

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 2000

 ONE HUNDRED TENTH DAY

SAINT PAUL, MINNESOTA, WEDNESDAY, APRIL 19, 2000

The House of Representatives convened at 9:00 a.m. and was called to order by Steve Sviggum, Speaker of the House.

"God Bless the USA" was sung by Representative Kris Hasskamp, District 12A, Crosby, 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	Luther	Pawlenty	Swapinski
Abrams	Entenza	Howes	Mahoney	Paymar	Swenson
Anderson, B.	Erhardt	Huntley	Mares	Pelowski	Sykora
Anderson, I.	Erickson	Jaros	Mariani	Peterson	Tingelstad
Bakk	Finseth	Jennings	Marko	Pugh	Tomassoni
Bishop	Folliard	Juhnke	McCollum	Rest	Trimble
Boudreau	Fuller	Kahn	McElroy	Reuter	Tuma
Bradley	Gerlach	Kalis	McGuire	Rhodes	Tunheim
Broecker	Gleason	Kelliher	Molnau	Rifenberg	Vandever
Buesgens	Goodno	Kielkucki	Mulder	Rostberg	Wagenius
Carlson	Gray	Knoblach	Mullery	Rukavina	Wejman
Carruthers	Greenfield	Koskinen	Murphy	Schumacher	Wenzel
Cassell	Greiling	Krinkie	Ness	Seagren	Westerberg
Chaudhary	Gunther	Kubly	Nornes	Seifert, J.	Westfall
Clark, J.	Haake	Kuise	Olson	Seifert, M.	Westrom
Clark, K.	Haas	Larsen, P.	Opatz	Skoe	Wilkin
Daggett	Hackbarth	Larson, D.	Orfield	Skoglund	Winter
Dauids	Harder	Leighton	Osskopp	Smith	Wolf
Dawkins	Hasskamp	Lenczewski	Osthoff	Solberg	Workman
Dehler	Hausman	Leppik	Otremba	Stanek	Spk. Sviggum
Dempsey	Hilty	Lieder	Ozment	Stang	
Dorman	Holberg	Lindner	Paulsen	Storm	

A quorum was present.

Biernat, Johnson and Milbert were excused.

Van Dellen was excused until 9:45 a.m.

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

PETITIONS AND COMMUNICATIONS

The following communication was received:

STATE OF MINNESOTA
OFFICE OF THE SECRETARY OF STATE
ST. PAUL 55155

The Honorable Steve Sviggum
Speaker of the House of Representatives

The Honorable Allan H. Spear
President of the Senate

I have the honor to inform you that the following enrolled Acts of the 2000 Session of the State Legislature have been received from the Office of the Governor and are deposited in the Office of the Secretary of State for preservation, pursuant to the State Constitution, Article IV, Section 23:

<i>S.F. No.</i>	<i>H.F. No.</i>	<i>Session Laws Chapter No.</i>	<i>Time and Date Approved 2000</i>	<i>Date Filed 2000</i>
1618		415	3:50 p.m. April 17	April 17
2471		416	3:56 p.m. April 17	April 17
3272		417	3:56 p.m. April 17	April 17
3091		418	10:34 a.m. April 18	April 18
1699		419	10:34 a.m. April 18	April 18
2972		420	10:35 a.m. April 18	April 18
2615		421	10:36 a.m. April 18	April 18
1202		422	10:39 a.m. April 18	April 18
1733		423	10:35 a.m. April 18	April 18

Sincerely,

MARY KIFFMEYER
Secretary of State

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Larson, D., introduced:

H. F. No. 4161, A bill for an act relating to health occupations; establishing requirements for orthopedic physician assistant practice; protecting certain titles; establishing a ground for disciplinary action for physician assistants; amending Minnesota Statutes 1998, sections 147A.01, by adding subdivisions; 147A.03, subdivisions 3 and 4, and by adding a subdivision; and 147A.13, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 147A.

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

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce that the Senate accedes to the request of the House for the appointment of a Conference Committee on the amendments adopted by the Senate to the following House File:

H. F. No. 2591, A bill for an act relating to local government; changing economic development authority of certain nonmetro counties; creating the Koochiching county economic development commission; authorizing Yellow Medicine county to establish an economic development commission; amending Minnesota Statutes 1998, section 298.17; proposing coding for new law in Minnesota Statutes, chapter 469.

The Senate has appointed as such committee:

Senators Lessard, Vickerman and Hottinger.

Said House File is herewith returned to the House.

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. 2757, A bill for an act relating to energy; regulating a state mandate requiring certain electric energy to be generated by using biomass as a fuel; amending Minnesota Statutes 1998, section 216B.2424, subdivisions 3, 5, and by adding subdivisions.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 3169.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3169

A bill for an act relating to family law; providing for parenting plans; changing certain terminology; appropriating money; amending Minnesota Statutes 1998, sections 15.87; 119A.37; 124D.23, subdivision 8; 256L.01, subdivision 3a; 257.541; 257.75, subdivision 3; 257A.01, subdivision 2; 257A.03, subdivision 2; 480.30,

subdivision 1; 494.015, subdivision 1; 517.08, subdivision 1c; 518.003, subdivision 3, and by adding a subdivision; 518.131, subdivisions 1, 2, 3, 7, and by adding a subdivision; 518.156; 518.157, subdivisions 1 and 3; 518.165, subdivision 1; 518.17, subdivision 1; 518.175, subdivisions 1, 1a, 2, 3, 5, 6, and 8; 518.1751; 518.176, subdivision 2; 518.177; 518.179, subdivision 1; 518.18; 518.612; 518.619, subdivision 1; 518.68, subdivisions 1 and 2; 518B.01, subdivisions 4, 6, and 8; 519.11, subdivision 1a; 609.26, subdivision 2; 629.341, subdivision 3; and 631.52, subdivision 1; Minnesota Statutes 1999 Supplement, sections 119A.45; 257.66, subdivision 3; 494.03; 518.155; 518.165, subdivision 2; 518.178; 518.551, subdivision 5; and 609.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 518.

April 14, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3169, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 3169 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

PARENTING PLANS AND PARENTING TIME

Section 1. Minnesota Statutes 1998, section 518.003, is amended by adding a subdivision to read:

Subd. 5. [PARENTING TIME.] "Parenting time" means the time a parent spends with a child regardless of the custodial designation regarding the child.

Sec. 2. Minnesota Statutes 1998, section 518.131, is amended by adding a subdivision to read:

Subd. 11. [TEMPORARY SUPPORT AND MAINTENANCE.] Temporary support and maintenance may be ordered during the time a parenting plan is being developed under section 518.1705.

Sec. 3. [518.1705] [PARENTING PLANS.]

Subdivision 1. [DEFINITION.] "Domestic abuse" for the purposes of this section has the meaning given in section 518B.01, subdivision 2.

Subd. 2. [PLAN ELEMENTS.] (a) A parenting plan must include the following:

(1) a schedule of the time each parent spends with the child;

(2) a designation of decision-making responsibilities regarding the child; and

(3) a method of dispute resolution.

(b) A parenting plan may include other issues and matters the parents agree to regarding the child.

(c) Parents voluntarily agreeing to parenting plans may substitute other terms for physical and legal custody, including designations of joint or sole custody, provided that the terms used in the substitution are defined in the parenting plan.

Subd. 3. [CREATING PARENTING PLAN; RESTRICTIONS ON CREATION; ALTERNATIVE.] (a) Upon the request of both parents, a parenting plan must be created in lieu of an order for child custody and parenting time unless the court makes detailed findings that the proposed plan is not in the best interests of the child.

(b) If both parents do not agree to a parenting plan, the court may create one on its own motion, except that the court must not do so if it finds that a parent has committed domestic abuse against a parent or child who is a party to, or subject of, the matter before the court. If the court creates a parenting plan on its own motion, it must not use alternative terminology unless the terminology is agreed to by the parties.

(c) If an existing order does not contain a parenting plan, the parents must not be required to create a parenting plan as part of a modification order under section 518.64.

(d) A parenting plan must not be required during an action under section 256.87.

(e) If the parents do not agree to a parenting plan and the court does not create one on its own motion, orders for custody and parenting time must be entered under sections 518.17 and 518.175 or section 257.541, as applicable.

Subd. 4. [CUSTODY DESIGNATION.] A final judgment and decree that includes a parenting plan using alternate terms to designate decision-making responsibilities or allocation of residential time between the parents must designate whether the parents have joint legal custody or joint physical custody or which parent has sole legal custody or sole physical custody, or both. This designation is solely for enforcement of the final judgment and decree where this designation is required for that enforcement and has no effect under the laws of this state, any other state, or another country that do not require this designation.

Subd. 5. [ROLE OF COURT.] If both parents agree to the use of a parenting plan but are unable to agree on all terms, the court may create a parenting plan under this section. If the court is considering a parenting plan, it may require each parent to submit a proposed parenting plan at any time before entry of the final judgment and decree. If parents seek the court's assistance in deciding the schedule for each parent's time with the child or designation of decision-making responsibilities regarding the child, the court may order an evaluation and should consider the appointment of a guardian ad litem. Parenting plans, whether entered on the court's own motion, following a contested hearing, or reviewed by the court pursuant to a stipulation, must be based on the best interests factors in section 518.17 or 257.025, as applicable.

Subd. 6. [RESTRICTIONS ON PREPARATION OF PARENTING PLAN.] (a) Dispute resolution processes other than the judicial process may not be required in the preparation of a parenting plan if a parent is alleged to have committed domestic abuse toward a parent or child who is a party to, or subject of, the matter before the court. In these cases, the court shall consider the appointment of a guardian ad litem and a parenting plan evaluator.

(b) The court may not require a parenting plan that provides for joint legal custody or use of dispute resolution processes, other than the judicial process, if the court finds that section 518.179 applies or the court finds that either parent has engaged in the following toward a parent or child who is a party to, or subject of, the matter before the court:

(1) acts of domestic abuse, including physical harm, bodily injury, and infliction of fear of physical harm, assault, terroristic threats, or criminal sexual conduct;

(2) physical, sexual, or a pattern of emotional abuse of a child; or

(3) willful abandonment that continues for an extended period of time or substantial refusal to perform parenting functions.

Subd. 7. [MOVING THE CHILD TO ANOTHER STATE.] Parents may agree, but the court must not require, that in a parenting plan the factors in section 518.17 or 257.025, as applicable, will govern a decision concerning removal of a child's residence from this state, provided that:

- (1) both parents were represented by counsel when the parenting plan was approved; or
- (2) the court found the parents were fully informed, the agreement was voluntary, and the parents were aware of its implications.

Subd. 8. [ALLOCATION OF CERTAIN EXPENSES.] (a) Parents creating a parenting plan are subject to the requirements of the child support guidelines under section 518.551.

(b) Parents may include in the parenting plan an allocation of expenses for the child. The allocation is an enforceable contract between the parents.

Subd. 9. [MODIFICATION OF PARENTING PLANS.] (a) Parents may modify the schedule of the time each parent spends with the child or the decision-making provisions of a parenting plan by agreement. To be enforceable, modifications must be confirmed by court order. A motion to modify decision-making provisions or the time each parent spends with the child may be made only within the time limits provided by section 518.18.

(b) The parties may agree, but the court must not require them, to apply the best interests standard in section 518.17 or 257.025, as applicable, for deciding a motion for modification that would change the child's primary residence, provided that:

- (1) both parties were represented by counsel when the parenting plan was approved; or
- (2) the court found the parties were fully informed, the agreement was voluntary, and the parties were aware of its implications.
- (c) If the parties do not agree to apply the best interests standard, section 518.18, paragraph (d), applies.

Sec. 4. Minnesota Statutes 1998, section 518.175, subdivision 5, is amended to read:

Subd. 5. [MODIFICATION OF VISITATION PARENTING PLAN OR ORDER FOR PARENTING TIME.] If modification would serve the best interests of the child, the court shall modify the decision-making provisions of a parenting plan or an order granting or denying visitation rights whenever modification would serve the best interests of the child parenting time, if the modification would not change the child's primary residence. Except as provided in section 631.52, the court may not restrict ~~visitation rights~~ parenting time unless it finds that:

- (1) ~~the visitation parenting time~~ is likely to endanger the child's physical or emotional health or impair the child's emotional development; or
- (2) the noncustodial parent has chronically and unreasonably failed to comply with court-ordered ~~visitation~~ parenting time.

If the custodial parent makes specific allegations that ~~visitation parenting time~~ places the custodial parent or child in danger of harm, the court shall hold a hearing at the earliest possible time to determine the need to modify the order granting ~~visitation rights~~ parenting time. Consistent with subdivision 1a, the court may require a third party, including the local social services agency, to supervise the ~~visitation parenting time~~ or may restrict a parent's ~~visitation rights~~ parenting time if necessary to protect the custodial parent or child from harm. In addition, if there is an existing order for protection governing the parties, the court shall consider the use of an independent, neutral exchange location for parenting time.

Sec. 5. Minnesota Statutes 1998, section 518.18, is amended to read:

518.18 [MODIFICATION OF ORDER.]

(a) Unless agreed to in writing by the parties, no motion to modify a custody order or parenting plan may be made earlier than one year after the date of the entry of a decree of dissolution or legal separation containing a provision dealing with custody, except in accordance with paragraph (c).

(b) If a motion for modification has been heard, whether or not it was granted, unless agreed to in writing by the parties no subsequent motion may be filed within two years after disposition of the prior motion on its merits, except in accordance with paragraph (c).

(c) The time limitations prescribed in paragraphs (a) and (b) shall not prohibit a motion to modify a custody order or parenting plan if the court finds that there is persistent and willful denial or interference with ~~visitation~~ parenting time, or has reason to believe that the child's present environment may endanger the child's physical or emotional health or impair the child's emotional development.

(d) If the court has jurisdiction to determine child custody matters, the court shall not modify a prior custody order or a parenting plan provision which specifies the child's primary residence unless it finds, upon the basis of facts, including unwarranted denial of, or interference with, a duly established ~~visitation~~ parenting time schedule, that have arisen since the prior order or that were unknown to the court at the time of the prior order, that a change has occurred in the circumstances of the child or the parties and that the modification is necessary to serve the best interests of the child. In applying these standards the court shall retain the custody arrangement or the parenting plan provision specifying the child's primary residence that was established by the prior order unless:

(i) the court finds that a change in the custody arrangement or primary residence is in the best interests of the child and the parties previously agreed, in a writing approved by a court, to apply the best interests standard in section 518.17 or 257.025, as applicable; and, with respect to agreements approved by a court on or after the effective date of this clause, both parties were represented by counsel when the agreement was approved or the court found the parties were fully informed, the agreement was voluntary, and the parties were aware of its implications;

(ii) both parties agree to the modification;

(iii) (ii) the child has been integrated into the family of the petitioner with the consent of the other party; or

(iii) (iv) the child's present environment endangers the child's physical or emotional health or impairs the child's emotional development and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

In addition, a court may modify a custody order or parenting plan under section 631.52.

(e) In deciding whether to modify a prior joint custody order, the court shall apply the standards set forth in paragraph (d) unless: (1) the parties agree in writing to the application of a different standard, or (2) the party seeking the modification is asking the court for permission to move the residence of the child to another state.

(f) If a custodial parent has been granted sole physical custody of a minor and the child subsequently lives with the noncustodial parent, and temporary sole physical custody has been approved by the court or by a court-appointed referee, the court may suspend the noncustodial parent's child support obligation pending the final custody determination. The court's order denying the suspension of child support must include a written explanation of the reasons why continuation of the child support obligation would be in the best interests of the child.

Sec. 6. [518.183] [REPLACING CERTAIN ORDERS.]

Upon request of both parties the court must modify an order entered under section 518.17 or 518.175 before the effective date of this act by entering a parenting plan that complies with section 518.1705, unless the court makes detailed findings that entering a parenting plan is not in the best interests of the child. If only one party makes the

request, the court may modify the order by entering a parenting plan that complies with section 518.1705. The court must apply the standards in section 518.18 when considering a motion to enter a parenting plan that would change the child's primary residence. The court must apply the standards in section 518.17 when considering a motion to enter a parenting plan that would:

(1) change decision-making responsibilities of the parents; or

(2) change the time each parent spends with the child, but not change the child's primary residence.

Sec. 7. Minnesota Statutes 1998, section 518B.01, subdivision 6, is amended to read:

Subd. 6. [RELIEF BY THE COURT.] (a) Upon notice and hearing, the court may provide relief as follows:

(1) restrain the abusing party from committing acts of domestic abuse;

(2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;

(3) exclude the abusing party from a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order;

(4) award temporary custody or establish temporary ~~visitation~~ parenting time with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. Except for cases in which custody is contested, findings under section 257.025, 518.17, or 518.175 are not required. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted ~~visitation~~ parenting time, the court shall condition or restrict ~~visitation~~ parenting time as to time, place, duration, or supervision, or deny ~~visitation~~ parenting time entirely, as needed to guard the safety of the victim and the children. The court's decision on custody and ~~visitation~~ parenting time shall in no way delay the issuance of an order for protection granting other ~~reliefs~~ relief provided for in this section. The court must not enter a parenting plan under section 518.1705 as part of an action for an order for protection;

(5) on the same basis as is provided in chapter 518, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518;

(6) provide upon request of the petitioner counseling or other social services for the parties, if married, or if there are minor children;

(7) order the abusing party to participate in treatment or counseling services;

(8) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;

(9) exclude the abusing party from the place of employment of the petitioner, or otherwise limit access to the petitioner by the abusing party at the petitioner's place of employment;

(10) order the abusing party to pay restitution to the petitioner;

(11) order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation; and

(12) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff, constable, or other law enforcement or corrections officer as provided by this section.

(b) Any relief granted by the order for protection shall be for a fixed period not to exceed one year, except when the court determines a longer fixed period is appropriate. When a referee presides at the hearing on the petition, the order granting relief becomes effective upon the referee's signature.

(c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated or modified in a proceeding for dissolution of marriage or legal separation, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

(d) An order granting the relief authorized in paragraph (a), clause (2) or (3), is not voided by the admittance of the abusing party into the dwelling from which the abusing party is excluded.

(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.

(f) An order for restitution issued under this subdivision is enforceable as civil judgment.

Sec. 8. [EFFECTIVE DATE.]

Section 5, paragraph (d), clause (i), is effective the day following final enactment, and applies to written agreements approved by a court before, on, or after that date. The remaining provisions of this article are effective January 1, 2001.

ARTICLE 2

CONFORMING TERMINOLOGY

Section 1. Minnesota Statutes 1998, section 15.87, is amended to read:

15.87 [VICTIMS OF VIOLENCE.]

In furtherance of the state policy of zero tolerance for violence in section 1.50, the state shall have a goal of providing:

(1) every victim of violence in Minnesota, regardless of the county of residence, access to necessary services, including, but not limited to:

- (i) crisis intervention services, including a 24-hour emergency telephone line;
- (ii) safe housing;
- (iii) counseling and peer support services; and
- (iv) assistance in pursuing legal remedies and appropriate medical care; and

(2) every child who is a witness to abuse or who is a victim of violence, access to necessary services, including, but not limited to:

- (i) crisis child care;

(ii) safe supervised ~~child visitation~~ parenting time or independent, neutral exchange locations for parenting time, when needed;

(iii) age appropriate counseling and support; and

(iv) assistance with legal remedies, medical care, and needed social services.

Sec. 2. Minnesota Statutes 1998, section 119A.37, is amended to read:

119A.37 [GRANTS FOR ~~FAMILY VISITATION~~ PARENTING TIME CENTERS.]

Subdivision 1. [PURPOSE.] The commissioner shall issue a request for proposals from existing local nonprofit, nongovernmental, or governmental organizations, to use existing local facilities as ~~family visitation~~ parenting time centers which may also be used for ~~visitation~~ parenting time exchanges. The commissioner shall award grants in amounts up to \$50,000 for the purpose of creating or maintaining ~~family visitation~~ parenting time centers in an effort to reduce children's vulnerability to violence and trauma related to ~~family visitation~~ parenting time, where there has been a history of domestic violence or abuse within the family. The commissioner shall award the grants to provide the greatest possible number of ~~family visitation~~ parenting time centers and to locate them to provide for the broadest possible geographic distribution of the centers throughout the state.

Each ~~children's family visitation~~ parenting time center must use existing local facilities to provide a healthy interactive environment for parents who are separated or divorced and for parents with children in foster homes to visit with their children. The centers must be available for use by district courts who may order ~~visitation~~ parenting time to occur at a ~~family visitation~~ parenting time center. The centers may also be used as drop-off sites, so that parents who are under court order to have no contact with each other can exchange children for ~~visitation~~ parenting time at a neutral site. Each center must provide sufficient security to ensure a safe ~~visitation~~ parenting time environment for children and their parents. A grantee must demonstrate the ability to provide a 25 percent local match, which may include in-kind contributions.

Subd. 2. [COUNTY INVOLVEMENT.] Each county or group of counties is encouraged to provide supervised ~~visitation~~ parenting time services in an effort to fill the gap in the court system that orders supervised ~~visitation~~ parenting time but does not provide a center to accomplish the supervised ~~visitation~~ parenting time as ordered. Each county or group of counties is encouraged to either financially contribute to an existing ~~family visitation~~ parenting time center in the area, or establish a new center if there is not one in the area, possibly through county social services. In creating a new center, the county may collaborate with other counties, other ~~family visitation~~ parenting time centers, family services collaboratives, court services, and any other entity or organization. The goal is to provide ~~family visitation~~ parenting time centers statewide. The county shall apply for funding that may be available through the federal government, specifically for family preservation or family reunification purposes, or any other source of funding that will aid in developing and maintaining this vital service.

Subd. 3. [FUNDING.] The commissioner may award grants to create or maintain ~~family visitation~~ parenting time centers.

In awarding grants to maintain a ~~family visitation~~ parenting time center, the commissioner may award a grant to a center that can demonstrate a 35 percent local match, provided the center is diligently exploring and pursuing all available funding options in an effort to become self-sustaining, and those efforts are reported to the commissioner.

In awarding grants to create a ~~family visitation~~ parenting time center, the commissioner shall give priority to:

- (1) areas of the state where no other ~~family visitation~~ parenting time center or similar facility exists;
- (2) applicants who demonstrate that private funding for the center is available and will continue; and

(3) facilities that are adapted for use to care for children, such as day care centers, religious institutions, community centers, schools, technical colleges, parenting resource centers, and child care referral services.

In awarding grants to create or maintain a ~~family visitation~~ parenting time center, the commissioner shall require the proposed center to meet standards developed by the commissioner to ensure the safety of the custodial parent and children.

Subd. 4. [ADDITIONAL SERVICES.] Each ~~family visitation~~ parenting time center may provide parenting and child development classes, and offer support groups to participating custodial parents and hold regular classes designed to assist children who have experienced domestic violence and abuse. Each ~~family visitation~~ parenting time center must have available an individual knowledgeable about or experienced in the provision of services to battered women on its staff, its board of directors, or otherwise available to it for consultation.

Subd. 5. [ADMINISTRATION.] In administering the grants authorized by this section, the commissioner shall ensure that the term "~~family visitation~~ parenting time center" is used in all future applications, publicity releases, requests for proposals, and other materials of like nature. Materials published prior to the enactment of this legislation which use different terms may be distributed by the commissioner until supplies are gone.

Sec. 3. Minnesota Statutes 1999 Supplement, section 119A.45, is amended to read:

119A.45 [EARLY CHILDHOOD LEARNING AND CHILD PROTECTION FACILITIES.]

The commissioner may make grants to state agencies and political subdivisions to construct or rehabilitate facilities for early childhood programs, with priority to centers in counties or municipalities with the highest percentage of children living in poverty. The commissioner may also make grants to state agencies and political subdivisions to construct or rehabilitate facilities for crisis nurseries or ~~child visitation~~ parenting time centers. The facilities must be owned by the state or a political subdivision, but may be leased under section 16A.695 to organizations that operate the programs. The commissioner must prescribe the terms and conditions of the leases. A grant for an individual facility must not exceed \$200,000 for each program that is housed in the facility, up to a maximum of \$500,000 for a facility that houses three programs or more. Programs include Head Start, early childhood and family education programs, and other early childhood intervention programs. The commissioner must give priority to grants that involve collaboration among sponsors of programs under this section and may give priority to projects that collaborate with child care providers, including all-day and school-age child care programs, special needs care, sick child care, and nontraditional hour care. The commissioner may give priority to grants for programs that will increase their child care workers' wages as a result of the grant. At least 25 percent of the amounts appropriated for these grants up to \$50,000 must utilize youthbuild under sections 268.361 to 268.366 or other youth employment and training programs for the labor portion of the construction. Eligible programs must consult with appropriate labor organizations to deliver education and training. State appropriations must be matched on a 50 percent basis with nonstate funds. The matching requirement must apply programwide and not to individual grants.

Sec. 4. Minnesota Statutes 1998, section 124D.23, subdivision 8, is amended to read:

Subd. 8. [PLAN APPROVAL BY THE CHILDREN'S CABINET.] (a) The children's cabinet must approve local plans for collaboratives. In approving local plans, the children's cabinet must give highest priority to a plan that provides:

- (1) early intervention and family outreach services;
- (2) ~~family visitation~~ parenting time services;
- (3) a continuum of services for children from birth to age 18;
- (4) family preservation services;

- (5) culturally sensitive approaches for delivering services and utilizing culturally specific organizations;
- (6) clearly defined outcomes and valid methods of assessment;
- (7) effective service coordination;
- (8) participation by the maximum number of jurisdictions and local, county, and state funding sources;
- (9) integrated community service providers and local resources;
- (10) integrated transportation services;
- (11) integrated housing services; and
- (12) coordinated services that include a children's mental health collaborative authorized by law.

(b) The children's cabinet must ensure that the collaboratives established under this section do not conflict with any state or federal policy or program and do not negatively impact the state budget.

Sec. 5. Minnesota Statutes 1998, section 256L.01, subdivision 3a, is amended to read:

Subd. 3a. [FAMILY WITH CHILDREN.] (a) "Family with children" means:

- (1) parents, their children, and dependent siblings residing in the same household; or
- (2) grandparents, foster parents, relative caretakers as defined in the medical assistance program, or legal guardians; their wards who are children; and dependent siblings residing in the same household.

(b) The term includes children and dependent siblings who are temporarily absent from the household in settings such as schools, camps, or ~~visitation~~ parenting time with noncustodial parents.

(c) For purposes of this subdivision, a dependent sibling means an unmarried child who is a full-time student under the age of 25 years who is financially dependent upon a parent, grandparent, foster parent, relative caretaker, or legal guardian. Proof of school enrollment is required.

Sec. 6. Minnesota Statutes 1998, section 257.541, is amended to read:

257.541 [CUSTODY AND ~~VISITATION~~ PARENTING TIME WITH CHILDREN BORN OUTSIDE OF MARRIAGE.]

Subdivision 1. [MOTHER'S RIGHT TO CUSTODY.] The biological mother of a child born to a mother who was not married to the child's father ~~neither~~ when the child was born ~~nor~~ and was not married to the child's father when the child was conceived has sole custody of the child until paternity has been established under sections 257.51 to 257.74, or until custody is determined in a separate proceeding under section 518.156.

Subd. 2. [FATHER'S RIGHT TO ~~VISITATION~~ PARENTING TIME AND CUSTODY.] (a) If paternity has been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the father's rights of ~~visitation~~ parenting time or custody are determined under sections 518.17 and 518.175.

(b) If paternity has not been acknowledged under section 257.34 and paternity has been established under sections 257.51 to 257.74, the biological father may petition for rights of ~~visitation~~ parenting time or custody in the paternity proceeding or in a separate proceeding under section 518.156.

Subd. 3. [FATHER'S RIGHT TO ~~VISITATION~~ PARENTING TIME AND CUSTODY; RECOGNITION OF PATERNITY.] If paternity has been recognized under section 257.75, the father may petition for rights of ~~visitation~~ parenting time or custody in an independent action under section 518.156. The proceeding must be treated as an initial determination of custody under section 518.17. The provisions of chapter 518 apply with respect to the granting of custody and ~~visitation~~ parenting time. An action to determine custody and parenting time may be commenced pursuant to chapter 518 without an adjudication of parentage. These proceedings may not be combined with any proceeding under chapter 518B.

Sec. 7. Minnesota Statutes 1999 Supplement, section 257.66, subdivision 3, is amended to read:

Subd. 3. [JUDGMENT; ORDER.] The judgment or order shall contain provisions concerning the duty of support, the custody of the child, the name of the child, the social security number of the mother, father, and child, if known at the time of adjudication, ~~visitation privileges~~ parenting time with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child. Custody and ~~visitation~~ parenting time and all subsequent motions related to them shall proceed and be determined under section 257.541. The remaining matters and all subsequent motions related to them shall proceed and be determined in accordance with chapter 518. The judgment or order may direct the appropriate party to pay all or a proportion of the reasonable expenses of the mother's pregnancy and confinement, including the mother's lost wages due to medical necessity, after consideration of the relevant facts, including the relative financial means of the parents; the earning ability of each parent; and any health insurance policies held by either parent, or by a spouse or parent of the parent, which would provide benefits for the expenses incurred by the mother during her pregnancy and confinement. Pregnancy and confinement expenses and genetic testing costs, submitted by the public authority, are admissible as evidence without third-party foundation testimony and constitute prima facie evidence of the amounts incurred for those services or for the genetic testing. Remedies available for the collection and enforcement of child support apply to confinement costs and are considered additional child support.

Sec. 8. Minnesota Statutes 1998, section 257.75, subdivision 3, is amended to read:

Subd. 3. [EFFECT OF RECOGNITION.] Subject to subdivision 2 and section 257.55, subdivision 1, paragraph (g) or (h), the recognition has the force and effect of a judgment or order determining the existence of the parent and child relationship under section 257.66. If the conditions in section 257.55, subdivision 1, paragraph (g) or (h), exist, the recognition creates only a presumption of paternity for purposes of sections 257.51 to 257.74. Once a recognition has been properly executed and filed with the state registrar of vital statistics, if there are no competing presumptions of paternity, a judicial or administrative court may not allow further action to determine parentage regarding the signator of the recognition. An action to determine custody and parenting time may be commenced pursuant to chapter 518 without an adjudication of parentage. Until an order is entered granting custody to another, the mother has sole custody. The recognition is:

(1) a basis for bringing an action to award custody or ~~visitation rights~~ parenting time to either parent, establishing a child support obligation which may include up to the two years immediately preceding the commencement of the action, ordering a contribution by a parent under section 256.87, or ordering a contribution to the reasonable expenses of the mother's pregnancy and confinement, as provided under section 257.66, subdivision 3, or ordering reimbursement for the costs of blood or genetic testing, as provided under section 257.69, subdivision 2;

(2) determinative for all other purposes related to the existence of the parent and child relationship; and

(3) entitled to full faith and credit in other jurisdictions.

Sec. 9. Minnesota Statutes 1998, section 257A.01, subdivision 2, is amended to read:

Subd. 2. [CONSENTS AND NOTICE REQUIRED.] (a) The agreement must be executed by all parents with legal custody of the child and must have the consent of every parent who has court-ordered ~~visitation~~ parenting time rights to the child. As soon as practicable after executing an agreement, a copy of the agreement must be given to every child age 14 or older to whom the agreement applies.

(b) Consent of a parent required under paragraph (a) may be given in writing or may be established by mailing a notice regarding the designated caregiver agreement to the parent's last known address. The notice must include the name of the proposed designated caregiver and inform the parent whose consent is required that the parent's consent to the agreement will be implied if the parent does not object within 30 days. If the parent does not object to the agreement orally or in writing within 30 days, the consent of the parent is implied.

Sec. 10. Minnesota Statutes 1998, section 257A.03, subdivision 2, is amended to read:

Subd. 2. [NOTICE TO NONCUSTODIAL PARENT; RIGHTS.] (a) As soon as practicable after assuming care of a child, the designated caregiver shall notify any noncustodial parent that the designated caregiver has assumed care of the child.

(b) Court-ordered ~~visitation~~ parenting time rights of a noncustodial parent continue while the child is in the care of the designated caregiver, unless otherwise modified by the court. A designated caregiver agreement does not affect the right of a parent without physical custody to bring a custody motion under chapter 518. If a parent with legal custody is not the designated caregiver, the parent may bring a motion for temporary physical custody, which may continue until the parent with physical custody is able to resume care of the child. The court shall award that parent temporary physical custody unless it finds it would not be in the best interests of the child.

Sec. 11. Minnesota Statutes 1998, section 480.30, subdivision 1, is amended to read:

Subdivision 1. [CHILD ABUSE; DOMESTIC ABUSE; HARASSMENT.] The supreme court's judicial education program must include ongoing training for district court judges on child and adolescent sexual abuse, domestic abuse, harassment, stalking, and related civil and criminal court issues. The program must include the following:

- (1) information about the specific needs of victims;
- (2) education on the causes of sexual abuse and family violence;
- (3) education on culturally responsive approaches to serving victims;
- (4) education on the impacts of domestic abuse and domestic abuse allegations on children and the importance of considering these impacts when making ~~visitation~~ parenting time and child custody decisions under chapter 518; and
- (5) information on alleged and substantiated reports of domestic abuse, including, but not limited to, department of human services survey data.

The program also must emphasize the need for the coordination of court and legal victim advocacy services and include education on sexual abuse and domestic abuse programs and policies within law enforcement agencies and prosecuting authorities as well as the court system.

Sec. 12. Minnesota Statutes 1998, section 494.015, subdivision 1, is amended to read:

Subdivision 1. [GUIDELINES.] The state court administrator shall adopt guidelines for use by community dispute resolution programs and training programs for mediators and arbitrators for the community dispute resolution programs. The guidelines must include provisions to ensure that participation in dispute resolution is voluntary, procedures for case processing, and program certification criteria that must be met to receive court referrals. The guidelines must include:

- (1) standards for training mediators and arbitrators to recognize matters involving violence against a person; and
- (2) training in family law matters that must be completed by mediators before acceptance of postdissolution property distribution matters and postdissolution ~~visitation~~ parenting time matters.

Sec. 13. Minnesota Statutes 1999 Supplement, section 494.03, is amended to read:

494.03 [EXCLUSIONS.]

The guidelines shall exclude:

(1) any dispute involving violence against persons, in which incidents arising out of situations that would support charges under sections 609.221 to 609.2231, 609.342 to 609.345, 609.365, or any other felony charges;

(2) any matter involving competency or civil commitment;

(3) any matter involving a person who has been adjudicated incompetent or relating to guardianship or conservatorship unless the incompetent person is accompanied by a competent advocate or the respondent in a guardianship or conservatorship matter is represented by an attorney, guardian ad litem, or other representative appointed by the court;

(4) any matter involving neglect or dependency, or involving termination of parental rights arising under sections 260C.301 to 260C.328; and

(5) any matter arising under section 626.557 or sections 144.651 to 144.652, or any dispute subject to chapters 518 and 518B, whether or not an action is pending, except for postdissolution property distribution matters and postdissolution ~~visitation~~ parenting time matters. This shall not restrict the present authority of the court or departments of the court from accepting for resolution a dispute arising under chapters 518 and 518B, or from referring disputes arising under chapters 518 and 518A to for-profit mediation.

Sec. 14. Minnesota Statutes 1998, section 517.08, subdivision 1c, is amended to read:

Subd. 1c. [DISPOSITION OF LICENSE FEE.] Of the marriage license fee collected pursuant to subdivision 1b, the court administrator shall pay \$55 to the state treasurer to be deposited as follows:

(1) \$50 in the general fund;

(2) \$3 in the special revenue fund to be appropriated to the commissioner of children, families, and learning for supervised ~~visitation~~ parenting time facilities under section 119A.37; and

(3) \$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.

Sec. 15. Minnesota Statutes 1998, section 518.003, subdivision 3, is amended to read:

Subd. 3. [CUSTODY.] Unless otherwise agreed by the parties:

(a) "Legal custody" means the right to determine the child's upbringing, including education, health care, and religious training.

(b) "Joint legal custody" means that both parents have equal rights and responsibilities, including the right to participate in major decisions determining the child's upbringing, including education, health care, and religious training.

(c) "Physical custody and residence" means the routine daily care and control and the residence of the child.

(d) "Joint physical custody" means that the routine daily care and control and the residence of the child is structured between the parties.

(e) Wherever used in this chapter, the term "custodial parent" or "custodian" means the person who has the physical custody of the child at any particular time.

(f) "Custody determination" means a court decision and court orders and instructions providing for the custody of a child, including ~~visitation rights~~ parenting time, but does not include a decision relating to child support or any other monetary obligation of any person.

(g) "Custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for dissolution, divorce, or separation, and includes proceedings involving children who are in need of protection or services, domestic abuse, and paternity.

Sec. 16. Minnesota Statutes 1998, section 518.131, subdivision 1, is amended to read:

Subdivision 1. In a proceeding brought for custody, dissolution, or legal separation, or for disposition of property, maintenance, or child support following the dissolution of a marriage, either party may, by motion, request from the court and the court may grant a temporary order pending the final disposition of the proceeding to or for:

- (a) Temporary custody and ~~visitation rights of~~ parenting time regarding the minor children of the parties;
- (b) Temporary maintenance of either spouse;
- (c) Temporary child support for the children of the parties;
- (d) Temporary costs and reasonable attorney fees;
- (e) Award the temporary use and possession, exclusive or otherwise, of the family home, furniture, household goods, automobiles, and other property of the parties;
- (f) Restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;
- (g) Restrain one or both parties from harassing, vilifying, mistreating, molesting, disturbing the peace, or restraining the liberty of the other party or the children of the parties;
- (h) Restrain one or both parties from removing any minor child of the parties from the jurisdiction of the court;
- (i) Exclude a party from the family home of the parties or from the home of the other party; and
- (j) Require one or both of the parties to perform or to not perform such additional acts as will facilitate the just and speedy disposition of the proceeding, or will protect the parties or their children from physical or emotional harm.

Sec. 17. Minnesota Statutes 1998, section 518.131, subdivision 2, is amended to read:

Subd. 2. No temporary order shall:

- (a) Deny ~~visitation rights~~ parenting time to a noncustodial parent unless the court finds that ~~visitation~~ parenting time by the noncustodial parent is likely to cause physical or emotional harm to the child;
- (b) Exclude a party from the family home of the parties unless the court finds that physical or emotional harm to one of the parties or to the children of the parties is likely to result, or that the exclusion is reasonable in the circumstances; or

(c) Vacate or modify an order granted under section 518B.01, subdivision 6, paragraph (a), clause (1), restraining an abusing party from committing acts of domestic abuse, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

Sec. 18. Minnesota Statutes 1998, section 518.131, subdivision 3, is amended to read:

Subd. 3. A party may request and the court may make an ex parte restraining order which may include any matter that may be included in a temporary order except:

(a) A restraining order may not exclude either party from the family home of the parties except upon a finding by the court of immediate danger of physical harm to the other party or the children of either party; and

(b) A restraining order may not deny ~~visitation~~ parenting time to either party or grant custody of the minor children to either party except upon a finding by the court of immediate danger of physical harm to the minor children of the parties.

Sec. 19. Minnesota Statutes 1998, section 518.131, subdivision 7, is amended to read:

Subd. 7. The court shall be guided by the factors set forth in sections 518.551 (concerning child support), 518.552 (concerning maintenance), 518.17 to 518.175 (concerning custody and ~~visitation~~ parenting time), and 518.14 (concerning costs and attorney fees) in making temporary orders and restraining orders.

Sec. 20. Minnesota Statutes 1999 Supplement, section 518.155, is amended to read:

518.155 [CUSTODY DETERMINATIONS.]

Notwithstanding any law to the contrary, a court in which a proceeding for dissolution, legal separation, or child custody has been commenced shall not issue, revise, modify or amend any order, pursuant to sections 518.131, 518.165, 518.168, 518.17, 518.175 or 518.18, which affects the custody of a minor child or the ~~visitation rights~~ parenting time of a noncustodial parent unless the court has jurisdiction over the matter pursuant to the provisions of chapter 518D.

Sec. 21. Minnesota Statutes 1998, section 518.156, is amended to read:

518.156 [COMMENCEMENT OF CUSTODY PROCEEDING.]

Subdivision 1. [PROCEDURE.] In a court of this state which has jurisdiction to decide child custody matters, a child custody proceeding is commenced:

(a) by a parent

(1) by filing a petition for dissolution or legal separation; or

(2) where a decree of dissolution or legal separation has been entered or where none is sought, or when paternity has been recognized under section 257.75, by filing a petition or motion seeking custody or ~~visitation of parenting time~~ parenting time with the child in the county where the child is permanently resident or where the child is found or where an earlier order for custody of the child has been entered; or

(b) by a person other than a parent, where a decree of dissolution or legal separation has been entered or where none is sought by filing a petition or motion seeking custody or visitation of the child in the county where the child is permanently resident or where the child is found or where an earlier order for custody of the child has been entered. A person seeking visitation pursuant to this paragraph must qualify under one of the provisions of section 257.022.

Subd. 2. [REQUIRED NOTICE.] Written notice of a child custody or parenting time or visitation proceeding shall be given to the child's parent, guardian, and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

Sec. 22. Minnesota Statutes 1998, section 518.157, subdivision 1, is amended to read:

Subdivision 1. [IMPLEMENTATION; ADMINISTRATION.] By January 1, 1998, the chief judge of each judicial district or a designee shall implement one or more parent education programs within the judicial district for the purpose of educating parents about the impact that divorce, the restructuring of families, and judicial proceedings have upon children and families; methods for preventing ~~visitation~~ parenting time conflicts; and dispute resolution options. The chief judge of each judicial district or a designee may require that children attend a separate education program designed to deal with the impact of divorce upon children as part of the parent education program. Each parent education program must enable persons to have timely and reasonable access to education sessions.

Sec. 23. Minnesota Statutes 1998, section 518.157, subdivision 3, is amended to read:

Subd. 3. [ATTENDANCE.] In a proceeding under this chapter or sections 257.51 to 257.75 where custody or ~~visitation~~ parenting time is contested, the parents of a minor child shall attend an orientation and education program that meets the minimum standards promulgated by the Minnesota supreme court. In all other proceedings involving custody, support, or ~~visitation~~ parenting time the court may order the parents of a minor child to attend a parent education program. The program shall provide the court with names of persons who fail to attend the parent education program as ordered by the court. Persons who are separated or contemplating involvement in a dissolution, paternity, custody, or ~~visitation~~ parenting time proceeding may attend a parent education program without a court order. Participation in a parent education program must occur as early as possible. Parent education programs must offer an opportunity to participate at all phases of a pending or postdecree proceeding. Upon request of a party and a showing of good cause, the court may excuse the party from attending the program. If past or present domestic abuse, as defined in chapter 518B, is alleged, the court shall not require the parties to attend the same parent education sessions and shall enter an order setting forth the manner in which the parties may safely participate in the program.

Sec. 24. Minnesota Statutes 1998, section 518.165, subdivision 1, is amended to read:

Subdivision 1. [PERMISSIVE APPOINTMENT OF GUARDIAN AD LITEM.] In all proceedings for child custody or for dissolution or legal separation where custody or ~~visitation~~ parenting time with a minor child is in issue, the court may appoint a guardian ad litem from a panel established by the court to represent the interests of the child. The guardian ad litem shall advise the court with respect to custody, support, and ~~visitation~~ parenting time.

Sec. 25. Minnesota Statutes 1999 Supplement, section 518.165, subdivision 2, is amended to read:

Subd. 2. [REQUIRED APPOINTMENT OF GUARDIAN AD LITEM.] In all proceedings for child custody or for marriage dissolution or legal separation in which custody or ~~visitation~~ parenting time with a minor child is an issue, if the court has reason to believe that the minor child is a victim of domestic child abuse or neglect, as those terms are defined in sections 260C.007 and 626.556, respectively, the court shall appoint a guardian ad litem. The guardian ad litem shall represent the interests of the child and advise the court with respect to custody, support, and ~~visitation~~ parenting time. If the child is represented by a guardian ad litem in any other pending proceeding, the court may appoint that guardian to represent the child in the custody or ~~visitation~~ parenting time proceeding. No guardian ad litem need be appointed if the alleged domestic child abuse or neglect is before the court on a juvenile dependency and neglect petition. Nothing in this subdivision requires the court to appoint a guardian ad litem in any proceeding for child custody, marriage dissolution, or legal separation in which an allegation of domestic child abuse or neglect has not been made.

Sec. 26. Minnesota Statutes 1998, section 518.175, subdivision 1, is amended to read:

Subdivision 1. [GENERAL.] (a) In all proceedings for dissolution or legal separation, subsequent to the commencement of the proceeding and continuing thereafter during the minority of the child, the court shall, upon the request of either parent, grant such ~~rights of visitation~~ parenting time on behalf of the child and noncustodial parent as will enable the child and the noncustodial parent to maintain a child to parent relationship that will be in the best interests of the child. If the court finds, after a hearing, that ~~visitation~~ parenting time is likely to endanger the child's physical or emotional health or impair the child's emotional development, the court shall restrict ~~visitation by parenting time with~~ the noncustodial parent as to time, place, duration, or supervision and may deny ~~visitation parenting time~~ entirely, as the circumstances warrant. The court shall consider the age of the child and the child's relationship with the noncustodial parent prior to the commencement of the proceeding. A parent's failure to pay support because of the parent's inability to do so shall not be sufficient cause for denial of ~~visitation~~ parenting time.

(b) The court may provide that a law enforcement officer or other appropriate person will accompany a party seeking to enforce or comply with ~~visitation~~ parenting time.

(c) Upon request of either party, to the extent practicable a ~~visitation~~ an order for parenting time must include a specific schedule for ~~visitation~~ parenting time, including the frequency and duration of visitation and visitation during holidays and vacations, unless ~~visitation~~ parenting time is restricted, denied, or reserved.

(d) The court administrator shall provide a form for a pro se motion regarding ~~visitation~~ parenting time disputes, which includes provisions for indicating the relief requested, an affidavit in which the party may state the facts of the dispute, and a brief description of the ~~visitation~~ parenting time expeditor process under section 518.1751. The form may not include a request for a change of custody. The court shall provide instructions on serving and filing the motion.

Sec. 27. Minnesota Statutes 1998, section 518.175, subdivision 1a, is amended to read:

Subd. 1a. [DOMESTIC ABUSE; SUPERVISED ~~VISITATION~~ PARENTING TIME.] (a) If a custodial parent requests supervised ~~visitation~~ parenting time under subdivision 1 or 5 and an order for protection under chapter 518B or a similar law of another state is in effect against the noncustodial parent to protect the custodial parent or the child, the judge or judicial officer must consider the order for protection in making a decision regarding ~~visitation~~ parenting time.

(b) The state court administrator, in consultation with representatives of custodial and noncustodial parents and other interested persons, shall develop standards to be met by persons who are responsible for supervising ~~visitation~~ parenting time. Either parent may challenge the appropriateness of an individual chosen by the court to supervise ~~visitation~~ parenting time.

Sec. 28. Minnesota Statutes 1998, section 518.175, subdivision 2, is amended to read:

Subd. 2. [RIGHTS OF CHILDREN AND NONCUSTODIAL PARENT.] Upon the request of either parent, the court may inform any child of the parties, if eight years of age or older, or otherwise of an age of suitable comprehension, of the rights of the child and the noncustodial parent under the order or decree or any substantial amendment thereof. The custodial parent shall present the child for ~~visitation by~~ parenting time with the noncustodial parent, at such times as the court directs.

Sec. 29. Minnesota Statutes 1998, section 518.175, subdivision 3, is amended to read:

Subd. 3. [MOVE TO ANOTHER STATE.] The custodial parent shall not move the residence of the child to another state except upon order of the court or with the consent of the noncustodial parent, when the noncustodial parent has been given ~~visitation rights~~ parenting time by the decree. If the purpose of the move is to interfere with ~~visitation rights~~ parenting time given to the noncustodial parent by the decree, the court shall not permit the child's residence to be moved to another state.

Sec. 30. Minnesota Statutes 1998, section 518.175, subdivision 6, is amended to read:

Subd. 6. [REMEDIES.] (a) The court may provide for one or more of the following remedies for denial of or interference with court-ordered visitation parenting time as provided under this subdivision. All visitation parenting time orders must include notice of the provisions of this subdivision.

(b) If the court finds that a person has been deprived of court-ordered visitation parenting time, the court shall order the custodial parent to permit additional visits parenting time to compensate for the visitation parenting time of which the person was deprived or the court shall make specific findings as to why a request for compensatory visitation parenting time is denied. If compensatory visitation parenting time is awarded, additional visits parenting time must be:

(1) at least of the same type and duration as the deprived visit parenting time and, at the discretion of the court, may be in excess of or of a different type than the deprived visit parenting time;

(2) taken within one year after the deprived visit parenting time; and

(3) at a time acceptable to the person deprived of visitation parenting time.

(c) If the court finds that a party has wrongfully failed to comply with a visitation parenting time order or a binding agreement or decision under section 518.1751, the court may:

(1) impose a civil penalty of up to \$500 on the party;

(2) require the party to post a bond with the court for a specified period of time to secure the party's compliance;

(3) award reasonable attorney's fees and costs;

(4) require the party who violated the visitation parenting time order or binding agreement or decision of the visitation parenting time expeditor to reimburse the other party for costs incurred as a result of the violation of the order or agreement or decision; or

(5) award any other remedy that the court finds to be in the best interests of the children involved.

A civil penalty imposed under this paragraph must be deposited in the county general fund and must be used to fund the costs of a visitation parenting time expeditor program in a county with this program. In other counties, the civil penalty must be deposited in the state general fund.

(d) If the court finds that a party has been denied visitation parenting time and has incurred expenses in connection with the denied visitation parenting time, the court may require the party who denied visitation parenting time to post a bond in favor of the other party in the amount of prepaid expenses associated with an upcoming planned visitation parenting time.

(e) Proof of an unwarranted denial of or interference with duly established visitation parenting time may constitute contempt of court and may be sufficient cause for reversal of custody.

Sec. 31. Minnesota Statutes 1998, section 518.175, subdivision 8, is amended to read:

Subd. 8. [CARE OF CHILD BY NONCUSTODIAL PARENT.] The court may allow additional visitation parenting time to the noncustodial parent to provide child care while the custodial parent is working if this arrangement is reasonable and in the best interests of the child, as defined in section 518.17, subdivision 1. In addition, the court shall consider:

(1) the ability of the parents to cooperate;

(2) methods for resolving disputes regarding the care of the child, and the parents' willingness to use those methods; and

(3) whether domestic abuse, as defined in section 518B.01, has occurred between the parties.

Sec. 32. Minnesota Statutes 1998, section 518.1751, is amended to read:

518.1751 [~~VISITATION PARENTING TIME~~ DISPUTE RESOLUTION.]

Subdivision 1. [~~VISITATION PARENTING TIME~~ EXPEDITOR.] Upon request of either party, the parties' stipulation, or upon the court's own motion, the court may appoint a visitation parenting time expeditor to resolve visitation parenting time disputes that occur under a visitation parenting time order while a matter is pending under this chapter, chapter 257 or 518A, or after a decree is entered.

Subd. 1a. [EXCEPTIONS.] A party may not be required to refer a visitation parenting time dispute to a visitation parenting time expeditor under this section if:

- (1) one of the parties claims to be the victim of domestic abuse by the other party;
- (2) the court determines there is probable cause that one of the parties or a child of the parties has been physically abused or threatened with physical abuse by the other party; or
- (3) the party is unable to pay the costs of the expeditor, as provided under subdivision 2a.

If the court is satisfied that the parties have been advised by counsel and have agreed to use the visitation parenting time expeditor process and the process does not involve face-to-face meeting of the parties, the court may direct that the visitation parenting time expeditor process be used.

Subd. 1b. [PURPOSE; DEFINITIONS.] (a) The purpose of a visitation parenting time expeditor is to resolve visitation parenting time disputes by enforcing, interpreting, clarifying, and addressing circumstances not specifically addressed by an existing visitation parenting time order and, if appropriate, to make a determination as to whether the existing visitation parenting time order has been violated. A visitation parenting time expeditor may be appointed to resolve a one-time visitation parenting time dispute or to provide ongoing visitation parenting time dispute resolution services.

(b) For purposes of this section, "visitation parenting time dispute" means a disagreement among parties about visitation parenting time with a child, including a dispute about an anticipated denial of a future scheduled visit parenting time. "Visitation Parenting time dispute" includes a claim by a custodial parent that a noncustodial parent is not visiting spending time with a child as well as a claim by a noncustodial parent that a custodial parent is denying or interfering with visitation parenting time.

(c) A "visitation parenting time expeditor" is a neutral person authorized to use a mediation-arbitration process to resolve visitation parenting time disputes. A visitation parenting time expeditor shall attempt to resolve a visitation parenting time dispute by facilitating negotiations between the parties to promote settlement and, if it becomes apparent that the dispute cannot be resolved by an agreement of the parties, the visitation parenting time expeditor shall make a decision resolving the dispute.

Subd. 2. [APPOINTMENT.] (a) The parties may stipulate to the appointment of a visitation parenting time expeditor or a team of two expeditors without appearing in court by submitting to the court a written agreement identifying the names of the individuals to be appointed by the court; the nature of the dispute; the responsibilities of the visitation parenting time expeditor, including whether the expeditor is appointed to resolve a specific issue or on an ongoing basis; the term of the appointment; and the apportionment of fees and costs. The court shall review the agreement of the parties.

(b) If the parties cannot agree on a visitation parenting time expeditor, the court shall provide to the parties a copy of the court administrator's roster of visitation parenting time expeditors and require the parties to exchange the names of three potential visitation parenting time expeditors by a specific date. If after exchanging names the parties are unable to agree upon a visitation parenting time expeditor, the court shall select the visitation parenting time expeditor and, in its discretion, may appoint one expeditor or a team of two visitation expeditors. In the selection process the court must give consideration to the financial circumstances of the parties and the fees of those being considered as visitation parenting time expeditors. Preference must be given to persons who agree to volunteer their services or who will charge a variable fee for services based on the ability of the parties to pay for them.

(c) An order appointing a visitation parenting time expeditor must identify the name of the individual to be appointed, the nature of the dispute, the responsibilities of the visitation expeditor including whether the expeditor is appointed to resolve a specific issue or on an ongoing basis, the term of the appointment, the apportionment of fees, and notice that if the parties are unable to reach an agreement with the assistance of the visitation expeditor, the visitation expeditor is authorized to make a decision resolving the dispute which is binding upon the parties unless modified or vacated by the court.

Subd. 2a. [FEES.] Prior to appointing the visitation parenting time expeditor, the court shall give the parties notice that the fees of the visitation expeditor will be apportioned among the parties. In its order appointing the visitation expeditor, the court shall apportion the fees of the visitation expeditor among the parties, with each party bearing the portion of fees that the court determines is just and equitable under the circumstances. If a party files a pro se motion regarding a visitation parenting time dispute and there is not a court order that provides for apportionment of the fees of an expeditor, the court administrator may require the party requesting the appointment of an expeditor to pay the fees of the expeditor in advance. Neither party may be required to submit a dispute to a visitation expeditor if the party cannot afford to pay for the fees of an expeditor and an affordable expeditor is not available, unless the other party agrees to pay the fees. After fees are incurred, a party may by motion request that the fees be reapportioned on equitable grounds. The court may consider the resources of the parties, the nature of the dispute, and whether a party acted in bad faith. The court may consider information from the expeditor in determining bad faith.

Subd. 2b. [ROSTER OF VISITATION PARENTING TIME EXPEDITORS.] Each court administrator shall maintain and make available to the public and judicial officers a roster of individuals available to serve as visitation parenting time expeditors, including each individual's name, address, telephone number, and fee charged, if any. A court administrator shall not place on the roster the name of an individual who has not completed the training required in subdivision 2c. If the use of a visitation parenting time expeditor is initiated by stipulation of the parties, the parties may agree upon a person to serve as a visitation an expeditor even if that person has not completed the training described in subdivision 2c. The court may appoint a person to serve as a visitation an expeditor even if the person is not on the court administrator's roster, but may not appoint a person who has not completed the training described in subdivision 2c, unless so stipulated by the parties. To maintain one's listing on a court administrator's roster of visitation parenting time expeditors, an individual shall annually submit to the court administrator proof of completion of continuing education requirements.

Subd. 2c. [TRAINING AND CONTINUING EDUCATION REQUIREMENTS.] To qualify for listing on a court administrator's roster of visitation parenting time expeditors, an individual shall complete a minimum of 40 hours of family mediation training that has been certified by the Minnesota supreme court, which must include certified training in domestic abuse issues as required under Rule 114 of the Minnesota General Rules of Practice for the District Courts. To maintain one's listing on a court administrator's roster of visitation parenting time expeditors, an individual shall annually attend three hours of continuing education about alternative dispute resolution subjects.

Subd. 3. [AGREEMENT OR DECISION.] (a) Within five days of notice of the appointment, or within five days of notice of a subsequent visitation parenting time dispute between the same parties, the visitation parenting time expeditor shall meet with the parties together or separately and shall make a diligent effort to facilitate an agreement to resolve the visitation dispute. If a visitation parenting time dispute requires immediate resolution, the visitation parenting time expeditor may confer with the parties through a telephone conference or similar means. An expeditor may make a decision without conferring with a party if the expeditor made a good faith effort to confer with the party, but the party chose not to participate in resolution of the dispute.

(b) If the parties do not reach an agreement, the expeditor shall make a decision resolving the dispute as soon as possible but not later than five days after receiving all information necessary to make a decision and after the final meeting or conference with the parties. The ~~visitation~~ expeditor is authorized to award compensatory ~~visitation~~ parenting time under section 518.175, subdivision 6, and may recommend to the court that the noncomplying party pay attorney's fees, court costs, and other costs under section 518.175, subdivision 6, paragraph (d), if the ~~visitation~~ parenting time order has been violated. The ~~visitation~~ expeditor shall not lose authority to make a decision if circumstances beyond the ~~visitation~~ expeditor's control make it impracticable to meet the five-day timelines.

(c) Unless the parties mutually agree, the ~~visitation~~ parenting time expeditor shall not make a decision that is inconsistent with an existing ~~visitation~~ parenting time order, but may make decisions interpreting or clarifying a ~~visitation~~ parenting time order, including the development of a specific schedule when the existing court order grants "reasonable ~~visitation~~ parenting time."

(d) The expeditor shall put an agreement or decision in writing and provide a copy to the parties. The ~~visitation~~ expeditor may include or omit reasons for the agreement or decision. An agreement of the parties or a decision of the ~~visitation~~ expeditor is binding on the parties unless vacated or modified by the court. If a party does not comply with an agreement of the parties or a decision of the expeditor, any party may bring a motion with the court and shall attach a copy of the parties' written agreement or decision of the expeditor. The court may enforce, modify, or vacate the agreement of the parties or the decision of the expeditor.

Subd. 4. [OTHER AGREEMENTS.] This section does not preclude the parties from voluntarily agreeing to submit their ~~visitation~~ parenting time dispute to a neutral third party or from otherwise resolving ~~visitation~~ parenting time disputes on a voluntary basis.

Subd. 4a. [CONFIDENTIALITY.] (a) Statements made and documents produced as part of the ~~visitation~~ parenting time expeditor process which are not otherwise discoverable are not subject to discovery or other disclosure and are not admissible into evidence for any purpose at trial or in any other proceeding, including impeachment.

(b) Sworn testimony may be used in subsequent proceedings for any purpose for which it is admissible under the rules of evidence. ~~Visitation Parenting time~~ expeditors, and lawyers for the parties to the extent of their participation in the ~~visitation~~ parenting time expeditor process, must not be subpoenaed or called as witnesses in court proceedings.

(c) Notes, records, and recollections of ~~visitation~~ parenting time expeditors are confidential and must not be disclosed to the parties, the public, or anyone other than the ~~visitation~~ parenting time expeditor unless:

- (1) all parties and the ~~visitation~~ expeditor agree in writing to the disclosure; or
- (2) disclosure is required by law or other applicable professional codes.

Notes and records of ~~visitation~~ parenting time expeditors must not be disclosed to the court unless after a hearing the court determines that the notes or records should be reviewed in camera. Those notes or records must not be released by the court unless it determines that they disclose information showing illegal violation of the criminal law of the state.

Subd. 5. [IMMUNITY.] A ~~visitation~~ parenting time expeditor is immune from civil liability for actions taken or not taken when acting under this section.

Subd. 5a. [REMOVAL.] If a ~~visitation~~ parenting time expeditor has been appointed on a long-term basis, a party or the ~~visitation~~ expeditor may file a motion seeking to have the expeditor removed for good cause shown.

Subd. 6. [MANDATORY ~~VISITATION PARENTING TIME~~ DISPUTE RESOLUTION.] Subject to subdivision 1a, a judicial district may establish a mandatory ~~visitation~~ parenting time dispute resolution program as provided in this subdivision. In a district where a program has been established, parties may be required to submit

~~visitation parenting time~~ disputes to a ~~visitation parenting time~~ expeditor as a prerequisite to a motion on the dispute being heard by the court, or either party may submit the dispute to a ~~visitation an~~ expeditor. A party may file a motion with the court for purposes of obtaining a court date, if necessary, but a hearing may not be held until resolution of the dispute with the ~~visitation parenting time~~ expeditor. The appointment of a ~~visitation an~~ expeditor must be in accordance with subdivision 2. ~~Visitation~~ Expeditor fees must be paid in accordance with subdivision 2a.

Sec. 33. Minnesota Statutes 1998, section 518.176, subdivision 2, is amended to read:

Subd. 2. If both parents or all contestants agree to the order, or if the court finds that in the absence of the order the child's physical or emotional health is likely to be endangered or the child's emotional development impaired, the court may order the local social services agency or the department of court services to exercise continuing supervision over the case under guidelines established by the court to assure that the custodial or ~~visitation parenting time~~ terms of the decree are carried out.

Sec. 34. Minnesota Statutes 1998, section 518.177, is amended to read:

518.177 [NOTIFICATION REGARDING DEPRIVATION OF PARENTAL RIGHTS LAW.]

Every court order and judgment and decree concerning custody of or parenting time or visitation with a minor child shall contain the notice set out in section 518.68, subdivision 2.

Sec. 35. Minnesota Statutes 1999 Supplement, section 518.178, is amended to read:

518.178 [~~VISITATION PARENTING TIME~~ AND SUPPORT REVIEW HEARING.]

Upon motion of either party, the court shall conduct a hearing to review compliance with the ~~visitation parenting time~~ and child support provisions set forth in a decree of dissolution or legal separation or an order that establishes child custody, ~~visitation parenting time~~, and support rights and obligations of parents. The state court administrator shall prepare, and each court administrator shall make available, simplified pro se forms for reviewing ~~visitation parenting time~~ and child support disputes. The court may impose any ~~visitation parenting time~~ enforcement remedy available under sections 518.175 and 518.1751, and any support enforcement remedy available under section 518.551.

Sec. 36. Minnesota Statutes 1998, section 518.179, subdivision 1, is amended to read:

Subdivision 1. [SEEKING CUSTODY OR ~~VISITATION PARENTING TIME~~.] Notwithstanding any contrary provision in section 518.17 or 518.175, if a person seeking child custody or ~~visitation parenting time~~ has been convicted of a crime described in subdivision 2, the person seeking custody or ~~visitation parenting time~~ has the burden to prove that custody or ~~visitation parenting time~~ by that person is in the best interests of the child if:

- (1) the conviction occurred within the preceding five years;
- (2) the person is currently incarcerated, on probation, or under supervised release for the offense; or
- (3) the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2.

If this section applies, the court may not grant custody or ~~visitation parenting time~~ to the person unless it finds that the custody or ~~visitation parenting time~~ is in the best interests of the child. If the victim of the crime was a family or household member, the standard of proof is clear and convincing evidence. A guardian ad litem must be appointed in any case where this section applies.

Sec. 37. Minnesota Statutes 1999 Supplement, section 518.551, subdivision 5, is amended to read:

Subd. 5. [NOTICE TO PUBLIC AUTHORITY; GUIDELINES.] (a) The petitioner shall notify the public authority of all proceedings for dissolution, legal separation, determination of parentage or for the custody of a child, if either party is receiving public assistance or applies for it subsequent to the commencement of the proceeding.

The notice must contain the full names of the parties to the proceeding, their social security account numbers, and their birth dates. After receipt of the notice, the court shall set child support as provided in this subdivision. The court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable or necessary for the child's support, without regard to marital misconduct. The court shall approve a child support stipulation of the parties if each party is represented by independent counsel, unless the stipulation does not meet the conditions of paragraph (i). In other cases the court shall determine and order child support in a specific dollar amount in accordance with the guidelines and the other factors set forth in paragraph (c) and any departure therefrom. The court may also order the obligor to pay child support in the form of a percentage share of the obligor's net bonuses, commissions, or other forms of compensation, in addition to, or if the obligor receives no base pay, in lieu of, an order for a specific dollar amount.

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

Net Income Per Month of Obligor	Number of Children						
	1	2	3	4	5	6	7 or more
\$550 and Below	Order based on the ability of the obligor to provide support at these income levels, or at higher levels, if the obligor has the earning ability.						
\$551 - 600	16%	19%	22%	25%	28%	30%	32%
\$601 - 650	17%	21%	24%	27%	29%	32%	34%
\$651 - 700	18%	22%	25%	28%	31%	34%	36%
\$701 - 750	19%	23%	27%	30%	33%	36%	38%
\$751 - 800	20%	24%	28%	31%	35%	38%	40%
\$801 - 850	21%	25%	29%	33%	36%	40%	42%
\$851 - 900	22%	27%	31%	34%	38%	41%	44%
\$901 - 950	23%	28%	32%	36%	40%	43%	46%
\$951 - 1000	24%	29%	34%	38%	41%	45%	48%
\$1001- 5000	25%	30%	35%	39%	43%	47%	50%

or the amount
in effect under
paragraph (k)

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

Net Income defined as:

Total monthly
income less

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

*Standard
Deductions apply-
use of tax tables
recommended

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

"Net income" does not include:

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

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

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

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

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

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

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

(D) the excess employment is in the nature of additional, part-time or overtime employment compensable by the hour or fraction of an hour; and

(E) the party's compensation structure has not been changed for the purpose of affecting a support or maintenance obligation.

The court shall review the work-related and education-related child care costs paid and shall allocate the costs to each parent in proportion to each parent's net income, as determined under this subdivision, after the transfer of child support and spousal maintenance, unless the allocation would be substantially unfair to either parent. There is a presumption of substantial unfairness if after the sum total of child support, spousal maintenance, and child care costs is subtracted from the noncustodial parent's income, the income is at or below 100 percent of the federal poverty guidelines. The cost of child care for purposes of this paragraph is 75 percent of the actual cost paid for child care, to reflect the approximate value of state and federal tax credits available to the custodial parent. The actual cost paid for child care is the total amount received by the child care provider for the child or children of the obligor from the obligee or any public agency. The court shall require verification of employment or school attendance and documentation of child care expenses from the obligee and the public agency, if applicable. If child care expenses fluctuate during the year because of seasonal employment or school attendance of the obligee or extended periods of ~~visitation~~ parenting time with the obligor, the court shall determine child care expenses based on an average monthly cost. The amount allocated for child care expenses is considered child support but is not subject to a cost-of-living adjustment under section 518.641. The amount allocated for child care expenses terminates when either party notifies the public authority that the child care costs have ended and without any legal action on the part

of either party. The public authority shall verify the information received under this provision before authorizing termination. The termination is effective as of the date of the notification. In other cases where there is a substantial increase or decrease in child care expenses, the parties may modify the order under section 518.64.

The court may allow the noncustodial parent to care for the child while the custodial parent is working, as provided in section 518.175, subdivision 8. Allowing the noncustodial parent to care for the child under section 518.175, subdivision 8, is not a reason to deviate from the guidelines.

(c) In addition to the child support guidelines, the court shall take into consideration the following factors in setting or modifying child support or in determining whether to deviate from the guidelines:

(1) all earnings, income, and resources of the parents, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of paragraph (b), clause (2)(ii);

(2) the financial needs and resources, physical and emotional condition, and educational needs of the child or children to be supported;

(3) the standard of living the child would have enjoyed had the marriage not been dissolved, but recognizing that the parents now have separate households;

(4) which parent receives the income taxation dependency exemption and what financial benefit the parent receives from it;

(5) the parents' debts as provided in paragraph (d); and

(6) the obligor's receipt of public assistance under the AFDC program formerly codified under sections 256.72 to 256.82 or 256B.01 to 256B.40 and chapter 256J or 256K.

(d) In establishing or modifying a support obligation, the court may consider debts owed to private creditors, but only if:

(1) the right to support has not been assigned under section 256.741;

(2) the court determines that the debt was reasonably incurred for necessary support of the child or parent or for the necessary generation of income. If the debt was incurred for the necessary generation of income, the court shall consider only the amount of debt that is essential to the continuing generation of income; and

(3) the party requesting a departure produces a sworn schedule of the debts, with supporting documentation, showing goods or services purchased, the recipient of them, the amount of the original debt, the outstanding balance, the monthly payment, and the number of months until the debt will be fully paid.

(e) Any schedule prepared under paragraph (d), clause (3), shall contain a statement that the debt will be fully paid after the number of months shown in the schedule, barring emergencies beyond the party's control.

(f) Any further departure below the guidelines that is based on a consideration of debts owed to private creditors shall not exceed 18 months in duration, after which the support shall increase automatically to the level ordered by the court. Nothing in this section shall be construed to prohibit one or more step increases in support to reflect debt retirement during the 18-month period.

(g) If payment of debt is ordered pursuant to this section, the payment shall be ordered to be in the nature of child support.

(h) Nothing shall preclude the court from receiving evidence on the above factors to determine if the guidelines should be exceeded or modified in a particular case.

(i) The guidelines in this subdivision are a rebuttable presumption and shall be used in all cases when establishing or modifying child support. If the court does not deviate from the guidelines, the court shall make written findings concerning the amount of the obligor's income used as the basis for the guidelines calculation and any other significant evidentiary factors affecting the determination of child support. If the court deviates from the guidelines, the court shall make written findings giving the amount of support calculated under the guidelines, the reasons for the deviation, and shall specifically address the criteria in paragraph (c) and how the deviation serves the best interest of the child. The court may deviate from the guidelines if both parties agree and the court makes written findings that it is in the best interests of the child, except that in cases where child support payments are assigned to the public agency under section 256.741, the court may deviate downward only as provided in paragraph (j). Nothing in this paragraph prohibits the court from deviating in other cases. The provisions of this paragraph apply whether or not the parties are each represented by independent counsel and have entered into a written agreement. The court shall review stipulations presented to it for conformity to the guidelines and the court is not required to conduct a hearing, but the parties shall provide the documentation of earnings required under subdivision 5b.

(j) If the child support payments are assigned to the public agency under section 256.741, the court may not deviate downward from the child support guidelines unless the court specifically finds that the failure to deviate downward would impose an extreme hardship on the obligor.

(k) The dollar amount of the income limit for application of the guidelines must be adjusted on July 1 of every even-numbered year to reflect cost-of-living changes. The supreme court shall select the index for the adjustment from the indices listed in section 518.641. The state court administrator shall make the changes in the dollar amount required by this paragraph available to courts and the public on or before April 30 of the year in which the amount is to change.

(l) In establishing or modifying child support, if a child receives a child's insurance benefit under United States Code, title 42, section 402, because the obligor is entitled to old age or disability insurance benefits, the amount of support ordered shall be offset by the amount of the child's benefit. The court shall make findings regarding the obligor's income from all sources, the child support amount calculated under this section, the amount of the child's benefit, and the obligor's child support obligation. Any benefit received by the child in a given month in excess of the child support obligation shall not be treated as an arrearage payment or a future payment.

Sec. 38. Minnesota Statutes 1998, section 518.612, is amended to read:

518.612 [INDEPENDENCE OF PROVISIONS OF DECREE OR TEMPORARY ORDER.]

Failure by a party to make support payments is not a defense to: interference with ~~visitation rights~~ parenting time; or without the permission of the court or the noncustodial parent removing a child from this state. Nor is interference with ~~visitation rights~~ parenting time or taking a child from this state without permission of the court or the noncustodial parent a defense to nonpayment of support. If a party fails to make support payments, or interferes with ~~visitation rights~~ parenting time, or without permission of the court or the noncustodial parent removes a child from this state, the other party may petition the court for an appropriate order.

Sec. 39. Minnesota Statutes 1998, section 518.619, subdivision 1, is amended to read:

Subdivision 1. [MEDIATION PROCEEDING.] Except as provided in subdivision 2, if it appears on the face of the petition or other application for an order or modification of an order for the custody of a child that custody or ~~visitation~~ parenting time is contested, or that any issue pertinent to a custody or ~~visitation~~ parenting time determination, including ~~visitation~~ parenting time rights, is unresolved, the matter may be set for mediation of the contested issue prior to, concurrent with, or subsequent to the setting of the matter for hearing. The purpose of the mediation proceeding is to reduce acrimony which may exist between the parties and to develop an agreement that is supportive of the child's best interests. The mediator shall use best efforts to effect a settlement of the custody or ~~visitation~~ parenting time dispute, but shall have no coercive authority.

Sec. 40. Minnesota Statutes 1998, section 518.68, subdivision 1, is amended to read:

Subdivision 1. [REQUIREMENT.] Every court order or judgment and decree that provides for child support, spousal maintenance, custody, or ~~visitation~~ parenting time must contain certain notices as set out in subdivision 2. The information in the notices must be concisely stated in plain language. The notices must be in clearly legible print, but may not exceed two pages. An order or judgment and decree without the notice remains subject to all statutes. The court may waive all or part of the notice required under subdivision 2 relating to parental rights under section 518.17, subdivision 3, if it finds it is necessary to protect the welfare of a party or child.

Sec. 41. Minnesota Statutes 1998, section 518.68, subdivision 2, is amended to read:

Subd. 2. [CONTENTS.] The required notices must be substantially as follows:

IMPORTANT NOTICE

1. PAYMENTS TO PUBLIC AGENCY

According to Minnesota Statutes, section 518.551, subdivision 1, payments ordered for maintenance and support must be paid to the public agency responsible for child support enforcement as long as the person entitled to receive the payments is receiving or has applied for public assistance or has applied for support and maintenance collection services. MAIL PAYMENTS TO:

2. DEPRIVING ANOTHER OF CUSTODIAL OR PARENTAL RIGHTS -- A FELONY

A person may be charged with a felony who conceals a minor child or takes, obtains, retains, or fails to return a minor child from or to the child's parent (or person with custodial or visitation rights), according to Minnesota Statutes, section 609.26. A copy of that section is available from any district court clerk.

3. RULES OF SUPPORT, MAINTENANCE, ~~VISITATION~~ PARENTING TIME

(a) Payment of support or spousal maintenance is to be as ordered, and the giving of gifts or making purchases of food, clothing, and the like will not fulfill the obligation.

(b) Payment of support must be made as it becomes due, and failure to secure or denial of ~~rights of visitation~~ parenting time is NOT an excuse for nonpayment, but the aggrieved party must seek relief through a proper motion filed with the court.

(c) Nonpayment of support is not grounds to deny ~~visitation~~ parenting time. The party entitled to receive support may apply for support and collection services, file a contempt motion, or obtain a judgment as provided in Minnesota Statutes, section 548.091.

(d) The payment of support or spousal maintenance takes priority over payment of debts and other obligations.

(e) A party who accepts additional obligations of support does so with the full knowledge of the party's prior obligation under this proceeding.

(f) Child support or maintenance is based on annual income, and it is the responsibility of a person with seasonal employment to budget income so that payments are made throughout the year as ordered.

(g) If there is a layoff or a pay reduction, support may be reduced as of the time of the layoff or pay reduction if a motion to reduce the support is served and filed with the court at that time, but any such reduction must be ordered by the court. The court is not permitted to reduce support retroactively, except as provided in Minnesota Statutes, section 518.64, subdivision 2, paragraph (c).

(h) Reasonable ~~visitation~~ parenting time guidelines are contained in Appendix B, which is available from the court administrator.

4. PARENTAL RIGHTS FROM MINNESOTA STATUTES, SECTION 518.17, SUBDIVISION 3

Unless otherwise provided by the Court:

(a) Each party has the right of access to, and to receive copies of, school, medical, dental, religious training, and other important records and information about the minor children. Each party has the right of access to information regarding health or dental insurance available to the minor children. Presentation of a copy of this order to the custodian of a record or other information about the minor children constitutes sufficient authorization for the release of the record or information to the requesting party.

(b) Each party shall keep the other informed as to the name and address of the school of attendance of the minor children. Each party has the right to be informed by school officials about the children's welfare, educational progress and status, and to attend school and parent teacher conferences. The school is not required to hold a separate conference for each party.

(c) In case of an accident or serious illness of a minor child, each party shall notify the other party of the accident or illness, and the name of the health care provider and the place of treatment.

(d) Each party has the right of reasonable access and telephone contact with the minor children.

5. WAGE AND INCOME DEDUCTION OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be withheld from income, with or without notice to the person obligated to pay, when the conditions of Minnesota Statutes, section 518.6111 have been met. A copy of those sections is available from any district court clerk.

6. CHANGE OF ADDRESS OR RESIDENCE

Unless otherwise ordered, each party shall notify the other party, the court, and the public authority responsible for collection, if applicable, of the following information within ten days of any change: the residential and mailing address, telephone number, driver's license number, social security number, and name, address, and telephone number of the employer.

7. COST OF LIVING INCREASE OF SUPPORT AND MAINTENANCE

Child support and/or spousal maintenance may be adjusted every two years based upon a change in the cost of living (using Department of Labor Consumer Price Index, unless otherwise specified in this order) when the conditions of Minnesota Statutes, section 518.641, are met. Cost of living increases are compounded. A copy of Minnesota Statutes, section 518.641, and forms necessary to request or contest a cost of living increase are available from any district court clerk.

8. JUDGMENTS FOR UNPAID SUPPORT

If a person fails to make a child support payment, the payment owed becomes a judgment against the person responsible to make the payment by operation of law on or after the date the payment is due, and the person entitled to receive the payment or the public agency may obtain entry and docketing of the judgment WITHOUT NOTICE to the person responsible to make the payment under Minnesota Statutes, section 548.091. Interest begins to accrue on a payment or installment of child support whenever the unpaid amount due is greater than the current support due, according to Minnesota Statutes, section 548.091, subdivision 1a.

9. JUDGMENTS FOR UNPAID MAINTENANCE

A judgment for unpaid spousal maintenance may be entered when the conditions of Minnesota Statutes, section 548.091, are met. A copy of that section is available from any district court clerk.

10. ATTORNEY FEES AND COLLECTION COSTS FOR ENFORCEMENT OF CHILD SUPPORT

A judgment for attorney fees and other collection costs incurred in enforcing a child support order will be entered against the person responsible to pay support when the conditions of section 518.14, subdivision 2, are met. A copy of section 518.14 and forms necessary to request or contest these attorney fees and collection costs are available from any district court clerk.

11. ~~VISITATION~~ PARENTING TIME EXPEDITOR PROCESS

On request of either party or on its own motion, the court may appoint a ~~visitation~~ parenting time expeditor to resolve ~~visitation~~ parenting time disputes under Minnesota Statutes, section 518.1751. A copy of that section and a description of the expeditor process is available from any district court clerk.

12. ~~VISITATION~~ PARENTING TIME REMEDIES AND PENALTIES

Remedies and penalties for the wrongful denial of ~~visitation rights~~ parenting time are available under Minnesota Statutes, section 518.175, subdivision 6. These include compensatory ~~visitation~~ parenting time; civil penalties; bond requirements; contempt; and reversal of custody. A copy of that subdivision and forms for requesting relief are available from any district court clerk.

Sec. 42. Minnesota Statutes 1998, section 518B.01, subdivision 4, is amended to read:

Subd. 4. [ORDER FOR PROTECTION.] There shall exist an action known as a petition for an order for protection in cases of domestic abuse.

(a) A petition for relief under this section may be made by any family or household member personally or by a family or household member, a guardian as defined in section 524.1-201, clause (20), or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members. A minor age 16 or older may make a petition on the minor's own behalf against a spouse or former spouse, or a person with whom the minor has a child in common, if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor.

(b) A petition for relief shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(c) A petition for relief must state whether the petitioner has ever had an order for protection in effect against the respondent.

(d) A petition for relief must state whether there is an existing order for protection in effect under this chapter governing both the parties and whether there is a pending lawsuit, complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B, or 518C. The court administrator shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A subsequent order in a separate action under this chapter may modify only the provision of an existing order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition for relief may be granted, regardless of whether there is a pending action between the parties.

(e) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

(f) The court shall advise a petitioner under paragraph (e) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with the writing and filing of the motion and affidavit.

(g) The court shall advise a petitioner under paragraph (e) of the right to serve the respondent by published notice under subdivision 5, paragraph (b), if the respondent is avoiding personal service by concealment or otherwise, and shall assist with the writing and filing of the affidavit.

(h) The court shall advise the petitioner of the right to seek restitution under the petition for relief.

(i) The court shall advise the petitioner of the right to request a hearing under subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing.

(j) The court shall advise the petitioner of the right to request supervised ~~visitation~~ parenting time, as provided in section 518.175, subdivision 1a.

Sec. 43. Minnesota Statutes 1998, section 518B.01, subdivision 8, is amended to read:

Subd. 8. [SERVICE; ALTERNATE SERVICE; PUBLICATION; NOTICE.] (a) The petition and any order issued under this section shall be served on the respondent personally.

(b) When service is made out of this state and in the United States, it may be proved by the affidavit of the person making the service. When service is made outside the United States, it may be proved by the affidavit of the person making the service, taken before and certified by any United States minister, charge d'affaires, commissioner, consul, or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in the other country, including all deputies or other representatives of the officer authorized to perform their duties; or before an office authorized to administer an oath with the certificate of an officer of a court of record of the country in which the affidavit is taken as to the identity and authority of the officer taking the affidavit.

(c) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.

(d) A petition and any order issued under this section must include a notice to the respondent that if an order for protection is issued to protect the petitioner or a child of the parties, upon request of the petitioner in any ~~visitation~~ parenting time proceeding, the court shall consider the order for protection in making a decision regarding ~~visitation~~ parenting time.

Sec. 44. Minnesota Statutes 1998, section 519.11, subdivision 1a, is amended to read:

Subd. 1a. [POSTNUPTIAL CONTRACT.] (a) Spouses who are legally married under the laws of this state may enter into a postnuptial contract or settlement which is valid and enforceable if it:

(1) complies with the requirements for antenuptial contracts or settlements in this section and in the law of this state, including, but not limited to, the requirement that it be procedurally and substantively fair and equitable both at the time of its execution and at the time of its enforcement; and

(2) complies with the requirements for postnuptial contracts or settlements in this section.

(b) A postnuptial contract or settlement that conforms with this section may determine all matters that may be determined by an antenuptial contract or settlement under the law of this state, except that a postnuptial contract or settlement may not determine the rights of any child of the spouses to child support from either spouse or rights of child custody or ~~visitation~~ parenting time.

(c) A postnuptial contract or settlement is valid and enforceable only if at the time of its execution each spouse is represented by separate legal counsel.

(d) A postnuptial contract or settlement is valid and enforceable only if at the time of its execution each of the spouses entering into the contract or settlement has marital property titled in that spouse's name, nonmarital property, or a combination of marital property titled in that spouse's name and nonmarital property with a total net value exceeding \$1,200,000.

(e) A postnuptial contract or settlement is not valid or enforceable if either party commences an action for a legal separation or dissolution within two years of the date of its execution.

(f) Nothing in this section shall impair the validity or enforceability of a contract, agreement, or waiver which is entered into after marriage and which is described in chapter 524, article 2, part 2, further, a conveyance permitted by section 500.19 is not a postnuptial contract or settlement under this section.

Sec. 45. Minnesota Statutes 1999 Supplement, section 609.26, subdivision 1, is amended to read:

Subdivision 1. [PROHIBITED ACTS.] Whoever intentionally does any of the following acts may be charged with a felony and, upon conviction, may be sentenced as provided in subdivision 6:

(1) conceals a minor child from the child's parent where the action manifests an intent substantially to deprive that parent of parental rights or conceals a minor child from another person having the right to ~~visitation~~ parenting time or custody where the action manifests an intent to substantially deprive that person of rights to ~~visitation~~ parenting time or custody;

(2) takes, obtains, retains, or fails to return a minor child in violation of a court order which has transferred legal custody under chapter 260, 260B, or 260C to the commissioner of human services, a child-placing agency, or the local social services agency;

(3) takes, obtains, retains, or fails to return a minor child from or to the parent in violation of a court order, where the action manifests an intent substantially to deprive that parent of rights to ~~visitation~~ parenting time or custody;

(4) takes, obtains, retains, or fails to return a minor child from or to a parent after commencement of an action relating to child ~~visitation~~ parenting time or custody but prior to the issuance of an order determining custody or ~~visitation~~ parenting time rights, where the action manifests an intent substantially to deprive that parent of parental rights;

(5) retains a child in this state with the knowledge that the child was removed from another state in violation of any of the above provisions;

(6) refuses to return a minor child to a parent or lawful custodian and is at least 18 years old and more than 24 months older than the child;

(7) causes or contributes to a child being a habitual truant as defined in section 260C.007, subdivision 19, and is at least 18 years old and more than 24 months older than the child;

(8) causes or contributes to a child being a runaway as defined in section 260C.007, subdivision 20, and is at least 18 years old and more than 24 months older than the child; or

(9) is at least 18 years old and resides with a minor under the age of 16 without the consent of the minor's parent or lawful custodian.

Sec. 46. Minnesota Statutes 1998, section 609.26, subdivision 2, is amended to read:

Subd. 2. [DEFENSES.] It is an affirmative defense if a person charged under subdivision 1 proves that:

(1) the person reasonably believed the action taken was necessary to protect the child from physical or sexual assault or substantial emotional harm;

(2) the person reasonably believed the action taken was necessary to protect the person taking the action from physical or sexual assault;

(3) the action taken is consented to by the parent, stepparent, or legal custodian seeking prosecution, but consent to custody or specific ~~visitation~~ parenting time is not consent to the action of failing to return or concealing a minor child; or

(4) the action taken is otherwise authorized by a court order issued prior to the violation of subdivision 1.

The defenses provided in this subdivision are in addition to and do not limit other defenses available under this chapter or chapter 611.

Sec. 47. Minnesota Statutes 1999 Supplement, section 626.556, subdivision 2, is amended to read:

Subd. 2. [DEFINITIONS.] As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection of a child by a person responsible for the child's care, by a person who has a significant relationship to the child, as defined in section 609.341, or by a person in a position of authority, as defined in section 609.341, subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes any act which involves a minor which constitutes a violation of prostitution offenses under sections 609.321 to 609.324 or 617.246. Sexual abuse includes threatened sexual abuse.

(b) "Person responsible for the child's care" means (1) an individual functioning within the family unit and having responsibilities for the care of the child such as a parent, guardian, or other person having similar care responsibilities, or (2) an individual functioning outside the family unit and having responsibilities for the care of the child such as a teacher, school administrator, or other lawful custodian of a child having either full-time or short-term care responsibilities including, but not limited to, day care, babysitting whether paid or unpaid, counseling, teaching, and coaching.

(c) "Neglect" means:

(1) failure by a person responsible for a child's care to supply a child with necessary food, clothing, shelter, health, medical, or other care required for the child's physical or mental health when reasonably able to do so;

(2) failure to protect a child from conditions or actions which imminently and seriously endanger the child's physical or mental health when reasonably able to do so;

(3) failure to provide for necessary supervision or child care arrangements appropriate for a child after considering factors as the child's age, mental ability, physical condition, length of absence, or environment, when the child is unable to care for the child's own basic needs or safety, or the basic needs or safety of another child in their care;

(4) failure to ensure that the child is educated as defined in sections 120A.22 and 260C.163, subdivision 11;

(5) nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian, or other person responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker, or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of medical care may cause serious danger to the child's health. This section does not impose upon persons, not otherwise legally responsible for providing a child with necessary food, clothing, shelter, education, or medical care, a duty to provide that care;

(6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in the child at birth, results of a toxicology test performed on the mother at delivery or the child at birth, or medical effects or developmental delays during the child's first year of life that medically indicate prenatal exposure to a controlled substance;

(7) "medical neglect" as defined in section 260C.007, subdivision 4, clause (5);

(8) that the parent or other person responsible for the care of the child:

(i) engages in violent behavior that demonstrates a disregard for the well-being of the child as indicated by action that could reasonably result in serious physical, mental, or threatened injury, or emotional damage to the child;

(ii) engages in repeated domestic assault that would constitute a violation of section 609.2242, subdivision 2 or 4;

(iii) intentionally inflicts or attempts to inflict bodily harm against a family or household member, as defined in section 518B.01, subdivision 2, that is within sight or sound of the child; or

(iv) subjects the child to ongoing domestic violence by the abuser in the home environment that is likely to have a detrimental effect on the well-being of the child;

(9) chronic and severe use of alcohol or a controlled substance by a parent or person responsible for the care of the child that adversely affects the child's basic needs and safety; or

(10) emotional harm from a pattern of behavior which contributes to impaired emotional functioning of the child which may be demonstrated by a substantial and observable effect in the child's behavior, emotional response, or cognition that is not within the normal range for the child's age and stage of development, with due regard to the child's culture.

(d) "Physical abuse" means any physical injury, mental injury, or threatened injury, inflicted by a person responsible for the child's care on a child other than by accidental means, or any physical or mental injury that cannot reasonably be explained by the child's history of injuries, or any aversive and deprivation procedures that have not been authorized under section 245.825. Abuse does not include reasonable and moderate physical discipline of a child administered by a parent or legal guardian which does not result in an injury. Actions which are not reasonable and moderate include, but are not limited to, any of the following that are done in anger or without regard to the safety of the child:

(1) throwing, kicking, burning, biting, or cutting a child;

- (2) striking a child with a closed fist;
 - (3) shaking a child under age three;
 - (4) striking or other actions which result in any nonaccidental injury to a child under 18 months of age;
 - (5) unreasonable interference with a child's breathing;
 - (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;
 - (7) striking a child under age one on the face or head;
 - (8) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances which were not prescribed for the child by a practitioner, in order to control or punish the child; or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury, or subjects the child to medical procedures that would be unnecessary if the child were not exposed to the substances; or
 - (9) unreasonable physical confinement or restraint not permitted under section 609.379, including but not limited to tying, caging, or chaining.
- (e) "Report" means any report received by the local welfare agency, police department, or county sheriff pursuant to this section.
- (f) "Facility" means a licensed or unlicensed day care facility, residential facility, agency, hospital, sanitarium, or other facility or institution required to be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter 245B; or a school as defined in sections 120A.05, subdivisions 9, 11, and 13; and 124D.10; or a nonlicensed personal care provider organization as defined in sections 256B.04, subdivision 16, and 256B.0625, subdivision 19a.
- (g) "Operator" means an operator or agency as defined in section 245A.02.
- (h) "Commissioner" means the commissioner of human services.
- (i) "Assessment" includes authority to interview the child, the person or persons responsible for the child's care, the alleged perpetrator, and any other person with knowledge of the abuse or neglect for the purpose of gathering the facts, assessing the risk to the child, and formulating a plan.
- (j) "Practice of social services," for the purposes of subdivision 3, includes but is not limited to employee assistance counseling and the provision of guardian ad litem and ~~visitation~~ parenting time expeditor services.
- (k) "Mental injury" means an injury to the psychological capacity or emotional stability of a child as evidenced by an observable or substantial impairment in the child's ability to function within a normal range of performance and behavior with due regard to the child's culture.
- (l) "Threatened injury" means a statement, overt act, condition, or status that represents a substantial risk of physical or sexual abuse or mental injury.
- (m) Persons who conduct assessments or investigations under this section shall take into account accepted child-rearing practices of the culture in which a child participates, which are not injurious to the child's health, welfare, and safety.

Sec. 48. Minnesota Statutes 1998, section 629.341, subdivision 3, is amended to read:

Subd. 3. [NOTICE OF RIGHTS.] The peace officer shall tell the victim whether a shelter or other services are available in the community and give the victim immediate notice of the legal rights and remedies available. The notice must include furnishing the victim a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an order for protection from domestic abuse. The order could include the following:

- (1) an order restraining the abuser from further acts of abuse;
- (2) an order directing the abuser to leave your household;
- (3) an order preventing the abuser from entering your residence, school, business, or place of employment;
- (4) an order awarding you or the other parent custody of or ~~visitation~~ parenting time with your minor child or children; or
- (5) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so."

The notice must include the resource listing, including telephone number, for the area battered women's shelter, to be designated by the department of corrections.

Sec. 49. Minnesota Statutes 1998, section 631.52, subdivision 1, is amended to read:

Subdivision 1. [SUSPENSION OF ~~VISITATION~~ PARENTING TIME RIGHTS; TRANSFER OF CUSTODY.]
(a) If a person who has court-ordered custody of a child or ~~visitation~~ parenting time rights is convicted of a crime listed in subdivision 2 and if no action is pending regarding custody or ~~visitation~~ parenting time, the sentencing court shall refer the matter to the appropriate family court for action under this section. The family court shall:

- (1) grant temporary custody to the noncustodial parent, unless it finds that another custody arrangement is in the best interests of the child; or
- (2) suspend ~~visitation~~ parenting time rights, unless it finds that ~~visitation~~ parenting time with the convicted person is in the best interests of the child.

The family court shall expedite proceedings under this section. The defendant has the burden of proving that continued custody or ~~visitation~~ parenting time with the defendant is in the best interests of the child. If the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2, the standard of proof is clear and convincing evidence. A guardian ad litem must be appointed in any case to which this section applies.

(b) If a person who has child custody or ~~visitation~~ parenting time rights was convicted of a crime listed in subdivision 2 before July 1, 1990, then any interested party may petition the sentencing court for relief under paragraph (a) if:

- (1) the defendant is currently incarcerated, on probation, or under supervised release for the offense; or
- (2) the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2.

Sec. 50. [EFFECTIVE DATE.]

The provisions of sections 6 and 8 relating to commencement of certain actions without an adjudication of parentage are effective August 1, 2000. The remaining provisions of this article are effective January 1, 2001."

Delete the title and insert:

"A bill for an act relating to family law; providing for parenting plans; clarifying the procedure for obtaining custody and parenting time when a recognition of parentage has been executed; altering the standards for modifying physical custody; changing certain terminology; amending Minnesota Statutes 1998, sections 15.87; 119A.37; 124D.23, subdivision 8; 256L.01, subdivision 3a; 257.541; 257.75, subdivision 3; 257A.01, subdivision 2; 257A.03, subdivision 2; 480.30, subdivision 1; 494.015, subdivision 1; 517.08, subdivision 1c; 518.003, subdivision 3, and by adding a subdivision; 518.131, subdivisions 1, 2, 3, 7, and by adding a subdivision; 518.156; 518.157, subdivisions 1 and 3; 518.165, subdivision 1; 518.175, subdivisions 1, 1a, 2, 3, 5, 6, and 8; 518.1751; 518.176, subdivision 2; 518.177; 518.179, subdivision 1; 518.18; 518.612; 518.619, subdivision 1; 518.68, subdivisions 1 and 2; 518B.01, subdivisions 4, 6, and 8; 519.11, subdivision 1a; 609.26, subdivision 2; 629.341, subdivision 3; and 631.52, subdivision 1; Minnesota Statutes 1999 Supplement, sections 119A.45; 257.66, subdivision 3; 494.03; 518.155; 518.165, subdivision 2; 518.178; 518.551, subdivision 5; 609.26, subdivision 1; and 626.556, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 518."

We request adoption of this report and repassage of the bill.

Senate Conferees: SHEILA M. KISCADEN, DON BETZOLD AND LEO T. FOLEY.

House Conferees: ANDY DAWKINS, DAVE BISHOP AND LEN BIERNAT.

Dawkins moved that the report of the Conference Committee on S. F. No. 3169 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3169, A bill for an act relating to family law; providing for parenting plans; changing certain terminology; appropriating money; amending Minnesota Statutes 1998, sections 15.87; 119A.37; 124D.23, subdivision 8; 256L.01, subdivision 3a; 257.541; 257.75, subdivision 3; 257A.01, subdivision 2; 257A.03, subdivision 2; 480.30, subdivision 1; 494.015, subdivision 1; 517.08, subdivision 1c; 518.003, subdivision 3, and by adding a subdivision; 518.131, subdivisions 1, 2, 3, 7, and by adding a subdivision; 518.156; 518.157, subdivisions 1 and 3; 518.165, subdivision 1; 518.17, subdivision 1; 518.175, subdivisions 1, 1a, 2, 3, 5, 6, and 8; 518.1751; 518.176, subdivision 2; 518.177; 518.179, subdivision 1; 518.18; 518.612; 518.619, subdivision 1; 518.68, subdivisions 1 and 2; 518B.01, subdivisions 4, 6, and 8; 519.11, subdivision 1a; 609.26, subdivision 2; 629.341, subdivision 3; and 631.52, subdivision 1; Minnesota Statutes 1999 Supplement, sections 119A.45; 257.66, subdivision 3; 494.03; 518.155; 518.165, subdivision 2; 518.178; 518.551, subdivision 5; and 609.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 518.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 120 yeas and 6 nays as follows:

Those who voted in the affirmative were:

Abeler	Buesgens	Dehler	Gleason	Harder	Juhnke
Abrams	Carlson	Dempsey	Goodno	Hausman	Kahn
Anderson, B.	Carruthers	Dorman	Gray	Hilty	Kalis
Anderson, I.	Cassell	Dorn	Greenfield	Holberg	Kelliher
Bakk	Clark, J.	Erhardt	Greiling	Holsten	Kielkucki
Bishop	Clark, K.	Erickson	Gunther	Howes	Knoblach
Boudreau	Daggett	Folliard	Haake	Huntley	Koskinen
Bradley	Davids	Fuller	Haas	Jaros	Krinkie
Broecker	Dawkins	Gerlach	Hackbarth	Jennings	Kubly

Kuisle	McCollum	Orfield	Reuter	Solberg	Tunheim
Larsen, P.	McElroy	Osskopp	Rhodes	Stanek	Vandever
Larson, D.	McGuire	Osthoff	Rifenberg	Stang	Wagenius
Leighton	Molnau	Otremba	Rostberg	Storm	Wenzel
Lenczewski	Mulder	Ozment	Rukavina	Swapinski	Westerberg
Leppik	Mullery	Paulsen	Schumacher	Swenson	Westfall
Lindner	Murphy	Pawlenty	Seagren	Sykora	Westrom
Luther	Ness	Pelowski	Seifert, J.	Tingelstad	Wilkin
Mahoney	Nornes	Peterson	Seifert, M.	Tomassoni	Winter
Mares	Olson	Pugh	Skoglund	Trimble	Wolf
Marko	Opatz	Rest	Smith	Tuma	Spk. Sviggum

Those who voted in the negative were:

Chaudhary	Hasskamp	Lieder	Mariani	Paymar	Skoe
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The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 3178.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 3178

A bill for an act relating to public safety; authorizing commissioner of public safety to award public safety grants; continuing certain rule authority of commissioner of public safety; changing per diem payments to members of the board of private detectives and protective agents; requiring changes in rules regarding training programs; amending Minnesota Statutes 1998, sections 299A.01, subdivision 2, and by adding a subdivision; 326.33, subdivision 6; and 326.3361, subdivision 1.

April 13, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 3178, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 3178 be further amended as follows:

Delete everything after the enacting clause and insert:

"ARTICLE 1

Section 1. Minnesota Statutes 1998, section 299A.01, subdivision 2, is amended to read:

Subd. 2. [DUTIES OF COMMISSIONER.] The duties of the commissioner shall include the following:

(a) the coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) the execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) the development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) the publication and award of grant contracts with state agencies, local units of government, and other entities for programs that will benefit the safety of the public; and

(e) the establishment of a planning bureau within the department.

Sec. 2. Minnesota Statutes 1998, section 299A.01, is amended by adding a subdivision to read:

Subd. 7. [RULES REMAIN IN EFFECT.] Notwithstanding sections 14.05, subdivision 1, and 645.36 or other law to the contrary, the rules adopted under the authority of Minnesota Statutes 1996, section 299A.01, subdivision 6, paragraph (a), remain in effect on and after July 1, 1997, until further amended or repealed.

Sec. 3. Minnesota Statutes 1998, section 326.33, subdivision 6, is amended to read:

Subd. 6. [COMPENSATION TO BOARD MEMBERS.] Members of the board of private detective and protective agent services shall receive, in addition to necessary traveling and lodging expenses, \$35 a per diem payment as specified in section 214.09, subdivision 3, per day for each day actually engaged in board activities, provided, however, members of the board who are state employees will be governed by state rules regarding travel expense and per diem payments.

Sec. 4. Minnesota Statutes 1998, section 326.3361, subdivision 1, is amended to read:

Subdivision 1. [RULES.] The board shall, by rule, prescribe the requirements, duration, contents, and standards for successful completion of certified training programs for license holders, qualified representatives, Minnesota managers, partners, and employees, including:

(1) first aid and firearms training required for armed employees, including training in the legal limitations on the justifiable use of force and deadly force as specified in sections 609.06 and 609.065;

(2) training in risks and dangers arising from the use of weapons other than firearms, including, but not limited to, bludgeons, nightsticks, batons, chemical weapons, and electronic incapacitation devices, and in the use of restraint or immobilization techniques, including the carotid neck restraint;

(3) training in alternatives to the use of force;

(4) standards for weapons and equipment issued to or carried or used by license holders, qualified representatives, Minnesota managers, partners, and employees;

(5) preassignment or on-the-job training, or its equivalent, required before applicants may be certified as having completed training; and

(6) continuing training for license holders, qualified representatives, Minnesota managers, partners, employees, and armed employees.

Sec. 5. [EFFECTIVE DATE.]

Section 2 is effective retroactively from July 1, 1997.

ARTICLE 2

BATTERED WOMEN AND DOMESTIC ABUSE

Section 1. Minnesota Statutes 1998, section 13.82, subdivision 3b, is amended to read:

Subd. 3b. [DOMESTIC ABUSE DATA.] The written police report required by section 629.341, subdivision 4, of an alleged incident described in section 629.341, subdivision 1, and arrest data, request for service data, and response or incident data described in subdivision 2, 3, or 4 that arise out of this type of incident or out of an alleged violation of an order for protection must be released upon request at no cost to an organization designated by the Minnesota center for crime victims services, the department of corrections, or the department of public safety as providing services to victims of domestic abuse. The executive director or the commissioner of the appropriate state agency shall develop written criteria for this designation in consultation with the ~~battered women's~~ advisory council on battered women and domestic abuse.

Sec. 2. Minnesota Statutes 1999 Supplement, section 13.99, subdivision 108, is amended to read:

Subd. 108. [~~BATTERED WOMEN VICTIMS OF DOMESTIC ABUSE.~~] Data on battered women and victims of domestic abuse maintained by grantees and recipients of per diem payments for emergency shelter for battered women and support services for battered women and victims of domestic abuse are governed by ~~section~~ sections 611A.32, subdivision 5, and 611A.371, subdivision 3.

Sec. 3. Minnesota Statutes 1999 Supplement, section 15.059, subdivision 5a, is amended to read:

Subd. 5a. [LATER EXPIRATION.] Notwithstanding subdivision 5, the advisory councils and committees listed in this subdivision do not expire June 30, 1997. These groups expire June 30, 2001, unless the law creating the group or this subdivision specifies an earlier expiration date.

Investment advisory council, created in section 11A.08;

Intergovernmental information systems advisory council, created in section 16B.42, expires June 30, 1999;

Feedlot and manure management advisory committee, created in section 17.136;

Aquaculture advisory committee, created in section 17.49;

Dairy producers board, created in section 17.76;

Pesticide applicator education and examination review board, created in section 18B.305;

Advisory seed potato certification task force, created in section 21.112;

Food safety advisory committee, created in section 28A.20;

Minnesota organic advisory task force, created in section 31.95;

Public programs risk adjustment work group, created in section 62Q.03;

Workers' compensation self-insurers' advisory committee, created in section 79A.02;

Youth corps advisory committee, created in section 84.0887;

Iron range off-highway vehicle advisory committee, created in section 85.013;

Mineral coordinating committee, created in section 93.002;

Game and fish fund citizen advisory committees, created in section 97A.055;

Wetland heritage advisory committee, created in section 103G.2242;

Wastewater treatment technical advisory committee, created in section 115.54;

Solid waste management advisory council, created in section 115A.12;

Nuclear waste council, created in section 116C.711;

Genetically engineered organism advisory committee, created in section 116C.93;

Environment and natural resources trust fund advisory committee, created in section 116P.06;

Child abuse prevention advisory council, created in section 119A.13;

Chemical abuse and violence prevention council, created in section 119A.293;

Youth neighborhood centers advisory board, created in section 119A.295;

Interagency coordinating council, created in section 125A.28, expires June 30, 1999;

Desegregation/integration advisory board, created in section 124D.892;

Nonpublic education council, created in section 123B.445;

Permanent school fund advisory committee, created in section 127A.30;

Indian scholarship committee, created in section 124D.84, subdivision 2;

American Indian education committees, created in section 124D.80;

Summer scholarship advisory committee, created in section 124D.95;

Multicultural education advisory committee, created in section 124D.894;

Male responsibility and fathering grants review committee, created in section 124D.33;

Library for the blind and physically handicapped advisory committee, created in section 134.31;

Higher education advisory council, created in section 136A.031;

Student advisory council, created in section 136A.031;

Cancer surveillance advisory committee, created in section 144.672;

Maternal and child health task force, created in section 145.881;

State community health advisory committee, created in section 145A.10;

Mississippi River Parkway commission, created in section 161.1419;

School bus safety advisory committee, created in section 169.435;

Advisory council on workers' compensation, created in section 175.007;

Code enforcement advisory council, created in section 175.008;

Medical services review board, created in section 176.103;

Apprenticeship advisory council, created in section 178.02;

OSHA advisory council, created in section 182.656;

Health professionals services program advisory committee, created in section 214.32;

Rehabilitation advisory council for the blind, created in section 248.10;

American Indian advisory council, created in section 254A.035;

Alcohol and other drug abuse advisory council, created in section 254A.04;

Medical assistance drug formulary committee, created in section 256B.0625;

Home care advisory committee, created in section 256B.071;

Preadmission screening, alternative care, and home and community-based services advisory committee, created in section 256B.0911;

Traumatic brain injury advisory committee, created in section 256B.093;

Minnesota commission serving deaf and hard-of-hearing people, created in section 256C.28;

American Indian child welfare advisory council, created in section 260.835;

Juvenile justice advisory committee, created in section 268.29;

Northeast Minnesota economic development fund technical advisory committees, created in section 298.2213;

Iron range higher education committee, created in section 298.2214;

Northeast Minnesota economic protection trust fund technical advisory committee, created in section 298.297;

~~Battered women's~~ Advisory council on battered women and domestic abuse, created in section 611A.34.

Sec. 4. Minnesota Statutes 1998, section 15.0591, subdivision 2, is amended to read:

Subd. 2. [BODIES AFFECTED.] A member meeting the qualifications in subdivision 1 must be appointed to the following boards, commissions, advisory councils, task forces, or committees:

- (1) advisory council on battered women and domestic abuse;
- (2) advisory task force on the use of state facilities;
- (3) alcohol and other drug abuse advisory council;
- (4) board of examiners for nursing home administrators;
- (5) board on aging;
- (6) chiropractic examiners board;
- (7) consumer advisory council on vocational rehabilitation;
- (8) council on disability;
- (9) council on affairs of Chicano/Latino people;
- (10) council on Black Minnesotans;
- (11) dentistry board;
- (12) department of economic security advisory council;
- (13) higher education services office;
- (14) housing finance agency;
- (15) Indian advisory council on chemical dependency;
- (16) medical practice board;
- (17) medical policy directional task force on mental health;
- (18) Minnesota employment and economic development task force;
- (19) Minnesota office of citizenship and volunteer services advisory committee;
- (20) Minnesota state arts board;
- (21) nursing board;
- (22) optometry board;
- (23) pharmacy board;
- (24) physical therapists council;
- (25) podiatry board;

(26) psychology board;

(27) veterans advisory committee.

Sec. 5. Minnesota Statutes 1998, section 119A.37, subdivision 4, is amended to read:

Subd. 4. [ADDITIONAL SERVICES.] Each family visitation center may provide parenting and child development classes, and offer support groups to participating custodial parents and hold regular classes designed to assist children who have experienced domestic violence and abuse. Each family visitation center must have available an individual knowledgeable about or experienced in the provision of services to battered women and domestic abuse victims on its staff, its board of directors, or otherwise available to it for consultation.

Sec. 6. Minnesota Statutes 1998, section 120B.22, subdivision 1, is amended to read:

Subdivision 1. [VIOLENCE PREVENTION CURRICULUM.] (a) The commissioner of children, families, and learning, in consultation with the commissioners of health and human services, state minority councils, battered women's and domestic abuse programs, battered women's shelters, sexual assault centers, representatives of religious communities, and the assistant commissioner of the office of drug policy and violence prevention, shall assist districts on request in developing or implementing a violence prevention program for students in kindergarten to grade 12 that can be integrated into existing curriculum. The purpose of the program is to help students learn how to resolve conflicts within their families and communities in nonviolent, effective ways.

(b) Each district is encouraged to integrate into its existing curriculum a program for violence prevention that includes at least:

(1) a comprehensive, accurate, and age appropriate curriculum on violence prevention, nonviolent conflict resolution, sexual, racial, and cultural harassment, and student hazing that promotes equality, respect, understanding, effective communication, individual responsibility, thoughtful decision making, positive conflict resolution, useful coping skills, critical thinking, listening and watching skills, and personal safety;

(2) planning materials, guidelines, and other accurate information on preventing physical and emotional violence, identifying and reducing the incidence of sexual, racial, and cultural harassment, and reducing child abuse and neglect;

(3) a special parent education component of early childhood family education programs to prevent child abuse and neglect and to promote positive parenting skills, giving priority to services and outreach programs for at-risk families;

(4) involvement of parents and other community members, including the clergy, business representatives, civic leaders, local elected officials, law enforcement officials, and the county attorney;

(5) collaboration with local community services, agencies, and organizations that assist in violence intervention or prevention, including family-based services, crisis services, life management skills services, case coordination services, mental health services, and early intervention services;

(6) collaboration among districts and service cooperatives;

(7) targeting early adolescents for prevention efforts, especially early adolescents whose personal circumstances may lead to violent or harassing behavior;

(8) opportunities for teachers to receive in-service training or attend other programs on strategies or curriculum designed to assist students in intervening in or preventing violence in school and at home; and

(9) administrative policies that reflect, and a staff that models, nonviolent behaviors that do not display or condone sexual, racial, or cultural harassment or student hazing.

(c) The department may provide assistance at a neutral site to a nonpublic school participating in a district's program.

Sec. 7. Minnesota Statutes 1998, section 257.75, subdivision 6, is amended to read:

Subd. 6. [PATERNITY EDUCATIONAL MATERIALS.] The commissioner of human services shall prepare educational materials for new and prospective parents that describe the benefits and effects of establishing paternity. The materials must include a description and comparison of the procedures for establishment of paternity through a recognition of parentage under this section and an adjudication of paternity under sections 257.51 to 257.74. The commissioner shall consider the use of innovative audio or visual approaches to the presentation of the materials to facilitate understanding and presentation. In preparing the materials, the commissioner shall consult with child advocates and support workers, battered women's advocates and advocates for domestic abuse victims, social service providers, educators, attorneys, hospital representatives, and people who work with parents in making decisions related to paternity. The commissioner shall consult with representatives of communities of color. On and after January 1, 1994, the commissioner shall make the materials available without cost to hospitals, requesting agencies, and other persons for distribution to new parents.

Sec. 8. Minnesota Statutes 1998, section 518B.01, subdivision 21, is amended to read:

Subd. 21. [ORDER FOR PROTECTION FORMS.] The state court administrator, in consultation with the advisory council on battered women and domestic abuse, city and county attorneys, and legal advocates who work with victims, shall develop a uniform order for protection form that will facilitate the consistent enforcement of orders for protection throughout the state.

Sec. 9. Minnesota Statutes 1998, section 611A.07, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The commissioner of corrections, after considering the recommendations of the ~~battered women~~ advisory council on battered women and domestic abuse and the sexual assault advisory council, and in collaboration with the commissioner of public safety, shall adopt standards governing electronic monitoring devices used to protect victims of domestic abuse. In developing proposed standards, the commissioner shall consider the experience of the courts in the tenth judicial district in the use of the devices to protect victims of domestic abuse. These standards shall promote the safety of the victim and shall include measures to avoid the disparate use of the device with communities of color, product standards, monitoring agency standards, and victim disclosure standards.

Sec. 10. Minnesota Statutes 1998, section 611A.32, subdivision 1, is amended to read:

Subdivision 1. [GRANTS AWARDED.] The commissioner shall award grants to programs which provide emergency shelter services to battered women and support services to battered women and domestic abuse victims and their children. The commissioner shall also award grants for training, technical assistance, and for the development and implementation of education programs to increase public awareness of the causes of battering, the solutions to preventing and ending domestic violence, and the problems faced by battered women and domestic abuse victims. Grants shall be awarded in a manner that ensures that they are equitably distributed to programs serving metropolitan and nonmetropolitan populations. By July 1, 1995, community-based domestic abuse advocacy and support services programs must be established in every judicial assignment district.

Sec. 11. Minnesota Statutes 1998, section 611A.32, subdivision 2, is amended to read:

Subd. 2. [APPLICATIONS.] Any public or private nonprofit agency may apply to the commissioner for a grant to provide emergency shelter services to battered women, support services to domestic abuse victims, or both, to battered women and their children. The application shall be submitted in a form approved by the commissioner by rule adopted under chapter 14, after consultation with the advisory council, and shall include:

(1) a proposal for the provision of emergency shelter services for battered women, support services for domestic abuse victims, or both, for battered women and their children;

(2) a proposed budget;

(3) evidence of an ability to integrate into the proposed program the uniform method of data collection and program evaluation established under sections 611A.33 and 611A.34;

(4) evidence of an ability to represent the interests of battered women and domestic abuse victims and their children to local law enforcement agencies and courts, county welfare agencies, and local boards or departments of health;

(5) evidence of an ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and

(6) any other content the commissioner may require by rule adopted under chapter 14, after considering the recommendations of the advisory council.

Programs which have been approved for grants in prior years may submit materials which indicate changes in items listed in clauses (1) to (6), in order to qualify for renewal funding. Nothing in this subdivision may be construed to require programs to submit complete applications for each year of renewal funding.

Sec. 12. Minnesota Statutes 1998, section 611A.32, subdivision 3, is amended to read:

Subd. 3. [DUTIES OF GRANTEES.] Every public or private nonprofit agency which receives a grant to provide emergency shelter services to battered women and support services to battered women and domestic abuse victims shall comply with all rules of the commissioner related to the administration of the pilot programs.

Sec. 13. Minnesota Statutes 1998, section 611A.32, subdivision 5, is amended to read:

Subd. 5. [CLASSIFICATION OF DATA COLLECTED BY GRANTEES.] Personal history information and other information collected, used or maintained by a grantee from which the identity or location of any ~~battered woman~~ victim of domestic abuse may be determined is private data on individuals, as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in accordance with the provisions of chapter 13.

Sec. 14. Minnesota Statutes 1998, section 611A.33, is amended to read:

611A.33 [DUTIES OF COMMISSIONER.]

The commissioner shall:

(1) Review applications for and award grants to a program pursuant to section 611A.32, subdivision 1, after considering the recommendation of the advisory council;

(2) Appoint the members of the advisory council created under section 611A.34, and provide consultative staff and other administrative services to the advisory council;

(3) After considering the recommendation of the advisory council, appoint a program director to perform the duties set forth in section 611A.35;

(4) Design and implement a uniform method of collecting data on ~~battered women~~ domestic abuse victims to be used to evaluate the programs funded under section 611A.32;

(5) Provide technical aid to applicants in the development of grant requests and provide technical aid to programs in meeting the data collection requirements established by the commissioner; and

(6) Adopt, under chapter 14, all rules necessary to implement the provisions of sections 611A.31 to 611A.36.

Sec. 15. Minnesota Statutes 1998, section 611A.34, subdivision 1, is amended to read:

Subdivision 1. [GENERALLY.] The commissioner shall appoint a 12-member advisory council to advise the commissioner on the implementation and continued operation of sections 611A.31 to 611A.36. The ~~battered women's~~ advisory council on battered women and domestic abuse shall also serve as a liaison between the commissioner and organizations that provide services to battered women and domestic abuse victims. Section 15.059 governs the filling of vacancies and removal of members of the advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Notwithstanding section 15.059, the council shall not expire. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Sec. 16. Minnesota Statutes 1998, section 611A.34, subdivision 2, is amended to read:

Subd. 2. [MEMBERSHIP.] Persons appointed shall be knowledgeable about and have experience or interest in issues concerning battered women and domestic abuse victims, including the need for effective advocacy services. The membership of the council shall broadly represent the interests of battered women and domestic abuse victims in Minnesota. No more than six of the members of the ~~battered women's~~ advisory council on battered women and domestic abuse may be representatives of community or governmental organizations that provide services to battered women and domestic abuse victims. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Sec. 17. 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 and domestic abuse victims 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~~ domestic abuse 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.

Sec. 18. Minnesota Statutes 1998, section 611A.345, is amended to read:

611A.345 [ADVISORY COUNCIL RECOMMENDATIONS.]

The commissioner shall consider the advisory council's recommendations before awarding grants or adopting policies regarding the planning, development, data collection, rulemaking, funding or evaluation of programs and services for battered women and domestic abuse victims funded under section 611A.32. Before taking action on matters related to programs and services for battered women and domestic abuse victims and their children, except day-to-day administrative operations, the commissioner shall notify the advisory council of the intended action. Notification of grant award decisions shall be given to the advisory council in time to allow the council to request reconsideration.

Sec. 19. Minnesota Statutes 1998, section 611A.35, is amended to read:

611A.35 [~~BATTERED WOMEN'S~~ ADVISORY COUNCIL ON BATTERED WOMEN AND DOMESTIC ABUSE PROGRAM DIRECTOR.]

The commissioner shall appoint a program director. In appointing the program director the commissioner shall give due consideration to the list of applicants submitted to the commissioner pursuant to section 611A.34, subdivision 3, clause (3). The program director shall administer the funds appropriated for sections 611A.31 to 611A.36, consult with and provide staff to the advisory council, and perform other duties related to battered women's and domestic abuse programs as the commissioner may assign. The program director shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 20. Minnesota Statutes 1998, section 611A.36, subdivision 1, is amended to read:

Subdivision 1. [FORM PRESCRIBED.] The commissioner shall, by rule adopted under chapter 14, after considering the recommendations of the advisory council, prescribe a uniform form and method for the collection of data on ~~battered women~~ domestic abuse victims. The method and form of data collection shall be designed to document the incidence of assault on ~~battered women~~ domestic abuse victims as defined in section 611A.31, subdivision 2. All data collected by the commissioner pursuant to this section shall be summary data within the meaning of section 13.02, subdivision 19.

Sec. 21. Minnesota Statutes 1998, section 611A.36, subdivision 2, is amended to read:

Subd. 2. [MANDATORY DATA COLLECTION.] Every local law enforcement agency shall collect data related to ~~battered women~~ domestic abuse victims in the form required by the commissioner. The data shall be collected and transmitted to the commissioner at such times as the commissioner shall, by rule, require.

Sec. 22. [611A.37] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For purposes of sections 23 to 27, the terms defined have the meanings given them unless otherwise provided or indicated by the context.

Subd. 2. [DIRECTOR.] "Director" means the director of the Minnesota center for crime victim services or a designee.

Subd. 3. [CENTER.] "Center" means the Minnesota center for crime victim services.

Subd. 4. [SHELTER FACILITY.] "Shelter facility" means a secure crisis shelter, housing network, safe home, or other facility operated by a nonprofit organization and designated by the center for the purpose of providing food, lodging, safety, and 24-hour coverage for battered women and their children.

Subd. 5. [DESIGNATED SHELTER FACILITY.] "Designated shelter facility" means a facility that has applied to, and been approved by, the center to provide shelter and services to battered women and their children.

Subd. 6. [PER DIEM RATE.] "Per diem rate" means a daily charge per person for providing food, lodging, safety, and 24-hour coverage for battered women and their children.

Subd. 7. [RESERVE AMOUNT.] "Reserve amount" means the amount the center has reserved for each shelter facility.

Subd. 8. [BATTERED WOMAN.] "Battered woman" has the meaning given in section 611A.31, subdivision 2.

Sec. 23. [611A.371] [PROGRAM OPERATION.]

Subdivision 1. [PURPOSE.] The purpose of the per diem program is to provide reimbursement in a timely, efficient manner to local programs for the reasonable and necessary costs of providing battered women and their children with food, lodging, and safety. Per diem funding may not be used for other purposes.

Subd. 2. [NONDISCRIMINATION.] Designated shelter facilities are prohibited from discriminating against a battered woman or her children on the basis of race, color, creed, religion, national origin, marital status, status with regard to public assistance, disability, or sexual orientation.

Subd. 3. [DATA.] Personal history information collected, used, or maintained by a designated shelter facility from which the identity or location of any battered woman may be determined is private data on individuals, as defined in section 13.02, subdivision 12, and the facility shall maintain the data in accordance with the provisions of chapter 13.

Sec. 24. [611A.372] [DUTIES OF THE DIRECTOR.]

In addition to any other duties imposed by law, the director, with the approval of the commissioner of public safety, shall:

- (1) supervise the administration of per diem payments to designated shelter facilities;
- (2) collect data on shelter facilities;
- (3) conduct an annual evaluation of the per diem program;
- (4) report to the governor and the legislature on the need for emergency secure shelter; and
- (5) develop an application process for shelter facilities to follow in seeking reimbursement under the per diem program.

Sec. 25. [611A.373] [PAYMENTS.]

Subdivision 1. [PAYMENT REQUESTS.] Designated shelter facilities may submit requests for payment monthly based on the number of persons housed. Upon approval of the request for payment by the center, payments shall be made directly to designated shelter facilities from per diem funds on behalf of women and their children who reside in the shelter facility. Payments made to a designated shelter facility must not exceed the annual reserve amount for that facility unless approved by the director. These payments must not affect the eligibility of individuals who reside in shelter facilities for public assistance benefits, except when required by federal law or regulation.

Subd. 2. [RESERVE AMOUNT.] The center shall calculate annually the reserve amount for each designated shelter facility. This calculation may be based upon program type, average occupancy rates, and licensed capacity limits. The total of all reserve amounts shall not exceed the legislative per diem appropriation.

Sec. 26. [611A.375] [APPEAL PROCESS.]

(a) Except as provided in paragraph (b), a designated shelter facility may, within 30 days after receiving a decision by the center to deny payment, request reconsideration. A designated shelter facility which is denied payment upon reconsideration is entitled to a contested case hearing within the meaning of chapter 14.

(b) A facility may not appeal a decision by the center to deny payments in excess of the facility's reserve amount.

Sec. 27. Minnesota Statutes 1999 Supplement, section 626.558, subdivision 1, is amended to read:

Subdivision 1. [ESTABLISHMENT OF THE TEAM.] A county shall establish a multidisciplinary child protection team that may include, but not be limited to, the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, representatives of health and education, representatives of mental health or other appropriate human service or community-based agencies, and parent groups. As used in this section, a "community-based agency" may include, but is not limited to, schools, social service agencies, family service and mental health collaboratives, early childhood and family education programs, Head Start, or other agencies serving children and families. A member of the team must be designated as the lead person of the team responsible for the planning process to develop standards for its activities with battered women's and domestic abuse programs and services.

Sec. 28. Minnesota Statutes 1998, section 629.342, subdivision 2, is amended to read:

Subd. 2. [POLICIES REQUIRED.] (a) By July 1, 1993, each law enforcement agency shall develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents. In the development of a policy, each law enforcement agency shall consult with domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents. The policy shall discourage dual arrests, include consideration of whether one of the parties acted in self defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a domestic abuse incident until the likelihood of further imminent violence has been eliminated.

(b) The bureau of criminal apprehension, the board of peace officer standards and training, and the ~~battered women's~~ advisory council on battered women and domestic abuse appointed by the commissioner of corrections under section 611A.34, in consultation with the Minnesota chiefs of police association, the Minnesota sheriffs association, and the Minnesota police and peace officers association, shall develop a written model policy regarding arrest procedures for domestic abuse incidents for use by local law enforcement agencies. Each law enforcement agency may adopt the model policy in lieu of developing its own policy under the provisions of paragraph (a).

(c) Local law enforcement agencies that have already developed a written policy regarding arrest procedures for domestic abuse incidents before July 1, 1992, are not required to develop a new policy but must review their policies and consider the written model policy developed under paragraph (b).

Sec. 29. Minnesota Statutes 1998, section 629.72, subdivision 6, is amended to read:

Subd. 6. [NOTICE REGARDING RELEASE OF ARRESTED PERSON.] (a) Immediately after issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make a reasonable and good faith effort to inform orally the alleged victim, local law enforcement agencies known to be involved in the case, if different from the agency having custody, and, at the victim's request any local battered women's and domestic abuse programs established under section 611A.32 or sexual assault programs of:

(1) the conditions of release, if any;

(2) the time of release;

(3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and

(4) if the arrested person is charged with domestic abuse, the location and telephone number of the area battered women's shelter as designated by the department of corrections.

(b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in paragraph (a), clauses (2) and (3).

Sec. 30. [EFFECTIVE DATE.]

Article 2 is effective July 1, 2000."

Delete the title and insert:

"A bill for an act relating to public safety; authorizing commissioner of public safety to award public safety grants; continuing certain rule authority of commissioner of public safety; changing per diem payments to members of the board of private detectives and protective agents; requiring changes in rules regarding training programs; establishing guidelines for the administration of battered women's shelter per diem funding by the Minnesota center for crime victims services; changing the designation of battered women's advisory council to advisory council on battered women and domestic abuse; authorizing support services to domestic abuse victims; amending Minnesota Statutes 1998, sections 13.82, subdivision 3b; 15.0591, subdivision 2; 119A.37, subdivision 4; 120B.22, subdivision 1; 257.75, subdivision 6; 299A.01, subdivision 2, and by adding a subdivision; 326.33, subdivision 6; 326.3361, subdivision 1; 518B.01, subdivision 21; 611A.07, subdivision 1; 611A.32, subdivisions 1, 2, 3, and 5; 611A.33; 611A.34, subdivisions 1, 2, and 3; 611A.345; 611A.35; 611A.36, subdivisions 1 and 2; 629.342, subdivision 2; and 629.72, subdivision 6; Minnesota Statutes 1999 Supplement, sections 13.99, subdivision 108; 15.059, subdivision 5a; and 626.558, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A."

We request adoption of this report and repassage of the bill.

Senate Conferees: JAMES P. METZEN, EMBER R. JUNGE AND DAVID L. KNUTSON.

House Conferees: BILL HILTY, MARY LIZ HOLBERG AND MICHAEL PAYMAR.

Hilty moved that the report of the Conference Committee on S. F. No. 3178 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 3178, A bill for an act relating to public safety; authorizing commissioner of public safety to award public safety grants; continuing certain rule authority of commissioner of public safety; changing per diem payments to members of the board of private detectives and protective agents; requiring changes in rules regarding training programs; amending Minnesota Statutes 1998, sections 299A.01, subdivision 2, and by adding a subdivision; 326.33, subdivision 6; and 326.3361, subdivision 1.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 128 yeas and 1 nay as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Boudreau

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate has concurred in and adopted the report of the Conference Committee on:

S. F. No. 2951.

The Senate has repassed said bill in accordance with the recommendation and report of the Conference Committee. Said Senate File is herewith transmitted to the House.

PATRICK E. FLAHAVEN, Secretary of the Senate

CONFERENCE COMMITTEE REPORT ON S. F. NO. 2951

A bill for an act relating to municipalities; clarifying the use of alternative dispute resolution in certain proceedings; requiring a report to the legislature; exempting the office of strategic and long-range planning from adopting rules until a certain date; providing instructions to the revisor of statutes; amending Minnesota Statutes 1999 Supplement, section 414.12; repealing Minnesota Statutes 1998, section 414.10.

April 6, 2000

The Honorable Allan H. Spear
President of the Senate

The Honorable Steve Sviggum
Speaker of the House of Representatives

We, the undersigned conferees for S. F. No. 2951, report that we have agreed upon the items in dispute and recommend as follows:

That the House recede from its amendments and that S. F. No. 2951 be further amended as follows:

Page 3, line 29, delete "2002" and insert "2001"

Page 4, delete section 5 and insert:

"Sec. 5. [EFFECTIVE DATES.]

Subdivision 1. [PROCEEDINGS.] Section 1, subdivisions 1, 2, and 4, are effective retroactive to June 1, 1999, and apply to all matters pending on or commenced on or after that date. Sections 2 and 3 are effective the day following final enactment.

Subd. 2. [COSTS.] Section 1, subdivision 3, is effective retroactive to June 1, 1999, and applies only to boundary adjustment matters commenced on or after June 1, 1999. In any proceeding in which a decision by the Minnesota municipal board prior to June 1, 1999, was enjoined by court order, the disputing parties are liable for any costs as provided in section 1, subdivision 3, incurred on or after June 1, 1999. For all boundary adjustment matters commenced before June 1, 1999, all costs must be allocated as provided in law and rule prior to the abolition of the Minnesota municipal board, and the maximum total amount the parties may be charged by the office of strategic and long-range planning, the office of administrative hearings, or as part of an arbitration is no more than the Minnesota municipal board could have charged if the matter had been heard and decided by the board. Costs that exceed what the municipal board could have charged must be paid by the office of strategic and long-range planning."

We request adoption of this report and repassage of the bill.

Senate Conferees: JIM VICKERMAN, JOHN C. HOTTINGER AND CLAIRE A. ROBLING.

House Conferees: PEG LARSEN, RAY VANDEVEER AND TOM RUKAVINA.

Larsen, P., moved that the report of the Conference Committee on S. F. No. 2951 be adopted and that the bill be repassed as amended by the Conference Committee. The motion prevailed.

S. F. No. 2951, A bill for an act relating to municipalities; clarifying the use of alternative dispute resolution in certain proceedings; requiring a report to the legislature; exempting the office of strategic and long-range planning from adopting rules until a certain date; providing instructions to the revisor of statutes; amending Minnesota Statutes 1999 Supplement, section 414.12; repealing Minnesota Statutes 1998, section 414.10.

The bill was read for the third time, as amended by Conference, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 112 yeas and 17 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Anderson, B.	Kielkucki	Molnau	Osskopp	Seifert, M.	Westrom
Buesgens	Krinkie	Mulder	Reuter	Smith	Wilkin
Gerlach	Kuisle	Olson	Rifenberg	Westfall	

The bill was repassed, as amended by Conference, and its title agreed to.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3730, A bill for an act relating to public finance; exempting certain bonds from the definition of business subsidy; authorizing certain investments by joint powers investment trusts; exempting certain airport obligations from the public sale requirement; providing for state payment of county debt obligations upon potential default; extending sunsets for self-executing special service district and housing improvement district laws; authorizing special assessments for communications facilities; modifying interest rate requirements; increasing bonding authority for the financing of metropolitan area transit and paratransit capital expenditures; altering qualifications for residential rental bonds; providing that the Uniform Commercial Code does not apply to government security interests; appropriating money; amending Minnesota Statutes 1998, sections 118A.05, subdivision 4; 360.036, subdivision 2; 428A.101; 428A.21; 429.021, subdivision 1; 474A.047, subdivision 1; and 475.78; Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; 473.39, subdivision 1g; and 475.56; proposing coding for new law in Minnesota Statutes, chapter 373.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Pogemiller, Scheid and Lesewski.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Abrams moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3730. The motion prevailed.

Mr. Speaker:

I hereby announce that the Senate refuses to concur in the House amendments to the following Senate File:

S. F. No. 3028, A bill for an act relating to vulnerable adults; specifying rights for reconsideration and review of determinations regarding maltreatment; amending Minnesota Statutes 1998, section 626.557, subdivisions 9c, 9d, and 12b; Minnesota Statutes 1999 Supplement, section 13.99, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 256.

The Senate respectfully requests that a Conference Committee be appointed thereon. The Senate has appointed as such committee:

Senators Spear, Neuville and Samuelson.

Said Senate File is herewith transmitted to the House with the request that the House appoint a like committee.

PATRICK E. FLAHAVEN, Secretary of the Senate

Greenfield moved that the House accede to the request of the Senate and that the Speaker appoint a Conference Committee of 3 members of the House to meet with a like committee appointed by the Senate on the disagreeing votes of the two houses on S. F. No. 3028. The motion prevailed.

Pawlenty moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by Speaker pro tempore Abrams.

MESSAGES FROM THE SENATE, Continued

TAKEN FROM THE TABLE

Pawlenty moved that the Message from the Senate together with Senate Concurrent Resolution No. 11 be taken from the table. The motion prevailed.

Mr. Speaker:

I hereby announce the adoption by the Senate of the following Senate Concurrent Resolution, herewith transmitted:

Senate Concurrent Resolution No. 11, A senate concurrent resolution relating to adjournment for more than three days.

PATRICK E. FLAHAVEN, Secretary of the Senate

SENATE CONCURRENT RESOLUTION NO. 11

A senate concurrent resolution relating to adjournment for more than three days.

Be It Resolved, by the Senate of the State of Minnesota, the House of Representatives concurring:

1. Upon their adjournments on April 19, 2000, the Senate and House of Representatives may each set its next day of meeting for April 25, 2000.

2. Each house consents to adjournment of the other house for more than three days.

Pawlenty moved that Senate Concurrent Resolution No. 11 be now adopted.

The pending Krinkie amendment to Senate Concurrent Resolution No. 11, offered on Tuesday, April 18, 2000, was again reported to the House.

Krinkie moved to amend Senate Concurrent Resolution No. 11 as follows:

Page 1, line 8, delete "April 25" and insert "May 1"

Krinkie withdrew his amendment to Senate Concurrent Resolution No. 11.

The question recurred on the Pawlenty motion that Senate Concurrent Resolution No. 11 be now adopted. The motion prevailed and Senate Concurrent Resolution No. 11 was adopted.

REPORT FROM THE COMMITTEE ON RULES AND LEGISLATIVE ADMINISTRATION

Pawlenty from the Committee on Rules and Legislative Administration, pursuant to rule 1.21, designated the following bills to be placed on the Calendar for the Day, immediately following the remaining bills on the Calendar for the Day, for Wednesday, April 19, 2000:

S. F. Nos. 3386, 3644 and 3300; H. F. No. 3852; and S. F. Nos. 2570 and 3210.

CALENDAR FOR THE DAY

S. F. No. 2827 was reported to the House.

Holberg moved to amend S. F. No. 2827 as follows:

Delete everything after the enacting clause and insert the following language of H. F. No. 3694, the first engrossment:

"Section 1. Minnesota Statutes 1998, section 473.129, is amended by adding a subdivision to read:

Subd. 11. [FACSIMILE OR DIGITAL SIGNATURES.] Under guidelines approved by the council, digital signatures and facsimile or electronic approvals if digital signatures are not practicable under chapter 325K may be used by the council in carrying out its duties and responsibilities. A facsimile signature, electronic approval, or digital signature, when used in accordance with the council's guidelines, is as effective as an original signature.

Sec. 2. Minnesota Statutes 1998, section 473.13, subdivision 1, is amended to read:

Subdivision 1. [BUDGET.] (a) On or before December 20 of each year the council, after the public hearing required in section 275.065, shall adopt a final budget covering its anticipated receipts and disbursements for the ensuing year and shall decide upon the total amount necessary to be raised from ad valorem tax levies to meet its budget. The budget shall state in detail the expenditures for each program to be undertaken, including the expenses for salaries, consultant services, overhead, travel, printing, and other items. The budget shall state in detail the capital expenditures of the council for the budget year, based on a five-year capital program adopted by the council and transmitted to the legislature. After adoption of the budget and no later than five working days after December 20, the council shall certify to the auditor of each metropolitan county the share of the tax to be levied within that county, which must be an amount bearing the same proportion to the total levy agreed on by the council as the net tax capacity of the county bears to the net tax capacity of the metropolitan area. The maximum amount of any levy made for the purpose of this chapter may not exceed the limits set by the statute authorizing the levy.

(b) Each even-numbered year the council shall prepare for its transit programs a financial plan for the succeeding three calendar years, in half-year segments. The financial plan must contain ~~the elements specified in section 473.1623, subdivision 3.~~ The financial plan must contain schedules of user charges and any changes in user charges planned or anticipated by the council during the period of the plan. The financial plan must contain a proposed request for state financial assistance for the succeeding biennium.

(c) In addition, the budget must show for each year:

(1) the estimated operating revenues from all sources including funds on hand at the beginning of the year, and estimated expenditures for costs of operation, administration, maintenance, and debt service;

(2) capital improvement funds estimated to be on hand at the beginning of the year and estimated to be received during the year from all sources and estimated cost of capital improvements to be paid out or expended during the year, all in such detail and form as the council may prescribe; and

(3) the estimated source and use of pass-through funds.

Sec. 3. Minnesota Statutes 1998, section 473.254, subdivision 1, is amended to read:

Subdivision 1. [PARTICIPATION.] (a) ~~By November 15 of each year,~~ A municipality may elect to participate in the local housing incentive account program. ~~If a municipality does not elect to participate for the year, it is not subject to this section.~~ If the election to participate occurs by November 15 of any year, it is effective commencing

the next calendar year; otherwise it is effective commencing the next succeeding calendar year. An election to participate in the program is effective until revoked in accordance with paragraph (b). A municipality is subject to this section only in those calendar years for which its election to participate in the program is effective. For purposes of this section, municipality means a municipality electing to participate in the local housing incentive account program for the calendar year in question, unless the context indicates otherwise.

(b) A municipality may revoke its election to participate in the local housing incentive account program. If the revocation occurs by November 15 of any year, it is effective commencing the next calendar year; otherwise it is effective commencing the next succeeding calendar year. After revoking its election to participate in the program, a municipality may again elect to participate in the program in accordance with paragraph (a).

(c) A municipality that elects to participate may receive grants or loans from the tax base revitalization account, livable communities demonstration account, or the local housing incentive account. A municipality that does not participate is not eligible to receive a grant under sections 116J.551 to 116J.557. The council, when making discretionary funding decisions, shall give consideration to a municipality's participation in the local housing incentives program.

Sec. 4. Minnesota Statutes 1998, section 473.704, subdivision 19, is amended to read:

Subd. 19. [FINANCIAL REPORT.] The commission, by December 15 of each even-numbered year, shall prepare and submit to the legislature a financial report that contains the information required by Minnesota Statutes 1998, section 473.1623, subdivision 3, in a format consistent with the consolidated financial report required by that subdivision.

Sec. 5. [TASK FORCE ON METROPOLITAN GOVERNMENT CREATED.]

Subdivision 1. [ESTABLISHED.] A task force on metropolitan government is created.

Subd. 2. [DUTIES.] The task force shall study and make recommendations to the legislature by January 1, 2001, on the appropriate role and responsibilities of metropolitan government in the metropolitan area, as defined in Minnesota Statutes, section 473.121, subdivision 2. Considering the legislation introduced in the 1999-2000 legislative session, and in particular, the legislation proposing to eliminate the metropolitan council, the task force shall examine:

(1) each statute and law that relates to the metropolitan council and whether powers and duties given to the council are still appropriate;

(2) what services should be provided and what functions fulfilled by metropolitan government;

(3) what powers are needed by metropolitan government to deliver the services and fulfill those functions;

(4) whether any service or function currently performed by metropolitan government should be discontinued or transferred to another governmental entity; and

(5) what governance structures will best support the identified roles and responsibilities of metropolitan government, and be responsive to, understandable by, and accountable to citizens.

Subd. 3. [MEMBERSHIP.] The task force consists of 18 members who serve at the pleasure of their respective appointing authorities as follows:

(1) the chairs of the house local government and metropolitan affairs committee and the senate local and metropolitan government committee, to serve as co-chairs;

(2) two state representatives, one member of the majority appointed by the speaker of the house, and one member of the minority appointed by the house minority leader;

(3) two state senators, one member of the majority and one member of the minority, each appointed by the subcommittee on committees of the committee on rules and administration;

(4) the governor or the governor's designee;

(5) two local elected officials to represent metropolitan area counties, appointed by the Association of Minnesota Counties;

(6) two local elected officials to represent metropolitan area cities, appointed by the Association of Metropolitan Municipalities;

(7) two local elected officials to represent metropolitan area towns, appointed by the Minnesota Association of Townships;

(8) two current members of the metropolitan council, appointed by the chair of the council; and

(9) three union members employed at the metropolitan council, appointed by agreement of the union officials at the council.

Members must be appointed as soon as practicable after the effective date of this section.

Subd. 4. [ADMINISTRATIVE; STAFF ASSISTANCE.] Legislative staff shall provide administrative and staff assistance to the task force. Executive branch staff shall assist the task force upon request.

Subd. 5. [EFFECTIVE DATE; EXPIRATION.] This section is effective the day following final enactment and expires June 30, 2001.

Sec. 6. [REPEALER.]

Minnesota Statutes 1998, sections 473.1623, subdivision 3; and 473.23, subdivision 1, are repealed. Minnesota Rules, parts 5900.0100; 5900.0200; 5900.0300; 5900.0400; 5900.0400; 5900.0500; 5900.0600; 5900.0700; 5900.0800; 5900.0900; 5900.1000; 5900.1100; 5900.1200; 5900.1300; 5900.1400; 5900.1500; 5900.1600; 5900.1700; 5900.1800; 5900.1900; 5900.2000; 5900.2100; 5900.2200; 5900.2300; 5900.2400; 5900.2500; 5900.2600; 5900.2700; 5900.2800; 5900.2900; 5900.3000; 5900.3100; 5900.3200; 5900.3300; 5900.3400; 5900.3500; 5900.3600; 5900.3700; 5900.3800; 5900.3900; 5900.4000; 5900.4100; 5900.4200; 5900.4300; 5900.4400; 5900.4500; 5900.4600; 5900.4700; 5900.4800; 5900.4900; 5900.5000; 5900.5100; 5900.5200; 5900.5300; 5900.5400; 5900.5500; 5900.5600; 5900.5700; 5900.5800; 5900.5900; 5900.6000; 5900.6100; 5900.6200; 5900.6300; 5900.6400; 5900.6500; 5900.6800; 5900.6900; 5900.7000; 5900.7100; 5900.7200; 5900.7300; 5900.7400; and 5900.7500, are repealed.

Sec. 7. [APPLICATION.]

Sections 1 to 4 and 6 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 8. [EFFECTIVE DATE.]

This act is effective on the day following final enactment."

Delete the title and insert:

"A bill for an act relating to the metropolitan council; eliminating or modifying requirements that are obsolete, unnecessary, or inefficient; authorizing the use of facsimile or digital signatures; establishing a task force to study legislative proposals relating to metropolitan government structure and to make recommendations by

January 1, 2001; amending Minnesota Statutes 1998, sections 473.129, by adding a subdivision; 473.13, subdivision 1; 473.254, subdivision 1; and 473.704, subdivision 19; repealing Minnesota Statutes 1998, sections 473.1623, subdivision 3; and 473.23, subdivision 1; Minnesota Rules, chapter 5900."

The motion prevailed and the amendment was adopted.

Holberg moved to amend S. F. No. 2827, as amended, as follows:

Page 4, after line 7, insert:

"Sec. 5. Minnesota Statutes 1998, section 473.867, subdivision 4, is amended to read:

Subd. 4. [75 90 PERCENT LIMIT.] Grants shall not exceed 75 90 percent of the total costs and expenses of the project, service or activity for which a grant is awarded."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Lenczewski moved to amend S. F. No. 2827, as amended, as follows:

Page 3, after line 2, insert:

"Sec. 3. Minnesota Statutes 1998, section 473.173, subdivision 3, is amended to read:

Subd. 3. [FACTORS.] In developing the rules, the council and the advisory metropolitan land use committee, as defined in section 473.852, shall give consideration to all factors deemed relevant including but not limited to the following:

(1) the impact a proposed matter will have on the orderly, economical development, public and private, of the metropolitan area and its consistency with the metropolitan development guide;

(2) the relationship a proposed matter will have to the policy statement goals, standards, programs, and other applicable provisions of the development guide;

(3) the impact a proposed matter will have on policy plans adopted by the council;

(4) functions of municipal governments in respect to control of land use as provided for under the Municipal Planning Act; and

(5) the environmental impact in the metropolitan area of the construction not yet approved in the metropolitan area, of one or more additional new outdoor sports and entertainment facilities expected to accommodate peak attendance of 10,000 or more persons.

Sec. 4. Minnesota Statutes 1998, section 473.173, is amended by adding a subdivision to read:

Subd. 3a. [10,000 PLUS AMPHITHEATER.] (a) Until a review of its rules in light of the additional factor added by subdivision 3, clause (5), the construction, not yet approved, in the metropolitan area of one or more additional new outdoor sports and entertainment facilities expected to accommodate a peak attendance of 10,000 or more

persons is presumed to be a matter of metropolitan significance under this section and must not be approved for construction. The council must complete its review, and amendment if necessary, of its rules for this purpose before July 1, 2001.

(b) Notwithstanding paragraph (a), the council may lift the presumption of metropolitan significance under subdivision 3, clause (5), if an environmental impact statement under section 116D.04 favorable to the construction of an additional such facility is received and made publicly available by the local jurisdiction in which the facility is proposed to be built.

(c) This subdivision and the amendment to subdivision 3 do not apply to the construction of an amphitheater for up to 20,000 persons that has been approved before their effective date.

(d) Any change in law in this act including a change in rules as a result of this act is in addition to, and, in no way limits, the rights of the council, an affected local government, or petitioners under this section and rules adopted under this section before the effective date of this act."

Page 6, line 15, delete "4" and insert "6" and delete "6" and insert "8"

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Lenczewski amendment and the roll was called. There were 63 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.	Gray	Juhnke	Mahoney	Paymar	Swapinski
Bakk	Greenfield	Kahn	Mariani	Pelowski	Tomassoni
Carlson	Greiling	Kalis	Marko	Peterson	Trimble
Carruthers	Haake	Kelliher	McCollum	Pugh	Tunheim
Chaudhary	Haas	Koskinen	McGuire	Rest	Wagenius
Clark, K.	Hasskamp	Kubly	Mullery	Rukavina	Wejcman
Dawkins	Hausman	Larson, D.	Murphy	Schumacher	Wenzel
Dorn	Hilty	Leighton	Opatz	Seagren	Winter
Entenza	Huntley	Lenczewski	Orfield	Skoe	
Folliard	Jaros	Lieder	Osthoff	Skoglund	
Gleason	Jennings	Luther	Otremba	Solberg	

Those who voted in the negative were:

Abeler	Clark, J.	Fuller	Kielkucki	Molnau	Reuter
Abrams	Daggett	Gerlach	Knoblach	Mulder	Rhodes
Anderson, B.	Davids	Goodno	Krinkie	Ness	Rifenberg
Bishop	Dehler	Gunther	Kuisle	Nornes	Rostberg
Boudreau	Dempsey	Hackbarth	Larsen, P.	Olson	Seifert, J.
Bradley	Dorman	Harder	Leppik	Osskopp	Seifert, M.
Broecker	Erhardt	Holberg	Lindner	Ozment	Smith
Buesgens	Erickson	Holsten	Mares	Paulsen	Stanek
Cassell	Finseth	Howes	McElroy	Pawlenty	Stang

Storm	Tingelstad	Vandever	Westrom	Workman
Swenson	Tuma	Westerberg	Wilkin	Spk. Sviggum
Sykora	Van Dellen	Westfall	Wolf	

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

Krinkie and Molnau moved to amend S. F. No. 2827, as amended, as follows:

Page 1, after line 14, insert:

"Section 1. Minnesota Statutes 1998, section 473.129, is amended by adding a subdivision to read:

Subd. 3a. [LIGHT RAIL TRANSIT CONTRACTS.] Notwithstanding subdivision 3 or other law to the contrary, for all contracts relating to light rail transit, the council is subject to state procurement laws in chapter 16C, and council employees are subject to ethical requirements that apply to state employees under sections 15.43, 43A.38, and 43A.39."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Holberg moved that S. F. No. 2827, as amended, be continued on the Calendar for the Day. The motion prevailed.

Pursuant to rule 1.21, S. F. No. 2827, as amended, was returned to the General Register.

There being no objection, the order of business reverted to Reports of Standing Committees.

REPORTS OF STANDING COMMITTEES

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 1048, A bill for an act relating to utilities; creating advisory selection process for public utility commissioners; regulating ex parte communications with commissioners; amending Minnesota Statutes 1998, sections 216A.03, subdivisions 1 and 1a; and 216A.037; proposing coding for new law in Minnesota Statutes, chapter 216A.

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

The report was adopted.

Pawlenty from the Committee on Rules and Legislative Administration to which was referred:

S. F. No. 2893, A bill for an act relating to business subsidies; providing clarification to the obligation of government agencies and businesses related to certain business subsidies; amending Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; 116J.994, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, and by adding a subdivision; and 116J.995.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 1999 Supplement, section 116J.993, subdivision 3, is amended to read:

Subd. 3. [BUSINESS SUBSIDY.] "Business subsidy" or "subsidy" means a state or local government agency grant, contribution of personal property, real property, infrastructure, the principal amount of a loan at rates below those commercially available to the recipient, any reduction or deferral of any tax or any fee, any guarantee of any payment under any loan, lease, or other obligation, or any preferential use of government facilities given to a business.

The following forms of financial assistance are not a business subsidy:

- (1) a business subsidy of less than ~~\$25,000~~ \$100,000;
- (2) assistance that is generally available to all businesses or to a general class of similar businesses, such as a line of business, size, location, or similar general criteria;
- (3) public improvements to buildings or lands owned by the state or local government that serve a public purpose and do not principally benefit a single business or defined group of businesses at the time the improvements are made;
- (4) redevelopment property polluted by contaminants as defined in section 116J.552, subdivision 3;
- (5) assistance provided for the sole purpose of renovating old or decaying building stock or bringing it up to code and assistance provided for designated historic preservation districts, provided that the assistance is equal to or less than 50 percent of the total cost;
- (6) ~~assistance provided to organizations whose primary mission is to provide job readiness and training services~~ if the sole purpose of the assistance is to provide those services;
- (7) assistance for housing;
- (8) assistance for pollution control or abatement, including assistance for a tax increment financing hazardous substance subdistrict as defined under section 469.174, subdivision 23;
- (9) assistance for energy conservation;
- (10) tax reductions resulting from conformity with federal tax law;
- (11) workers' compensation and unemployment compensation;
- (12) benefits derived from regulation;
- (13) indirect benefits derived from assistance to educational institutions;

(14) funds from bonds ~~allocated under chapter 474A~~ issued by government agencies on behalf of entities without actual direct financial assistance being provided by the issuing authority;

(15) assistance for a collaboration between a Minnesota higher education institution and a business;

(16) assistance for a tax increment financing soils condition district as defined under section 469.174, subdivision 19;

(17) redevelopment when the recipient's investment in the purchase of the site and in site preparation is 70 percent or more of the assessor's current year's estimated market value; ~~and~~

(18) general changes in tax increment financing law and other general tax law changes of a principally technical nature;

(19) federal assistance until the assistance has been repaid to, and reinvested by, the state or local government agency; and

(20) funds from dock and wharf bonds issued by a seaway port authority.

Sec. 2. Minnesota Statutes 1999 Supplement, section 116J.994, subdivision 1, is amended to read:

Subdivision 1. [PUBLIC PURPOSE.] A business subsidy must meet a public purpose ~~other than~~ which may include, but may not be limited to, increasing the tax base. Job retention may only be used as a public purpose in cases where job loss is ~~imminent~~ specific and demonstrable.

Sec. 3. Minnesota Statutes 1999 Supplement, section 116J.994, subdivision 3, is amended to read:

Subd. 3. [SUBSIDY AGREEMENT.] (a) A recipient must enter into a subsidy agreement with the grantor of the subsidy that includes:

(1) a description of the subsidy, including the amount and type of subsidy, and type of district if the subsidy is tax increment financing;

(2) a statement of the public purposes for the subsidy;

(3) measurable, specific, and tangible goals for the subsidy;

(4) a description of the financial obligation of the recipient if the goals are not met;

(5) a statement of why the subsidy is needed;

(6) a commitment to continue operations at the site where the subsidy is used for at least five years after the benefit date;

(7) the name and address of the parent corporation of the recipient, if any; and

(8) a list of all financial assistance by all grantors for the project.

(b) Business subsidies in the form of grants must be structured as forgivable loans. ~~If a business subsidy is not structured as a forgivable loan~~ For other types of business subsidies, the agreement must state the fair market value of the subsidy to the recipient, including the value of conveying property at less than a fair market price, or other in-kind benefits to the recipient.

(c) If a business subsidy benefits more than one recipient, the grantor must assign a proportion of the business subsidy to each recipient that signs a subsidy agreement. The proportion assessed to each recipient must reflect a reasonable estimate of the recipient's share of the total benefits of the project.

(d) The state or local government agency and the recipient must both sign the subsidy agreement and, if the grantor is a local government agency, the agreement must be approved by the local elected governing body, except for the St. Paul Port Authority and a seaway port authority.

(e) Notwithstanding the provision in subdivision 6, a recipient may be authorized to move from the site where the subsidy is used within the five-year period after the benefit date if, after a public hearing, the grantor approves the recipient's request to move.

Sec. 4. Minnesota Statutes 1999 Supplement, section 116J.994, subdivision 4, is amended to read:

Subd. 4. [WAGE AND JOB GOALS.] The subsidy agreement, in addition to any other goals, must include: (1) goals for the number of jobs created, which may include separate goals for the number of part-time or full-time jobs, or, in cases where job loss is imminent specific and demonstrable, goals for the number of jobs retained; and (2) wage goals for the jobs created or retained. After a public hearing, if the creation or retention of jobs is determined not to be a goal, the wage and job goals may be set at zero.

In addition to other specific goal time frames, the wage and job goals must contain specific goals to be attained within two years of the benefit date.

Sec. 5. Minnesota Statutes 1999 Supplement, section 116J.994, subdivision 5, is amended to read:

Subd. 5. [PUBLIC NOTICE AND HEARING.] (a) Before granting a business subsidy that exceeds \$500,000 for a state government grantor and \$100,000 for a local government grantor, the grantor must provide public notice and a hearing on the subsidy. A public hearing and notice under this subdivision is not required if a hearing and notice on the subsidy is otherwise required by law.

(b) Public notice of a proposed business subsidy under this subdivision by a state government grantor, other than the iron range resources and rehabilitation board, must be published in the State Register. Public notice of a proposed business subsidy under this subdivision by a local government grantor or the iron range resources and rehabilitation board must be published in a local newspaper of general circulation. The public notice must identify the location at which information about the business subsidy, including a copy summary of the terms of the subsidy agreement, is available. Published notice should be sufficiently conspicuous in size and placement to distinguish the notice from the surrounding text. The grantor must make the information available in printed paper copies and, if possible, on the Internet. The government agency must provide at least a ten-day notice for the public hearing.

(c) The public notice must include the date, time, and place of the hearing.

(d) The public hearing by a state government grantor other than the iron range resources and rehabilitation board must be held in St. Paul.

(e) If more than one nonstate grantor provides a business subsidy to the same recipient, the nonstate grantors may designate one nonstate grantor to hold a single public hearing regarding the business subsidies provided by all nonstate grantors. For the purposes of this paragraph, "nonstate grantor" includes the iron range resources and rehabilitation board.

Sec. 6. Minnesota Statutes 1999 Supplement, section 116J.994, subdivision 6, is amended to read:

Subd. 6. [FAILURE TO MEET GOALS.] The subsidy agreement must specify the recipient's obligation if the recipient does not fulfill the agreement. At a minimum, the agreement must require a recipient failing to meet subsidy agreement goals to pay back the assistance plus interest to the grantor or, at the grantor's option, to the

account created under section 116J.551 provided that repayment may be prorated to reflect partial fulfillment of goals. The interest rate must be set at no less than the implicit price deflator as defined under section 275.70, subdivision 2. The grantor, after a public hearing, may extend for up to one year the period for meeting the goals provided in a subsidy agreement.

A recipient that fails to meet the terms of a subsidy agreement may not receive a business subsidy from any grantor for a period of five years from the date of failure or until a recipient satisfies its repayment obligation under this subdivision, whichever occurs first.

Before a grantor signs a business subsidy agreement, the grantor must check with the compilation and summary report required by this section to determine if the recipient is eligible to receive a business subsidy.

Sec. 7. Minnesota Statutes 1999 Supplement, section 116J.994, subdivision 7, is amended to read:

Subd. 7. [REPORTS BY RECIPIENTS TO GRANTORS.] (a) A business subsidy grantor must monitor the progress by the recipient in achieving agreement goals.

(b) A recipient must provide information regarding goals and results for two years after the benefit date or until the goals are met, whichever is later. If the goals are not met, the recipient must continue to provide information on the subsidy until the subsidy is repaid. The information must be filed on forms developed by the commissioner in cooperation with representatives of local government. Copies of the completed forms must be sent ~~to the commissioner and the local government agency that provided the business subsidy~~ to the local government agency that provided the subsidy or to the commissioner if the grantor is a state agency. The report must include:

- (1) the type, public purpose, and amount of subsidies and type of district, if the subsidy is tax increment financing;
- (2) the hourly wage of each job created with separate bands of wages;
- (3) the sum of the hourly wages and cost of health insurance provided by the employer with separate bands of wages;
- (4) the date the job and wage goals will be reached;
- (5) a statement of goals identified in the subsidy agreement and an update on achievement of those goals;
- (6) the location of the recipient prior to receiving the business subsidy;
- (7) why the recipient did not complete the project outlined in the subsidy agreement at their previous location, if the recipient was previously located at another site in Minnesota;
- (8) the name and address of the parent corporation of the recipient, if any;
- (9) a list of all financial assistance by all grantors for the project; and
- (10) other information the commissioner may request.

A report must be filed no later than March 1 of each year for the previous year ~~and within 30 days after the deadline for meeting the job and wage goals~~. The local agency must forward copies of the reports received by recipients to the commissioner by April 1.

(c) Financial assistance that is excluded from the definition of "business subsidy" by section 116J.993, subdivision 3, clauses (4), (5), (8), and (16) is subject to the reporting requirements of this subdivision, except that the report of the recipient must include instead:

(1) the type, public purpose, and amount of the financial assistance, and type of district if the subsidy assistance is tax increment financing;

(2) progress towards meeting goals stated in the subsidy assistance agreement and the public purpose of the assistance;

(3) if the agreement includes job creation, the hourly wage of each job created with separate bands of wages;

(4) if the agreement includes job creation, the sum of the hourly wages and cost of health insurance provided by the employer with separate bands of wages;

(5) the location of the recipient prior to receiving the assistance; and

(6) other information the grantor requests.

(d) If the recipient does not submit its report, the local government agency must mail the recipient a warning within one week of the required filing date. If, after 14 days of the postmarked date of the warning, the recipient fails to provide a report, the recipient must pay to the grantor a penalty of \$100 for each subsequent day until the report is filed. The maximum penalty shall not exceed \$1,000.

Sec. 8. Minnesota Statutes 1999 Supplement, section 116J.994, subdivision 8, is amended to read:

Subd. 8. [REPORTS BY GRANTORS.] (a) Local government agencies of a local government with a population of more than 2,500 and state government agencies, regardless of whether or not they have awarded any business subsidies, must file a report by April 1 of each year with the commissioner. Local government agencies of a local government with a population of 2,500 or less are exempt from filing this report if they have not awarded a business subsidy in the past five years. The local government agency report must include a list of recipients that did not complete the recipient report required under subdivision 7 and a list of recipients that have not met their job and wage goals within two years and the steps being taken to bring them into compliance or to recoup the subsidy.

If the commissioner has not received the report by April 1 from an entity required to report, the commissioner shall issue a warning to the government agency. If the commissioner has still not received the report by June 1 of that same year from an entity required to report, then that government agency may not award any business subsidies until the report has been filed.

(b) The commissioner of trade and economic development must provide information on reporting requirements to state and local government agencies.

Sec. 9. Minnesota Statutes 1999 Supplement, section 116J.994, subdivision 9, is amended to read:

Subd. 9. [COMPILATION AND SUMMARY REPORT.] The department of trade and economic development must publish a compilation and summary of the results of the reports for the previous calendar year by ~~July~~ August 1 of each year. The reports of the government agencies to the department and the compilation and summary report of the department must be made available to the public.

The commissioner must coordinate the production of reports so that useful comparisons across time periods and across grantors can be made. The commissioner may add other information to the report as the commissioner deems necessary to evaluate business subsidies. Among the information in the summary and compilation report, the commissioner must include:

(1) total amount of subsidies awarded in each development region of the state;

(2) distribution of business subsidy amounts by size of the business subsidy;

- (3) distribution of business subsidy amounts by time category, ~~such as monthly or quarterly~~;
- (4) distribution of subsidies by type and by public purpose;
- (5) percent of all business subsidies that reached their goals;
- (6) percent of business subsidies that did not reach their goals by two years from the benefit date;
- (7) total dollar amount of business subsidies that did not meet their goals after two years from the benefit date;
- (8) percent of subsidies that did not meet their goals and that did not receive repayment;
- (9) list of recipients that have failed to meet the terms of a subsidy agreement in the past five years and have not satisfied their repayment obligations;
- (10) number of part-time and full-time jobs within separate bands of wages; and
- (11) benefits paid within separate bands of wages.

Sec. 10. Minnesota Statutes 1999 Supplement, section 116J.995, is amended to read:

116J.995 [ECONOMIC GRANTS.]

An appropriation rider in an appropriation to the department of trade and economic development that specifies that the appropriation be granted to a particular business or class of businesses must contain a statement of the expected benefits associated with the grant. At a minimum, the statement must include goals for the number of jobs created, wages paid, and the tax revenue increases due to the grant. The wage and job goals must contain specific goals to be attained within two years of the benefit date. The statement must specify the recipient's obligation if the recipient does not attain the goals. At a minimum, the statement must require a recipient failing to meet the job and wage goals to pay back the assistance plus interest to the department of trade and economic development provided that repayment may be prorated to reflect partial fulfillment of goals. The interest rate must be set at the implicit price deflator defined under section 275.70, subdivision 2. The legislature, after a public hearing, may extend for up to one year the period for meeting the goals provided in the statement."

Delete the title and insert:

"A bill for an act relating to business subsidies; providing clarification; amending Minnesota Statutes 1999 Supplement, sections 116J.993, subdivision 3; 116J.994, subdivisions 1, 3, 4, 5, 6, 7, 8, and 9; and 116J.995."

With the recommendation that when so amended the bill pass.

The report was adopted.

SECOND READING OF SENATE BILLS

S. F. Nos. 1048 and 2893 were read for the second time.

CALENDAR FOR THE DAY

S. F. No. 2385 was reported to the House.

Olson moved to amend S. F. No. 2385 as follows:

Page 2, line 19, after the period, insert "Upon the approval by a unanimous vote of the governing body of the political subdivision, excluding members ineligible to vote on the issue."

The motion prevailed and the amendment was adopted.

McCollum and Rukavina offered an amendment to S. F. No. 2385, as amended.

POINT OF ORDER

Pawlenty raised a point of order pursuant to rule 3.21 that the McCollum and Rukavina amendment was not in order. Speaker pro tempore Abrams ruled the point of order well taken and the McCollum and Rukavina amendment out of order.

McCollum appealed the decision of Speaker pro tempore Abrams.

A roll call was requested and properly seconded.

POINT OF ORDER

Olson raised a point of order pursuant to section 241 of "Mason's Manual of Legislative Procedure," relating to When a Point of Order May be Raised. Speaker pro tempore Abrams ruled the point of order not well taken.

The vote was taken on the question "Shall the decision of Speaker pro tempore Abrams stand as the judgment of the House?" and the roll was called. There were 70 yeas and 61 nays as follows:

Those who voted in the affirmative were:

Abeler	Clark, J.	Fuller	Holsten	Mares	Pawlenty
Abrams	Daggett	Gerlach	Howes	McElroy	Reuter
Anderson, B.	Davids	Goodno	Kielkucki	Molnau	Rhodes
Bishop	Dehler	Gunther	Knoblach	Mulder	Rifenberg
Boudreau	Dempsey	Haake	Krinkie	Ness	Rostberg
Bradley	Dorman	Haas	Kuisele	Nornes	Seagren
Broecker	Erhardt	Hackbarth	Larsen, P.	Olson	Seifert, J.
Buesgens	Erickson	Harder	Leppik	Ozment	Seifert, M.
Cassell	Finseth	Holberg	Lindner	Paulsen	Smith

Stanek	Swenson	Tuma	Westerberg	Wilkin	Spk. Sviggum
Stang	Sykora	Van Dellen	Westfall	Wolf	
Storm	Tingelstad	Vandever	Westrom	Workman	

Those who voted in the negative were:

Anderson, I.	Gray	Kalis	Marko	Pelowski	Trimble
Bakk	Greenfield	Kelliher	McCollum	Peterson	Tunheim
Carlson	Greiling	Koskinen	McGuire	Pugh	Wagenius
Carruthers	Hasskamp	Kubly	Mullery	Rest	Wejzman
Chaudhary	Hausman	Larson, D.	Murphy	Rukavina	Wenzel
Clark, K.	Hilty	Leighton	Opatz	Schumacher	Winter
Dawkins	Huntley	Lenczewski	Orfield	Skoe	
Dorn	Jaros	Lieder	Osskopp	Skoglund	
Entenza	Jennings	Luther	Osthoff	Solberg	
Folliard	Juhnke	Mahoney	Otremba	Swapinski	
Gleason	Kahn	Mariani	Paymar	Tomassoni	

So it was the judgment of the House that the decision of Speaker pro tempore Abrams should stand.

S. F. No. 2385, A bill for an act relating to public employment; exempting certain public hospital employees from the compensation limit; amending Minnesota Statutes 1998, section 43A.17, subdivision 9.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 74 yeas and 52 nays as follows:

Those who voted in the affirmative were:

Abeler	Dempsey	Harder	McGuire	Rhodes	Tingelstad
Abrams	Dorman	Holberg	Molnau	Rifenberg	Tuma
Anderson, B.	Erhardt	Holsten	Mulder	Rostberg	Van Dellen
Bishop	Erickson	Juhnke	Ness	Schumacher	Vandever
Boudreau	Finseth	Kielkucki	Nornes	Seagren	Westerberg
Bradley	Folliard	Knoblach	Olson	Seifert, J.	Winter
Broecker	Fuller	Kubly	Opatz	Seifert, M.	Wolf
Buesgens	Goodno	Kuisle	Osskopp	Smith	Workman
Cassell	Greiling	Larsen, P.	Ozment	Stanek	Spk. Sviggum
Clark, J.	Gunther	Leppik	Paulsen	Stang	
Daggett	Haake	Lindner	Pawlenty	Storm	
Davids	Haas	Mares	Pelowski	Swenson	
Dehler	Hackbarth	McElroy	Reuter	Sykora	

Those who voted in the negative were:

Anderson, I.	Dawkins	Hasskamp	Jennings	Krinkie	Luther
Bakk	Dorn	Hilty	Kahn	Larson, D.	Mahoney
Carlson	Gerlach	Howes	Kalis	Leighton	Marko
Carruthers	Gleason	Huntley	Kelliher	Lenczewski	McCollum
Chaudhary	Greenfield	Jaros	Koskinen	Lieder	Mullery

Murphy	Paymar	Rukavina	Swapinski	Wagenius	Westrom
Orfield	Peterson	Skoe	Tomassoni	Wejcman	Wilkin
Osthoff	Pugh	Skoglund	Trimble	Wenzel	
Otremba	Rest	Solberg	Tunheim	Westfall	

The bill was passed, as amended, and its title agreed to.

ANNOUNCEMENTS BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3028:

Greenfield, Boudreau and Goodno.

The Speaker announced the appointment of the following members of the House to a Conference Committee on S. F. No. 3730:

Abrams, McElroy and Rest.

CALENDAR FOR THE DAY, Continued

H. F. No. 2516 was reported to the House.

The Speaker resumed the Chair.

Skoglund; Gray; Larson, D.; Marko; Mullery; Rukavina; Swapinski; Tomassoni; Koskinen; Otremba; Pelowski; Mahoney; Bakk; Orfield; Dorn; Mariani; Rest; Tunheim; Carlson; Paymar; Murphy; Hilty; Luther; Opatz; Skoe; Chaudhary; Wejcman; Entenza; Kahn; Anderson, I.; Trimble; Peterson; Gleason; Clark, K.; Leighton; Wagenius; Schumacher; Lieder; Folliard; McCollum; Kelliher; Kalis; Greenfield; Biernat; Dawkins; Pugh; Hausman and Jaros moved to amend H. F. No. 2516, the first engrossment, as follows:

Page 3, delete section 3

Re-number the sections in sequence

Correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Skoglund et al amendment and the roll was called. There were 128 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Broecker	Daggett	Erhardt	Greenfield	Hausman
Abrams	Buesgens	Davids	Erickson	Greiling	Hilty
Anderson, B.	Carlson	Dawkins	Folliard	Gunther	Holberg
Anderson, I.	Carruthers	Dehler	Fuller	Haake	Holsten
Bakk	Cassell	Dempsey	Gerlach	Haas	Howes
Bishop	Chaudhary	Dorman	Gleason	Hackbarth	Huntley
Boudreau	Clark, J.	Dorn	Goodno	Harder	Jaros
Bradley	Clark, K.	Entenza	Gray	Hasskamp	Jennings

Juhnke	Leppik	Ness	Pugh	Solberg	Wejcmán
Kahn	Lieder	Nornes	Rest	Stanek	Wenzel
Kalis	Lindner	Olson	Reuter	Stang	Westerberg
Kelliher	Luther	Opatz	Rhodes	Storm	Westfall
Kielkucki	Mahoney	Orfield	Rifenberg	Swapinski	Westrom
Knoblach	Mares	Osskopp	Rostberg	Swenson	Wilkin
Koskinen	Mariani	Osthoff	Rukavina	Sykora	Winter
Krinkie	McCollum	Otremba	Schumacher	Tingelstad	Wolf
Kubly	McElroy	Ozment	Seagren	Trimble	Workman
Kuisle	McGuire	Paulsen	Seifert, J.	Tuma	Spk. Sviggum
Larsen, P.	Molnau	Pawlenty	Seifert, M.	Tunheim	
Larson, D.	Mulder	Paymar	Skoe	Van Dellen	
Leighton	Mullery	Pelowski	Skoglund	Vandever	
Lenczewski	Murphy	Peterson	Smith	Wagenius	

The motion prevailed and the amendment was adopted.

Kahn was excused for the remainder of today's session.

H. F. No. 2516, A bill for an act relating to crime; amending the definition of harassment; amending Minnesota Statutes 1998, section 609.748, subdivisions 1, 3, and 4.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 110 yeas and 18 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abeler	Davids	Entenza	Kuistle	Paymar	Swenson
Anderson, B.	Dawkins	Holsten	Murphy	Reuter	Sykora
Boudreau	Dehler	Krinkie	Olson	Seagren	Workman

The bill was passed, as amended, and its title agreed to.

S. F. No. 2302 was reported to the House.

Boudreau moved that S. F. No. 2302 be continued on the Calendar for the Day. The motion prevailed.

H. F. No. 3659 was reported to the House.

Wenzel moved that H. F. No. 3659 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 3156 was reported to the House.

Goodno moved that S. F. No. 3156 be continued on the Calendar for the Day. The motion prevailed.

S. F. No. 2575 was reported to the House.

Gunther and McElroy moved to amend S. F. No. 2575 as follows:

Page 2, after line 19, insert:

"Sec. 3. [EXPIRATION.]

Sections 1 and 2 expire July 31, 2002."

The motion prevailed and the amendment was adopted.

Gunther and Trimble offered an amendment to S. F. No. 2575, as amended.

POINT OF ORDER

Pugh raised a point of order pursuant to rule 3.21 that the Gunther and Trimble amendment was not in order. The Speaker ruled the point of order well taken and the Gunther and Trimble amendment out of order.

S. F. No. 2575, A bill for an act relating to economic development; regulating eligibility of farmers for the dislocated worker program; amending Minnesota Statutes 1999 Supplement, section 268.975, subdivision 3.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 108 yeas and 22 nays as follows:

Those who voted in the affirmative were:

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

Those who voted in the negative were:

Abrams	Bradley	Gerlach	Leppik	Reuter	Westerberg
Anderson, B.	Broecker	Haake	Lindner	Seagren	Wilkin
Bishop	Buesgens	Holberg	Olson	Sykora	
Boudreau	Dehler	Krinkie	Paulsen	Vandever	

The bill was passed, as amended, and its title agreed to.

S. F. No. 3386 was reported to the House.

Abrams moved that S. F. No. 3386 be temporarily laid over on the Calendar for the Day. The motion prevailed.

S. F. No. 3644, A bill for an act relating to workers' compensation; increasing benefits; clarifying language; providing for a transfer of funds; modifying various workers' compensation provisions; amending Minnesota Statutes 1998, sections 176.011, subdivisions 3 and 20; 176.061, subdivisions 3, 5, 7, 10, and by adding a subdivision; 176.081, subdivision 1; 176.101, subdivisions 1, 2a, and 8; 176.102, subdivisions 3 and 11; 176.106, subdivision 7; 176.111, subdivisions 5, 18, and by adding a subdivision; 176.129, subdivisions 3 and 4; 176.231, subdivision 2; and 176.611, subdivision 2a; Minnesota Statutes 1999 Supplement, section 176.011, subdivision 9; repealing Minnesota Statutes 1998, section 176.129, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

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

The bill was passed and its title agreed to.

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

MOTIONS AND RESOLUTIONS

Abeler moved that the name of Erickson be added as an author on H. F. No. 4160. The motion prevailed.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 1:00 p.m., Tuesday, April 25, 2000. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 1:00 p.m., Tuesday, April 25, 2000.

EDWARD A. BURDICK, Chief Clerk, House of Representatives