumstances in paragraph (e) exists.

(g) A public agency or its employees acting in good faith in disclosing or declining to disclose information under this section are immune from criminal or civil liability that might otherwise be incurred or imposed for that action.

Sec. 33. [EFFECTIVE DATE.]

The effective date of sections 1 to 32 shall be the day following final enactment."

Delete the title and insert:

"A bill for an act relating to human services; providing for child welfare reform; restricting release of certain information; establishing citizen review panels; clarifying jurisdiction; defining terms; imposing duties; amending Minnesota Statutes 1996, sections 13.391; 256.01, subdivision 12, and by adding a subdivision; 257.42; 257.43; 259.24, subdivision 1; 259.37, subdivision 2; 260.011, subdivision 2; 260.141, by adding a subdivision; 260.172, subdivision 1; 260.191, subdivision 1e; 260.221, as amended; and 626.556, subdivisions 10, 10h, 11a, and by adding a subdivision; Minnesota Statutes 1997 Supplement, sections 144.218, subdivision 2; 245A.03, subdivision 2; 245A.04, subdivisions 3b and 3d; 257.85, subdivision 5; 259.22, subdivision 4; 259.47, subdivision 3; 259.60, subdivision 2; 260.012; 260.015, subdivision 29; 260.191, subdivisions 1a and 3b; 260.241, subdivision 3; and 626.556, subdivisions 2, 10e, and 11."

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

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

S.F. No. 1814: A bill for an act relating to professions; modifying provisions relating to the board of architecture, engineering, land surveying, landscape architecture, geoscience, and interior design; amending Minnesota Statutes 1996, sections 326.02, by adding a subdivision; 326.03, subdivision 1; 326.04; 326.05; 326.06; 326.07; 326.09; 326.10, subdivisions 2 and 7; 326.12, by adding a subdivision; and 326.13; proposing coding for new law in Minnesota Statutes, chapter 326; repealing Minnesota Statutes 1996, section 326.08.

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

Pages 1 and 2, delete section 1

Pages 4 and 5, delete section 5

Page 8, delete section 10

Page 11, after line 5 insert:

"Sec. 10. Minnesota Statutes 1996, section 599.14, is amended to read:

599.14 [RECORDS OF SURVEYS, EVIDENCE WHEN.]

Records of surveys made by the ~~engineering department~~ of any municipality, including field notes, profiles, plats, plans, and other files and records of such department, shall be prima facie evidence in all courts of the correctness of the facts shown and statements made therein.

Sec. 11. [REVISOR INSTRUCTION.]

The revisor shall substitute the words "licensed land surveyor" for "registered land surveyor" in Minnesota Statutes, sections 160.085; 272.19; 300.045; 326.03; 383B.603; 383D.65; 462.359; 505.08; 505.1793; 508.23; 508.671; and 515.13."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "326.02, by adding a subdivision;"

Page 1, line 7, delete "326.06;"

Page 1, line 8, delete everything after the semicolon

Page 1, line 9, delete "subdivision; and" and after "326.13;" insert "and 599.14;"

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

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

S.F. No. 2146: A bill for an act relating to health care; creating an office of health care consumer assistance, advocacy, and information; clarifying the enrollee complaint system for health maintenance organizations; expanding the provisions counties must meet under county based purchasing; extending the date of establishing a complaint resolution process; appropriating money; amending Minnesota Statutes 1997 Supplement, sections 62D.11, subdivision 1; 62Q.105, subdivision 1; 62Q.30; and 256B.692, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 62J.

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

SECOND READING OF SENATE BILLS

S.F. Nos. 2030, 1440, 2384, 2255, 2221, 2148, 2149, 2118, 2256 and 908 were read the second time.

Mr. Knutson moved that the names of Ms. Wiener and Mr. Price be added as co-authors to S.F. No. 726. The motion prevailed.

Mr. Pogemiller moved that the name of Mr. Novak be added as a co-author to S.F. No. 2055. The motion prevailed.

Ms. Anderson moved that the name of Mr. Novak be added as a co-author to S.F. No. 2083. The motion prevailed.

Mr. Hottinger moved that the name of Mr. Morse be added as a co-author to S.F. No. 2331. The motion prevailed.

Mr. Price moved that the name of Mr. Novak be added as a co-author to S.F. No. 2410. The motion prevailed.

Ms. Higgins moved that the name of Mr. Oliver be added as a co-author to S.F. No. 2413. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Ms. Junge be added as a co-author to S.F. No. 2418. The motion prevailed.

Mr. Langseth moved that the name of Mr. Belanger be added as a co-author to S.F. No. 2432. The motion prevailed.

Mr. Cohen moved that the name of Mr. Kelly, R.C. be added as a co-author to S.F. No. 2442. The motion prevailed.

Mr. Knutson moved that the name of Mr. Marty be added as a co-author to S.F. No. 2459. The motion prevailed.

Ms. Johnson, J.B. moved that the name of Ms. Hanson be added as a co-author to S.F. No. 2469. The motion prevailed.

Mr. Hottinger moved that the name of Ms. Kiscaden be added as a co-author to S.F. No. 2509. The motion prevailed.

Mr. Hottinger moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2613. The motion prevailed.

Mr. Stevens moved that S.F. No. 2048 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Agriculture and Rural Development. The motion prevailed.

Mrs. Pariseau moved that S.F. No. 2272 be withdrawn from the Committee on Judiciary and re-referred to the Committee on Agriculture and Rural Development. The motion prevailed.

Mr. Larson moved that S.F. No. 2131 be withdrawn from the Committee on Taxes and re-referred to the Committee on Local and Metropolitan Government. The motion prevailed.

Messrs. Moe, R.D. and Day introduced--

Senate Resolution No. 80: A Senate resolution relating to the appointment of a committee to escort the Governor to the House Chamber for a Joint Convention.

BE IT RESOLVED, by the Senate of the State of Minnesota:

The President of the Senate shall appoint a committee of five members of the Senate to act with a like committee on the part of the House of Representatives to escort the Honorable Arne H. Carlson, Governor of the State of Minnesota, to the House Chamber on the occasion of the Joint Convention on Wednesday, February 4, 1998, at 12:00 noon.

Mr. Moe, R.D. moved the adoption of the foregoing resolution. The motion prevailed. So the resolution was adopted.

APPOINTMENTS

Pursuant to the foregoing resolution, the President made the following appointments:

Mrs. Scheid, Messrs. Ten Eyck, Wiger, Scheevel and Ms. Robertson.

CONSENT CALENDAR

S.F. No. 2379: A bill for an act relating to the board of government innovation and cooperation; clarifying the distribution of cooperation and combination aid in certain circumstances when an entire township is annexed by two or more contiguous cities; amending Minnesota Statutes 1997 Supplement, section 465.87, subdivision 1a.

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:

Anderson	Hanson	Langseth	Olson	Scheevel
Beckman	Higgins	Larson	Ourada	Scheid
Belanger	Janezich	Lesewski	Pappas	Solon
Berg	Johnson, D.H.	Lessard	Pariseau	Spear
Berglin	Johnson, D.J.	Lourey	Piper	Stevens
Betzold	Junge	Marty	Pogemiller	Stumpf
Cohen	Kelley, S.P.	Metzen	Price	Ten Eyck
Day	Kelly, R.C.	Moe, R.D.	Ranum	Terwilliger
Dille	Kiscaden	Morse	Robertson	Vickerman
Fischbach	Kleis	Murphy	Robling	Wiener
Flynn	Knutson	Neuville	Runbeck	Wiger
Foley	Krentz	Novak	Sams	
Frederickson	Laidig	Oliver	Samuelson	

So the bill passed and its title was agreed to.

GENERAL ORDERS

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

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

S.F. No. 1480, which the committee recommends to pass, after the following motion:

Mr. Neuville moved to amend S.F. No. 1480 as follows:

Page 2, line 8, after the comma, insert "or is clearly relevant to a tort claim,"

The question was taken on the adoption of the amendment.

The roll was called, and there were yeas 16 and nays 45, as follows:

Those who voted in the affirmative were:

Belanger	Frederickson	Knutson	Oliver	Pariseau
Day	Kiscaden	Lesewski	Olson	Robertson
Dille	Kleis	Neuville	Ourada	Runbeck
Fischbach				

Those who voted in the negative were:

Anderson	Higgins	Laidig	Murphy	Scheid
Beckman	Hottinger	Langseth	Novak	Solon
Berg	Johnson, D.E.	Larson	Pappas	Spear
Berglin	Johnson, D.H.	Lessard	Pogemiller	Stumpf
Betzold	Johnson, J.B.	Lourey	Price	Ten Eyck
Cohen	Junge	Marty	Ranum	Terwilliger
Flynn	Kelley, S.P.	Metzen	Robling	Vickerman
Foley	Kelly, R.C.	Moe, R.D.	Sams	Wiener
Hanson	Krentz	Morse	Samuelson	Wiger

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

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

INTRODUCTION AND FIRST READING OF SENATE BILLS

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

Mr. Samuelson, Ms. Piper and Mr. Sams introduced--

S.F. No. 2666: A bill for an act relating to health; providing for the establishment of uniform billing requirements for health care providers; proposing coding for new law in Minnesota Statutes, chapter 62J.

Referred to the Committee on Health and Family Security.

Mrs. Lourey, Mr. Marty, Ms. Higgins, Mr. Janezich and Mrs. Robling introduced--

S.F. No. 2667: A bill for an act relating to child care; requiring counties to make vendor payments to child care providers; amending Minnesota Statutes 1997 Supplement, section 119B.13, subdivision 6.

Referred to the Committee on Children, Families and Learning.

Ms. Pappas and Mr. Solon introduced--

S.F. No. 2668: A bill for an act relating to liquor; modifying restrictions for temporary on-sale licenses; amending Minnesota Statutes 1996, section 340A.410, subdivision 10.

Referred to the Committee on Commerce.

Mr. Hottinger introduced--

S.F. No. 2669: A bill for an act relating to human services; allowing greater use of arrangements with businesses when providing day training and habilitation services; directing the commissioner of human services to develop a more flexible rate variance mechanism for day training habilitation services vendors; amending Minnesota Statutes 1996, section 252.451, subdivision 5.

Referred to the Committee on Health and Family Security.

Ms. Flynn, Mr. Kelley, S.P. and Mrs. Pariseau introduced--

S.F. No. 2670: A bill for an act relating to metropolitan government; providing for county commissioners to serve as metropolitan council members; regulating economic interest statements of candidates and members; regulating contributions to candidates; requiring a study; amending Minnesota Statutes 1996, sections 10A.01, subdivision 5; 10A.09, subdivisions 5 and 6a; 10A.27, subdivision 1; 15.0597, subdivision 1; 204B.06, subdivision 4; 204B.09, subdivisions 1 and 1a; 204B.11; 204B.135, subdivision 2; 204B.32, subdivision 2; 204D.02, subdivision 1; 204D.08, subdivision 6; 204D.27, by adding a subdivision; 209.02, subdivision 1; 211A.01, subdivision 3; 211B.01, subdivision 3; 353D.01, subdivision 2; and 473.123, subdivisions 1, 4, 7, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 204D; 375; and 473; repealing Minnesota Statutes 1996, sections 473.123, subdivisions 2a, 3, 3a, and 3c.

Referred to the Committee on Local and Metropolitan Government.

Messrs. Laidig, Morse, Belanger, Ms. Krentz and Mr. Johnson, D.E. introduced--

S.F. No. 2671: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for the Stillwater Flood Control Project.

Referred to the Committee on Environment and Natural Resources.

Messrs. Solon; Moe, R.D.; Johnson, D.J.; Metzen and Larson introduced--

S.F. No. 2672: A bill for an act relating to state government; regulating the public employees insurance program; appropriating money.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Hottinger, Ms. Anderson and Mrs. Pariseau introduced--

S.F. No. 2673: A bill for an act relating to human services; appropriating money for the home-sharing program.

Referred to the Committee on Health and Family Security.

Messrs. Novak and Betzold introduced--

S.F. No. 2674: A bill for an act relating to transportation; appropriating money to the commissioner of transportation for planning and design of a commuter rail station in Columbia Heights.

Referred to the Committee on Transportation.

Ms. Robertson introduced--

S.F. No. 2675: A bill for an act relating to state employment; allowing the office of technology to designate additional unclassified positions; allowing for the payment of accumulated vacation leave upon layoff; amending Minnesota Statutes 1996, section 43A.17, subdivision 8; Minnesota Statutes 1997 Supplement, section 43A.08, subdivision 1a.

Referred to the Committee on Governmental Operations and Veterans.

Mrs. Pariseau introduced--

S.F. No. 2676: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for development of the Minnesota Turf and Grounds Research and Education Center.

Referred to the Committee on Children, Families and Learning.

Ms. Wiener, Messrs. Solon and Metzen introduced--

S.F. No. 2677: A bill for an act relating to commerce; regulating lien or claim waivers and subcontractor payments in building and construction contracts; modifying the redemption period for property sold at a mechanic's lien foreclosure sale; amending Minnesota Statutes 1996, section 514.15; Minnesota Statutes 1997 Supplement, section 337.10, subdivisions 2 and 3.

Referred to the Committee on Judiciary.

Ms. Kiscaden, Messrs. Murphy, Hottinger, Belanger and Johnson, D.J. introduced--

S.F. No. 2678: A bill for an act relating to taxation; amending the effective date of a sales tax exemption for certain hospitals; amending Laws 1997, chapter 231, article 7, section 47.

Referred to the Committee on Taxes.

Messrs. Novak; Johnson, D.E.; Morse; Johnson, D.H. and Ms. Lesewski introduced--

S.F. No. 2679: A bill for an act relating to utilities; modifying certain provisions of power purchase contracts and biomass fuel exemptions; amending Minnesota Statutes 1996, section 216B.2424, subdivision 3; and Minnesota Statutes 1997 Supplement, section 216B.1645.

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

Mr. Hottinger and Ms. Junge introduced--

S.F. No. 2680: A bill for an act relating to public investment; prohibiting the board of investment from purchasing tobacco stock; proposing coding for new law in Minnesota Statutes, chapter 11A.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Solon; Johnson, D.J. and Janezich introduced--

S.F. No. 2681: A bill for an act relating to railroads; appropriating money to the commissioner of transportation for a grant to the Lake Superior and Mississippi railroad.

Referred to the Committee on Transportation.

Ms. Ranum, Messrs. Foley, Knutson, Ms. Kiscaden and Mr. Samuelson introduced--

S.F. No. 2682: A bill for an act relating to children; providing for child welfare reform; restricting release of certain information; establishing citizen review panels; clarifying jurisdiction; establishing programs for child abuse and neglect assessments and investigations and concurrent planning for permanent placement; defining terms; imposing duties; appropriating money; amending Minnesota Statutes 1996, sections 13.391; 256.01, subdivision 12, and by adding a subdivision; 257.42; 257.43; 259.24, subdivision 1; 259.37, subdivision 2; 260.011, subdivision 2; 260.141, by adding a subdivision; 260.172, subdivision 1; 260.191, subdivision 1e; 260.221, as amended; and 626.556, subdivision 11a, and by adding a subdivision; Minnesota Statutes 1997 Supplement, sections 144.218, subdivision 2; 259.22, subdivision 4; 259.47, subdivision 3; 259.60, subdivision 2; 260.012; 260.015, subdivision 29; 260.191, subdivisions 1, 1a, and 3b; 260.241, subdivision 3; and 626.556, subdivision 11; proposing coding for new law in Minnesota Statutes, chapters 257; and 626.

Referred to the Committee on Judiciary.

Mr. Knutson and Ms. Wiener introduced--

S.F. No. 2683: A bill for an act relating to local government; permitting a member of a city council to vote to fill a vacancy in office in certain circumstances; amending Minnesota Statutes 1996, section 471.46.

Referred to the Committee on Local and Metropolitan Government.

Ms. Ranum, Mr. Knutson and Ms. Anderson introduced--

S.F. No. 2684: A bill for an act relating to crime; providing criminal penalties for whoever violates an order for protection/minor respondent; prohibiting violators of those orders from possessing firearms; clarifying service of notice under the harassment restraining order law; amending Minnesota Statutes 1996, section 609.748, subdivisions 3 and 4; Laws 1997, chapter 239, article 10, section 19.

Referred to the Committee on Crime Prevention.

Messrs. Vickerman, Stevens, Langseth, Stumpf and Day introduced--

S.F. No. 2685: A bill for an act relating to local government; allowing an officer of a local governmental unit to contract with the unit in certain circumstances; amending Minnesota Statutes 1996, section 471.88, subdivision 12.

Referred to the Committee on Local and Metropolitan Government.

Ms. Krentz introduced--

S.F. No. 2686: A bill for an act relating to taxation; property tax refund; providing a property tax refund as a credit against income tax for certain owners of seasonal residential recreational property; amending Minnesota Statutes 1996, sections 290.06, by adding a subdivision; 290A.02; 290A.03, by adding a subdivision; 290A.04, by adding subdivisions; 290A.09; and 290A.10; Minnesota Statutes 1997 Supplement, section 290A.04, subdivision 2j.

Referred to the Committee on Taxes.

Messrs. Kleis, Ten Eyck, Morse, Mses. Kiscaden and Robertson introduced--

S.F. No. 2687: A bill for an act relating to education; increasing per student funding on certain campuses to the average; appropriating money.

Referred to the Committee on Children, Families and Learning.

Messrs. Terwilliger and Moe, R.D. introduced--

S.F. No. 2688: A bill for an act relating to veterans; designating a date in February as Chaplains Sunday in honor of four United States army chaplains who sacrificed their lives at sea for other service members; proposing coding for new law in Minnesota Statutes, chapter 10.

Referred to the Committee on Governmental Operations and Veterans.

Ms. Kiscaden, Messrs. Hottinger, Belanger, Janezich and Vickerman introduced--

S.F. No. 2689: A bill for an act relating to the city of Rochester; authorizing the city to impose permanent sales, use, and excise taxes; specifying purposes for expenditures of the proceeds of the taxes; requiring a referendum on the expenditures.

Referred to the Committee on Local and Metropolitan Government.

Mr. Vickerman introduced--

S.F. No. 2690: A bill for an act relating to education; allowing the consolidated Red Rock school district to accelerate the schedule for reducing the number of school board members.

Referred to the Committee on Election Laws.

Ms. Junge, Messrs. Ten Eyck and Kelly, R.C. introduced--

S.F. No. 2691: A bill for an act relating to capital improvements; appropriating money to design a new building for the bureau of criminal apprehension; authorizing the sale of state bonds.

Referred to the Committee on Crime Prevention.

Ms. Anderson introduced--

S.F. No. 2692: A bill for an act relating to crime; requesting the legislative audit commission to direct the legislative auditor to conduct a study on the direct and indirect costs of crime.

Referred to the Committee on Crime Prevention.

Mr. Janezich introduced--

S.F. No. 2693: A bill for an act relating to motor vehicles; increasing minimum value of passenger automobiles classified as above-market vehicles for motor vehicle sales tax purposes; amending Minnesota Statutes 1996, section 297B.025, subdivision 1.

Referred to the Committee on Transportation.

Messrs. Janezich and Johnson, D.J. introduced--

S.F. No. 2694: A bill for an act relating to liquor; authorizing the city of Virginia to issue an additional on-sale license.

Referred to the Committee on Commerce.

Mr. Johnson, D.H. introduced--

S.F. No. 2695: A bill for an act relating to crime; clarifying repeat offender penalties for theft crimes; amending Minnesota Statutes 1997 Supplement, section 609.52, subdivision 3.

Referred to the Committee on Crime Prevention.

Ms. Johnson, J.B. introduced--

S.F. No. 2696: A bill for an act relating to appropriations; authorizing state bonds; appropriating money to complete the second phase of the Cambridge Community College master facilities plan.

Referred to the Committee on Children, Families and Learning.

Messrs. Samuelson, Hottinger, Mrs. Lourey, Mses. Piper and Kiscaden introduced--

S.F. No. 2697: A bill for an act relating to human services; establishing a rental housing program; expanding the current pilot program for homeless adults; requiring an evaluation; appropriating money; amending Minnesota Statutes 1996, section 256I.04, subdivision 3, and by adding a subdivision.

Referred to the Committee on Health and Family Security.

Messrs. Novak; Moe, R.D. and Janezich introduced--

S.F. No. 2698: A bill for an act relating to energy assistance; establishing a delivered fuel account; appropriating money; amending Minnesota Statutes 1996, section 268.371, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Mrs. Lourey, Ms. Berglin, Mr. Terwilliger, Ms. Kiscaden and Mr. Moe, R.D. introduced--

S.F. No. 2699: A resolution memorializing the Congress of the United States to remove Medicaid policy barriers to employment for people with disabilities.

Referred to the Committee on Health and Family Security.

Ms. Higgins introduced--

S.F. No. 2700: A bill for an act relating to the city of Minneapolis; adding a position to a list for certain purposes; amending Laws 1969, chapter 937, section 1, subdivision 9a, as amended.

Referred to the Committee on Local and Metropolitan Government.

Mr. Metzen introduced--

S.F. No. 2701: A bill for an act relating to state lands; requiring the sale of certain school trust land in Hubbard county.

Referred to the Committee on Environment and Natural Resources.

Messrs. Beckman, Wiger and Murphy introduced--

S.F. No. 2702: A bill for an act relating to education; removing the repeal of the youth works program; repealing Laws 1993, chapter 146, article 5, section 20, as amended.

Referred to the Committee on Children, Families and Learning.

Messrs. Beckman; Kelley, S.P.; Johnson, D.H.; Janezich and Limmer introduced--

S.F. No. 2703: A bill for an act relating to the housing finance agency; authorizing state bonds; appropriating money from the bond proceeds fund for transitional housing.

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

Messrs. Beckman, Day, Sams and Moe, R.D. introduced--

S.F. No. 2704: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for the visitors' center at the Minnesota Agricultural Interpretive Center.

Referred to the Committee on Agriculture and Rural Development.

Mr. Beckman, Ms. Higgins, Messrs. Sams and Janezich introduced--

S.F. No. 2705: A bill for an act relating to community development; appropriating money for summer youth employment.

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

Mr. Beckman introduced--

S.F. No. 2706: A bill for an act relating to state government; requiring the state board of investment to sell certain stock in tobacco companies and to invest in specified other assets.

Referred to the Committee on Governmental Operations and Veterans.

Mrs. Robling, Messrs. Wiger and Stevens introduced--

S.F. No. 2707: A bill for an act relating to veterans; authorizing payment of a Vietnam War veteran's bonus to qualified veterans who applied for the bonus before the program deadline but were not paid; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 197.

Referred to the Committee on Governmental Operations and Veterans.

Mrs. Robling, Mr. Laidig, Ms. Wiener and Runbeck introduced--

S.F. No. 2708: A bill for an act relating to liquor; exempting certain municipalities from certain

temporary license restrictions; amending Minnesota Statutes 1996, section 340A.410, subdivision 10.

Referred to the Committee on Commerce.

Ms. Piper, Mr. Vickerman, Ms. Johnson, J.B. and Mr. Beckman introduced--

S.F. No. 2709: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for the Blazing Star trail extension.

Referred to the Committee on Environment and Natural Resources.

Ms. Piper, Mr. Dille, Ms. Johnson, J.B. and Mr. Beckman introduced--

S.F. No. 2710: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for the domestic wastewater treatment plant phase two project in Austin.

Referred to the Committee on Environment and Natural Resources.

Messrs. Frederickson; Moe, R.D.; Langseth; Stumpf and Ms. Lesewski introduced--

S.F. No. 2711: A bill for an act relating to natural resources; modifying provisions for the review of flood protection plans; increasing the limit on flood hazard mitigation grants; modifying water use permit processing fee provisions; amending Minnesota Statutes 1996, sections 103F.155, subdivision 2; 103F.161, subdivision 2; and 103G.271, subdivision 6.

Referred to the Committee on Environment and Natural Resources.

Messrs. Frederickson, Lessard, Laidig, Morse and Berg introduced--

S.F. No. 2712: A bill for an act relating to natural resources; providing for the acquisition of critical aquatic habitat; modifying commercial netting provisions; permitting the commissioner to take catfish in certain waters; modifying minnow retailer provisions; modifying turtle license provisions; amending Minnesota Statutes 1996, sections 86A.04; 97C.041; 97C.501, subdivision 1; and 97C.605, subdivisions 1 and 2; Minnesota Statutes 1997 Supplement, sections 97A.475, subdivision 30; and 97C.501, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 97C.

Referred to the Committee on Environment and Natural Resources.

Ms. Lesewski, Messrs. Scheevel, Vickerman, Ms. Hanson and Mr. Dille introduced--

S.F. No. 2713: A bill for an act relating to taxation; exempting school buses from sales tax on motor vehicles; amending Minnesota Statutes 1997 Supplement, section 297B.03.

Referred to the Committee on Taxes.

Messrs. Morse; Kelly, R.C.; Ms. Pappas, Messrs. Frederickson and Vickerman introduced--

S.F. No. 2714: A bill for an act relating to agriculture; modifying ethanol production goals and producer payments; amending Minnesota Statutes 1996, section 41A.09, subdivision 1a; Minnesota Statutes 1997 Supplement, section 41A.09, subdivision 3a; Laws 1997, chapter 216, section 7, subdivision 3.

Referred to the Committee on Agriculture and Rural Development.

Mrs. Robling, Messrs. Stevens, Ourada and Ms. Lesewski introduced--

S.F. No. 2715: A bill for an act relating to lawful gambling; reducing rates of taxation; amending Minnesota Statutes 1996, section 297E.02, subdivisions 1, 4, and 6.

Referred to the Committee on Taxes.

Ms. Lesewski, Mr. Limmer, Mses. Robertson and Wiener introduced--

S.F. No. 2716: A bill for an act relating to taxation; allowing small lessors of motor vehicles to opt out of the fee in lieu of registration tax; amending Minnesota Statutes 1996, section 297A.135, subdivision 4.

Referred to the Committee on Taxes.

Messrs. Novak, Metzen and Ms. Krentz introduced--

S.F. No. 2717: A bill for an act relating to the metropolitan council; establishing corridor planning pilot projects; appropriating money.

Referred to the Committee on Local and Metropolitan Government.

Mr. Kelley, S.P.; Mses. Higgins, Anderson, Messrs. Frederickson and Novak introduced--

S.F. No. 2718: A bill for an act relating to telecommunications; amending the state telephone assistance program to match federal requirements; requiring the department of human services to automatically enroll eligible persons based on information in state information systems; increasing the TAP surcharge; requiring public utilities commission to develop and implement state universal service fund by December 31, 2000; amending Minnesota Statutes 1996, sections 237.69, subdivision 5; and 237.70, subdivision 6, and by adding a subdivision; Minnesota Statutes 1997 Supplement, section 237.70, subdivisions 4a and 7; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1996, section 237.69, subdivision 9.

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

Mr. Novak introduced--

S.F. No. 2719: A bill for an act relating to housing; providing for review of certain allocations and compliance monitoring by the Minnesota housing finance agency; amending Minnesota Statutes 1996, section 462A.223, by adding subdivisions.

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

Messrs. Novak, Betzold, Samuelson and Ms. Berglin introduced--

S.F. No. 2720: A bill for an act relating to human services; establishing special property rate setting procedure for certain nursing facilities; amending Minnesota Statutes 1996, section 256B.431, subdivision 11.

Referred to the Committee on Health and Family Security.

Messrs. Murphy and Novak introduced--

S.F. No. 2721: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for the construction of a municipal water park in the city of Hastings.

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

Messrs. Day; Moe, R.D.; Morse; Lessard and Laidig introduced--

S.F. No. 2722: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for infrastructure costs of the Heritage Halls Museum.

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

Mr. Betzold introduced--

S.F. No. 2723: A bill for an act relating to crimes; driving while impaired; increasing the fees related to issuance of specially coded motor vehicle registration plates and reissuance of regular plates following license plate impoundment for repeat DWI violations; appropriating money for the remote electronic alcohol monitoring program for DWI offenders who are ordered to abstain from alcohol as a condition of pretrial release, supervised release, or probation; amending Minnesota Statutes 1996, section 168.042, subdivision 12; Minnesota Statutes 1997 Supplement, section 168.042, subdivision 11a.

Referred to the Committee on Crime Prevention.

Mr. Betzold introduced--

S.F. No. 2724: A bill for an act relating to drivers' licenses; increasing the surcharge on the driver's license reinstatement fee to fund the remote electronic alcohol monitoring pilot program for certain DWI offenders; appropriating money; amending Minnesota Statutes 1997 Supplement, section 171.29, subdivision 2.

Referred to the Committee on Crime Prevention.

Mr. Betzold introduced--

S.F. No. 2725: A bill for an act relating to real estate; authorizing additional methods for recorder and registrar functions; amending Minnesota Statutes 1996, sections 386.40; 386.41; 508.32; 508.38; and 508A.38; proposing coding for new law in Minnesota Statutes, chapters 386; 508; and 508A.

Referred to the Committee on Judiciary.

Messrs. Foley, Marty, Mmes. Scheid and Lourey introduced--

S.F. No. 2726: A bill for an act relating to children; changing reimbursement rates for child care assistance; providing for wage enhancement for provider rates; amending Minnesota Statutes 1996, section 119B.13, by adding a subdivision; Minnesota Statutes 1997 Supplement, section 119B.13, subdivision 1.

Referred to the Committee on Children, Families and Learning.

Ms. Ranum, Messrs. Ten Eyck and Morse introduced--

S.F. No. 2727: A bill for an act relating to crime prevention; appropriating money to the department of corrections for juvenile mentoring pilot programs.

Referred to the Committee on Crime Prevention.

Mr. Hottinger, Mrs. Fischbach, Messrs. Cohen and Spear introduced--

S.F. No. 2728: A bill for an act relating to financial institutions; prohibiting a certain type of fee charged for the use of automated teller machines; amending Minnesota Statutes 1996, sections 47.61, by adding a subdivision; and 47.64, by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Spear introduced--

S.F. No. 2729: A bill for an act relating to highways; allowing advertisements, public art, and informational signs to be placed on bicycle racks and bicycle storage facilities on highway right-of-way; amending Minnesota Statutes 1996, section 160.27, subdivision 5, and by adding a subdivision.

Referred to the Committee on Transportation.

Ms. Robertson introduced--

S.F. No. 2730: A bill for an act relating to state government; department of administration; making technical corrections relating to information systems and technology, data practices, and certain appropriations oversight; changing the name of the Minnesota telecommunications network; clarifying department of administration authority over building operations and maintenance; extending the expiration date of the governor's residence council; changing certain terminology, providing for disposition of certain revenue, and clarifying certain referenda authority with respect to the state building code; amending Minnesota Statutes 1996, sections 16B.04, subdivision 2; 16B.24, subdivision 1; 16B.27, subdivision 3; 16B.58, subdivision 1; 16B.65, subdivisions 1 and 6; and 124C.74, subdivisions 2 and 3; Minnesota Statutes 1997 Supplement, sections 15.059, subdivision 5a; 16B.415; 16B.465; 16B.72; 16E.01, subdivision 3; 16E.03, subdivision 1; 16E.13, subdivision 3; and 221.173; Laws 1995, First Special Session chapter 3, article 12, section 7, subdivision 1, as amended; and Laws 1997, chapter 202, article 1, section 12, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Pogemiller, Metzen, Cohen, Morse and Betzold introduced--

S.F. No. 2731: A bill for an act relating to retirement; modifying actuarial cost allocation by the legislative commission on pensions and retirement; amending Minnesota Statutes 1997 Supplement, section 3.85, subdivision 12.

Referred to the Committee on Governmental Operations and Veterans.

Mses. Pappas, Robertson, Ranum, Mr. Knutson and Mrs. Scheid introduced--

S.F. No. 2732: A bill for an act relating to education; appropriating money for a grant for the Unlimited Possibilities Plan.

Referred to the Committee on Children, Families and Learning.

Ms. Krentz, Mr. Morse, Ms. Johnson, J.B. and Mr. Frederickson introduced--

S.F. No. 2733: A bill for an act relating to the environment; requiring additional information in the pollution control agency's annual performance report; amending Minnesota Statutes 1996, section 116.011.

Referred to the Committee on Environment and Natural Resources.

Mr. Kleis, Mrs. Scheid and Mr. Solon introduced--

S.F. No. 2734: A bill for an act relating to commerce; regulating collection agencies; exempting out-of-state agencies from regulation; amending Minnesota Statutes 1996, section 332.31, subdivisions 3, 6, and by adding a subdivision.

Referred to the Committee on Commerce.

Mr. Solon introduced--

S.F. No. 2735: A bill for an act relating to commerce; enacting provisions relating to the safety

of persons on amusement rides; amending Minnesota Statutes 1996, section 184B.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 184B.

Referred to the Committee on Commerce.

Mr. Solon introduced--

S.F. No. 2736: A bill for an act relating to environment; modifying petroleum fund reimbursement to small gasoline retailers; amending Minnesota Statutes 1997 Supplement, section 115C.09, subdivision 3f.

Referred to the Committee on Environment and Natural Resources.

Mses. Junge, Ranum, Wiener and Mr. Knutson introduced--

S.F. No. 2737: A bill for an act relating to domestic abuse; clarifying provisions for recognition of orders for protection from other jurisdictions; providing that certain mutual orders are not entitled to full faith and credit; amending Minnesota Statutes 1997 Supplement, section 518B.01, subdivision 14.

Referred to the Committee on Judiciary.

Messrs. Beckman, Morse, Stumpf, Pogemiller, and Johnson, D.E. introduced--

S.F. No. 2738: A bill for an act relating to retirement; Fairmont police relief association; increasing surviving spouse retirement benefits; providing for an additional annual postretirement adjustment mechanism; amending Laws 1963, chapter 423, section 1.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Berg, Dille, Ms. Johnson, J.B.; Messrs. Morse and Stevens introduced--

S.F. No. 2739: A bill for an act relating to environment; modifying provisions relating to prohibitions on disposal of motor vehicle antifreeze; amending Minnesota Statutes 1997 Supplement, section 115A.916.

Referred to the Committee on Environment and Natural Resources.

Ms. Piper, Mr. Dille, Mses. Krentz and Johnson, J.B. introduced--

S.F. No. 2740: A bill for an act relating to appropriations; authorizing capital improvement funding to acquire wildlife land; appropriating money.

Referred to the Committee on Environment and Natural Resources.

Mr. Moe, R.D. introduced--

S.F. No. 2741: A bill for an act relating to community development; providing a disaster loan guarantee for the city of Ada; appropriating money.

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

Mr. Kelley, S.P. introduced--

S.F. No. 2742: A bill for an act relating to retirement; teachers retirement association and first class city teacher retirement fund associations; expanding the part-time teaching positions eligible to participate in the qualified full-time service credit for part-time teaching service; amending Minnesota Statutes 1996, sections 354.66, subdivision 3; and 354A.094, subdivision 2.

Referred to the Committee on Governmental Operations and Veterans.

Mses. Ranum, Higgins, Berglin and Pappas introduced--

S.F. No. 2743: A bill for an act relating to landlord tenant; providing that the parties to a lease or license of residential premises covenant not to allow contraband in those premises; amending Minnesota Statutes 1997 Supplement, section 504.181, subdivision 1.

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

Mmes. Lourey and Robling introduced--

S.F. No. 2744: A bill for an act relating to child care; providing incentives for nonstandard hour care; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 119B.

Referred to the Committee on Children, Families and Learning.

Mrs. Scheid introduced--

S.F. No. 2745: A bill for an act relating to retirement; providing early retirement incentives for certain employees in the department of public safety.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Lessard; Johnson, D.H.; Laidig; Johnson, D.J. and Day introduced--

S.F. No. 2746: A bill for an act relating to employment; requiring the commissioner of natural resources to maintain a trained force of firefighters; modifying the definition of public employee; amending Minnesota Statutes 1996, section 88.12, by adding a subdivision; Minnesota Statutes 1997 Supplement, section 179A.03, subdivision 14.

Referred to the Committee on Environment and Natural Resources.

Mr. Morse, Mses. Piper, Robertson, Messrs. Cohen and Frederickson introduced--

S.F. No. 2747: A bill for an act relating to capital improvements; appropriating money to repair and rehabilitate certain memorials on the capitol mall; authorizing the sale of state bonds.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Novak, Oliver, Mrs. Scheid, Messrs. Metzen and Johnson, D.J. introduced--

S.F. No. 2748: A bill for an act relating to taxation; property; exempting certain personal property from taxation; amending Minnesota Statutes 1996, sections 124.2131, subdivision 1; 272.02, by adding a subdivision; and 273.13, by adding a subdivision; Minnesota Statutes 1997 Supplement, sections 272.02, subdivision 1; and 273.13, subdivision 31.

Referred to the Committee on Local and Metropolitan Government.

Messrs. Ten Eyck; Johnson, D.J.; Mrs. Scheid, Messrs. Janezich and Larson introduced--

S.F. No. 2749: A bill for an act relating to the city of Bemidji; authorizing the city to impose certain taxes.

Referred to the Committee on Local and Metropolitan Government.

Messrs. Morse, Frederickson, Price, Lessard and Laidig introduced--

S.F. No. 2750: A bill for an act relating to natural resources; requiring money credited to the critical habitat private sector matching account through purchase of special license plates to be matched by public appropriations; amending Minnesota Statutes 1996, section 84.943, subdivision 3.

Referred to the Committee on Environment and Natural Resources.

Ms. Anderson, Mr. Johnson, D.H.; Mses. Johnson, J.B.; Krentz and Mrs. Robling introduced--

S.F. No. 2751: A bill for an act relating to employment; requiring an accommodation to certain nursing mothers; proposing coding for new law in Minnesota Statutes, chapter 181.

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

Ms. Wiener and Mr. Stevens introduced--

S.F. No. 2752: A bill for an act relating to the state building code; establishing a construction code advisory council; proposing coding for new law in Minnesota Statutes, chapter 16B.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Vickerman introduced--

S.F. No. 2753: A bill for an act relating to cities; exempting the city of Luverne from Minnesota investment fund grant limit; reallocating an appropriation.

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

Mr. Vickerman introduced--

S.F. No. 2754: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for the Watonwan River Flood Abatement Project.

Referred to the Committee on Environment and Natural Resources.

Ms. Lesewski, Mr. Scheevel, Mses. Olson and Robertson introduced--

S.F. No. 2755: A bill for an act relating to education; authorizing a fund transfer for independent school district No. 415, Lynd.

Referred to the Committee on Children, Families and Learning.

Messrs. Novak and Ourada introduced--

S.F. No. 2756: A bill for an act relating to the environment; providing penalties for violations of underground storage tank statutes and rules; amending Minnesota Statutes 1996, sections 115.071, by adding a subdivision; and 116.073, subdivisions 1 and 2.

Referred to the Committee on Environment and Natural Resources.

Messrs. Beckman; Kelly, R.C.; Frederickson and Vickerman introduced--

S.F. No. 2757: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for the Lake Crystal Area Recreation Center.

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

Ms. Junge, Messrs. Foley; Johnson, D.E. and Knutson introduced--

S.F. No. 2758: A bill for an act relating to government data practices; juvenile court records; making certain juvenile records public; providing for the state court administrator to prepare annual reports of delinquency dispositions; amending Minnesota Statutes 1997 Supplement, sections 260.161, subdivision 2; and 299C.095, subdivision 1.

Referred to the Committee on Crime Prevention.

Mr. Hottinger, Ms. Junge, Messrs. Oliver and Price introduced--

S.F. No. 2759: A bill for an act relating to commerce; requiring local units of government to license the retail sale of tobacco; providing for an exemption from disclosure of specified substances in tobacco products; removing exception for certain retail establishments; amending Minnesota Statutes 1997 Supplement, sections 461.12, subdivision 1; 461.17, subdivision 1; and 461.18, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 461; repealing Minnesota Statutes 1997 Supplement, section 461.18, subdivision 3.

Referred to the Committee on Commerce.

Mr. Pogemiller, Ms. Hanson, Mr. Janezich, Mrs. Scheid and Ms. Olson introduced--

S.F. No. 2760: A bill for an act relating to education; appropriating money for a Minnesota learning resource center.

Referred to the Committee on Children, Families and Learning.

Mrs. Scheid introduced--

S.F. No. 2761: A bill for an act relating to education; defining home school for purposes of extracurricular activities; requiring school boards to allow all students to fully participate in extracurricular activities; amending Minnesota Statutes 1996, sections 120.73, subdivision 1; and 123.38, subdivision 2b.

Referred to the Committee on Children, Families and Learning.

Ms. Anderson introduced--

S.F. No. 2762: A bill for an act relating to landlords and tenants; prohibiting the taking of earnest collateral; providing for a civil penalty; proposing coding for new law in Minnesota Statutes, chapter 504.

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

Mrs. Scheid, Messrs. Vickerman, Lessard, Day and Janezich introduced--

S.F. No. 2763: A bill for an act relating to the state lottery; permitting the director to establish a bonus plan for lottery retailers; permitting the lottery to conduct a holiday game; authorizing the lottery to establish an operating reserve account; authorizing the lottery to expend additional funds on advertising; clarifying the lottery conflict of interest; amending Minnesota Statutes 1996, section 349A.06, by adding a subdivision; 349A.09, subdivision 2; 349A.10, subdivision 3; and 349A.11.

Referred to the Committee on Local and Metropolitan Government.

Mrs. Scheid, Mses. Robertson, Pappas and Mr. Janezich introduced--

S.F. No. 2764: A bill for an act relating to education; creating a grant for graduation standards implementation in alternative programs and area learning centers; appropriating money.

Referred to the Committee on Children, Families and Learning.

Messrs. Ten Eyck; Stumpf; Moe, R.D.; Beckman and Larson introduced--

S.F. No. 2765: A bill for an act relating to economic security; appropriating money for workforce center involvement in school-to-work initiatives.

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

Mr. Hottinger introduced--

S.F. No. 2766: A bill for an act relating to insurance; health; extending dependent coverage to veterans who are full-time students; amending Minnesota Statutes 1996, section 62E.02, subdivision 7; Minnesota Statutes 1997 Supplement, section 62L.02, subdivision 11.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Metzen introduced--

S.F. No. 2767: A bill for an act relating to education; appropriating money to the board of trustees of the Minnesota state colleges and universities to reimburse Inver Hills community college for costs of constructing a new entrance to the campus.

Referred to the Committee on Children, Families and Learning.

Mr. Moe, R.D. introduced--

S.F. No. 2768: A bill for an act relating to education; authorizing the use of health and safety revenue for independent school district No. 2854, Ada-Borup.

Referred to the Committee on Children, Families and Learning.

Mr. Morse introduced--

S.F. No. 2769: A bill for an act relating to retirement; teachers retirement association; allowing certain Winona state university teaching personnel to purchase service credit for an extended leave of absence unreported by the university in a timely fashion.

Referred to the Committee on Governmental Operations and Veterans.

Ms. Runbeck introduced--

S.F. No. 2770: A bill for an act relating to public employment; providing for a continuation of benefits for certain technical college employees.

Referred to the Committee on Governmental Operations and Veterans.

Mrs. Lourey, Messrs. Hottinger and Morse introduced--

S.F. No. 2771: A bill for an act relating to human services; continuing food programs for legal noncitizens; appropriating money; amending Minnesota Statutes 1997 Supplement, section 256J.11, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapter 256D.

Referred to the Committee on Health and Family Security.

Ms. Kiscaden, Messrs. Stevens, Hottinger and Samuelson introduced--

S.F. No. 2772: A bill for an act relating to human services; changing provisions for the county-based purchasing and the expansion of the prepaid medical assistance program; amending Minnesota Statutes 1997 Supplement, sections 256B.69, subdivision 3a; and 256B.692, subdivision 5.

Referred to the Committee on Health and Family Security.

Mr. Cohen, Ms. Robertson, Messrs. Solon, Ten Eyck and Frederickson introduced--

S.F. No. 2773: A bill for an act relating to appropriations; appropriating money for grants to noncommercial television.

Referred to the Committee on Governmental Operations and Veterans.

Ms. Johnson, J.B. introduced--

S.F. No. 2774: A bill for an act relating to utilities; adding a high level transmission line that crosses the state boundary to the definition of a large energy facility; amending Minnesota Statutes 1996, section 216B.2421, subdivision 2.

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

Mr. Hottinger, Ms. Piper, Messrs. Johnson, D.J. and Janezich introduced--

S.F. No. 2775: A bill for an act relating to children; proposing an amendment to the Minnesota Constitution by adding a section to article XI; establishing the children's endowment fund; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 119C.

Referred to the Committee on Children, Families and Learning.

Mr. Sams, Mrs. Pariseau, Messrs. Langseth, Frederickson and Ms. Johnson, J.B. introduced--

S.F. No. 2776: A bill for an act relating to agriculture; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; authorizing issuance of state bonds; appropriating money for a turf and grounds research and education center at the Rosemount experiment station.

Referred to the Committee on Agriculture and Rural Development.

Mr. Berg introduced--

S.F. No. 2777: A bill for an act relating to capital investment; authorizing bonds and appropriating money for construction of a cooperative education and community center for independent school district No. 378, Dawson-Boyd.

Referred to the Committee on Children, Families and Learning.

Mr. Berg introduced--

S.F. No. 2778: A bill for an act relating to battered women; appropriating money to provide services for battered women in Big Stone county.

Referred to the Committee on Crime Prevention.

Ms. Berglin introduced--

S.F. No. 2779: A bill for an act relating to health; expanding the eligibility for the MinnesotaCare program to include certain child care providers; providing for disposition of

money from a settlement or judgment in the tobacco company lawsuit brought by the state; amending Minnesota Statutes 1997 Supplement, sections 256L.04, by adding a subdivision; and 256L.07, subdivision 1.

Referred to the Committee on Health and Family Security.

Ms. Berglin introduced--

S.F. No. 2780: A bill for an act relating to human services; modifying citizenship requirements of the general assistance program; creating a state food assistance program for certain legal noncitizens; extending food assistance benefits for certain other noncitizen families; creating a state food assistance program for certain other legal noncitizens; appropriating money; amending Minnesota Statutes 1997 Supplement, sections 256D.05, subdivision 8; and 256J.11, subdivision 2, as amended; proposing coding for new law in Minnesota Statutes, chapter 256D.

Referred to the Committee on Health and Family Security.

Ms. Berglin, Messrs. Hottinger; Johnson, D.E.; Mrs. Lourey and Mr. Ten Eyck introduced--

S.F. No. 2781: A bill for an act relating to human services; requiring the commissioner of human services to provide information on the medical assistance and the MinnesotaCare programs in several different languages; amending Minnesota Statutes 1996, section 256B.04, by adding a subdivision; Minnesota Statutes 1997 Supplement, section 256L.02, subdivision 2.

Referred to the Committee on Health and Family Security.

Messrs. Solon, Day and Larson introduced--

S.F. No. 2782: A bill for an act relating to commerce; regulating beer brewers and wholesalers; providing for the obligations of successors; amending Minnesota Statutes 1996, sections 325B.01; and 325B.14.

Referred to the Committee on Commerce.

Mses. Kiscaden, Wiener, Messrs. Hottinger, Larson and Solon introduced--

S.F. No. 2783: A bill for an act relating to health care; providing for assessments of proposed health coverage mandates; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 62A.

Referred to the Committee on Health and Family Security.

Ms. Higgins introduced--

S.F. No. 2784: A bill for an act relating to education; adding Sauk Centre and Thistledeew correctional facilities to certain provisions regarding residential programs; amending Minnesota Statutes 1996, section 120.17, subdivision 6; Minnesota Statutes 1997 Supplement, section 120.181.

Referred to the Committee on Children, Families and Learning.

Ms. Higgins introduced--

S.F. No. 2785: A bill for an act relating to community development; providing funding for a combined urban beautification and youth skill development program; appropriating money.

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

Ms. Pappas, Messrs. Marty; Janezich; Johnson, D.H. and Johnson, D.E. introduced--

S.F. No. 2786: A resolution memorializing the President and Congress of the United States to enact the Aircraft Repair Station Safety Act of 1997.

Referred to the Committee on Transportation.

Mr. Kelly, R.C. introduced--

S.F. No. 2787: A bill for an act relating to telecommunications; requiring public utilities commission to reconsider area code assignments for metropolitan area.

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

Mr. Metzen introduced--

S.F. No. 2788: A bill for an act relating to capital improvements; appropriating money for the construction of a campus entrance at Inver Hills community college; authorizing the sale of state bonds.

Referred to the Committee on Children, Families and Learning.

Messrs. Stevens, Lessard, Langseth, Mmes. Pariseau and Fischbach introduced--

S.F. No. 2789: A bill for an act relating to public administration; repealing certain laws relating to community planning; amending Minnesota Statutes 1997 Supplement, sections 394.24, subdivision 1; 462.352, subdivisions 5 and 6; and 462.357, subdivision 2; repealing Minnesota Statutes 1997 Supplement, sections 4A.08; 4A.09; 4A.10; 394.232; 462.352, subdivision 18; 462.3535; and 473.1455; Laws 1997, chapter 202, article 4, sections 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

Referred to the Committee on Local and Metropolitan Government.

Messrs. Frederickson; Dille; Johnson, D.E.; Scheevel and Ms. Lesewski introduced--

S.F. No. 2790: A bill for an act relating to taxation; sales tax and sales tax on motor vehicles; providing that machinery, equipment, and certain vehicles purchased or used by a political subdivision for road construction or maintenance are exempt; amending Minnesota Statutes 1997 Supplement, sections 297A.25, subdivision 11; and 297B.03.

Referred to the Committee on Taxes.

Ms. Wiener and Mr. Stevens introduced--

S.F. No. 2791: A bill for an act relating to cities and towns; requiring copies of audited financial statements to be provided to members of the city council and the mayor, or to the town board members, and presented at a regularly scheduled meeting of the city or town's governing body; amending Minnesota Statutes 1996, section 471.697, subdivision 1.

Referred to the Committee on Local and Metropolitan Government.

Mr. Foley, Ms. Higgins, Messrs. Marty and Janezich introduced--

S.F. No. 2792: A bill for an act relating to children; providing incentives to increase child care services for children with disabilities; appropriating money; amending Minnesota Statutes 1996, sections 119B.13, subdivision 3; 119B.19, subdivision 4; and 120.1701, subdivision 5.

Referred to the Committee on Children, Families and Learning.

Mr. Marty introduced--

S.F. No. 2793: A bill for an act relating to occupations; providing for voluntary registration for sign contractors; proposing coding for new law in Minnesota Statutes, chapter 325E.

Referred to the Committee on Commerce.

Ms. Ranum and Mr. Kelly, R.C. introduced--

S.F. No. 2794: A bill for an act relating to juvenile justice; recodifying, clarifying, and relocating provisions relating to juvenile delinquency and child protection; providing separate areas of law dealing with child protection and delinquency; amending Minnesota Statutes 1996, section 260.011, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 260; proposing coding for new law as Minnesota Statutes, chapters 260B; and 260C; repealing Minnesota Statutes 1996, sections 257.071, subdivisions 1, 5, 8, 9, and 10; 257.072, subdivision 8; 257.35; 257.351; 257.352, subdivisions 1, 2, and 4; 257.353; 257.354; 257.355; 257.356; 257.3571; 257.3572; 257.3573, subdivisions 1 and 3; 257.3574; 257.3575; 257.3576; 257.3577; 257.3578; 257.3579; 257.40; 257.42; 257.43; 257.44; 257.45; 257.46; 257.47; 257.48; 260.011, subdivision 2; 260.013; 260.015, subdivisions 1, 1a, 2, 3, 4, 5, 5a, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28; 260.092; 260.094; 260.096; 260.101; 260.111; 260.115; 260.121; 260.125; 260.126; 260.131, subdivisions 1a, 1b, 3, and 4; 260.132; 260.133; 260.135; 260.141; 260.145; 260.151; 260.152, subdivisions 1, 4, and 5; 260.155, subdivisions 1, 1b, 4a, 4b, 5, 6, 7, and 9; 260.157; 260.161, subdivisions 1b, 4, and 5; 260.165, subdivision 2; 260.171, subdivisions 1, 4, 5, 5a, and 6; 260.172; 260.173, subdivisions 1, 3, 4, and 5; 260.174; 260.181, subdivisions 1, 2, and 4; 260.185, subdivisions 1a, 1b, 1c, 2, 3, 3a, 4, 5, 6, and 7; 260.191, subdivisions 1b, 1c, 1d, 1e, 2, 2a, 3, and 4; 260.193; 260.195, subdivisions 1, 2, 2a, 4, 5, 6, and 7; 260.211; 260.215; 260.221, subdivisions 2, 3, and 4; 260.241, subdivisions 2 and 4; 260.242, subdivisions 1, 1a, and 1b; 260.245; 260.251; 260.255; 260.261; 260.271; 260.281; 260.291; 260.301; 260.315; 260.35; 260.36; 260.39; and 260.40; Minnesota Statutes 1997 Supplement, sections 257.02; 257.0215; 257.022, subdivisions 2 and 3a; 257.069; 257.071, subdivisions 1a, 1c, 1d, 1e, 2, 3, 4, and 7; 257.072, subdivisions 1, 2, 3, 4, 5, 7, and 9; 257.352, subdivisions 3, 3a, 3b, and 3c; 257.3573, subdivision 2; 257.41; 260.012; 260.015, subdivisions 2a and 29; 260.131, subdivisions 1 and 2; 260.152, subdivisions 2, 3, and 6; 260.155, subdivisions 1a, 2, 3, 4, and 8; 260.161, subdivisions 1, 1a, 2, 3, 3a, and 3b; 260.165, subdivisions 1 and 3; 260.171, subdivision 2; 260.173, subdivision 2; 260.1735; 260.181, subdivisions 3 and 3a; 260.185, subdivision 1; 260.191, subdivisions 1, 1a, 3a, 3b, and 4; 260.192; 260.195, subdivisions 3 and 3a; 260.221, subdivisions 1, 1a, and 5; 260.241, subdivisions 1 and 3; 260.242, subdivision 2; and 260.38.

Referred to the Committee on Crime Prevention.

Ms. Ranum introduced--

S.F. No. 2795: A bill for an act relating to government data practices; classifying certain law enforcement data; amending Minnesota Statutes 1996, section 13.82, by adding a subdivision.

Referred to the Committee on Judiciary.

Mr. Johnson, D.H. and Ms. Ranum introduced--

S.F. No. 2796: A bill for an act relating to public improvements; authorizing state bonds; appropriating money for the construction of improvements for certain recreational facilities for the city of Richfield.

Referred to the Committee on Environment and Natural Resources.

Mr. Novak and Ms. Johnson, J.B. introduced--

S.F. No. 2797: A bill for an act relating to telecommunications; providing additional

antislamming and disclosure requirements on long-distance service providers; clarifying requirements relating to notification of price increases; including provisions relating to unauthorized international calls for information services; amending Minnesota Statutes 1996, sections 237.66, subdivisions 1a, 3, and by adding subdivisions; 237.74, subdivision 6; and 325F.692, subdivisions 1 and 8; proposing coding for new law in Minnesota Statutes, chapter 237; repealing Minnesota Statutes 1997 Supplement, section 237.66, subdivision 1b.

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

Messrs. Morse, Pogemiller, Ms. Hanson and Mr. Metzen introduced--

S.F. No. 2798: A bill for an act relating to retirement; teachers retirement association and first class city teacher retirement fund associations; authorizing the purchase of service credit for prior military service, out-of-state teaching service, and pre-1976 maternity leaves or maternity breaks-in-service; amending Minnesota Statutes 1996, section 354A.093; and Minnesota Statutes 1997 Supplement, section 354.53, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 354, 354A, and 356.

Referred to the Committee on Governmental Operations and Veterans.

Mr. Johnson, D.J. introduced--

S.F. No. 2799: A bill for an act relating to taxation; exempting certain printed materials from the sales tax; amending Minnesota Statutes 1996, section 297A.25, by adding a subdivision.

Referred to the Committee on Taxes.

Messrs. Johnson, D.J.; Janezich and Lessard introduced--

S.F. No. 2800: A bill for an act relating to natural resources; providing for tree replacement in certain acreage; proposing coding for new law in Minnesota Statutes, chapter 88.

Referred to the Committee on Environment and Natural Resources.

Mr. Johnson, D.J.; Ms. Junge and Mr. Knutson introduced--

S.F. No. 2801: A bill for an act relating to crime; providing for a verdict of guilty but mentally ill; amending Minnesota Statutes 1996, sections 609.02, subdivision 5; and 609.152, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 630.

Referred to the Committee on Crime Prevention.

Mr. Marty introduced--

S.F. No. 2802: A bill for an act relating to the state lottery; prohibiting advertising in connection with the lottery; amending Minnesota Statutes 1996, sections 349A.02, subdivisions 2 and 3; and 349A.10, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 349A; repealing Minnesota Statutes 1996, sections 349A.02, subdivision 5; and 349A.09.

Referred to the Committee on Local and Metropolitan Government.

Mr. Knutson, Ms. Runbeck, Mrs. Pariseau and Mr. Oliver introduced--

S.F. No. 2803: A bill for an act relating to taxation; repealing the payment and refund requirements relating to sales of exempt capital equipment; amending Minnesota Statutes 1996, sections 297A.2572; and 297A.2573; Minnesota Statutes 1997 Supplement, section 289A.56, subdivision 4; repealing Minnesota Statutes 1996, section 297A.15, subdivision 5.

Referred to the Committee on Taxes.

Mmes. Fischbach and Pariseau, Messrs. Day and Kleis introduced--

S.F. No. 2804: A bill for an act relating to lawful gambling; allowing expenditures as lawful purposes of compliance with the Americans With Disabilities Act; amending Minnesota Statutes 1997 Supplement, section 349.12, subdivision 25.

Referred to the Committee on Local and Metropolitan Government.

Ms. Lesewski, Messrs. Scheevel and Johnson, D.E. introduced--

S.F. No. 2805: A bill for an act relating to education; authorizing grants to reimburse independent school district No. 2184, Luverne, for additional construction expenditures related to the expansion of the state prevailing wage statute; appropriating money.

Referred to the Committee on Children, Families and Learning.

Messrs. Janezich; Johnson, D.J. and Solon introduced--

S.F. No. 2806: A bill for an act relating to capital improvements; appropriating money for the construction of a new educational facility for housing technical programs at the Hibbing community and technical college; authorizing the sale of state bonds.

Referred to the Committee on Children, Families and Learning.

Messrs. Johnson, D.E.; Stumpf; Sams and Dille introduced--

S.F. No. 2807: A bill for an act relating to agriculture; appropriating money for turkey respiratory disease research.

Referred to the Committee on Agriculture and Rural Development.

Mses. Anderson, Wiener, Messrs. Limmer, Beckman and Novak introduced--

S.F. No. 2808: A bill for an act relating to housing; establishing a Minnesota healthy homes pilot project; appropriating money.

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

Ms. Junge and Mr. Johnson, D.H. introduced--

S.F. No. 2809: A bill for an act relating to crime; allowing consecutive sentencing when an offender commits one or more additional crimes between the time of the commission of one crime and the time of sentencing on that crime; directing the sentencing guidelines commission to make the guidelines consistent; amending Minnesota Statutes 1997 Supplement, section 609.15, subdivision 1.

Referred to the Committee on Crime Prevention.

Mrs. Lourey and Mr. Janezich introduced--

S.F. No. 2810: A bill for an act relating to education; modifying charter school employment and operating provision; amending Minnesota Statutes 1996, section 120.064, subdivision 11.

Referred to the Committee on Children, Families and Learning.

Ms. Anderson introduced--

S.F. No. 2811: A bill for an act relating to economic development; allowing designation as an enterprise zone of property in St. Paul located in a transit zone; amending Minnesota Statutes 1996, section 469.303.

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

Ms. Anderson introduced--

S.F. No. 2812: A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; providing for grants to local government units for parks, recreation buildings, and school buildings for youth enrichment activities; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Children, Families and Learning.

Mr. Dille introduced--

S.F. No. 2813: A bill for an act relating to agriculture; restricting township zoning ordinances affecting feedlots; amending Minnesota Statutes 1996, section 462.357, by adding a subdivision.

Referred to the Committee on Agriculture and Rural Development.

Mr. Dille introduced--

S.F. No. 2814: A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; providing for a grant to the city of Hutchinson for a community civic center; authorizing issuance of bonds; appropriating money.

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

Messrs. Dille, Sams, Scheevel, Ms. Lesewski and Mr. Vickerman introduced--

S.F. No. 2815: A bill for an act relating to agriculture; expanding the purposes of the value-added agricultural product loan program; modifying requirements for environmental review of proposed feedlots; appropriating money; amending Minnesota Statutes 1996, sections 41B.046, subdivision 1; and 116D.04, subdivision 2a; repealing Minnesota Statutes 1996, section 41B.046, subdivision 4a.

Referred to the Committee on Agriculture and Rural Development.

Ms. Olson introduced--

S.F. No. 2816: A bill for an act relating to natural resources; requiring the use of lifesaving devices on vehicles used on state waters; proposing coding for new law in Minnesota Statutes, chapter 84.

Referred to the Committee on Environment and Natural Resources.

Ms. Junge, Messrs. Spear and Kelly, R.C. introduced--

S.F. No. 2817: A bill for an act relating to crime; appropriating money to the commissioner of public safety for the bureau of criminal apprehension to hire four additional full-time forensic scientists.

Referred to the Committee on Crime Prevention.

Ms. Johnson, J.B.; Messrs. Frederickson; Kelley, S.P.; Ms. Anderson and Mr. Novak introduced--

S.F. No. 2818: A bill for an act relating to utilities; requiring electric utilities to disclose the sources of their electric supply, and the amounts of certain pollutants attributable to the generation of that electric supply; proposing coding for new law in Minnesota Statutes, chapter 216B.

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

Mr. Janezich introduced--

S.F. No. 2819: A bill for an act relating to retirement; authorizing a purchase of prior service credit in the public employees relief association police and fire fund.

Referred to the Committee on Governmental Operations and Veterans.

Mrs. Robling, Messrs. Belanger and Oliver introduced--

S.F. No. 2820: A bill for an act relating to highways; dedicating 30 percent of revenues from the motor vehicle sales tax to a major projects account in the trunk highway fund; amending Minnesota Statutes 1996, section 297B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 161.

Referred to the Committee on Transportation.

Mrs. Robling and Mr. Oliver introduced--

S.F. No. 2821: A bill for an act relating to transportation; authorizing bonds; appropriating money.

Referred to the Committee on Transportation.

Mses. Pappas and Ranum introduced--

S.F. No. 2822: A bill for an act relating to education; prohibiting a school district from subsidizing student parking fees; amending Minnesota Statutes 1996, section 120.73, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

Mses. Pappas, Higgins, Mrs. Scheid and Mr. Marty introduced--

S.F. No. 2823: A bill for an act relating to capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; providing for early childhood learning facilities; authorizing issuance of bonds; appropriating money; amending Minnesota Statutes 1997 Supplement, section 268.917.

Referred to the Committee on Children, Families and Learning.

Mr. Scheevel, Mrs. Robling, Messrs. Belanger and Ourada introduced--

S.F. No. 2824: A bill for an act relating to highways; modifying Laura Ingalls Wilder Historic Highway; amending Minnesota Statutes 1997 Supplement, section 161.14, subdivision 29.

Referred to the Committee on Transportation.

Messrs. Scheevel, Frederickson, Dille, Morse and Janezich introduced--

S.F. No. 2825: A bill for an act relating to appropriations; authorizing state bonds; appropriating money for design and construction of a roadway in the city of Chatfield.

Referred to the Committee on Transportation.

Messrs. Solon; Johnson, D.J. and Metzen introduced--

S.F. No. 2826: A bill for an act relating to public safety; appropriating money for reimbursements to hazardous materials teams.

Referred to the Committee on Crime Prevention.

Messrs. Johnson, D.J. and Solon introduced--

S.F. No. 2827: A bill for an act relating to economic development; providing for on-the-job training in the skilled trades; appropriating money.

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

Mr. Kleis introduced--

S.F. No. 2828: A bill for an act relating to sexually dangerous persons; making the state financially responsible for costs associated with certain persons who have sexual psychopathic personalities or are sexually dangerous; amending Minnesota Statutes 1996, section 253B.185, by adding a subdivision.

Referred to the Committee on Crime Prevention.

Mr. Kleis introduced--

S.F. No. 2829: A bill for an act relating to capital improvements; authorizing the issuance of state bonds for a grant for a regional arts center; appropriating money.

Referred to the Committee on Governmental Operations and Veterans.

Messrs. Kelly, R.C.; Betzold and Johnson, D.H. introduced--

S.F. No. 2830: A bill for an act relating to crime prevention; establishing a grant program to enable local law enforcement agencies to purchase automatic external defibrillators; appropriating money.

Referred to the Committee on Crime Prevention.

Mr. Kelly, R.C.; Mses. Pappas and Anderson introduced--

S.F. No. 2831: A bill for an act relating to the city of St. Paul; setting the maximum amounts of and other conditions for the issuance of capital improvement bonds; amending Laws 1971, chapter 773, section 1, subdivisions 2, as amended, and 3, as amended; and section 2, as amended.

Referred to the Committee on Local and Metropolitan Government.

Messrs. Kelly, R.C.; Frederickson; Mrs. Pariseau and Mr. Vickerman introduced--

S.F. No. 2832: A bill for an act relating to the environment; providing for environmental response at certain mixed municipal solid waste facilities that are demonstrated to pose a significant risk to human health and the environment; amending Minnesota Statutes 1996, sections 115B.40, subdivisions 1, 2, and by adding subdivisions; and 115B.412, subdivisions 1, 3, 4, 7, 8, and 9; Minnesota Statutes 1997 Supplement, sections 115B.39, subdivision 2; and 115B.412, subdivision 5.

Referred to the Committee on Environment and Natural Resources.

Mr. Kelly, R.C. introduced--

S.F. No. 2833: A bill for an act relating to crime prevention; appropriating money for weed and seed grants under Minnesota Statutes, section 299A.63.

Referred to the Committee on Crime Prevention.

Messrs. Spear and Kelly, R.C. introduced--

S.F. No. 2834: A bill for an act relating to public defense; clarifying those persons eligible to be represented by the district public defender and the state public defender; amending Minnesota Statutes 1996, sections 611.14; 611.16; 611.25, subdivision 1; and 611.26, subdivision 6.

Referred to the Committee on Crime Prevention.

Mr. Novak, Mses. Junge, Hanson and Mr. Langseth introduced--

S.F. No. 2835: A bill for an act relating to local government; repealing authority for certain local residency requirements; repealing Laws 1993, chapter 260; and Laws 1994, chapter 570.

Referred to the Committee on Local and Metropolitan Government.

Messrs. Ten Eyck and Kelly, R.C. introduced--

S.F. No. 2836: A bill for an act relating to public defense; correcting, updating, and clarifying the public defender law; amending Minnesota Statutes 1996, sections 611.14; 611.20, subdivision 3; 611.216, subdivision 1a; 611.26, subdivisions 2, 3, and 9; and 611.27, subdivisions 1, 2, and 7; Minnesota Statutes 1997 Supplement, sections 611.25, subdivision 3; and 611.27, subdivision 4.

Referred to the Committee on Crime Prevention.

Messrs. Larson, Stumpf and Sams introduced--

S.F. No. 2837: A bill for an act relating to agriculture; appropriating money for wheat and barley scab research.

Referred to the Committee on Agriculture and Rural Development.

Mr. Kleis, Mmes. Fischbach and Robling introduced--

S.F. No. 2838: A bill for an act relating to crime prevention; requiring that persons convicted of a second violent felony be sentenced to life imprisonment and that persons convicted of a third violent felony be sentenced to life imprisonment without the possibility of release; amending Minnesota Statutes 1996, sections 244.05, subdivisions 4 and 5; and 609.152, subdivision 2a.

Referred to the Committee on Crime Prevention.

Ms. Lesewski, Messrs. Scheevel; Johnson, D.E.; Ourada and Mrs. Fischbach introduced--

S.F. No. 2839: A bill for an act relating to state government; requiring legislative and executive approval of proposed administrative rules; amending Minnesota Statutes 1996, section 14.27; Minnesota Statutes 1997 Supplement, section 14.18, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 14.

Referred to the Committee on Governmental Operations and Veterans.

Ms. Lesewski, Messrs. Ourada, Larson and Belanger introduced--

S.F. No. 2840: A bill for an act relating to political activities; enacting the paycheck protection act; requiring certain membership organizations to provide notices, provide an accounting, refund a portion of dues on request, and report certain activities to the state campaign finance and public disclosure board; proposing coding for new law in Minnesota Statutes, chapter 211B.

Referred to the Committee on Election Laws.

Mses. Krentz, Hanson and Mrs. Scheid introduced--

S.F. No. 2841: A bill for an act relating to education; providing for regional equalization aid; appropriating money; amending Minnesota Statutes 1996, section 124A.73; proposing coding for new law in Minnesota Statutes, chapter 124A.

Referred to the Committee on Children, Families and Learning.

Ms. Piper, Mr. Foley, Mrs. Lourey and Mr. Dille introduced--

S.F. No. 2842: A bill for an act relating to lead abatement; appropriating money.

Referred to the Committee on Children, Families and Learning.

ADJOURNMENT

Mr. Moe, R.D. moved that the Senate do now adjourn until 11:45 a.m., Wednesday, February 4, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate

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