

STATE OF MINNESOTA

# Journal of the Senate

EIGHTIETH LEGISLATURE

SEVENTY-SECOND DAY

St. Paul, Minnesota, Wednesday, February 11, 1998

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

## CALL OF THE SENATE

Ms. Pappas 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. John Morris.

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

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

The President declared a quorum present.

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

## EXECUTIVE AND OFFICIAL COMMUNICATIONS

The following communication was received.

February 10, 1998

The Honorable Allan H. Spear  
President of the Senate

Dear Sir:

It is my pleasure to enclose herewith the names of all notary commissions in the State of Minnesota issued in the 1997 calendar year.

Pursuant to the provisions of Article V, Section 3, of the Minnesota Constitution, I hereby appoint these individuals as notaries public and hereby request the advice and consent of the Senate in those appointments.

Warmest regards,  
Arne H. Carlson, Governor

Mr. Moe, R.D. moved that the appointments of notaries public be laid on the table. The motion prevailed.

### MESSAGES FROM THE HOUSE

Mr. President:

I have the honor to announce the passage by the House of the following House Files, herewith transmitted: H.F. Nos. 2338, 2736, 3070, 2332, 2372, 2499, 2417, 2550, 2616 and 2828.

Edward A. Burdick, Chief Clerk, House of Representatives

Transmitted February 9, 1998

### FIRST READING OF HOUSE BILLS

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

**H.F. No. 2338:** A bill for an act relating to veterans; amending the Gulf War veterans bonus program to facilitate eligibility verification; amending Minnesota Statutes 1997 Supplement, section 197.79, subdivision 1.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2167, now on the Calendar.

**H.F. No. 2736:** A bill for an act relating to counties; authorizing gifts to certain food distribution organizations; amending Minnesota Statutes 1996, section 465.039.

Referred to the Committee on Local and Metropolitan Government.

**H.F. No. 3070:** A bill for an act relating to energy; providing for variance for decorative gas lamp; amending Minnesota Statutes 1996, section 216C.19, subdivision 6.

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

**H.F. No. 2332:** 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 stolen property in those premises; amending Minnesota Statutes 1997 Supplement, section 504.181, subdivision 1.

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

**H.F. No. 2372:** A bill for an act relating to public contracts; exempting the reconstruction of the Bridges Medical Center in Norman County from competitive bid requirements.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2017, now on the Calendar.

**H.F. No. 2499:** A bill for an act relating to Hennepin county; providing for purchases that may be authorized by the board by rule; amending Minnesota Statutes 1996, section 383B.143, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2156, now on the Calendar.

**H.F. No. 2417:** A resolution memorializing Congress to support the admission of Poland, the Czech Republic, and the Republic of Hungary to the North Atlantic Treaty Organization.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2055, now on General Orders.

**H.F. No. 2550:** A bill for an act relating to health; providing for rural critical access hospitals; amending Minnesota Statutes 1996, section 144.1483.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2261, now on the Calendar.

**H.F. No. 2616:** A bill for an act relating to Dakota county; providing for city administration of the dangerous dog registration system.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2255, now on General Orders.

**H.F. No. 2828:** A bill for an act relating to health; modifying the authority of the commissioner to approve public water supplies; providing for administrative fines against large public water suppliers; amending Minnesota Statutes 1996, sections 144.383; and 144.99, subdivision 4.

Referred to the Committee on Rules and Administration for comparison with S.F. No. 2345, now on General Orders.

### REPORTS OF COMMITTEES

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

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

**S.F. No. 2327:** A bill for an act relating to housing; providing for an income tax credit for contributions by an employer for employee housing; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 290.

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

Pages 2 and 3, delete sections 2 and 3 and insert:

"Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective for taxable years beginning after December 31, 1998, contingent on the commissioner of the housing finance agency certifying to the commissioner of revenue by September 1, 1998, that the agency has received from nonstate sources a commitment for at least \$10,000,000 for use in coordination with the agency's programs to secure affordable housing for workers."

Amend the title as follows:

Page 1, line 4, delete "appropriating money;"

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

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

**S.F. No. 2582:** A bill for an act relating to telecommunications; requiring competitors of small telephone companies to offer telecommunications service to contiguous exchange areas in certain situations; amending Minnesota Statutes 1996, section 237.773, by adding a subdivision.

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

Page 1, line 9, delete "237.773" and insert "237.16"

Page 1, line 11, delete "6" and insert "14"

Page 1, line 12, delete "telecommunications" and insert "local exchange telephone"

Page 1, line 18, delete ", unless" and insert ". This subdivision does not apply to an applicant if"

Page 1, line 20, after the period, insert "This subdivision expires the day following issuance of a final order of the public utilities commission specifically referencing this subdivision that finds that a universal service fund mechanism is in place with adequate provisions and funding to protect rural telephone customers against adverse rate impacts that may result from selective competition."

Amend the title as follows:

Page 1, line 6, delete "237.773" and insert "237.16"

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

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

**S.F. No. 1589:** A bill for an act relating to the Red River watershed management board; changing the description of the area subject to special authority of watershed districts; amending Laws 1976, chapter 162, section 1, as amended.

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

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

**S.F. No. 2362:** A bill for an act relating to natural resources; modifying membership of the forest resources council; amending Minnesota Statutes 1996, section 89A.03, subdivision 1.

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

Page 2, line 10, delete "one of the 11 Indian tribes represented on"

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

**Ms. Ranum from the Committee on Judiciary, to which was re-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 326.03, subdivision 1; 326.04; 326.05; 326.07; 326.09; 326.10, subdivisions 2 and 7; 326.13; and 599.14; 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 8 and 9, delete section 9

Re-number the sections in sequence

Amend the title as follows:

Page 1, line 6, delete "326.03, subdivision 1;"

Page 1, line 8, delete everything after the semicolon

Page 1, line 9, delete everything before "repealing"

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

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

**S.F. No. 1979:** A bill for an act relating to family law; modifying provisions governing grandparent visitation rights; eliminating certain visitation rights of parents of custodial parents; requiring mediation; providing for payment of certain expenses; defining best interests of the child; amending Minnesota Statutes 1996, section 257.022, subdivisions 2, 2a, and by adding subdivisions.

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 257.022, subdivision 1, is amended to read:

Subdivision 1. [~~WHEN PARENT IS DECEASED GRANDPARENT VISITATION.~~] ~~If a parent of an unmarried minor child is deceased, the parents and grandparents of the deceased parent may be granted~~ Upon request of a grandparent or great-grandparent of an unmarried minor child, the district court may grant the grandparent or great-grandparent reasonable visitation rights to the unmarried minor child during minority by the district or county court upon finding that visitation rights would be in the best interests of the child and would not interfere with the parent and child relationship. The court shall consider the amount of personal contact between the parents or grandparents of the deceased parent and the child prior to the application.

Sec. 2. Minnesota Statutes 1996, section 257.022, is amended by adding a subdivision to read:

Subd. 6. [PROCEDURE; ALTERNATIVE DISPUTE RESOLUTION AND GUARDIAN AD LITEM; EXPENSES.] (a) A person may seek visitation rights under this section:

(1) by filing a motion with the court in a proceeding where custody or visitation of the child is at issue or has previously been determined; or

(2) if no other proceeding exists, by filing a petition with the district court in the county where the child is permanently resident or where the child is found.

(b) The court shall hold a preliminary hearing to determine whether to allow a petition to proceed. The court shall determine whether the petition establishes a prima facie case for visitation under this section. In addition, the party seeking visitation rights must make a prima facie showing that the child will be harmed if visitation is not granted. If the proper showing is made, the matter shall proceed to alternative dispute resolution and, if necessary, an evidentiary hearing.

(c) If the court determines that a petition may proceed, the court shall refer the matter to appropriate alternative dispute resolution. The court may appoint a guardian ad litem on behalf of the child. The court shall require the party seeking visitation rights under this section to pay the costs of alternative dispute resolution and guardian ad litem services, unless the court finds payment of the costs would impose an undue hardship.

Sec. 3. Minnesota Statutes 1996, section 257.022, is amended by adding a subdivision to read:

Subd. 7. [BEST INTERESTS OF THE CHILD.] In evaluating the best interests of the child under this section, the court shall consider:

(1) the amount and quality of the prior contact between the child and the person seeking visitation rights;

(2) the existing emotional ties of the child to the person seeking visitation rights;

(3) the reasonable preference of the child, if the court deems the child to be of sufficient age to express a preference;

(4) whether there is a history of domestic abuse or child abuse and neglect perpetrated by the person seeking visitation rights;

(5) whether the petition or motion under this section was brought in good faith and not for the purpose of harassing or intimidating a parent; and

(6) other factors that are relevant to the best interests of the child.

If the court finds that a person seeking visitation rights has a history of chemical dependency, the court may not grant visitation rights to the person unless the court finds by clear and convincing evidence that the person is no longer chemically dependent.

Sec. 4. Minnesota Statutes 1996, section 257.022, is amended by adding a subdivision to read:

Subd. 8. [EXTENT OF VISITATION RIGHTS; EFFECT OF VIOLATION OF PROTECTIVE ORDERS.] (a) To the extent practicable, a visitation order under this section must be specific with respect to the frequency and duration of visitation and other conditions and terms of visitation, in order to minimize future disputes between the parties. In determining the scope of visitation rights, the court shall consider the impact of other visitation orders already in effect governing the child.

(b) Upon request of a parent, the court shall revoke visitation rights ordered under this section if the person with the visitation rights has used those rights to knowingly allow access to the child by another person in violation of an order for protection or other restriction on access or visitation rights.

Sec. 5. [REPEALER.]

Minnesota Statutes 1996, section 257.022, subdivision 2a; and Minnesota Statutes 1997 Supplement, section 257.022, subdivision 2, are repealed."

Delete the title and insert:

"A bill for an act relating to family law; providing for grandparent visitation rights; specifying criteria and procedures; requiring alternative dispute resolution; amending Minnesota Statutes 1996, section 257.022, subdivision 1, and by adding subdivisions; repealing Minnesota Statutes 1996, section 257.022, subdivision 2a; and Minnesota Statutes 1997 Supplement, section 257.022, subdivision 2."

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

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

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

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

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

**S.F. No. 2887:** A bill for an act relating to the city of Hutchinson; authorizing the city to impose certain taxes.

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

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

**S.F. No. 2949:** A bill for an act relating to adoption; modifying conditions for open adoption agreements; amending Minnesota Statutes 1997 Supplement, section 259.58.

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 259.58, is amended to read:

259.58 [COMMUNICATION OR CONTACT AGREEMENTS.]

Adoptive parents and a birth relative may enter an agreement regarding communication with or contact between an adopted minor, adoptive parents, and a birth relative under this section. An agreement may be entered between:

- (1) adoptive parents and a birth parent;
- (2) adoptive parents and a any other birth relative with whom the child resided before being adopted; or
- (2) (3) adoptive parents and any other birth relative if the child is adopted by a birth relative upon the death of both birth parents.

For purposes of this section, "birth relative" means a parent, stepparent, grandparent, brother, sister, uncle, or aunt of a minor adoptee. This relationship may be by blood or marriage. For an Indian child, birth relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of laws or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act, United States Code, title 25, section 1903.

(a) An agreement regarding communication with or contact between minor adoptees, adoptive parents, and a birth relative is not legally enforceable unless the terms of the agreement are contained in a written court order entered in accordance with this section. An order must be sought at the same time a petition for adoption is filed. The court shall not enter a proposed order unless the terms of the order have been approved in writing by the prospective adoptive parents, a birth relative who desires to be a party to the agreement, and, if the child is in the custody of or under the guardianship of an agency, a representative of the agency. An agreement under this section need not disclose the identity of the parties to be legally enforceable. The court shall not enter a proposed order unless the court finds that the communication or contact between the minor adoptee, the adoptive parents, and a birth relative as agreed upon and contained in the proposed order would be in the minor adoptee's best interests.

(b) Failure to comply with the terms of an agreed order regarding communication or contact that has been entered by the court under this section is not grounds for:

- (1) setting aside an adoption decree; or
- (2) revocation of a written consent to an adoption after that consent has become irrevocable.

(c) An agreed order entered under this section may be enforced by filing a petition or motion with the family court that includes a certified copy of the order granting the communication, contact, or visitation, but only if the petition or motion is accompanied by an affidavit that the parties have mediated or attempted to mediate any dispute under the agreement or that the parties agree to a proposed modification. The prevailing party may be awarded reasonable attorney's fees and costs. The court shall not modify an agreed order under this section unless it finds that the modification is necessary to serve the best interests of the minor adoptee, and:

- (1) the modification is agreed to by the adoptive parent and the birth relative; or
- (2) exceptional circumstances have arisen since the agreed order was entered that justify modification of the order.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective retroactive to July 1, 1997, and applies to communication or contact agreements entered into on or after that date."

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

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

**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.

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

Delete everything after the enacting clause and insert:

"ARTICLE 1

ADOPTION AND SAFE FAMILIES

Section 1. 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. 2. 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. 3. 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. 4. 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. 5. 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 to review~~ deaths of children in Minnesota, including deaths attributed to maltreatment or in which maltreatment may be a contributing cause and to review 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. 6. 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 activities. 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. The commissioner may authorize mortality review panels or child protection teams to 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, child protection advocates, and representatives of the councils of color and ombudsperson for families.

(c) A citizen review panel has access to the following data for specific case review under this paragraph: 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; records created by social service agencies that provided services to the child or family; and personnel data related to an employee's performance in discharging child protection responsibilities. 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 are 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 are not subject to subpoena or discovery. The commissioner may disclose conclusions of the review panel, but may not disclose data on individuals that were classified as confidential or private data on individuals in the possession of the state agency, statewide system, or political subdivision from which the data were received, 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 citizen review panel meeting may 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 panel meetings.

Sec. 7. Minnesota Statutes 1997 Supplement, section 257.071, subdivision 1d, is amended to read:

Subd. 1d. [RELATIVE SEARCH; NATURE.] (a) Within six months after a child is initially placed in a residential facility, the local social service agency shall identify any relatives of the child and notify them of the need for a foster care home for the child and of the possibility of the need for a permanent out-of-home placement of the child, and. Relatives should also be notified that a decision not to be a placement resource at the beginning of the case may affect the relative's right being considered to have the child placed with that relative later. The relatives must be notified that they must keep the local social service agency informed of their current address in

order to receive notice of ~~any~~ that a permanent placement hearing is being sought for the child. A relative who fails to provide a current address to the local social service agency forfeits the right to notice of the possibility of permanent placement.

(b) ~~Unless relieved of this duty by the court because the child is placed with an appropriate relative who wishes to provide a permanent home for the child, when the agency determines that it is necessary to prepare for the permanent placement determination hearing, or in anticipation of filing a termination of parental rights petition, the agency shall send notice to the relatives, any adult with whom the child is currently residing, any adult with whom the child has resided for one year or longer in the past, and any adults who have maintained a relationship or exercised visitation with the child as identified in the agency case plan. The notice must state that a permanent home is sought for the child and that the individuals receiving the notice may indicate to the agency their interest in providing a permanent home. The notice must contain an advisory that if the relative chooses not to be a placement resource at the beginning of the case, this may affect the relative's rights to have the child placed with that relative permanently later on. The notice must state that within 30 days of receipt of the notice an individual receiving the notice must indicate to the agency the individual's interest in providing a permanent home for the child or that the individual may lose the opportunity to be considered for a permanent placement. This notice need not be sent if the child is placed with an appropriate relative who wishes to provide a permanent home for the child.~~

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 department.~~ The 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 under 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 under 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 under 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 those reasonable efforts, the child's health and safety must be of paramount concern. Reasonable efforts are not required if the court determines that:

(1) a termination of parental rights petition has been filed stating a prima facie case 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; or

(2) a determination not to proceed with a termination of parental rights petition on these grounds was made under section 260.221, subdivision 1b, paragraph (b), and a permanency hearing is held 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 in another permanent placement may be made concurrently with reasonable efforts as described in paragraphs (a) and (b). Effective July 1, 1999, concurrent permanency planning must be done along with reasonable efforts described in paragraphs (a) and (b), as provided in article 3, section 1.

Sec. 18. Minnesota Statutes 1997 Supplement, section 260.015, subdivision 2a, is amended to read:

Subd. 2a. [CHILD IN NEED OF PROTECTION OR SERVICES.] "Child in need of protection or services" means a child who is in need of protection or services because the child:

(1) is abandoned or without parent, guardian, or custodian;

(2)(i) has been a victim of physical or sexual abuse, (ii) resides with or has resided with a victim of domestic child abuse as defined in subdivision 24, (iii) resides with or would reside with a perpetrator of domestic child abuse or child abuse as defined in subdivision 28, or (iv) is a victim of emotional maltreatment as defined in subdivision 5a;

(3) is without necessary food, clothing, shelter, education, or other required care for the child's physical or mental health or morals because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(4) is without the special care made necessary by a physical, mental, or emotional condition because the child's parent, guardian, or custodian is unable or unwilling to provide that care;

(5) is medically neglected, which includes, but is not limited to, the withholding of medically indicated treatment from a disabled infant with a life-threatening condition. The term "withholding of medically indicated treatment" means the failure to respond to the infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting all conditions, except that the term does not include the failure to provide treatment other than appropriate nutrition, hydration, or medication to an infant when, in the treating physician's or physicians' reasonable medical judgment:

(i) the infant is chronically and irreversibly comatose;

(ii) the provision of the treatment would merely prolong dying, not be effective in ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be futile in terms of the survival of the infant; or

(iii) the provision of the treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane;

(6) is one whose parent, guardian, or other custodian for good cause desires to be relieved of the child's care and custody;

(7) has been placed for adoption or care in violation of law;

(8) is without proper parental care because of the emotional, mental, or physical disability, or state of immaturity of the child's parent, guardian, or other custodian;

(9) is one whose behavior, condition, or environment is such as to be injurious or dangerous to the child or others. An injurious or dangerous environment may include, but is not limited to, the exposure of a child to criminal activity in the child's home;

(10) has engaged in prostitution as defined in section 609.321, subdivision 9;

~~(10)~~ (11) has committed a delinquent act before becoming ten years old;

~~(11)~~ (12) is a runaway;

~~(12)~~ (13) is an habitual truant;

~~(13)~~ (14) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense;

~~(14)~~ (15) is one whose custodial parent's parental rights to another child have been involuntarily terminated within the past five years; or

~~(15)~~ (16) has been found by the court to have committed domestic abuse perpetrated by a minor under Laws 1997, chapter 239, article 10, sections 2 to 26, has been ordered excluded from the child's parent's home by an order for protection/minor respondent, and the parent or guardian is either unwilling or unable to provide an alternative safe living arrangement for the child.

Sec. 19. 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. 20. 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 must be granted, a notice and the opportunity to be heard under this section. This subdivision does not require that a foster parent, preadoptive parent, or relative providing care for the child be made a party to a review or hearing solely on the basis of the notice and opportunity to be heard.

Sec. 21. Minnesota Statutes 1997 Supplement, section 260.161, subdivision 2, is amended to read:

Subd. 2. [PUBLIC INSPECTION OF RECORDS.] ~~Except as otherwise provided in this section, and except for (a)~~ Legal records arising from proceedings or portions of proceedings that are public under section 260.155, subdivision 1, are open to public inspection.

(b) The following records from proceedings or portions of proceedings involving a child in need of protection or services that are open to the public as authorized by supreme court order and



court rules are accessible to the public unless the court determines that access should be restricted because of the intensely personal nature of the information:

- (1) the summons and petition;
- (2) affidavits of publication and service;
- (3) certificates of representation;
- (4) court orders;
- (5) hearing and trial notices, witness lists, and subpoenas;
- (6) motions and legal memoranda;
- (7) exhibits introduced at hearings or trial that are not inaccessible under paragraph (c);
- (8) birth certificates; and
- (9) all other documents not listed as inaccessible to the public under paragraph (c).

(c) The following records are not accessible to the public under paragraph (b):

(1) written, audiotaped, or videotaped information from the social service agency, except to the extent the information appears in the petition, court orders, or other documents that are accessible under paragraph (b);

(2) child protection intake or screening notes;

(3) documents identifying reporters of maltreatment, unless the names and other identifying information are redacted;

(4) guardian ad litem reports;

(5) victim statements and addresses and telephone numbers;

(6) documents identifying nonparty witnesses under the age of 18, unless the names and other identifying information are redacted;

(7) transcripts of testimony taken during closed hearing;

(8) fingerprinting materials;

(9) psychological, psychiatric, and chemical dependency evaluations;

(10) presentence evaluations of juveniles and probation reports;

(11) medical records and test results;

(12) reports issued by sexual predator programs;

(13) diversion records of juveniles; and

(14) any document which the court, upon its own motion or upon motion of a party, orders inaccessible to serve the best interests of the child.

In addition, records that are accessible to the public under paragraph (b) become inaccessible to the public if one year has elapsed since either the proceeding was dismissed or the court's jurisdiction over the matter was terminated.

(d) Except as otherwise provided by this section, none of the records of the juvenile court and none of the records relating to an appeal from a nonpublic juvenile court proceeding, except the written appellate opinion, shall be open to public inspection or their contents disclosed except (a) by order of a court, (b) as required by sections 245A.04, 611A.03, 611A.04, 611A.06, and 629.73, or (c) the name of a juvenile who is the subject of a delinquency petition shall be released to the

victim of the alleged delinquent act upon the victim's request; unless it reasonably appears that the request is prompted by a desire on the part of the requester to engage in unlawful activities. The records of the juvenile probation officers and county home schools are records of the court for the purposes of this subdivision. Court services data relating to delinquent acts that are contained in records of the juvenile court may be released as allowed under section 13.84, subdivision 5a. This subdivision applies to all proceedings under this chapter, including appeals from orders of the juvenile court, except that this subdivision does not apply to proceedings under section 260.255, 260.261, or 260.315 when the proceeding involves an adult defendant. The court shall maintain the confidentiality of adoption files and records in accordance with the provisions of laws relating to adoptions. In juvenile court proceedings any report or social history furnished to the court shall be open to inspection by the attorneys of record and the guardian ad litem a reasonable time before it is used in connection with any proceeding before the court.

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

Sec. 22. 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 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. 23. Minnesota Statutes 1997 Supplement, section 260.191, subdivision 1, is amended to read:

Subdivision 1. [DISPOSITIONS.] (a) If the court finds that the child is in need of protection or services or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(1) place the child under the protective supervision of the local social services agency or child-placing agency in the child's own home under conditions prescribed by the court directed to the correction of the child's need for protection or services;

(2) transfer legal custody to one of the following:

(i) a child-placing agency; or

(ii) the local social services agency.

In placing a child whose custody has been transferred under this paragraph, the agencies shall follow the order of preference stated in section 260.181, subdivision 3;

(3) if the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails or is unable to provide this treatment or care, the court may order it provided. The court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests; or

(4) if the court believes that the child has sufficient maturity and judgment and that it is in the best interests of the child, the court may order a child 16 years old or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate, if the county board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(b) If the child was adjudicated in need of protection or services because the child is a runaway or habitual truant, the court may order any of the following dispositions in addition to or as alternatives to the dispositions authorized under paragraph (a):

(1) counsel the child or the child's parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with the consent of the commissioner of corrections, place the child in a group foster care facility which is under the commissioner's management and supervision;

(3) subject to the court's supervision, transfer legal custody of the child to one of the following:

(i) a reputable person of good moral character. No person may receive custody of two or more unrelated children unless licensed to operate a residential program under sections 245A.01 to 245A.16; or

(ii) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(4) require the child to pay a fine of up to \$100. The court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;

(5) require the child to participate in a community service project;

(6) order the child to undergo a chemical dependency evaluation and, if warranted by the

evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;

(7) if the court believes that it is in the best interests of the child and of public safety that the child's driver's license or instruction permit be canceled, the court may order the commissioner of public safety to cancel the child's license or permit for any period up to the child's 18th birthday. If the child does not have a driver's license or permit, the court may order a denial of driving privileges for any period up to the child's 18th birthday. The court shall forward an order issued under this clause to the commissioner, who shall cancel the license or permit or deny driving privileges without a hearing for the period specified by the court. At any time before the expiration of the period of cancellation or denial, the court may, for good cause, order the commissioner of public safety to allow the child to apply for a license or permit, and the commissioner shall so authorize;

(8) order that the child's parent or legal guardian deliver the child to school at the beginning of each school day for a period of time specified by the court; or

(9) require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court.

To the extent practicable, the court shall enter a disposition order the same day it makes a finding that a child is in need of protection or services or neglected and in foster care, but in no event more than 15 days after the finding unless the court finds that the best interests of the child will be served by granting a delay. If the child was under eight years of age at the time the petition was filed, the disposition order must be entered within ten days of the finding and the court may not grant a delay unless good cause is shown and the court finds the best interests of the child will be served by the delay.

(c) If a child who is 14 years of age or older is adjudicated in need of protection or services because the child is a habitual truant and truancy procedures involving the child were previously dealt with by a school attendance review board or county attorney mediation program under section 260A.06 or 260A.07, the court shall order a cancellation or denial of driving privileges under paragraph (b), clause (7), for any period up to the child's 18th birthday.

(d) In the case of a child adjudicated in need of protection or services because the child has committed domestic abuse and been ordered excluded from the child's parent's home, the court shall dismiss jurisdiction if the court, at any time, finds the parent is able or willing to provide an alternative safe living arrangement for the child, as defined in Laws 1997, chapter 239, article 10, section 2.

Sec. 24. 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. 25. 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. 26. Minnesota Statutes 1997 Supplement, section 260.191, subdivision 3a, is amended to read:

Subd. 3a. [COURT REVIEW OF OUT-OF-HOME PLACEMENTS.] (a) If the court places a child in a residential facility, as defined in section 257.071, subdivision 1, the court shall review the out-of-home placement at least every six months to determine whether continued out-of-home placement is necessary and appropriate or whether the child should be returned home. The court shall review agency efforts pursuant to section 257.072, subdivision 1, and order that the efforts continue if the agency has failed to perform the duties under that section. The court shall review the case plan and may modify the case plan as provided under subdivisions 1e and 2. If the court orders continued out-of-home placement, the court shall notify the parents of the provisions of subdivision 3b.

(b) When the court determines that a permanent placement hearing is necessary because there is a likelihood that the child will not return to a parent's care, the court may authorize the agency with custody of the child to send the notice provided in ~~this paragraph to any adult with whom the child is currently residing, any adult with whom the child has resided for one year or longer in the past, any adult who has maintained a relationship or exercised visitation with the child as identified in the agency case plan for the child or demonstrated an interest in the child, and any relative who has provided a current address to the local social service agency. This notice must not be provided to a parent whose parental rights to the child have been terminated under section~~

260.221, subdivision 1. The notice must state that a permanent home is sought for the child and that individuals receiving the notice may indicate to the agency within 30 days their interest in providing a permanent home section 257.071, subdivision 1d, paragraph (b), or may modify the requirements of the agency under section 257.071, subdivision 1d, paragraph (b), or may completely relieve the responsible social service agency of the requirements of section 257.071, subdivision 1d, paragraph (b), when the child is placed with an appropriate relative who wishes to provide a permanent home for the child. The actions ordered by the court under this section must be consistent with the best interests, safety, and welfare of the child.

Sec. 27. 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, except that if the child was under eight years of age at the time the petition was filed, the hearing must be conducted no later than six 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) At a hearing under this subdivision, if the child was under eight years of age at the time the petition was filed alleging the child in need of protection or services, the court shall review the progress of the case and the case plan, including the provision of services. The court may order the local social service agency to show cause why it should not file a termination of parental rights petition. Cause may include, but is not limited to, the following conditions:

(1) the parents or guardians have maintained regular contact with the child, the parents are complying with the court-ordered case plan, and the child would benefit from continuing this relationship;

(2) grounds for termination under section 260.221 do not exist; or

(3) the permanent plan for the child is transfer of permanent legal and physical custody to a relative.

(d) 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)~~ (e) 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)~~ (f) 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 ~~(e)~~ (d), 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)~~ (g) 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)~~ (h) 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. 28. 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 [~~GROUND~~ ~~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; or

(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; or

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

(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 two years of age and has been deserted by the parent under circumstances that show an 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.] (a) 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 as defined in subdivision 1a, paragraph (a), clause (2). The local social services agency shall concurrently identify, recruit, process, and approve an adoptive family for the child. If a termination of parental rights petition has been filed by another party the local social services agency shall be joined as a party to the petition. If criminal charges have been filed against a parent arising out of the conduct alleged to constitute egregious harm, the county attorney shall determine which matter should proceed to trial first, consistent with the best interests of the child and subject to the defendant's right to a speedy trial.

(b) This requirement does not apply if the county attorney determines and files with the court its determination that a transfer of permanent legal and physical custody to a relative is in the best interests of the child or there is a compelling reason documented by the local social services agency that filing the petition would not be in the best interests of the child.

Subd. 1c. [CURRENT FOSTER CARE CHILDREN.] The county attorney shall file a termination of parental rights petition or other permanent placement 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. 29. 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. 30. 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 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 death.

(c) Findings and information disclosed under this subdivision 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 the basis for the agency's determination.

(d) Nothing in this subdivision authorizes access to the private data in the custody of a local social services agency, or the disclosure to the public of the records or content of any psychiatric, psychological, or 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) A person whose request is denied may apply to the appropriate court for an order compelling disclosure of all or part 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 these orders. Actions under this section must be set down for immediate hearing, and subsequent proceedings in those actions must be given priority by the appellate courts.

(f) 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. 31. [EFFECTIVE DATE.]

This article is effective the day following final enactment, except that:

(1) sections 7 and 26 are effective July 1, 1998; and

(2) section 23 and the provisions of section 27, paragraphs (a) and (c), that apply to children under eight years of age, are effective July 1, 1999.

## ARTICLE 2

### FAMILY ASSESSMENTS AND SERVICES AND COMMUNITY COLLABORATION

Section 1. [626.5551] [PROGRAMS FOR CHILD PROTECTION ASSESSMENTS OR INVESTIGATIONS; COMMUNITY COLLABORATION.]

Subdivision 1. [DESIGNATION OF COUNTIES; GRANTS AND TECHNICAL ASSISTANCE.] By October 1, 1998, the commissioner of human services shall designate counties to participate in the pilot child protection program established under this section for assessment and investigation of reports of child maltreatment received under section 626.556 and the provision of family services. The commissioner shall make grants to counties for purposes of planning and implementing a program under this section and shall provide technical assistance and develop protocols for the programs.

Subd. 2. [ESTABLISHMENT; PURPOSE.] A child protection program may be established under this section in order to promote the safety of children and the integrity and preservation of their families by conducting investigations or family assessments in response to reports of child maltreatment under section 626.556. The program shall be designed to coordinate community resources and provide assistance or services to children and families identified to be at risk, and to prevent and remedy child abuse and neglect.

Subd. 3. [DETERMINATIONS REGARDING INVESTIGATION OR FAMILY ASSESSMENT AND SERVICES.] (a) Upon receipt of a report under section 626.556, the local welfare agency shall make a determination whether to proceed with an investigation as provided in section 626.556 or to proceed with a family assessment and services approach under this section. If a local law enforcement agency receives a report under section 626.556 in a county that is participating in the program under this section, the local law enforcement agency shall immediately forward the report to the local welfare agency for purposes of making a determination under this subdivision. This does not preclude the local law enforcement agency from proceeding with a criminal investigation as appropriate.

(b) The local welfare agency shall make determinations under this subdivision through the use of protocols developed by the commissioner of human services. The local welfare agency may conduct an investigation of any report, but shall conduct an investigation of reports that, if true, would mean that the child has experienced, or is at risk of experiencing, serious physical injury, sexual abuse, abandonment, or neglect that substantially endangers the child's physical or mental health, including intentional starvation and a diagnosis by a physician of nonorganic failure to thrive, or that would be a violation of, or an attempt to commit a violation of:

- (1) section 609.185, 609.19, or 609.195 (murder in the first, second, or third degree);
- (2) section 609.20 or 609.205 (manslaughter in the first or second degree);
- (3) section 609.221, 609.222, or 609.223 (assault in the first, second, or third degree);
- (4) section 609.322 (solicitation, inducement, and promotion of prostitution);
- (5) sections 609.342 to 609.3451 (criminal sexual conduct);
- (6) section 609.352 (solicitation of children to engage in sexual conduct);
- (7) section 609.377 or 609.378 (malicious punishment or neglect or endangerment of a child);

or

- (8) section 617.246 (use of minor in sexual performance).

(c) In addition, in all cases the local welfare agency shall contact the appropriate law enforcement agency as provided in section 626.556, subdivision 3. The law enforcement agency may conduct its own investigation and shall assist the local welfare agency in its investigation or provide, within a reasonable time, a written explanation detailing the reasons why it is unable to assist.

(d) The local social service agency shall make a determination of how to proceed and initiate an investigation or family assessment and services within 24 hours of receipt of the report, except in cases where the sole basis for the report is educational neglect. If the report indicates that educational neglect is the only complaint and there is no suspicion of other neglect or abuse, the investigation or family assessment and services approach shall be initiated within 72 hours of receipt of the report.

Subd. 4. [PROVISION OF FAMILY ASSESSMENT AND SERVICES.] (a) If the local welfare agency makes a determination to use the family assessment and services approach, the agency shall assess the risk of abuse and neglect and the service needs of the family based on information gathered from the family and other available sources. At the time of the initial contact with the family, the local welfare agency shall provide the parent or other caretaker with information regarding the purpose of the contact and the assessment process to be followed during the agency's intervention, including possible services available and expectations of the family. The local welfare agency may enter into contracts with other public or private agencies with appropriate professional expertise to perform the assessment duties and provide services under this subdivision.

(b) The agency shall arrange for services that are voluntary and time-limited unless the agency determines, based on the assessment of risk, that there will be a high risk of abuse or neglect if the family refuses to accept the services. The agency shall identify services for families where it is determined that the child is at high risk of future abuse or neglect. The agency shall thoroughly document its attempt to provide voluntary services and the reasons these services are important to reduce the risk of future abuse or neglect to the child. If the family continues to refuse voluntary services or the child needs to be protected, the agency may begin an investigation under section 626.556 or consult with the county attorney regarding filing a petition alleging the child to be in need of protection or services.

(c) When a case under this subdivision is closed, the local welfare agency shall document the outcome of the family assessment and services approach, including services provided and the removal or reduction of risk to the child, if it existed. This documentation must be retained for at least four years.

Subd. 5. [REFERRAL OF CASES FOR INVESTIGATION OR ASSESSMENT.] (a) The local welfare agency shall begin an immediate investigation if at any time during the family assessment and services approach the agency determines that an investigation is required under subdivision 3, paragraph (b), or would otherwise be appropriate. The staff who have conducted the assessment may remain involved in the provision of services to the family.

(b) The local welfare agency may conduct a family assessment and services approach on reports initially referred for an investigation if the agency determines that a complete investigation is not required, or it may assist the family in obtaining services during the investigation if it is determined that the child or a member of the family needs services. In determining that a complete investigation is not required, the local welfare agency must document the reason for terminating the investigation and obtain written agreement of:

(1) the local law enforcement agency, if the local law enforcement is involved, and notify the county attorney of the decision to terminate the investigation; or

(2) the county attorney, if the local law enforcement is not involved.

Subd. 6. [COLLABORATIVE SERVICES.] The local social service agency shall coordinate community resources and collaborate with the community to identify comprehensive local services and assure access to those services for children and families under this section. The local welfare agency shall develop a comprehensive list of community resources, including schools, nonprofit agencies, community-based organizations, family services collaboratives, and health care providers, and establish procedures for making referrals and following through with local providers to identify and evaluate services that have been provided to a family.

## Sec. 2. [PLANNING, EVALUATION, AND REPORT.]

Subdivision 1. [PLANNING AND IMPLEMENTATION.] The commissioner of human services shall develop a plan for establishing, implementing, and evaluating the programs under section 1. The plan must provide for administering grants and local implementation of programs by January 1, 1999. The plan must include protocols for the programs and procedures and criteria for the collection of information from local welfare agencies to evaluate the programs. In developing the protocols, the commissioner shall consult with interest groups within the child protection system, including child protection workers, child protection advocates, county attorneys, law enforcement, community service organizations, the councils of color, and the ombudsperson for families.

Subd. 2. [EVALUATION AND REPORT.] By January 15, 2001, the commissioner of human services shall report to the legislature on the operation of the program under section 1. The report must include an independent evaluation of the program that assesses its effect upon specified variables, including the following major goals:

(1) promotion of the safety of children;

(2) preservation of the integrity of families, where possible;

(3) remediation of abuse or neglect, or other family problems that give rise to reports; and

(4) prevention of future abuse or neglect.

The report must also evaluate the use of community collaboration in providing services to families. Based on the evaluation, the report must include recommendations for future legislative action, including any modifications to the operation of the program and recommendations regarding statewide implementation.

## ARTICLE 3

### CONCURRENT PERMANENCY PLANNING

Section 1. [257.0711] [CONCURRENT PERMANENCY PLANNING.]

Subdivision 1. [PROGRAM; GOALS.] (a) The commissioner of human services shall establish

a program for concurrent permanency planning for child protection services. The program must include a pilot program phase during which the commissioner will make grants to counties who participate in concurrent permanency planning, followed by statewide implementation of concurrent permanency planning effective July 1, 1999.

(b) Concurrent permanency planning involves a planning process for children who are placed out of the home of their parents pursuant to a court order, or who have been voluntarily placed out of the home by the parents for 60 days or more and who are not developmentally disabled or emotionally handicapped under section 257.071, subdivision 4. The local social service agency shall develop an alternative permanency plan while making reasonable efforts for reunification of the child with the family, if required by section 260.012. The goals of concurrent permanency planning are to:

- (1) achieve early permanency for children;
- (2) decrease children's length of stay in foster care and reduce the number of moves children experience in foster care; and
- (3) develop a group of families who will work towards reunification and also serve as permanent families for children.

Subd. 2. [DEVELOPMENT OF GUIDELINES AND PROTOCOLS.] The commissioner shall establish guidelines and protocols for social service agencies involved in concurrent permanency planning, including criteria for conducting concurrent permanency planning based on relevant factors such as:

- (1) age of the child and duration of out-of-home placement;
- (2) prognosis for successful reunification with parents;
- (3) availability of relatives and other concerned individuals to provide support or a permanent placement for the child; and
- (4) special needs of the child and other factors affecting the child's best interests.

In developing the guidelines and protocols, the commissioner shall consult with interest groups within the child protection system, including child protection workers, child protection advocates, county attorneys, law enforcement, community service organizations, the councils of color, and the ombudsperson for families.

Subd. 3. [PARENTAL INVOLVEMENT AND DISCLOSURE.] Concurrent permanency planning programs must include involvement of parents and full disclosure of their rights and responsibilities; goals of concurrent permanency planning; support services that are available for families; permanency options; and the consequences of not complying with case plans.

Subd. 4. [TECHNICAL ASSISTANCE AND GRANTS.] The commissioner of human services shall provide ongoing technical assistance, support, and training for local social service agencies and other individuals and agencies involved in concurrent permanency planning. The commissioner shall make grants to counties for purposes of planning, implementing, and assisting in the evaluation of permanency planning programs and multidisciplinary training of participants.

## Sec. 2. [EVALUATION AND REPORT.]

The commissioner shall develop a detailed plan for evaluating concurrent permanency planning programs, based on identifiable goals and factors, including those specified in section 1, subdivision 1. The plan must also include an evaluation of the fiscal impact of concurrent planning, including the effect on costs of out-of-home placement. The evaluation must incorporate input and recommendations from counties involved in concurrent planning. By January 15, 2001, the commissioner shall report to the appropriate committees in the legislature on the operation of the concurrent planning programs and the results of the evaluation under this section.

## CHILD SAFETY ASSESSMENTS AND PLANS

## Section 1. [257.0701] [CHILD SAFETY ASSESSMENT AND PLAN.]

Subdivision 1. [WHEN REQUIRED.] (a) The local social service agency shall follow the child safety assessment and planning process under this section when the agency receives information that a child under the age of 12 months has one or both parents who:

- (1) has a history of controlled substance or alcohol abuse;
- (2) has been convicted of a crime specified in section 518.179, subdivision 2, if the victim of the crime was a family or household member; and
- (3) has lost custody of a child in a contested proceeding to a person other than a parent, or previously has had another child in court-ordered out-of-home placement.

(b) This section does not relieve the local social service agency of any duties under this chapter, chapter 260, or section 626.556 in cases involving allegations of abuse or neglect of a child.

Subd. 2. [ASSESSMENT AND PLAN.] The agency shall assess the risk to the child of future abuse and neglect and develop a safety plan, in consultation with the parents, to address risk factors that are present in the home and other service needs of the child and family. The safety plan may include:

- (1) enrollment in early childhood family education;
- (2) home visits;
- (3) chemical dependency treatment for a parent; and
- (4) provision of other services within the community to assist the family, including child care and other services that will enable the parents to participate in the safety plan.

The safety plan must involve continued monitoring of the family as appropriate until the child is three years of age. The agency may enter into contracts with other public or private agencies with appropriate professional expertise to perform the assessment duties and provide services under this section.

Sec. 2. Minnesota Statutes 1996, section 626.556, is amended by adding a subdivision to read:

Subd. 2a. [CERTAIN AT RISK INFANTS.] If a local social service agency receives information that would require a child safety and assessment plan under section 257.0701, the local social service agency shall proceed under that section.

## ARTICLE 5

## CHILD WELFARE SERVICES PLAN

## Section 1. [257.001] [CHILD WELFARE SERVICES PLAN.]

Subdivision 1. [STATE PLANNING.] By January 15, 1999, the commissioner of human services shall submit to the legislature a five-year statewide plan for child welfare services. The plan must establish statewide goals and objectives for the prevention of the abuse and neglect of children, early intervention for children at risk of abuse or neglect, family preservation services, out-of-home placement care and permanency planning, and adoption. The plan must include state targets for the continuum of child welfare services, prioritized goals and objectives, a rationale for the priority order, and a description and rationale for the method the state plans to use to address each goal and objective, including specific legislative, budget, or administrative actions necessary to implement the plan. The commissioner shall incorporate in the plan the semiannual reports on children in out-of-home placements required under section 257.0725.

Subd. 2. [COUNTY PLANNING.] As part of the statewide planning process, the commissioner shall develop procedures for counties to prepare and submit annual child welfare plans. The



commissioner shall incorporate recommendations from the commissioner of corrections in the development of county plan requirements. The county plans must include, at a minimum, an assessment of the child welfare system in the county, including an inventory of available early intervention and prevention services, family preservation, out-of-home placement and permanency planning services in the county, current and projected budgets by program for the next year, and county-specific child welfare targets.

Subd. 3. [PUBLICATION OF PLANS.] The commissioner shall publicize the results of the statewide plan and ways for the public to obtain copies of the plan. Once the plan is developed, the commissioner shall prepare an annual report on progress toward the goals identified in the plan. The results of the progress reports must be included in the budget documents forwarded by the commissioner of finance to the legislature and shall be included in the state agency performance reports required by section 15.91.

## ARTICLE 6

### CHILD WELFARE APPROPRIATIONS

#### Section 1. [APPROPRIATION.]

\$30,000,000 is appropriated from the general fund to the commissioner of human services for purposes of funding child welfare initiatives and programs. This appropriation includes funding for child protection activities; planning, development of protocols, grants, technical assistance, training, and evaluation for family assessment and services programs, concurrent permanency planning, and child safety assessments and plans; and training of family mediators and facilitation of relative care plans under Minnesota Statutes, section 626.5565."

Delete the title and insert:

"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 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, by adding subdivisions; Minnesota Statutes 1997 Supplement, sections 144.218, subdivision 2; 245A.03, subdivision 2; 245A.04, subdivisions 3b and 3d; 257.071, subdivision 1d; 257.85, subdivision 5; 259.22, subdivision 4; 259.47, subdivision 3; 259.60, subdivision 2; 260.012; 260.015, subdivisions 2a and 29; 260.161, subdivision 2; 260.191, subdivisions 1, 1a, 3a, and 3b; and 260.241, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 257; and 626."

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

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

**S.F. No. 2087:** A bill for an act relating to crime; requiring the collection of information on the investigation and prosecution of certain prostitution crimes and the use of penalty assessments imposed on prostitution offenders; requiring reports to the legislature.

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

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 1996, section 260.131, is amended by adding a subdivision to read:

Subd. 5. [CONCURRENT JURISDICTION.] When a petition is filed alleging that a child has engaged in prostitution as defined in section 609.321, subdivision 9, the county attorney shall determine whether concurrent jurisdiction is necessary to provide appropriate intervention and, if

so, proceed to file a petition alleging the child to be both delinquent and in need of protection or services.

Sec. 2. Minnesota Statutes 1996, section 609.322, subdivision 1, is amended to read:

Subdivision 1. Whoever, while acting other than as a prostitute or patron, intentionally does either any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

- (1) solicits or induces an individual under the age of 16 years to practice prostitution; ~~or~~
- (2) promotes the prostitution of an individual under the age of 16 years; or
- (3) intentionally receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 16 years.

Sec. 3. Minnesota Statutes 1996, section 609.322, subdivision 1a, is amended to read:

Subd. 1a. Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than ~~\$20,000~~ \$30,000, or both:

- (1) ~~Solicits or induces an individual at least 16 but less than 18 years of age to practice prostitution; or~~
- (2) ~~Solicits or induces an individual to practice prostitution by means of force; or~~
- (3) ~~Uses a position of authority to solicit or induce an individual to practice prostitution; or~~
- (4) ~~Promotes the prostitution of an individual in the following circumstances:~~
  - (a) ~~The individual is at least 16 but less than 18 years of age; or~~
  - (b) ~~The actor knows that the individual has been induced or solicited to practice prostitution by means of force; or~~
  - (c) ~~The actor knows that a position of authority has been used to induce or solicit the individual to practice prostitution; or~~
- (3) Intentionally receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual.

Sec. 4. Minnesota Statutes 1996, section 609.322, is amended by adding a subdivision to read:

Subd. 1b. [EXCEPTIONS.] Subdivisions 1, clause (3), and 1a, clause (3), do not apply to: (1) a minor who is dependent on an individual acting as a prostitute and who may have benefited from or been supported by the individual's earnings derived from prostitution; or (2) the sale of goods or services to a prostitute in the ordinary course of a lawful business.

Sec. 5. Minnesota Statutes 1996, section 609.322, subdivision 2, is amended to read:

~~Subd. 2. Whoever, while acting other than as a prostitute or patron, intentionally does any of the following~~ Any person in a position of authority who consents to an individual being taken or detained for the purposes of prostitution may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

- (1) ~~Solicits or induces an individual to practice prostitution by means of trick, fraud, or deceit; or~~
- (2) ~~Being in a position of authority, consents to an individual being taken or detained for the purposes of prostitution; or~~
- (3) ~~Promotes the prostitution of an individual in the following circumstances:~~

(a) ~~The actor knows that the individual has been induced or solicited to practice prostitution by means of trick, fraud or deceit; or~~

(b) ~~The actor knows that an individual in a position of authority has consented to the individual being taken or detained for the purpose of prostitution.~~

Sec. 6. [609.3242] [PROSTITUTION CRIMES COMMITTED IN SCHOOL OR PARK ZONES; INCREASED PENALTIES.]

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

(1) "park zone" has the meaning given in section 152.01, subdivision 12a; and

(2) "school zone" has the meaning given in section 152.01, subdivision 14a, and also includes school bus stops established by a school board under section 123.39, while school children are waiting for the bus.

Subd. 2. [INCREASED PENALTIES.] Any person who commits a violation of section 609.324 while acting other than as a prostitute while in a school or park zone may be sentenced as follows:

(1) if the crime committed is a felony, the statutory maximum for the crime is three years longer than the statutory maximum for the underlying crime;

(2) if the crime committed is a gross misdemeanor, the person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both; and

(3) if the crime committed is a misdemeanor, the person is guilty of a gross misdemeanor."

Page 1, line 13, after "attorneys" insert "and sheriffs"

Page 1, line 14, after "attorneys" insert "and police departments"

Page 1, line 19, after the semicolon, insert "the number of police calls or complaints concerning prostitution crimes;"

Page 2, line 8, before "On" insert "(a)"

Page 2, after line 17, insert:

"(b) On or before December 15, 1998, the supreme court is requested to report to the chairs of the senate crime prevention committee and the house judiciary committee concerning the use of money collected since fiscal year 1995 from penalty assessments under Minnesota Statutes, section 609.3241, and used for the purposes described in Minnesota Statutes, section 626.558, subdivision 2.

Sec. 9. [REPEALER.]

Minnesota Statutes 1996, sections 609.322, subdivision 3; and 609.323, are repealed."

Page 2, line 19, before "Sections" insert "Sections 1 to 6 and 9 are effective August 1, 1998, and apply to crimes or acts committed on or after that date." and delete "1 and 2" and insert "7 and 8"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "authorizing a county attorney to file a juvenile petition, alleging a child to be both delinquent and in need of protection or services in cases where a child is involved in prostitution; increasing criminal penalties for certain prostitution offenses;"

Page 1, line 6, before the period, insert "; amending Minnesota Statutes 1996, sections 260.131,

by adding a subdivision; and 609.322, subdivisions 1, 1a, 2, and by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 1996, sections 609.322, subdivision 3; and 609.323"

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

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

**S.F. No. 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.

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

Page 1, after line 15, insert:

"ARTICLE 1"

Page 5, line 2, delete everything after "customer,"

Page 5, delete line 3 and insert "unless the customer refuses to provide identifying information, then that fact should be noted;"

Page 7, line 15, delete everything after "containing" and insert ":

(1) the information regarding prices and charges described in subdivision 1, clauses (1) to (5);

(2) the price for calls placed with a calling card issued to the customer by the provider and any surcharge for placing calls with a calling card;

(3) the price for calls charged to the customer when a personal "1-800" number for long-distance services issued to the customer by the provider is used; and

(4) the price of directory assistance calls"

Page 7, delete line 16

Page 7, line 17, delete everything before the period

Page 7, delete lines 23 to 26 and insert "telecommunications carrier has intrastate tariffs or price lists for the services listed in subdivisions 1 and 2 on file with the public utilities commission or department of public service is not a defense to any action brought for failure to disclose intrastate prices for which disclosure is required under this section."

Page 8, lines 32 and 33, reinstate the stricken language

Page 8, line 34, before "prominently" insert ". However, notice of increases for intrastate rates for the services referenced in section 6, subdivisions 1 and 2, shall be made by bill inserts"

Page 8, line 36, delete "price" and after "increases" insert "of intrastate rates for those services"

Page 9, after line 1, insert:

"Sec. 9. Minnesota Statutes 1996, section 237.74, is amended by adding a subdivision to read:

Subd. 13. [INTERNATIONAL CALL BLOCKING.] A telecommunications carrier on its own or in conjunction with the telephone subscriber's provider of local telephone service, shall offer comprehensive international toll blocking of nondomestic area codes that are part of the North American numbering plans, as a condition of offering service in Minnesota."

Pages 9 and 10, delete section 10

Page 10, line 17, before "Minnesota" insert "(a)"

Page 10, after line 18, insert:

"(b) Minnesota Statutes 1996, section 325F.692, subdivision 8, is repealed."

Page 10, delete lines 20 to 22 and insert:

"Sections 1 to 8, 10, and 11, paragraph (a), are effective July 1, 1998. Section 9 is effective January 1, 1999. Section 11, paragraph (b), is effective the day following final enactment."

## ARTICLE 2

Section 1. Minnesota Statutes 1997 Supplement, section 237.163, subdivision 8, is amended to read:

Subd. 8. [UNIFORM STATEWIDE STANDARDS.] (a) To ensure the safe and convenient use of public rights-of-way in the state, the public utilities commission shall develop and adopt by ~~March 1~~ December 31, 1998, statewide construction standards for the purposes of achieving substantial statewide uniformity in construction standards where appropriate, providing competitive neutrality among telecommunications right-of-way users, and permitting efficient use of technology. The standards shall govern:

(1) the terms and conditions of right-of-way construction, excavation, maintenance, and repair; and

(2) the terms and conditions under which telecommunications facilities and equipment are placed in the public right-of-way.

(b) The public utilities commission is authorized to review, upon complaint by an aggrieved telecommunications right-of-way user, a decision or regulation by a local government unit that is alleged to violate a statewide standard.

(c) A local unit of government may not adopt an ordinance or other regulation that conflicts with a standard adopted by the commission for the purposes described in paragraph (a).

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 10, before the second semicolon, insert ", and by adding a subdivision"

Page 1, line 11, delete "subdivisions" and insert "subdivision" and delete "and 8" and after the semicolon, insert "Minnesota Statutes 1997 Supplement, section 237.163, subdivision 8;"

Page 1, line 13, after "Statutes" insert "1996, section 325F.692, subdivision 8; and Minnesota Statutes"

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

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

**S.F. No. 1151:** A bill for an act relating to probate; changing provisions on appointment of guardians and conservators; amending Minnesota Statutes 1996, section 525.591.

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

Page 3, line 7, delete the new language

Page 3, lines 12 and 13, delete the new language and insert "Except as otherwise provided in this section, the appointment of a special guardian or conservator may not exceed 30 days in duration. A county that is acting under section 626.557, subdivision 10, by petitioning for appointment of a special guardian or conservator on behalf of a vulnerable adult is not subject to this 30-day limit."

Subd. 6. [DURATION LIMITS; EXCEPTIONS.] If a petition is filed requesting appointment of a general guardian or conservator for a person for whom a special guardian or conservator has been appointed, but a final hearing on the petition cannot be held after proper notice within 30 days of the appointment of the special guardian or conservator because the petition becomes contested, a hearing date is not available within the time limit or other good cause exists, the appointment of the special guardian or conservator may be extended as provided in this subdivision. The court, on its own motion or upon request of the petitioner or the special guardian or conservator, may extend the appointment to the date of the hearing on the petition. At that time, if the court finds that grounds for appointment of the special guardian or conservator still exist, the court may further extend the appointment to the date of a final decision on the petition. If a special guardian or conservator is appointed for the sole purpose of representing the ward or conservatee in litigation or any other legal proceeding, other than the pending guardianship or conservatorship proceedings, the court may specify that the appointment will last until the litigation or proceeding is finally concluded."

Page 3, line 14, delete "6" and insert "7" and delete "DURATION" and insert "FINAL ACCOUNTING"

Page 3, line 22, after the semicolon, insert "or"

Page 3, delete lines 23 and 24

Page 3, line 25, delete "(3)" and insert "(2)"

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

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

**S.F. No. 2131:** A bill for an act relating to the city of Fergus Falls; authorizing the city to impose certain taxes.

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

Page 1, lines 9 and 10, delete "an election held within one year of the date of" and insert "the next general election after"

Page 2, lines 24 and 25, delete "not to exceed \$....." and insert "necessary"

Page 2, line 31, delete "of" and insert "or"

Page 2, lines 35 and 36, delete "when the city council determines that sufficient" and insert "at the end of 15 years beginning with the date the tax is imposed, unless the city determines that insufficient"

Page 3, line 5, after the period, insert "If the city council determines that the funds are not sufficient, it may extend the tax by ordinance, subject to the provisions of Minnesota Statutes, section 297A.48, subdivision 9. The tax may be extended for the period of time the city council determines is necessary to finance the capital and administrative costs of the project and to prepay or retire at maturity the principal, interest, and premium due on any bonds issued for the project under subdivision 4."

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

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

**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.

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

Page 1, line 21, reinstate the stricken "or"

Page 2, line 1, after "the" insert "following"

Page 2, delete lines 2 to 7

Page 2, line 8, delete everything before the colon

Page 3, after line 8, insert:

"Sec. 2. [260.162] [REPORT ON JUVENILE DELINQUENCY PETITIONS.]

The state court administrator shall annually prepare and present to the chairs of the house judiciary committee and the senate crime prevention committee aggregate data by judicial district on juvenile delinquency petitions. The report must include, but need not be limited to, information on the act for which a delinquency petition is filed, the age of the juvenile, the county where the petition was filed, the outcome of the petition, such as dismissal, continuance for dismissal, continuance without adjudication, and the disposition of the petition such as diversion, detention, probation, restitution, or fine.

The report shall be prepared on a calendar-year basis and shall be submitted on or before July 1 of each year."

Pages 3 and 4, delete section 3

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 7, before the period, insert "; proposing coding for new law in Minnesota Statutes, chapter 260"

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

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

**S.F. No. 2495:** A bill for an act relating to corrections; providing for autopsies at correctional institutions; exempting the campus at the state juvenile correctional facility at Red Wing from the 100-bed limitation for long-term residential secure programming; including at-risk youth and girls in the Camp Ripley weekend camp; amending Minnesota Statutes 1996, sections 241.05; and 390.11, subdivisions 2 and 8; Minnesota Statutes 1997 Supplement, section 242.32, subdivision 4; Laws 1997, chapter 239, article 1, section 12, subdivision 3.

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

Page 1, line 23, strike "the same" and insert "them"

Page 1, delete line 28 and insert "~~practices are prohibited, and~~ No officer or employee of the"

Page 2, line 1, reinstate the stricken language

Page 2, delete line 2 and insert "any inmate, and ~~no~~ no inmate shall be required to attend religious"

Page 2, line 3, reinstate the stricken language

Page 2, delete section 4

Page 2, line 32, delete "5" and insert "4"

Page 3, line 11, strike "juvenile offenders" and insert "juveniles"

Amend the title as follows:

Page 1, line 9, delete "subdivisions 2 and 8" and insert "subdivision 2"

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

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

**S.F. No. 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.

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

Page 7, line 33, delete "August" and insert "June"

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

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

**S.F. No. 2545:** A bill for an act relating to crime; requiring individuals convicted of felony indecent exposure to register as predatory offenders; amending Minnesota Statutes 1996, section 243.166, subdivision 1.

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

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

**S.F. No. 2498:** A bill for an act relating to corrections; registration of sexual offenders; requiring certain offenders moving into Minnesota to register within five days; authorizing adult and juvenile offender registration information to be maintained together; expanding prosecutorial jurisdiction; amending Minnesota Statutes 1996, section 243.166, subdivisions 1 and 5; Minnesota Statutes 1997 Supplement, section 244.166, subdivision 4.

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

Page 1, line 20, after the semicolon, insert "or"

Page 1, line 26, before the semicolon, insert ", subdivision 2"

Page 1, line 27, after "prostitution" insert "in violation"

Amend the title as follows:

Page 1, line 6, delete "prosecutorial" and insert "prosecutorial"

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

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

**S.F. No. 708:** A bill for an act relating to campaign finance; clarifying definitions;



strengthening enforcement powers; facilitating reports of last-minute contributions; clarifying campaign finance requirements; requiring return of public subsidies under certain conditions; providing civil penalties; amending Minnesota Statutes 1996, sections 10A.01, subdivisions 7 and 10b; 10A.03, subdivision 3; 10A.04, subdivisions 5 and 7; 10A.065, subdivision 1, and by adding a subdivision; 10A.08; 10A.09, subdivision 7; 10A.14, subdivision 4; 10A.15, subdivisions 3, 3a, 5, and by adding subdivisions; 10A.20, subdivisions 3, 5, 12, and by adding a subdivision; 10A.23; 10A.25, subdivision 10, and by adding a subdivision; 10A.27, subdivision 12; 10A.275, subdivision 1; 10A.28, subdivision 1; 10A.31, subdivisions 7 and 10; 10A.315; 10A.322, subdivisions 1 and 4; 10A.324, subdivision 1; 10A.34; 211A.02, subdivision 2; 211A.12; 211B.04; and 211B.06, subdivision 1; repealing Minnesota Statutes 1996, sections 10A.09, subdivision 3; and 10A.21, subdivisions 1 and 2.

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

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1996, section 10A.01, subdivision 7, is amended to read:

Subd. 7. [CONTRIBUTION.] "Contribution" means a transfer of funds or a donation in kind.

"Contribution" includes any loan or advance of credit to a political committee, political fund, or principal campaign committee, which loan or advance of credit is (a) forgiven, or (b) paid by an individual or an association other than the political committee, political fund, or principal campaign committee to which the loan or advance of credit is made. If an advance of credit or a loan is forgiven or paid as provided in this subdivision, it is a contribution in the year in which the loan or advance of credit is made.

A contribution made for the purpose of defeating a candidate is considered made for the purpose of influencing the nomination or election of that candidate or any opponent of that candidate.

"Contribution" does not include services provided without compensation by an individual volunteering personal time on behalf of a candidate, ballot question, political committee, or political fund, or.

"Contribution" does not include the uncompensated use by a candidate or an individual volunteering personal time on behalf of a candidate, ballot question, political committee, or political fund, of the candidate or volunteer's own personal property or private residence.

"Contribution" does not include the publishing or broadcasting of news items or editorial comments by the news media.

Sec. 2. Minnesota Statutes 1996, section 10A.01, subdivision 23, is amended to read:

Subd. 23. [BALLOT QUESTION.] "Ballot question" means a question or proposition which is placed on the ballot and which may be voted on by all voters of the state. ~~"Promoting or defeating a ballot question" includes activities related to qualifying the question for placement on the ballot.~~

Sec. 3. Minnesota Statutes 1996, section 10A.03, subdivision 3, is amended to read:

Subd. 3. The board shall notify by certified mail ~~or personal service~~ any lobbyist who fails to file a registration form within five days after becoming a lobbyist. If a lobbyist fails to file a form within ~~seven ten~~ days after ~~receiving this the~~ notice was mailed, the board may impose a late filing fee at \$5 per day, not to exceed \$100, commencing with the ~~eighth~~ 11th day after receiving the notice was mailed. ~~The board shall further notify by certified mail or personal service any lobbyist who fails to file a form within 21 days of receiving a first notice that the lobbyist may be subject to a criminal penalty for failure to file the form. A lobbyist who knowingly fails to file a form within seven days after receiving a second notice from the board is guilty of a misdemeanor.~~

Sec. 4. Minnesota Statutes 1996, section 10A.04, subdivision 5, is amended to read:

Subd. 5. The board shall notify by certified mail ~~or personal service~~ any lobbyist or principal

who fails after seven days after a filing date imposed by this section to file a report or statement required by this section. If a lobbyist or principal fails to file a report within seven ~~ten~~ days after ~~receiving this~~ the notice was mailed, the board may impose a late filing fee of \$5 per day, not to exceed \$100, commencing with the eighth ~~11th~~ day after receiving the notice was mailed. The board shall further notify by certified mail or personal service any lobbyist who fails to file a report within 21 days after receiving a first notice that the lobbyist may be subject to a criminal penalty for failure to file the report. A lobbyist who knowingly fails to file such a report or statement within seven days after receiving a second notice from the board is guilty of a misdemeanor.

Sec. 5. Minnesota Statutes 1996, section 10A.04, subdivision 7, is amended to read:

Subd. 7. [FINANCIAL RECORDS.] The board may randomly audit the financial records of lobbyists and principals required to report under this section. Lobbyists and principals shall retain for four years after the report was filed all records concerning the matters reported under this chapter, including vouchers, canceled checks, bills, invoices, worksheets, and receipts.

Sec. 6. Minnesota Statutes 1996, section 10A.065, subdivision 1, is amended to read:

Subdivision 1. [REGISTERED LOBBYIST CONTRIBUTIONS; LEGISLATIVE SESSION.] A candidate for the legislature or for constitutional office, a candidate's principal campaign committee, any other political committee with the candidate's name or title, any committee authorized by the candidate, or a political committee established by all or a part of the party organization within a house of the legislature, shall not solicit or accept a contribution on behalf of a candidate's principal campaign committee, any other political committee with the candidate's name or title, any committee authorized by the candidate, or a political committee established by all or a part of the party organization within a house of the legislature, from a registered lobbyist, political committee, or political fund during a regular session of the legislature. The lobbyist, political committee, or political fund shall not make the contribution. However, the party organization within a house of the legislature may receive a member's dues during a regular session of the legislature, even if the dues are paid from the assets of the member's principal campaign committee.

Sec. 7. Minnesota Statutes 1996, section 10A.065, subdivision 3, is amended to read:

Subd. 3. [CIVIL PENALTY.] A candidate or, political committee, political fund, or lobbyist that violates this section is subject to a civil fine of up to \$500. If the board makes a public finding that there is probable cause to believe a violation of this section has occurred, the board shall bring an action, or transmit the finding to a county attorney who shall bring an action, in the district court of Ramsey county, to impose a civil fine as prescribed by the board. Fines paid under this section must be deposited in the general fund in the state treasury.

Sec. 8. Minnesota Statutes 1996, section 10A.065, is amended by adding a subdivision to read:

Subd. 6. [FEDERAL OFFICES.] This section does not prohibit a candidate from soliciting or accepting a contribution to a campaign for a federal office.

Sec. 9. Minnesota Statutes 1996, section 10A.08, is amended to read:

10A.08 [REPRESENTATION DISCLOSURE.]

Any public official who represents a client for a fee before any individual, board, commission or agency that has rule making authority in a hearing conducted under chapter 14, shall disclose the official's participation in the action to the board within 14 days after the appearance. The board shall notify by certified mail or personal service any public official who fails to disclose the participation within 14 days after the appearance. If the public official fails to disclose the participation within seven ~~ten~~ days of after this notice was mailed, the board may impose a late filing fee of \$5 per day, not to exceed \$100, commencing on the eighth ~~11th~~ day after receiving the notice was mailed.

Sec. 10. Minnesota Statutes 1996, section 10A.09, subdivision 7, is amended to read:

Subd. 7. The board shall notify by certified mail ~~or personal service~~ any individual who fails within the prescribed time to file a statement of economic interest required by this section. If an individual fails to file a statement within ~~seven~~ ten days after ~~receiving this~~ the notice was mailed, the board may impose a late filing fee of \$5 per day, not to exceed \$100, commencing on the ~~eight~~ 11th day after receiving the notice was mailed. ~~The board shall further notify by certified mail or personal service any individual who fails to file a statement within 21 days after receiving a first notice that the individual may be subject to a criminal penalty for failure to file a statement. An individual who fails to file a statement within seven days after a second notice is guilty of a misdemeanor.~~

Sec. 11. Minnesota Statutes 1996, section 10A.14, subdivision 4, is amended to read:

Subd. 4. The board shall notify by certified mail ~~or personal service~~ any individual who fails to file a statement required by this section. If an individual fails to file a statement within ~~seven~~ ten days after ~~receiving a~~ the notice was mailed, the board may impose a late filing fee of \$5 per day, not to exceed \$100, commencing with the ~~eight~~ 11th day after receiving the notice was mailed. ~~The board shall further notify by certified mail or personal service any individual who fails to file a statement within 21 days after receiving a first notice that such individual may be subject to a criminal penalty for failure to file the report. An individual who knowingly fails to file the statement within seven days after receiving a second notice from the board is guilty of a misdemeanor.~~

Sec. 12. Minnesota Statutes 1996, section 10A.15, subdivision 3, is amended to read:

Subd. 3. All transfers received by or on behalf of any candidate, political committee or political fund shall be deposited in an account designated "Campaign Fund of ..... (name of candidate, committee or fund)." All transfers shall be deposited ~~promptly upon~~ within 30 days after receipt and, ~~except for transfers received during the last three days of any reporting period as described in section 10A.20, shall be deposited during the reporting period in which they were received. Any transfer received during the last three days of a reporting period shall be deposited within 72 hours of receipt and shall be reported as received during the reporting period whether or not deposited within that period. Any deposited transfer may be returned to the contributor within 60 days of deposit. A transfer deposited and not returned within 60 days of that deposit shall be deemed for the purposes of this chapter, to be accepted by the candidate, political committee or political fund.~~

Sec. 13. Minnesota Statutes 1996, section 10A.15, subdivision 5, is amended to read:

Subd. 5. [LOBBYIST, POLITICAL COMMITTEE, OR POLITICAL FUND REGISTRATION NUMBER ON CHECKS.] ~~A contribution made to a candidate by a lobbyist, political committee, or political fund that makes a contribution to a candidate must show on the contribution the name of the lobbyist, political committee, or political fund and the number under which it is registered with the board. A candidate may rely upon the presence or absence of a registration number in determining whether the contribution is from a lobbyist and is not subject to a civil penalty for the failure of a contributor to comply with this subdivision. The contributor is subject to a civil penalty imposed by the board.~~

Sec. 14. Minnesota Statutes 1996, section 10A.15, is amended by adding a subdivision to read:

Subd. 7. [CONTRIBUTION FROM A JOINT ACCOUNT.] ~~A contribution given by a check drawn on a joint account may be considered to be a contribution by the owners of the joint account in equal shares if the contributor notifies the recipient that is the contributor's intent. If the amount of the contribution is larger than the amount that may be accepted from an individual, the notice must be in writing.~~

Sec. 15. Minnesota Statutes 1997 Supplement, section 10A.20, subdivision 2, is amended to read:

Subd. 2. [TIME FOR FILING.] The reports shall be filed with the board on or before January 31 of each year and additional reports shall be filed as required and in accordance with clauses (a) ~~and~~, (b), and (c).

(a) In each year in which the name of the candidate is on the ballot, the report of the principal campaign committee shall be filed 15 days before a primary and ten days before a general election, seven days before a special primary and a special election, and ten days after a special election cycle. The report due after a special election may be filed on January 31 following the special election if the special election is held not more than 60 days before that date.

(b) In each general election year political committees and political funds other than principal campaign committees shall file reports ~~ten~~ 15 days before a primary and ten days before a general election.

If a scheduled filing date falls on a Saturday, Sunday or legal holiday, the filing date shall be the next regular business day.

(c) A political committee or political fund that makes independent expenditures related to a special election shall file reports on the expenditures seven days before the special primary and special election and ten days after the special election cycle.

Sec. 16. Minnesota Statutes 1996, section 10A.20, subdivision 3, is amended to read:

Subd. 3. [CONTENTS OF REPORT.] Each report under this section shall disclose:

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

(b) The name, address and employer, or occupation if self-employed, of each individual, political committee or political fund who within the year has made one or more transfers or donations in kind to the political committee or political fund, including the purchase of tickets for all fund raising efforts, which in aggregate exceed \$100 for legislative or statewide candidates or ballot questions, together with the amount and date of each transfer or donation in kind, and the aggregate amount of transfers and donations in kind within the year from each source so disclosed. A donation in kind shall be disclosed at its fair market value. An approved expenditure is listed as a donation in kind. A donation in kind is considered consumed in the reporting period in which it is received. The names of contributors shall be listed in alphabetical order;

(c) The sum of contributions to the political committee or political fund during the reporting period;

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

(e) Each receipt in excess of \$100 not otherwise listed under clauses (b) to (d);

(f) The sum of all receipts of the political committee or political fund during the reporting period;

(g) The name and address of each individual or association to whom aggregate expenditures, including approved expenditures, have been made by or on behalf of the political committee or political fund within the year in excess of \$100, together with the amount, date and purpose of each expenditure and the name and address of, and office sought by, each candidate on whose behalf the expenditure was made, identification of the ballot question which the expenditure is intended to promote or defeat, and in the case of independent expenditures made in support of or opposition to a candidate, the name, address and office sought for each such candidate;

(h) The sum of all expenditures made by or on behalf of the political committee or political fund during the reporting period;

(i) The amount and nature of any advance of credit incurred by the political committee or political fund, continuously reported until paid or forgiven. If any advance of credit incurred by

the principal campaign committee of a candidate is forgiven at any time by the creditor or paid by any entity other than that principal campaign committee, it shall be reported as a donation in kind for the year in which the advance of credit was incurred;

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

(k) The sum of all transfers made by the political committee, political fund, or principal campaign committee during the reporting period;

(l) Except for contributions to a candidate or committee for a candidate for office in a municipality as defined in section 471.345, subdivision 1, the name and address of each individual or association to whom aggregate noncampaign disbursements in excess of \$100 have been made within the year by or on behalf of a principal campaign committee, political committee, or political fund, together with the amount, date, and purpose of each noncampaign disbursement;

(m) The sum of all noncampaign disbursements made within the year by or on behalf of a principal campaign committee, political committee, or political fund;

(n) The name and address of a nonprofit corporation that provides administrative assistance to a political committee or political fund as authorized by section 211B.15, subdivision 17, together with the type of administrative assistance provided and the aggregate fair market value of each type of assistance provided to the political committee or political fund during the reporting period; and

(o) A report filed under subdivision 2, clause (b), by a political committee or political fund that is subject to subdivision 14, must contain the information required by subdivision 14, if the political committee or political fund has solicited and caused others to make aggregate contributions greater than \$5,000 between January 1 of the general election year and the end of the reporting period. This disclosure requirement is in addition to the report required by subdivision 14.

Sec. 17. Minnesota Statutes 1996, section 10A.20, subdivision 5, is amended to read:

Subd. 5. [PREELECTION REPORTS.] In any statewide election any loan, contribution, or contributions from any one source totaling \$2,000 or more, or in any legislative election totaling more than \$400, received between the last day covered in the last report prior to an election and the election shall be reported to the board in one of the following ways:

(1) in person within 48 hours after its receipt;

(2) by telegram or mailgram within 48 hours after its receipt; or

(3) by certified first-class mail sent within 48 hours after its receipt;

(4) by facsimile transmission received by the board within 48 hours after the contribution was received; or

(5) by any other method of electronic transmission approved by the board and received by the board within 48 hours after the contribution was received.

These loans and contributions must also be reported in the next required report.

The 48-hour notice requirement does not apply with respect to a primary if the statewide or legislative candidate is unopposed in that primary.

Sec. 18. Minnesota Statutes 1996, section 10A.20, subdivision 6b, is amended to read:

Subd. 6b. [INDEPENDENT EXPENDITURES; NOTICE.] (a) The notice in this subdivision applies only to expenditures made in a general election year after the deadline for the report due 15 days before the primary election and made before the general election.

(b) Within 24 48 hours after an individual, political committee, or political fund makes or becomes obligated by oral or written agreement to make an independent expenditure in support of a candidate in excess of \$100, other than an expenditure by an association targeted to inform solely its own dues-paying members of the association's position on a candidate the amount that may be contributed to the candidate, or in opposition to a candidate in excess of the amount that may be contributed to the candidate's opponent, the individual, political committee, or political fund shall file with the board an affidavit notifying the board a notice of the intent to make the independent expenditure and serve a copy of the affidavit notice on each candidate in the affected race and on the treasurer of the candidate's principal campaign committee. The affidavit notice must contain the information with respect to the expenditure that is required to be reported under subdivision 3, paragraph (g); except that if an expenditure is reported before it is made, the notice must include a reasonable estimate of the anticipated amount (h). Each new expenditure requires a new notice.

(b) (c) A notice is not required for an expenditure by an association targeted to inform solely its own members of the association's position on a candidate.

(d) An individual or the treasurer of a political committee or political fund who fails to give notice as required by this subdivision, or who files a false affidavit of notice, is guilty of a gross misdemeanor and is subject to a civil fine of up to four times the amount of the independent expenditure stated in the notice or of which notice was required, whichever is greater.

Sec. 19. Minnesota Statutes 1996, section 10A.20, subdivision 12, is amended to read:

Subd. 12. The board shall notify by certified mail or personal service any individual who fails to file a statement required by this section. If an individual fails to file a statement due January 31 within seven ten days after receiving a notice was mailed, the board may impose a late filing fee of \$5 per day, not to exceed \$100, commencing on the eighth 11th day after receiving notice was mailed. If an individual fails to file a statement due before any primary or election within three days of the date due, regardless of whether the individual has received any notice, the board may impose a late filing fee of \$50 per day, not to exceed \$500, commencing on the fourth day after the date the statement was due. The board shall further notify by certified mail or personal service any individual who fails to file any statement within 14 days after receiving a first notice from the board that the individual may be subject to a criminal penalty for failure to file a statement. An individual who knowingly fails to file the statement within seven days after receiving a second notice from the board is guilty of a misdemeanor. The late filing fee may be paid out of the assets of the political committee or fund.

Sec. 20. Minnesota Statutes 1996, section 10A.20, is amended by adding a subdivision to read:

Subd. 15. [EQUITABLE RELIEF.] A candidate whose opponent does not timely file the report due ten days before the general election may petition the district court for immediate equitable relief to enforce the filing requirement.

Sec. 21. Minnesota Statutes 1996, section 10A.23, is amended to read:

#### 10A.23 [CHANGES AND CORRECTIONS.]

Subdivision 1. [REPORT.] Any material changes in information previously submitted and any corrections to a report or statement shall be reported in writing to the board within ten days following the date of the event prompting the change or the date upon which the person filing became aware of the inaccuracy. The change or correction shall identify the form and the paragraph containing the information to be changed or corrected. If the board determines that a report or statement is inaccurate or incomplete, the board shall notify by certified mail the person who filed the report or statement of the need to correct it.

Subd. 2. [PENALTY.] If the person fails to file a corrected report or statement within ten days after: (1) the event prompting the change; (2) the date upon which the person filing became aware of the inaccuracy; or (3) the date the notice was mailed, the board may impose a late filing fee at the rate of \$5 a day, not to exceed \$100, commencing with the 11th day.

Any person who willfully fails to report a material change or correction is guilty of a gross misdemeanor.

Sec. 22. Minnesota Statutes 1996, section 10A.31, subdivision 7, is amended to read:

Subd. 7. (a) Within two weeks after certification by the state canvassing board of the results of the general election, the board shall distribute the available funds in the general account, as certified by the commissioner of revenue on November 1 and according to allocations set forth in subdivision 5, in equal amounts to all candidates for each statewide office who received at least five percent of the votes cast in the general election for that office, and to all candidates for legislative office who received at least ten percent of the votes cast in the general election for the specific office for which they were candidates, provided that the public subsidy under this subdivision may not be paid in an amount that would cause the sum of the public subsidy paid from the party account plus the public subsidy paid from the general account and the public subsidy paid to match independent expenditures to exceed 50 percent of the expenditure limit for the candidate. If a candidate is entitled to receive an opponent's share of the general account public subsidy under section 10A.25, subdivision 10, the opponent's share must be excluded in calculating the 50 percent limit. Money from the general account not paid to a candidate because of the 50 percent limit must be distributed equally among all other qualifying candidates for the same office until all have reached the 50 percent limit or the balance in the general account is exhausted. The board shall not use the information contained in the report of the principal campaign committee of any candidate due ten days before the general election for the purpose of reducing the amount due that candidate from the general account.

(b) If a candidate has not yet filed a campaign finance report required by section 10A.20, subdivision 2, or the candidate owes money to the board, the board shall not pay a public subsidy to the candidate until the report has been filed or the debt has been paid, whichever applies.

Sec. 23. Minnesota Statutes 1996, section 10A.31, subdivision 10, is amended to read:

Subd. 10. [DISTRIBUTION.] In the event that on the date of either certification by the commissioner of revenue as provided in subdivisions 6 and 7, less than 98 percent of the tax returns have been processed, the commissioner of revenue shall certify to the board by December 1 the amount accumulated in each account since the previous certification. By December 15, the board shall distribute to each candidate according to the allocations as provided in subdivision 5 the amounts to which the candidates are entitled in the form of checks made "payable to the campaign fund of .....(name of candidate)....." A check may include as an additional payee a financial institution named by the candidate in a notice filed with the board at least ten days before the payment was due to be made. Any money accumulated after the final certification shall be maintained in the respective accounts for distribution in the next general election year.

Sec. 24. Minnesota Statutes 1996, section 10A.315, is amended to read:

10A.315 [SPECIAL ELECTION SUBSIDY.]

(a) Each eligible candidate for a legislative office in a special election must be paid a public subsidy equal to the sum of:

(1) the party account money at the last general election for the candidate's party for the office the candidate is seeking; and

(2) the general account money paid to candidates for the same office at the last general election.

(b) If the filing period for the special election coincides with the filing period for the general election, the candidate must meet the matching requirements of section 10A.323 and the special election subsidy must be distributed in the same manner as money is distributed to legislative candidates in a general election.

(c) If the filing period for the special election does not coincide with the filing period for the general election, the procedures in this paragraph apply. A candidate who wishes to receive this public subsidy must submit a signed agreement under section 10A.322 to the board not later than

the day after the candidate files the affidavit of candidacy or nominating petition for the office. The candidate must meet the matching requirements of section 10A.323, except that the candidate may count contributions received during the two months immediately preceding the special election, other than contributions the candidate has previously included on an affidavit of match for another election, and the amount of match required is one-quarter of the amount stated in section 10A.323. The special election subsidy must be distributed in the same manner as money in the party and general accounts is distributed to legislative candidates in a general election.

(d) The amount necessary to make the payments required by this subdivision is appropriated from the general fund to the state treasurer board.

Sec. 25. Minnesota Statutes 1996, section 10A.322, subdivision 1, is amended to read:

Subdivision 1. [AGREEMENT BY CANDIDATE.] (a) As a condition of receiving a public subsidy, a candidate shall sign and file with the board a written agreement in which the candidate agrees that the candidate will comply with sections 10A.25 and 10A.324.

(b) Before the first day of filing for office, the board shall forward agreement forms to all filing officers. The board shall also provide agreement forms to candidates on request at any time. The candidate may sign an agreement and submit it to the filing officer on the day of filing an affidavit of candidacy or petition to appear on the ballot, in which case the filing officer shall without delay forward signed agreements to the board. Alternatively, the candidate may submit the agreement directly to the board at any time before September August 1 preceding the general election. An agreement may not be filed after that date. An agreement once filed may not be rescinded.

(c) The board shall forward a copy of any agreement signed under this subdivision to the commissioner of revenue.

(d) Notwithstanding any provisions of this section, when a vacancy occurs that will be filled by means of a special election and the filing period does not coincide with the filing period for the general election, a candidate may sign and submit a spending limit agreement at any time before the deadline for submission of a signed agreement under section 10A.315.

(e) A candidate who fills a vacancy in nomination that occurs after the deadline in paragraph (b) may file a spending limit agreement no later than the day after the candidate fills the vacancy.

Sec. 26. Minnesota Statutes 1996, section 10A.322, subdivision 4, is amended to read:

Subd. 4. [REFUND RECEIPT FORMS; PENALTY.] The board shall make available to a political party as defined in section 290.06, subdivision 23, on request and to any candidate for whom an agreement under this section is effective, a supply of official refund receipt forms that state in boldface type that (1) a contributor who is given a receipt form is eligible to claim a refund as provided in section 290.06, subdivision 23, and (2) if the contribution is to a candidate, that the candidate has signed an agreement to limit campaign expenditures as provided in this section. The forms must provide duplicate copies of the receipt to be attached to the contributor's claim. A candidate who does not sign an agreement under this section and who willfully issues an official refund receipt form or a facsimile of one to any of the candidate's contributors is guilty of a misdemeanor. A principal campaign committee or party unit shall return to the board with its termination report or destroy any official receipt forms that have not been issued.

Sec. 27. Minnesota Statutes 1996, section 10A.324, subdivision 1, is amended to read:

Subdivision 1. [WHEN RETURN REQUIRED.] A candidate shall return all or a portion of the public subsidy received from the state elections campaign fund or the public matching subsidy received under section 10A.315, under the circumstances in this section or section 10A.25, subdivision 11.

(a) To the extent that the amount of public subsidy received by the candidate exceeds the expenditure limits for the office held or sought, as provided in section 10A.25 and as adjusted by section 10A.255, the treasurer of the candidate's principal campaign committee shall return the excess to the board.



(b) To the extent that the amount of public subsidy received exceeds the aggregate of: (1) actual expenditures made by the principal campaign committee of the candidate; and (2) approved expenditures made on behalf of the candidate, the treasurer of the candidate's principal campaign committee shall return an amount equal to the difference to the board.

(c) If the board determines that a candidate has filed an affidavit of matching contributions under section 10A.323 that is not supported by the campaign finance reports filed by the candidate under section 10A.20, the board shall notify the treasurer of the candidate's principal campaign committee, withhold any public subsidy not yet paid to the candidate, and demand return of any public subsidy paid to the candidate for that election cycle. The treasurer shall return the entire public subsidy to the board.

Sec. 28. Minnesota Statutes 1996, section 10A.34, is amended to read:

10A.34 [REMEDIES.]

Subdivision 1. [PERSONAL LIABILITY.] A person charged with a duty under ~~sections 10A.02 to 10A.34~~ shall be this chapter is personally liable for the penalty for failing to discharge it.

Subd. 1a. [RECOVERY OF MONEY.] The board may bring an action in the district court in Ramsey county to recover any late filing fee or civil penalty imposed or public subsidy paid pursuant to any provision of this chapter. All money recovered shall be deposited in the general fund of the state.

Subd. 2. [INJUNCTION.] The board or a county attorney may seek an injunction in the district court to enforce ~~the provisions of sections 10A.02 to 10A.34~~ this chapter.

Subd. 3. [CIVIL PENALTY.] Unless otherwise provided, a violation of ~~sections 10A.02 to 10A.34~~ this chapter is not a crime, but is subject to a civil penalty imposed by the board in an amount up to \$300.

Subd. 4. [AWARD OF COSTS.] If the board prevails in an action to enforce this chapter, the board may request and the court may award to the board its costs, disbursements, reasonable attorney fees, and witness fees.

Subd. 5. [PENALTY FOR FALSE COMPLAINTS.] A person who knowingly makes a false or bad faith complaint or report of an alleged violation of this chapter is subject to a civil penalty imposed by the board of up to \$300.

Sec. 29. Minnesota Statutes 1996, section 200.02, is amended by adding a subdivision to read:

Subd. 23. [PARTY UNIT.] "Party unit" means the state party organization; the party organization within a house of the legislature; or the party organization within a congressional district, county, legislative district, municipality, or precinct.

Sec. 30. Minnesota Statutes 1996, section 211A.02, subdivision 2, is amended to read:

Subd. 2. [INFORMATION REQUIRED.] The report to be filed by a candidate or committee must include:

- (1) the name of the candidate or ballot question;
- (2) the name and address of the person responsible for filing the report;
- (3) the total amount of receipts and expenditures for the period from the last previous report to five days before the current report is due;
- (4) the purpose for each expenditure; and
- (5) the name of any individual or committee that during the year has made one or more contributions that in the aggregate are equal to or greater more than \$500 \$100.

Sec. 31. Minnesota Statutes 1997 Supplement, section 211A.12, is amended to read:

211A.12 [CONTRIBUTION LIMITS.]

Subdivision 1. [INDIVIDUALS AND COMMITTEES.] A candidate or a candidate's committee may not accept aggregate contributions made or delivered by an individual or committee in excess of \$300 in an election year for the office sought and \$100 in other years; except that a candidate or a candidate's committee for an office whose territory has a population over 100,000 may not accept aggregate contributions made or delivered by an individual or committee in excess of \$500 in an election year for the office sought and \$100 in other years.

The following deliveries are not subject to the bundling limitation in this section:

- (1) delivery of contributions collected by a member of the candidate's committee, such as a block worker or a volunteer who hosts a fundraising event, to the committee's treasurer; and
- (2) a delivery made by an individual on behalf of the individual's spouse.

Notwithstanding sections 211A.02, subdivision 3, and 410.21, this section supersedes any home rule charter.

Subd. 2. [POLITICAL PARTIES.] A candidate and a candidate's committee together may accept contributions from political party units in aggregate up to ten times the amount that may be contributed to the candidate as set forth in subdivision 1.

Sec. 32. [211A.125] [MULTICANDIDATE POLITICAL PARTY EXPENDITURES.]

The following expenditures by a party unit, or two or more party units acting together, are not considered contributions to a candidate for the purposes of section 211A.12 and must not be allocated to candidates under section 211A.02, subdivision 2:

- (1) expenditures on behalf of candidates of that party generally without referring to any of them specifically in a published, posted, or broadcast advertisement;
- (2) expenditures for the preparation, display, mailing, or other distribution of an official party sample ballot listing the names of three or more individuals whose names are to appear on the ballot;
- (3) expenditures for a telephone conversation that includes the names of three or more individuals whose names are to appear on the ballot;
- (4) expenditures for a political party fundraising effort on behalf of three or more candidates; or
- (5) expenditures for party committee staff services that benefit three or more candidates.

Sec. 33. Minnesota Statutes 1996, section 211B.02, is amended to read:

211B.02 [FALSE CLAIM OF SUPPORT.]

A person or candidate may not knowingly make, directly or indirectly, a false claim stating or implying that a candidate or ballot question has the support or endorsement of a major political party or party unit or of an organization. A person or candidate may not state in written campaign material that the candidate or ballot question has the support or endorsement of an individual or organization without first getting written permission from the individual or organization to do so.

Sec. 34. Minnesota Statutes 1997 Supplement, section 290.06, subdivision 23, is amended to read:

Subd. 23. [REFUND OF CONTRIBUTIONS TO POLITICAL PARTIES AND CANDIDATES.] (a) A taxpayer may claim a refund equal to the amount of the taxpayer's contributions made in the calendar year to candidates and to any political party. The maximum refund for an individual must not exceed \$50 and, for a married couple filing jointly, must not exceed \$100. A refund of a contribution is allowed only if the taxpayer files a form required by the

commissioner and attaches to the form a copy of an official refund receipt form issued by the candidate or party and signed by the candidate, the treasurer of the candidate's principal campaign committee, or the party chair, after the contribution was received. The receipt forms must be numbered, and the data on the receipt that are not public must be made available to the campaign finance and public disclosure board upon its request. A claim must be filed with the commissioner not sooner than January 1 of the calendar year in which the contribution is made and no later than April 15 of the calendar year following the calendar year in which the contribution is made. A taxpayer may file only one claim per calendar year. Amounts paid by the commissioner after June 15 of the calendar year following the calendar year in which the contribution is made must include interest at the rate specified in section 270.76.

(b) No refund is allowed under this subdivision for a contribution to any candidate unless the candidate:

(1) has signed an agreement to limit campaign expenditures as provided in section 10A.322 or 10A.43;

(2) is seeking an office for which voluntary spending limits are specified in section 10A.25 or 10A.43; and

(3) has designated a principal campaign committee.

This subdivision does not limit the campaign expenditure of a candidate who does not sign an agreement but accepts a contribution for which the contributor improperly claims a refund.

(c) For purposes of this subdivision, "political party" means a major political party as defined in section 200.02, subdivision 7, or a minor political party qualifying for inclusion on the income tax or property tax refund form under section 10A.31, subdivision 3a.

A "major or minor party" includes the aggregate of the party organization within each house of the legislature, the state party organization, and the party organization within congressional districts, counties, and legislative districts, ~~municipalities, and precincts.~~

"Candidate" means a congressional candidate as defined in section 10A.41, subdivision 4, or a candidate as defined in section 10A.01, subdivision 5, except a candidate for judicial office.

"Contribution" means a gift of money.

(d) The commissioner shall make copies of the form available to the public and candidates upon request.

(e) The following data collected or maintained by the commissioner under this subdivision are private: the identities of individuals claiming a refund, the identities of candidates to whom those individuals have made contributions, and the amount of each contribution.

(f) The commissioner shall report to the campaign finance and public disclosure board by August 1 of each year a summary showing the total number and aggregate amount of political contribution refunds made on behalf of each candidate and each political party. These data are public.

(g) The amount necessary to pay claims for the refund provided in this section is appropriated from the general fund to the commissioner of revenue.

#### Sec. 35. [TRANSITION.]

If the ethical practices board or the board of campaign finance and public disclosure gave an official refund receipt form under Minnesota Statutes, section 10A.322, subdivision 1, before February 10, 1998, to a political party as defined in Minnesota Statutes, section 10A.01, subdivision 17, and the political party gave the receipt to an individual for a contribution given by the individual to the political party before January 1, 1999, the individual is eligible to receive a political contribution refund, notwithstanding that the political party was not a political party as defined in Minnesota Statutes, section 290.06, subdivision 23.

Sec. 36. [REPEALER.]

Minnesota Statutes 1996, section 10A.09, subdivision 3, is repealed.

Sec. 37. [EFFECTIVE DATE.]

This act is effective August 1, 1998, except that section 30 is effective January 1, 1999, and section 35 is effective the day following final enactment. Section 33 applies to offenses committed on and after August 1, 1998."

Delete the title and insert:

"A bill for an act relating to campaign finance; clarifying definitions; facilitating reports of last-minute contributions; clarifying campaign finance requirements; requiring return of public subsidies under certain conditions; providing civil penalties; amending Minnesota Statutes 1996, sections 10A.01, subdivisions 7 and 23; 10A.03, subdivision 3; 10A.04, subdivisions 5 and 7; 10A.065, subdivisions 1, 3, and by adding a subdivision; 10A.08; 10A.09, subdivision 7; 10A.14, subdivision 4; 10A.15, subdivisions 3, 5, and by adding a subdivision; 10A.20, subdivisions 3, 5, 6b, 12, and by adding a subdivision; 10A.23; 10A.31, subdivisions 7 and 10; 10A.315; 10A.322, subdivisions 1 and 4; 10A.324, subdivision 1; 10A.34; 200.02, by adding a subdivision; 211A.02, subdivision 2; and 211B.02; Minnesota Statutes 1997 Supplement, sections 10A.20, subdivision 2; 211A.12; and 290.06, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 211A; repealing Minnesota Statutes 1996, section 10A.09, subdivision 3."

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. 2861:** A bill for an act relating to health; providing for the use of automatic external defibrillators; providing immunity from civil liability; amending Minnesota Statutes 1996, section 604A.01, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 145.

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

Delete everything after the enacting clause and insert:

"Section 1. [145.56] [AUTOMATIC EXTERNAL DEFIBRILLATORS.]

Any person who uses an automatic external defibrillator shall notify 911 or the local emergency service system as soon as possible after the use of an automatic external defibrillator. For purposes of this section, an "automatic external defibrillator" means a medical device heart monitor and defibrillator that:

(1) has received approval of its premarket notification, filed pursuant to United States Code, title 21, section 360(k), from the United States Food and Drug Administration;

(2) is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia, and is capable of determining, without intervention by an operator, whether defibrillation should be performed;

(3) upon determining that defibrillation should be performed, either automatically charges and delivers an electrical impulse to an individual's heart, or changes and delivers an electrical impulse at the command of the operator; and

(4) in the case of a defibrillator that may be operated in either an automatic or manual mode, is set to operate in the automatic mode.

Sec. 2. Minnesota Statutes 1996, section 604A.01, subdivision 2, is amended to read:

Subd. 2. [GENERAL IMMUNITY FROM LIABILITY.] (a) A person who, without compensation or the expectation of compensation, renders emergency care, advice, or assistance at the scene of an emergency or during transit to a location where professional medical care can be

rendered, is not liable for any civil damages as a result of acts or omissions by that person in rendering the emergency care, advice, or assistance, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. This subdivision does not apply to a person rendering emergency care, advice, or assistance during the course of regular employment, and receiving compensation or expecting to receive compensation for rendering the care, advice, or assistance.

(b) For the purposes of this section, the scene of an emergency is an area outside the confines of a hospital or other institution that has hospital facilities, or an office of a person licensed to practice one or more of the healing arts under chapter 147, 147A, 148, 150A, or 153. The scene of an emergency includes areas threatened by or exposed to spillage, seepage, fire, explosion, or other release of hazardous materials, and includes ski areas and trails.

(c) For the purposes of this section, "person" includes a public or private nonprofit volunteer firefighter, volunteer police officer, volunteer ambulance attendant, volunteer first provider of emergency medical services, volunteer ski patroller, and any partnership, corporation, association, or other entity.

(d) For the purposes of this section, "compensation" does not include payments, reimbursement for expenses, or pension benefits paid to members of volunteer organizations.

(e) For purposes of this section, "emergency care or treatment" includes providing emergency medical care or treatment by using or providing an automatic external defibrillator as defined in section 145.56, unless the person on whom the device is to be used objects."

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

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

**S.F. No. 2201:** A bill for an act relating to protection of children; expanding certain case plans; authorizing rulemaking; providing for sharing of certain data; changing records retention requirements; requiring review and audits; requiring task forces and a plan; amending Minnesota Statutes 1996, sections 260.191, subdivision 1e; and 626.556, by adding subdivisions; Minnesota Statutes 1997 Supplement, section 626.556, subdivisions 10e and 11c; proposing coding for new law in Minnesota Statutes, chapter 626.

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 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 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 prevent the removal of the child from the home or to 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 prevent placement or reunify the family if such services were available; and
- (7) the need for continued monitoring of the child and family by the appropriate local social services agency once the family has completed all services required in the case plan.

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. 2. 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 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; and

(4) information on the existence of domestic abuse and violence in the home 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. 3. 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).



(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.

(e) The commissioner shall work with the maltreatment of minors advisory committee established under Laws 1997, chapter 203, to make recommendations to further specify the kinds of acts or omissions that constitute physical abuse, neglect, sexual abuse, or mental injury. The commissioner shall submit the recommendation and any legislation needed by January 15, 1999. Individual counties may implement more detailed definitions or criteria that indicate which allegations to investigate, as long as a county's policies are consistent with the definitions in the statutes and rules and are approved by the county board. Each local welfare agency shall periodically inform mandated reporters under subdivision 3 who work in the county of the definitions of maltreatment in the statutes and rules and any additional definitions or criteria that have been approved by the county board.

Sec. 4. Minnesota Statutes 1996, section 626.556, is amended by adding a subdivision to read:

Subd. 10j. [RELEASE OF DATA TO MANDATED REPORTERS.] A local social service or child protection agency may provide relevant private data on individuals obtained under this section to mandated reporters who have an ongoing responsibility for the health, education, or welfare of a child affected by the data. The commissioner shall consult with the maltreatment of minors advisory committee to develop criteria for determining which records may be shared with mandated reporters under this subdivision.

Sec. 5. Minnesota Statutes 1996, section 626.556, is amended by adding a subdivision to read:

Subd. 10k. [RELEASE OF CERTAIN INVESTIGATIVE RECORDS TO OTHER COUNTIES.] Records maintained under subdivision 11c, paragraph (a), may be shared with another local welfare agency that requests the information because it is conducting an investigation under this section of the subject of the records.

Sec. 6. Minnesota Statutes 1997 Supplement, section 626.556, subdivision 11c, is amended to read:

Subd. 11c. [WELFARE, COURT SERVICES AGENCY, AND SCHOOL RECORDS MAINTAINED.] Notwithstanding sections 138.163 and 138.17, records maintained or records derived from reports of abuse by local welfare agencies, court services agencies, or schools under this section shall be destroyed as provided in paragraphs (a) to (d) by the responsible authority.

(a) ~~If upon assessment or investigation there is no determination of maltreatment or the need for child protective services, the records may must be maintained for a period of four years. After the individual alleged to have maltreated a child is notified under subdivision 10f of the determinations at the conclusion of the assessment or investigation, upon that individual's request, records shall be destroyed within 30 days or after the appeal rights under subdivision 10i have been concluded, whichever is later. Records under this paragraph may not be used for employment, background checks, or purposes other than to assist in future risk and safety assessments.~~

(b) All records relating to reports which, upon assessment or investigation, indicate either maltreatment or a need for child protective services shall be maintained for at least ten years after the date of the final entry in the case record.

(c) All records regarding a report of maltreatment, including any notification of intent to interview which was received by a school under subdivision 10, paragraph (d), shall be destroyed by the school when ordered to do so by the agency conducting the assessment or investigation. The agency shall order the destruction of the notification when other records relating to the report under investigation or assessment are destroyed under this subdivision.

(d) Private or confidential data released to a court services agency under subdivision 10h must be destroyed by the court services agency when ordered to do so by the local welfare agency that released the data. The local welfare agency shall order destruction of the data when other records relating to the assessment or investigation are destroyed under this subdivision.

Sec. 7. Minnesota Statutes 1996, section 626.556, is amended by adding a subdivision to read:

Subd. 15. [AUDITING.] The commissioner of human services shall regularly audit for accuracy the data reported by counties on maltreatment of minors.

Sec. 8. [RISK ASSESSMENT; PERFORMANCE MEASURES; EXTERNAL REVIEW.]

Subdivision 1. [RISK ASSESSMENT ALTERNATIVES.] Notwithstanding any rule to the contrary, the commissioner of human services may authorize local welfare agencies to research and conduct pilot projects for alternative methods of child protection risk assessment. The commissioner shall give priority to the establishment of at least one pilot project that includes a study of domestic abuse and violence in the home as a risk factor for children. The commissioner shall report to the appropriate committees in the house of representatives and the senate on the outcomes of research and risk assessment pilot projects by January 15, 2000.

Subd. 2. [PERFORMANCE MEASUREMENT.] (a) The commissioner of human services shall establish a task force of county and state officials to identify:

(1) statewide measures of the performance of child welfare services and steps needed to collect reliable information on these measures; and

(2) potentially useful practices that individual counties could use to monitor and evaluate child welfare services.

(b) The task force shall report its findings to the commissioner by January 15, 1999. The commissioner shall recommend to appropriate committees of the legislature during the 1999 regular session any legislative action required to implement task force recommendations.

Subd. 3. [COORDINATION OF CHILD WELFARE AND DOMESTIC ABUSE SERVICES.] The commissioner of human services shall work with the maltreatment of minors advisory

committee established under Laws 1997, chapter 203, to study and evaluate the opportunities for coordination or integration of child welfare and domestic abuse services for children and parents. The commissioner shall consult with consumers and child protection and domestic abuse advocates. The commissioner shall submit a report to the legislature by January 15, 1999, that includes recommendations for improving coordination between the domestic abuse and child welfare systems for further integration of services.

Sec. 9. [PLAN FOR EXTERNAL REVIEWS.]

By January 15, 1999, the commissioner of human services shall present to the appropriate committees in the senate and the house of representatives a plan for periodic external reviews of:

- (1) county compliance with state statutes and rules in the area of child protection; and
- (2) the appropriateness of decisions by county child protection agencies in selected individual cases.

Nothing in sections 8 or 9 prevents the commissioner from developing and implementing performance measurement plans for periodic reviews and best practices before January 15, 1999."

Amend the title as follows:

Page 1, line 3, after the first semicolon, insert "providing for consideration of domestic abuse in child protection risk assessments;"

Page 1, line 7, after "626.556," insert "subdivision 10, and"

Page 1, line 9, delete the semicolon and insert a period

Page 1, delete lines 10 and 11

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

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

**S.F. No. 2296:** A bill for an act relating to the environment; clarifying time for filing an action under MERLA; amending Minnesota Statutes 1996, section 115B.11.

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

Page 1, after line 5, insert:

"Section 1. Minnesota Statutes 1996, section 115B.03, is amended by adding a subdivision to read:

Subd. 10. [CONTRACTORS.] (a) For the purposes of this subdivision, "contractor" means a person who is not otherwise responsible for a release or threatened release of a hazardous substance, or a pollutant or contaminant, and who, under contract with another person:

(1) performs response actions, including investigative, removal, or remedial actions to address the release or threatened release pursuant to a plan approved by the commissioner; or

(2) performs development actions at the site of the release or threatened release, such as site preparation, engineering, construction, and similar actions with respect to which the commissioner has approved a contingency plan or other conditions which the commissioner deems necessary to protect public health or welfare or the environment.

(b) A contractor is not a responsible person for a release or threatened release solely as the result of performing response actions to address that release or threatened release if the contractor performs the response actions in accordance with a plan approved by the commissioner.

(c) A contractor who performs development actions, such as site preparation, engineering,

construction, or similar actions, at the site of a release or threatened release is not responsible for the release or threatened release solely as a result of performing the development actions if the contractor performs the development actions in accordance with a contingency plan or other conditions approved by the commissioner.

(d) This subdivision shall not apply to a contractor who causes or contributes to a release or threatened release by an act or omission that is negligent, grossly negligent, or that constitutes intentional misconduct."

Page 2, line 4, before "Section" insert "Section 1 is effective the day following final enactment and applies to response actions and development actions performed after that date." and delete "1" and insert "2"

Page 2, line 5, after "to" insert "civil"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "clarifying the liability of contractors performing certain response and development actions under MERLA;"

Page 1, line 4, delete "section" and insert "sections 115B.03, by adding a subdivision; and"

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

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

**S.F. No. 2194:** A bill for an act relating to health; clarifying the equal access requirements on health plan companies; amending Minnesota Statutes 1996, section 62Q.23.

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

Delete everything after the enacting clause and insert:

"Section 1. [ADVICE AND RECOMMENDATIONS.]

The commissioners of health and commerce shall convene an ad hoc advisory panel of selected representatives of health plan companies, purchasers, and provider groups engaged in the practice of health care in Minnesota, and interested legislators. This advisory panel shall meet and assist the commissioners in developing measures to address discrimination against providers and provider groups in managed care in Minnesota and clarify the requirements of Minnesota Statutes, section 62Q.23, paragraph (c). Any such measures shall be reported to the legislature prior to November 15, 1998.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day after final enactment."

Delete the title and insert:

"A bill for an act relating to provider discrimination; establishing an ad hoc advisory panel convened by the departments of health and commerce."

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

**Mr. Metzen from the Committee on Governmental Operations and Veterans, to which was re-referred**

**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.

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

Page 1, lines 17 and 24, delete "five" and insert "six"

Page 2, line 3, delete "[119C.01]"

Page 3, line 4, delete "five" and insert "six"

Page 3, line 6, delete "119C.02" and insert "119C.01"

Page 3, line 8, delete "119C.11" and insert "119C.07"

Page 3, delete lines 9 and 10

Page 3, line 11, delete "3" and insert "2"

Page 3, line 14, delete "4" and insert "3"

Page 3, line 15, delete "six" and insert "seven"

Page 3, line 16, delete "119C.03" and insert "119C.02"

Page 3, line 20, delete "shall" and insert "must"

Page 3, line 21, delete "the" and delete "those"

Page 3, line 22, delete "119C.08" and insert "119C.04"

Page 3, line 27, delete "119C.09" and insert "119C.05"

Page 3, line 28, delete "119C.04" and insert "119C.03"

Page 3, line 31, delete "established as"

Page 3, line 34, delete "119C.10" and insert "119C.06"

Page 4, line 4, delete "13" and insert "10"

Page 4, line 16, after "fund" insert a comma

Pages 4 to 7, delete sections 7 to 9

Page 7, line 5, delete "119C.08" and insert "119C.04"

Page 8, line 22, delete "119C.09" and insert "119C.05"

Page 9, line 4, delete "must" and insert "shall"

Page 10, line 6, delete "119C.09" and insert "119C.05"

Page 10, line 10, delete "must be" and insert "are"

Page 10, line 15, after "request" insert a comma

Page 10, line 18, after "appoint" insert a comma

Page 11, line 6, delete "pursuant to" and insert "in accordance with"

Page 11, line 7, delete "Through June 30" and insert "Until July 1"

Page 11, line 26, before "The" insert "By January 15 of each odd-numbered year," and delete "by"

Page 11, line 27, delete everything before "submit"

Page 11, line 30, delete "on" and insert "having jurisdiction over"

Page 12, line 19, delete "119C.10" and insert "119C.06"

Page 12, line 34, delete "119C.11" and insert "119C.07"

Page 12, line 36, before "The" insert "(a)"

Page 13, line 6, delete "as follows:" and insert "in accordance with paragraphs (b) and (c)."

Page 13, line 7, delete "(a)" and insert "(b)"

Page 13, line 13, delete "(b)" and insert "(c)"

Page 13, line 14, delete "shall" and insert "must"

Page 13, line 15, delete "(a)" and insert "(b)"

Page 13, line 28, delete "13" and insert "10"

Renumber the sections in sequence

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

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

**S.F. No. 3092:** A bill for an act relating to prescription drugs; requiring the dispensing of ephedrine through prescription; restricting the sale, marketing, and possession of ephedrine; providing criminal penalties; proposing coding for new law in Minnesota Statutes, chapter 152.

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

Page 1, delete line 17 and insert:

"Subd. 2. [EXCEPTIONS.] (a) A drug product containing ephedrine,"

Page 2, line 1, delete "and"

Page 2, line 4, after "energy" insert "; and

(5) is in solid oral dosage forms, including soft gelatin caplets, that combine 400 milligrams of guaifenesin and 25 milligrams of ephedrine per dose, according to label instructions; or is an anorectal preparation containing not more than five percent ephedrine.

(b) Subdivision 1 shall not apply to products containing ephedra or ma huang and lawfully marketed as dietary supplements under federal law"

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

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

**S.F. No. 1587:** A bill for an act proposing an amendment to the Minnesota Constitution, article XI, sections 9 and 14; authorizing distributions from the permanent school fund and the environment and natural resources trust fund to be up to 5-1/2 percent per year.

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

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

**S.F. No. 2376:** A bill for an act relating to the environment; creating a task force to select an entity to study a cost-benefit model for water quality standards.

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

Page 1, line 10, after the comma, insert "agriculture, labor,"

Page 1, line 19, delete "October 15, 1998" and insert "January 2, 1999"

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

**S.F. No. 3081:** A bill for an act relating to baseball; providing for a process to construct, fund, maintain, and govern a major league baseball park; providing for community ownership of the baseball team; providing for powers and duties of the metropolitan sports facilities commission and the metropolitan council; authorizing certain taxes, revenue distributions, bonds and other debt obligations, and allocations; appropriating money; amending Minnesota Statutes 1996, sections 349A.10, by adding a subdivision; 473.551, subdivision 8, and by adding subdivisions; 473.552; 473.553, subdivision 1; and 473.556, subdivisions 3, 4, 5, and by adding subdivisions; proposing coding for new law in Minnesota Statutes, chapter 473; proposing coding for new law as Minnesota Statutes, chapter 473I.

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

Page 11, line 11, delete "private suites, club"

Page 11, delete line 12 and insert "personal seat licenses, commemorative bricks,"

Page 11, line 13, delete "tickets,"

Page 13, line 25, delete "5" and insert "7" and delete "16" and insert "17"

Page 22, delete lines 29 and 30 and insert "baseball team rent, the lottery games under section 1, the event parking tax under subdivision 1, and the income surtax under section 473I.04, together with other"

Page 24, line 36, delete "1" and insert "2"

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

**Mr. Sams from the Committee on Agriculture and Rural Development, to which was re-referred**

**S.F. No. 2048:** A bill for an act relating to private property; providing for the Private Property Protection Act; proposing coding for new law as Minnesota Statutes, chapter 516.

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

Page 1, line 13, delete "morals,"

Page 2, lines 17 and 18, delete ", whichever is less"

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

**SECOND READING OF SENATE BILLS**

S.F. Nos. 2582, 2362, 1979, 2949, 2087, 2797, 1151, 2495, 2684, 2545 and 708 were read the second time.

**MOTIONS AND RESOLUTIONS**

Ms. Lesewski moved that the name of Mr. Beckman be added as a co-author to S.F. No. 2311. The motion prevailed.

Mr. Ten Eyck moved that the name of Ms. Berglin be added as a co-author to S.F. No. 2639. The motion prevailed.

Mr. Neuville moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 2651. The motion prevailed.

Mr. Morse moved that the name of Mrs. Pariseau be added as a co-author to S.F. No. 2660. The motion prevailed.

Mr. Solon moved that the name of Mr. Kelly, R.C. be added as a co-author to S.F. No. 2826. The motion prevailed.

Mr. Oliver moved that the name of Ms. Junge be added as a co-author to S.F. No. 2851. The motion prevailed.

Mr. Lessard moved that the name of Mr. Kelly, R.C. be added as a co-author to S.F. No. 3011. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Mr. Lessard be added as a co-author to S.F. No. 3016. The motion prevailed.

Ms. Wiener moved that her name be stricken as a co-author to S.F. No. 3048. The motion prevailed.

Mr. Janezich moved that the name of Mr. Lessard be added as a co-author to S.F. No. 3074. The motion prevailed.

Mr. Kelley, S.P. moved that the name of Ms. Wiener be added as a co-author to S.F. No. 3076. The motion prevailed.

Mr. Terwilliger moved that the name of Mr. Belanger be added as a co-author to S.F. No. 3081. The motion prevailed.

Mr. Metzen moved that the names of Ms. Junge and Mr. Marty be added as co-authors to S.F. No. 3092. The motion prevailed.

Mr. Stumpf moved that the name of Mr. Lessard be added as a co-author to S.F. No. 3096. The motion prevailed.

Mr. Johnson, D.J. moved that the name of Ms. Runbeck be added as a co-author to S.F. No. 3119. The motion prevailed.

Mr. Novak moved that the names of Messrs. Lessard and Vickerman be added as co-authors to S.F. No. 2756. The motion prevailed.

Mr. Lessard moved that S.F. No. 1790 be withdrawn from the Committee on Local and Metropolitan Government and returned to its author. The motion prevailed.

Ms. Lesewski moved that S.F. No. 2311 be withdrawn from the Committee on Local and Metropolitan Government and re-referred to the Committee on Crime Prevention. The motion prevailed.



Mr. Ten Eyck moved that S.F. No. 2522 be withdrawn from the Committee on Governmental Operations and Veterans and re-referred to the Committee on Children, Families and Learning. The motion prevailed.

### INTRODUCTION AND FIRST READING OF SENATE BILLS

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

**Messrs. Lessard, Morse, Vickerman, Laidig and Johnson, D.J. introduced--**

**S.F. No. 3129:** A bill for an act relating to natural resources; appropriating money to the Minnesota forest resources council for implementation of timber harvesting guidelines and recommendations.

Referred to the Committee on Environment and Natural Resources.

**Messrs. Oliver, Knutson, Betzold and Ms. Wiener introduced--**

**S.F. No. 3130:** A bill for an act relating to motor vehicles; regulating installations of air bag on-off switches and deactivations; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation.

**Messrs. Sams and Johnson, D.J. introduced--**

**S.F. No. 3131:** A bill for an act relating to taxation; modifying the application of the sales tax to sales of manufactured homes; amending Minnesota Statutes 1996, section 297A.02, subdivision 4.

Referred to the Committee on Taxes.

**Messrs. Johnson, D.H.; Ourada; Ms. Runbeck and Mr. Novak introduced--**

**S.F. No. 3132:** A bill for an act relating to utilities; restructuring regulation of the generation of electricity; providing for transition to a competitive industry; requiring restructuring plans; requiring unbundling of services; providing for recovery of stranded costs; requiring registration of suppliers; providing civil remedies; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 216E.

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

**Ms. Johnson, J.B. introduced--**

**S.F. No. 3133:** A bill for an act relating to capital improvements; authorizing funding for white pine acquisition and management; appropriating money.

Referred to the Committee on Environment and Natural Resources.

**Mr. Sams, Mrs. Lourey, Mr. Terwilliger and Ms. Berglin introduced--**

**S.F. No. 3134:** A bill for an act relating to human services; appropriating money to assist deaf-blind persons.

Referred to the Committee on Health and Family Security.

**Mr. Laidig, Ms. Krentz, Messrs. Cohen and Kelly, R.C. introduced--**

**S.F. No. 3135:** A bill for an act relating to appropriations; authorizing state bonds; appropriating money for the state of Minnesota storm sewer reconstruction project, adjacent to the department of corrections Stillwater facility.

Referred to the Committee on Environment and Natural Resources.

**Mr. Laidig introduced--**

**S.F. No. 3136:** A bill for an act relating to local elected officials; expanding the law on removal to city officials; amending Minnesota Statutes 1996, sections 351.14, subdivision 5; 351.15; 351.16; 351.18; 351.19, subdivision 4; 351.20; 351.21; and 351.22.

Referred to the Committee on Local and Metropolitan Government.

**Mr. Samuelson, Ms. Kiscaden, Mr. Terwilliger, Ms. Berglin and Mr. Hottinger introduced--**

**S.F. No. 3137:** A bill for an act relating to human services; providing general assistance medical care coverage for victims of torture; amending Minnesota Statutes 1997 Supplement, section 256D.03, subdivision 3.

Referred to the Committee on Health and Family Security.

**Ms. Ranum introduced--**

**S.F. No. 3138:** A bill for an act relating to retirement; authorizing the Minneapolis fire department relief association to pay survivor benefits to certain persons.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Kelly, R.C. introduced--**

**S.F. No. 3139:** A bill for an act relating to corrections; excluding education costs from per diem costs charged to participating counties under the Community Corrections Act; amending Minnesota Statutes 1997 Supplement, section 401.13.

Referred to the Committee on Crime Prevention.

**Mr. Kelly, R.C. introduced--**

**S.F. No. 3140:** A bill for an act relating to corrections; authorizing the commissioner of corrections to contract with counties for placing juveniles in the serious/chronic program, PREPARE; amending Minnesota Statutes 1996, section 242.32, subdivision 1.

Referred to the Committee on Crime Prevention.

**Mr. Cohen introduced--**

**S.F. No. 3141:** A bill for an act relating to motor vehicles; establishing an uninsured motorist identification database program; prescribing a criminal penalty; amending Minnesota Statutes 1996, section 168.013, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 169.

Referred to the Committee on Transportation.

**Mr. Ourada introduced--**

**S.F. No. 3142:** A bill for an act relating to drainage; allowing transfer of access easements from drainage systems to storm sewer improvement districts; proposing coding for new law in Minnesota Statutes, chapter 103E.

Referred to the Committee on Environment and Natural Resources.

**Mrs. Lourey introduced--**

**S.F. No. 3143:** A bill for an act relating to taxation; increasing the payment of homestead and agricultural aid to certain cities; amending Laws 1995, chapter 264, article 8, section 18.

Referred to the Committee on Local and Metropolitan Government.

**Mr. Hottinger introduced--**

**S.F. No. 3144:** A bill for an act relating to human services; authorizing a grant program to provide support services to caregivers experiencing stress; appropriating money.

Referred to the Committee on Health and Family Security.

**Messrs. Hottinger; Johnson, D.J.; Mrs. Scheid, Ms. Pappas and Mr. Vickerman introduced--**

**S.F. No. 3145:** A bill for an act relating to income taxation; providing for a state working family credit; amending Minnesota Statutes 1996, section 290.0671, by adding subdivisions; Minnesota Statutes 1997 Supplement, section 290.0671, subdivision 1.

Referred to the Committee on Taxes.

**Mr. Dille introduced--**

**S.F. No. 3146:** A bill for an act relating to agriculture; providing for disposition of small pig carcasses by swine producers; amending Minnesota Statutes 1996, section 35.82, subdivision 2.

Referred to the Committee on Agriculture and Rural Development.

**Messrs. Dille and Johnson, D.E. introduced--**

**S.F. No. 3147:** A bill for an act relating to education; providing for protection of retirement benefits for certain Ridgewater college employees.

Referred to the Committee on Governmental Operations and Veterans.

**Mrs. Lourey introduced--**

**S.F. No. 3148:** A bill for an act relating to education; appropriating money to independent school district No. 94, Cloquet, for a reading readiness program.

Referred to the Committee on Children, Families and Learning.

**Messrs. Pogemiller and Kelley, S.P. introduced--**

**S.F. No. 3149:** A bill for an act relating to state government; requiring access to information technology for individuals who are blind or visually impaired; proposing coding for new law in Minnesota Statutes, chapters 16B; and 16E.

Referred to the Committee on Governmental Operations and Veterans.

**Mr. Pogemiller, Mses. Krentz, Robertson, Messrs. Knutson and Samuelson introduced--**

**S.F. No. 3150:** A bill for an act relating to education; repealing the mandate for three additional days of student instruction; repealing Minnesota Statutes 1997 Supplement, section 120.1015.

Referred to the Committee on Children, Families and Learning.

**Mr. Kelly, R.C.; Mses. Higgins, Junge, Messrs. Marty and Johnson, D.J. introduced--**

**S.F. No. 3151:** A bill for an act relating to employment; raising the minimum wage; amending Minnesota Statutes 1997 Supplement, section 177.24, subdivision 1.

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

**Mr. Neuville introduced--**

**S.F. No. 3152:** A bill for an act relating to appropriations; authorizing state bonds; appropriating money for the residential academies at Faribault.

Referred to the Committee on Children, Families and Learning.

**Ms. Berglin, Mr. Ten Eyck, Ms. Higgins, Mr. Samuelson and Mrs. Lourey introduced--**

**S.F. No. 3153:** A bill for an act relating to human services; providing a grant for primary support to implement Indian child welfare programs; appropriating money.

Referred to the Committee on Health and Family Security.

**Mr. Samuelson introduced--**

**S.F. No. 3154:** A bill for an act relating to taxation; property; modifying the senior citizens' property tax deferral program; amending Minnesota Statutes 1997 Supplement, sections 290B.03, subdivision 1; 290B.04, subdivisions 1, 3, and by adding a subdivision; 290B.05, subdivisions 1, 2, and 4; 290B.06; 290B.07; 290B.08, subdivision 2; and 290B.09, subdivision 1.

Referred to the Committee on Local and Metropolitan Government.

**Mr. Price introduced--**

**S.F. No. 3155:** A bill for an act relating to education; providing funding for the three additional days of student instruction mandated for the 1998-1999 school year; appropriating money.

Referred to the Committee on Children, Families and Learning.

**Mr. Price introduced--**

**S.F. No. 3156:** A bill for an act relating to education; modifying the eligibility for the alternative facilities program; appropriating money; amending Minnesota Statutes 1996, section 124.239, subdivision 1; Minnesota Statutes 1997 Supplement, section 124.239, subdivisions 5, 5a, and 5b.

Referred to the Committee on Children, Families and Learning.

**Mr. Price introduced--**

**S.F. No. 3157:** A bill for an act relating to education; enhancing funding for class size reduction; providing full equalization of school district debt service levies; appropriating money; amending Minnesota Statutes 1996, section 124.95, subdivision 4; Minnesota Statutes 1997 Supplement, section 124.961; proposing coding for new law in Minnesota Statutes, chapter 124A.

Referred to the Committee on Children, Families and Learning.

**Mr. Price introduced--**

**S.F. No. 3158:** A bill for an act relating to education; providing site-based funding for full-day kindergarten, technology enhancements, and gifted and talented programming; appropriating money; amending Minnesota Statutes 1996, section 124A.22, by adding a subdivision; Minnesota Statutes 1997 Supplement, section 124A.22, subdivision 1.

Referred to the Committee on Children, Families and Learning.

**Mr. Scheevel introduced--**

**S.F. No. 3159:** A bill for an act relating to education; modifying building construction down payment program; amending Minnesota Statutes 1996, section 124.82, subdivision 3, and by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

**Mr. Scheevel introduced--**

**S.F. No. 3160:** A bill for an act relating to education; authorizing a levy for extracurricular activities; amending Minnesota Statutes 1996, section 124.912, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

**Mr. Price, Ms. Krentz, Mr. Laidig and Ms. Johnson, J.B. introduced--**

**S.F. No. 3161:** A bill for an act relating to metropolitan government; authorizing state funding for acquisition and betterment of regional recreation open space lands by the metropolitan council and metropolitan area local government units; authorizing the issuance of state bonds; appropriating money.

Referred to the Committee on Environment and Natural Resources.

**Mr. Metzen introduced--**

**S.F. No. 3162:** A bill for an act relating to judges; authorizing a judge whose term of office expires six months or less before the age of 65 to remain in office until age 65; amending Minnesota Statutes 1996, section 490.101, by adding a subdivision.

Referred to the Committee on Judiciary.

**Ms. Pappas introduced--**

**S.F. No. 3163:** A bill for an act relating to taxation; property; clarifying the rules applicable to the low-income housing class; changing penalties; providing for deposit of fees and penalties in the housing development fund; amending Minnesota Statutes 1997 Supplement, sections 273.126, subdivision 3; and 462A.071, subdivisions 2, 4, and 8.

Referred to the Committee on Local and Metropolitan Government.

**Ms. Pappas, Mr. Hottinger, Mses. Flynn, Kiscaden and Mr. Price introduced--**

**S.F. No. 3164:** A bill for an act relating to tobacco; increasing the tobacco tax and reducing taxes on hospitals, surgical centers, providers, and wholesale drug distributors; prohibiting tobacco advertisements and promotions in areas frequented by youth; prohibiting smoking in workplaces; providing that the deposit of partially burned cigarettes is littering; prescribing civil and criminal penalties; amending Minnesota Statutes 1996, sections 85.20, subdivision 6; 144.413, subdivision 2; 144.414, by adding subdivisions; 144.415; 169.42, subdivision 1; 169.421, subdivision 3; 295.52, subdivisions 1, 1a, 2, and 3; and 609.68; Minnesota Statutes 1997 Supplement, sections 297F.05, subdivisions 1 and 3; 297F.08, subdivision 7; 297F.09, subdivision 2; and 297F.10, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 325E; repealing

Minnesota Statutes 1996, sections 144.414, subdivision 1; and 144.415; Minnesota Statutes 1997 Supplement, section 295.52, subdivision 7.

Referred to the Committee on Health and Family Security.

**Mr. Lessard introduced--**

**S.F. No. 3165:** A bill for an act relating to human services; increasing the number of demonstration sites for people with disabilities; amending Minnesota Statutes 1997 Supplement, section 256B.77, subdivision 5, and by adding a subdivision.

Referred to the Committee on Health and Family Security.

**Mr. Johnson, D.H. introduced--**

**S.F. No. 3166:** A resolution memorializing Congress to support the admission of the Baltic States of Estonia, Latvia, and Lithuania to the North Atlantic Treaty.

Referred to the Committee on Governmental Operations and Veterans.

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

**S.F. No. 3167:** A bill for an act relating to consumer protection; regulating the pricing of grocery items; providing remedies; amending Minnesota Statutes 1996, section 325F.54; proposing coding for new law in Minnesota Statutes, chapter 325F.

Referred to the Committee on Commerce.

**Mr. Johnson, D.E. introduced--**

**S.F. No. 3168:** A bill for an act relating to appropriations; authorizing state bonds; appropriating money for a multipurpose center in Granite Falls.

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

**Mrs. Scheid introduced--**

**S.F. No. 3169:** A bill for an act relating to taxes; use tax; expanding the de minimis exemption for the use tax; amending Minnesota Statutes 1997 Supplement, section 297A.14, subdivision 4.

Referred to the Committee on Taxes.

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

**S.F. No. 3170:** A bill for an act relating to telecommunications; modifying voting requirements for extended area service within combined school districts; amending Laws 1997, chapter 59, section 1, subdivision 3.

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

**Mr. Kleis, by request, introduced--**

**S.F. No. 3171:** A bill for an act relating to financing of capital improvements; authorizing spending to acquire and to better public land and buildings and other public improvements of a capital nature; to finance operating deficits should they occur; authorizing local option taxes for the purpose of funding the Central Minnesota Events Center and related uses; authorizing issuance of bonds; appropriating money.

Referred to the Committee on Local and Metropolitan Government.

**Mr. Ten Eyck introduced--**

**S.F. No. 3172:** A bill for an act relating to taxation; property; increasing the valuation of agricultural homestead land subject to the reduced class rate; amending Minnesota Statutes 1997 Supplement, section 273.13, subdivision 23.

Referred to the Committee on Local and Metropolitan Government.

**Mr. Vickerman introduced--**

**S.F. No. 3173:** A bill for an act relating to education; modifying referendum authority for independent school district No. 2862, Jackson County Central.

Referred to the Committee on Children, Families and Learning.

**Mr. Ten Eyck introduced--**

**S.F. No. 3174:** A bill for an act relating to taxation; property; eliminating certain requirements for classification as commercial seasonal residential recreational property; amending Minnesota Statutes 1997 Supplement, section 273.13, subdivisions 22 and 25, as amended.

Referred to the Committee on Local and Metropolitan Government.

**Messrs. Solon; Kelly, R.C.; Metzen and Stevens introduced--**

**S.F. No. 3175:** A bill for an act relating to government operations; requiring the office of technology to study possible uses and benefits of biometrics.

Referred to the Committee on Governmental Operations and Veterans.

**Messrs. Marty and Foley introduced--**

**S.F. No. 3176:** A bill for an act relating to crime prevention; expanding reporting requirements for health professionals concerning injuries resulting from alcohol- or controlled substance-related accidents; expanding civil and criminal immunity for reports by health professionals; amending Minnesota Statutes 1996, sections 626.52; and 626.55, subdivision 1; repealing Minnesota Statutes 1996, section 626.55, subdivision 2.

Referred to the Committee on Crime Prevention.

**Mr. Betzold introduced--**

**S.F. No. 3177:** A bill for an act relating to government data practices; modifying the definition of parking space leasing data; amending Minnesota Statutes 1997 Supplement, section 13.37, subdivision 1.

Referred to the Committee on Judiciary.

**Messrs. Moe, R.D.; Langseth and Stumpf introduced--**

**S.F. No. 3178:** A bill for an act relating to taxation; authorizing the wild rice watershed district to use the proceeds of its levy for flood mitigation projects; amending Laws 1992, chapter 511, article 2, section 52, as amended.

Referred to the Committee on Taxes.

**Mr. Vickerman introduced--**

**S.F. No. 3179:** A bill for an act relating to education; appropriating money for the Southwest Telecommunications Cooperative to establish a telecommunications network.

Referred to the Committee on Children, Families and Learning.

**Messrs. Morse, Ten Eyck, Hottinger, Murphy and Kleis introduced--**

**S.F. No. 3180:** A bill for an act relating to education; changing the calculation of student financial aid by excluding a portion of any Pell grant; appropriating money; amending Minnesota Statutes 1997 Supplement, section 136A.121, subdivision 5.

Referred to the Committee on Children, Families and Learning.

**Mr. Beckman and Ms. Anderson introduced--**

**S.F. No. 3181:** A bill for an act relating to economic development; changing the requirements for a study of job-training programs; amending Laws 1997, chapter 200, article 1, section 33, by adding subdivisions.

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

**Mr. Beckman and Ms. Anderson introduced--**

**S.F. No. 3182:** A bill for an act relating to employment; appropriating money for grants to encourage women to enter nontraditional careers; establishing requirements for grant recipients; requiring state-funded employment and training programs to provide certain information.

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

**Mr. Ten Eyck introduced--**

**S.F. No. 3183:** A bill for an act relating to capital improvements; appropriating money for improvements to the Heartland trail; authorizing the sale of state bonds.

Referred to the Committee on Environment and Natural Resources.

**Mr. Johnson, D.E. introduced--**

**S.F. No. 3184:** A bill for an act relating to appropriations; appropriating money for a grant to the city of Stewart.

Referred to the Committee on Environment and Natural Resources.

**Mr. Johnson, D.E. introduced--**

**S.F. No. 3185:** A bill for an act relating to appropriations; authorizing state bonds; appropriating money for a wastewater treatment facility in Renville.

Referred to the Committee on Environment and Natural Resources.

**Mr. Novak introduced--**

**S.F. No. 3186:** A bill for an act relating to child care; modifying self-employment eligibility for basic sliding fee child care; amending Minnesota Statutes 1996, section 119B.10, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

**Messrs. Frederickson, Price, Metzen and Ms. Robertson introduced--**

**S.F. No. 3187:** A bill for an act relating to the organization and operation of state government;



modifying provisions relating to state government operations; modifying budget preparation provisions; amending Minnesota Statutes 1996, sections 3.3005, by adding a subdivision; 16A.055, subdivision 6; 16A.10, as amended; 16A.102, subdivisions 1 and 2; 16A.105; 16A.11, subdivisions 3 and 3a; 16A.501; 16A.72; 16B.04, subdivision 4; 16B.30; 17.03, subdivision 11; 43A.04, subdivision 1a; 45.012; 84.027, subdivision 14; 116.03, subdivision 2a; 116J.011; 144.05, subdivision 2; 174.02, subdivision 1a; 175.001, subdivision 6; 190.09, subdivision 2; 196.05, subdivision 2; 216A.07, subdivision 6; 268.0122, subdivision 6; 270.02, subdivision 3a; 299A.01, subdivision 1a; and 363.05, subdivision 3; Minnesota Statutes 1997 Supplement, sections 3.986, subdivisions 2 and 4; 3.987, subdivisions 1 and 2; 3.988, subdivision 3; 3.989, subdivision 2; 16A.103, subdivision 1; 16A.11, subdivision 1; 16A.641, subdivision 4; 120.0111; 241.01, subdivision 3b; 245.03, subdivision 2; and 273.1398, subdivision 8; Laws 1997, chapter 202, article 1, section 35, as amended; repealing Minnesota Statutes 1996, sections 3.971, subdivision 3; 15.90; 15.91; 15.92; Minnesota Statutes 1997 Supplement, sections 3.987, subdivision 3; 3.989, subdivisions 1, 3, and 4; 14.431; 16A.11, subdivisions 3b and 3c; and 241.015.

Referred to the Committee on Governmental Operations and Veterans.

**Mses. Anderson, Higgins, Mr. Novak, Ms. Johnson, J.B. and Mr. Johnson, D.H. introduced--**

**S.F. No. 3188:** A bill for an act relating to employment; extending parenting leave requirements; amending Minnesota Statutes 1996, section 181.941, subdivisions 1 and 2.

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

**Messrs. Novak; Johnson, D.H.; Dille; Scheevel and Ourada introduced--**

**S.F. No. 3189:** A bill for an act relating to utilities; requiring legislative electric energy task force to establish technical advisory committee on electric restructuring; requiring advisory committee to issue reports; establishing duties for public utilities commission and department of public service.

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

**Mrs. Lourey, Ms. Higgins and Mr. Janezich introduced--**

**S.F. No. 3190:** A bill for an act relating to child care; modifying self-employment eligibility for basic sliding fee child care; amending Minnesota Statutes 1996, section 119B.10, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

**Messrs. Novak; Johnson, D.H. and Larson introduced--**

**S.F. No. 3191:** A bill for an act relating to economic security; appropriating money for the continuation of the welfare-to-work extended employment partnership program.

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

**Mr. Johnson, D.J. introduced--**

**S.F. No. 3192:** A bill for an act relating to insurance; mandating coverage for smoking cessation; proposing coding for new law in Minnesota Statutes, chapter 62Q.

Referred to the Committee on Commerce.

**Mr. Johnson, D.J. introduced--**

**S.F. No. 3193:** A bill for an act relating to taxation; providing an income tax credit for

collectors of used motor oil and used motor oil filters; amending Minnesota Statutes 1996, section 290.06, by adding a subdivision.

Referred to the Committee on Taxes.

**Mr. Johnson, D.J. introduced--**

**S.F. No. 3194:** A bill for an act relating to income tax administration; appropriating money for grants to nonprofit entities to facilitate the delivery of volunteer assistance to low-income taxpayers.

Referred to the Committee on Taxes.

**Mrs. Pariseau introduced--**

**S.F. No. 3195:** A bill for an act relating to Goodhue county; providing a sales tax exemption for construction materials used to construct a law enforcement center; authorizing a special levy for the costs of increased staff required to operate a new detention facility.

Referred to the Committee on Taxes.

**Mrs. Pariseau, Messrs. Laidig; Vickerman; Johnson, D.J. and Dille introduced--**

**S.F. No. 3196:** A bill for an act relating to taxation; exempting sales to political subdivisions from sales tax; amending Minnesota Statutes 1996, section 297A.47; Minnesota Statutes 1997 Supplement, section 297A.25, subdivision 11.

Referred to the Committee on Taxes.

**Mrs. Pariseau, Mr. Laidig, Ms. Lesewski, Messrs. Vickerman and Dille introduced--**

**S.F. No. 3197:** A bill for an act relating to taxation; changing the general rate of the sales and use tax and the sales tax on motor vehicles from 6.5 percent to 6 percent; amending Minnesota Statutes 1996, section 297A.02, subdivision 1.

Referred to the Committee on Taxes.

**Ms. Krentz, Messrs. Price, Wiger and Ms. Hanson introduced--**

**S.F. No. 3198:** A bill for an act relating to education; waiving compliance with state statutes and rules for school districts receiving less than an inflationary increase in state aid per pupil; amending Minnesota Statutes 1996, section 124A.22, by adding a subdivision.

Referred to the Committee on Children, Families and Learning.

**Ms. Kiscaden, Messrs. Larson, Kleis and Morse introduced--**

**S.F. No. 3199:** A bill for an act relating to higher education; establishing a trust fund to finance aid to students; providing powers governing the fund; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 136A.

Referred to the Committee on Children, Families and Learning.

**Ms. Kiscaden, Mr. Oliver, Ms. Robertson and Mr. Stevens introduced--**

**S.F. No. 3200:** A bill for an act relating to health; allowing payments to be made for the employee share of employer-subsidized insurance for children; requiring the commissioner of human services to submit a plan to obtain funding under the state children's health insurance program; amending Minnesota Statutes 1997 Supplement, section 256L.07, subdivisions 2 and 3; proposing coding for new law as Minnesota Statutes, chapter 256M.

Referred to the Committee on Health and Family Security.

**Messrs. Kelly, R.C. and Beckman introduced--**

**S.F. No. 3201:** A bill for an act relating to appropriations; providing funds for the Board of Inventions.

Referred to the Committee on Crime Prevention.

**Mses. Pappas, Piper, Mrs. Fischbach and Mr. Johnson, D.E. introduced--**

**S.F. No. 3202:** A bill for an act relating to a health occupation; creating an exemption to the midwifery licensure; amending Minnesota Statutes 1996, section 147.09; proposing coding for new law in Minnesota Statutes, chapter 148.

Referred to the Committee on Health and Family Security.

**Mr. Foley introduced--**

**S.F. No. 3203:** A bill for an act relating to health; expanding coverage of rehabilitation services under general assistance medical care; amending Minnesota Statutes 1996, section 256D.03, subdivision 4.

Referred to the Committee on Health and Family Security.

**Ms. Olson and Mr. Belanger introduced--**

**S.F. No. 3204:** A bill for an act relating to the city of Delano; authorizing the city to elect a local contribution for a tax increment financing district.

Referred to the Committee on Local and Metropolitan Government.

**ADJOURNMENT**

Mr. Moe, R.D. moved that the Senate do now adjourn until 8:00 a.m., Thursday, February 12, 1998. The motion prevailed.

Patrick E. Flahaven, Secretary of the Senate



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