

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 2000

EIGHTY-FIFTH DAY

SAINT PAUL, MINNESOTA, THURSDAY, MARCH 9, 2000

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor Stan Weese, North Center Baptist Church, Brooklyn Park, Minnesota.

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

The roll was called and the following members were present:

Abeler	Dorn	Holsten	Lindner	Paulsen	Storm
Abrams	Entenza	Howes	Luther	Pawlenty	Swapinski
Anderson, B.	Erhardt	Huntley	Mahoney	Paymar	Swenson
Anderson, I.	Erickson	Jaros	Mares	Pelowski	Sykora
Bakk	Finseth	Jennings	Mariani	Peterson	Tingelstad
Bishop	Folliard	Johnson	Marko	Pugh	Tomassoni
Boudreau	Fuller	Juhnke	McCollum	Rest	Trimble
Bradley	Gerlach	Kahn	McGuire	Reuter	Tuma
Broecker	Gleason	Kalis	Milbert	Rhodes	Tunheim
Buesgens	Goodno	Kelliher	Molnau	Rifenberg	Van Dellen
Carlson	Gray	Kielkucki	Mulder	Rostberg	Vandever
Carruthers	Greenfield	Knoblach	Mullery	Rukavina	Wagenius
Cassell	Greiling	Koskinen	Murphy	Schumacher	Wejcmán
Chaudhary	Gunther	Krinkie	Ness	Seagren	Wenzel
Clark, J.	Haake	Kubly	Nornes	Seifert, J.	Westerberg
Clark, K.	Haas	Kuisle	Olson	Seifert, M.	Westfall
Daggett	Hackbarth	Larsen, P.	Opatz	Skoe	Westrom
Davids	Harder	Larson, D.	Orfield	Skoglund	Wilkin
Dawkins	Hasskamp	Leighton	Osskopp	Smith	Winter
Dehler	Hausman	Lenczewski	Osthoff	Solberg	Wolf
Dempsey	Hilty	Leppik	Otremba	Stanek	Workman
Dorman	Holberg	Lieder	Ozment	Stang	Spk. Sviggum

A quorum was present.

Biernat was excused.

McElroy was excused until 3:45 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. Dehler moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

REPORTS OF STANDING COMMITTEES

Workman from the Committee on Transportation Policy to which was referred:

H. F. No. 857, A bill for an act relating to transportation; making seat belt violation a primary offense; amending Minnesota Statutes 1998, section 169.686, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 169.686, subdivision 1, is amended to read:

Subdivision 1. [SEAT BELT REQUIREMENT.] A properly adjusted and fastened seat belt, including both the shoulder and lap belt when the vehicle is so equipped, shall be worn by:

- (1) the driver of a passenger vehicle or commercial motor vehicle;
- (2) a passenger riding in the front seat of a passenger vehicle or commercial motor vehicle; and
- (3) a passenger riding in any seat of a passenger vehicle who is older than three but younger than ~~11~~ 18 years of age.

A person who is 15 years of age or older and who violates clause (1) or (2) is subject to a fine of \$25. The driver of the passenger vehicle or commercial motor vehicle in which the violation occurred is subject to a \$25 fine for a violation of clause (2) or (3) by a child of the driver under the age of 15 or any child under the age of 11. ~~A peace officer may not issue a citation for a violation of this section unless the officer lawfully stopped or detained the driver of the motor vehicle for a moving violation other than a violation involving motor vehicle equipment. The department of public safety shall not record a violation of this subdivision on a person's driving record.~~

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective June 1, 2000, and applies to violations committed on and after that date."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Crime Prevention.

The report was adopted.

Broecker from the Committee on Judiciary Finance to which was referred:

H. F. No. 1571, A bill for an act relating to marriage; providing for covenant marriages; amending Minnesota Statutes 1998, sections 517.08, subdivision 1a, and by adding a subdivision; and 517.10; proposing coding for new law in Minnesota Statutes, chapters 517; and 518.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 517.08, subdivision 1a, is amended to read:

Subd. 1a. [GENERAL INFORMATION.] Application for a marriage license shall be made upon a form provided for the purpose and shall contain the following information:

- (1) the full names of the parties and the sex of each party;
- (2) their post office addresses and county and state of residence;
- (3) their full ages;
- (4) if either party has previously been married, the party's married name, and the date, place and court in which the marriage was dissolved or annulled or the date and place of death of the former spouse;
- (5) if either party is a minor, the name and address of the minor's parents or guardian;
- (6) whether the parties are related to each other, and, if so, their relationship;
- (7) the name and date of birth of any child of which both parties are parents, born before the making of the application, unless their parental rights and the parent and child relationship with respect to the child have been terminated;
- (8) address of the bride and groom after the marriage to which the court administrator shall send a certified copy of the marriage certificate; ~~and~~
- (9) the full names the parties will have after marriage and the parties' social security numbers. The social security numbers must be collected for the application but must not appear on the marriage license; and
- (10) an acknowledgment, over the signature of both parties, that they are aware of the covenant marriage option under Minnesota law and jointly designate their marriage as either a "covenant marriage" or a "standard marriage"; if the parties are entering into a covenant marriage, the application form also must include the provisions required under subdivision 4.

The court administrator or county designee shall give the parties who apply for a marriage license a copy of the informational pamphlet on the covenant marriage option developed by the office of the attorney general under section 518.066.

Sec. 2. Minnesota Statutes 1998, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. [TERM OF LICENSE; FEE.] The court administrator shall examine upon oath ~~the party~~ both parties applying for a license relative to the legality of the contemplated marriage. If at the expiration of a five-day period, on being satisfied that there is no legal impediment to it, the court administrator shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance. The license must indicate whether or not the marriage will be a covenant marriage. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the district court of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The court administrator shall collect from the applicant a fee of \$70 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the court administrator for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A court administrator who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

Sec. 3. Minnesota Statutes 1998, section 517.08, is amended by adding a subdivision to read:

Subd. 4. [COVENANT MARRIAGE; ADDITIONAL APPLICATION REQUIREMENTS.] (a) If the parties applying for a marriage license intend to enter into a covenant marriage, their application must include a declaration of intent to enter into a covenant marriage and a signed statement from the educator who provided the premarital education as required under section 517.25, subdivision 1, confirming that it was received. The declaration of intent to enter into a covenant marriage must include the signature of both parties or, if one or both of the parties are minors, the signed written consent of those persons required to consent to or authorize their marriage.

(b) The declaration of intent to enter into a covenant marriage must be in the following form:

"We, [names of both parties], solemnly declare our intent to enter into a covenant marriage under Minnesota law and we agree to live together as husband and wife as long as we both live. We have chosen each other carefully and voluntarily give up the right to a no-fault dissolution of our marriage. We have received the premarital education required under law, which included the use of a premarital inventory, a discussion of the seriousness of marriage and that it is a commitment for life, the teaching of communication skills and conflict management skills, and a discussion of the obligation to seek marital counseling in times of marital difficulties. We have read the informational pamphlet on the covenant marriage act and understand that a covenant marriage is for life. If either of us experiences serious difficulties with the marriage, we accept the ethical responsibility to inform the other spouse about the extent of those problems in time for corrective action to be taken and will make all reasonable efforts to preserve our marriage, including marital counseling."

(c) The statement from the person who provided the premarital education must be in the following form:

"I, [name of educator], confirm that [names of both parties] received at least 12 hours of premarital education that complies with Minnesota Statutes, section 517.25, subdivision 1. I am a licensed or ordained minister, a person authorized to solemnize marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

Sec. 4. Minnesota Statutes 1998, section 517.10, is amended to read:

517.10 [CERTIFICATE; WITNESSES.]

The person solemnizing a marriage shall prepare and sign three certificates thereof. Each certificate shall contain the full names before and after marriage and county and state of residences of the parties and the date and place of the marriage. If the parties have entered into a covenant marriage, the certificate must indicate that fact. Each certificate shall also contain the signatures of at least two of the witnesses present at the marriage who shall be at least 16 years of age. The person solemnizing the marriage shall give each of the parties one such certificate, and shall immediately make a record of such marriage, and file one such certificate with the court administrator of the district court of the county in which the license was issued within five days after the ceremony. The court administrator shall record such certificate in a book kept for that purpose.

Sec. 5. [517.25] [COVENANT MARRIAGE OPTION.]

Subdivision 1. [REQUIREMENTS; PREMARITAL EDUCATION.] (a) A covenant marriage is a marriage entered into by one male and one female who agree that the marriage between them is a lifelong relationship. Only when there has been a breach of the marital covenant commitment, as provided in section 518.065, may a party seek a dissolution of the marriage.

(b) Parties to a covenant marriage must have received at least 12 hours of premarital education that is provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize marriages under section 517.18, or a person licensed to practice marriage and family therapy under section 148B.33. The education

must include the use of a premarital inventory, a discussion of the seriousness of marriage and that it is a commitment for life, the teaching of communication skills and conflict management skills, and a discussion of the obligation to seek marital counseling in times of marital difficulties.

Subd. 2. [PROCEDURE; EFFECT OF DECLARATION.] Parties may enter into a covenant marriage by complying with the application requirements under section 517.08, subdivision 4, including execution of a declaration of intent and a statement regarding premarital education. The commitments contained in the declaration of intent under this section or section 517.26 are aspirational only and a failure by a party to comply with a commitment in the declaration does not constitute grounds for dissolution of a covenant marriage beyond those contained in section 518.065.

Subd. 3. [OTHER RIGHTS NOT AFFECTED.] The existence of a covenant marriage under this section or section 517.26 does not preclude the parties from seeking a decree of legal separation and other appropriate relief, including child support, maintenance, property division, custody, visitation, and protective orders. A party to a covenant marriage may petition the court for a temporary order under section 518.131, regardless of whether a petition for dissolution or legal separation has been brought. The existence of a covenant marriage only affects the grounds for dissolution of the marriage, as provided in section 518.065.

Sec. 6. [517.26] [APPLICABILITY TO ALREADY MARRIED COUPLES.]

Subdivision 1. [PROCEDURES; FILING FEE.] (a) Married couples may designate their marriage as a covenant marriage by executing a declaration of intent under subdivision 2, paragraph (a), and providing a signed statement from the person who provided the education required under subdivision 2, paragraph (b), confirming that it was received. A certified copy of the couple's marriage certificate and an application to designate their marriage as a covenant marriage that contains the declaration of intent and the statement from the person who provided the education must be filed with the office of the court administrator or county designee who issued the couple's marriage license. If the couple was married outside of this state, the documents must be filed with the court administrator or designee in the county where the couple resides. The court administrator or county designee shall examine upon oath both parties applying to designate their marriage as a covenant marriage relative to the legality of their application. Upon payment of the filing fee, the court administrator or designee shall file the certified copy of the marriage certificate and attach the application to the certificate.

(b) The filing fee for designating a marriage as a covenant marriage is \$20. Of this amount, \$15 is to be retained by the county and \$5 is to be paid to the state treasurer to be deposited as follows:

(1) \$3 in the special revenue fund to be appropriated to the commissioner of children, families, and learning for supervised visitation facilities under section 119A.37; and

(2) \$2 in the special revenue fund to be appropriated to the commissioner of health for developing and implementing the MN ENABL program under section 145.9255.

Subd. 2. [DECLARATION OF INTENT; COUNSELING.] (a) A declaration of intent to designate a marriage as a covenant marriage must contain a recitation by the parties to the following effect:

"A COVENANT MARRIAGE

We, [names of both parties], solemnly declare that our marriage is a covenant marriage under Minnesota law and we agree to live together as husband and wife as long as we both live. We voluntarily give up the right to a no-fault dissolution of our marriage. We have received the education required by law, which included a discussion of the obligation to seek marital counseling in times of marital difficulties and an explanation of the exclusive grounds under law for dissolving a covenant marriage. We have read the informational pamphlet on the covenant marriage act, and we understand that a covenant marriage is for life. If either of us experiences serious difficulties with the marriage, we accept the ethical responsibility to inform the other spouse about the extent of those problems in time for corrective action to be taken and will make all reasonable efforts to preserve our marriage, including marital

counseling. With full knowledge of what this commitment means, we declare that our marriage will be bound by Minnesota law on covenant marriage and we promise to love, honor, and care for one another as husband and wife for the rest of our lives."

(b) The declaration of intent to designate a marriage as a covenant marriage must include the signature of both parties.

(c) Parties to a marriage that is designated as a covenant marriage must have received at least six hours of marital education from a licensed or ordained minister or the minister's designee, a person authorized to solemnize marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include a discussion of the seriousness of marriage and that it is a commitment for life, the teaching of communication and conflict management skills, a discussion of their intent to designate their marriage as a covenant marriage, and the obligation to seek marital counseling in times of marital difficulties.

(d) The statement from the person who provided the marital education must be in the following form:

"I, [name of educator], confirm that [names of both parties] received at least six hours of marital education that complies with Minnesota Statutes, section 517.26, subdivision 2. I am a licensed or ordained minister, a person authorized to solemnize marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

Sec. 7. Minnesota Statutes 1998, section 518.06, subdivision 1, is amended to read:

Subdivision 1. A dissolution of marriage is the termination of the marital relationship between a husband and wife. A decree of dissolution completely terminates the marital status of both parties. A legal separation is a court determination of the rights and responsibilities of a husband and wife arising out of the marital relationship. A decree of legal separation does not terminate the marital status of the parties. A dissolution of a marriage shall be granted by a ~~county or~~ district court when the court finds that there has been an irretrievable breakdown of the marriage relationship or, if the marriage is a covenant marriage, that grounds for dissolution of the marriage exist under section 518.065.

A decree of legal separation shall be granted when the court finds that one or both parties need a legal separation.

Defenses to divorce, dissolution and legal separation, including but not limited to condonation, connivance, collusion, recrimination, insanity, and lapse of time, are abolished.

Sec. 8. [518.065] [GROUNDS FOR DISSOLUTION OF COVENANT MARRIAGE; COUNSELING.]

Subdivision 1. [DISSOLUTION.] Notwithstanding any other law to the contrary, a spouse to a covenant marriage may obtain a judgment of dissolution only upon proof of any of the following:

- (1) the other spouse has committed adultery;
- (2) the other spouse has committed a felony and has been sentenced to imprisonment;
- (3) the other spouse has abandoned the matrimonial domicile for a period of one year and refuses to return;
- (4) the other spouse has physically or sexually abused the spouse seeking the dissolution or a child of one of the spouses; or
- (5) the spouses have been living separate and apart without reconciliation for a period of two years.

For purposes of clause (5), spouses are considered to have lived separate and apart regardless of brief interruptions of the separation for the purpose of pursuing possible reconciliation; sharing a home for economic reasons while sleeping in separate rooms; or participation in activities required in order to discharge mutual responsibilities to the couple's children, families, or community.

Subd. 2. [MARITAL COUNSELING; WHEN REQUIRED.] If the ground for dissolution of a covenant marriage is that the spouses have been living separate and apart for two years, as provided under subdivision 1, clause (5), the court shall order the parties to complete at least 12 hours of marital counseling that involves both spouses and emphasizes the principles of reconciliation. If the ground for dissolution is under subdivision 1, clauses (1) to (4), marital counseling is not required. The court may require the parties to pay an equal share of the cost of the counseling or apportion the cost between the parties based on their ability to pay. The counseling must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize marriages under section 517.18, or a person licensed to practice marriage and family therapy under section 148B.33. The court may waive all or part of the counseling requirement to the extent the parties have already received the required 12 hours of marital counseling within one year of the filing of the petition for dissolution.

Sec. 9. Minnesota Statutes 1999 Supplement, section 518.10, is amended to read:

518.10 [REQUISITES OF PETITION.]

The petition for dissolution of marriage or legal separation shall state and allege:

(a) the name, address, and, in circumstances in which child support or spousal maintenance will be addressed, social security number of the petitioner and any prior or other name used by the petitioner;

(b) the name and, if known, the address and, in circumstances in which child support or spousal maintenance will be addressed, social security number of the respondent and any prior or other name used by the respondent and known to the petitioner;

(c) the place and date of the marriage of the parties;

(d) in the case of a petition for dissolution, that either the petitioner or the respondent or both:

(1) has resided in this state for not less than 180 days immediately preceding the commencement of the proceeding, or

(2) has been a member of the armed services and has been stationed in this state for not less than 180 days immediately preceding the commencement of the proceeding, or

(3) has been a domiciliary of this state for not less than 180 days immediately preceding the commencement of the proceeding;

(e) the name at the time of the petition and any prior or other name, social security number, age, and date of birth of each living minor or dependent child of the parties born before the marriage or born or adopted during the marriage and a reference to, and the expected date of birth of, a child of the parties conceived during the marriage but not born;

(f) whether or not a separate proceeding for dissolution, legal separation, or custody is pending in a court in this state or elsewhere;

(g) in the case of a petition for dissolution, that there has been an irretrievable breakdown of the marriage relationship or, if the marriage is a covenant marriage, the grounds for dissolution of the marriage under section 518.065;

(h) in the case of a petition for legal separation, that there is a need for a decree of legal separation;

(i) any temporary or permanent maintenance, child support, child custody, disposition of property, attorneys' fees, costs and disbursements applied for without setting forth the amounts; and

(j) whether an order for protection under chapter 518B or a similar law of another state that governs the parties or a party and a minor child of the parties is in effect and, if so, the district court or similar jurisdiction in which it was entered.

The petition shall be verified by the petitioner or petitioners, and its allegations established by competent evidence.

Sec. 10. [518.066] [COVENANT MARRIAGE OPTION INFORMATIONAL PAMPHLET.]

The attorney general shall issue an informational pamphlet entitled "Covenant Marriage Option," outlining in detail the requirements for entering into a covenant marriage or designating an existing marriage as a covenant marriage, the implications of entering into a covenant marriage and the grounds for dissolution of a covenant marriage, and the legal differences between a covenant marriage and a standard marriage. The informational pamphlet must be made available to any person who provides marriage counseling or premarital education under sections 517.25 to 517.27 and must be available from court administrators or county designees who issue marriage licenses.

Sec. 11. [EFFECTIVE DATE.]

This act is effective January 1, 2001."

Delete the title and insert:

"A bill for an act relating to marriage; providing for optional covenant marriages; amending Minnesota Statutes 1998, sections 517.08, subdivisions 1a, 1b, and by adding a subdivision; 517.10; and 518.06, subdivision 1; Minnesota Statutes 1999 Supplement, section 518.10; proposing coding for new law in Minnesota Statutes, chapters 517; and 518."

With the recommendation that when so amended the bill be re-referred to the Committee on Ways and Means without further recommendation.

The report was adopted.

Ozment from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 2447, A bill for an act relating to natural resources; modifying provisions for recreational vehicle, hunting, and firearm training courses; appropriating money; amending Minnesota Statutes 1998, sections 84.791, subdivisions 2 and 3; 84.86, subdivision 1; 84.925, subdivision 1; 97B.015, subdivisions 2 and 4; and 97B.025.

Reported the same back with the following amendments:

Pages 1 and 2, delete section 1

Pages 2 to 4, delete section 3 and insert:

"Sec. 2. Minnesota Statutes 1999 Supplement, section 84.86, subdivision 1, is amended to read:

Subdivision 1. With a view of achieving maximum use of snowmobiles consistent with protection of the environment the commissioner of natural resources shall adopt rules in the manner provided by chapter 14, for the following purposes:

- (1) Registration of snowmobiles and display of registration numbers.
- (2) Use of snowmobiles insofar as game and fish resources are affected.
- (3) Use of snowmobiles on public lands and waters, or on grant-in-aid trails.
- (4) Uniform signs to be used by the state, counties, and cities, which are necessary or desirable to control, direct, or regulate the operation and use of snowmobiles.
- (5) Specifications relating to snowmobile mufflers.
- (6) A comprehensive snowmobile information and safety education and training program, including but not limited to the preparation and dissemination of snowmobile information and safety advice to the public, the training of snowmobile operators, and the issuance of snowmobile safety certificates to snowmobile operators who successfully complete the snowmobile safety education and training course. For the purpose of administering such program and to defray expenses of training and certifying snowmobile operators, the commissioner enforcement division of the department of natural resources shall collect a fee from each person who receives the youth and young adult training or the adult training. The commissioner shall establish a fee that neither significantly over-recovers nor under-recovers costs, including overhead costs, involved in providing the services. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The commissioner shall deposit the fee fees must be deposited in the snowmobile trails and enforcement account and the amount thereof is appropriated annually to the commissioner enforcement division of the department of natural resources for the administration of such programs. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses. The commissioner shall cooperate with private organizations and associations, private and public corporations, and local governmental units in furtherance of the program established under this clause. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of snowmobile operators.
- (7) The operator of any snowmobile involved in an accident resulting in injury requiring medical attention or hospitalization to or death of any person or total damage to an extent of \$500 or more, shall forward a written report of the accident to the commissioner on such form as the commissioner shall prescribe. If the operator is killed or is unable to file a report due to incapacitation, any peace officer investigating the accident shall file the accident report within ten business days."

Page 6, delete section 7 and insert:

"Sec. 6. Minnesota Statutes 1999 Supplement, section 97B.025, is amended to read:

97B.025 [~~ADVANCED~~ HUNTER AND TRAPPER EDUCATION.]

The commissioner enforcement division of the department of natural resources may establish ~~advanced~~ education courses for hunters and trappers. The commissioner, with the approval of the commissioner of finance, may impose enforcement division shall collect a fee not to exceed \$10 for from each person attending an advanced education a course. The commissioner shall establish a fee that neither significantly over recovers nor under recovers costs, including overhead costs, involved in providing the services. The fee is not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The fees shall be deposited in the game and fish fund and the amount thereof is appropriated annually to the enforcement division of the department of natural resources for the administration of the program. In addition to the fee established by the commissioner, instructors may charge each person up to the established fee amount for class materials and expenses. School districts may cooperate with the commissioner and volunteer instructors to provide space for the classroom portion of the training."

Page 6, line 25, delete "7" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "subdivisions" and insert "subdivision"

Page 1, line 6, delete "2 and" and delete "84.86, subdivision 1;" and after the third semicolon, insert "and"

Page 1, line 7, delete "and 97B.025" and insert "Minnesota Statutes 1999 Supplement, sections 84B.86, subdivision 1; and 97B.025"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources Finance.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 2563, A bill for an act relating to liens; modifying mechanics' lien requirements and procedures; providing penalties; creating civil cause of action; authorizing attorney fees; amending Minnesota Statutes 1998, sections 514.011, subdivisions 1, 2, and 3; 514.02, subdivision 1, and by adding a subdivision; 514.08, subdivision 2; 514.14; and 514.73.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 514.02, subdivision 1, is amended to read:

Subdivision 1. [ACTS CONSTITUTING THEFT.] Proceeds of payments received by a person contributing to an improvement to real estate within the meaning of section 514.01 shall be held in trust by that person for the benefit of those persons who furnished the labor, skill, material, or machinery contributing to the improvement. Proceeds of the payment are not subject to garnishment, execution, levy, or attachment. Nothing contained in this subdivision shall require money to be placed in a separate account and not commingled with other money of the person receiving payment or create a fiduciary liability or tort liability on the part of any person receiving payment or entitle any person to an award of punitive damages among persons contributing to an improvement to real estate under section 514.01 for a violation of this subdivision. If a person, ~~on any improvement to real estate within the meaning of section 514.01,~~ fails to use the proceeds of ~~any~~ a payment made to that person ~~on account of such~~ for the improvement by the owner of such real estate or person having any improvement made, for the payment for labor, skill, material, and machinery contributed to ~~such the~~ improvement, knowing that the cost of ~~any such the~~ labor performed, or skill, material, or machinery furnished ~~for such improvement~~ remains unpaid, and who has not furnished to the person making such payment either a valid lien waiver ~~as to any unpaid labor performed, or skill, material, or machinery furnished for such improvement~~ under section 514.07, or a payment bond in the basic amount of the contract price for ~~such the~~ improvement, conditioned for the prompt payment to any person ~~or persons~~ entitled thereto for the performance of labor or the furnishing of skill, material, or machinery for the improvement, shall be guilty of theft of the proceeds of ~~such the~~ payment and ~~upon conviction shall be fined not more than \$3,000 or~~

imprisoned not more than one year, or both, is punishable under section 609.52. For an improvement to residential real estate as defined under section 326.83, subdivision 17, that requires the improvement to be made by a person licensed, or who should be licensed, under section 326.84:

(1) any officers, directors, or agents of the corporation responsible for the theft shall be guilty of theft of the proceeds; and

(2) proceeds of the payment, received as salary, dividend, loan repayment, capital distribution, or otherwise by any shareholder not responsible for the theft shall be a civil liability of the shareholder and may be recovered and restored as provided in subdivision 1a.

Sec. 2. Minnesota Statutes 1998, section 514.02, is amended by adding a subdivision to read:

Subd. 1a. [CIVIL ACTION.] A person injured by a violation of subdivision 1 may bring a civil action against the person who committed the theft and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney fees, and receive other relief as determined by the court, including, without limitation, equitable tracing.

Sec. 3. Minnesota Statutes 1998, section 550.37, is amended by adding a subdivision to read:

Subd. 25. [PROCEEDS FOR IMPROVEMENTS TO PROPERTY.] Proceeds of payments received by a person for labor, skill, material, or machinery contributing to an improvement to real property within the meaning of section 514.01.

Sec. 4. [EFFECTIVE DATE.]

Sections 1 and 2 are effective August 1, 2000, and apply to crimes committed on or after that date and civil claims for causes of action arising on or after that date."

Delete the title and insert:

"A bill for an act relating to liens; modifying mechanics' lien penalties; creating a civil cause of action; authorizing attorney fees; providing that proceeds are exempt from execution; imposing criminal penalties; amending Minnesota Statutes 1998, sections 514.02, subdivision 1, and by adding a subdivision; and 550.37, by adding a subdivision."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Crime Prevention.

The report was adopted.

Broecker from the Committee on Judiciary Finance to which was referred:

H. F. No. 2688, A bill for an act relating to crime; appropriating money to the Ramsey county attorney's office to establish and fund a domestic assault and child abuse prosecution unit.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"ARTICLE 1

PREDATORY OFFENDER REGISTRATION AND
COMMUNITY NOTIFICATION PROVISIONS

Section 1. Minnesota Statutes 1999 Supplement, section 243.166, subdivision 1, is amended to read:

Subdivision 1. [REGISTRATION REQUIRED.] (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section 609.185, clause (2); or

(ii) kidnapping under section 609.25; or

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; or 609.3451, subdivision 3; or

(iv) indecent exposure under section 617.23, subdivision 3; or

(2) the person was charged with or petitioned for falsely imprisoning a minor in violation of section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of section 609.352; using a minor in a sexual performance in violation of section 617.246; or possessing pictorial representations of minors in violation of section 617.247, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances; or

(3) the person was convicted of a predatory crime as defined in section 609.108, and the offender was sentenced as a patterned sex offender or the court found on its own motion or that of the prosecutor that the crime was part of a predatory pattern of behavior that had criminal sexual conduct as its goal; or

(4) the person was convicted of or adjudicated delinquent for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3).

(b) A person also shall register under this section if:

(1) the person was convicted of or adjudicated delinquent in another state for an offense that would be a violation of a law described in paragraph (a) if committed in this state;

(2) the person enters the state ~~as required in subdivision 3, paragraph (b) to reside, or to work or attend school;~~ and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration.

For purposes of this paragraph:

(i) "school" includes any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education, that the person is enrolled in on a full-time or part-time basis; and

(ii) "work" includes employment that is full time or part time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or ~~federal jurisdiction~~ the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or ~~federal jurisdiction~~ the United States;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state or ~~federal jurisdiction~~ the United States.

Sec. 2. Minnesota Statutes 1999 Supplement, section 243.166, subdivision 2, is amended to read:

Subd. 2. [NOTICE.] When a person who is required to register under subdivision 1, paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the court shall tell the person of the duty to register under this section and that, if the person fails to comply with the registration requirements, information about the offender may be made available to the public through electronic, computerized, or other accessible means. The court may not modify the person's duty to register in the pronounced sentence or disposition order. The court shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. The court shall forward the signed sex offender registration form, the complaint, and sentencing documents to the bureau of criminal apprehension. If a person required to register under subdivision 1, paragraph (a), was not notified by the court of the registration requirement at the time of sentencing or disposition, the assigned corrections agent shall notify the person of the requirements of this section. When a person who is required to register under subdivision 1, paragraph (c) or (d), is released from commitment, the treatment facility shall notify the person of the requirements of this section. The treatment facility shall also obtain the registration information required under this section and forward it to the bureau of criminal apprehension.

Sec. 3. Minnesota Statutes 1998, section 243.166, subdivision 3, is amended to read:

Subd. 3. [REGISTRATION PROCEDURE.] (a) A person required to register under this section shall register with the corrections agent as soon as the agent is assigned to the person. If the person does not have an assigned corrections agent or is unable to locate the assigned corrections agent, the person shall register with the law enforcement agency that has jurisdiction in the area of the person's residence.

(b) At least five days before the person starts living at a new address, including living in another state, the person shall give written notice of the new living address to the assigned corrections agent or to the law enforcement authority with which the person currently is registered. If the person will be living in a new state and that state has a registration requirement, the person shall also give written notice of the new address to the designated registration agency in the new state. The corrections agent or law enforcement authority shall, within two business days after receipt of this information, forward it to the bureau of criminal apprehension. The bureau of criminal apprehension shall, if it has not already been done, notify the law enforcement authority having primary jurisdiction in the community where the person will live of the new address. If the person is leaving the state, the bureau of criminal apprehension shall notify the registration authority in the new state of the new address.

(c) A person required to register under subdivision 1, paragraph (b), because the person is working or attending school in Minnesota shall register with the law enforcement agency that has jurisdiction in the area where the person works or attends school. In addition to other information required by this section, the person shall provide the address of the school or of the location where the person is employed. A person must comply with this paragraph within five days of beginning employment or school.

(d) A person required to register under this section who works or attends school outside of Minnesota shall register as a predatory offender in the state where the person works or attends school. The person's corrections agent, or if the person does not have an assigned corrections agent, the law enforcement authority that has jurisdiction in the area of the person's residence shall notify the person of this requirement.

Sec. 4. Minnesota Statutes 1999 Supplement, section 243.166, subdivision 4, is amended to read:

Subd. 4. [CONTENTS OF REGISTRATION.] (a) The registration provided to the corrections agent or law enforcement authority, must consist of a statement in writing signed by the person, giving information required by the bureau of criminal apprehension, a fingerprint card, and photograph of the person taken at the time of the person's release from incarceration or, if the person was not incarcerated, at the time the person initially registered under this section. The registration information also must include a written consent form signed by the person allowing a treatment facility to release information to a law enforcement officer about the person's admission to, or residence in, a treatment facility. Registration information on adults and juveniles may be maintained together notwithstanding section 260B.171, subdivision 3.

(b) For persons required to register under subdivision 1, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States, in addition to other information required by this section, the registration provided to the corrections agent or law enforcement authority must include the person's offense history and documentation of treatment received during the person's commitment. This documentation shall be limited to a statement of how far the person progressed in treatment during commitment.

(c) Within three days of receipt, the corrections agent or law enforcement authority shall forward the statement, fingerprint card, and photograph registration information to the bureau of criminal apprehension. The bureau shall ascertain whether the person has registered with the law enforcement authority where the person resides. If the person has not registered with the law enforcement authority, the bureau shall send one copy to that authority.

(e) (d) During the period a person is required to register under this section, the following shall apply:

(1) Each year, within 30 days of the anniversary date of the person's initial registration, The bureau of criminal apprehension shall mail a verification form to the last reported address of the person person's residence. This verification form shall provide notice to the offender that, if the offender does not return the verification form as required, information about the offender may be made available to the public through electronic, computerized, or other accessible means.

(2) The person shall mail the signed verification form back to the bureau of criminal apprehension within ten days after receipt of the form, stating on the form the current and last address of the person person's residence and other addresses required under subdivision 4a.

(3) If the person fails to mail the completed and signed verification form to the bureau of criminal apprehension within ten days after receipt of the form, the person shall be in violation of this section.

For persons required to register under subdivision 1, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States, the bureau shall comply with clause (1) at least four times each year. For all other persons required to register under this section, the bureau shall comply with clause (1) each year within 30 days of the anniversary date of the person's initial registration.

(e) When sending out a verification form, the bureau of criminal apprehension must determine whether the person to whom the verification form is being sent has signed a written consent form as provided for in paragraph (a). If the person has not signed such a consent form, the bureau of criminal apprehension must send a written consent form to the person along with the verification form. A person who receives this written consent form must return it to the bureau of criminal apprehension at the same time as the verification form.

(f) For the purposes of this subdivision, "treatment facility" means a residential facility, as defined in section 244.052, subdivision 1, and residential chemical dependency treatment programs and halfway houses licensed under chapter 245A, including, but not limited to, those facilities directly or indirectly assisted by any department or agency of the United States.

Sec. 5. Minnesota Statutes 1998, section 243.166, is amended by adding a subdivision to read:

Subd. 4a. [ADDITIONAL INFORMATION REQUIRED TO BE PROVIDED.] (a) A person required to register under this section shall provide to the corrections agent or law enforcement authority:

(1) the address of the person's primary residence;

(2) the addresses of all of the person's secondary residences, including all addresses used for residential or recreational purposes;

(3) the addresses of all property owned, leased, or rented by the person;

(4) the addresses of all locations where the person is employed;

(5) the addresses of all residences where the person resides while attending school; and

(6) the year, model, make, and color of all motor vehicles owned or regularly operated by the person.

(b) The person shall report to the agent or authority information required to be provided under paragraph (a), clauses (2) to (6), within five days of the date the clause becomes applicable. If because of a change in circumstances the clause no longer applies to previously reported information, the person shall immediately inform the agent or authority that the information is no longer valid.

Sec. 6. Minnesota Statutes 1998, section 243.166, subdivision 5, is amended to read:

Subd. 5. [CRIMINAL PENALTY.] A person required to register under this section who knowingly violates any of its provisions or intentionally provides false information to a corrections agent, law enforcement authority, or the bureau of criminal apprehension is guilty of a ~~gross misdemeanor~~ 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. A person convicted of or adjudicated delinquent for violating this section who previously has been convicted under this section is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

Sec. 7. Minnesota Statutes 1999 Supplement, section 243.166, subdivision 6, is amended to read:

Subd. 6. [REGISTRATION PERIOD.] (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), (d), and (e), a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18 ~~or 253B.185~~, the ten-year registration period does not include the period of commitment.

(b) Unless a longer registration period is required by law, a person required to register under this section who was initially assigned to risk level II or III under section 244.052 shall continue to comply with this section until 20 years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later.

(c) If a person required to register under this section fails to register following a change in residence, the commissioner of public safety may require the person to continue to register for an additional period of five years.

(d) If a person is incarcerated in a state correctional facility for any new offense or any violation of the person's supervised release or conditional release after the person first is required to register under this section, the person shall continue to register until ten years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

(e) A person shall continue to comply with this section for the life of that person:

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1, or any offense from another state or any federal offense similar to the offenses described in subdivision 1, and the person has a prior conviction or adjudication for an offense arising out of a separate course of conduct for which registration was required under subdivision 1, or an offense from another state or a federal offense similar to an offense described in subdivision 1;

(2) if the person is required to register based upon a conviction of or adjudication for delinquency for an offense under section 609.185, clause (2); 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g); or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the United States similar to the offenses described in this clause; or

(3) if the person is required to register under subdivision 1, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States.

Sec. 8. Minnesota Statutes 1998, section 243.166, subdivision 7, is amended to read:

Subd. 7. [USE OF INFORMATION.] Except as otherwise provided in ~~section~~ subdivision 7a and sections 244.052 and 299C.093, the information provided under this section is private data on individuals under ~~section 13.01~~ 13.02, subdivision 12. The information may be used only for law enforcement purposes.

Sec. 9. Minnesota Statutes 1998, section 243.166, is amended by adding a subdivision to read:

Subd. 7a. [AVAILABILITY OF INFORMATION ON OFFENDERS WHO ARE OUT OF COMPLIANCE WITH REGISTRATION LAW.] (a) The bureau of criminal apprehension may make information available to the public about offenders who are out of compliance with this section. This information may be made available to the public through electronic, computerized, or other accessible means. The amount and type of information made available shall be limited to the information necessary for the public to assist law enforcement in locating the offender.

(b) Before making information available to the public under paragraph (a), the bureau of criminal apprehension shall send a notice to an offender who is out of compliance with the law that information about the offender may be made public unless the offender complies with this section within ten days of the notice's postmark date. If the offender comes into compliance with this section within this time period, information about the offender shall not be made public, but the offender remains subject to the criminal penalties provided in subdivision 5.

(c) An offender who comes into compliance with this section after the bureau of criminal apprehension discloses information about the offender to the public may send a written request to the bureau requesting the bureau to treat information about the offender as private data, consistent with subdivision 7. The bureau shall review the request and promptly take reasonable action to treat the data as private, or promptly notify the offender that the information will continue to be treated as public information and the reasons for the bureau's decision.

(d) If an offender believes the information made public about the offender is inaccurate or incomplete, the offender may request the bureau of criminal apprehension to correct the information. If the bureau finds the information is inaccurate or incomplete, the bureau shall correct or supplement the information.

Sec. 10. [243.167] [REGISTRATION UNDER THE PREDATORY OFFENDER REGISTRATION LAW FOR OTHER OFFENSES.]

(a) In addition to the requirements of section 243.166, a person also shall register under section 243.166 if:

(1) the person is convicted of a crime against the person, as defined in paragraph (c); and

(2) the person was previously convicted of or adjudicated delinquent for an offense listed in section 243.166, subdivision 1, paragraph (a), but was not required to register for the offense because the registration requirements of that section did not apply to the person at the time the offense was committed or at the time the person was released from imprisonment.

(b) A person who was previously required to register under section 243.166 and who has completed the registration requirements of that section shall again register under section 243.166 if the person commits a crime against the person, as defined in paragraph (c).

(c) As used in this section, "crime against the person" means a violation of any of the following: section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.224, subdivision 2; 609.2242, subdivision 2 or 4; 609.235; 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision 2; 609.498, subdivision 1; 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of section 609.229; 609.377; 609.749; or 624.713.

Sec. 11. Minnesota Statutes 1998, section 244.052, as amended by Laws 1999, chapters 86, article 1, section 82; 216, article 6, sections 2, 3, 4, and 5; and 233, sections 4 and 5, is amended to read:

244.052 [~~SEX~~ PREDATORY OFFENDERS; NOTICE.]

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

(1) "confinement" means confinement in a state correctional facility or a state treatment facility;

(2) "law enforcement agency" means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release;

(3) "residential facility" means a facility that is licensed as a residential program, as defined in section 245A.02, subdivision 14, by the commissioner of human services under chapter 245A, or the commissioner of corrections under section 241.021, whose staff are trained in the supervision of sex offenders; and

(4) "~~sex predatory~~ offender" and "offender" mean a person who ~~has been:~~

~~(i) convicted of an offense for which registration under section 243.166 is required;~~

~~(ii) committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, regardless of whether the person was convicted of any offense; or~~

~~(iii) committed pursuant to a court commitment order under section 253B.18, under the circumstances described in section 243.166, subdivision 1, paragraph (d) is required to register as a predatory offender under section 243.166. However, the terms do not include persons required to register based solely on a delinquency adjudication.~~

Subd. 2. [RISK ASSESSMENT SCALE.] By January 1, 1997, the commissioner of corrections shall develop a risk assessment scale which assigns weights to the various risk factors listed in subdivision 3, paragraph (g), and specifies the risk level to which offenders with various risk assessment scores shall be assigned. In developing this scale, the commissioner shall consult with county attorneys, treatment professionals, law enforcement officials, and probation officers.

Subd. 3. [END-OF-CONFINEMENT REVIEW COMMITTEE.] (a) The commissioner of corrections shall establish and administer end-of-confinement review committees at each state correctional facility and at each state treatment facility where ~~sex~~ predatory offenders are confined. The committees shall assess on a case-by-case basis the public risk posed by ~~sex~~ predatory offenders who are about to be released from confinement.

(b) Each committee shall be a standing committee and shall consist of the following members appointed by the commissioner:

(1) the chief executive officer or head of the correctional or treatment facility where the offender is currently confined, or that person's designee;

(2) a law enforcement officer;

(3) a treatment professional who is trained in the assessment of sex offenders;

(4) a caseworker experienced in supervising sex offenders; and

(5) a victim's services professional.

Members of the committee, other than the facility's chief executive officer or head, shall be appointed by the commissioner to two-year terms. The chief executive officer or head of the facility or designee shall act as chair of the committee and shall use the facility's staff, as needed, to administer the committee, obtain necessary information from outside sources, and prepare risk assessment reports on offenders.

(c) The committee shall have access to the following data on a ~~sex~~ predatory offender only for the purposes of its assessment and to defend the committee's risk assessment determination upon administrative review under this section:

(1) private medical data under section 13.42 or 144.335, or welfare data under section 13.46 that relate to medical treatment of the offender;

(2) private and confidential court services data under section 13.84;

(3) private and confidential corrections data under section 13.85; and

(4) private criminal history data under section 13.87.

Data collected and maintained by the committee under this paragraph may not be disclosed outside the committee, except as provided under section 13.05, subdivision 3 or 4. The ~~sex~~ predatory offender has access to data on the offender collected and maintained by the committee, unless the data are confidential data received under this paragraph.

(d)(i) Except as otherwise provided in item (ii), at least 90 days before a ~~sex~~ predatory offender is to be released from confinement, the commissioner of corrections shall convene the appropriate end-of-confinement review committee for the purpose of assessing the risk presented by the offender and determining the risk level to which the offender shall be assigned under paragraph (e). The offender and the law enforcement agency that was responsible for the charge resulting in confinement shall be notified of the time and place of the committee's meeting. The offender has a right to be present and be heard at the meeting. The law enforcement agency may provide

material in writing that is relevant to the offender's risk level to the chair of the committee. The committee shall use the risk factors described in paragraph (g) and the risk assessment scale developed under subdivision 2 to determine the offender's risk assessment score and risk level. Offenders scheduled for release from confinement shall be assessed by the committee established at the facility from which the offender is to be released.

(ii) If an offender is received for confinement in a facility with less than 90 days remaining in the offender's term of confinement, the offender's risk shall be assessed at the first regularly scheduled end of confinement review committee that convenes after the appropriate documentation for the risk assessment is assembled by the committee. The commissioner shall make reasonable efforts to ensure that offender's risk is assessed and a risk level is assigned or reassigned at least 30 days before the offender's release date.

(e) The committee shall assign to risk level I a ~~sex~~ predatory offender whose risk assessment score indicates a low risk of reoffense. The committee shall assign to risk level II an offender whose risk assessment score indicates a moderate risk of reoffense. The committee shall assign to risk level III an offender whose risk assessment score indicates a high risk of reoffense.

(f) Before the ~~sex~~ predatory offender is released from confinement, the committee shall prepare a risk assessment report which specifies the risk level to which the offender has been assigned and the reasons underlying the committee's risk assessment decision. The committee shall give the report to the offender and to the law enforcement agency at least 60 days before an offender is released from confinement. If the risk assessment is performed under the circumstances described in paragraph (d), item (ii), the report shall be given to the offender and the law enforcement agency as soon as it is available. The committee also shall inform the offender of the availability of review under subdivision 6.

(g) As used in this subdivision, "risk factors" includes, but is not limited to, the following factors:

(1) the seriousness of the offense should the offender reoffend. This factor includes consideration of the following:

- (i) the degree of likely force or harm;
- (ii) the degree of likely physical contact; and
- (iii) the age of the likely victim;

(2) the offender's prior offense history. This factor includes consideration of the following:

- (i) the relationship of prior victims to the offender;
- (ii) the number of prior offenses or victims;
- (iii) the duration of the offender's prior offense history;
- (iv) the length of time since the offender's last prior offense while the offender was at risk to commit offenses; and
- (v) the offender's prior history of other antisocial acts;

(3) the offender's characteristics. This factor includes consideration of the following:

- (i) the offender's response to prior treatment efforts; and
- (ii) the offender's history of substance abuse;

(4) the availability of community supports to the offender. This factor includes consideration of the following:

(i) the availability and likelihood that the offender will be involved in therapeutic treatment;

(ii) the availability of residential supports to the offender, such as a stable and supervised living arrangement in an appropriate location;

(iii) the offender's familial and social relationships, including the nature and length of these relationships and the level of support that the offender may receive from these persons; and

(iv) the offender's lack of education or employment stability;

(5) whether the offender has indicated or credible evidence in the record indicates that the offender will reoffend if released into the community; and

(6) whether the offender demonstrates a physical condition that minimizes the risk of reoffense, including but not limited to, advanced age or a debilitating illness or physical condition.

(h) Upon the request of the law enforcement agency or the offender's corrections agent, the commissioner may reconvene the end-of-confinement review committee for the purpose of reassessing the risk level to which an offender has been assigned under paragraph (e). In a request for a reassessment, the law enforcement agency which was responsible for the charge resulting in confinement or agent shall list the facts and circumstances arising after the initial assignment or facts and circumstances known to law enforcement or the agent but not considered by the committee under paragraph (e) which support the request for a reassessment. The request for reassessment must occur within 30 days of receipt of the report indicating the offender's risk level assignment. Upon review of the request, the end-of-confinement review committee may reassign an offender to a different risk level. If the offender is reassigned to a higher risk level, the offender has the right to seek review of the committee's determination under subdivision 6.

(i) An offender may request the end-of-confinement review committee to reassess the offender's assigned risk level after ~~two~~ three years have elapsed since the committee's initial risk assessment and may renew the request once every two years following subsequent denials. In a request for reassessment, the offender shall list the facts and circumstances which demonstrate that the offender no longer poses the same degree of risk to the community. The committee shall follow the process outlined in paragraphs (a) to (e), and (g) in the reassessment. An offender who is incarcerated may not request a reassessment under this paragraph.

(j) The commissioner shall establish an end-of-confinement review committee to assign a risk level to offenders who are released from a federal correctional facility in Minnesota or another state and who intend to reside in Minnesota, and to offenders accepted from another state under a reciprocal agreement for parole supervision under the interstate compact authorized by section 243.16. The committee shall make reasonable efforts to conform to the same timelines as applied to Minnesota cases. Offenders accepted from another state under a reciprocal agreement for probation supervision are not assigned a risk level, but are considered downward dispositional departures. The probation or court services officer and law enforcement officer shall manage such cases in accordance with section 244.10, subdivision 2a. The policies and procedures of the committee for federal offenders and interstate compact cases must be in accordance with all requirements as set forth in this section, unless restrictions caused by the nature of federal or interstate transfers prevents such conformance.

(k) If the committee assigns a ~~sex~~ predatory offender to risk level III, the committee shall determine whether residency restrictions shall be included in the conditions of the offender's release based on the offender's pattern of offending behavior.

Subd. 4. [LAW ENFORCEMENT AGENCY; DISCLOSURE OF INFORMATION TO PUBLIC.] (a) The law enforcement agency in the area where the ~~sex~~ predatory offender resides, expects to reside, is employed, or is regularly found, shall disclose to the public any information regarding the offender contained in the report

forwarded to the agency under subdivision 3, paragraph (f), that is relevant and necessary to protect the public and to counteract the offender's dangerousness, consistent with the guidelines in paragraph (b). The extent of the information disclosed and the community to whom disclosure is made must relate to the level of danger posed by the offender, to the offender's pattern of offending behavior, and to the need of community members for information to enhance their individual and collective safety.

(b) The law enforcement agency shall employ the following guidelines in determining the scope of disclosure made under this subdivision:

(1) if the offender is assigned to risk level I, the agency may maintain information regarding the offender within the agency and may disclose it to other law enforcement agencies. Additionally, the agency may disclose the information to any victims of or witnesses to the offense committed by the offender. The agency shall disclose the information to victims of the offense committed by the offender who have requested disclosure;

(2) if the offender is assigned to risk level II, the agency also may disclose the information to agencies and groups that the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies and groups include the staff members of public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender. The agency also may disclose the information to individuals the agency believes are likely to be victimized by the offender. The agency's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the department of corrections or human services;

(3) if the offender is assigned to risk level III, the agency shall disclose the information to the persons and entities described in clauses (1) and (2) and to other members of the community whom the offender is likely to encounter, unless the law enforcement agency determines that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim.

Notwithstanding the assignment of a ~~sex~~ predatory offender to risk level II or III, a law enforcement agency may not make the disclosures permitted or required by clause (2) or (3), if: the offender is placed or resides in a residential facility. However, if an offender is placed or resides in a residential facility, the offender and the head of the facility shall designate the offender's likely residence upon release from the facility and the head of the facility shall notify the commissioner of corrections or the commissioner of human services of the offender's likely residence at least 14 days before the offender's scheduled release date. The commissioner shall give this information to the law enforcement agency having jurisdiction over the offender's likely residence. The head of the residential facility also shall notify the commissioner of corrections or human services within 48 hours after finalizing the offender's approved relocation plan to a permanent residence. Within five days after receiving this notification, the appropriate commissioner shall give to the appropriate law enforcement agency all relevant information the commissioner has concerning the offender, including information on the risk factors in the offender's history and the risk level to which the offender was assigned. After receiving this information, the law enforcement agency shall make the disclosures permitted or required by clause (2) or (3), as appropriate.

(c) As used in paragraph (b), clauses (2) and (3), "likely to encounter" means that:

(1) the organizations or community members are in a location or in close proximity to a location where the offender lives or is employed, or which the offender visits or is likely to visit on a regular basis, other than the location of the offender's outpatient treatment program; and

(2) the types of interaction which ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably certain.

(d) A law enforcement agency or official who discloses information under this subdivision shall make a good faith effort to make the notification within 14 days of receipt of a confirmed address from the department of corrections indicating that the offender will be, or has been, released from confinement, or accepted for supervision, or has moved to a new address and will reside at the address indicated. If a change occurs in the release plan, this notification provision does not require an extension of the release date.

(e) A law enforcement agency or official who discloses information under this subdivision shall not disclose the identity or any identifying characteristics of the victims of or witnesses to the offender's offenses.

(f) A law enforcement agency shall continue to disclose information on an offender as required by this subdivision for as long as the offender is required to register under section 243.166.

(g) A law enforcement agency that is disclosing information on an offender assigned to risk level III to the public under this subdivision shall inform the commissioner of corrections what information is being disclosed and forward this information to the commissioner within two days of the agency's determination. The commissioner shall post this information on the Internet as required in subdivision 4b.

Subd. 4a. [LEVEL III OFFENDERS; LOCATION OF RESIDENCE.] When an offender assigned to risk level III is released from confinement or a residential facility to reside in the community or changes residence while on supervised or conditional release, the agency responsible for the offender's supervision shall take into consideration the proximity of the offender's residence to that of other level III offenders and, to the greatest extent feasible, shall mitigate the concentration of level III offenders.

Subd. 4b. [LEVEL III OFFENDERS; MANDATORY POSTING OF INFORMATION ON INTERNET.] The commissioner of corrections shall create and maintain an Internet Web site and post on the site the information about offenders assigned to risk level III forwarded by law enforcement agencies under subdivision 4, paragraph (g). This information must be updated in a timely manner to account for changes in the offender's address and maintained for the period of time that the offender remains subject to community notification as a level III offender.

Subd. 5. [RELEVANT INFORMATION PROVIDED TO LAW ENFORCEMENT.] At least 60 days before a sex offender is released from confinement, the department of corrections or the department of human services, in the case of a person who was committed under section 253B.185 or Minnesota Statutes 1992, section 526.10, shall give to the law enforcement agency that investigated the offender's crime of conviction or, where relevant, the law enforcement agency having primary jurisdiction where the offender was committed, all relevant information that the departments have concerning the offender, including information on risk factors in the offender's history. Within five days after receiving the offender's approved release plan from the hearings and release unit, the appropriate department shall give to the law enforcement agency having primary jurisdiction where the offender plans to reside all relevant information the department has concerning the offender, including information on risk factors in the offender's history and the risk level to which the offender was assigned. If the offender's risk level was assigned under the circumstances described in subdivision 3, paragraph (d), item (ii), the appropriate department shall give the law enforcement agency all relevant information that the department has concerning the offender, including information on the risk factors in the offender's history and the offender's risk level within five days of the risk level assignment or reassignment.

Subd. 6. [ADMINISTRATIVE REVIEW.] (a) An offender assigned or reassigned to risk level II or III under subdivision 3, paragraph (e) or (h), has the right to seek administrative review of an end-of-confinement review committee's risk assessment determination. The offender must exercise this right within 14 days of receiving notice of the committee's decision by notifying the chair of the committee. Upon receiving the request for administrative review, the chair shall notify: (1) the offender; (2) the victim or victims of the offender's offense who have requested disclosure or their designee; (3) the law enforcement agency that investigated the offender's crime of conviction or, where relevant, the law enforcement agency having primary jurisdiction where the offender was committed; (4) the law enforcement agency having jurisdiction where the offender expects to reside, providing that the release plan has

been approved by the hearings and release unit of the department of corrections; and (5) any other individuals the chair may select. The notice shall state the time and place of the hearing. A request for a review hearing shall not interfere with or delay the notification process under subdivision 4 or 5, unless the administrative law judge orders otherwise for good cause shown.

(b) An offender who requests a review hearing must be given a reasonable opportunity to prepare for the hearing. The review hearing shall be conducted on the record before an administrative law judge. The review hearing shall be conducted at the correctional facility in which the offender is currently confined. If the offender no longer is incarcerated, the administrative law judge shall determine the place where the review hearing will be conducted. The offender has the burden of proof to show, by a preponderance of the evidence, that the end-of-confinement review committee's risk assessment determination was erroneous. The attorney general or a designee shall defend the end-of-confinement review committee's determination. The offender has the right to be present and be represented by counsel at the hearing, to present evidence in support of the offender's position, to call supporting witnesses and to cross-examine witnesses testifying in support of the committee's determination. Counsel for indigent offenders shall be provided by the Legal Advocacy Project of the state public defender's office.

(c) After the hearing is concluded, the administrative law judge shall decide whether the end-of-confinement review committee's risk assessment determination was erroneous and, based on this decision, shall either uphold or modify the review committee's determination. The judge's decision shall be in writing and shall include the judge's reasons for the decision. The judge's decision shall be final and a copy of it shall be given to the offender, the victim, the law enforcement agency, and the chair of the end-of-confinement review committee.

(d) The review hearing is subject to the contested case provisions of chapter 14.

(e) The administrative law judge may seal any portion of the record of the administrative review hearing to the extent necessary to protect the identity of a victim of or witness to the offender's offense.

Subd. 7. [IMMUNITY FROM LIABILITY.] (a) A state or local agency or official, or a private organization or individual authorized to act on behalf of a state or local agency or official, is not ~~civily~~ or criminally liable for disclosing or failing to disclose information as permitted by this section.

(b) A state or local agency or official, or a private organization or individual authorized to act on behalf of a state or local agency or official, is not civilly liable for failing to disclose information under this section.

(c) A state or local agency or official, or a private organization or individual authorized to act on behalf of a state or local agency or official, is not civilly liable for disclosing information as permitted by this section. However, this paragraph applies only to disclosure of information that is consistent with the offender's conviction history. It does not apply to disclosure of information relating to conduct for which the offender was not convicted.

Subd. 8. [LIMITATION ON SCOPE.] Nothing in this section imposes a duty upon a person licensed under chapter 82, or an employee of the person, to disclose information regarding an offender who is required to register under section 243.166, or about whom notification is made under this section.

Sec. 12. [299C.093] [DATABASE OF REGISTERED PREDATORY OFFENDERS.]

The superintendent of the bureau of criminal apprehension shall maintain a computerized data system relating to individuals required to register as predatory offenders under section 243.166. To the degree feasible, the system must include the information required to be provided under section 243.166, subdivision 4, and indicate the time period that the person is required to register. The superintendent shall maintain this information in a manner that ensures that it is readily available to law enforcement agencies. This information is private data on individuals under section 13.02, subdivision 12, but may be used for law enforcement and corrections purposes.

Sec. 13. Minnesota Statutes 1998, section 244.10, subdivision 2a, is amended to read:

Subd. 2a. [NOTICE OF INFORMATION REGARDING ~~SEX~~ PREDATORY OFFENDERS.] (a) Subject to paragraph (b), in any case in which a person is convicted of an offense which requires registration under section 243.166, subdivision 1, and the presumptive sentence under the sentencing guidelines is commitment to the custody of the commissioner of corrections, if the court grants a dispositional departure and stays imposition or execution of sentence, the probation or court services officer who is assigned to supervise the offender shall provide in writing to the following the fact that the offender is on probation and the terms and conditions of probation:

(1) a victim of and any witnesses to the offense committed by the offender, if the victim or the witness has requested notice; and

(2) the chief law enforcement officer in the area where the offender resides or intends to reside.

The law enforcement officer, in consultation with the offender's probation officer, may provide all or part of this information to any of the following agencies or groups the offender is likely to encounter: public and private educational institutions, day care establishments, and establishments or organizations that primarily serve individuals likely to be victimized by the offender.

The probation officer is not required under this subdivision to provide any notice while the offender is placed or resides in a residential facility that is licensed under section 245A.02, subdivision 14, or 241.021, if the facility staff is trained in the supervision of sex offenders.

(b) Paragraph (a) applies only to offenders required to register under section 243.166, as a result of the conviction.

(c) The notice authorized by paragraph (a) shall be limited to data classified as public under section 13.84, subdivision 6, unless the offender provides informed consent to authorize the release of nonpublic data or unless a court order authorizes the release of nonpublic data.

~~(c)~~ (d) Nothing in this subdivision shall be interpreted to impose a duty on any person to use any information regarding an offender about whom notification is made under this subdivision.

Sec. 14. [APPROPRIATIONS; BUREAU OF CRIMINAL APPREHENSION.]

Subdivision 1. [CRIMINAL APPREHENSION.] \$1,082,000 is appropriated from the general fund to the superintendent of the bureau of criminal apprehension for the fiscal year ending June 30, 2001. Of this amount:

(1) \$70,000 is for a technology systems position;

(2) \$45,000 is for a criminal justice information systems training position;

(3) \$128,000 is for two additional criminal assessment unit agents;

(4) \$148,000 is for three criminal intelligence analyst positions;

(5) \$144,000 is for four clerical positions; and

(6) \$547,000 is for costs related to interfacing the state system with the national sex offender registry, software development and implementation, a system design consultant, office supplies and expenses, and sex offender registration costs. Positions funded by this appropriation may not supplant existing services.

Sec. 15. [APPROPRIATIONS; COMMISSIONER OF CORRECTIONS.]

\$7,697,000 is appropriated from the general fund to the commissioner of corrections for the biennium ending June 30, 2001. Of this amount:

(1) \$1,500,000 is to increase the number of probation officers managing intensive supervised release caseloads. The commissioner will distribute these funds proportionately based on current unmet needs including areas of the state that are not currently served by an intensive supervised release caseload;

(2) \$6,000,000 is for enhanced supervision of adult felony sex offenders by employing additional probation officers to reduce the caseloads of probation officers supervising sex offenders on probation/supervised release. The commissioner shall determine statewide eligibility for these funds according to the formula contained in Minnesota Statutes, section 401.10. Each Community Corrections Act jurisdiction and the department's probation and supervised release unit must submit to the commissioner an analysis of need along with a plan to meet these needs and reduce adult felony sex offender caseloads. Upon approval of the plans, the noncommunity corrections act portion of these funds will be appropriated to the department and the distribution will be based on statewide need. The Community Corrections Act funds will be disbursed as grants to each Community Corrections Act jurisdiction. These appropriations may not be used to supplant existing state or county probation officer positions;

(3) \$162,000 is for costs associated with complying with Minnesota Statutes, section 244.052; and

(4) \$35,000 is for costs associated with the bed impact of this bill.

Sec. 16. [TRANSFER OF AGENTS.]

The superintendent of the bureau of criminal apprehension shall transfer two agents from within the bureau to the criminal assessment unit to increase the unit's complement by two positions. The superintendent also shall transfer two agents from the gang strike force to other positions within the bureau, decreasing the gang strike force's complement by two positions.

Sec. 17. [EFFECTIVE DATE.]

Sections 2, 8, and 9, and the provisions of section 4 that pertain to making information available to the public through electronic, computerized, or other accessible means are effective August 1, 2000, and apply to offenders who are out of compliance with Minnesota Statutes, section 243.166, on or after that date.

The provisions of section 4 that relate to a written consent form for release of information from a treatment facility are effective July 1, 2000, and apply to offenders currently registered under Minnesota Statutes, section 243.166, and to offenders who are required to register under that section on or after that date.

Section 6 is effective January 1, 2001, and applies to crimes committed on or after that date.

The provisions of section 7 that pertain to lifetime registration are effective July 1, 2000, and apply to persons who commit offenses requiring lifetime registration on or after that date.

The following provisions are effective August 1, 2000, and apply to crimes committed on or after that date and to crimes committed before that date if the person has not been released or discharged from sentence before August 1, 2000: (1) the provision of section 7 requiring level II and III offenders to register for 20 years; and (2) section 10, except for the provision in Minnesota Statutes, section 243.167, paragraph (b).

The remaining provision in section 10 is effective August 1, 2000, and applies to crimes committed on or after that date.

The following provisions are effective August 1, 2000, and apply to all offenders classified at risk level III and subject to community notification under Minnesota Statutes, section 244.052, on or after that date: section 12 and the provisions of section 11 that relate to mandatory posting of information on the Internet. The remainder of sections 11 and 13 are effective July 1, 2000, and apply to persons released from confinement or sentenced on or after that date.

ARTICLE 2

NAME CHANGE PROVISIONS

Section 1. Minnesota Statutes 1998, section 259.11, is amended to read:

259.11 [ORDER; FILING COPIES.]

(a) Upon meeting the requirements of section 259.10, the court ~~shall~~ may grant the application unless: (1) it finds that there is an intent to defraud or mislead; (2) section 259.13 prohibits granting the name change; or (3) in the case of the change of a minor child's name, the court finds that such name change is not in the best interests of the child. The court shall set forth in the order the name and age of the applicant's spouse and each child of the applicant, if any, and shall state a description of the lands, if any, in which the applicant and the spouse and children, if any, claim to have an interest. The court administrator shall file such order, and record the same in the judgment book. If lands be described therein, a certified copy of the order shall be filed for record, by the applicant, with the county recorder of each county wherein any of the same are situated. Before doing so the court administrator shall present the same to the county auditor who shall enter the change of name in the auditor's official records and note upon the instrument, over an official signature, the words "change of name recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until the applicant shall have paid to the county recorder and court administrator the fee required by law. No application shall be denied on the basis of the marital status of the applicant.

(b) When a person applies for a name change, the court shall determine whether the person has been convicted of a felony in this or any other state. If so, the court shall, within ten days after the name change application is granted, report the name change to the bureau of criminal apprehension. The person whose name is changed shall also report the change to the bureau of criminal apprehension within ten days. The court granting the name change application must explain this reporting duty in its order. Any person required to report the person's name change to the bureau of criminal apprehension who fails to report the name change as required under this paragraph is guilty of a gross misdemeanor.

Sec. 2. [259.115] [PENALTY.]

A person who has been convicted of a felony in this state or another state and who, upon marriage, uses a different surname from that used before marriage without complying with section 259.13 is guilty of a gross misdemeanor.

Sec. 3. [259.13] [CONVICTED FELONS; NAME CHANGES.]

Subdivision 1. [PROCEDURE FOR SEEKING NAME CHANGE.] A person convicted of a felony under Minnesota law or the law of some other state or federal jurisdiction must serve a notice of application for a name change and a certified copy of the person's felony convictions on the prosecuting authority that obtained the felony conviction against the person. The notice of application for name change must also be sent via first class mail to the victim of the crime, if any; the person's corrections agent, if any; and the law enforcement agency that investigated the charge that resulted in the felony conviction. This section applies to a name change issued through one of the following procedures:

(1) an application for a name change under section 259.10;

(2) a request for a name change as part of an application for a marriage license under section 517.08; or

(3) a request for a name change in conjunction with a marriage dissolution under section 518.27.

A person who seeks a name change under section 259.10 or 518.27 must file proof of service with the court as part of the name change request. A person who seeks a name change under section 517.08 must file proof of service with the county as part of the application for a marriage license. The name change request may not be granted during the 30-day period provided for in subdivision 2 or, if an objection is filed under subdivision 2, until satisfaction of the requirements in subdivision 3 or 4. Nothing in this section shall delay the granting of a marriage license under section 517.08, which may be granted without the name change.

Subd. 2. [OBJECTION BY PROSECUTING AUTHORITY.] At any time within 30 days from the date of service of the notice of application for a name change under this section, the prosecuting authority may file an objection to the application for a name change with the district court. The prosecuting authority may object to the name change request on the basis that the request aims to defraud, mislead, or harass; is not made in good faith; will cause injury to a person; or will compromise public safety. If the prosecuting authority files an objection to the application for a name change within this time period, the court shall not grant the name change request, and the county shall not allow the name change as part of a marriage license.

Subd. 3. [MOTION TO GRANT NAME CHANGE REQUEST.] A person who seeks a name change may contest the prosecuting authority's objection by filing a motion with the court in the county of the prosecuting authority for an order permitting the requested name change. Except as provided in subdivision 4, no name change shall be granted unless the person requesting the name change proves by clear and convincing evidence that the name change request is not based upon an intent to defraud, mislead, or harass; is made in good faith; will not cause injury to a person; and will not compromise public safety.

Subd. 4. [CONSTITUTIONAL RIGHT TO NAME CHANGE.] The court must grant a name change if failure to allow it would infringe on a constitutional right of the person after balancing the person's constitutional right against the harm to public safety that may result from the name change.

Subd. 5. [COSTS.] A person seeking a name change under this section may proceed in forma pauperis only when the failure to allow the name change would infringe upon a constitutional right.

Sec. 4. Minnesota Statutes 1998, section 517.08, subdivision 1a, is amended to read:

Subd. 1a. Application for a marriage license shall be made upon a form provided for the purpose and shall contain the following information:

- (1) the full names of the parties and the sex of each party;
- (2) their post office addresses and county and state of residence;
- (3) their full ages;
- (4) if either party has previously been married, the party's married name, and the date, place and court in which the marriage was dissolved or annulled or the date and place of death of the former spouse;
- (5) if either party is a minor, the name and address of the minor's parents or guardian;
- (6) whether the parties are related to each other, and, if so, their relationship;
- (7) the name and date of birth of any child of which both parties are parents, born before the making of the application, unless their parental rights and the parent and child relationship with respect to the child have been terminated;

(8) address of the bride and groom after the marriage to which the court administrator shall send a certified copy of the marriage certificate; ~~and~~

(9) the full names the parties will have after marriage and the parties' social security numbers. The social security numbers must be collected for the application but must not appear on the marriage license; and

(10) if one or both of the parties to the marriage license has been convicted of a felony as described in section 259.13, the parties shall provide to the county proof of service upon the prosecuting authority, as required by section 259.13.

Sec. 5. Minnesota Statutes 1998, section 517.08, subdivision 1b, is amended to read:

Subd. 1b. [TERM OF LICENSE; FEE.] (a) The court administrator shall examine upon oath the party applying for a license relative to the legality of the contemplated marriage. If at the expiration of a five-day period, on being satisfied that there is no legal impediment to it, including the restriction contained in section 259.13, the court administrator shall issue the license, containing the full names of the parties before and after marriage, and county and state of residence, with the district court seal attached, and make a record of the date of issuance. The license shall be valid for a period of six months. In case of emergency or extraordinary circumstances, a judge of the district court of the county in which the application is made, may authorize the license to be issued at any time before the expiration of the five days. The court administrator shall collect from the applicant a fee of \$70 for administering the oath, issuing, recording, and filing all papers required, and preparing and transmitting to the state registrar of vital statistics the reports of marriage required by this section. If the license should not be used within the period of six months due to illness or other extenuating circumstances, it may be surrendered to the court administrator for cancellation, and in that case a new license shall issue upon request of the parties of the original license without fee. A court administrator who knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) If section 259.13 applies to the request for a marriage license, the court administrator shall grant the marriage license without the requested name change. Alternatively, the court administrator may delay the granting of the marriage license until the party with the felony conviction certifies under oath that 30 days have passed since service of the notice for a name change upon the prosecuting authority and no objection has been filed under section 259.13, or until the party seeking the name change provides a certified copy of the court order granting the name change. The parties seeking the marriage license shall have the right to choose to have the license granted without the name change or to delay the granting of the license pending further action on the name change request.

Sec. 6. Minnesota Statutes 1998, section 518.27, is amended to read:

518.27 [NAME OF PARTY.]

Except as provided in section 259.13, in the final decree of dissolution or legal separation the court shall, if requested by a party, change the name of that party to another name as the party requests. The court shall grant a request unless it finds that there is an intent to defraud or mislead, unless the name change is subject to section 259.13, in which case the requirements of that section apply. The party's new name shall be so designated in the final decree.

Sec. 7. [EFFECTIVE DATE.]

Sections 1 and 3 to 6 are effective August 1, 2000, and apply to proceedings for a name change commenced on or after that date. Section 2 is effective August 1, 2000, and applies to crimes committed on or after that date.

ARTICLE 3

CRIMINAL AND EXPUNGEMENT PROVISIONS

Section 1. Minnesota Statutes 1998, section 609.352, subdivision 1, is amended to read:

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

(a) "child" means a person ~~under the age of~~ 15 years of age or younger;

(b) "sexual conduct" means sexual contact of the individual's primary genital area, sexual penetration as defined in section 609.341, or sexual performance as defined in section 617.246; and

(c) "solicit" means commanding, entreating, or attempting to persuade a specific person in any manner, including in person, by telephone, by letter, or by computerized or other electronic means.

Sec. 2. Minnesota Statutes 1998, section 609.352, subdivision 2, is amended to read:

Subd. 2. [PROHIBITED ACT.] A person 18 years of age or older who solicits a child or someone the person reasonably believes is a child to engage in sexual conduct with intent to engage in sexual conduct is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both.

Sec. 3. [609.353] [JURISDICTION.]

A violation or attempted violation of section 609.322, 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.352 may be prosecuted in any jurisdiction in which the violation originates or terminates.

Sec. 4. Minnesota Statutes 1998, section 609.749, subdivision 2, is amended to read:

Subd. 2. [HARASSMENT AND STALKING CRIMES.] (a) A person who harasses another by committing any of the following acts is guilty of a gross misdemeanor:

(1) directly or indirectly manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;

(2) stalks, follows, or pursues another;

(3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;

(4) repeatedly makes telephone calls, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;

(5) makes or causes the telephone of another repeatedly or continuously to ring;

(6) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, or other objects; or

(7) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties.

(b) The conduct described in paragraph (a), clauses (4) and (5), may be prosecuted at the place where any call is either made or received. The conduct described in paragraph (a), clause (6), may be prosecuted where any letter, telegram, message, package, or other object is either sent or received.

(c) A peace officer may not make a warrantless, custodial arrest of any person for a violation of paragraph (a), clause (7).

Sec. 5. Minnesota Statutes 1998, section 609.795, subdivision 1, is amended to read:

Subdivision 1. [MISDEMEANORS.] Whoever does any of the following is guilty of a misdemeanor:

(1) knowing that the actor does not have the consent of either the sender or the addressee, intentionally opens any sealed letter, telegram, or package addressed to another; or

(2) knowing that a sealed letter, telegram, or package has been opened without the consent of either the sender or addressee, intentionally publishes any of the contents thereof; or

(3) with the intent to abuse, disturb, or cause distress, repeatedly ~~uses the~~ mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, or packages.

Sec. 6. Minnesota Statutes 1998, section 609A.03, is amended to read:

609A.03 [PETITION TO EXPUNGE CRIMINAL RECORDS.]

Subdivision 1. [PETITION; FILING FEE.] An individual who is the subject of a criminal record who is seeking the expungement of the record shall file a petition under this section and pay a filing fee in the amount required under section 357.021, subdivision 2, clause (1). The filing fee may be waived in cases of indigency and shall be waived in the cases described in section 609A.02, subdivision 3.

Subd. 2. [CONTENTS OF PETITION.] A petition for expungement shall be signed under oath by the petitioner and shall state the following:

(1) the petitioner's full name and all other legal names or aliases by which the petitioner has been known at any time;

(2) the petitioner's date of birth;

(3) all of the petitioner's addresses from the date of the offense or alleged offense in connection with which an expungement order is sought, to the date of the petition;

(4) why expungement is sought, if it is for employment or licensure purposes, the statutory or other legal authority under which it is sought, and why it should be granted;

(5) the details of the offense or arrest for which expungement is sought, including date and jurisdiction of the occurrence, court file number, and date of conviction or of dismissal;

(6) in the case of a conviction, what steps the petitioner has taken since the time of the offense toward personal rehabilitation, including treatment, work, or other personal history that demonstrates rehabilitation;

(7) petitioner's criminal conviction record indicating all convictions for misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable convictions in any other state, federal court, or foreign country, whether the convictions occurred before or after the arrest or conviction for which expungement is sought;

(8) petitioner's criminal charges record indicating all prior and pending criminal charges against the petitioner in this state or another jurisdiction, including all criminal charges that have been continued for dismissal or stayed for adjudication, or have been the subject of pretrial diversion; and

(9) all prior requests by the petitioner, whether for the present offense or for any other offenses, in this state or any other state or federal court, for pardon, return of arrest records, or expungement or sealing of a criminal record, whether granted or not, and all stays of adjudication or imposition of sentence involving the petitioner.

Subd. 3. [SERVICE OF PETITION AND PROPOSED ORDER.] The petition for expungement and a proposed expungement order shall be served by mail on the state and local government agencies and jurisdictions whose records would be affected by the proposed order. Service shall also be made by mail on the attorney for each agency and jurisdiction.

Subd. 4. [HEARING.] A hearing on the petition shall be held no sooner than 60 days after service of the petition.

Subd. 5. [NATURE OF REMEDY; STANDARD; FIREARMS RESTRICTION.] (a) Expungement of a criminal record is an extraordinary remedy to be granted only upon clear and convincing evidence that it would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of:

(1) sealing the record; and

(2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.

(b) If the petitioner is petitioning for the sealing of a criminal record under section 609A.02, subdivision 3, the court shall grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by clear and convincing evidence that the interests of the public and public safety outweigh the disadvantages to the petitioner of not sealing the record.

(c) If the court issues an expungement order it may require that the criminal record ~~shall~~ be sealed, the existence of the record ~~shall~~ not be revealed, and the record ~~should~~ not be opened except as required under subdivision 7. Records ~~shall~~ must not be destroyed or returned to the subject of the record.

(d) An order expunging the record of a conviction for a crime of violence as defined in section 624.712, subdivision 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the order was entered and during that time the person was not convicted of any other crime of violence. Any person whose record of conviction is expunged under this section and who thereafter receives a relief of disability under United States Code, title 18, section 925, is not subject to the restriction in this paragraph.

Subd. 6. [ORDER CONCERNING CONTROLLED SUBSTANCE OFFENSES.] If the court orders the sealing of the record of proceedings under section 152.18, the effect of the order shall be to restore the person, in the contemplation of the law, to the status the person occupied before the arrest, indictment, or information. The person shall not be held guilty of perjury or otherwise of giving a false statement if the person fails to acknowledge the arrest, indictment, information, or trial in response to any inquiry made for any purpose.

Subd. 7. [LIMITATIONS OF ORDER.] (a) Upon issuance of an expungement order related to a charge supported by probable cause, the DNA samples and DNA records held by the bureau of criminal apprehension shall not be sealed, returned to the subject of the record, or destroyed.

(b) Notwithstanding the issuance of an expungement order:

(1) an expunged record may be opened for purposes of a criminal investigation, prosecution, or sentencing, upon an ex parte court order; and

(2) an expunged record of a conviction may be opened for purposes of evaluating a prospective employee in a criminal justice agency without a court order.

Upon request by law enforcement, prosecution, or corrections authorities, an agency or jurisdiction subject to an expungement order shall inform the requester of the existence of a sealed record and of the right to obtain access to it as provided by this paragraph. For purposes of this section, a "criminal justice agency" means courts or a government agency that performs the administration of criminal justice under statutory authority.

Subd. 8. [~~STAY OF ORDER; APPEAL~~ DISTRIBUTION OF EXPUNGEMENT ORDERS.] ~~An expungement order shall be automatically stayed for 60 days after filing of the order and, if the order is appealed, during the appeal period. A person or an agency or jurisdiction whose records would be affected by the order may appeal the order within 60 days of service of notice of filing of the order. An agency or jurisdiction or officials or employees thereof need not file a cost bond or supersedeas bond in order to further stay the proceedings or file an appeal. The court administrator shall send a copy of an expungement order to each agency and jurisdiction whose records are affected by the terms of the order.~~

Subd. 9. [~~DISTRIBUTION OF EXPUNGEMENT ORDERS~~ STAY OF ORDER; APPEAL.] ~~If an expungement order is issued, the court administrator shall send a copy of it to each agency and jurisdiction whose records are affected by the terms of the order. An expungement order shall be stayed automatically for 60 days after the order is filed and, if the order is appealed, during the appeal period. A person or an agency or jurisdiction whose records would be affected by the order may appeal the order within 60 days of service of notice of filing of the order. An agency or jurisdiction or its officials or employees need not file a cost bond or supersedeas bond in order to further stay the proceedings or file an appeal.~~

Sec. 7. Minnesota Statutes 1998, section 628.26, is amended to read:

628.26 [LIMITATIONS.]

(a) Indictments or complaints for ~~murder~~ any crime resulting in the death of the victim may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for a violation of section 609.25 may be found or made at any time after the commission of the offense.

~~(b)~~ (c) Indictments or complaints for violation of section 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

~~(c)~~ (d) Indictments or complaints for violation of sections 609.342 to 609.345 if the victim was under the age of 18 years at the time the offense was committed, shall be found or made and filed in the proper court within nine years after the commission of the offense or, if the victim failed to report the offense within this limitation period, within three years after the offense was reported to law enforcement authorities.

~~(d)~~ (e) Notwithstanding the limitations in paragraph (d), indictments or complaints for violation of sections 609.342 to 609.344 ~~if the victim was 18 years old or older at the time the offense was committed, shall may~~ be found or made and filed in the proper court at any time after commission of the offense, if the offense is reported to law enforcement authorities within 72 hours of the offense. If the offense is not reported within 72 hours of the commission of the offense and the victim was 18 years old or older at the time of the offense, the prosecution must be commenced within nine years after the commission of the offense.

~~(e)~~ (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, clause (3)(c) shall be found or made and filed in the proper court within six years after the commission of the offense.

~~(f)~~ (g) Indictments or complaints for violation of section 609.52, subdivision 2, clause (3), items (a) and (b), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

~~(g)~~ (h) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

~~(h)~~ (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

~~(i)~~ (j) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense.

~~(j)~~ (k) The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

~~(k)~~ (l) The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated under a written agreement in a pretrial diversion program relating to that offense.

~~(l)~~ (m) The limitations periods contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 5 are effective August 1, 2000, and apply to offenses committed on or after that date. Section 7 is effective August 1, 2000, and applies to crimes committed on or after that date and to crimes committed before that date if the limitation period for the crime did not expire before August 1, 2000.

ARTICLE 4

DATA PRACTICES PROVISIONS

Section 1. Minnesota Statutes 1999 Supplement, section 13.46, subdivision 2, is amended to read:

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

- (1) according to section 13.05;
- (2) according to court order;
- (3) according to a statute specifically authorizing access to the private data;
- (4) to an agent of the welfare system, including a law enforcement person, attorney, or investigator acting for it in the investigation or prosecution of a criminal or civil proceeding relating to the administration of a program;
- (5) to personnel of the welfare system who require the data to determine eligibility, amount of assistance, and the need to provide services of additional programs to the individual;
- (6) to administer federal funds or programs;
- (7) between personnel of the welfare system working in the same program;

(8) the amounts of cash public assistance and relief paid to welfare recipients in this state, including their names, social security numbers, income, addresses, and other data as required, upon request by the department of revenue to administer the property tax refund law, supplemental housing allowance, early refund of refundable tax credits, and the income tax. "Refundable tax credits" means the dependent care credit under section 290.067, the Minnesota working family credit under section 290.0671, the property tax refund under section 290A.04, and, if the required federal waiver or waivers are granted, the federal earned income tax credit under section 32 of the Internal Revenue Code;

(9) between the department of human services, the department of children, families, and learning, and the department of economic security for the purpose of monitoring the eligibility of the data subject for reemployment compensation, for any employment or training program administered, supervised, or certified by that agency, for the purpose of administering any rehabilitation program or child care assistance program, whether alone or in conjunction with the welfare system, or to monitor and evaluate the Minnesota family investment program by exchanging data on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L;

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

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

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

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

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

(15) the current address of a Minnesota family investment program participant may be disclosed to law enforcement officers who provide the name of the participant and notify the agency that:

(i) the participant:

(A) is a fugitive felon fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony under the laws of the jurisdiction from which the individual is fleeing; or

(B) is violating a condition of probation or parole imposed under state or federal law;

(ii) the location or apprehension of the felon is within the law enforcement officer's official duties; and

(iii) the request is made in writing and in the proper exercise of those duties;

(16) the current address of a recipient of general assistance or general assistance medical care may be disclosed to probation officers and corrections agents who are supervising the recipient and to law enforcement officers who are investigating the recipient in connection with a felony level offense;

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

(18) the address, social security number, and, if available, photograph of any member of a household receiving food stamps shall be made available, on request, to a local, state, or federal law enforcement officer if the officer furnishes the agency with the name of the member and notifies the agency that:

(i) the member:

(A) is fleeing to avoid prosecution, or custody or confinement after conviction, for a crime or attempt to commit a crime that is a felony in the jurisdiction the member is fleeing;

(B) is violating a condition of probation or parole imposed under state or federal law; or

(C) has information that is necessary for the officer to conduct an official duty related to conduct described in subitem (A) or (B);

(ii) locating or apprehending the member is within the officer's official duties; and

(iii) the request is made in writing and in the proper exercise of the officer's official duty;

(19) the current address of a recipient of Minnesota family investment program, general assistance, general assistance medical care, or food stamps may be disclosed to law enforcement officers who, in writing, provide the name of the recipient and notify the agency that the recipient is a person required to register under section 243.166, but is not residing at the address at which the recipient is registered under section 243.166;

(20) certain information regarding child support obligors who are in arrears may be made public according to section 518.575;

~~(20)~~ (21) data on child support payments made by a child support obligor and data on the distribution of those payments excluding identifying information on obligees may be disclosed to all obligees to whom the obligor owes support, and data on the enforcement actions undertaken by the public authority, the status of those actions, and data on the income of the obligor or obligee may be disclosed to the other party;

~~(21)~~ (22) data in the work reporting system may be disclosed under section 256.998, subdivision 7;

~~(22)~~ (23) to the department of children, families, and learning for the purpose of matching department of children, families, and learning student data with public assistance data to determine students eligible for free and reduced price meals, meal supplements, and free milk according to United States Code, title 42, sections 1758, 1761, 1766, 1766a, 1772, and 1773; to allocate federal and state funds that are distributed based on income of the student's family; and to verify receipt of energy assistance for the telephone assistance plan;

~~(23)~~ (24) the current address and telephone number of program recipients and emergency contacts may be released to the commissioner of health or a local board of health as defined in section 145A.02, subdivision 2, when the commissioner or local board of health has reason to believe that a program recipient is a disease case, carrier, suspect case, or at risk of illness, and the data are necessary to locate the person;

~~(24)~~ (25) to other state agencies, statewide systems, and political subdivisions of this state, including the attorney general, and agencies of other states, interstate information networks, federal agencies, and other entities as required by federal regulation or law for the administration of the child support enforcement program;

~~(25)~~ (26) to personnel of public assistance programs as defined in section 256.741, for access to the child support system database for the purpose of administration, including monitoring and evaluation of those public assistance programs;

~~(26)~~ (27) to monitor and evaluate the Minnesota family investment program by exchanging data between the departments of human services and children, families, and learning, on recipients and former recipients of food stamps, cash assistance under chapter 256, 256D, 256J, or 256K, child care assistance under chapter 119B, or medical programs under chapter 256B, 256D, or 256L; or

~~(27)~~ (28) to evaluate child support program performance and to identify and prevent fraud in the child support program by exchanging data between the department of human services, department of revenue under section 270B.14, subdivision 1, paragraphs (a) and (b), without regard to the limitation of use in paragraph (c), department of health, department of economic security, and other state agencies as is reasonably necessary to perform these functions.

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

(c) Data provided to law enforcement agencies under paragraph (a), clause (15), (16), (17), or (18), or paragraph (b), are investigative data and are confidential or protected nonpublic while the investigation is active. The data are private after the investigation becomes inactive under section 13.82, subdivision 5, paragraph (a) or (b).

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

For the purposes of this subdivision, a request will be deemed to be made in writing if made through a computer interface system.

Sec. 2. Minnesota Statutes 1998, section 13.54, subdivision 6, is amended to read:

Subd. 6. [LAW ENFORCEMENT ACCESS TO CERTAIN DATA.] A public housing agency that enters a contract for assistance under United States Code, title 42, sections 1437 to 1440, shall furnish a local, state, or federal law enforcement officer, upon the officer's request, with the current address, social security number, and photograph, if available, of a recipient of assistance under United States Code, title 42, sections 1437 to 1440, if the officer:

(1) provides the name of the recipient to the housing agency; and

(2) notifies the agency that:

(i) the recipient:

(A) is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the jurisdiction from which the individual is fleeing, for a crime which is a felony under the laws of that jurisdiction;

(B) is violating a condition of probation or parole imposed under state or federal law; or

(C) is a person required to register under section 243.166 and is not residing at the address at which the person is registered under section 243.166; or

(D) has information necessary for the officer to conduct the officer's official duties;

(ii) the location or apprehension of the individual is within the officer's official duties; and

(iii) the request is made in writing and in the proper exercise of the officer's official duties.

Sec. 3. [176.862] [DISCLOSURE TO LAW ENFORCEMENT.]

The commissioner must disclose the current address of an employee collected or maintained under this chapter to law enforcement officers who provide the name of the employee and notify the commissioner that the employee is a person required to register under section 243.166 and is not residing at the address at which the employee is registered under section 243.166.

ARTICLE 5

CRIMINAL JUSTICE INFORMATION
TECHNOLOGY AND INTEGRATION

Section 1. [LEGISLATIVE FINDINGS AND PURPOSE.]

The legislature finds that there is a vital need for improved statewide criminal justice information technology and integration among criminal justice agencies. The legislature further finds that the criminal justice system is a complex one involving a large number of agencies across the state and that these agencies are organized at the city, county, and state levels. In addition, there is no single funding authority or accountability structure for these agencies. Because this is a statewide problem, it is one that is appropriate to address at the state level. Therefore, it is the purpose of this act to continue the process of statewide criminal justice information technology integration. This will have the effect of increasing offender accountability for behavior and agency accountability for performance.

Sec. 2. Minnesota Statutes 1998, section 299C.65, subdivision 1, is amended to read:

Subdivision 1. [MEMBERSHIP, DUTIES.] (a) The criminal and juvenile justice information policy group consists of the ~~chair of the sentencing guidelines commission~~, the commissioner of corrections, the commissioner of public safety, the chief justice of the supreme court or designee and the state court administrator.

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

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

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

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

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

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

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

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

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

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

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

(11) the impact of proposed legislation on the criminal justice system, including any fiscal impact, need for training, changes in information systems, and changes in processes;

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

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

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

(15) the development of a database for extended jurisdiction juvenile records and whether the records should be public or private and how long they should be retained.

Sec. 3. Minnesota Statutes 1999 Supplement, section 299C.65, subdivision 2, is amended to read:

Subd. 2. [REPORT, TASK FORCE.] The policy group shall file an annual report with the governor, supreme court, and chairs and ranking minority members of the senate and house committees and divisions with jurisdiction over criminal justice funding and policy by December 1 of each ~~even-numbered~~ year.

The report must make recommendations concerning any legislative changes or appropriations that are needed to ensure that the criminal justice information systems operate accurately and efficiently. To assist them in developing their recommendations, the ~~chair, the commissioners, and the administrator~~ policy group shall appoint a task force consisting of ~~the its members of the criminal and juvenile justice information policy group~~ or their designees and the following additional members:

(1) the director of the office of strategic and long-range planning;

(2) two sheriffs recommended by the Minnesota sheriffs association;

(3) two police chiefs recommended by the Minnesota chiefs of police association;

(4) two county attorneys recommended by the Minnesota county attorneys association;

(5) two city attorneys recommended by the Minnesota league of cities;

(6) two public defenders appointed by the board of public defense;

(7) two district judges appointed by the conference of chief judges, one of whom is currently assigned to the juvenile court;

(8) two community corrections administrators recommended by the Minnesota association of counties, one of whom represents a community corrections act county;

(9) two probation officers;

(10) four public members, one of whom has been a victim of crime, and two who are representatives of the private business community who have expertise in integrated information systems;

(11) two court administrators;

(12) one member of the house of representatives appointed by the speaker of the house;

(13) one member of the senate appointed by the majority leader;

(14) the attorney general or a designee;

(15) the commissioner of administration or a designee;

(16) an individual recommended by the Minnesota league of cities; and

(17) an individual recommended by the Minnesota association of counties.

In making these appointments, the appointing authority shall select members with expertise in integrated data systems or best practices.

Sec. 4. Minnesota Statutes 1999 Supplement, section 299C.65, subdivision 8, is amended to read:

Subd. 8. [LOCAL MATCH.] The policy group may approve grants only if the applicant provides an appropriate share of matching funds as determined by the policy group to help pay ~~one-half of~~ the costs of developing or implementing the integration plan. The policy group shall adopt policies concerning the use of in-kind resources to satisfy ~~a portion of~~ the match requirement and the sources from which matching funds may be obtained.

Each grant recipient shall certify to the policy group that it has not reduced funds from local, county, federal, or other sources which, in the absence of the grant, would have been made available to the grant recipient to improve or integrate criminal justice technology.

Sec. 5. Minnesota Statutes 1998, section 299C.65, is amended by adding a subdivision to read:

Subd. 8a. [CRIMINAL JUSTICE TECHNOLOGY INFRASTRUCTURE IMPROVEMENTS.] (a) Within 30 days of the submission of the statewide model integration plan funded by a grant under Laws 1999, chapter 216, article 1, section 7, subdivision 6, or September 1, 2000, whichever is earlier, the commissioner of public safety shall:

(1) review the policy group's assessment of the needs of state, county, and municipal government agencies for electronic fingerprint capture technology, electronic photographic identification technology, and additional bandwidth to transfer and access the data from electronic fingerprint capture technology and electronic photographic identification technology to the state's central database; and

(2) choose locations and agencies to receive this technology.

(b) Within the limits of available appropriations, the commissioner of public safety shall purchase and distribute the technology infrastructure improvements as directed by the policy group. The commissioner shall begin the purchasing process within 30 days of receiving notice of the policy group's decisions. The commissioner shall distribute the improvements as soon as practicable after beginning the purchasing process.

(c) If feasible, the policy group shall direct the commissioner to distribute the technology infrastructure improvements described in this subdivision in 100 locations. However, no more than 30 percent of the improvements may be distributed in one county.

Sec. 6. [PROPOSED EFFECTIVENESS MEASUREMENT STANDARDS AND SANCTIONS; REPORT REQUIRED.]

(a) The criminal and juvenile justice information policy group, in consultation with the task force described in Minnesota Statutes, section 299C.65, subdivision 2, shall develop recommended standards to measure the effectiveness of the use of the technology infrastructure improvements described in Minnesota Statutes, section 299C.65, subdivision 8a, and the improvements made to the court information system funded by state appropriations. The standards must be based on objective factors that can indicate whether the improvements have actually increased the effectiveness of the receiving agency's or court's system, and if so, to what degree.

(b) The policy group, in consultation with the task force and the data group, shall also recommend appropriate sanctions for the court or an agency that receives the technology improvements but does not meet the recommended effectiveness standards.

(c) By January 15, 2001, the policy group shall report the recommended standards and sanctions to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding.

Sec. 7. [APPROPRIATIONS.]

\$7,500,000 is appropriated from the general fund to the commissioner of public safety for the fiscal year ending June 30, 2001. This money may be used for:

(1) criminal justice technology infrastructure improvements under Minnesota Statutes, section 299C.65, subdivision 8a, for the purchase and distribution of:

(i) electronic fingerprint capture technology;

(ii) electronic photographic identification technology; and

(iii) additional bandwidth to transfer and access electronic photographic identification data and electronic fingerprint data to the state's central database;

(2) grants to government agencies to transfer and access data from the agencies to the statewide hot file probation and pretrial release data system. The criminal and juvenile justice information policy group shall review grant applications under this clause and the commissioner shall make the grants approved by the policy group within the limits of the appropriation. Part of this appropriation may be used for grants to pay the costs of developing or implementing a criminal justice information integration plan as described in Minnesota Statutes, section 299C.65, subdivisions 5, 6, and 7;

(3) Ramsey county and the sentencing guidelines commission to establish a pilot project in Ramsey county to use the statewide statute table to ensure accurate and uniform charging on criminal complaints; and

(4) an amount to be transferred to the supreme court to begin redevelopment of the court information system to be used by all counties to integrate court information with other criminal justice information. This money may be used by the supreme court for only this purpose.

This money may be used only for the purposes listed in this section.

The appropriations under this section are subject to the requirements of Minnesota Statutes, section 299C.65, subdivision 8.

Sec. 8. [EFFECTIVE DATE.]

Sections 1 to 6 are effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to crime prevention; authorizing disclosure of information about sex offenders; imposing additional registration requirements on sex offenders; establishing procedures for felony offenders who seek name changes; eliminating the statute of limitations for certain offenses; expanding the crime of solicitation to engage in sexual conduct; providing criminal penalties; clarifying the expungement law; making certain data about sex offenders available to law enforcement; clarifying the scope of the community notification law; authorizing release of information about sex offenders residing in treatment facilities; providing for criminal justice information systems technology; changing the membership of the criminal and juvenile justice information policy group; authorizing the purchase and distribution of criminal justice technology infrastructure; appropriating money; amending Minnesota Statutes 1998, sections 13.54, subdivision 6; 243.166, subdivisions 3, 5, 7, and by adding subdivisions; 244.052, as amended; 244.10, subdivision 2a; 259.11; 299C.65, subdivision 1, and by adding a subdivision; 517.08, subdivisions 1a and 1b; 518.27; 609.352, subdivisions 1 and 2; 609.749, subdivision 2; 609.795, subdivision 1; 609A.03; and 628.26; Minnesota Statutes 1999 Supplement, sections 13.46, subdivision 2; 243.166, subdivisions 1, 2, 4, and 6; and 299C.65, subdivisions 2 and 8; proposing coding for new law in Minnesota Statutes, chapters 176; 243; 259; 299C; and 609."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Seagren from the Committee on K-12 Education Finance to which was referred:

H. F. No. 2817, A bill for an act relating to education; determining the number of Minnesota school children diagnosed with attention deficit disorder or attention deficit hyperactivity disorder currently taking amphetamine prescription drugs; appropriating money.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Health and Human Services Finance without further recommendation.

The report was adopted.

Stanek from the Committee on Crime Prevention to which was referred:

H. F. No. 2830, A bill for an act relating to crime prevention; enhancing the penalties for pimps and patrons of juvenile prostitutes; establishing a grant program to educate and train police officers relating to juvenile prostitution and enhanced juvenile prostitution law enforcement efforts; establishing a grant program to provide shelter and counseling for homeless, runaway, or thrown-away youth at risk of being prostituted or presently being used in prostitution; appropriating money; amending Minnesota Statutes 1998, section 609.322, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 260B; and 299A.

Reported the same back with the following amendments:

Pages 1 to 3, delete sections 1 and 2, and insert:

"Section 1. [JUVENILE PROSTITUTION LAW ENFORCEMENT TRAINING STUDY.]

The commissioner of public safety and executive director of the peace officer standards and training board will study and make recommendations on training for peace officers to combat juvenile prostitution. The commissioner and executive director shall study ways to train peace officers in policies and procedures aimed at combating juvenile

prostitution, including a means to provide peace officers with the knowledge and skills to recognize individuals who sexually exploit youth, techniques that can be used to increase charging and prosecution of individuals who promote and solicit prostitution, and procedures for effectively communicating with the victims of juvenile prostitution.

By September 15, 2000, the commissioner and executive director shall report to the legislature on its recommendations."

Pages 3 and 4, delete section 4

Page 4, line 3, delete "5" and insert "3"

Page 4, line 4, delete "Sections" and insert "Section" and delete ", 2, and 4 are" and insert "is" and delete "3" and insert "2"

Renumber the sections in sequence

Delete the title and insert:

"A bill for an act relating to crime prevention; enhancing the penalties for pimps and patrons of juvenile prostitutes; requiring a study by the commissioner of public safety and the executive director of the POST board on training peace officers to combat juvenile prostitution; amending Minnesota Statutes 1998, section 609.322, subdivision 1."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary Finance.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 2833, A bill for an act relating to crime; providing for data sharing between probation officers and school officials for juveniles on probation; amending Minnesota Statutes 1999 Supplement, section 260B.171, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1998, section 13.32, subdivision 8, is amended to read:

Subd. 8. [ACCESS BY JUVENILE JUSTICE SYSTEM.] (a) Upon request, the following education data shall be disclosed under subdivision 3, clause (i), to the juvenile justice system: a student's full name, home address, telephone number, date of birth; a student's school schedule, attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.

(b) In addition, the following data on behavior by a student who is on probation may be disclosed under subdivision 3, clause (i) or (1), to the juvenile justice system to the extent necessary to serve the student or protect students or staff:

(1) use of a controlled substance, alcohol, or tobacco;

(2) assaultive or threatening conduct that could result in dismissal from school or under section 121A.45, subdivision 2, clause (b) or (c);

(3) possession or use of weapons or look-alike weapons;

(4) participation in gang activity as defined by the criminal gang oversight council under section 299A.64, subdivision 2, paragraph (b);

(5) theft; or

(6) vandalism or other damage to property.

(c) A superintendent or chief administrative officer of a school who discloses information about a student to the juvenile justice system under this paragraph shall, to the extent permitted by federal law, notify the student's parent or guardian of the disclosure.

(d) Any request for access to data under this subdivision must contain an explanation of why access to the data is necessary to serve the student or to protect students or staff.

Sec. 2. Minnesota Statutes 1999 Supplement, section 13.99, is amended by adding a subdivision to read:

Subd. 27g. [DISPOSITION ORDERS RECEIVED BY SCHOOLS.] Access to disposition orders received by schools is governed by section 3.

Sec. 3. [121A.07] [RECEIPT OF DISPOSITION ORDER; SHARING.]

(a) On receipt of a disposition order under section 260B.171, subdivision 3, the superintendent or chief administrative officer of the juvenile's school must immediately transmit the order to the principal of the school or other person having general control and supervision of the school where the juvenile is in attendance. The principal or person in control must place the disposition order in the juvenile's permanent education record. The principal or person in control must also immediately notify any counselor directly supervising or reporting on the behavior or progress of the juvenile. In addition, the principal or person in control must immediately notify any teacher or administrator who directly supervises or reports on the behavior or progress of the juvenile whom the principal or person in control believes needs the data to work with the juvenile in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability. The principal or person in control may also notify other district employees in direct contact with the juvenile, a substitute, or a volunteer, if they determine these individuals need the data to work with the juvenile in an appropriate manner, to avoid being needlessly vulnerable, or to protect other persons from needless vulnerability.

(b) Information received under this subdivision is private data on individuals as defined in section 13.32 and is received for the limited purpose of serving the educational needs of the juvenile and protecting students or staff. The data may not be further disseminated by the teacher; counselor; staff member; administrator; substitute; or volunteer, except as necessary to serve the juvenile, to protect students or staff, or as otherwise required by law, and only to the following persons:

(1) the juvenile;

(2) the juvenile's parent or guardian;

(3) law enforcement officers; or

(4) the juvenile's probation officer.

(c) If a juvenile is removed from school as part of the disposition order, the superintendent or chief administrative officer must maintain the copy of the order in a secure file and shall notify the principal or person in control when the juvenile is returned to school. If the juvenile is returned to a different school district or school, the juvenile's probation officer must send a copy of the disposition order to the superintendent of the new school district or the chief administrative officer of the new school.

(d) When provided in the disposition order, the notice from the principal or person in control must identify the student, outline the offense, and describe any conditions of probation about which the school must provide information. The disposition order may be released as provided in paragraph (c) and must be included if the juvenile's permanent education record is released to another school district or educational entity to which the juvenile is transferring under section 120A.22, subdivision 7.

(e) Notwithstanding section 138.17, a disposition order received under section 260B.171, subdivision 3, paragraph (a), must be destroyed when the juvenile graduates from school or at the end of the academic year in which the juvenile reaches age 23, whichever is earlier. A disposition order received under section 260B.171, subdivision 3, paragraph (b), must be destroyed when the juvenile is discharged from probation.

Sec. 4. Minnesota Statutes 1999 Supplement, section 260B.171, subdivision 3, is amended to read:

Subd. 3. [DISPOSITION ORDER; COPY TO SCHOOL.] (a) If a juvenile is enrolled in school, the juvenile's probation officer shall transmit a copy of the court's disposition order to the ~~principal superintendent~~ or chief administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent for committing an act on the school's property or an act:

(1) that would be a violation of section 609.185 (first-degree murder); 609.19 (second-degree murder); 609.195 (third-degree murder); 609.20 (first-degree manslaughter); 609.205 (second-degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.221 (first-degree assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.3451 (fifth-degree criminal sexual conduct); 609.498 (tampering with a witness); 609.561 (first-degree arson); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or 609.749 (harassment and stalking), if committed by an adult;

(2) that would be a violation of section 152.021 (first-degree controlled substance crime); 152.022 (second-degree controlled substance crime); 152.023 (third-degree controlled substance crime); 152.024 (fourth-degree controlled substance crime); 152.025 (fifth-degree controlled substance crime); 152.0261 (importing a controlled substance); or 152.027 (other controlled substance offenses), if committed by an adult; or

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

When a disposition order is transmitted under this ~~paragraph~~ subdivision, the probation officer shall notify the juvenile's parent or legal guardian that the disposition order has been shared with the juvenile's school.

(b) In addition, the juvenile's probation officer may transmit a copy of the court's disposition order to the principal or chief administrative officer of the juvenile's school if the juvenile has been adjudicated delinquent for offenses not listed in paragraph (a) and placed on probation. The probation officer shall notify the principal or chief administrative officer when the juvenile is discharged from probation.

(c) The disposition order must be accompanied by a notice to the school that the school may obtain additional information from the juvenile's probation officer with the consent of the juvenile or the juvenile's parents, as applicable. The disposition order must be maintained in the student's permanent education record but may not be released outside of the school district or educational entity, other than to another school district or educational entity

to which the juvenile is transferring. Notwithstanding section 138.17, the disposition order must be destroyed when the juvenile graduates from the school or at the end of the academic year when the juvenile reaches age 23, whichever date is earlier, shared, or released only as provided in section 3.

~~(c)~~ (d) The juvenile's probation officer shall maintain a record of disposition orders released under this subdivision and the basis for the release.

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

~~(e)~~ (f) As used in this subdivision, "school" means a public or private elementary, middle, or secondary school."

Delete the title and insert:

"A bill for an act relating to crime; authorizing certain behavioral data on students to be disclosed to the juvenile justice system; providing that when a juvenile has been adjudicated delinquent for certain violations of criminal law that the disposition order shall be shared with certain school officials, law enforcement, and specified others; providing for data sharing between probation officers and school officials for juveniles on probation; amending Minnesota Statutes 1998, section 13.32, subdivision 8; Minnesota Statutes 1999 Supplement, sections 13.99, by adding a subdivision; and 260B.171, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 121A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on K-12 Education Finance.

The report was adopted.

Smith from the Committee on Civil Law to which was referred:

H. F. No. 2945, A bill for an act relating to child protection; providing for immunity and anonymity when leaving an unharmed newborn at a hospital emergency room; providing for procedures to be followed by hospitals, and local welfare agencies; amending Minnesota Statutes 1998, section 609.378, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 626.

Reported the same back with the following amendments:

Page 1, delete section 1 and insert:

"Section 1. Minnesota Statutes 1998, section 609.378, is amended by adding a subdivision to read:

Subd. 3. [SAFE PLACE FOR NEWBORNS.] Notwithstanding subdivision 1, it is not a crime to leave a newborn at a hospital emergency room under section 626.5564 if the newborn was not harmed prior to being left at the hospital."

Page 3, line 8, delete "abused or neglected" and insert "harmed"

Page 3, line 12, delete "abused or" and insert "harmed"

Page 3, line 13, delete "neglected"

Amend the title as follows:

Page 1, line 5, after the semicolon, insert "providing it is not a crime to leave an unharmed newborn at a hospital if done according to law;"

Page 1, line 7, delete "subdivision 2" and insert "by adding a subdivision"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Crime Prevention.

The report was adopted.

Molnau from the Committee on Transportation Finance to which was referred:

H. F. No. 2995, A bill for an act relating to crime prevention; recodifying the driving while impaired crimes and related provisions; making numerous clarifying, technical, and substantive changes in the pursuit of simplification; amending Minnesota Statutes 1998, section 629.471; Minnesota Statutes 1999 Supplement, sections 260B.171, subdivision 7; 260B.225, subdivision 4; and 609.035, subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 169A; repealing Minnesota Statutes 1998, sections 168.042; 169.01, subdivisions 61, 68, 82, 83, 86, 87, 88, and 89; 169.121, subdivisions 1, 1a, 1b, 1d, 2, 3b, 3c, 5, 5a, 5b, 6, 7, 8, 9, 10, 10a, 11, and 12; 169.1211; 169.1215; 169.1216; 169.1217, subdivisions 2, 3, 4, 5, 6, and 8; 169.1218; 169.1219; 169.122, subdivisions 1, 2, 3, and 4; 169.123, subdivisions 2, 2a, 2b, 2c, 3, 4, 5, 5a, 5b, 6, 7, 8, and 10; 169.124; 169.125; 169.126; 169.1261; 169.1265; 169.128; and 169.129, subdivision 3; Minnesota Statutes 1999 Supplement, sections 169.121, subdivisions 1c, 3, 3d, 3f, and 4; 169.1217, subdivisions 1, 7, 7a, and 9; 169.122, subdivision 5; 169.123, subdivisions 1 and 5c; and 169.129, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Bradley from the Committee on Health and Human Services Policy to which was referred:

H. F. No. 3226, A bill for an act relating to health; requiring the commissioner to develop procedures for the nursing home survey process; amending Laws 1999, chapter 245, article 3, section 45; repealing Minnesota Statutes 1998, section 144A.103; Minnesota Rules, part 4658.0515.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [144A.62] [RESIDENT ATTENDANTS.]

Subdivision 1. [ASSISTANCE WITH EATING AND DRINKING.] A nursing home may employ resident attendants to assist with the activities authorized under subdivision 2. The resident attendant will not be counted in the minimum staffing requirements under rules implementing this act.

Subd. 2. [DEFINITION.] "Resident attendant" means an individual who assists residents in a nursing home with the activities of eating and drinking. A resident attendant does not include an individual who:

(1) is a licensed health professional or a registered dietitian;

(2) volunteers without monetary compensation; or

(3) is a registered nursing assistant.

Subd. 3. [REQUIREMENTS.] A nursing home may not use on a full-time or other paid basis any individual as a resident attendant in the nursing home unless the individual:

(1) has completed a training and competency evaluation program encompassing the tasks the individual provides;

(2) is competent to provide feeding and hydration services; and

(3) is under the supervision of the director of nursing.

Subd. 4. [EVALUATION.] The training and competency evaluation program may be facility based. It must include, at a minimum, the training and competency standards for eating and drinking assistance contained in the nursing assistant training curriculum.

Subd. 5. [CRIMINAL BACKGROUND CHECK.] A person seeking employment as a resident attendant is subject to the criminal background check requirements.

Sec. 2. [NURSING HOME SURVEY PROCESS.]

(a) The commissioner of health, in consultation with the long-term care ombudsman, nursing home consumer and advocacy groups, nursing home provider organizations, unions representing nursing home employees, and other health care professionals, shall examine state and federal rules and regulations governing the provision of care in nursing homes and develop and implement, upon receipt of necessary federal approval, alternative procedures for the nursing home survey process. The commissioner shall pursue changes to federal law necessary to accomplish this process and shall apply for any necessary federal waivers or approval.

(b) If a federal waiver is required, the commissioner shall submit the waiver request no later than May 15, 2000. The commissioner shall pursue any necessary federal law changes by July 1, 2000. The alternative procedures shall be implemented January 1, 2001, or upon federal approval.

(c) The alternative procedures for the nursing home survey process shall:

(1) reward nursing homes with very good performance by extending intervals between full surveys based on criteria to be established by the commissioner;

(2) use other existing or new mechanisms to provide objective assessments of quality and to measure quality improvement;

(3) provide for frequent collaborative interaction of facility staff and surveyors rather than a punitive approach; and

(4) use department resources more effectively and efficiently to target problem areas.

(d) Upon implementation of the alternative survey process, the commissioner shall work in conjunction with industry stakeholders to evaluate the qualitative benefits and effectiveness of the new process and to ensure that the resources of the health department are properly aligned with the alternative survey process. Prior to implementation of the alternative survey process, the commissioner must provide assurance to residents and family members that the new process will not reduce or restrict the quality of care provided to all residents.

Sec. 3. Laws 1999, chapter 245, article 3, section 45, is amended to read:

Sec. 45. [STATE LICENSURE CONFLICTS WITH FEDERAL REGULATIONS.]

(a) Notwithstanding the provisions of Minnesota Rules, part 4658.0520, an incontinent resident must be checked according to a specific time interval written in the resident's care plan. The resident's attending physician must authorize in writing any interval longer than two hours unless the resident, if competent, or a family member or legally appointed conservator, guardian, or health care agent of a resident who is not competent, agrees in writing to waive physician involvement in determining this interval.

(b) This section expires July 1, 2001.

Sec. 4. [DEFENSIVE DOCUMENTATION.]

The commissioner of health, in consultation with the nursing home industry, consumers, unions representing nursing home employees, and advocates, shall develop and report to the legislature by January 15, 2001, with a proposal to resolve the issue of defensive documentation in nursing homes.

Sec. 5. [FEDERAL WAIVER REQUEST.]

The commissioner of health shall seek a waiver from the federal government to decrease the amount of paperwork nursing homes must complete when a stay in a nursing home is less than 30 days.

Sec. 6. [REGULATIONS THAT IMPEDE DIRECT CARE OF RESIDENTS.]

The commissioners of health and human services, in consultation with trade groups, consumers, advocates, unions representing nursing home employees, and families, shall develop and report to the legislature by January 15, 2001, with a proposal to decrease regulations that impede direct care of residents in nursing homes.

Sec. 7. [REPEALER.]

Minnesota Statutes 1998, section 144A.103, is repealed. Minnesota Rules, part 4658.0515, is repealed.

Sec. 8. [EFFECTIVE DATE.]

Section 2 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to health; requiring the commissioner to develop procedures for the nursing home survey process; allowing nursing homes to train and employ resident assistants to assist residents with eating and drinking; requiring various studies and reports; amending Laws 1999, chapter 245, article 3, section 45; proposing coding for new law in Minnesota Statutes, chapter 144A; repealing Minnesota Statutes 1998, section 144A.103; Minnesota Rules, part 4658.0515."

With the recommendation that when so amended the bill pass.

The report was adopted.

Stanek from the Committee on Crime Prevention to which was referred:

H. F. No. 3319, A bill for an act relating to drivers' licenses; combining responsibility for all driver education programs with commissioner of public safety; regulating satisfactions of judgment on automobile liability claims; allowing drivers' license to be renewed within five years of expiration without written examination; abolishing ignition interlock pilot program; making clarifying and technical changes; amending Minnesota Statutes 1998, sections 171.183, subdivision 1; and 171.27; Minnesota Statutes 1999 Supplement, sections 169.974, subdivision 2; and 171.05, subdivision 2; repealing Minnesota Statutes 1998, section 171.305; Minnesota Rules, parts 7409.3700; 7409.3710; 7409.3720; 7409.3730; 7409.3740; 7409.3750; 7409.3760; and 7409.3770.

Reported the same back with the following amendments:

Page 1, after line 17, insert:

"Section 1. Minnesota Statutes 1998, section 169.122, subdivision 1, is amended to read:

Subdivision 1. [ACT PROHIBITED.] No person shall drink or consume ~~intoxicating liquors~~ an alcoholic beverage, distilled spirit, or 3.2 percent malt ~~liquors~~ liquor in any motor vehicle when ~~such the~~ the vehicle is upon a public highway.

Sec. 2. Minnesota Statutes 1998, section 169.122, subdivision 2, is amended to read:

Subd. 2. [POSSESSION PROHIBITED.] (a) No person shall have in possession while in a private motor vehicle upon a public highway, any bottle or receptacle containing ~~intoxicating liquor~~ an alcoholic beverage, distilled spirit, or 3.2 percent malt liquor ~~which that~~ that has been opened, or the seal broken, or the contents of which have been partially removed.

(b) For purposes of this section, "possession" means either that the person had actual possession of the bottle or receptacle or that the person consciously exercised dominion and control over the bottle or receptacle. This subdivision does not apply to a bottle or receptacle that is in the trunk of the vehicle if it is equipped with a trunk, or that is in another area of the vehicle not normally occupied by the driver and passengers if the vehicle is not equipped with a trunk.

Sec. 3. Minnesota Statutes 1998, section 169.122, subdivision 3, is amended to read:

Subd. 3. [LIABILITY OF NONPRESENT OWNER.] (a) It ~~shall be~~ is unlawful for the owner of any private motor vehicle or the driver, if the owner ~~be is~~ is not then present in the motor vehicle, to keep or allow to be kept in a motor vehicle when ~~such the~~ the vehicle is upon the public highway any bottle or receptacle containing ~~intoxicating liquors~~ an alcoholic beverage, distilled spirit, or 3.2 percent malt ~~liquors~~ liquor ~~that~~ that has been opened, or the seal broken, or the contents of which have been partially removed ~~except when such,~~

(b) ~~This subdivision does not apply to a~~ shall be kept that is bottle or receptacle ~~shall be kept that is~~ is in the trunk of the motor vehicle when ~~such the~~ the vehicle is equipped with a trunk, or ~~kept that is~~ is in some other area of the vehicle not normally occupied by the driver or passengers; if the motor vehicle is not equipped with a trunk.

(c) A utility compartment or glove compartment ~~shall be~~ is deemed to be within the area occupied by the driver and passengers."

Page 6, after line 1, insert:

"Sec. 8. Minnesota Statutes 1998, section 171.305, as amended by Laws 1999, chapter 238, article 2, section 91, is amended to read:

171.305 [IGNITION INTERLOCK DEVICE; PILOT PROGRAM; LICENSE CONDITION.]

Subdivision 1. [DEFINITION.] "Ignition interlock device" or "device" means breath alcohol ignition equipment designed to prevent a motor vehicle's ignition from being started by a person whose alcohol concentration exceeds the calibrated setting on the device.

Subd. 2. [PILOT PROGRAM.] The commissioner of public safety shall establish a ~~statewide~~ pilot program for the use of an ignition interlock device by a person whose driver's license or driving privilege has been canceled and denied by the commissioner for an alcohol or controlled substance-related incident. The commissioner shall conduct the program from October 1, 2000, until December 31, 1995 2001. The commissioner shall evaluate the program and shall report to the legislature by February 1, ~~1995 2002~~, on whether changes in the program are necessary and whether the program should be permanent. No limited license shall be issued under this program after ~~August 1, 1995~~ October 1, 2001.

Subd. 3. [PERFORMANCE STANDARDS.] The commissioner shall specify performance standards for ignition interlock devices, including standards relating to accuracy, safe operation of the vehicle, and degree of difficulty rendering the device inoperative. The interlock ignition device must be designed to operate from a 12-volt DC vehicle battery and be capable of locking a motor vehicle's ignition when a minimum alcohol concentration of 0.020 grams of ethyl alcohol per 210 liters of breath is introduced into the device. The device must also require a breath sample to determine alcohol concentration at variable time intervals ranging from five to 30 minutes while the engine is running. The device must also be capable of recording information for later review that includes the date and time of any use of the vehicle or any attempt to use the vehicle, including all times that the vehicle engine was started or stopped and the alcohol concentration of each breath sample provided.

Subd. 4. [CERTIFICATION.] The commissioner shall certify ignition interlock devices that meet the performance standards and may charge the manufacturer of the ignition interlock device a certification fee. A manufacturer who submits a device for certification must provide an application for certification on a form prescribed by the department.

Subd. 5. [ISSUANCE OF LIMITED LICENSE.] The commissioner may issue a limited license to a person whose driver's license has been canceled and denied due to an alcohol or controlled substance-related incident under section 171.04, subdivision 1, clause (10), under the following conditions:

- (1) at least one-half of the person's required abstinence period has expired;
- (2) the person has successfully completed all rehabilitation requirements chemical dependency treatment and is currently participating in a generally recognized support group based on ongoing abstinence; and
- (3) the person agrees to drive only a motor vehicle equipped with a functioning and certified ignition interlock device.

Subd. 6. [MONITORING.] The ignition interlock device must be monitored for proper use and accuracy by an entity approved by the commissioner.

Subd. 7. [PAYMENT.] The commissioner shall require that the person issued a limited license under subdivision 5 pay all costs associated with use of the device.

Subd. 8. [PROOF OF INSTALLATION.] A person approved for a limited license must provide proof of installation prior to issuance of the limited license.

Subd. 9. [MISDEMEANOR.] (a) A person who knowingly lends, rents, or leases a motor vehicle that is not equipped with a functioning ignition interlock device to a person with a limited license issued under subdivision 5 is guilty of a misdemeanor.

(b) A person who tampers with, circumvents, or bypasses the ignition interlock device, or assists another to tamper with, circumvent, or bypass the device, is guilty of a misdemeanor.

(c) The penalties of this subdivision do not apply if the action was taken for emergency purposes or for mechanical repair, and the person limited to the use of an ignition interlock device does not operate the motor vehicle while the device is disengaged.

Subd. 10. [CANCELLATION OF LIMITED LICENSE.] The commissioner shall cancel a limited license issued under this section if the device registers a positive reading for use of alcohol or the person violates any conditions of the limited license."

Page 6, delete line 3

Page 6, line 8, delete "3" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 2, after the semicolon, insert "conforming state "open bottle" law to federal provisions;"

Page 1, line 8, delete "abolishing" and insert "modifying"

Page 1, line 10, after "sections" insert "169.122, subdivisions 1, 2, and 3;" and delete "and"

Page 1, line 11, after the semicolon, insert "and 171.305, as amended;"

Page 1, line 13, delete everything after "repealing"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Transportation Policy.

The report was adopted.

Stanek from the Committee on Crime Prevention to which was referred:

H. F. No. 3331, A bill for an act relating to state government; creating the department of crime victims and violence prevention; creating the office of prevention of violence against women as an office within the department; consolidating crime victims and violence prevention programs within the department; appropriating money; amending Minnesota Statutes 1998, sections 15.01; 15.06, subdivision 1; 15A.0815, subdivision 2; 119A.13, subdivisions 2 and 3; 119A.17; 119A.22; 119A.23, subdivisions 2, 3, and 4; 124D.32, subdivisions 1 and 3; 145A.15, subdivisions 1 and 4; 268.29; 268.30, subdivision 1, and by adding a subdivision; 299A.331, subdivision 1; 299A.63, subdivisions 1, 2, and 3; 299C.065, subdivisions 1a, 2, 3a, and 4; 609.3241; 609.5315, by adding a subdivision; 609.605, subdivision 2; 609.7495, subdivision 1; 611A.01; 611A.02, subdivision 2; 611A.0311, subdivision 3; 611A.07, subdivision 1; 611A.25; 611A.32; 611A.34; 611A.35; 611A.36, subdivision 1; 611A.361; 611A.55; 611A.57, subdivision 3; 611A.675, subdivision 1; 611A.71; 611A.74, subdivision 1a; and 611A.76; Minnesota Statutes 1999 Supplement, sections 299A.292; 299A.293, subdivision 1; 299A.294, subdivision 3; 299A.295, subdivision 1; 299A.297; 299A.298; 299A.299, subdivisions 3 and 4; 299A.2994, subdivision 1; 609.531, subdivision 1; 611A.612; and 611A.77, subdivisions 1, 2, and 3; proposing coding for new law in Minnesota

Statutes, chapter 611A; proposing coding for new law as Minnesota Statutes, chapter 611B; repealing Minnesota Statutes 1998, sections 119A.11, subdivision 6; 119A.20, subdivision 4; 611A.02, subdivision 1; 611A.21; 611A.22; 611A.221; 611A.31; 611A.33; 611A.345; 611A.41; 611A.43; and 611A.78.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [611A.201] [DIRECTOR OF PREVENTION OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT.]

Subdivision 1. [APPOINTMENT OF DIRECTOR.] The executive director of the center for crime victim services shall appoint a person to serve as director of domestic violence and sexual assault prevention in the center. The director must have experience in domestic violence and sexual assault prevention issues. The director serves at the executive director's pleasure in the unclassified service. The executive director may appoint, supervise, discipline, and discharge employees to assist the director in carrying out the director's responsibilities under this section.

Subd. 2. [DIRECTOR'S RESPONSIBILITIES.] The director shall have the following duties:

- (1) advocate for the rights of victims of domestic violence and sexual assault;
- (2) increase public education and visibility about the prevention of domestic violence and sexual assault;
- (3) encourage accountability regarding domestic violence and sexual assault at all levels of the system, and develop recommendations to improve accountability when the system fails;
- (4) support prosecution and civil litigation efforts regarding domestic violence and sexual assault at the federal and state levels;
- (5) initiate policy changes regarding domestic violence and sexual assault at all levels of government;
- (6) coordinate existing resources and promote coordinated and immediate community responses to better serve victims of domestic violence and sexual assault;
- (7) build partnerships among law enforcement, prosecutors, defenders, advocates, and courts to reduce the occurrence of domestic violence and sexual assault;
- (8) encourage and support the efforts of health care providers, mental health experts, employers, educators, clergy members, and others, in raising awareness of and addressing how to prevent domestic violence and sexual assault;
- (9) coordinate and maximize the use of federal, state, and local resources available to prevent domestic violence and sexual assault and leverage more resources through grants and private funding; and
- (10) serve as a liaison between the executive director of the center for crime victim services and the commissioner of health with regard to the department of health's sexual violence prevention program funded by federal block grants, and oversee how this money is spent.

Subd. 3. [SERVICE AS CHAIR OF INTERAGENCY TASK FORCE.] The director shall serve as the chair of the interagency task force described in section 611A.202.

Subd. 4. [ANNUAL REPORT.] By January 15 of each year, the director shall report to the governor and the legislature on matters within the director's jurisdiction. In addition to other issues deemed relevant by the director, the report may include recommendations for changes in policies and laws relating to domestic violence and sexual assault prevention.

Subd. 5. [OTHER RESPONSIBILITIES.] In addition to those described in this section, the executive director of the center may assign other appropriate responsibilities to the director.

Sec. 2. [611A.202] [INTERAGENCY TASK FORCE ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT PREVENTION.]

Subdivision 1. [TASK FORCE MEMBERSHIP.] The interagency task force on domestic violence and sexual assault prevention consists of the following individuals, or their designees:

- (1) the director of domestic violence and sexual assault prevention;
- (2) the director of the department of public safety's office of drug policy and violence prevention;
- (3) a representative of the department of children, families, and learning who is responsible for or knowledgeable about violence prevention issues within the department's jurisdiction; appointed by the commissioner of children, families, and learning;
- (4) a representative of the department of corrections who is responsible for or knowledgeable about violence prevention and restorative justice issues within the department's jurisdiction; appointed by the commissioner of corrections;
- (5) a representative of the department of health who is responsible for or knowledgeable about family and public health violence prevention issues within the department's jurisdiction; appointed by the commissioner of health;
- (6) a representative of the department of human services who is responsible for or knowledgeable about violence prevention issues within the department's jurisdiction; appointed by the commissioner of human services;
- (7) a representative of the department of economic security who is responsible for or knowledgeable about violence prevention issues within the department's jurisdiction; appointed by the commissioner of economic security;
- (8) a county attorney knowledgeable in domestic violence and sexual assault issues; appointed by the Minnesota county attorney's association;
- (9) a judge knowledgeable in domestic violence and sexual assault issues; appointed by the chief justice of the supreme court;
- (10) a city attorney knowledgeable in domestic violence and sexual assault issues; appointed by the league of Minnesota cities;
- (11) a representative from the United States Attorney's office knowledgeable in domestic violence and sexual assault issues; appointed by the United States Attorney;
- (12) the attorney general;
- (13) a representative from the Minnesota coalition for battered women; appointed by the coalition;
- (14) a representative from the Minnesota coalition against sexual assault; appointed by the coalition;
- (15) a representative from a battered women shelter; appointed by the commissioner of public safety;
- (16) the executive director of the center for crime victim services; and
- (17) a peace officer knowledgeable in domestic violence and sexual assault issues; appointed by the commissioner of public safety.

Subd. 2. [CHAIR; STAFF.] The director of domestic violence and sexual assault prevention shall serve as the task force's chair and provide necessary staff to assist the task force.

Subd. 3. [OBJECTIVES.] The task force shall work to promote the objectives described in section 611A.201, subdivision 2, and prepare the strategic plan and evaluations described in subdivision 4.

Subd. 4. [STRATEGIC PLAN; EVALUATION.] (a) By January 15, 2001, the task force shall submit a strategic plan on domestic violence and sexual assault prevention to the governor and legislature. The plan must include:

(1) recommendations on how to reduce incidents of domestic violence and sexual assault;

(2) recommendations on how to coordinate existing resources at the federal, state, and local levels to reduce incidents of domestic violence and sexual assault; including specific proposals on how these entities may cooperate better;

(3) recommendations for changes in policies and laws to reduce incidents of domestic violence and sexual assault;

(4) recommendations on the need for increased services and resources to reduce incidents of domestic violence and sexual assault; and

(5) other items deemed appropriate by the task force.

(b) By January 15 of each year, the task force shall evaluate the progress made in reducing domestic violence and sexual assaults during the preceding year. The evaluation must detail the response to the strategic plan described in paragraph (a), including the progress, if any, made towards implementing each of its recommendations. The evaluation must also assess the successes and failures of the director of domestic violence and sexual assault prevention in achieving the director's objectives.

Subd. 5. [SAFE COUNCIL.] To the degree feasible, the task force shall cooperate and coordinate its activities with the SAFE council.

Subd. 6. [EXPIRATION AND COMPENSATION.] Notwithstanding section 15.059, the task force expires June 30, 2005. Task force members may receive expense reimbursements as provided in section 15.059. Task force members who are not public employees may receive compensation for serving as provided in section 15.059.

Sec. 3. Minnesota Statutes 1998, section 611A.25, is amended by adding a subdivision to read:

Subd. 4. [DUTIES.] In addition to other duties, the advisory council shall advise the director of domestic violence and sexual assault prevention in matters related to preventing occurrences of these types of violence.

Sec. 4. Minnesota Statutes 1998, section 611A.34, subdivision 3, is amended to read:

Subd. 3. [DUTIES.] The advisory council shall:

(1) advise the commissioner on all planning, development, data collection, rulemaking, funding, and evaluation of programs and services for battered women that are funded under section 611A.32, other than matters of a purely administrative nature;

(2) advise the commissioner on the adoption of rules under chapter 14 governing the award of grants to ensure that funded programs are consistent with section 611A.32, subdivision 1;

(3) recommend to the commissioner the names of five applicants for the position of battered women's program director;

(4) advise the commissioner on the rules adopted under chapter 14 pursuant to section 611A.33;

(5) review applications received by the commissioner for grants under section 611A.32 and make recommendations on the awarding of grants; ~~and~~

(6) advise the program director in the performance of duties in the administration and coordination of the programs funded under section 611A.32; and

(7) advise the director of domestic violence and sexual assault prevention in matters related to preventing these occurrences of these types of violence.

Sec. 5. [INITIAL EVALUATION.]

The first evaluation required by Minnesota Statutes, section 611A.202, subdivision 4, paragraph (b), is due January 15, 2002.

Sec. 6. [EFFECTIVE DATE.]

Sections 1 to 5 are effective July 1, 2000."

Delete the title and insert:

"A bill for an act relating to crime prevention; creating the position of director of domestic violence and sexual assault prevention and an interagency task force on domestic violence and sexual assault prevention; specifying the powers, duties, and organization of the director and task force; amending Minnesota Statutes 1998, sections 611A.25, by adding a subdivision; and 611A.34, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 611A."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary Finance.

The report was adopted.

Finseth from the Committee on Agriculture Policy to which was referred:

H. F. No. 3868, A bill for an act relating to agriculture; amending certain requirements for licensed aquatic farms; amending Minnesota Statutes 1998, sections 17.4984, subdivisions 2, 6, and 7; 17.4985, subdivision 2; 17.4987; 17.4988, subdivision 2; 17.4992, subdivision 3; 97C.505, subdivision 6; and 97C.521.

Reported the same back with the following amendments:

Page 2, line 13, reinstate the stricken language

Page 2, line 14, reinstate the stricken "public value are"

Page 2, line 15, strike "for other state use"

Page 5, delete section 6

Page 6, delete section 8

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 5, delete "17.4988,"

Page 1, line 6, delete "subdivision 2;" and delete "97C.505,"

Page 1, line 7, delete "subdivision 6;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources Policy.

The report was adopted.

SECOND READING OF HOUSE BILLS

H. F. Nos. 2995 and 3226 were read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Holsten, Osthoff, Hackbarth, McCollum and Ozment introduced:

H. F. No. 4080, A bill for an act relating to appropriations; appropriating money for environmental and natural resources purposes.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance.

Leighton introduced:

H. F. No. 4081, A bill for an act relating to higher education; appropriating money to the board of trustees of the Minnesota state colleges and universities to cover certain health care insurance cost increases.

The bill was read for the first time and referred to the Committee on Higher Education Finance.

Rest introduced:

H. F. No. 4082, A bill for an act relating to taxation; individual income taxes; providing for a study of taxpayer assistance services; requiring report to the legislature.

The bill was read for the first time and referred to the Committee on Taxes.

Kahn, Winter and Abrams introduced:

H. F. No. 4083, A bill for an act relating to taxation; alcoholic beverage excise tax; providing a separate rate for dairy mixed cocktails; amending Minnesota Statutes 1998, sections 297G.01, by adding a subdivision; and 297G.03, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Kuisle, Rest, Dawkins, McElroy and Dempsey introduced:

H. F. No. 4084, A bill for an act relating to local government aids; increasing the appropriation for county criminal justice aid; amending Minnesota Statutes 1998, section 477A.0121, subdivision 4; Minnesota Statutes 1999 Supplement, section 477A.03, subdivision 2.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Krinkie, Vandever and Gerlach introduced:

H. F. No. 4085, A bill for an act relating to transportation; requiring comparison of light rail transit and enhanced bus services before funding light rail transit; amending Laws 1999, chapter 240, article 1, section 9, subdivision 5.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Erhardt introduced:

H. F. No. 4086, A bill for an act relating to taxation; providing an additional property tax refund for elderly homeowners; amending Minnesota Statutes 1998, sections 290A.04, by adding a subdivision; and 290A.23, subdivision 3.

The bill was read for the first time and referred to the Committee on Taxes.

McElroy and Abrams introduced:

H. F. No. 4087, A bill for an act relating to property taxation; abolishing the property tax levy for transit in the twin cities metropolitan area; appropriating money; amending Minnesota Statutes 1998, sections 473.388, subdivisions 4 and 7; and 473.446, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Kelliher introduced:

H. F. No. 4088, A bill for an act relating to tax increment financing; establishing an original net tax capacity for a housing district to be created within the city of Minneapolis.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2642, A bill for an act relating to employment agencies; providing for waiver of bond requirement in certain circumstances; amending Minnesota Statutes 1998, section 184.30, subdivision 1.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2749, A bill for an act relating to legislation; correcting erroneous, ambiguous, and omitted text and obsolete references; eliminating certain redundant, conflicting, and superseded provisions; making miscellaneous technical corrections to statutes and other laws; amending Minnesota Statutes 1998, sections 13.551, subdivision 1; 15.0591, subdivision 2; 15A.086; 17.101, subdivision 1; 43A.18, subdivision 4a; 47.58, subdivision 8; 60A.74, subdivision 6; 60H.05, subdivision 6; 103I.005, subdivision 22; 116J.966, subdivision 1; 136A.29, subdivision 19; 145.698, subdivision 1; 146.23, subdivision 6; 148.7805, subdivision 1; 204C.04, subdivision 2; 245A.04, subdivision 3; 256B.031, subdivision 2; 257.34, subdivision 1; 270.101, subdivision 1; 273.1398, subdivision 1; 275.065, subdivision 3a; 275.16; 281.21; 281.22; 287.28; 290.0802, subdivision 2; 299A.02; 319B.02, subdivision 13; 325D.33, subdivision 8; 325D.415; 352D.02, subdivision 1; 429.091, subdivision 8; 430.12; 459.35; 469.036; 469.040, subdivision 4; 469.063; 469.116, subdivision 8; 469.1733, subdivision 1; 469.178, subdivision 6; 469.203, subdivision 4; 473.3994, subdivision 13; 475.77; 574.03; and 611A.43; Minnesota Statutes 1999 Supplement, sections 3.739, subdivision 1; 10A.01, subdivisions 1 and 35; 13.99, subdivision 11; 16E.02, subdivision 2; 85.41, subdivision 1; 116J.70, subdivision 2a; 119A.04, subdivision 1; 119B.011, subdivision 15; 144A.46, subdivision 2; 147.09; 148.96, subdivision 3; 243.166, subdivision 1; 259.47, subdivision 8; 260B.007, subdivision 20; 260C.007, subdivision 19; 260C.163, subdivision 11; 260C.176, subdivisions 1 and 2; 260C.178, subdivision 3; 260C.181, subdivision 2; 260C.201, subdivision 11; 260C.213, subdivision 1; 287.29, subdivision 1; 290.01, subdivision 19b; 465.797, subdivision 1; 504B.161, subdivision 1; 504B.181, subdivision 5; 515B.1-102; 515B.1-103; 515B.2-105; 515B.3-105; 515B.3-115; 515B.3-116; 515B.4-106; 515B.4-107; and 518.57, subdivision 3; Laws 1997, chapter 150, section 1; and Laws 1999, chapter 110, section 22; chapter 139, article 4, section 3; chapter 159, sections 2, 86, and 154; and chapter 205, article 1, section 1; repealing Minnesota Statutes 1998, sections 281.20; 421.11; 421.12; 421.13; 421.14; and 462A.21, subdivision 19; Minnesota Statutes 1999 Supplement, section 260C.401; Laws 1987, chapter 186, section 11; Laws 1989, chapter 282, article 5, section 45; Laws 1991, chapter 286, section 2; Laws 1994, chapter 572, section 6; Laws 1995, chapter 207, article 4, section 21, subdivision 4; Laws 1996, chapter 412, article 4, section 25; Laws 1997, chapter 85, article 3, section 18; article 4, section 20; chapter 187, article 1, section 4; chapter 203, article 11, section 3; chapter 217, article 1, section 89; Laws 1998, chapter 407, article 6, section 9; Laws 1999, chapter 154, section 3; chapter 159, sections 6, 18, 49, 90, 110, 112, and 113; chapter 177, sections 56 and 58; and chapter 216, article 2, section 5.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 3338, A bill for an act relating to Scott county; authorizing the county board to reorganize and delegate the duties of certain county offices; amending Laws 1997, chapter 90.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 3014, 3577, 2776, 3623, 2407, 3097 and 2348.

PATRICK E. FLAHAVEN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 3014, A bill for an act relating to state lands; authorizing public sale of certain tax-forfeited land that borders public water in Lake county; authorizing private sale of certain tax-forfeited land in St. Louis county.

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy.

S. F. No. 3577, A bill for an act relating to veterans homes; authorizing certain homeless and disabled veterans programs at the Minneapolis and Hastings veterans homes; proposing coding for new law in Minnesota Statutes, chapter 198.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

S. F. No. 2776, A bill for an act relating to human services; extending the deadline for construction for a previously approved moratorium project; providing for changes to the rate setting for a nursing facility in St. Louis county approved for a renovation; amending Minnesota Statutes 1999 Supplement, section 256B.431, subdivision 17.

The bill was read for the first time.

Jaros moved that S. F. No. 2776 and H. F. No. 3064, now on the Technical Consent Calendar, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3623, A bill for an act relating to human services; excluding income earned by a temporary census employee for purposes of public assistance eligibility; amending Minnesota Statutes 1998, sections 256D.06, subdivision 1; 256D.435, subdivision 5; and 256L.01, subdivision 5; Minnesota Statutes 1999 Supplement, sections 256B.056, subdivision 4; 256D.03, subdivision 3; and 256J.21, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

S. F. No. 2407, A bill for an act relating to human services; clarifying the treatment of crime victims reparations for purposes of medical assistance eligibility determinations; amending Minnesota Statutes 1999 Supplement, sections 256B.056, by adding a subdivision; and 256B.0575.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

S. F. No. 3097, A bill for an act relating to corrections; authorizing creation of a fugitive apprehension unit in the department of corrections; prescribing duties for the unit; amending Minnesota Statutes 1999 Supplement, section 626.84, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 241.

The bill was read for the first time.

Stanek moved that S. F. No. 3097 and H. F. No. 3003, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2348, A resolution memorializing the President and Congress of the United States to take whatever action is necessary to obtain the release of Americans who may be held against their will in North Korea, China, Russia, and Vietnam.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

CONSENT CALENDAR

Pawlenty moved that the Consent Calendar be continued. The motion prevailed.

CALENDAR FOR THE DAY

Pawlenty moved that the Calendar for the Day be continued. The motion prevailed.

MOTIONS AND RESOLUTIONS

Mares moved that the name of Anderson, I., be added as an author on H. F. No. 1296. The motion prevailed.

Fuller moved that the names of Kalis; Skoe; Solberg; Anderson, I., and Howes be added as authors on H. F. No. 3288. The motion prevailed.

Vandever moved that the name of Chaudhary be added as an author on H. F. No. 3887. The motion prevailed.

McCullum moved that the name of Winter be added as an author on H. F. No. 4060. The motion prevailed.

Molnau moved that the name of Erhardt be added as an author on H. F. No. 4072. The motion prevailed.

Howes moved that H. F. No. 3331 be recalled from the Committee on Judiciary Finance and be re-referred to the Committee on Governmental Operations and Veterans Affairs Policy. The motion prevailed.

Mares moved that H. F. No. 3597, now on the General Register, be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

Kielkucki moved that H. F. No. 159 be recalled from the Committee on State Government Finance and be re-referred to the Committee on Ways and Means.

A roll call was requested and properly seconded.

MOTION TO LAY ON THE TABLE

Entenza moved that the Kielkucki motion be laid on the table.

A roll call was requested and properly seconded.

POINT OF ORDER

Pawlenty raised a point of order pursuant to section 379 of "Mason's Manual of Legislative Procedure," relating to the Precedence of the Motion to Refer that the Entenza motion to lay on the table was not in order. The Speaker ruled the point of order not well taken.

CALL OF THE HOUSE

On the motion of Reuter and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Dorn	Howes	Mahoney	Pawlenty	Swapinski
Abrams	Entenza	Jaros	Mares	Paymar	Swenson
Anderson, B.	Erhardt	Jennings	Mariani	Pelowski	Sykora
Anderson, I.	Erickson	Johnson	Marko	Peterson	Tingelstad
Bakk	Finseth	Juhnke	McCollum	Pugh	Tomassoni
Bishop	Folliard	Kahn	McElroy	Rest	Trimble
Boudreau	Fuller	Kalis	McGuire	Reuter	Tuma
Bradley	Gerlach	Kelliher	Milbert	Rhodes	Tunheim
Broecker	Gleason	Kielkucki	Molnau	Rifenberg	Van Dellen
Buesgens	Goodno	Knoblach	Mulder	Rostberg	Vandever
Carlson	Gray	Koskinen	Mullery	Rukavina	Wagenius
Carruthers	Greenfield	Krinkie	Murphy	Schumacher	Wejcmán
Cassell	Greiling	Kubly	Ness	Seagren	Wenzel
Chaudhary	Gunther	Kuisle	Nornes	Seifert, J.	Westerberg
Clark, J.	Haake	Larsen, P.	Olson	Seifert, M.	Westfall
Clark, K.	Haas	Larson, D.	Opatz	Skoe	Westrom
Daggett	Hackbarth	Leighton	Orfield	Skoglund	Wilkin
Dauids	Harder	Lenczewski	Osskopp	Smith	Winter
Dawkins	Hasskamp	Leppik	Osthoff	Solberg	Wolf
Dehler	Hausman	Lieder	Otremba	Stanek	Workman
Dempsey	Hilty	Lindner	Ozment	Stang	Spk. Sviggum
Dorman	Holberg	Luther	Paulsen	Storm	

Pawlenty moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

The question recurred on the Entenza motion and the roll was called. There were 59 yeas and 74 nays as follows:

Those who voted in the affirmative were:

Anderson, B.	Entenza	Jennings	Lieder	Otremba	Swapinski
Anderson, I.	Erhardt	Johnson	Mahoney	Paymar	Tomassoni
Bakk	Fuller	Juhnke	Mariani	Pelowski	Trimble
Broecker	Gleason	Kahn	Marko	Peterson	Tunheim
Carlson	Gray	Kalis	McCollum	Pugh	Wagenius
Chaudhary	Greenfield	Kelliher	McGuire	Rukavina	Wejcman
Clark, K.	Hasskamp	Koskinen	Milbert	Schumacher	Westrom
Davids	Hilty	Krinkie	Mullery	Skoe	Winter
Dawkins	Holberg	Kubly	Murphy	Skoglund	Wolf
Dorn	Huntley	Leighton	Osthoff	Solberg	

Those who voted in the negative were:

Abeler	Erickson	Howes	Molnau	Rhodes	Tuma
Abrams	Finseth	Jaros	Mulder	Rifenberg	Van Dellen
Bishop	Folliard	Kielkucki	Ness	Rostberg	Vandever
Boudreau	Gerlach	Knoblach	Nornes	Seagren	Wenzel
Bradley	Goodno	Kuise	Olson	Seifert, J.	Westerberg
Buesgens	Greiling	Larsen, P.	Opatz	Seifert, M.	Westfall
Carruthers	Gunther	Larson, D.	Orfield	Smith	Wilkin
Cassell	Haake	Lenczewski	Osskopp	Stanek	Workman
Clark, J.	Haas	Leppik	Ozment	Stang	Spk. Sviggum
Daggett	Hackbarth	Lindner	Paulsen	Storm	
Dehler	Harder	Luther	Pawlenty	Swenson	
Dempsey	Hausman	Mares	Rest	Sykora	
Dorman	Holsten	McElroy	Reuter	Tingelstad	

The motion did not prevail and the Kielkucki motion was not laid on the table.

POINT OF ORDER

Anderson, I., raised a point of order pursuant to section 726, paragraph 5, of "Mason's Manual of Legislative Procedure," relating to the Introduction of Legislation. The Speaker ruled the point of order not well taken.

Kielkucki withdrew his motion relating to H. F. No. 159.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 3:00 p.m., Monday, March 13, 2000. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Monday, March 13, 2000.

EDWARD A. BURDICK, Chief Clerk, House of Representatives